

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

43rd Legislative Day

April 15, 1997

Speaker Hannig: "The hour of 9 o'clock having arrived, the House will be in order. Members will be in their chairs. We will be led today in prayer by Reverend Mark Gause with the First Baptist Church in Alhambra. Reverend Gause is the guest of Reverend(sic-Representative) Ron Stephens. Guests in the Gallery may wish to rise for the invocation."

Reverend Gause: "Let's pray. Father, we come before You today, and many times, I'm sure, with the things that these men and women need to deal with each day, it's very humbling to see the great things that they have to deal with. And, Father, I hope that each and every one of them recognizes their need of You and their need of Your wisdom, their need of Your direction. And, Father, we know that, as the scripture says, that You are willing to give wisdom and to give it liberally to all who will ask. And so, today, Father, we want to uphold the directions of the scripture, and we want to remember to pray for our Representatives. Father, it's very easy to criticize them. Very easy to make jokes about those who are in politics, and yet, Father, Your word tells us that each and every one in this room and those who are still coming, that each and every one is a minister appointed by You. And that, Father, they are here to carry out the business of helping our country, to help us as individuals to live a quiet peaceable life. So, I pray, Father, that, that we as Christians, especially, as we know we should pray, that we might follow the directions, and each day remember our Representatives. Each day, instead of not taking time to encourage and not taking time to pray for that, Father, we would begin to do that, and that, Father, each day we bring them before Your throne of grace, and each day we pray for You to shower them with wisdom, give them the strength to stand up for

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the right things, to do the right things. That, Father, You might continue to bless our country as You have during the last several hundred years. So, Father, today we bring them before You and we ask Your blessings on each one of them. I know there's many pressures on them. We pray for them according to their families, Father. What a priority on each and every one of them, and yet, their duties here and the many long hours, how it must cause many problems for them in those ways, but I pray that each one would make their families a priority and You'd help them to do that. They'd have close relationships with their mates, with their children, with their grandchildren. Father, we pray for them, also, Father, in their time of personal relationship with You, that they would find time each day to seek You out and receive Your wisdom. Father, we pray for their health, we know the hours are long and the duties are many. I pray, Father, You might watch over each and every Representative, keep him healthy, not only of physical body, but also of a sound mind and clearness of thought, and to get the proper rest and the nourishment that they need, so that they might serve You well as being Your ministers here in the Statehouse. Father, we do pray for them, how they need wisdom. We pray Father, that we also, as we said, each day would uphold them for the honorable job that You have called them to and appointed them to. Today we pray that this would be an especially good day for them, that much would be done, and that, Father, things would go smoothly, and that, Father, at the end of the day You would be pleased with the results of this day. We pray this in Thy Son's name. Amen."

Speaker Hannig: "Thank you, and we'll be led in the Pledge of Allegiance today by Representative Joe Lyons."

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Lyons, J. - 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 Hannig: "Roll Call for Attendance. Representative Currie is recognized for excused absences."

Currie: "Thank you, Speaker. Let the record show that there are no excused absences among House Democrats."

Speaker Hannig: "The record will so reflect. Representative Tenhouse is recognized."

Tenhouse: "Happy to say that after the short night, all the Republican Members are present and accounted for."

Speaker Hannig: "Thank you, Representative Tenhouse, and the record will reflect that all Members are here. Mr. Clerk, take the record. And on this question, there are 118 Members answering the Roll Call. A quorum is present. Representative Biggins, for what reason do you arise?"

Biggins: "Well, good morning, Mr. Speaker. I would like to rise on a, I guess, a Point of Personal Privilege. You know, last week I advanced an idea that we could, should consider an Adjournment Calendar or time that would coincide with an hour of .08 as oppose to .10, because of tied to legislation and tied to the time of the day that we were adjourning. Well, upon leaving and adjourning last Friday I was joined with support in this idea by another group, a group I was surprised to have join me. It was a baseball team on the north side of the City of Chicago that went to point .0 and 8 at the time, shortly after adjournment on Friday. So I thought they were with me, but upon arriving here yesterday and checking the time we were going to adjourn last night at .10, I find out that they have now joined the Speaker and, apparently the Majority in this

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Body, they are now .010. Now, I guess that's the way it's going to be, and I can't change that. I would just ask all the Members to join and hope that they don't go to .11, or worse than that this week, because it could affect a lot of our personal lives and safety. So, that's my message of the day, I think."

Speaker Hannig: "Yes. Thank you, Representative. The Chair is prepared to go to Third Readings. First Bill on our list is House Bill 1914. Mr. Clerk, read the Bill. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1914, a Bill for an Act to amend the Illinois Uniform Conviction Information Act. Third Reading of this House Bill."

Speaker Hannig: "The Gentleman from Cook, Representative Burke."

Burke: "Forgive me, just one moment. Out of the record, Mr. Speaker."

Speaker Hannig: "Out of the record. House Bill 2066. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2066, a Bill for an Act to amend the Code of Civil Procedure. Third Reading of this House Bill."

Speaker Hannig: "Representative Turner."

Turner, J.: "Mr. Speaker, thank you. I'd like this Bill to be moved back to Second Reading."

Speaker Hannig: "Mr. Clerk, move the Bill to Second Reading. House Bill 1915. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1915, a Bill for an Act in relation to telecommunications providers. Third Reading of this House Bill."

Speaker Hannig: "The Lady from Cook, Representative Ronen. Out of the record. House Bill 2065. Mr. Clerk, read the Bill. Out of the record. House Bill 2030. Mr. Clerk, read the

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Bill."

Clerk Bolin: "House Bill 2030, a Bill for an Act to amend the Code of Civil Procedure. Third Reading of this House Bill."

Speaker Hannig: "The Lady from Cook, Representative Ronen."

Ronen: "Thank you, Speaker, Members of the House. This Bill comes out of a Community Safety Committee that's been working in my district for several years. It comes out of some problems that we're having in some neighborhoods and not being able to evict persons who were selling drugs and other kinds of illegal activity. This Bill would help to speed that eviction process. It's supported by a whole host of neighborhood groups. The Realtor's Association supports it. I know of no opposition, and I would move to pass."

Speaker Hannig: "Is there any discussion? Seeing none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'no'. 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 'aye', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2063. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2063, a Bill for an Act to amend the Unified Code of Corrections. Third Reading of this House Bill."

Speaker Hannig: "Out of the record. House Bill 2138, Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2138, a Bill for an Act to amend the Code of Criminal Procedure of 1963. Third Reading of this House Bill."

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Speaker Hannig: "Representative Roskam."

Roskam: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2138 is an attempt to try and deal with the issues that come up that we've seen, periodically, in Illinois as it relates to DNA testing after the conviction and sentencing of a criminal defendant. Right now there isn't really a statutory remedy for the situation where post conviction... or where the testing technology was not available at the time of trial. So, what House Bill 2138 does, is it says it would put into the statutes that a defendant is given the opportunity to make a Motion before the trial court if they meet very strict criterion. First of all, that the material, the evidence was involved in the trial. So we're not talking about new evidence or some other post conviction relief, but the material actually had to be available at the time of trial, but that it was not subject to the testing because the testing wasn't available at the time of trial. The defendant also has to show that identity was the issue in the trial, the only issue, and that's a suggestion of Representative Durkin, and that the evidence to be tested has been the subject to a chain of custody that's sufficient to establish that it hasn't been substituted, tampered with, replaced, or altered in any material aspect. It has to be new, noncumulative evidence and it has to relate to the defendant's assertion of actual innocence. There are sanctions that are in the Bill, if it's a frivolous attempt to scuttle the actual procedure. I'll be happy to do my best to answer any questions."

Speaker Hannig: "Is there any discussion? The Gentleman from Cook, Representative Dart."

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

Speaker Hannig: "He will."

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Dart: "Representative, approximately how many cases do you envision will utilize this method?"

Roskam: "I don't know, I mean, this has been in place in New York and other states, Representative. I think you're going in a good direction in terms that it concerns about a potential floodgate of litigation situation, but in the discussions that have been happening on this issue with those that have been negotiating on it, my assertion is that, based on other states, they haven't had the floodgate problem. Here's why. There is a very strict sanctions provision in this, I'm also, just parenthetically, the Sponsor of Senator Fawell's Bill, which would not just take away good time for frivolous cases, but would also take away canteen money, and so forth, and I've talked with Senator Fawell, Representative, and she has given me permission to amend her Bill to take care of that, so that there are some pretty heavy sanctions. Did I answer your question or did I...?"

Dart: "Sort of, Pete. I mean, in these other states that have it, how often has this been utilized?"

Roskam: "I don't have those numbers."

Dart: "Okay. Now does this mandate the court to utilize this if step #1 and 2 are shown?"

Roskam: "Well, step #1, the defendant has to show that identity was the issue, and that the chain of custody was sufficient to establish that it wasn't tampered with, and so forth."

Dart: "What... what... How do they define sufficient?"

Roskam: "Well, I mean, the same way they would do in any other criminal case in terms of... this is not breaking ground from a chain of custody point of view. They would also have to show that the results of the testing produce new noncumulative evidence, that's material relevant to the

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defendant's assertion of actual innocence and the testing has to be such that it is accepted within the scientific community."

Dart: "When you say noncumulative, how... what do you mean exactly by noncumulative? Is the fact that the defendant at trial asserted that it was not him and put forward witnesses to that effect? Would it then be considered cumulative if he then attempted to use this?"

Roskam: "No, noncumulative really goes to the... testing technique."

Dart: "So that means that if there was testing done already... if there was testing that was done already, then that would, more often than not, be cumulative if they asked for this type of testing to be done, too?"

Roskam: "Yeah. For example, if there were... let's say there was a DNA test that was done at trial, and the defendant comes forward and says, 'Well, your honor, there's a new... there's a new test that's available', and the judge hears the testimony and says, 'You know, that new test is not going to offer any new evidence. That's just cumulative testing.' Then the Motion should be denied."

Dart: "Okay. Well, Pete, I understand what you're doing here. I guess I have concerns because I've seen how the system's been manipulated and how, at times, we here have cut back on post conviction hearings, and the like, at numerous levels, to try to speed up the sentences of defendants. I can see where this can be manipulated. I understand you've worked very hard on this, and I commend you for doing that. It's just that identity... when you say identity is the issue, does that mean that it was the only issue in the trial?"

Roskam: "Correct."



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Dart: "So, it has to be an alibi situation?"

Roskam: "Yeah, what we're going toward is the... what should be an unusual situation, Representative, but, as you know, in our state we've had a little bit too much experience with people on death row, and so forth, that don't belong to be there. What this would... this is to take care of the scenario, Representative, where it is the wrong guy. Where... yeah, I mean, that's as simple as I can put it. You know, you mentioned earlier the General Assembly's action in terms of post conviction tightening up that time period, and I spoke with Senator Petka over the weekend, who is the initiator of most of that legislation that you mentioned, and that we've all supported, and it is my understanding that Senator Petka is actually going to Sponsor this in the Senate."

Dart: "Okay. Pete... in criminal trials, especially murders, there usually is a slew of defenses a defense attorney will try. He will try anything that will stick. So, in those cases where they're saying an alibi, but they are also going after different elements of the state's case, as well. Would they not be allowed to use this, or is it only when the identity is the primary focal point of the defense?"

Roskam: "Well, remember the threshold in this case, if this gets into the statutes, we're not talking about somebody who's just trying to create a reasonable doubt about their innocence. Those questions have been asked and answered. That's not the threshold. Now it's the assertion of actual innocence."

Dart: "Okay. Well, once..."

Roskam: "Let me just, if I could just in response. The Cook County State's Attorney is supportive of this concept."

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We've changed the language to accommodate Mr. Devine and some of his concerns, there have been a number of State's Attorneys initiated concerns and they were legitimate, and we've moved the Bill considerably. I don't want to say that he's signed off on this Bill, because I don't know if he has or has not, but they're supportive of the concept. That's my understanding."

Dart: "Okay. But they're not opposed to the Bill anymore, correct? They're not opposed to it anymore?"

Roskam: "No, they are not opposed. I think they are... Yeah, I have been informed that they are neutral on the Bill, Representative."

Dart: "Okay. Well... to the Bill. I commend the Sponsor for the work he's done and the hours he's put into this. As I said though, I have a couple of concerns that are just not answered right now, and for that reason, I will not be able to support this."

Speaker Hannig: "The Gentleman from Cook, Representative Brosnahan."

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

Speaker Hannig: "He will."

Brosnahan: "Representative, I also had a couple questions. When you say identity was the issue, and I know that Tom kind of brought it up. But in a lot of times in criminal cases a defendant will just file an answer saying beyond a reasonable doubt where they're not going to file an alibi defense. It's beyond a reasonable doubt. Now, and I think that's the majority of criminal cases, we're going to look and their..."

Roskam: "Representative, I'm having a hard time hearing you."

Brosnahan: "Tom had mentioned it. When we talk about identity was the issue at trial, many times, I think, the vast

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majority of cases we're going to find the answer that the defendant filed was beyond a reasonable doubt, that the state will not be able to prove him guilty beyond a reasonable doubt, where he does not file an alibi defense. Are you saying that this Bill would not apply to the defendants that will file a 'beyond a reasonable doubt' answer?"

Roskam: "It would apply if the issue in the case, Representative, is the identity of the defendant."

Brosnahan: "But I guess my problem with this, I know there's going to be a lot of criminal cases where there will be eyewitnesses that will finger the defendant as being the person that committed the sexual assault. There will be eyewitnesses where it's not just based on a, maybe a written statement, but there will be eyewitnesses. But if the defendant files a post conviction Motion or whatever, saying that he's not the person that did it, according to your Bill, is that enough, just the fact that the defendant will say, 'I'm not the person that did this?'"

Roskam: "Yeah, I mean, that would be enough... that's not enough to get the test and that's not enough to win the Motion and that's not enough to prevail, but that would be enough to meet the first threshold. Let me give you a scenario, Representative. There was a Frontline piece not long ago, because this is, I think... I think we're all like-minded. Nobody wants an innocent person to be behind bars and, by the same token, we don't want to open up this situation into perpetuity because there is a great desire that we all have for closure. But think about the victim, there was a Frontline piece of a woman who was raped, raped by one man, I think 10 years ago, if my recollection serves me best, and she... she ID'd the man. There was not the testing

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that was available at the trial in terms of testing on the semen, and so forth. She ID'd this guy, he was convicted, he was imprisoned. He is... he makes the assertion later on, 'Hey, let me do the DNA test. I wasn't the guy. You weren't able to test it at the time of the trial because the technology wasn't available.' They ran... a judge allowed that Motion, they ran the test and lo and behold, it came back, it was not that man, and what they were able to find out, Representative, was that there was a positive ID on somebody who it was. And then they were able to go and they were able to get that sex offender, and they were able to bust him and put him behind bars. So, I think, in terms of your concern, I understand where you're coming from, but this Bill, I think, has been very artfully crafted. It's not a willy-nilly situation where somebody can just say, 'Hey, you know, I said it wasn't me at the time of trial and now I'm saying it wasn't me now.' There are very strict thresholds. There are tough evidentiary standards. There are tough sanctions and I'm going to be an advocate for tougher sanctions in another Bill to try and remedy that."

Brosnahan: "Representative, I'm sure many people in this chamber, almost everybody, heard about the well-publicized cases over the last couple of years where DNA evidence did exclude the defendant. So, my question is this, isn't there already a remedy? Defendants can file post conviction hearings and a judge could hear testimony or, you know, hear evidence at a post conviction hearing and, in many cases, the judge would already grant that the DNA testing could be performed. So, I think there is already a remedy, because I've seen it, and I'm sure that many people have seen it where DNA testing has been ordered by the

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court. So, I think, what this Bill would do, I know, this would open the floodgates. There's no time limitation on your Bill, and because there's already a remedy, a defendant can file a post conviction hearing. I really do think that this is unnecessary. I know you said the State's Attorneys... did you say they had no position on this Bill or where they...?"

Roskam: "Which ones?"

Brosnahan: "The Cook County State's Attorney's Office?"

Roskam: "Neutral. Let me, if I could, in response. You know, the idea of there being a time limit. Think about what you're contemplating when you advocate that."

Brosnahan: "I just wanted... my problem with the time limit is the chain of evidence because I actually..."

Roskam: "But that's the defendant's burden, Representative. It's the defendant who has to come up and say, I mean, to even get up and step up to the plate. It's the defendant that has to show that the evidence to be tested has been subject to a chain of custody sufficient to establish that it hasn't been substituted, tampered with, replaced, or altered in any material aspect. If they can't even meet that burden, they don't even get... they don't even get in front of the bench. That is a tough, tough standard. And you know, the idea... I can appreciate where you're coming from in terms of a time limit. But you know what? When it's a wrong person behind bars, there shouldn't be a time limit."

Brosnahan: "Okay. Thank you, Representative. Do you know, is there any opposition to the Bill that you know of?"

Roskam: "Well, I mean... yeah, there's people that have concerns about the Bill. I'm not going to pump sunshine into you. But I think that..."

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Brosnahan: "Do you know who those people or organizations are?"

Roskam: "Well, I've been in discussions with the State's Attorneys' Association, we've made many, many changes. Have they signed off on this Bill? No, they haven't. Should they? Will they? I think when Senator Petka picks it up, I hope they will. I think that that's the direction that this is going. Let me answer your other question, if I could, and I'm not trying to eat up your time. This is a serious question, but you raised the issue of the current remedy that's available today. You know, Representative, we are a government of laws, we're not a government of men. That's the very fundamental premise of our constitutional form of government. And right now, what has to happen in order for there to be a DNA test in this type of situation, is it is strictly within the discretion of the prosecutors, frankly, and the trial judge. I think that it should be part of a statute because what has to happen, if it's beyond the two year period that we're talking about, the defense has to argue that there was constructive fraud, actually, on the part of the prosecutors, in terms of getting that Motion. Because if there wasn't constructive fraud they come up with this legal fiction, they call it constructive fraud, and then they're able to get the remedy. I don't think that's right. I think, frankly, that's offensive to prosecutors who are no more interested, I believe, in putting an innocent man behind bars as you or I. But they shouldn't be called liars to accommodate a legal fiction that has to happen. You know, there are... there's a couple other states that have had this, and it has not been the cataclysmic end of western civilization and those type of floodgate problems. New York, I mentioned, Kansas, Pennsylvania and Illinois already have

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authority for these types of tests. I'm sorry, Indiana."

Brosnahan: "Well, I think your intent is very good and very admirable, however, I would have to oppose this Bill, and I would ask people to vote 'no' on this Bill because I do think there would be just a flood, an unbelievable flood of frivolous lawsuits. I think there is a remedy right now that defendants can have by filing a post conviction hearing and a judge can order DNA testing based on a post conviction hearing. And it's been done in the past, but I guess we just disagree on this Bill. I don't think this is the answer. So, I respectfully, I would ask people to vote 'no' on this Bill. Thank you."

Speaker Hannig: "The Gentleman from Cook, Representative Pugh."

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

Speaker Hannig: "He indicates he will."

Pugh: "Representative, can you tell me from the genesis of this piece of legislation what promoted you to develop this piece of legislation? Was there a particular case?"

Roskam: "No, there wasn't... this is not about a particular case, Representative. This is about doing the right thing."

Pugh: "Okay. Can you tell me... were you or are you part of the State Prosecutors' Association? Were you ever a prosecutor?"

Roskam: "No. I just try and act like one. I just like hanging out with those guys."

Pugh: "This piece of legislation will allow an individual who may or may not have had some evidence or some primitive evidence collected, allow him the opportunity with the new technologies that are available, allow him the opportunity to have this new evidence submitted?"

Roskam: "Well, it has not... not really new evidence,

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Representative. It would have to be evidence that was available and was involved in the trial. So, this is not someone who comes up with something completely new. This isn't like a bloody shirt that shows up or some other thing like that, that was not available in the trial. If the material was part of the trial, but the only reason that it wasn't DNA tested was because the DNA testing wasn't available at trial. And if this defendant can meet this whole huge mountain of requirements that I've put in this Bill, then they would be able to make an argument before the trial judge that they should have that... that test."

Pugh: "And are these directed towards the individuals that are on death row, basically those individuals who are facing life sentences and those kind of things?"

Roskam: "No, it's not directed toward any particular class of defendants, Representative. It's just... it is an attempt to make sure that if science can exonerate someone, that science does exonerate them."

Pugh: "I'm not an attorney and I'd like to take this opportunity to get a little more legal knowledge, if you could help me. Chain of custody, subject the evidence. Could you explain the evidence with subject to a chain of custody? What is a chain of custody?"

Roskam: "Well a chain of custody is a legal notion that says, that this piece of evidence was given, came from person (a), to person (b), to person (c), to person (d), and now it's in person (e's) possession and it's been before the... it's before the court. In other words, a chain of custody is that attempt to make sure that the evidence wasn't scuttled somewhere or turned into garbage. That's not an easy... that not an easy thing for a defendant to assert, by the way, but it's absolutely essential and that is



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language, Representative, that came from Dick Devine's office."

Pugh: "Sir, would you say that this is a piece of legislation that you're introducing to further strengthen our bipartisan relationships, or is this just an attempt by you to become more liberal in your views?"

Roskam: "Representative, I think no matter where people are coming from on criminal justice issues, whether they are conservatives or whether they are liberals, they want to do the right thing. And in my opinion, this Bill is about doing the right thing. Nobody wants the wrong person behind bars. Because if the wrong person is behind bars, that means that there's a bad person who's out there, who's gotten off scot-free."

Pugh: "Whatever your intentions may be, Sir, I'm proud to be able to say that I am part of your freshman class, and I look forward to furthering our bipartisan relationship and your attempts to become more liberal in your views. Thank you very much. I think this is an excellent piece of legislation."

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

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

Speaker Hannig: "He will."

Mulligan: "Representative, perhaps you can tell me, when did DNA testing actually become a factor in (sic-law) suits such as this?"

Roskam: "I'm sorry I couldn't hear you."

Mulligan: "When did DNA testing actually become a factor in law suits?"

Roskam: "I don't know. Do you know? I'm informed by staff, about seven years ago."

Mulligan: "Okay, so about seven years ago. I'm concerned, as far

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as victims' rights go, of you not putting a time frame on when someone can reopen a case, and when you're going to close that time frame. Particularly, say, for a woman that's been raped. If she has to live with the fact that this case can be reopened again, I think that's a problem. If you were to say between, from now when you pass this, for the next four years there will be a window, or two years there will be a window, of when these suits can be reopened, I can see that... I think that would make it a better Bill. But to have it like an unlimited amount of time, particularly for a victim or a victim's family that's trying to get on with their lives and put this behind them, I think that's a lot of strain to be under."

Roskam: "Well, Representative, I understand your perspective. I respectfully would disagree with that. Here's why: if there is a test, which would exonerate someone, you know, the woman that I mentioned earlier to one of the previous speakers, who was a victim of a horrible rape, and she identified a defendant, and that defendant was convicted. And then through DNA testing, which took place, she found out that she had identified the wrong person, and that the actual perpetrator of that crime was at large. Now, from a victim's point of view, I think that that's a very powerful thing to try and have that positive assurance that the correct person was convicted of that crime."

Mulligan: "Well, I can understand where you're concerned if someone is wrongly convicted, but I also think that in many instances they do get the right person, and then what you have is you have victims that are going to live in fear of having a case reopened. Or say, in the case of a murder, where it's victim's families. If there is someone in jail, you revisit this repeatedly for different reasons,

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particularly if someone that has been convicted can be paroled. You are constantly reliving situations even after the situation seems to be resolved in court. And as long as some of these things take to come to court, it's a long time. So I cannot understand why, if at 'x' date, DNA testing became a factor, you cannot say, 'We have a window of opportunity, if you think this was a problem in your case, you could ask for it to be reopened.' You know, if you give it two years or three years, anyone that has the evidence there that thinks this could, that they were wrongly convicted, would have the opportunity to ask for the case to be reopened, but why would you let it be limitless in time?"

Roskam: "Well, Representative, two things: one is, did you notice what you said, 'that they get the right person most of the time'? I mean, we need to get the right person every time, and I think that that's what this Bill is trying to do. Number two, the reason that I haven't put a time certain in there is because that DNA testing, in and of itself, is a changing field. What I'm trying to do is balance between, what some would argue would be a 'test-of-the-month-club', you know a new test that would come out, and so forth, and the changing nature of DNA testimony, the changing nature of DNA tests. I'm not sophisticated, frankly enough, Representative, in the science of DNA tests to ably articulate. But when the proponents of the Bill tell me about the shades of gray, and so forth, and the way that they're able to change tests, and its DNA testing has grown more, and more, and more sophisticated. What I've done on page 2 of the Bill is given the judge the authority, in terms of saying the result of the testing has the scientific potential to

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produce new, noncumulative evidence, materially relevant to the defendant's assertion of actual innocence. That's how I've tried to deal with that. But I understand what you're saying. I just don't see how there's a way to do it, because DNA tests, themselves, change."

Mulligan: "All right, but I would think that if you have a new test that would reopen the window, but I would think that you have 'x' number of cases with potential to be open. And if you could limit it to the time, I'm sure that state's attorneys probably, would probably support it more because they could have a estimate then of what they're going to have to look at in potential new cases. And I tend to come down on the side of victims' rights. I don't think that the potential to have your case reopened, or a family to have a case reopened when a victim is deceased, is a really good thing without at least a time frame on it."

Speaker Hannig: "The Gentleman from Cook, Representative McKeon."

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

Speaker Hannig: "He will."

McKeon: "Representative, my understanding of your explanation and my reading of the Bill, is that these tests would be used, not to shift the burden of proof, but to completely exonerate a defendant in a case."

Roskam: "That's correct, Representative."

McKeon: "And my understanding is, and I think I concur with you, is the notion of having a time limit of four years, 10 years, really becomes a matter of lesser importance. We may be talking about someone who has been on death row for 10 years, or 30 years or more for a capital offense, that there is the possibility, with the introduction of this new scientifically evidence, that we're not merely shifting the

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burden of proof beyond a reasonable doubt, but are in fact, indicating very convincingly and clearly that this defendant is not guilty."

Roskam: "That's right, Representative."

McKeon: "I want to commend you, whether or not as characterized, you moving a little bit more liberal, maybe I'm moving to the conservative side of the aisle. But at least we're moving together. I want to commend you on this Bill. I support it enthusiastically. And to the Bill, Mr. Speaker, I encourage my colleagues to vote 'aye'."

Speaker Hannig: "The Gentleman from Cook, Representative Durkin."

Durkin: "I rise in support of this Bill. I think just some of the discussion, which we've heard already, I think we all know that there's still maybe a little room for improvement. We can get both sides in at the table, and we can still, maybe we can hash out a good Bill. But I think that I can speak on behalf of prosecutors, because I was a prosecutor, that, despite contrary belief, the true goal of prosecutors is not to win convictions, but to seek truth. And I think that if we... if this is one avenue in which we are able to find... to determine the ultimate question, which is to find the truth of the matter, which has been brought before the courts, then I think that we all should support this. I think there's been some very good questions raised. These are questions which I've raised with the Sponsor over the past few weeks. And I think we're going to see the Bill come back, but I think everybody at this point, I would encourage everybody to embrace this at this point, and we can still open up the negotiations. Thank you very much."

Speaker Hannig: "Representative Tom Johnson."

Johnson, Tom: "Yes, Mr. Speaker, to the Bill. I, too, rise in

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support of this Bill. I think that the points that have been raised are all very good points; they're points that have concerned all of us in working on this Bill. And I think that the one uniform thing that we all agree on, and that is that as the new technology gives us the ability to finally determine if somebody is wrongfully convicted the last thing any of us want to see is somebody who is wrongfully incarcerated. Now, the other issues as to floodgates and closure and all of those, those are all very good points, and they are of concern. And those are all issues that we will continue to need to address in this chamber, and, obviously, if this system gets abused in any way, shape, or form, we need to be right back in here and modifying the underlying legislation that this Bill presents, but I would urge an 'aye' vote on this."

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

Currie: "Thank you, Speaker and Members of the House. I rise in support of House Bill 2138. And I congratulate the Sponsor for the hard work he's put into this measure. I don't think this is an issue that one can define as a liberal issue or a conservative issue. This is a simple issue of basic justice. The prospect of people doing time for crimes they didn't commit is one that, I should think, would make each of us, and our constituents, shudder. We have had examples, not just from DNA evidence, but also from issues like automated fingerprint identification systems, new technology that can determine whether or not the person who was convicted, in fact, committed the crime. And I think it would be distressing to the folks back home to think that we are not concerned enough about that possibility that we provide a clear channel, a clear avenue in the law for someone to reraise that basic issue, 'Was I

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the one, could I have been there, is there a chance I did it?' when new technology becomes available. So, again, I commend the Sponsor. He's put a lot of time and energy into this proposal. It is only about fair play and justice. It's only about making sure that the innocent do go free."

Speaker Hannig: "The Gentleman from Logan, Mr. Turner."

Turner, J.: "Thank you, Mr. Speaker. I, too, rise in support of this Bill. I commend Peter Roskam for all of the hard work that he has done. I couldn't agree more with the former speaker, Representative Currie, as what she has said as to justice. There was a famous Senator who once said, 'Extremism in the pursuit of justice is no vice; moderation the defense of liberty is no virtue.' He could have been talking about this measure. I urge an 'aye' vote."

Speaker Hannig: "Okay. There being no further discussion, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 107 voting 'yes', 11 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2077. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2077, a Bill for an Act to amend the School Code. Third Reading of this House Bill."

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

Younge: "Thank you very much, Mr. Speaker. House Bill 2077, would set up the systemic math, science and technology improvement program. This program revolutionizes the curriculum to lay more emphasis on math and science and technology. It is an initiative that helps a local school

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district decide where it wants its students to be at a particular time frame in the educational experience, and then to set about getting the parents and the board and the teachers and the administrators and the community involved in the process of implementing that program. This program has been extremely successful in the city of Chicago. It has made the math and science scores go way up, and what I want to do is to bring it to southwestern Illinois, to our school districts because we have the lowest scores in math and science. And I think that, this program, and it is basically funded by the National Science Foundation. The National Science Foundation has made available some \$60 million to the Chicago School District to implement this program. So, I move for the passage of this Bill, and I think it is very important if we're going to improve our schools all over Illinois, and what we ought to do is take the successful examples in other school districts and we can apply. We have formed a local planning committee that is involving the superintendent of schools, the regional education superintendent, and the major public officials in the southwestern Illinois area. And so, we're on our way to improve our schools, and I move for the passage of this Bill."

Speaker Hannig: "And, there being no one seeking recognition, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'no'. 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', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, Committee Reports."



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Clerk Rossi: "Representative Burke, Chairman from the Committee on Executive, to which the following Amendments were referred, action taken on April 15, 1997, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment 6 to House Bill 175. Representative Giles, Chairman from the Committee on State Government and Administration, to which the following Amendments were referred, action taken on April 15, 1997, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment 1 to House Bill 1684, and Floor Amendment 1 to House Bill 1916. Representative Dart, Chairman from the Committee on Judiciary II, to which the following Amendments were referred, action taken on April 15, 1997, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment 3 to House Bill 61, Floor Amendment 2 to House Bill 916, Floor Amendment 2 to House Bill 962, and Floor Amendment 1 to House Bill 1613. Representative Phelps, Chairman from the Committee on Elementary and Secondary Education, to which the following Amendments were referred, action taken on April 15, 1997, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment 2 to House Bill 53, Floor Amendment 1 to House Bill 1098, Floor Amendment 2 to House Bill 1668. Representative Ronen, Chairman from the Committee on Children and Youth, to which the following Amendments were referred, action taken on April 15, 1997, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment 1 to House Bill 1302. Representative Pugh, Chairman from the Committee on Human Services, to which the following Amendment was referred, action taken on April 15, 1997, reported the same back with the following recommendation/s: 'be adopted' Floor

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Amendment 1 to House Bill 368. Representative Schakowsky, Chairman from the Committee on Labor and Commerce, to which the following Amendment was referred, action taken on April 15, 1997, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #2 to House Bill 1784. Representative Woolard, Chairman from the Committee on Agriculture and Conservation, to which the following Amendments were referred, action taken on April 15, 1997, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment 3 to House Bill 424, Floor Amendment #4 to House Bill 1061, and Floor Amendment #1 to House Bill 1680."

Speaker Hannig: "Returning to House Bills - Third Reading. Mr. Clerk, call House Bill 2150."

Clerk Rossi: "House Bill 2150, a Bill for an Act concerning a lien for licensed optometrists. Third Reading of this House Bill."

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

Cross: "Thank you, Mr. Speaker. This is a Bill that creates the Optometrist Lien Act. Passed out of the Judiciary - Civil Law Committee 11-0. I don't know of any opposition. We allow, it's a similar Bill to, it provides for a similar provision in the statute that we already have for a variety of other professions such as physical therapists, hospitals, home health agencies, dentists, psychologists, and attorneys. I don't know of any opposition, but I'll be glad to answer any questions if I can, and I'd appreciate a favorable vote."

Speaker Hannig: "There being no one seeking recognition, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'no'. Voting is open. Have all voted

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who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 118 voting 'aye', 0 voting 'no', 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, call House Bill 2245."

Clerk Rossi: "House Bill 2245, a Bill for an Act amending the Counties Code. Third Reading of this House Bill."

Speaker Hannig: "Representative McCarthy."

McCarthy: "Thank you, Speaker. I rise to present House Bill 2245. This is a... amends the Counties Code, Section 3. This Section currently provides for five members on the Cook County Sheriff's merit board. This Bill, which is my first Bill, thank you, Representative Lopez, will allow the Cook County Sherriff to increase the number of members of the board from five to seven. The cost of this increase will be approximately \$40 thousand, which will be completely taken by the Cook County Sheriff's current budget. He's going to work it out of that budget. The reason for the change is that this merit board, over the last four years, has fallen farther and farther behind in their work, which is mainly judging discipline cases from the Sheriff's Office. The number of cases that are filed every year has gone up from a number of 8 in 1991 to 94 in 1995. They currently have 191 cases unresolved, and the average length of time for these cases to be resolved is now over 120 days. The average penalty is usually a 60 day suspension without pay, so the county is ending up paying these people for 60 days that they never worked. I'll be happy to answer any questions, and I ask for a 'aye' vote on this House Bill. Thank you."

Speaker Hannig: "The Gentleman from Cook, Representative Durkin."

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Durkin: "Will the Sponsor yield?"

Speaker Hannig: "Yes, he will."

Durkin: "Representative, can you explain to our Members what the function of the merit board is?"

McCarthy: "The merit board is responsible for approving new hires to the County Sheriff's Office, and also for ruling in disciplinary cases brought before the County Sheriff's Board."

Durkin: "Presently, how many members are serving on that board?"

McCarthy: "Five."

Durkin: "And how are those individuals appointed?"

McCarthy: "They are appointed by the Cook County Sherriff under the approval of the Cook County Board. And it's stipulated that there can, there's an odd number, but there is a stipulation that there can only be the majority plus one can be from one party."

Durkin: "I think you may have explained it, I don't know if many people here were actually paying attention, but why are you increasing the number of members on this board?"

McCarthy: "Mainly because as the number of cases filed has increased exponentially, the board is falling farther and farther behind in their work, and many times when they find someone guilty of a, you know, whatever the infraction was merited, a 60 day without pay judgement, many of the times these people are off 90 or 120 days, so the County Sherriff ends up paying them for 60 days when they haven't worked."

Durkin: "Well, are members of the board, are they compensated?"

McCarthy: "They are compensated for their expenses only."

Durkin: "Okay. So this is not a salary position?"

McCarthy: "No it's not. These are a... they have a hard time getting a quorum in their meetings. These are usually attorneys, who sometimes are in court on cases and things

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like that, can't afford to be there, which is why the original quorum rule for them was 40%, which is two out of the current five members, and it will remain at 40%, so it will mean three out of the seven."

Durkin: "Do the members of the board receive any type of pension rights or insurance rights through the county, or health insurance benefits?"

McCarthy: "I don't believe so."

Durkin: "Is this going to be an additional cost to the Cook County Budget?"

McCarthy: "The entire cost of this addition is going to be encompassed in the current Sheriff's budget."

Durkin: "Okay. Do you know of any opponents to this Bill?"

McCarthy: "I know of none."

Durkin: "Okay. Thank you very much."

Speaker Hannig: "Representative McCarthy, to close."

McCarthy: "I hope that I've answered all your questions, and I would just ask for a favorable vote on this Bill."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 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 89 voting 'yes', 24 voting 'no', and 0 voting 'present. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 2236."

Clerk Bolin: "House Bill 2236, a Bill for an Act to extend the boards of the Marriage and Family Therapy Licensing Act, the Nursing Home Administrators Licensing and Disciplinary Act, and Speech Language Pathology and Audiology Practice Act. Third Reading of this House Bill."

Speaker Hannig: "The Lady from DuPage, Representative Pankau."

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Pankau: "Thank you, Speaker. House Bill 2236 is the Department of Regulation and Registration's Bill. It takes five Acts, the Marriage and Family Therapy Licensing Act, the Nursing Act, the Nursing Home Administrators Licensing and Disciplinary Act, the Physician Assistant Practice Act, and the Speech Language Pathologist and Audiology Practice Act, and takes their sunsets for 10 more years to January 1, 2008. Then it also goes back and it amends the Acupuncture Practice Act to bring it into compliance with the other Regulatory Acts, and it also prohibits the practice of Acupuncture unless licensed under the Act. The Acupuncture part of this Bill becomes effective immediately, the rest become effective the end of this year. I know of no opposition to this Bill. It has some technical cleanup items in it also, and I ask for your support."

Speaker Hannig: "The Lady from Cook, Representative Ronen, is recognized."

Ronen: "Representative Pankau, you mentioned, one of the professions you mentioned was the Nursing Act, now we have a separate Bill that's taking about the sunset, the Nursing Act, would this Bill in any way affect that?"

Pankau: "No. The only thing in this Bill it changes is... is it takes the date and does extend it 10 more years. If yours goes through, you're planning on making some substantive changes within the Nursing Act."

Ronen: "Well, and also extending the time, why are we putting the Nurse Practice Act in this large Bill? We have another vehicle to do that, and I think we would prefer, I would think, to do it there. Has the Illinois Nurses Association supported this being in there?"

Pankau: "Yes, these are their agreed items."

Ronen: "They support it being in this Bill?"

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Pankau: "Yes."

Ronen: "Okay."

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

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

Speaker Hannig: "She will."

Zickus: "My analysis, under the Acupuncturist, says that it authorizes licensed physician or dentist to practice Acupuncture, what about chiropractors?"

Pankau: "Okay. It put the physicians and the dentists in there because obviously they work with needles, so that's why they were exempted out. Chiropractors themselves, if they would fall within the other parameters, would be included."

Zickus: "Okay. What other parameters?"

Pankau: "The other parameters around their own Act. They have their, the Acupuncturists have their own Act, and as long as they fall within those parameters, everything is fine."

Zickus: "So, this does not prohibit a chiropractor from performing Acupuncture?"

Pankau: "Correct. It does not."

Zickus: "Thank you."

Speaker Hannig: "There being no one seeking recognition further, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'yes', 0 voting 'no', and 1 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read 2059."

Clerk Bolin: "House Bill 2059, a Bill for an Act to amend the Department of Human Services Act. Third Reading of this House Bill."

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Speaker Hannig: "Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I ask for your support today for House Bill 2059, which enables the Department of Human Services to establish a revolving loan program, which would assist Illinois Non-Profit Community Development Institutions to create partnerships with non-profits to maintain and improve their facilities. This Bill is an initiative which would enable the Illinois Facilities Fund, which as we all know, has done an extraordinary job leveraging private resources, and those resources from the non-profit sector, to build day care centers and human service centers in under served areas. And, ultimately, enable these agencies to have, ultimately would enable these agencies to have far superior facilities, be in conformity with all state and federal guidelines, and most importantly to let them spend their money on providing services, rather than on bricks and mortar. I would be happy to answer any questions, and would urge your support."

Speaker Hannig: "And there being no discussion, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'aye', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2226. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2226, a Bill for an Act relating to insurance company finances. Third Reading of this House Bill."

Speaker Hannig: "Representative Brady."



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Brady: "Thank you, Mr. Speaker. House Bill 2226 is a financial regulatory proposal. It deals with insurance company ability to raise capital, company requirements for reporting transactions to the director for Departmental Approval of Transactions. It broadens the Producer Controlled Insurer Act. It provides statutory authority for the rehabilitator to prosecute actions against directors and officers of the company on behalf of the creditors. I ask for a favorable vote."

Speaker Hannig: "And there being no one seeking recognition, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'aye', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 914. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 914, a Bill for an Act to amend the Illinois Pension Code. Third Reading of this House Bill."

Speaker Hannig: "The Gentleman from Cook, Representative Murphy. Excuse me. Mr. Clerk, that was 1914. Would you read that Bill please?"

Clerk Bolin: "House Bill 1914, a Bill for an Act to amend the Illinois Uniform Conviction Information Act. Third Reading of this House Bill."

Speaker Hannig: "The Gentleman from Cook, Representative Burke."

Burke: "Inquiry of the Clerk, Mr. Chairman (sic-Speaker). Is there an Amendment to this Bill?"

Clerk Bolin: "Amendment #1 was adopted in Committee."

Burke: "Can we pause momentarily on this, Mr. Speaker, take this out of the record for the moment?"

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Speaker Hannig: "Out of the record. House Bill 2069. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2069, a Bill for an Act to amend the Firearm Owners Identification Card Act. Third Reading of this House Bill."

Speaker Hannig: "The Lady from Lake, Representative Wood."

Wood: "Thank you, Mr. Speaker and Ladies and Gentlemen of the chamber. House Bill 2069 amends the Firearm Owners Identification Card Act, and it provides that a person whose Firearms Identification Card has been revoked by the Department of State Police shall return the revoked card to the Department. The Amendment that we added on the Floor provides a mechanism whereby the State Police shall ask for the return of the card. I'd respectfully ask for your support."

Speaker Hannig: "Is there any discussion? Representative Brunsvold, is recognized."

Brunsvold: "Will the Lady yield?"

Speaker Hannig: "She will."

Brunsvold: "Representative, what happens if you lose the card? If I were to lose the card, it gets revoked and I say 'I lost the card,' what's the penalty?"

Wood: "This does not deal with the situation of when a card is lost. This deals with the situation where a determination has been made that the FOID Card should be revoked. There's a number of provisions in the Act. Presently, the State Police sends a letter to the individual asking them to return the card. As a matter of course, some individuals do not, and this provides an enforcement mechanism for them to actually collect the cards of people who've been determined not to have them."

Brunsvold: "If my card gets revoked, then, just give me an

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example, they send me a letter and I tell the State Police that I lost my card, I can't find it, what happens?"

Wood: "If your card has already been revoked, if they send you a letter saying it's revoked, and you're saying it's lost, then you, I believe, have to apply to the police to get an affidavit to the Department saying that it's been lost or destroyed. You have to request to the Department. I do want to state that the Illinois Rifle Association is neutral on this Bill."

Brunsvold: "So, it's okay then if I verify with the State Police that I've lost the card? It wouldn't be a penalty would there, a petty offense, or misdemeanor or anything like that?"

Wood: "That's not the intent of the Bill."

Brunsvold: "Thank you."

Speaker Hannig: "There being no further discussion, the question is, 'Shall this Bill pass? Excuse me, Representative Black has a question. The Gentleman from Vermillion.'"

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

Speaker Hannig: "She will."

Black: "Representative, does this have anything to do with a domestic violence conviction, and the return of the card?"

Wood: "No."

Black: "You have such a Bill though, as I recall, don't you?"

Wood: "Yes, but this does not. This merely deals with cards that have been determined by the Department of State Police to be revoked. They currently send a letter to such card holders, stating that it should be revoked and asking them to return the card. This creates another enforcement mechanism by which the State Police can help collect that revoked card."

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Black: "So, it's an attempt by you to physically capture the FOID Card?"

Wood: "Yes, Sir."

Black: "Is there any opposition expressed to this Bill?"

Wood: "No, the Illinois Rifle Association is neutral."

Black: "And the procedure on a reissuance stays the same, you're not changing that?"

Wood: "That's my understanding."

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

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

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

Speaker Hannig: "She will."

Dart: "Representative, I just have one quick question here, you make reference to the State Police. In the event a FOID Card is revoked, they're to attempt to confiscate the card. How is it that they're suppose to confiscate the card?"

Wood: "I would say, they established the guidelines procedure to actually get the card returned. Currently, the Department of State Police merely writes a letter to these individuals and there's no mechanism in place for them to actually go and physically confiscate the card. In Amendment 1, we reached an agreement with the State Police so that they could actually, through law enforcement officials if that was their determination, to actually collect the cards."

Dart: "How often have they confiscated cards as a result of mental conditions posing a clear and present danger?"

Wood: "I'm sorry, I can't hear you. Can you speak up?"

Dart: "How often have they confiscated cards because a mental condition poses a clear and present danger?"

Wood: "I do not have numbers on actually when they confiscate the cards, but I know that if someone's been impaired due to mental illness or they're a serious threat to themselves,

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currently the procedure is to send a letter to that individual. But there is usually no follow up whatsoever, and so we have individuals that have been determined not to be in their best interest to have a firearm in their possession, and they continue to keep that FOID Card and sometimes continue to use it when they shouldn't."

Dart: "Okay... My point is, I guess, in Section C it talks about revoking a card of a mental patient, someone who's been a mental patient in the past five years, and then it also talks about individuals whose mental condition poses a clear and present danger, is that suppose to be determined by the State Police, and if so, how do they make that determination?"

Wood: "That determination is currently made by the State Police and has been for some time and we're not changing that standard."

Dart: "In this Section here, it's new language. I was just wondering if it is old language how many times have they revoked based on that? And you're not sure?"

Wood: "I don't have a number, but I know it does go on, but we're not attempting to change the standards, we're just trying to make sure that if someone had a FOID Card that's revoked that they actually are not permitted to use it."

Dart: "Thank you."

Speaker Hannig: "The Gentleman from Coles, Representative Weaver."

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

Speaker Hannig: "She will."

Weaver: "Is your penalty for violation of this Act still a Class IV Felony?"

Wood: "Yes, Sir."

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Weaver: "Why have you chosen that degree of penalty?"

Wood: "We worked with the State Police on this Bill, and it was the one that we agreed to, and I would like to..."

Weaver: "And you believe what they told you?"

Wood: "Occasionally. I would like to repeat that the Illinois Rifle Association is neutral on this Bill."

Weaver: "Well, I'm just concerned. Do you know what the penalty for violation of your driver's license would be, for example? Is that also a Class IV Felony? I mean, we're talking hard prison time here for failure to send back a little card."

Wood: "In these cases, Representative, the... in these cases, Representative, the determination has already been made by the State Police that under certain conditions that people should have their FOID Card revoked, and we're not changing those standards or positions. They are then sent a letter, saying that they should return their FOID Card to the Department of State Police. As a matter of course, there is a number of people, because all they do is receive a simple letter, do not return their FOID Cards. And so we have people that have been determined not to have their FOID Card revoked, yet the FOID card is still in their hands, and they are going out and actually purchasing firearms, which they should not be doing."

Weaver: "Thank you. Mr. Speaker, to the Bill. Ladies and Gentlemen, be careful how you vote on this Bill, because of the extreme nature of the penalty involved with the violation. As the Sponsor has indicated, upon revocation of the FOID Card the State Police are suppose to send a letter to the individual requesting the card be returned. If the individual doesn't get the letter or doesn't act on the letter, then they're charged with a Class IV Felony."

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We're talking hard jail time. I think it's a bit extreme, I don't know that I disagree with the need to get the card back from the individual, but I think providing hard prison time for a violation here might be a bit extreme. So, be careful how you vote on this Bill."

Speaker Hannig: "The Gentleman from DuPage, Representative Biggins."

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

Speaker Hannig: "She will."

Biggins: "What was the genesis of this Bill, please?"

Wood: "The genesis of the Bill actually came from a personal experience of a constituent in my district, who had, because of mental illness, received a letter asking him to return the FOID Card. He did not return the FOID card, there was no follow up mechanism by the Department, the person kept the FOID card and eventually was able to purchase a firearm in detriment to his health."

Biggins: "You mean a person with a mental illness didn't return a card, and now you're going to classify them and charge them with a Class IV Felony?"

Wood: "What we're attempting to do in this Bill, Representative, is for those people that have already been determined that the card should be revoked, that there is some way that that card actually can be collected. Currently, all the State Police do is write a letter, and it's not very well enforced. This actually gives the police an opportunity to confiscate those cards."

Biggins: "Well, yesterday we debated a Bill to charge a taxpayer five dollars for a copy of their tax bill if they didn't receive it. Are you also going to suggest that this taxpayer who didn't receive their tax bill now be classified with a Class IV Felony? Is this an extension of

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what you're suggesting now, because of a mail or something that doesn't occur, are you just going to slap a citizen with a felony charge?"

Wood: "My understanding is that they would have to knowingly not return the card. That was my understanding, knowingly not return the card."

Biggins: "A Class IV Felony for not returning a card?"

Wood: "For not returning a card that they have already been determined not to be in their best interest to be able to purchase more guns. For law abiding citizens, and for all the people that have firearms, it's clearly in their interest also to make sure that those individuals who have been adjudicated, who have been determined not to hold a firearms card, that those firearm cards actually be revoked."

Biggins: "No. So, if a person dies and they have a FOID Card, what is their estate supposed to do with the FOID Card, will the estate be charged as a Class IV Felony if they don't find the card and send it back?"

Wood: "That is not covered by this Bill."

Biggins: "Well, do you want to amend the Bill so that when people die their estates are not charged with felonies for not returning a card? How much more government can there be in this?"

Wood: "If you read the Bill and the Amendment, Representative, you'll notice that this only deals with cards that are to be revoked and there's a number of provisions dealing with when they're revoked. Mental illness, committing felonies, and they're listed on the Firearms Identification Card. My understanding is this does not apply if someone dies. This applies to people who have been determined that their card should be revoked and it just gives us the opportunity to



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actually collect those cards."

Biggins: "Would you answer the question? If a person dies and they have a FOID Card, what's going to happen to the card, under your Bill?"

Wood: "My understanding, if someone dies, their card is invalid because they're, you know, it just runs to that individual."

Biggins: "Doesn't that obviate the purpose of your Bill, though? I mean, the purpose of your Bill is to get these cards back into a collection center of some kind, and if a person dies it's never going to go there. Anybody can take the card and go out and buy bullets and guns and hunting licenses. So, where's the penalty for them to do that?"

Wood: "I think that we're talking about two different things, Representative. This Bill applies to cards of people who have had a revoked Firearms Identification Card."

Biggins: "Thank you."

Speaker Hannig: "Representative John Turner."

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

Speaker Hannig: "She will."

Turner, J.: "Representative, I just had a question that, frankly, I had not thought about until some of the previous questions were posed to you. What is the penalty, and I'm not asking, I'm asking only because I don't remember, what is the penalty for possessing a weapon without having a FOID Card in your possession?"

Wood: "My understanding, it's a Class IV Felony."

Turner, J.: "I know it used to be a Class A, apparently we've moved that from a Class A up to a Class IV then."

Wood: "I apologize, it is a Class, according to 65-14 is a Class A Misdemeanor for violation of certain paragraphs, and it is also a Class III Felony when the person's Firearm

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Identification Card is revoked or subject to revocation under certain Sections. So there's a combination here."

Turner, J.: "Okay. My concern, I guess is, it appears to me that if a person has a weapon and does not have a valid FOID Card, that would be a Class A Misdemeanor. On the other hand, in your Bill, if a person simply fails to return a FOID Card, that would be a Class IV Felony. That seems to be a little disparate as far as penalties and sentencing."

Wood: "I think the difference here is that we're dealing with FOID Cards that have been revoked, that the State Department of Police has sent a letter revoking the cards. They made a determination that the person should not be in possession of that card, I think that's our distinction."

Turner, J.: "I understand, but, at least in my own mind, it should be a greater penalty to have the weapon itself without the FOID Card, instead of just simply failing to return a FOID Card. Anyway, having said that, that's all the questions I have. Thank you."

Speaker Hannig: "The Gentleman from Cook, Representative Kubik."

Kubik: "Thank you, Mr. Speaker. I rise in support of this Bill, and listening to the debate, I think the Lady has a good Bill. It might not be a perfect Bill, but it makes a lot of sense to me that if somebody has a Firearm Owners Identification Card, who shouldn't have one, we ought to be trying to get those cards back and make sure that they're not in the system. So, I think the Lady has a good Bill. There may be a few problems that need to be worked out, but I think it's a good idea and we ought to support it."

Speaker Hannig: "The Gentleman from Whiteside, Representative Mitchell."

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

Speaker Hannig: "She will."

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Mitchell: "Representative, I have some real concerns here, I, in deference to the speaker that was before me. My analysis says plain and simple that if you do not, if you fail to turn in your FOID Card, you can be charged with a Class IV Felony, which is punishable by one to four years in prison. Now, without any other reason, knowing no other reason, this seems to be an extremely severe penalty to a person for just failing to return a FOID Card. Can you shed any more light than that to me, because this analysis seems pretty simple?"

Wood: "I would respond that it's the Department of State Police who are going to determine the standards under which these FOID Cards will be attempted to be recovered, and I think we have to give them a certain amount of latitude in determining their rules. And the reason why there's a penalty is because there are situations where people have already been determined that their card should be revoked, and these cards are not being turned back in, and people are remaining in possession or acquiring new firearms who have already been determined should not have firearms. I will be glad, if it's the pleasure of this Body, to pass this Bill out, I will be glad to work on the Senate to look at the penalty provisions, and to see if they should, I'll work with them in the Senate in terms of the penalty provision. It's the procedures that we need to make sure we get enacted."

Mitchell: "Representative, I'm concerned that you'll never get the chance to work with the Senate at this point. I think there's an awful lot of people in this chamber right now that are extremely concerned with a penalty this severe for a procedure as simple as, 'Gee I forgot to mail back my card, I'm sorry.' 'Well, too bad.' Not knowing what the

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underlying reason was for having to return that card, that's the concern. Without knowing that, all of a sudden you're facing a one to four year prison sentence in an overcrowded system that now is there to hold people that have really done something wrong. Now, I don't know what the reason they did something wrong, maybe they failed to pay to renew the card on time, and they've still got their old card, and they didn't turn it in. There's an awful lot of reasons that your Bill doesn't explain, so I'm afraid I'm going to have to oppose this."

Wood: "Representative, this only deals with cards that have already been revoked, and there's a number of provisions in the statute that deal when a card should be revoked. One example that was mentioned earlier today was mental illness, and if someone had been in a mental institution, or causes a serious threat to him or herself and still possessing a gun. So these are only situations where a card has already been revoked."

Mitchell: "Representative, that brings up more concern. If the reason why you lost your card is that you've had maybe a nervous breakdown, maybe a problem in that area, and now all of a sudden you forgot to turn your card in and you're again facing this severe penalty. To the Bill, Mr. Speaker. I agree with Representative Weaver in an earlier statement. I think we need to beware of this particular Bill. The penalty simply just doesn't seem to fit the crime. Vote 'no'."

Speaker Hannig: "The Gentleman from Cook, Representative McKeon."

McKeon: "Mr. Speaker, just an inquiry. Is this Bill on Short Debate?"

Speaker Hannig: "The Bill is on Short Debate, Representative, but we'd offered, we've been in the spirit of cooperation,

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offering all Members an opportunity to debate the Bill."

McKeon: "Alright, thank you, Mr. Speaker."

Speaker Hannig: "Representative Wood, to close."

Wood: "Ladies and Gentlemen, I do want to clarify that this Bill only deals when a card is actually revoked. It does not deal with the situation of a card is lost, it does not affect the standards by which we revoke a card. It merely provides a mechanism whereby those cards are actually collected for the people who have not been, for people who have been determined not to be able to have a FOID Card, but in view of some of the concerns we have here today, I'll be glad to pull back the Bill and work on some of the penalty provisions."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'no'. 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 41 voting 'yes', 70 voting 'no', 7 voting 'present'. And this Bill, having failed to receive the Constitutional Majority, is hereby declared lost. Representative Wojcik."

Wojcik: "Mr. Speaker, I'm sorry, I could not get to my switch. I would have voted 'no', and inadvertently it was a 'yes'."

Speaker Hannig: "The journal will reflect your intentions, Representative. Representative Ronen is recognized on House Bill 1915. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1915, a Bill for an Act in relation to telecommunications providers. Third Reading of this House Bill."

Speaker Hannig: "The Lady from Cook, Representative Ronen, Carol Ronen."

Ronen: "This was back to Second."

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Speaker Hannig: "Out of the record."

Ronen: "I'd like this taken back to Second. There's an Amendment."

Speaker Hannig: "Okay, the Lady asks to move the Bill to Second. Mr. Clerk, put this Bill on Second Reading. Mr. Clerk, read House Bill 2086."

Clerk Bolin: "House Bill 2086, a Bill for an Act to amend the Illinois Roofing Industry Licensing Act. Third Reading of this House Bill."

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

Saviano: "Thank you, Mr. Speaker, Members of the House. House Bill 2086 is a companion Bill to House Bill 1884, which also addressed the Roofer's Licensing Bill (sic-Act). This Bill contains a provision that at least one person with some ownership in the roofing company must take an exam and everybody under the current roofing licensure is grandfathered in. This only applies to new members, and I would ask for your favorable vote. Thank you."

Speaker Hannig: "Is there any discussion? No one seeking recognition, the question is, Representative Black has a late request. Mr. Black."

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

Speaker Hannig: "He indicates he will."

Black: "Representative, would there be any possibility that we could just eventually do away with the Roofing Contractors Licensing Act?"

Saviano: "The industry across the state, when we renewed the sunset, I believe, last year, we, it was the Governor's intention and the Department's intention to go ahead and let it lapse, but the industry, there was an outcry within

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the industry to renew it and address it with some consumer protection aspects put into it. If you remember, when we renewed the sunset, we included in there a surety bond provision to insure that all the work was completed. That was never in the Bill before. So, we went from letting it lapse to actually making it a consumer friendly licensure Act, and this Bill, 2086, adds to that sentiment."

Black: "Well, I know in my area it's very difficult to see compliance with this law. A lot of general contractors that aren't licensed as roofing contractors will still put a roof on your house, and they just kind of hire day laborers to do it. And those people who are roofing contractors are very upset about that. So, I don't know if this thing really works or not, I guess that's my concern."

Saviano: "Is that a question?"

Black: "Nah, just a comment from an irascible old guy, but I appreciate you answering the question earlier. Thank you."

Speaker Hannig: "Okay. There being no further discussion requested, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 107 voting 'yes', 6 voting 'no', and 1 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1917. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1917, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Hannig: "The Gentleman from Cook, Representative Burke."

Burke: "Thank you, Speaker. House Bill 1917, simply amends the Illinois Vehicle Code to raise the fee which law enforcement agencies, except for the State Police, may

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charge for furnishing a copy of an accident report, and the fee would be increased from five dollars, five dollars to 10."

Speaker Hannig: "There being no one seeking recognition, okay, the Gentleman from Vermilion, Representative Black, is seeking recognition."

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

Speaker Hannig: "He will."

Black: "How much would the fee increase to get a copy of an accident report?"

Burke: "I beg your pardon, Representative?"

Black: "How much would the fee increase?"

Burke: "Five dollars."

Black: "By five dollars. So, if I wanted a copy of an accident report, I would pay \$10 rather than I currently pay five, is that your idea?"

Burke: "That is correct."

Black: "All right. Maybe you can answer a question. I just have a constituent problem, and this deals with this very subject. I had a constituent of mine get one of the infamous Chicago parking tickets. He had reported his car stolen prior to the issuance of the ticket, so when we were working with him trying to get this straightened out with the city, he got a copy of his police report indicating that he had reported the car stolen, and as I recall the police report was stamped 'Not Official'. So consequently, he's lost his appeal on the parking ticket. So, it's not bad enough he had his car stolen, now he has to pay the city \$40 for a parking ticket because the police report was stamped 'Not Official'. Is that standard operating procedures, are all these stamped 'Not Official'? I don't



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know how that's done quite frankly, I mean, if you go down and get a copy of that report, are they all stamped 'Not Official'?"

Burke: "I don't know the answer to that, Representative. This Bill has to do with accident reports, not theft reports."

Black: "I knew you'd have an answer to my constituent's problem. So, if I want a copy of an accident report for insurance purposes or whatever, I currently pay five dollars and under your Bill I'll pay 10?"

Burke: "That is correct."

Black: "The first one isn't free?"

Burke: "No."

Black: "What if I want three copies?"

Burke: "That I don't know."

Black: "I've got to pay for each copy right?"

Burke: "I think the charge would be for each copy."

Black: "Okay."

Burke: "But I would recommend to that person that wanted additional copies that they go to a Xerox machine and run it off on their own."

Black: "As always, Representative, you're forthright in your answers and I appreciate it. I'll try to work with you on this parking ticket issue a little later in the Session."

Burke: "I'm at your disposal, Representative."

Speaker Hannig: "There being no further Legislators seeking recognition, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. Mr. Burke, do you request Postponed?"

Burke: "Yeah, I guess I'll ask for Postponed Consideration."

Speaker Hannig: "Postponed Consideration. Mr. Clerk, read House

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Bill 2174. Read the Bill."

Clerk Bolin: "House Bill 2174, a Bill for an Act to amend the Juvenile Court Act of 1987. Third Reading of this House Bill."

Speaker Hannig: "Representative Turner."

Turner, J.: "Thank you, Mr. Speaker. This Bill provides that in a judicatory hearing relating to abused or neglected children that the hearing must be commenced within 90 days. The statute did say that the hearing must be held within 90 days pursuant to an Appellate Court opinion, and pursuant to the Appellate Justice from the Fourth District Appellate Court contacted me and asked me to make this change. I have submitted this Bill for the House's consideration. I would ask for a 'yes' vote."

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

Dart: "Will the Sponsor yield?"

Speaker Hannig: "He will."

Dart: "John, on this Bill here, this is purely a way to give them more time for the case, correct?"

Turner, J.: "Correct, Representative. The genesis of this, and there are actually two arguments, that obviously we want to get these things done as quickly as we possibly can. However, the interpretation of the statute that they have to be done within 90 days was so burdensome on the courts that they were unable to get an adjudicatory hearing done within 90 days. Thus, an Appellate and Supreme Court case came out and said that the language technically requires this thing, and because of that, what happens when a case cannot be completed within 90 days, the case now has to be dismissed and then be reinstated and started all over again. So, it's intended to correct that problem. The opponents, I don't know that there are any opponents, but

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the questions about the Bill were whether or not we wanted a situation where we're encouraging courts not to get them done within 90 days. So, we did add some language which does, I think, make it clear that the purpose of the statute is to allow some leverage for the courts to continue the case, but it does say in the Bill, as you know, that once commenced, delays may be allowed by the court where necessary to insure a fair hearing."

Dart: "Okay. John, just for purposes of the record then, because we've been working rather hard on trying to get cases through the system as quickly as possible, this is in no way intended to delay any of the cases. As a matter of fact, it may end up assisting, and should end up assisting cases because under a present court case, cases would be dismissed if they don't get done within the 90 days. This in no way encourages either Department of Children and Family Services or the courts to decide to kick cases for as long as they want."

Turner, J.: "That is not the intent of this legislation in any way whatsoever."

Dart: "Okay. So, it's just that narrow part that you're trying to deal with is that court case to make sure that cases are not dismissed, but in no way is it suppose to be utilized by anybody to delay cases."

Turner, J.: "That is absolutely correct."

Dart: "Thank you very much."

Speaker Hannig: "There being no further requests for debate, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'yes', 0 voting 'no', and 0 voting

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'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Mitchell, for what purpose do you rise?"

Mitchell: "Thank you, Mr. Speaker. I rise on a Point of Personal Privilege."

Speaker Hannig: "State your point."

Mitchell: "Members of the House of Representative, I would like for you to turn your attention just for a moment to the group of folks we have seated in the Speaker's Gallery. Seated there we have the entire board of the Illinois Retired Teachers Association, and I would appreciate it if they would stand and be recognized at this time. Thank you, Mr. Speaker."

Speaker Hannig: "Mr. Clerk, read House Bill 2153."

Clerk Bolin: "House Bill 2153, a Bill for an Act in relation to domestic violence. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, I don't see the Sponsor to that Bill on the Floor, so we'll return to that at a later time. So, out of the record on 2153. Mr. Clerk, read 2225."

Clerk Bolin: "House Bill 2225, a Bill for an Act concerning the Department of Veterans' Affairs. Third Reading of this House Bill."

Speaker Hannig: "Representative Meyer."

Meyer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2225 is the Department of Veterans' Affairs Agency Bill. It changes several things. It amends the Department of Veterans' Affairs Act and the Nursing Home Care Act to provide that if there is a conflict between the provisions of the Acts concerning an Illinois veteran's home not operated by the Department of Veterans' Affairs then the provisions of the Nursing Home Care Act shall apply. It amends the State Finance Act to provide

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that the Department of Veterans' Affairs may make medical payments from the Department's current appropriations, although the medical services were rendered in the prior fiscal year. It amends the Department of Veterans' Affairs Act to allow the Department to make and receive grants for veterans programs beyond those at the Illinois veteran's homes. It deletes provisions concerning the powers to make grants for the cost of erecting the Korean War Memorial. That Bill has Cosponsorship by both sides of the aisle, it has no opponents to it. I would appreciate a fair and positive vote on it."

Speaker Hannig: "The Gentleman from Madison, Representative Davis, Steve Davis."

Davis, S.: "Thank you, Speaker, Ladies and Gentlemen of the House. As Chairman of the Veterans' Affairs Committee I rise in support of Representative Meyer's Bill. It's a non controversial Bill. As he said, there's no opposition. I would urge your 'aye' vote."

Speaker Hannig: "The Gentleman from McHenry, Representative Skinner."

Skinner: "Yes. You seem to be increasing the lapse period spending time, could you explain again why?"

Meyer: "Yes, Representative, and it's for a very good reason. That allows us to go out and bill the third party and bill the medicare before the state actually makes a payment, and we recoup the money on the front end. Because of the billing times for third party and then going through the medicare billing, it sometimes takes it out beyond the two months. That's all it does is allow us to follow through."

Skinner: "So, how long is the lapse period being expanded?"

Meyer: "There is, I don't believe, any definite period on it. Again, if you've ever worked with third party insurance

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companies or with medicare it sometimes takes several months, and this just allows us, again, to go back and recoup."

Skinner: "Could it be years?"

Meyer: "Probably not years, but there is no limit on it. Realistically, it could go for five months, I would say six months in some cases, but for the most part, it's just allowing for that billing to take place."

Skinner: "Okay. I can certainly relate to that, I've been waiting six months for my health care provider to pay a bill and they still think I haven't sent the paper work in yet. Thank you."

Speaker Hannig: "Is there any further discussion? Seeing none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 2127."

Clerk Bolin: "House Bill 2127, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of this House Bill."

Speaker Hannig: "Out of the record. Mr. Clerk, read House Bill 2236. (sic-House Bill) 2259. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2259, a Bill for an Act to amend the Cannabis Control Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Turner."

Turner, J.: "Thank you, Mr. Speaker. The identical language of this House Bill was passed in Senate Bill 721. It, at that time, had become Public Act 89-428. That Bill was later declared unconstitutional for violating the single subject

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rule. Therefore, the language has been taken back from that Senate Bill and placed into this House Bill, 2259. I would ask for a considerable... or a favorable vote. Thank you."

Speaker Hannig: "And on that question, the Gentleman from Bureau, Representative Mautino, is recognized."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this Bill. I've carried this, and we passed it through in past years it was an initiative of the Bureau County State's Attorney and the State's Attorneys Association. It's definitely an advantage for all of the especially downstate counties, there's similar language in Senate Bill 14 we'll be dealing with, and I ask for an 'aye' vote."

Speaker Hannig: "And on that question... the question is, 'Shall that Bill pass? 'All in favor vote 'aye'; all opposed vote 'no'. 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, there are 117 voting 'yes', 0 voting 'no', and 1 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 21...Representative Ronen, do you wish to call 2147? Mr. Clerk, read House Bill 2147."

Clerk Bolin: "House Bill 2147, a Bill for an Act relating to youth crime prevention education. Third Reading of this House Bill."

Speaker Hannig: "Representative Ronen."

Ronen: "Thank you, Speaker, Members of the House. Earlier today or yesterday, I've lost track of time, Representative Krause passed a Bill related to youth peer juries. This is a companion Bill. It was also proposed by the clerk of the

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court in Cook County. What this Bill does is create the Youth Crime Prevention Consortium Act, which authorizes a college and universities that operate to supply an educational component to crime prevention programs. We see this as a companion Bill to the youth peer jury. It provides that courses are to be offered in disciplines normally associated with young people, their families, or the criminal justice system, and it's permissive, and I know of no opposition to this Bill, and I urge my colleagues to support it. I'd be happy to answer any questions."

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

Cross: "Thank you, Mr. Speaker. I defer to Representative Black."

Speaker Hannig: "The Gentleman from Vermilion, Representative Black."

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

Speaker Hannig: "He indicates he'll yield, she'll yield."

Black: "Representative, does this apply to Cook County only, or is it statewide?"

Ronen: "I believe this is Cook County only, Representative."

Black: "How come you guys get all the good programs and you always leave us out?"

Ronen: "I'd be happy to propose something for Danville specifically even."

Black: "Well actually, the question I had if it was statewide, we have a very active peer court in my home county and I just wanted to... but since it doesn't apply, it won't harm it and I don't think that's your intent anyway is it?"

Ronen: "No it's not."



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Black: "Okay."

Ronen: "It's actually to support those kinds of programs and encourage them. I'm glad you're doing that there, that's great."

Black: "So, if the city colleges of Chicago wanted to get involved in this, and obviously they could, and if it works I assume you'd be willing to discuss about making this language apply statewide."

Ronen: "Absolutely. I'd be happy to work with you on that."

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

Speaker Hannig: "Is there any further discussion? Representative Biggins."

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

Speaker Hannig: "She indicates she will."

Biggins: "Representative, scrolling through my computer does not indicate the Bill is only for Cook County. Are you certain that it only applies to Cook County?"

Ronen: "Well, that was our intent. It might be silent on that issue."

Biggins: "I think that could be kind of a loud silence statewide if there's a Bill that does not specify to which citizens and counties it applies. Are you going to change it to apply only to Cook County, or should we continue the debate?"

Ronen: "It actually, it doesn't limit. This Bill came from the clerk of the circuit court in Cook County relating to programs that we're operating, but it wouldn't preclude other counties from doing this, and since its permissive language, I don't think we have to stop this, we can still move forward."

Biggins: "Well now, I would ask that the Members be aware that the question was asked originally of the Sponsor if it was

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Cook County only and the answer was yes. Now I've asked and am told that the answer should have been no. So now maybe we'll go for two out of three. Does it apply statewide or does it apply only to Cook County?"

Ronen: "Let me set the record straight here, what the language of the Bill says, 'in a county'. So if it's...If a county chooses to do this, they can; if they do not, they do not have to so choose."

Biggins: "Alright then, to the Bill specifically, well actually to ask questions about it. What kind of services, since we're giving academic credit, is at the university level, by the way?"

Ronen: "Yes."

Biggins: "So all the universities in the state would give academic credit if someone learned about what?"

Ronen: "What we're talking about is trying to set up academic programs that would support the kind of activities related to juvenile crime prevention, juvenile delinquency prevention. What we want to make sure is that the local universities are actually providing the kind of education and training that would be relevant to dealing with this target population."

Biggins: "Such as what? What kind of program? I mean isn't it, let me ask you another question. Isn't it more logical for a university to develop a program and submit it to us for academic credit, than for us to say 'develop a program and we'll automatically grant you academic credit for it?'"

Ronen: "We're not, as you're well aware, we don't grant academic credit in this Legislature. We're just authorizing them to, for the universities to create that."

Biggins: "Well, then why don't we let the universities create it and then come to us and ask us if it's alright so we can

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appropriate money for it in our state institutions, and...  
this is an idea, but there's no substance to it."

Ronen: "The issue is there are substantive programs in these communities that could be better supported if the local junior colleges and universities would have academic programs that would relate to them. This isn't about, I know that, this isn't about setting any kind of state mandates and us, here in Springfield, deciding what should and shouldn't be taught in universities. This is about active programs in communities that deal with juvenile delinquency prevention, and helping them to work better with their local institutions in those communities."

Biggins: "Okay. You mentioned delinquency prevention. Could you describe a program that prevents delinquency?"

Ronen: "This is, these are academic programs that we're talking about. The delinquency prevention programs are a whole host of things that are happening in communities. What we're talking about is providing training for professionals who will work in those programs. Perhaps you've gone through a university and you understand that in a university you take certain courses that then help you in the profession you've chosen. That's what we're talking about here, in trying to help to professionalize some of these social service and juvenile delinquency prevention efforts."

Biggins: "Can you specifically mention one way of preventing delinquency that you're suggesting we all vote for?"

Ronen: "Well that's not what we're voting for here, but I think one of the ways to prevent delinquency is to provide a whole host of services to juveniles before they get involved. The specific program that we're ... this relates to is the youth peer jury that Representative Krause passed

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yesterday."

Biggins: "Well, we already passed that. How about a specific program, a specific something in the Bill besides a plan to give academic credit to our universities for something that is not specific in the Bill for every county, and thereby, every district in the state?"

Ronen: "Well, the peer jury is the program. This Bill is not about creating programs, this Bill is about creating academic, in academic institutions, curriculum that will help train professionals who then are dealing with juvenile delinquents."

Biggins: "I'm sorry, I just don't see it in the Bill, so I'm not going to be able to support it."

Speaker Hannig: "The Gentleman from McHenry, Representative Skinner."

Skinner: "My question comes under the broad category of why is this Bill necessary? You're suggesting that various governmental entities within an area are going to get together and do something together, right?"

Ronen: "Yes, and the theory being that by working together they'll be able to be more effective and be able to pull resources. These are activities, pardon me?"

Skinner: "What is wrong with utilizing that Section of the state constitution which allows intergovernmental cooperation without intervention by the General Assembly?"

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

Biggins: "Why don't you just suggest to the entities that want to do this that they already have the power to do it under the intergovernmental cooperation Section of the 1970 state constitution?"

Ronen: "I just think this is just further encouragement to be able to do that. What we've seen, these activities are

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already going on. The clerk of the circuit court, Aurelia Pucinski, has been working very closely with some local schools in developing the youth peer jury program, which Representative Krause passed overwhelmingly yesterday. This is a companion piece to that to help encourage the local college and universities to form consortiums so that we can give support to some of these programs and provide training and educational services to staff who are going to be helping juveniles. I think it's just pretty clear cut."

Skinner: "Well, back in 1977, Boris Santinovich sponsored a Bill very similar to Representative Krause's Bill. It was signed into law, I don't know whether it's been repealed since then. I'm happy to see it resurrected, but I fail to see why we need legislation to allow governmental entities to cooperate with each other."

Ronen: "I think what we're saying here is the issue of juvenile delinquency and juvenile crime and crime prevention is a serious problem. We need to make sure that we're dealing with it and addressing it in the most professional and effective way possible. These consortiums that can come together, can help to provide the kind of seminars and training and academic credit to help people who do these jobs day in and day out do their jobs better, that's all."

Skinner: "I don't disagree with your premise, I don't disagree with what is being done, or what you want to happen, I just don't know why we need this Bill to..."

Ronen: "Well, because it's not happening now."

Skinner: "So, by putting in the statutes people would say, 'Hey, that's a good idea, we ought to try that.'"

Ronen: "Hopefully."

Skinner: "Okay. As long as we have that straight. Thank you."

Speaker Hannig: "The Lady from Kane, Representative Lindner."

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Lindner: "Yes. Thank you, Mr. Speaker. To the Bill. I rise in support of this Bill. I understand what the last speaker said, and I think it is too bad that we do have to reemphasize things in legislation, but I think we really need to in this area. Two of my cities that I have part of in my district are very high crime areas. They are always asking me, as a State Legislator, 'What are you going to do about crime?' And I think the main point is that we really need to do something about this on a community level. We need to get our junior colleges, our high schools, our social service agencies and everybody in the community involved in fighting crime. Certainly, a program such as this is a good one that would lead to that end. Looking at some of the programs that the Sponsor is suggesting, certainly one of the most important is this mentoring program. This is patterned after the Big Brothers/Big Sisters program, which has been very successful. Any statistics you look at on things to do with crime and helping juvenile crime, the mentoring program is one of the things that are suggested by all the experts, and I would ask support for this Bill."

Speaker Hannig: "There being no further Representatives seeking recognition, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'nay'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes', 3 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 2241."

Clerk Bolin: "House Bill 2241, a Bill for an Act to amend the Counties Code. Third Reading of this House Bill."

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Speaker Hannig: "Representative Brosnahan."

Brosnahan: "Thank you, Mr. Speaker, Members of the House. House Bill 2241 is an initiative of the Cook County Sheriff's Department. This Bill amends the Counties Code, that Section provides that the Cook County Sheriff shall appoint an executive director to act as a chief executive administrative officer of the County Department of Corrections. What this Bill does is simply change that title from executive director to director, it also makes the Section gender neutral. There is no opposition to this Bill, and I would request an 'aye' vote. Thank you."

Speaker Hannig: "And on that question, the Gentleman from Vermilion, Representative Black."

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

Speaker Hannig: "Indicates he will."

Black: "Representative, is the intent of your Bill as it appears, or is this a vehicle?"

Brosnahan: "This is the intent of the Bill."

Black: "You mean we're actually passing a Bill to change the title of the Chief Executive of the Department of Corrections in Cook County? Don't they have the authority, the administrative authority to change the title?"

Brosnahan: "No, it would have to actually change the County Code. The reason for the change is, I can tell you very simply, is that right now there is an executive director and there is three directors under him, and that has caused confusion among the citizens that are calling in. It has also, it's causing confusion for when the mail is being delivered, so this is a request to change the name from director, and the three people that are right now have the title of directors will be changed to superintendents, and they think that

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will cause a lot less confusion within the department."

Black: "Is it your intent that this Bill be used for nothing else other than this clarification of the County Code for Cook?"

Brosnahan: "That's correct."

Black: "So if it comes back from the Senate, and it is altered substantially, will you work with us to remove those changes?"

Brosnahan: "Absolutely, but it as I said, the intent is just simply to change the title."

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

Speaker Hannig: "The Gentleman from Cook, Representative McCarthy."

McCarthy: "Thank you, Mr. Speaker. I stand in support of this Bill, and I would just like to answer Representative Black's inquiry that, when they tried to do it they were told that the titles were set statutorily, so they'd have to do this by statute. So, while it seems like it doesn't make a lot of sense, that is the reason why we had to present this Bill. And I would ask for an 'aye' vote."

Speaker Hannig: "There being no further requests for discussion, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 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 116 voting 'yes', 1 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 2257."

Clerk Bolin: "House Bill 2257, a Bill for an Act to amend the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Hannig: "The Lady from Grundy, Representative O'Brien."

O'Brien: "Thank you, Mr. Speaker, Ladies and Gentlemen of the



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House. House Bill 2257 amends the Criminal Code specifically as it relates to the statute of limitation for the commencement of criminal proceedings for certain crimes. This Bill would repeal the current statute of limitations for the following crimes when they are committed against a person under the age of 18, those crimes being criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, and aggravated criminal sexual abuse. I'd be happy to answer any questions."

Speaker Hannig: "Is there any discussion? Representative Cross."

Cross: "Will the Sponsor yield?"

Speaker Hannig: "She indicates she'll yield."

Cross: "Representative, I want to make sure, because it was kind of noisy in here, that everyone understands what the gist of this Bill is. Is this, if I'm reading it correctly, eliminating, all together, the statute of limitations for victims under the age of 18 for the crimes listed in the Bill?"

O'Brien: "Yes."

Cross: "Are there any other Bills, what other statute, or what other criminal violations where we don't have statute of limitations, do you know off the top of your head?"

O'Brien: "Homicidal death, treason, arson, aggravated arson, and forgery."

Cross: "You did say homicide, didn't you?"

O'Brien: "Homicidal death, yes."

Cross: "What's the statute of limitation right now for, let's see, you have criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, or aggravated criminal sexual abuse. What's the statute of limitations on all of those

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right now?"

O'Brien: "If they are committed against a person that is under the age of 18, when that person turns 18 they have one year from their 18th birthday in order to commence a criminal prosecution. So right now the statute of limitations upon that person reaching majority is one year."

Cross: "What's the rationale behind the one year, Representative?"

O'Brien: "It's my understanding that there had been a longer statute of limitations and then just recently, in response to a very high level of pastor in the Catholic Church in Chicago being accused of sexual misconduct, that that was lowered to one year."

Cross: "Is this, the language in your Amendment or Bill retroactive, Representative?"

O'Brien: "No, it is not."

Cross: "Does it specifically provide that it is not retroactive, do you know?"

O'Brien: "I don't know that it sets that forth in the statute."

Cross: "I'm looking at our analysis, both the Cook County Public Defender and the Illinois State Bar Association are opposed. Do you know where the State's Attorneys Association is on this Bill?"

O'Brien: "They didn't file any slip, and, as a matter of fact, I had Dave Neil, who is the president of the Illinois State's Attorneys Association, testify on behalf of the Bill in committee."

Cross: "Representative, let me make, and I apologize for being a little confused on this. Is the current law now that you have one year after the age of 18?"

O'Brien: "Yes."

Cross: "And then, under your Bill it will be forever?"

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O'Brien: "Yes."

Cross: "So, if a 16 year-old is a victim of one of these offenses, when he or she is age 55, she could go to the State's Attorney's Office and say, 'I was a victim. I want this case filed.'"

O'Brien: "Yes, and at that point it would be up to the State's Attorney, just like it is in the commencement of any criminal proceeding, to determine whether or not there's enough evidence to go forward if evidence that is there is too stale, if witnesses are available or not available in order to proceed with the filing of the case."

Cross: "If I could have one second, Mr. Speaker? I don't have any other questions at this time."

Speaker Hannig: "The Gentleman from DuPage, Representative Roskam."

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

Speaker Hannig: "She indicates she will."

Roskam: "Representative O'Brien, I appreciate your candid and straightforward and forthright answers. I disagree with you on this Bill, but I appreciate your candor in terms of the implications of it. I think that a more artful approach, and I've had some conversations with the State's Attorneys Association on this and I'd urge your consideration of this, regardless of whether or not this Bill passes. But maybe a better way to handle this so that it's not completely open ended with no restrictions whatsoever, would be to take this DNA idea and say, 'Look, if there is DNA evidence in the scenario that we talked about a couple of hours ago, where there is evidence that comes up,' in that situation, a judge could basically toll the statute of limitations. I think that there is, in other words, Representative, a way to get to the cases, the

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meritorious cases that I think you're obviously trying to go for, without really taking a very, very broad step, which House Bill 2257 does, which completely kicks open the statute of limitations with, I think, very, very serious implications. So, I will oppose your Bill today and vote 'no', and urge others to vote 'no' or 'present', but would like to talk with you further about ways to do, in my opinion, in a more artful way what I believe you're trying to do. Thank you."

Speaker Hannig: "The Gentleman from Cook, Representative Pugh."

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

Speaker Hannig: "She indicates she will."

Pugh: "Representative O'Brien, I too am concerned about the approach that you're taking to ferret out this particular set of criminal activity, and maybe you can tell me if there is a, what was the genesis, or what prompted this legislation?"

O'Brien: "I had a young woman that came to a town meeting that I had, she had been molested from the ages of seven to 12, and she repressed that, she went to counseling at the age of about 19. At about 21 years of age, she went to the State's Attorney's Office to report the abuse and to have charges filed against the man that had molested her. The State's Attorney's Office, although they wanted to be helpful, was precluded because of the statute of limitations, and now in Kankakee County, that man has been charged with the molestation of other young children, and that was subsequent to her going to the State's Attorney's Office and their hands being tied. This is a Bill that's meant to protect those victims of sexual molestation as juveniles, and in this state, we have no statute of limitations for forgery or arson, but we do when we have

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crimes against our children. We have statutes that limit their ability to prosecute. So you can write a bad check and 35 years later you can be charged with that crime, but you can abuse a child and once that child turns 18, and if they don't report that in one year, then they can't be charged."

Pugh: "Well, I agree with the concept. What I have a problem with is some of the language that has been currently articulated, in that you seem to be taking a broad approach to a narrow problem, and if we exclude the statute of limitations here, just where will it end? And if you have, if you can provide some kind of time frame, I mean, your Bill talks about perpetuity or forever, and it just opens up a floodgate of problems that could, a senior citizen can be charged with a crime that may or may not have taken place years ago. And there is no time restraints here, and with the number of cases that we are currently backlogged with in the criminal court system, that this Bill would further aggravate that situation, and therefore, I'd have to oppose it."

Speaker Hannig: "The Gentleman from Logan, Representative Turner."

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

Speaker Hannig: "She indicates she will."

Turner, J.: "Representative, I want to follow up on what Representative Cross had made an inquiry about earlier. You suggested that this would not be applied retroactively, is that your understanding?"

O'Brien: "That is my understanding, and that is the intent."

Turner, J.: "I can't remember, but it seems to me that if there is a change in substantive law that, constitutionally, cannot be applied retroactively. However, if there is a

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change in procedural law, unless the legislation states otherwise, that can be applied retroactively. Therefore, my question to you is, do you view the changing of the statute of limitations to be procedural or substantive?"

O'Brien: "I would view it to be substantive."

Turner, J.: "Substantive in the terms of changing what the offenses are. Would not substantive be if you changed the elements of an offense?"

O'Brien: "If that's what your definition of substantive is, then I would say no, that it is procedural, but it is certainly..."

Turner, J.: "I really don't know. I'm asking."

O'Brien: "But it is certainly my intent not to have this be retroactive. As much as I would like to, and the testimony in Committee that day when you heard from Melissa Supernot, was that she knew that passage of that Bill could not help her. But if this Bill would pass and go to the Senate, I would be willing to make sure that it would not be retroactive, that we could clean that up."

Turner, J.: "If I'm reading the Bill as amended correctly, one of the crimes listed is criminal sexual abuse, is that correct?"

O'Brien: "Yes."

Turner, J.: "Is that not a Class A Misdemeanor?"

O'Brien: "Yes, it is."

Turner, J.: "Do you really want to keep a Class A Misdemeanor file open forever? Does it make sense to have a Class A Misdemeanor where there's no statute of limitations whatsoever on it?"

O'Brien: "When that crime is committed against a child, yes I do."

Turner, J.: "Correct me if I'm wrong, but criminal sexual abuse

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can be committed against an adult as well as a child, is that not correct?"

O'Brien: "But not, the way this Bill is drafted that criminal sexual abuse has to be committed to a person that was under the age of 18 at the time of the commission of the offense. So for criminal sexual abuse to an adult, it would remain a Class A Misdemeanor and would not be affected by the statute of limitations set forth in this Bill."

Turner, J.: "Now will the Illinois State Police and police agencies all across the state, whether they be for the county or a municipality, are they going to have to keep files open forever on all these listed offenses if this legislation passes?"

O'Brien: "There are no files. When these cases come to the State's Attorney or come to a police agency, it's because this person is now an adult and has been abused as a child and didn't come forward, maybe because it was a parent that was abusing them and could not come forward, and they come forward after they're an adult for the first time."

Turner, J.: "You say there are no files, so you're covering a situation then where there's been no report, no evidence at all gathered, where a determination was just made that it wasn't sufficient to proceed further, you don't cover those situations, you're only covering a situation where there was no report and no allegation of any kind whatsoever made to a police agency or any other law enforcement agency."

O'Brien: "That's the intention, where there hasn't been a report. Where someone doesn't come forward until they are an adult, where they haven't had... I mean, if there's been a criminal investigation and a prosecution prior to their reaching majority, then they wouldn't be bringing in a subsequent prosecution."

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Turner, J. "I couldn't hear you, but again, looking at the Bill as amended, this covers any victim under the age of 18 years of age?"

O'Brien: "Yes, it does."

Turner, J: "Alright, under my scenario, the 17 year-old may make some allegations and it's investigated, but there's not a determination made whether to go ahead with the investigation or with prosecution, and then 25 years later it could still be revisited under your statute as I see it."

O'Brien: "Correct. I mean, that file would be closed just as any other investigation would be closed, and if that person came forward that would be the type of thing that a State's Attorney would look at and review and determine whether or not there's enough evidence to go forward at that point."

Turner, J.: "So there would be no requirement to retain any of the information that either a police agency or the State's Attorney may have in their file pursuant to a report that was made say when a victim was 16 or 17 years of age."

O'Brien: "It would add no new requirement in that regard whatsoever."

Turner, J.: "Thank you, no further questions."

Speaker Hannig: "The Gentleman from McHenry, Representative Skinner."

Skinner: "I can empathize with the Sponsor's concern about young adults with fragile egos who are incapable within one year of the age of 18 from going to a State's Attorney to make a criminal charge. In fact, in my county one of my former pages was led into a life of homosexuality by the principal at his junior high school. So I figure, he didn't come forward until he was about, well close to death, maybe he was 34 years old, so it could have been 20 years after he



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was sexually abused in the principal's office with the secretary sitting out in front of the door. The secretary not knowing about it, I didn't mean to imply that, and currently there is a case in my county where a young man, who apparently is over 19, has brought charges against a junior high school teacher, and obviously he didn't feel able to come forth in one year. But I'm wondering if the law now, which says you have to come forth within one year after being 18, and death is not too broad a spectrum. Now obviously I've given you an example where perhaps as many as 20 years later, the young man had not come forth, and the only reason a conviction was possible there is that the Crystal Lake teacher involved, who had been demoted by the school district after, well from the principal's job for some reason, which I suspect to be related to the offense or to another offense, was basically run out of the state. The guy was told, 'You've got one day to get out of town or we're going to have you arrested.' So, because he left the State of Illinois, the statute of limitations lapsed and didn't start running again until he was brought back after an arrest, but I do wonder if you're not being overly broad with making it forever, because between the example I know of, and the criticisms of repressed memory syndrome, there's a big gap. You mentioned, or you were asked about, or answered about, arson and forgery not having any statute of limitations, but in arson and forgery there's hard evidence. There's not hard evidence, generally, involved in sexual abuse of children. So there may be a distinction that should be drawn there. I guess I'm not as much asking questions as musing about the subject, or thinking about the subject out loud. I do think there are many opportunities for abuse of the system as a result of

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repressed memory syndrome, which brings forth memories that never occurred. People are highly subject to suggestion. I mean, I've talked personally to some people that have been, you know, their whole lives have been ruined because a daughter has falsely accused the father of having sexually molested her. And I just, I do see a reason to raise the statute of limitations beyond the age of 19, I would say probably at least 10 years, maybe 20 years, but forever is a long time, and just as Representative Mulligan was suggesting, there should be closure on DNA evidence or other scientific tests, well, I'm going to support your Bill because of the examples in McHenry County that clearly would have benefitted from this having been law in years passed, but I urge you to think about whether forever may not be too long a time to allow a fragile ego to become unfragile enough to make a report to the police. At some point in life, an individual must become an adult. That should be before some age. It seems to me that 20 years after the event, if it's ever going to happen, it'll happen within 20 years. And thank you for the indulgence of the Body."

Speaker Hannig: "Representative O'Brien, to close."

O'Brien: "Yes. In response, Representative Skinner, I would say that yes, maybe there isn't hard evidence, but these are vicious crimes, and I've talked to many, many people whose lives have been ruined because they have been molested by parents, or grandparents, or friends next door, and there was nothing they could do about it, there was no one there to help them. While I may personally feel that there should not be a statute of limitations, to address the concerns of those of you that have said perhaps we need a statute of limitations, if this Bill passes and goes to the

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Senate, I would be happy to work with you to place a reasonable statute of limitations on this legislation that would address your concerns, and I would urge an 'aye' vote. Thank you."

Speaker Hannig: "And the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 65 voting 'yes', 43 voting 'no', and 8 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 2244."

Clerk Bolin: "House Bill 2244, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Hannig: "The Gentleman from St. Clair, Representative Holbrook."

Holbrook: "Thank you, Mr. Speaker. Mr. Speaker, House Bill 2244, does nothing more than raise the penalties for alluding the police. It increases the penalty for fleeing and attempting to elude police officers from a Class B Misdemeanor to a Class IV Felon. Increases the penalty for aggravated fleeing or attempting to elude police from a Class A Misdemeanor to a Class III Felony if only property damage occurs, and from a Class IV Felony to a Class II felony if bodily injury occurs. It increases to a Class IV Felony to a Class II Felony a second or subsequent conviction of aggravated fleeing within five years of a prior conviction. I know of no opposition, and the Illinois Sheriffs' Association supports this Bill."

Speaker Hannig: "The Gentleman from Vermilion, Representative Black."

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

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yield?"

Speaker Hannig: "He will."

Black: "Representative, are you eliminating the statute of limitations on fleeing and eluding? So that we could go after you maybe 40 years after the fact."

Holbrook: "No, I'm not. All I'm doing is changing the penalty, there's no other subsequent changes in this Bill."

Black: "What if I'm a police officer, and I undergo counseling 40 years after the fact, and I remember that you didn't stop when I tried to pull you over, why would we have a statute of limitations on that? I should be able to go after you."

Holbrook: "It isn't currently in the statute, and I didn't wish to change it."

Black: "I knew you'd have some kind of an answer. Let me ask you this, you're going to increase the penalty for fleeing and eluding from a misdemeanor to a Class IV Felony, is that your intent?"

Holbrook: "Yes."

Black: "You know the correctional fiscal impact is \$20 million."

Holbrook: "Over 10 years, about \$2 million a year."

Black: "In other words if, as we've read in the media lately, if somebody doesn't stop when the police try to pull you over and you refuse to stop, suddenly you're a felon, right?"

Holbrook: "Nothing changes in the Bill except the penalty."

Black: "Except the penalty, right?"

Holbrook: "Except the penalty, that's right. This is an attempt to prevent this chase in pursuit of eluding police. We've had several deaths and injuries in my community. We border on the state line, and a lot of people try to elude the police by crossing over into the next state. We've just had some recent deaths down there, and this is an initiative by the local enforcement association trying to

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prevent it."

Black: "So, if you're sentenced to Menard and you're in with a convicted murderer and he says, 'What are you in here for?' and you say, 'Well I forgot to stop when a policeman pulled me over.' But I don't suppose they would go to Menard for that, would they?"

Holbrook: "I wouldn't think so."

Black: "And the Sheriffs' Association likes your Bill?"

Holbrook: "Loves it."

Black: "The Department of Corrections isn't too happy about it, are they?"

Holbrook: "They just said what it costs. I don't know that they took a position."

Black: "Alright. Thank you, Representative."

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

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

Speaker Hannig: "He will."

Mulligan: "Representative Holbrook, what if a woman is driving by herself alone at night, and someone that claims to be a police officer, perhaps in an unmarked car, pulls her over, and particularly in our area, we've had a rash of this where it's a rapist that's pulling women over with a light on the top that makes them look like they're a police car. What would happen if the woman chose to drive away?"

Holbrook: "This wouldn't change any of the current procedures the police use for stopping. They'd have to use some of their judgement like they do today, even on the current penalties."

Mulligan: "Well, what if she pulled away and it actually was a police officer?"

Holbrook: "Well, currently, that same thing could happen and they'd be convicted of either a misdemeanor or a felony

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depending on the level of it. Right now the police recommend you go to a well lighted area to pull over, and I don't know of any cases where that's been abused."

Mulligan: "I think that would be appropriate. You could say, if you're in the area where you know the police department is you could say, 'I'm going to the police department, you can follow me.' or something. But I do think that it puts someone that's traveling by themselves, particularly at night and a woman, in jeopardy if they aren't allowed to be able to move away from the scene."

Holbrook: "None of those procedures change under this Bill, it just changes the penalties. Currently the police recommend that, that you stop in a well lighted area, and that wouldn't change any in here, it just changes the penalty for it. The current police procedures for pulling over people have not changed by this Bill, just the penalty."

Mulligan: "Alright, so you're changing the penalty, and if that were to occur, you would just have to prove that you were in fear for your safety?"

Holbrook: "Just as it's currently done. Yes."

Mulligan: "Thank you."

Speaker Hannig: "The Gentleman from Cook, Representative Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Hannig: "She indicates she will, he will."

Durkin: "Representative Holbrook, do you have any indication what type of impact this will have on the court system in Cook County?"

Holbrook: "I didn't have a Cook County impact statement, I just have the Department of Corrections."

Durkin: "Have you conferred with the Cook County State's Attorney's Office about this legislation?"

Holbrook: "They have not approached me at all on this Bill."

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Durkin: "My concern is that when you start in the State's Attorney's Office you are assigned to traffic court, and you see approximately, in the 10 courtrooms that work on a daily basis, at least 10 to 15 fleeing and eluding cases, which are Class B Misdemeanors which are prosecuted. By imposing a felony charge to these types of offenses, it is going to be a greater mandate and I believe it's going to be more difficult for the State's Attorney's Office to truly prosecute the more heinous crimes with their system. A felony is charged, what it requires is not only a booking procedure, which goes all the way up through the Chicago Police Department, but it requires the notification and assistance of an assistant state's attorney to review the case at the local districts. I believe that you had concerns with the sheriffs had that a number of cases have resulted in great bodily harm or possibly death, but those cases are presently being charged as murder, reckless homicide, and attempt murders. So, while I believe that you're well intended with your legislation, but I believe that the impact that it's going to have on the courtrooms, particularly in Cook County and also the collar counties, will be devastating."

Speaker Hannig: "Representative Monique Davis."

Davis, M.: "Will the Sponsor yield?"

Speaker Hannig: "Indicates he'll yield."

Davis, M.: "Where is he?"

Holbrook: "Back here, Monique."

Davis, M.: "I was looking for you. Are you aware of the police brutality cases in Chicago? Are you aware that they are now hearing a case in which an officer shot a homeless man to death? Are you aware that two little innocent children were taken by the police and dropped off in a hostile

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community, and they knew they would be accosted and injured? Are you aware that the sight of a policeman is not a welcome sight to a number of people, and just as Representative Mulligan stated, traveling on a road at night alone and a policeman attempts to stop you, it may not be the wisest thing in the world for you to stop, are you aware of that?"

Holbrook: "Representative Davis, this wouldn't change any procedure on currently where a person should pull over if someone would come by, and currently the statute provides that the officer giving such a signal shall be in police uniform, and if driving a vehicle, such vehicle shall display luminous, oscillating, rotating, flashing red and blue lights..."

Davis, M.: "I can't hear you, I can't understand what you're saying right now."

Holbrook: "Yes. This doesn't change any of those current procedures. I'm aware of some of the cases you're discussing, but this doesn't change any of that. All this does is set the penalties higher if you try to elude the police. If you try to get away from them, and if you hurt somebody like we had in our area, and have going on on an ongoing basis."

Davis, M.: "Would it not be better to have a law that states that police could not pursue a fleeing criminal if it endangered the lives of the public? Because we've known of cases where they're pursuing someone who violated a speed law and they're endangering lives to get that particular culprit right away. Whereas, they got his license number and they could pick him up somewhere else. I think, I know the problem that you want to solve, but I think what you're doing is really creating other problems and perhaps putting



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the lives of some innocent people in jeopardy."

Holbrook: "That's just the opposite of what I was trying to achieve here. I was trying to make the penalties greater so that people would be less likely to try to elude the police and drive off at high speeds, causing other accidents."

Davis, M.: "If I have just robbed a bank and I'm trying to flee the police, do you really think I'm going to stop and say, 'Oops, this is a Class IV Felony. Oops, better not go too fast on this one. Oops, better stop, better slow down?' I don't think so, Representative."

Holbrook: "Thank you."

Davis, M.: "Vote 'no'."

Speaker Hannig: "The gentleman from Cook, Representative Pugh."

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

Speaker Hannig: "He indicates he will."

Pugh: "Representative Holbrook, is the purpose of this Bill designed to increase the prison population?"

Holbrook: "No it isn't, Representative Pugh, in fact, the figure that it won't affect more than 108 prisoners over 10 years. The purpose of this Bill is to try to prevent people from eluding police and causing great bodily harm and injury to innocent victims while they do elude them."

Pugh: "Representative Holbrook, are you aware that an individual, that a large portion of the individuals that are arrested for fleeing or attempting to elude police are merely teenagers that are out for a joyride in their parent's car?"

Holbrook: "That's not the intent of this legislation. The intent is to try to prevent the eluding of police to prevent a bodily accidents and injury to persons and property."

Pugh: "Can you tell me, what's the penalty for a Class B

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Misdemeanor, what it currently is?"

Holbrook: "Up to six months for a Class B."

Pugh: "Okay, and that's the maximum, am I correct?"

Holbrook: "Correct."

Pugh: "And the minimum is probational, they can receive probation, right?"

Holbrook: "Right."

Pugh: "So, under this piece of legislation, under your Amendment to the Vehicle Code, an individual who's out joyriding in their parent's car, and attempts to elude the police, will not be eligible for probation, is that correct?"

Holbrook: "If they're eligible for probation, they'd also come under the Juvenile Act, which is treated differently. This is only for adults."

Pugh: "And what's the amount of money that we're going to spend over this period of time, the yearly amount?"

Holbrook: "The Fiscal Impact Note shows 21 million over 10 years, so about \$2 million a year is what they see as the highest possible."

Pugh: "Twenty-one million dollars to address a problem that is merely a traffic violation?"

Holbrook: "Representative Pugh, it's not the traffic violation, it's the bodily harm and injury that are created by these people eluding police. Like we recently had in my community, where an 87 year-old grandmother and a 64 year-old mother were killed while a gentleman tried to elude the police because he didn't want a speeding ticket."

Pugh: "Well, Sir, I think your legislation has some merit. Although the intent of the legislation is honorable, the purpose is going to be destructive. We have, currently, an overburdening amount of individuals that are participating that are filling our correctional system. This year I

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think we have 50 thousand individuals that are incarcerated, and a large majority of those individuals are incarcerated for some heinous crimes. If we have to make room for individuals who are committing these minor offenses, then we're going to be faced with the threat of putting hardened criminals out on the street in order to make room for individuals who are merely creating traffic violations. I think this is a bad piece of legislation, and I would have to rise in opposition to it. Thank you."

Speaker Hannig: "Representative Holbrook, to close."

Holbrook: "The whole purpose of this legislation is to prevent the bodily injury when people do try to evade the police. Juveniles are treated separately, and I would urge for your support. Thank you."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all vote who wish? Have all voted who wish? Mr. Clerk, take the record."

Holbrook: "Mr. Speaker, Postponed Consideration."

Speaker Hannig: "Take the record. On this question, there are 58 'aye', and 49 'no', and the Sponsor asked Postponed Consideration. Postponed. Mr. Clerk, read House Bill 1909."

Clerk Bolin: "House Bill 1909, a Bill for an Act concerning prostate cancer screening. Third Reading of this House Bill."

Speaker Hannig: "Representative Cowlshaw, for what reason do you rise?"

Cowlshaw: "On a Point of Personal Privilege, Mr. Speaker."

Speaker Hannig: "State your point, Representative."

Cowlshaw: "Ladies and Gentlemen, I would like to remind you that tomorrow afternoon there is a milk and cookies play break

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available to all of us at no cost to ourselves from 2:00 to 5:00 p.m. in Room 122B. There will be wonderful cookies in great variety and little cartons of milk to help revive us in the middle of a busy afternoon. This is sponsored by the DuPage Children's Museum, which is celebrating 10 years of innovative learning experiences for young children and the important adults in their lives. So in commemoration of that 10 year anniversary, we hope you will come down to 122B tomorrow between 2:00 and 5:00 and have your milk and cookies. Thank you, Mr. Speaker."

Speaker Hannig: "Thank you, Representative, and Representative Brunsvold, for what purpose do you rise?"

Brunsvold: "Just to ask the Lady if I should bring my own rug?"

Speaker Hannig: "On House Bill 1909, the Chair recognizes, Representative Lou Jones."

Jones, L.: "Thank you, Mr. Speaker. House Bill 1909, amends the Illinois Insurance Code, the Health Maintenance Organization Act, the Limited Health Service Organizational Act, and the Voluntary Health Services Plans Act. It provides that coverage under those Acts must include prostate cancer screening. Prostate cancer kills more American men than any other cancer except lung cancer, 317 thousand men got prostate cancer last year. That's over three times as many men as, that have contracted lung cancer, and it compares to 184 thousand new cases of breast cancer. Forty-four thousand Americans died last year from prostate cancer, the American Cancer Society predicts death will increase 37% more by the year 2000. Early detection and treatment can significantly extend a man's life. It can keep a family together, and it will also save untold millions of health care dollars. This Bill would require screening for all men over the age of 50. It would require

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screening for all African-American men over the age of 40, and it would require screening at any time for any man who has a family history of prostate cancer. And I ask an 'aye' vote."

Speaker Hannig: "And on that question, the Lady from McHenry, Representative Hughes."

Hughes: "Would the Sponsor yield?"

Speaker Hannig: "She will."

Hughes: "To whom would this proposed mandate apply, to what groups of insured?"

Jones, L.: "Representative, all insurance."

Hughes: "ERISA plans, self-insured, state employees?"

Jones, L.: "Yes."

Hughes: "To the Bill, Mr. Speaker. I rise in opposition to this Bill. It's one more of a continual stream of mandates on insurance coverage. Yes, this screening is important, but so is screening for colon cancer, and for a number of other health issues. We have a responsibility to assure that we have numerous alternatives for health care. One option being HMOs, which promote free screening. More and more insurance companies are coming forward with coverages for diagnostic testing. Often times, the coverage says so many dollars, so a doctor can determine which testing is appropriate for which patient based on family history, but once again, we're trying to micromanage and mandate health care. Once again, we are driving up costs and driving away affordability and access. Thank you."

Speaker Hannig: "Representative Durkin on that question."

Durkin: "Will the Sponsor yield?"

Speaker Hannig: "She will."

Durkin: "Representative, to what extent will premiums be affected if this legislation is signed into law?"

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Jones, L.: "Mr. Speaker, I can't hear him."

Durkin: "To what extent will premiums be affected if this Bill is signed into law?"

Jones, L.: "One more time, I still couldn't hear you."

Durkin: "To what extent will premiums be affected if this Bill is signed into law?"

Jones, L.: "I don't have that answer."

Speaker Hannig: "Let's have a little order. Let's have a little order in the chamber. The Representatives have indicated that it's difficult to hear. So could we please have some order so we can debate the Bill of Representative Jones?"

Durkin: "Representative, did you hear that question?"

Jones, L.: "Yes, I did, and I didn't have that answer, but I don't have the slightest idea. All I know now, that if you detect it at a early stage it would cost insurance company much less money than it would at a later stage when they have to go through the hospitalization, and also the operations and what have you. I think detection at a early age is much more minimal."

Durkin: "I also see in the Bill that you've made some distinctions between the ages of men. As I read it, it says that screenings will be covered annually for men ages 50 years or older, African-American men 40 years or older, or for men 40 and over with a family history of prostate cancer. Why have you made a distinction between the ages of these groups?"

Jones, L.: "Because just, if you can remember when they started doing the screening for breast cancer, they had also determined that through a... the age of the person getting the cancer, they determine that age for the screening, at that particular age is when the highest number of men get... the prostate cancer is detected."

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Durkin: "Well, one question I have, it states that screenings shall be covered for men 40 years and over with a family history of prostate cancer, how far along in the family history would that apply to?"

Jones, L.: "Beg pardon. Say that again."

Durkin: "How far along in the family history would this screening apply to? You state that men 40 years and over with a family history of prostate cancer would qualify for such screening."

Jones, L.: "I don't know how far back that would go, but I do know from reading that if there is a history of prostate cancer, more men have actually a chance to get it, I don't know how far back in the history of that person that would go."

Durkin: "Well, that's the problem I have, because it is rather vague, and this is something which I think still needs to be redefined and has to be tightened up. Do you... To the Bill. I believe that while this is well-intentioned, we've seen a number of these Bills come up over the past two weeks. Ultimately, this is going to raise the cost of premiums and unfortunately, I believe it's going to be shouldered by the consumers, and they're the ones who are going to take the responsibility and will be hit the most on this, and I respectively will vote 'no'."

Speaker Hannig: "The Gentleman from Rock Island, Representative Boland."

Boland: "Yes. Thank you, Mr. Speaker. I rise in strong support of this legislation. I think that, although there are some good points made by the opponents to this, I think a very crucial point that we need to look at is that in the long run, this is actually going to save us money. It's going to save the insurance industry money, it's going to save

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people from a lot of needless suffering. This can be, if detected early, prostate cancer can be prevented, can be stopped in its tracks. So it's very crucial that we get the screening and get that to as many individuals as possible. So I would hope that everybody joins Representative Jones in this effort. I think this is crucial. I think it's good for the insurance industry. I think it's good for those of us who are taxpayers who may have to help indigent individuals who weren't screened early on this, and will cost all of the taxpayers more, and it's going to be good for those individuals who are detected early and therefore, can get treatment and hopefully alleviate some of the terrible suffering. And besides that, I think it's about time we had a guy Bill, so I think this is great."

Speaker Hannig: "Representative Lou Jones, to close. Representative Jones, to close."

Jones, L.: "Again, I've given you the numbers, and it's basically saying, it's basically saying now pay less now or pay more later. I think the screening will detect prostate cancer in an early age... in early stages, and it would actually save insurance companies money in the end. I urge a 'aye' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'no'. 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 62 voting 'yes', 50 voting 'no', and 2 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 652."

Clerk Bolin: "House Bill 652, a Bill for an Act in relation to



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elections. Third Reading of this House Bill."

Speaker Hannig: "The Gentleman from Rock Island, Representative Boland."

Boland: "Yes. Thank you, Mr. Speaker and Members of the House of Representatives. This piece of legislation, House Bill 652, would combine the November school board elections with the April city and township elections. This legislation is supported by the Civic Federation, supported by Cook County Clerk, David Orr, has very good newspaper support across the state, including the Chicago Tribune, The Pioneer Press, The Daily Southtown, and I believe that the Chicago Sun Times was also going to do a editorial on it. It not only would result in a increased voter turn out, at present the November school board elections are pretty abysmally attended, usually not over 12% at most. This also will result in a tax savings for the property taxpayers of about \$6 million conservatively speaking statewide, \$3 million in Cook County alone, \$3 million in the rest of the state. It is also very similar to a piece of legislation by Senator Rauschenberger of the State Senate, and he and Senator Link, their Bill passed out 57 to 0. So I would urge your support for this legislation. Let me ask. Let me make one more thing, and that is that some of the opponents have talked about keeping a non-partisan election. In actuality, nearly all of the city and township elections across the State of Illinois are at present time non-partisan, including all of those in the suburban Cook County area. I might also add that the Peoria School system already elects its school board members at the April election and there has been no problems in that regard."

Speaker Hannig: "The Lady from Lake, Representative Moore."

Moore, A.: "Thank you, Mr. Speaker. I rise in strong support of

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this Bill. In the high growth areas and the counties that surround Chicago, the issue of overcrowded schools and high property taxes is one that has faced these areas for some years. It is the municipalities that, in fact, are responsible for growth and development, and must do that in a responsible way. The school boards then, are left with the responsibility for providing for these schools. Getting these two elected bodies running for office at the same time will elevate the debate to a level that the people can participate in establishing who and how their communities will grow and develop. I think this is a very positive step forward and will have a very positive effect on the schools and the municipal governments."

Speaker Hannig: "Is there any further discussion? Seeing none, the question is, 'Shall this Bill pass?' Excuse me, Representative Black, do you wish to ask a question? The Gentleman from Vermilion."

Black: "Thank you very much, Mr. Speaker. To the Bill. I can add very little to what has already been said, but I'm very pleased to Cosponsor this. Now I've heard from a lot of people back in my district who are opposed to this, particularly school board members who think that we may take away from their race, and I don't understand that article, I mean that argument, at all quite frankly. We just went through a municipal election in Danville, 3%, 3% of the eligible voters turned out. There were, and in the primary, we only had one contested primary, but every precinct had to be open and staffed, that is a tremendous waste of taxpayers' money. I commend the Sponsor for this, it's a positive step in the right direction. You know, when this Body, in its infinite wisdom, created the Consolidated Election Law years and years ago, it was

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supposed to save money, and I submit to you it is not doing that. This Bill is a good step in the right direction. Vote 'aye'."

Speaker Hannig: "On that question, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed voted '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 102 voting 'yes', 12 voting 'no', and 1 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 190. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 190, a Bill for an Act to create the Illinois State Insured College and University Responsive Education Trust and provide for advance tuition payment contracts. Third Reading of this House Bill."

Speaker Hannig: "The Gentleman from Cook, Representative Burke."

Burke: "Thank you, Speaker. House Bill 190 establishes an Illinois Prepaid Tuition Program, which would enable parents, grandparents, family members and friends to prepurchase tuition and mandatory fees for future college students. House Bill 190 is identical to Senate Bill 878, and that has already been passed, by the State Senate. This program offers participants the chance to purchase tomorrow's tuition at today's prices. And it would be administered by an existing State Agency, The Illinois Student Assistance Commission. Under the program, Illinois citizens can purchase a contract in an Illinois Public University or an Illinois Community College. The value of these Illinois prepaid tuition contracts would be transferable to Illinois private colleges or to out-of-state higher education institutions. The

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legislation provides families with a federal tax advantaged way to save systematically for college that could be customized to their own family budget. And I'm available for any questions."

Speaker Brunsvold: "Representative Brunsvold in the Chair. And on that question, the Gentleman from Cook, Representative Lyons, is recognized."

Lyons, J.: "Mr. Speaker, I rise on the vote on 1909. I was absent from the chamber, I would like to be recorded as a 'yes' vote on 1909."

Speaker Brunsvold: "The record will so reflect. The Gentleman from Whiteside, Representative Mitchell, is recognized."

Mitchell: "Thank you, Mr. Speaker. I rise in strong support of this Bill as well. I have one question for the Gentleman."

Speaker Brunsvold: "The Gentleman indicates he'll yield."

Mitchell: Representative, is there anybody left in the chamber that's not a Cosponsor of this Bill?"

Burke: "If there is, I'd like for them to come forward and I'll correct that, Representative."

Mitchell: "Well, there certainly is a little bit more room left for Sponsors on the Bill. But everybody should be. This is a chance for everyone to become involved in the education of their child down the road. I think this is an excellent Bill, and excellent initiative. And I commend the Sponsor of the Bill. Thank you very much."

Burke: "Thank you Representative, and I believe you are indeed a Cosponsor of the Bill. Thank you."

Speaker Brunsvold: "The Gentleman from Vermilion, Representative Black."

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

Speaker Brunsvold: "He indicates he will."

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Black: "Representative, I believe your Floor Amendment becomes the Bill, correct?"

Burke: "That is correct."

Black: "Okay. I think many of the concerns have been addressed. But let me just go down, and two or three questions, and tell me whether or not the Amendment addresses the concerns that have been raised. For example, some states have experienced significant losses as a result of this kind of a prepaid tuition program. Have you addressed that problem in your Bill, as amended?"

Burke: "We do, in fact, Representative, have safeguards in this legislation and in the states that did have difficulties, it was due to the unclear Federal Tax Exemption, that has now been resolved."

Black: "If the General Assembly were to fail to appropriate sufficient funds for the program, does your Bill require the Treasurer and Comptroller to transfer any dollars needed to meet the expenses?"

Burke: "In its current form there, would be some involvement there. We expect to, in very short order, resolve that concern."

Black: "Okay. And does your Amendment address the concerns that were expressed about any limitation on a out-of-state school? For example, I can't sleep many times at night and I watch these infomercials, and there's a school in New Jersey rather expensive, but if I go there I can become a psychic. Could I expend the money for such a school?"

Burke: "No. Proprietary schools would be eliminated from this. We're talking about State Universities."

Black: "Is, and maybe Randy could help you, is there any language in the Bill or the Amendment that specifically excludes out-of-state proprietary schools? I mean there's some real

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dandies out there."

Burke: "No, not specifically. But, literally this legislation is directed to State of Illinois Universities and Community Colleges... public."

Black: "That may be something I think we need to work on. Because there are a number of diploma-mills esoteric schools, and I've had some experiences with these. You know once they get that Financial Aid check, or once they get that tuition up front, they close down rather rapidly after that. I got something in the mail yesterday, that if I would send them \$15 hundred and agree to do things through the mail, I could become a chef. And they told me what chefs make in the hotel industry, so obviously I signed up. But I need a loan to pay the tuition. I just want to make sure that we've got some safeguards, because I'll tell you, there's some pretty slick operators out there."

Burke: "And certainly, if we can't resolve it with the legislation, Representative, the commission that would be created would have the authority to control where these dollars would be directed. Student Assistance Commission, actually."

Black: "Okay. One last question and maybe the Student Assistance Commission can help us with this. My only reservation about this, and I think it's a good idea, and I think we're very close to finally passing this, we've tried in other years and that to me, the only caution is the risk factor vis-a-vis loss factor. And I think it has even been editorialized that the taxpayer should not pick up that loss factor. And somehow, can we address that concern before this ends up on the Governor's desk?"

Burke: "We have had, as I said when were first discussing this issue Representative, we have had discussion with the

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budget director, in fact, later this afternoon we'll be meeting with the Senate Sponsor, Senator Watson. This is our concern as well."

Black: "Oh, I didn't know they were in town."

Burke: "Well, he came in especially to discuss this issue."

Balck: "Well, how nice."

Burke: "That's how important it is to him. We have the same concerns that you have cited. It is our intention to make it as non-impacting on the budget as possible. There certainly will be, as we discussed earlier, some start-up costs. We hope we can leave those at a very minimum, but I know in fact, by virtue of the 20 other states that are currently offering this marvelous opportunity to their residents, that it is going to be a success in Illinois. And I know that every Member of this chamber, that has signed on as a Cosponsor, is going to be proud to offer this opportunity to their constituency. It is probably one of the most good things we can do in this Session to say to those that are otherwise not eligible for grants or scholarships or don't have financial vehicles available to them to save for their child's future education, that we in this chamber today can give our residents a chance, a hope, a prepaid opportunity to succeed in our society and do the best that they can do."

Black: "Let me... one last question and that is a coordination between this program and the Monetary Award Program or some Scholarship Program that may be available to the school like a... you know a Burke Scholar and they get all their tuition and fees paid. How can that be worked out so that somebody isn't getting \$12 thousand a year to pay \$8 thousand a year in tuition, fees and books?"

Burke: "Representative, the Bill would provide that any

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individual who was not going to take advantage of the plan, who had already paid, in the instance as you've just cited of one receiving a scholarship, that money would be fully refunded."

Black: "Okay. And also refundable if a tragedy happens...?"

Burke: "Yes, refundable or transferable to another sibling."

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

Speaker Brunsvold: "The Gentleman from Jersey, Representative Ryder, is recognized."

Ryder: "Thank you, Mr. Speaker. Will the Sponsor yield for a few questions, please?"

Speaker Brunsvold: "He indicates he will."

Ryder: "I see you're obtaining Cosponsors as we go, Representative."

Burke: "I think maybe Representative Lyons request was redundant, I believe she was already on, but she wanted to be perfectly sure."

Ryder: "Well, I appreciate those who are doubly in favor of your proposition. Did I understand your comments correctly to indicate that you anticipate an Amendment in the Senate?"

Burke: "On what regard?"

Ryder: "Sir, you indicated that you would be meeting later today with the Senate Sponsor, as well as the Bureau of the Budget, in order to guarantee that the safeguards necessary, so that the state would not be left holding the bag on this piece of legislation."

Burke: "That is correct."

Ryder: "And as a result, then we have your commitment that the Bill is not going forward unless we are guaranteed that the money actually pays the tuition and it's not a partial payment with the state left holding the bag. Is that correct, Sir?"



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Burke: "You have my absolute commitment."

Ryder: "Okay. Finally I would simply like to know how you believe this to work. For example, I have two children, they'll be going to college in two more years and four more years. Would I pay a discount today for the last year of my second child? So is that how you anticipate it works? Or do I pay today the amount of tuition that that child wishes to go... at the school where the child wishes to attend?"

Burke: "It would be the same amount. Literally the formula would be created. A median tuition would be established, considering all the universities in the State system. We would discover a median rate of tuition. And if you were to sign up for the program today, you would begin paying your child's educational tuition rate, at today's rate."

Ryder: "So you're assuming that the inflation of the increase is going to be less than the amount of investment income the property... the investment would make."

Burke: "We're anticipating that the investment income will compete with the rising cost of education, as well as the rate of inflation."

Ryder: "I'm interested to hear the median. Some schools are much less expensive than others even though it's limited to state schools, correct?"

Burke: "Correct."

Ryder: "Okay. So, some tuitions much less than others. And you're going to do a median?"

Burke: "Yes. Today's tuition, based on the average, would be \$23 hundred."

Ryder: "Sir, with your guarantee that you will modify the Bill to absolutely, ironclad guarantee that this will not be a drain on the State Treasury, but rather a simple, good faith effort by families to educate their children. My

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potential objection as to the cost to the state will be satisfied. And I would be happy to support your Bill."

Burke: "Thank you very much."

Speaker Brunsvold: "The Gentleman from Cook, Representative Bradley. Any further discussion? The Gentleman from Cook, Representative Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Brunsvold: "He indicates he will."

Durkin: "Representative Burke, I know you've been working on this legislation for a number of months, and I have discussed with you... this issue with you for the past nine months. I believe that this came to you from existing legislation in Florida, correct?"

Burke: "That's right, Representative."

Durkin: "And could you tell me what the experience has been in Florida since this law has made the books?"

Burke: "Well, Florida being the model that we are looking to for this particular plan today as they have continued the program for the last 10 years. Today they have over 400 thousand participants in the program. And if you will recall, Representative, you were in my company when a mutual friend of ours brought this matter to my attention. And you immediately said let's go forward with this and get the State of Illinois on track and afford this chance to our constituencies."

Durkin: "This has not been a revenue loss for the State of Florida, correct?"

Burke: "Absolutely not."

Durkin: "And you do not anticipate this to be any revenue loss for the State of Illinois, correct?"

Burke: "No."

Durkin: "Thank you very much. To the Bill, I do commend

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Representative Burke, and also Michael Dudek, our mutual friend, who brought this issue to both of us one evening. I believe that this is a great thing for young families who are starting out with children who they want to provide an education for in the future. I know that Representative Burke has done a lot of the hard work on it, and I embrace this legislation. And I think everybody in this House should. Thank you."

Speaker Brunsvold: "The Lady from Cook, Representative Erwin. Turn on Representative Erwin. Representative Erwin, proceed."

Erwin: "Thank you, Speaker. I too rise in strong support of House Bill 190 and want to commend the Lead Sponsor of this Bill who has done an incredible amount of work on it over this Session. I'd also, for the benefit of any skeptics among us, would like to reiterate that the Sponsor and myself have met with the Director of the Bureau of the Budget. And in addition to that, I have met with the new Chairman of the Board of Higher Education, our Lieutenant Governor Bob Kustra, on House Bill 190. And I'm looking forward to, particularly, to Representative Ryder, our being able to work out the financing part of this to insure that indeed it is a self-financing, administrative process. As Representative Durkin mentioned, the Florida model really is the one we want to look to. We... Illinois has the good fortune of learning from some other states' possible mistakes. And lastly, there's one other very critical issue here. There was a recent, very positive, Internal Revenue Service ruling that has impacted how these prepaid tuition funds can and will operate. Some people have looked to Michigan and a few other... a few other states, that did have difficulty, and the main reason was

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that the Internal Revenue Service had treated differently the contributions from a variety of friends and family members into these prepaid tuition accounts. The Internal Revenue Service has made a more recent ruling, and with that it should clear the way for us to proceed and make this something that family and friends will certainly want to contribute to. Not only because it is certainly good for the students, but it's also good in terms of their own tax treatment, as a deduction. So, I rise in strong support of this. The Senate Bill which Representative Burke has picked up, as well, will be heard in the Higher Education Committee here whenever we return to committees. So, I think that this piece of legislation is going to be one of the things that we will be the most proud of this year. And I encourage a unanimous support."

Speaker Brunsvold: "The Gentleman from Cook, Representative Burke, to close."

Burke: "Thank you, Speaker. I certainly appreciate all of the supportive comments that have been made with respect to House Bill 190. Again, for the Members' information, this is not either a give away or take away. This is a chance for us here today to offer people who would sometimes, otherwise, not have the chance to provide for their child's future education, a excellent opportunity. Locking in today's cost for tomorrow's education. I know that this is something that we can bring back to our constituencies as something very important that came out of this Session. I know that the Governor and his administration have been persuaded that it's about time Illinois offers this program to its citizens. And I certainly would ask for every Member's favorable consideration. And thank you so much. And again my thanks to my Cosponsors on this matter."

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Speaker Brunsvold: "The question is, 'Shall House Bill 190 pass?' All in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? And on that question, there are 118 'ayes', 0 voting 'no', and 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. The Chair is now going to proceed to move some Bills from Third Reading to Second Reading. Mr. Clerk, what is the status of House Bill 494?"

Clerk Rossi: "House Bill 494, is on Calendar Order - Third Reading."

Speaker Brunsvold: "Place that Bill on Second Reading. What's the status of House Bill 864, Mr. Clerk."

Clerk Rossi: "House Bill 864, is on the Order of House Bills - Third Reading."

Speaker Brunsvold: "Please move that Bill to Second Reading. What's the status of House Bill 2120, Mr. Clerk?"

Clerk Rossi: "House Bill 2120 is on the Order of House Bills - Third Reading."

Speaker Brunsvold: "Please place that Bill on Second Reading. House Bill 1950, Mr. Clerk, what's the status of that Bill? (sic-House Bill) 1950, Mr. Clerk. House Bill 1090, Mr. Clerk, what's the position of that Bill?"

Clerk Rossi: "House Bill 1090, is on the Order of House Bills - Third Reading."

Speaker Brunsvold: "Please place that Bill on Second Reading. Mr. Clerk, what's the status of House Bill 928?"

Clerk Rossi: "House Bill 928, is on the Order of House Bills - Third Reading."

Speaker Brunsvold: "Please place that Bill on Second Reading. Mr. Clerk, what's the position, or status of House Bill

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1139?"

Clerk Rossi: "House Bill 1139, is on the Order of House Bills - Third Reading."

Speaker Brunsvold: "Please move that Bill to Second Reading. And the final Bill, House Bill 152, Mr. Clerk."

Clerk Rossi: "House Bill 152, is on the Order of House Bills - Third Reading."

Speaker Brunsvold: "Please place that Bill on Second Reading, Mr. Clerk. Now, Ladies and Gentlemen of the House, we'd like to go back to the Calendar. Starting on page 2 with Second Reading Bills, and the Chair would like the Sponsors of these Bills, as I go through them, if they desire not to have their Bill moved to Third Reading, please get up and indicate to the Chair that you would like to have the Bill to stay on Second Reading. House Bill 32, Representative Dart. The Gentleman's not in the chamber. House Bill 73, Representative Schakowsky. House Bill 291, Representative Lang. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 291, the Bills been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Lang, has been 'approved for consideration.'"

Speaker Brunsvold: "Representative Lang, on Floor Amendment #1. Representative Lang."

Lang: "Thank you, Mr. Speaker. I misspoke, we're not quite ready with this one, please take it out of the record."

Speaker Brunsvold: "Thank you, Representative. Take that Bill out of the Record, Mr. Clerk. Mr. Lang, are you ready on 296? Please read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 296, a Bill for an Act amending the Illinois Human Rights Act. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1,

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offered by Representative Lang, has been 'approved for consideration.'

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

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. House Bill 296 created a citizens' crime commission. This got out of committee quite easily. The Bill called for a certain mechanism for appointing the members to this commission. However, the Amendment would change that mechanism and allow for the Governor to do all the appointing. Many on the Republican side of the aisle have heard me talk about the Governor doing appointing in a negative way, but this is an Agreed Amendment that I think we can move along, and it would allow the Governor to appoint victims of violent crime to a commission to advise the state as to issues regarding the crime and how it impacts upon victims of crime, and I would move adoption of Amendment #1."

Speaker Brunsvold: "And on that Amendment, is there any discussion? Seeing none, the Gentleman has asked for the adoption of Amendment #1. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. The Amendment has been adopted. Further amendments, Mr. Clerk?"

Clerk Rossi: "No further amendments."

Speaker Brunsvold: "Third Reading. Representative Feigenholtz, on House Bill 333. The Bill is on Second Reading. Do you wish the Bill called? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 333, a Bill for an Act to create the Illinois Patient Communication Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Brunsvold: "Hold that Bill on Second Reading, Mr. Clerk. Mr. Bradley, on House Bill 372. Do you wish that Bill called, Representative? Is Representative Hannig in the

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chamber? Mr. Clerk, please read House Bill 372."

Clerk Rossi: "House Bill 372, a Bill for an Act amending the Illinois Pension Code and State Mandates Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Brunsvold: "Third Reading. Representative Ryder, on House Bill 410. Is Representative Ryder on the Floor? Representative Pugh, you're a Cosponsor, would you want to? Okay, leave it there. He indicates he does not want the Bill called. Representative Slone, on House Bill 424. Would you like the Bill moved? Representative Slone."

Slone: "Yes, the Amendment was adopted in committee this morning, please...."

Speaker Brunsvold: "Please read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 424, the Bill has been read a second time previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #3, offered by Representative Slone, has been 'approved for consideration.'"

Speaker Brunsvold: "Third Reading. Excuse me, Mr. Clerk. Representative Slone, on House Amendment #3. Floor Amendment #3, excuse me. Representative Slone."

Slone: "Thank you, Mr. Speaker, Members of the General Assembly. This Amendment would make some changes in the original Bill. The purpose of the Bill is to create an Illinois River Coordinating Council in the office of the Lieutenant Governor. As originally proposed, the coordinating council would have been in the Department of Natural Resources. However, the Illinois River strategy team that prepared the original management plan for the Illinois River watershed was housed in the office of the Lieutenant Governor, and by agreement with the Lieutenant Governor and the Governor's



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office we are now proposing, in accordance with this Amendment, that the coordinating council which would continue the work of the strategy team be housed with the Lieutenant Governor. I would appreciate favorable consideration. Thank you."

Speaker Brunsvold: "Is there any discussion on the Amendment? Seeing none, the Lady asks for the adopt... excuse me, Mr. Novak, the Gentleman from Kankakee, is recognized."

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

Speaker Brunsvold: "She indicates she will."

Novak: "Representative Slone, is there any dollar price tag attached to this Amendment dealing with this council?"

Slone: "No, there is not currently. My understanding, and I have not had an opportunity to check this yet, is that there is already a small amount of money for administrative costs that's in the Department of Natural Resources, and we will ask in budget hearings that that be moved to the office of Lieutenant Governor, since the Lieutenant Governor will instead will be coordinating the council."

Novak: "Representative, I'm sorry, I can't hear you, can you speak a little louder please?"

Slone: "Certainly, it is my understanding that there's already a limited amount of funding for the administrative costs of the council in the budget of the Department of Natural Resources, we will request that that be moved to the Lieutenant Governor's budget. So this Bill carries no additional cost."

Novak: "Do the dollars come from Conservation 2000?"

Slone: "I don't believe they do, no."

Novak: "They come from General Revenue Fund then?"

Slone: "I believe so."

Novak: "Well, what does this Amendment do in light of this whole

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Lieutenant Governor's watershed, Illinois water shed study survey, what does it do? Are we enhancing the Lieutenant Governor's program? Are we changing the Lieutenant Governor's program?"

Slone: "The purpose of the Bill is to continue the existence of the team that was, that made the initial recommendations and put together the management plan for the watershed. This would continue a coordinating council as kind of an oversight mechanism, to make sure that the state agencies do everything they can to implement the recommendations of the management council."

Novak: "Okay, thank you. Now, when you mention the watershed, the Illinois river watershed, are you also including it's tributaries that feed into the, such as the Kankakee River and other rivers that feed into the Illinois River?"

Slone: "Yes."

Novak: "Okay. Thank you."

Speaker Brunsvold: "Any further discussion? Seeing none, the Lady asks for the adoption of Amendment #3. All in favor say 'aye'; all opposed 'no'. The 'ayes' have it, and the Amendment has been adopted. Any further Amendments, Mr. Clerk?"

Clerk Rossi: "No further amendments."

Speaker Brunsvold: "Third Reading. House Bill 172, Mr. Clerk."

Clerk Rossi: "House Bill 172, a Bill for an Act amending the Criminal Code of 1961. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative John Turner, has been approved for consideration."

Speaker Brunsvold: "And on the Amendment, Representative Turner."

Turner, J.: "Thank you, Mr. Speaker. This Amendment changes the penalty for knowingly and falsely transmitting to a peace

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officer that a crime has been committed when the person making the report knows that one has not been. It raises this offense from a Class A Misdemeanor to a Class IV, it makes it consistent with a false transmission of report to a fire department or a false report with regard to an explosive device. I ask for it's adoption."

Speaker Brunsvold: "And on that question, the Gentleman from Cook, Representative Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Brunsvold: "He indicates he will."

Durkin: "Representative, is this a general or a specific intent crime?"

Turner, J.: "General."

Durkin: "I'm sorry, I didn't hear that, I've got a bad ear. Could you repeat that?"

Turner, J.: "The mental element or the men's rea is knowingly, in this case, and it is my opinion that this is therefore a general intent crime as opposed to specific intent crime."

Durkin: "Are you referring to, Turner, on criminal law and procedure, or is this maybe from Prosser?"

Turner, J.: "That would be M. Sherif Basionni, who taught me criminal procedure in law school."

Durkin: "Thank you very much."

Speaker Brunsvold: "Any further discussion on the Amendment? Seeing none, the Gentleman has moved for the adoption of Amendment #1. All in favor say 'aye'; opposed say 'no'. The 'ayes' have it, and the Amendment has been adopted. Further Amendments?"

Clerk Bolin: "No further amendments. However, a Judicial Note has been requested on the Bill and has not been filed."

Speaker Brunsvold: "Hold the Bill on Second Reading. As amended, Mr. Clerk."

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Clerk Bolin: "The Judicial Note was not as amended."

Speaker Brunsvold: "Third Reading, Mr. Clerk. Mr. Clerk, House Bill 470. Mr. Novak. Please read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 470, 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, offered by Representative Novak, has been approved for consideration."

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

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #2 is very simple. It's one sentence. A technical review uncovered a small loophole, we thought we'd plug that loophole up, and let me explain it. Should this Bill become law, any municipality that had heretofore passed an ordinance banning landscape waste burning could, before the adoption of this Amendment, could come back and change their ordinance and allow leaf burning to occur. What this Amendment does is precludes that. Be more than happy to answer any questions."

Speaker Brunsvold: "And on that Amendment, the Gentleman from Vermilion, Representative Black."

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

Speaker Brunsvold: "State your inquiry."

Black: "The underlying Bill requires 71 votes for passage, is that correct?"

Speaker Brunsvold: "Parliamentarian indicates the Bill is not on Third Reading, Representative Black. It's not a timely question."

Black: "Well, I understand that, but the question determines how many votes the Amendment should get. I believe the Amendment amends a Bill that clearly requires 71 votes, and

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it's our intention to say that the Amendment requires 71 votes."

Speaker Brunsvold: "Parliamentarian indicates that the Amendment does not require 71 votes."

Black: "Well, I think the Parliamentarian looked a bit confused, but I'll take your word for it. Will the Sponsor yield?"

Speaker Brunsvold: "Indicates he will."

Black: "Representative, the Amendment will allow certain municipalities to exempt out of the leaf burning ban?"

Novak: "No. Representative Black, what the Amendment does is it plugs a little loophole that we discovered in the initial drafting of the Bill. Let me explain again. Under the current legislation, if it should become law, any community that had passed a municipal leaf burning or landscape waste burn ban, okay, and they had passed it, it went into effect, and then this law went into effect. They could turn around and repeal that leaf burning ban. What we're simply doing is putting this sentence, this Amendment in this sentence, simply precludes them from doing that. And I might point out that this only applies to the non-attainment areas of the State of Illinois."

Black: "Okay. That sounds reasonable to me. I appreciate your answer. Thank you."

Speaker Brunsvold: "Further discussion? Seeing none, the Gentleman has moved for the adoption of Amendment #2. All in favor say 'aye'; all opposed say 'no'. The 'ayes' have it, and the Amendment has been adopted. Any further amendments?"

Clerk Rossi: "No further amendments."

Speaker Brunsvold: "Third Reading. Representative Fritchey on House Bill 481. Would you like that moved, Sir? Please read the Bill, Mr. Clerk."

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Clerk Rossi: "House Bill 481, a Bill for an Act to amend the Criminal Code of 1961. Second Reading of this House Bill. Amendments 1 and 2 were adopted in committee. No Floor Amendments. No Motions filed."

Speaker Brunsvold: "Third Reading. Mr. McKeon, on House Bill 523. Mr. McKeon. Please read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 523, a Bill for an Act amending the Consumer Fraud and Deceptive Business Practices Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Brunsvold: "Third Reading. Representative Hartke, on House Bill 541. Would you like that Bill moved? Take the Bill out of the record, Mr. Clerk. Representative Hartke, on (sic-House Bill) 550. Read the Bill, Mr. Clerk, (sic-House Bill) 550."

Clerk Rossi: "House Bill 550, a Bill for an Act amending the Public Community College Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed. A Fiscal Note has been requested on the Bill and has not been filed."

Speaker Brunsvold: "Hold that Bill on Second. Representative Durkin on House Bill 552. Please read the Bill."

Clerk Rossi: "House Bill 552, a Bill for an Act amending the Private Sewage Disposal Licensing Act. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #, a Motion has been filed by Representative Durkin to table Amendment 1."

Speaker Brunsvold: "Representative Durkin."

Durkin: "I would ask that Amendment #1 be tabled."

Speaker Brunsvold: "Is there any discussion on the Motion to table? Representative Hartke, for what reason do you

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rise?"

Hartke: "An inquiry of the Chair. The last Bill, House Bill 550, could the Clerk tell me when the Fiscal Note was requested, how many days ago? And has the agency complied with that request?"

Speaker Brunsvold: "Representative, can we get back to that in a minute after we dispose of this Bill?"

Hartke: "Thank you. Would you please?"

Speaker Brunsvold: "We'll be right back to you. Representative Durkin has asked to table Amendment #1. Would Representative Durkin explain the Amendment please?"

Durkin: "On tabling?"

Speaker Brunsvold: "And why he'd like to table it."

Durkin: "I'd like to table this because it created some confusion in committee. The Bill, when it passed out of committee there was a misconception and some concern amongst Public Health Departments that this would lower the standard for private septic systems. That was their interpretation, and based on their recommendations, I have decided that that language would, which was in Amendment #1 would be tabled, and that I would proceed on the following Amendment."

Speaker Brunsvold: "The Gentleman has moved to table Amendment #1. All in favor say 'aye'; all opposed say 'nay'. The 'ayes' have it, and the Amendment has been tabled. Any further amendments, Mr. Clerk?"

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

Speaker Brunsvold: "The Gentleman from Cook, Representative Durkin, on Amendment #2."

Durkin: "Thank you, Mr. Speaker. This Amendment will, basically what it has done is, I've eliminated that objectionable language which was brought to the attention of a number of

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public health boards, and I've just left in language which would create an advisory commission for the Department of Public Health. With the intention, that if there is an agreement between sponsor and also the local Department of Health, we would amend it at a later date, but right now this Bill, in this form is, there is no opposition to it and I would ask for a favorable vote."

Speaker Brunsvold: "Any questions on the Amendment, any discussion? Seeing none, the Gentleman has moved to adopt Amendment #2. All in favor say 'aye'; opposed say 'no'. The 'ayes' have it, and the Amendment is adopted. Any further amendments?"

Clerk Rossi: "No further amendments."

Speaker Brunsvold: "Third Reading. House Bill 587, Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 587. The Bill has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments."

Speaker Brunsvold: "Third Reading. Representative Lawfer on 648, Sir? He indicates he does not want the Bill called. Representative Deering, on House Bill 718. Representative Acevedo, on House Bill 759. Read the Bill, Mr. Clerk. House Bill 759."

Clerk Rossi: "House Bill 759, has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Acevedo, has been 'approved for consideration.'"

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

Acevedo: "Yes, Mr. Speaker. This Amendment becomes the Bill, and all it does is, it's a response to the requests of the Republican Committee Members. It amends the current



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statute and provides a criminal penalty for falsifying an attorney, and it takes it from a Class B Misdemeanor to a Class IV Felony. And I move for its adoption."

Speaker Brunsvold: "Any questions on the Amendment? Representative Turner, from Logan."

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

Speaker Brunsvold: "Indicates he will."

Turner, J.: "Representative, I remember from committee that, I believe it was Representative Cross had raised a question that if an attorney had failed to renew their ARDC registration, if this law, as you propose it, would apply to that individual that simply failed to renew their ability to practice. Did you take care of that in this Amendment?"

Acevedo: "Yes, I did. Yes, I did, it would exclude them."

Turner, J.: "Thank you. That's all the questions I had."

Acevedo: "Okay."

Speaker Brunsvold: "Any further discussion? Seeing none, the Gentleman has asked for the adoption of Amendment #2. All in favor say 'aye'; opposed 'no'. The 'ayes' have it, and the Amendment been adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Brunsvold: "Third Reading. The Gentleman from Effingham, Representative Hartke, on House Bill 550. What's the status of that Bill, Mr. Clerk?"

Clerk Rossi: "House Bill 550, has been read a second time, previously. There were no Committee Amendments. No Floor Amendments. The Bill was held, pending the filing of a Fiscal Note. That Fiscal Note has been filed."

Speaker Brunsvold: "Representative Hartke."

Hartke: "Move it to Third."

Speaker Brunsvold: "Okay. The note has been filed. Third

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Reading, Mr. Clerk. Representative Smith, on House Bill 805. He does not want the Bill called. Representative Monique Davis, on House Bill 832. Would you like that Bill moved? Please read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 832, a Bill for an Act making appropriations. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments."

Speaker Brunsvold: "Third Reading. Representative Lyons on House Bill 861. Representative Joe Lyons. Okay, he wishes to hold the Bill. Representative Cross, on House Bill 865. He indicates he does not want that Bill moved. Representative Dart on House Bill 916. Do you wish that Bill called, Representative? Please read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 916, a Bill for an Act in relation to criminal justice. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Dart, has been 'approved for consideration.'"

Speaker Brunsvold: "And on Amendment #2, Representative Dart."

Dart: "Thank you, Mr. Speaker. Amendment #2 is a initiative to try to expand the sexual notification to allow for it to be used on the internet if possible. I move for its adoption."

Speaker Brunsvold: "Any discussion on the Amendment? The Gentleman from Cook, Representative Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Brunsvold: "He indicates he will."

Durkin: "Representative Dart, have you, has this been approved by the local police chiefs in, let's say the Cook County area, or anybody who, an association which represents them?"

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Dart: "I have not heard from them."

Durkin: "My only concern is that I know that there is, they have been, different communities, they have been limiting the availability of this type of information, because they have, there's been, some individuals their beliefs... they believe that some of the people who come in requesting this information, they are doing it for purposes which are not particularly the greatest of intentions. You have people for strictly for prurient interest or for harassment purposes, where you have people from different communities coming in and seeking this type of information if you have a sex offender in your town. Will this Bill, which my understanding is, is going to expand the sex offender notification list to the internet, correct?"

Dart: "Correct."

Durkin: "So they basically it will be wide open to anybody who would have access to the internet, correct?"

Dart: "And under existing law, right now, frankly, I've heard about those same communities you're talking about. What they're doing is illegal, because under existing law, they are not given that discretion. They have to have that information, they have to allow people to examine it. Those are shells that are in there, and right now, frankly, there's a lot of communities that are not really following the law. So, this just takes that to the next step."

Durkin: "Have you worked with the Illinois State Police on this Amendment?"

Dart: "I have not heard from them. I imagine I will be talking with them in the next couple of days."

Durkin: "Well, could you find out what their position is on this before you bring it to the Floor?"

Dart: "Certainly."

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Durkin: "Thank you very much."

Speaker Brunsvold: "Any further discussion on the Amendment? Seeing none, the Gentleman has moved for the adoption of Amendment #2. All in favor say 'aye'; all opposed say 'nay'. The 'ayes' have it, and the Amendment has been adopted. Further Amendments, Mr. Clerk?"

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

Speaker Brunsvold: "Hold the Bill on Second. House Bill 861, Representative Lyons. Please read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 861, a Bill for an Act amending the Respite Program Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Brunsvold: "Third Reading. Mr. Lyons."

Lyons, J.: "Chairman, (sic-Speaker) we had a couple of Amendments put on there by, on the suggestion of the Department on Aging, and that was in process, I was under the assumption that had already been filed, and if it hasn't then we'll hold that on Second Reading."

Speaker Brunsvold: "The Amendments have not been released from Rules yet, Representative. So as soon as they are, we can consider the Bill."

Lyons, J.: "Hold it on Second."

Speaker Brunsvold: "Hold the Bill on Second Reading, Mr. Clerk. Representative Lang, on (sic-House Bill) 962. Please read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 962, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Lang, has been 'approved for consideration.'"

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Speaker Brunsvold: "Representative Lang, on Floor Amendment #1."

Lang: "Inquiry of the Clerk. Is there an Amendment 2 also?"

Speaker Brunsvold: "Yes there is, Representative."

Lang: "Withdraw Amendment #1 please."

Speaker Brunsvold: "The Gentleman withdraws Amendment #1. Mr. Clerk, further Amendments?"

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

Speaker Brunsvold: "Representative Lang, on Floor Amendment #2."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #2 simply takes four Bills and rolls them into one so that we don't have to debate all of them on the Floor. House Bill 962, 964, 965, and 966 are all part of my package about debt collection. All of these Bills deal with the issue of collection of child support. All of these Bills have been worked out with the Department of Public Aid, the Department of Employment Security, and the Comptroller's Office. All of them have agreed upon language, and all of them got out of committee with no opposition. So we're just, this is just a time saving measure to put all of these into House Bill 962, and I move adoption."

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

Clerk Rossi: "No further Amendments."

Speaker Brunsvold: "Third Reading. Representative Flowers, on House Bill 974. Do you wish that Bill called? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 974, a Bill for an Act to amend the

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Health Maintenance Organization Act. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Flowers, has been 'approved for consideration.'

Speaker Brunsvold: "The Gentleman from Cook, Representative Flowers, on Amendment #1. Lady from Cook, excuse me, Representative."

Flowers: "Mr. Speaker, Ladies and Gentlemen of the House, Amendment #1 makes some technical changes, and I don't have the Amendment in front of me now, but I'll be more than happy to try to address any concerns in regards to the Amendment."

Speaker Brunsvold: "And on that question, the Gentleman from Vermilion, Representative Black."

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

Speaker Brunsvold: "She indicates she will."

Black: "Representative, our notes indicate that Floor Amendment #1 becomes the Bill, is that correct?"

Flowers: "Yes, you're correct."

Black: "Okay. In the Amendment, can you... can you tell me, is there a definition of services that would be considered developmental therapies?"

Flowers: "I'm sorry, Representative Black, what is the question again?"

Black: "We're not certain if anywhere in your Amendment, or the Bill as amended, there is a definition of what constitutes a developmental therapy."

Flowers: "Well, Representative, let me think, probably the reason why there's no definition because it's hard to define developmental therapy in regards to a child growing up, because it could be the motor skills, it could be the

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speaking skills, it could be a variety of things."

Black: "But when we're asking an insurance company to cover a developmental therapy and it's hard to define what that is, I would think, then it's going to be very hard to reach agreement on what costs should be covered."

Flowers: "Well, I beg to differ. Again, there are charts that would define what a child should be doing at a particular age and stage in his life, and if that child is not up to par and needs therapy for whatever the condition may be, it could be cerebral palsy, it could be a multitude of things."

Black: "Okay. Just one last question, and we can discuss this on Third. The underlying Bill required an HMO to provide these coverages, and it appears to me that your Amendment adds every conceivable insurance policy. Am I correct in that assumption?"

Flowers: "You're correct."

Black: "Okay. Thank you, Representative."

Speaker Brunsvold: "Any further discussion on the Amendment? Seeing none, the Lady has asked for the adoption of Amendment #1. All in favor say 'aye'; opposed say 'nay'. The 'ayes' have it, and the Amendment has been adopted. Any further Amendments?"

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

Speaker Brunsvold: "Hold that Bill on Second Reading. House Bill 885, Representative Winkel. Read the Bill."

Clerk Rossi: "House Bill 885, a Bill for an Act amending certain Acts in relation to political contributions. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

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Speaker Brunsvold: "Representative Winkel."

Winkel: "I believe there is a Floor Amendment."

Speaker Brunsvold: "It's in Rules, Representative."

Winkel: "I'd like to withdraw that Amendment and keep this Bill on Second."

Speaker Brunsvold: "You don't have to do anything right now, Representative. Hold that Bill on Second Reading. Committee Announcements."

Clerk Rossi: "The House Rules Committee will meet today at 1:00 p.m. in the Speaker's Conference Room. Rules Committee 1:00 p.m. Speaker's Conference Room."

Speaker Brunsvold: "If Representative Hartke is in the chamber, have him come to the podium please. Representative McGuire, on House Bill 1029. Do you wish to move that Bill, Sir? Please read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1029, a Bill for an Act amending the Code of Criminal Procedure of 1963. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No motions filed."

Speaker Brunsvold: "Third Reading. Representative Lopez, on (sic-House Bill) 1041. Representative Ronen, on (sic-House Bill) 1076. Representative Ronen. Representative Gash, on (sic-House Bill) 1087. Representative Gash. Representative Schakowsky, on (sic-House Bill) 1088. Representative Schakowsky. Representative Steve Davis, on (sic-House Bill) 1097. Please read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1097, a Bill for an Act to amend the School Code. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments."

Speaker Brunsvold: "Third Reading. Representative Julie Curry, on House Bill 1118. Representative Curry. Please read the



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Bill."

Clerk Rossi: "House Bill 1118, a Bill for an Act to amend the Property Tax Code. 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 1302."

Clerk Rossi: "House Bill 1302, a Bill for an Act concerning health insurance for children. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Currie, has been 'approved for consideration.'"

Speaker Brunsvold: "Representative Currie on House Floor Amendment #1."

Currie: "Thank you, Speaker and Members of the House. This Amendment is an Amendment in respect to a Bill that would provide health insurance paid for by states and by parents for children in lower income families. The Amendment came about by virtue of work with the Department of Public Aid, the Department of Public Health, the people at the CHIP Board, and with Howard Peters of the Governor's Office. I cannot represent that this becomes an absolutely agreed Amendment, but the effort is to say that the whole program will be driven by appropriations. In addition, the original Bill would provide this coverage for children up to the age of 18. Initially, under this Amendment, the program would cover children only through the age of 12, and while we established dollar amounts for the co-pays in the original legislation, the approach we've taken in the Amendment would instead set percentage of premium charges. I'd appreciate your questions and, particularly, your support for this Amendment."

Speaker Brunsvold: "And on the Amendment, the Gentleman from

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Vermilion, Representative Black."

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

Speaker Brunsvold: "She indicates she will."

Black: "Representative, the floating scale simply delays the time that, when we talk about children it is your intent, I think the Amendment says by the year 2002, 18 and under will be covered."

Currie: "Yes, but even at that date, Representative, the whole program will be... will be limited by the amount of appropriation that we offer to fund it. So the eligibility will increase, but that will not mean that all children up to that age will automatically be served. The service availability will depend upon appropriations."

Black: "Alright. Thank you, Representative."

Speaker Brunsvold: "Any further discussion? Seeing none, the Lady has moved for the adoption of Amendment #1. All in favor say 'aye'; opposed say 'no'. The 'ayes' have, and the amendment has been adopted. Further Amendments?"

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

Speaker Brunsvold: "Please hold that Bill on Second Reading. The Chair intends to go to the Order of Education. Representative Biggert. Representative Biggert. Representative Tenhouse, for what reason do you rise?"

Tenhouse: "Thank you, Mr. Speaker. The Republicans would ask for a Conference in Room 118 for one hour."

Speaker Brunsvold: "The Republicans have requested a conference for one hour. That will be granted, Mr. Tenhouse, as soon as the Rules Committee has finished meeting. Representative Hartke, for the Democrats."

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Hartke: "Well thank you very much, Mr. Speaker. The Democrats, we have our act together. So, we'll take an hour off and just relax and be ready to do battle when you get back."

Speaker Brunsvold: "We're going to call a few Bills. The Chair intends to call a few Bills until Rules has completed their work. House Bill 368."

Clerk Rossi: "House Bill 368, a Bill for an Act in relation to public services. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Saviano, has been 'approved for consideration.'"

Speaker Brunsvold: "Representative Saviano on the Floor Amendment."

Saviano: "Thank you, Mr. Speaker, Members of the House. Floor Amendment #1 to House Bill 368 is the result of an agreement worked out between AFSCME and the United Cerebral Palsy of Will County and ARK, which are the in-home care providers. This makes the Bill an Agreed Bill from their standpoint, and I would ask to be it adopted."

Speaker Brunsvold: "Discussion on the Amendment? Seeing none, the Gentleman has asked for the adoption of the Amendment. All in favor say 'aye'; opposed say 'no'. The 'ayes' have it, and the Amendment has been adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Brunsvold: "Third Reading. Representative Novak, on House Bill 1136. Sir, do you wish that moved? Please read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1136. The Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Novak, has been 'approved for consideration.'"

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Speaker Brunsvold: "On the Amendment, Representative Novak."

Novak: "Yes. Mr. Speaker, Ladies and Gentlemen of the House, Floor Amendment #1, to House Bill 1136, does the following: It makes health benefits available to a surviving spouse or dependent children of a police officer or firefighter who sustains a line of duty death. The major cost will be paid for by the survivor. This is applicable to Mrs. Timothy Simmons' husband, who was from Crest Hill, police officer, who was killed in the line of duty on September 28, 1994. The date is used in order to, that she might obtain health insurance for her family because of recent actions by the Crest Hill village board. For future line of duty deaths a two year window period exists for the survivor to make his or her decision, and the \$10 thousand burial benefit remains the same as the original Bill. Be more than happy to entertain any questions."

Speaker Brunsvold: "And on that Amendment, is there any discussion? Seeing none, the Gentleman has moved for the adoption of Amendment #1. All in favor say 'aye'; opposed say 'nay'. The 'ayes' have it. The Amendment has been adopted. Any further Amendments?"

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

Speaker Brunsvold: "Hold that Bill on Second Reading. Representative Hughes, on House Bill 1188. Representative Hughes, do you wish that Bill moved? Please read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1188, a Bill for an Act to amend the Counties Code. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Hughes, has been 'approved for consideration.'"

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Speaker Brunsvold: "The Lady from McHenry, Representative Hughes."

Hughes: "Thank you, Mr. Speaker. Amendment #2 addresses some reservations on the part of the Illinois Farm Bureau about wording of this Bill by deleting three words. Those objections and concerns were removed and it puts the Bill in an agreed position with no opposition. It's a technical correction. I would ask for your support in adopting this Amendment."

Speaker Brunsvold: "And on the Amendment, is there any discussion? Seeing none, the Lady from McHenry moves for the adoption of the Amendment. All in favor say 'aye'; opposed say 'nay'. The 'ayes' have it, and the Amendment has been adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Brunsvold: "Third Reading. Representative Wirsing, on (sic-House Bill)1181. Mr. Wirsing. Mr. Noland, on (sic-House Bill) 1212. Representative Saviano, on (sic-House Bill) 1276. Representative Coulson, on (sic-House Bill) 1320. Representative Coulson, on (sic-House Bill) 1320. Representative Mitchell, on (sic-House Bill) 1664. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1664, a Bill for an Act to amend the Clinical Psychologists Licensing Act. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1 has been adopted to the Bill. No Motions have been filed."

Speaker Brunsvold: "Third Reading. Representative Myers, on (sic-House Bill) 1346. Representative Myers on... Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1346, a Bill for an Act to amend the Higher Education Student Assistance Act. Second Reading of

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this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Myers, has been 'approved for consideration.'

Speaker Brunsvold: "Mr. Myers, on Floor Amendment #1."

Myers: "Thank you, Mr. Speaker, Ladies and Gentlemen. Floor Amendment #1 just reinstates some language that was originally deleted from the Bill. It addresses some concerns that the Illinois Student Assistance Commission and Members of the committee had. It tightens up the Bill a little bit, and I just ask for favorable consideration."

Speaker Brunsvold: "Any discussion on the Amendment? Seeing none, the Gentleman has asked for the adoption of the Amendment. All in favor say 'aye'; opposed say 'nay'. The 'ayes' have it, and the Amendment has been adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Brunsvold: "Third Reading. Mr. Turner, Art Turner. Representative Wood, on (sic-House Bill) 1389. Take that Bill out of the record, Mr. Clerk. Mr. Brosnahan, on (sic-House Bill) 1407. He does not wish the Bill called. Representative Holbrook, on (sic-House Bill) 1420. Does not wish the Bill called. Representative Brosnahan, on (sic-House Bill) 1424. Representative Younge. She does not wish the Bill called. Representative Younge, on (sic-House Bill) 1437? No. Representative Ryder, on (sic-House Bill) 1447. Mr. Clerk, (sic-House Bill) 1775. Excuse me, (sic-House Bill) 1735, Mr. Clerk."

Clerk Rossi: "House Bill 1735. The Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #3, offered by Representative Howard, has been 'approved for consideration.'"

Speaker Brunsvold: "The Lady from Cook, Representative Howard, on

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Amendment #3."

Howard: "Amendment #3 becomes the Bill. House Bill 1735, as amended, establishes a new tool for municipalities to address the blight of brownfields in their communities, and that new tool would be the environmental lien. This Bill would authorize municipalities to enter onto abandoned, tax delinquent, and dangerous properties to inspect, test and remediate environmental hazards. The costs of inspection, testing, and remediation become a foreclosable lien on the property. As amended, the Bill is the result of negotiations between the City of Chicago, the Illinois Bankers Association, the State Chamber of Commerce, the Illinois Manufacturers Association, and other parties. All parties have agreed to continue their negotiations in the Senate in the hopes that this measure will eventually reach the Governor's desk."

Speaker Brunsvold: "And on that question, the Gentleman from Vermilion, Representative Black."

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

Speaker Brunsvold: "Indicates she will."

Black: "Representative, I think I understand and appreciate your Amendment. Just a couple of questions. Nothing in the Amendment would put state finances at risk? The state is not going to have to come in and clean up any of these, you're asking municipalities to do it, correct?"

Howard: "That's correct."

Black: "If we give the municipalities these powers, is there due process provision for the owner of record or the mortgage holder of record of the building to be torn down?"

Howard: "Absolutely. There is due process."

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

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Speaker Brunsvold: "Further discussion? Seeing none, the Lady has moved for the adoption of Amendment #3. All in favor say 'aye'; opposed say 'no'. The 'ayes' have it, and the Amendment has been adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Brunsvold: "Third Reading. Representative Giglio. Representative Steve Davis, on (sic-House Bill) 1464. Sir, do you wish that Bill called? He does not. Representative Black, on (sic-House Bill) 1501. Representative Krause, on (sic-House Bill) 1565. She does not wish the Bill called. Representative Granberg, on (sic-House Bill) 1598. Representative Kenner. Representative Kenner. Representative Bradley, on (sic-House Bill) 1629. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 1629, a Bill for an Act concerning commercial transactions. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Brunsvold: "Third Reading. Representative Steve Davis, on (sic-House Bill) 1668. Please read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1668, a Bill for an Act to amend the School Code. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Steve Davis, has been 'approved for consideration.'"

Speaker Brunsvold: "Mr. Davis, on Amendment #1."

Davis, S.: "Thank you, Speaker, Members of the House. Amendment 1 became the Bill, and what House Bill 1668 does is allow the Bethalto Unit School District #8 to sell to the Community Hope Center for one dollar, an abandoned school building in my district. And I believe that the bill came out of..."



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the Amendment came out 'do recommend' unanimously, out of the Education Committee. I would ask for its adoption."

Speaker Brunsvold: "And on the Amendment, is there any discussion? The Gentleman from Vermilion, Representative Black."

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

Speaker Brunsvold: "He indicates he will."

Black: "Representative, has there been any appraisal on the parcel to be deeded?"

Davis, S.: "Representative, if there has been I am not aware of it."

Black: "Who owns the current parcel?"

Davis, S. "The Bethalto Community Unit School District #8, Representative."

Black: "Okay. So it isn't anything owned by a state agency then?"

Davis, S.: "No, Sir."

Black: "Alright. Thank you."

Speaker Brunsvold: "Any further discussion, on the Amendment? Seeing none, the Gentleman asks for the adoption. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it, and the Amendment has been adopted. Any further Amendments?"

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

Speaker Brunsvold: "Representative Davis, on Amendment #2."

Davis, S.: "Thank you, Speaker, Ladies and Gentleman of the House. Amendment 2 addresses a concern that was brought up in committee when I presented the first Amendment, and what it does, it requires the Community Hope Center to, in case they would sell the property that is given to them or sold to them by the school district, it would require them to

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give any proceeds from a sale or lease of the property back to the Community Unit School District #8. I would ask for its adoption."

Speaker Brunsvold: "Any discussion on the Amendment? Seeing none, the Gentleman has moved for the adoption. All in favor say 'aye'; opposed say 'nay'. The 'ayes' have it, and the Amendment has been adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Brunsvold: "Third Reading. Representative Brosnahan, on (sic-House Bill) 1674. Does not wish the Bill called. Representative Scott, on (sic-House Bill) 1684. Please read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1684, a Bill for an Act to create the Contractor Reporting Act. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Scott, has been 'approved for consideration.'"

Speaker Brunsvold: "Representative Scott, on Floor Amendment #1."

Scott: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #1 clears up a couple of problems with the Bill. The underlying Bill creates a Contractor Reporting Act so people who are hiring residential contractors can find out information about lawsuits and bankruptcies that they might have had. The Amendment tightens those up a little bit and makes the contractors provide a little less information about certain kinds of suits and also gives them... allows them to provide disposition and also moves it from the office of DCCA, where we had it in the underlying Bill, to the Attorney General, which was suggested in committee when it first passed out."

Speaker Brunsvold: "Any discussion, on the Amendment? Seeing

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none, the Gentleman has asked for the adoption. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it, and the Amendment has been adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Brunsvold: "The Gentleman asks to leave that Bill on Second. The Chair is prepared to recess for a Republican Conference in (sic-Room) 118. Allowing Perfunctory time for the Clerk, the Republicans will meet in Room 118, the Democrats are not holding a Conference. We will return at the hour of 2:30. We will return at the hour of 2:30 and begin the educational Roll Call. So, with that, the Chair stands in recess until 2:30 for a Republican Conference."

Clerk Rossi: "Committee Reports. Representative Currie, Chairman from the Committee on Rules, to which the following Amendments were referred, action taken on April 15, 1997, reported the same back with the following recommendation: 'be adopted' Floor Amendment 2 to House Bill 687, and 'be referred to Second Reading' House Bill 1604, 1605, and 1901."

Speaker Brunsvold: "The House will come to order. The Chair intends to do a few Second Readings and would ask the Members in their offices to please return to the House Floor. Representative Joe Lyons, on (sic-House Bill) 1760. Does not wish the Bill called. Mr. Lyons, (sic-House Bill) 1761? Does not wish that Bill called. Representative Schakowsky, on (sic-House Bill) 1784. Representative Schakowsky, (sic-House Bill) 1784, do you wish the Bill called? Please read the Bill."

Clerk Rossi: "House Bill 1784. The Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Schakowsky, has been 'approved for consideration.'"

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

Schakowsky: "Yes. Floor Amendment 2 removes all the objections that I know about to this Bill, whose intention is to make sure that we don't displace low-income home care workers when we're trying to move people off of welfare, but it also makes sure that we don't discriminate against those workers and makes sure that we don't prohibit employers for firing people for cause inadvertently in our Bill. And it also is an agreement with the Department of Rehabilitation Services to make sure that we take care of their language. So, I think we've met all the objections. I would move to pass."

Speaker Brunsvold: "Any questions on the Amendment? The Gentleman from Kendall, Representative Cross."

Cross: "So, Representative, we just want to make sure on our side of the aisle there is absolutely no opposition... Will the Sponsor yield?"

Speaker Brunsvold: "She indicates she will."

Cross: "Representative, there's no opposition, whatsoever, from anyone at this point?"

Schakowsky: "I'm unaware... all the players that I know about, which include the home care workers, the various departments, the service providers, everyone is on board now as long as these Amendments are there."

Cross: "Are they on board or are they neutral, just for clarification?"

Schakowsky: "I know that the home care workers and providers are in favor of the legislation, I'm not sure if the departments are now supporting, but they're not opposing."

Cross: "Once again, from a point of clarification, the fact that they're neutral doesn't necessarily mean they're on board,

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they're just not opposed anymore?"

Schakowsky: "I may have misspoken. I don't know of any opposition from the departments. I do know all the other stakeholders are in favor."

Cross: "Are you going to call this on Third today, or is it going to be tomorrow or the next day? Maybe we can find out for sure after we leave here."

Schakowsky: "My plan was now to move it to Third, and I can immediately find out where the departments are."

Cross: "Okay. Thank you very much."

Speaker Brunsvold: "Any further discussion? Seeing none, the Lady has moved for the adoption of the Amendment. All those for approval should say 'yes'; all opposed 'no'. The 'ayes' have it, and the Amendment is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Brunsvold: "Third Reading. Representative Fritchey, with (sic-House Bill) 1918. Please read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1918, a Bill for an Act to amend the Illinois Municipal Code. Second Reading of this House Bill. Amendment #1 was adopted on the Floor. No further Floor Amendments have been approved for consideration. No Motions filed."

Speaker Brunsvold: "Third Reading. Representative Fantin, on (sic-House Bill) 2061. Representative Fantin, on (sic-House Bill) 2061. Please read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2061, a Bill for an Act concerning small business. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Brunsvold: "Third Reading. Representative Turner, John Turner, on (sic-House Bill) 2067. Read the Bill, Mr. Clerk."

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Clerk Rossi: "House Bill 2067, a Bill for an Act amending the Criminal Code of 1961. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative John Turner, has been 'approved for consideration.'"

Speaker Brunsvold: "The Gentleman from Logan, Representative John Turner, on Floor Amendment #1. Excuse me, Floor Amendment #2."

Turner, J.: "Thank you, Mr. Speaker. This Bill originally increased the penalty for aggravated battery causing permanent disability to a police officer or a correctional employee to a Class I Felony. The Amendment includes state's attorneys as one of the protected individuals under the aggravated battery statute."

Speaker Brunsvold: "Any discussion on the Amendment? On that, the Gentleman from Livingston, Representative Rutherford."

Rutherford: "Could you repeat what Amendment 2 does, it puts state's attorneys in with the same class as police officers?"

Turner, J.: "Yes. Representative, there is a battery statute, as you know, and there are certain individuals, if harmed, because of their status would make the penalty an aggravated battery."

Rutherford: "Beyond police officers and state's attorneys, what are the other."

Turner, J.: "Just a second, Representative, I'll read you the entire list."

Rutherford: "Are Legislators? Are dog catchers?"

Turner, J.: "No, they are not on there. I'll give you an example. Teachers would be included, supervisors, directors, instructors, or other persons employed in any park district, case workers, investigators, or other

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persons employed by the State Department of Public Aid, peace officers, ambulance attendance, medical technicians, judges, and a few others, and state's attorneys and their assistants would now be added."

Rutherford: "Thank you very much."

Speaker Brunsvold: "Any further discussion? Seeing none, the Gentleman has asked for the adoption of Amendment #2. On that Motion, all in favor say 'aye'; opposed say 'no'. The 'ayes' have it, and the Amendment is adopted. Any further Amendments?"

Clerk Rossi: "No further amendments."

Speaker Brunsvold: "Third Reading. The Chair is now going to Third Reading on Education, and the first Bill on that list is House Bill 1700. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1700, a Bill for an Act amending the School Code. Third Reading of this House Bill."

Speaker Brunsvold: "On that, the Gentleman from Cook, Speaker Madigan."

Madigan: "Mr. Speaker and Ladies and Gentleman of the House, this Bill is a simple Bill. It takes the current permissive language in the state law relative to school uniforms and dress code policy of schools and provides that that language shall become mandatory. We have found, in terms of certain school districts, that where a district, through the local school board, has adopted a uniform policy or a dress code policy, that it helps greatly in terms of fostering an environment in the school building that is conducive to learning and it is conducive to order and discipline within the school building. And I would move for a favorable Roll Call."

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

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

Speaker Brunsvold: "Indicates he will."

Rutherford: "Speaker Madigan, is there a reason that a school board, locally, could not affect this for their own process and decision locally?"

Madigan: "No."

Rutherford: "Then why are we doing this?"

Madigan: "Because this would be a very clear statement of state policy emanating from the Legislature and the State Government, which in our judgement, speaks to a problem today in terms of discipline and order in school buildings all over the state, not just in certain areas of the state."

Rutherford: "I recall when you brought this to committee, and I know that there was an overwhelming number of people that voted for it, I did not vote for that at that time, and I do not intend to today. The concern that I have, to be very candid is that, albeit, I believe this probably is a good idea for having school uniforms, but the concern that I have is obviously that what we're doing is another state mandate requiring every single school district throughout the entire state to have this type of a program. I think it's a concern to be able to take away the local authority from our local elected school boards and other state mandate, and another question or concern, not a question, I'm sorry. Another concern that I have is basically what we're doing here is doing something that could well also have an economic impact upon families that may be in rather hard straights and tight times in certain situations. Geographically around the state, some of our school districts are more affluent than others may be, and for that reason I have to stand in opposition to the



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legislation."

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

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

Speaker Brunsvold: "He indicates he will."

Lang: "Thank you. Speaker Madigan, just one question. I just want to confirm that this is a requirement that they have a policy, not a requirement that they have uniforms, would that be correct?"

Madigan: "This Bill would provide that the local school districts would decide this question. The local school district, through the local school board, either would provide for a uniform policy or a dress code."

Lang: "So we're for local control here, is that correct?"

Madigan: "We're for local decision making."

Lang: "Great."

Speaker Brunsvold: "The Lady from DuPage, Representative Cowlshaw."

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

Speaker Brunsvold: "He indicates he will."

Cowlshaw: "My information, which has been provided to me just recently, indicates that apparently, at least when this Bill was presented in committee, it was opposed by the ACLU, the Statewide School Management Alliance, and the Illinois Education Association. Are those people still opponents or have they revised their view?"

Madigan: "Representative, I think that the IEA changed its position at the time of the committee hearing after the Amendment was adopted."

Cowlshaw: "What does the Amendment do please?"

Madigan: "Well, the Amendment provides that the language is permissive. It provides that the local school board will

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make the decision."

Cowlshaw: "Perhaps I don't understand correctly. It is my understanding that this Bill, as amended, requires local school boards to have a policy on this subject."

Madigan: "True."

Cowlshaw: "Then, since, apparently we do not have any provision for reimbursing school districts for any costs they may encounter because they would need to provide these kinds of things for indigent children, is this not an unfunded mandate?"

Madigan: "Representative, I don't view this as a cost item for a local school district, because the experience to date has been that where there are children from poverty, that there have been arrangements made where the teachers and the parents in the school building and in the school district work cooperatively to provide either the uniform or the money to purchase the uniform. The experience to date has not been one where tax money and local school districts are being required to fund this."

Cowlshaw: "It's going to be a little like that funding plan we voted on the other day, this is the do it yourself funding for school uniforms plan?"

Madigan: "Well, this is another case of where people are being given control of their own destiny. So, we're simply telling a local school district, through its local decision making process, that they ought to do something about this, and thereafter the local people carry out the policy."

Cowlshaw: "Just a couple more brief questions."

Speaker Brunsvold: "Proceed."

Cowlshaw: "There are, I believe, in accordance with the most recent information I have been provided both by the ECS and the NCSL, there are currently nine states in the United

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States that have provided something in their state laws that provide for local school districts to mandate uniforms if that local school board so chooses. But it is entirely under local control, it is entirely a local option. Those states are California, Florida, Indiana, Louisiana, Maryland, New York, Tennessee, Utah, and Virginia. None of those states impose a state requirement that this be done. In all of those states, they leave it entirely to local control. Why do we not want to leave this to local control?"

Madigan: "Because, speaking for myself, I think that it would be good and helpful that there be a clear statement from the Legislature and the State Government carried back to local districts that where this has been done it has been a good thing. It has helped the administrators and the teachers create an environment and an atmosphere in a school building which leads toward good education."

Cowlshaw: "Mr. Speaker, to the Bill."

Speaker Brunsvold: "Proceed."

Cowlshaw: "There is not one of us in this chamber that would not like to do everything that we can do, whether that involves money or whether it does not, to improve the education of children throughout all of Illinois. But there is one of the things that we have always believed was an ingredient in that that we have called local control. Mr. Speaker, I am not convinced that all the wisdom in the State of Illinois is somehow deposited in this chamber in Springfield. We have duly elected school boards at home, who are probably far more able to determine the needs and the desires of that local constituency than we are. I believe that the opt out portion of this Bill, which in this case has only to do with religious things, would

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probably be declared unconstitutional, and I think that most of all, the fact that this is a violation of what we really ought to be doing, and that is to support local control and local decision making. And for that reason and several others, I must stand in opposition to this Bill."

Speaker Brunsvold: "The Lady from Cook, Representative Fantin, is recognized."

Fantin: "Thank you. In support of the Bill. We have two of our local schools that have tried both of these methods. That two schools went to uniforms at the request of parents. One school has just had the dress code. The dress code was established because of gangs, gang colors, gang identification through clothing. So they have their standard policy of certain colors of clothes, et cetera. So they do have a school code. The other two schools, one in Dalton, Illinois and one in Calumet City, Illinois went to uniforms. Let me tell you, it has been very successful. The children are no longer concentrating on what they're wearing. The children that are of lesser means are not concerned that they do not have the same quality clothes as their peers. They're able to concentrate on their school work, and able to concentrate on their studies. From my own personal experience, I have four children. Three I had in private school, which wore uniforms, my youngster, who is just starting kindergarten, for two and a half hours a day, buying uniforms for the older children cost me 1/3 of the cost that it cost me to send this child to kindergarten for two and a half hours a day because of the cost of the clothes. Uniforms are more reasonable, they can be handed down, you do not need as many clothes when they wear uniforms, and it does work. I agree it should be left up to the schools, but what this Bill says is that they can

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have either a dress code or uniforms. From personal experience, I stand behind this Bill 100%, and I would like you to take a very serious look at it, it works."

Speaker Brunsvold: "The Gentleman from Kane, Representative Hoeft."

Hoeft: "Thank you. Will the Speaker, or Speakers yield please?"

Speaker Brunsvold: "He indicates he'll yield."

Hoeft: "I'm totally confused. I need a lot of help on this one, obviously I don't understand things. Could you define what a dress code policy is that is optional?"

Madigan: "It would be a policy adopted by a local school board after hearing and consultation with parents and teachers and administrators. It would recognize local needs, local concerns. Bottom line, it would bring order and discipline into the school buildings, which is needed in every school building in this state, not just in certain areas of the state."

Hoeft: "As we're going along, I have been asked to take this off of Short Debate. Could we place this on... take it out of Short Debate? The requisite number of people with their hands up."

Speaker Brunsvold: "So recognized. It will be removed from Short Debate."

Hoeft: "Thank you, Sir. Would the following policy be a school option policy that all teachers and students must wear clothes?"

Madigan: "I didn't follow your question."

Hoeft: "I didn't think you would. I'm trying to figure out to what detail you need. Would it be a school dress code policy if a school board put through a policy which said teachers and students must wear clothing?"

Madigan: "I think they would want to go a little bit beyond that,

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Mr. Hoeft."

Hoeft: "Because right now, there isn't a school district in the State of Illinois that does not have a dress code. They have defined what is appropriate, decent clothing that is not disruptive of the educational process. They have this in policy and this is virtually statewide. I don't understand what this new thrust is all about."

Madigan: "The new thrust is attempting to respond to a problem which has been found all over the state, which is, there is a need for more order and discipline in classrooms and school buildings, and I think that we, as Members of the Legislature, are within our rights to express ourselves on this question and to send a directive to local school districts and local school boards. This is not viewed as a cost item."

Hoeft: "Who will be enforcing this?"

Madigan: "The local decision makers, the local board, the teachers."

Hoeft: "There will be no enforcement, there will be no verification on whether a school board does or does not do this?"

Madigan: "That's correct."

Hoeft: "So it's optional, optional. We have Representative Fantin talking about her schools, we have Carpentersville in my area that have done this, they have done it successfully, it has been an excellent policy. To the Bill please."

Speaker Brunsvold: "Proceed."

Hoeft: "I find that this is a Bill that has meaningless, it bulks up the school code. I do not understand this, because this is being done straight through the state. There is no enforcement, and most school districts already have a

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school code, a policy of a dress code in this state. I think that this is basically distracting us from our focus, and our main focus should be on other issues dealing with school funding and financing. I intend to vote 'no', because this simply is a replication of what we already have in the State of Illinois."

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

Crotty: "Thank you. Will the Speaker yield?"

Speaker Brunsvold: "Indicates he will."

Crotty: "At first, when mandatory uniforms came up, I was adamantly opposed. I feel very strongly that local government and school boards are most certainly able to make these decisions on their own. As I served on a school board, I had a policy board dress codes. Many of the school districts in my area, do have a policy on dress codes, but the way the language is now, in this Bill, I do not find that my rights or the rights of school board members that were elected have been taken away. And a matter of fact, I think that we make a statement that we, as Legislators, are asking all school districts to have a policy that would improve and protect the educational system within their districts. So with that language, I am in support of this Bill. Thank you."

Speaker Brunsvold: "The Gentleman from Vermilion, Representative Black."

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

Speaker Brunsvold: "Indicates he will."

Black: "Representative, I have heard, since your opening remarks, something about this Bill being amended, and LIS shows no Amendment, and I show no Amendment on my file. So, could you address my concerns. I hear you saying that this Bill,

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the current language, as amended, and I find no Amendment to the Bill."

Madigan: "Mr. Black, you're correct. My reference was to the next Bill."

Black: "Okay. So the Bill we have before us has not been amended in any way, shape, or form since you introduced it?"

Madigan: "Yes."

Black: "Alright. Let me... on page one of your Bill, line 7-10, I see the language 'the school board shall,' adopt is already in the current law, then we'll continue with your new language, 'shall adopt and implement, not later than the beginning of the 97-98 school year, and for each school year thereafter, a school uniform or dress code policy.' I interpret that to mean that this is, in fact, a mandate on local schools, they shall do this."

Madigan: "Are you expecting an answer?"

Black: "Well, if I'm not reading it correctly, if you can... I'll certainly stand corrected."

Madigan: "I would characterize it as a non-cost mandate."

Black: "I don't understand. I spent 20 years in education, and I don't understand a non-cost mandate. If I have to do something, generally, it's going to cost me some money to do what you tell me I have to do."

Madigan: "I would say this might cost some time for the board to consider it, to adopt the policy. It might require some time and energy for people to implement it. I just don't view it as a typical mandate coming from the state, which mandates the expenditure of money by local units of government or local school districts."

Black: "Wasn't it Harry Truman that said, 'Time and energy is money', or something thereabouts? I can't always remember. Following up on a previous speaker. If your Bill has no



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mechanism, it says 'shall', and if a school board decides that they don't want to spend the time and they don't want to spend the money and the energy, so they do not implement a dress code or uniform policy, will they be sanctioned in any way?"

Madigan: "No."

Black: "So, in effect, if I characterize your Bill incorrectly let me know, it appears that the Bill clearly says 'you shall do this,' but you say they don't have to do it, and if they don't do it no sanction will accrue to them."

Madigan: "Just leave out the middle part of your statement."

Black: "Now you're trying to confuse me. How many schools in the State of Illinois currently, public schools, and I don't know the answer to this, are there public schools in the State of Illinois currently asking or enforcing a uniform code upon their student body?"

Madigan: "Yes, there are."

Black: "Do you have any idea how many there are?"

Madigan: "No, I don't."

Black: "Then let me go back to this 'shall' rather than 'may'. It would appear to me that if there are public schools already implementing a uniform policy, then they have the right, they being those locally elected school boards, have the right to implement said policy, correct?"

Madigan: "Yes."

Black: "Then why are we doing this?"

Madigan: "I think we ought to do it so that there would be a very clear statement by the Members of the General Assembly and the State Government that this is a good, sound policy because it creates an atmosphere in the school building, which is conducive to learning."

Black: "Well, as always, Representative, I appreciate your

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forthright answers, and, Mr. Speaker, if I could, to the Bill."

Speaker Brunsvold: "Proceed."

Black: "We passed a Bill last year and it was signed into law, House Bill 2596, that provided local school councils and school boards with the option of establishing a dress code or a uniform policy. Now, prior to the passage of that Bill last year, we believe, most of us in this chamber believe, that the school boards had the option of implementing this, but they requested specific statutory authority. So, we gave it to them, last year, in House Bill 2596. Now we have already heard the Sponsor of the legislation saying even though the word 'shall' appears in the Bill, that it is not a mandate, and that if they do not comply, no sanctions will be taken against them. So, I simply rise in opposition to this Bill. If it has been portrayed accurately, then it doesn't do anything, and whether or not students in my district wear uniforms should be left to the locally elected school board, not the General Assembly. We don't have to send any message to that school board, that's why they're elected, to make these decisions. And I for one, would rather see my students in my district back home be able to have classrooms in something other than old bathrooms, rather than be all excited about what uniform they wear to school. Vote 'no'."

Speaker Brunsvold: "The Lady from Cook, Representative Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. To the Bill, Mr. Speaker. To the Ladies and Gentlemen in the Body, about four years ago when Recorder of Deeds Jessie White was a Member of this Body, and we were on the Elementary - Secondary

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Education Committee, I passed this initiative with the help of those on that committee. And the reason we passed the School Uniform Bill that said 'may,' was because we felt it would reduce the violence in the schools, it would reduce children being concerned with what designer outfit he or she had on that day, it would allow children the opportunity to focus on what is being taught in the classroom. We looked at what everybody does when he or she is about serious business. A pilot who's driving a plane has on a uniform. A policeman wears a uniform. A nurse wears a uniform. A doctor has a uniform. And people who are about serious business, depending on the kind of work they're going to do, they do wear a uniform. In order to remove their thought processes away from their dress, and onto the serious business at hand. I rise in support of this legislation that says every school board 'shall' consider this issue. A number of children are attending school today and some of them are attempting to dress the way they see the movie stars are dressed on the videos, the movie videos. They want to emulate and copy what they see. Someone must be concerned with standards. There are standards of dress, just as there are standards of behavior. I am very pleased to stand in support of this legislation, because as I visit the schools in Chicago that have the dress code, the children have a sense of pride about themselves that may not have been there before. They have a sense of pride that a team, a sports team would have. You notice the Bulls, they wear a uniform, and they're all very proud of the uniforms they wear. I think we not only should do this, Mr. Speaker, I think we ought to, after this Bill passes, consider making a teacher uniform Bill. I think it might be time to have teachers

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come to school dressed, looking in a particular way, where they're ready for work, but this is an excellent piece of legislation, and I urge your support. Thank you."

Speaker Brunsvold: "Everyone take their Caucuses off the Floor, please. Have a little quiet. The Gentleman from Madison, Representative Stephens."

Stephens: "Mr. Speaker, were you asking me to take my Caucus off the Floor?"

Speaker Brunsvold: "No, Mr. Stephens, but if you wish."

Stephens: "Well, I just wanted to make sure we're clear. I wonder if the Gentleman will yield for a question?"

Speaker Brunsvold: "Indicates he will."

Stephens: "Mr. Speaker, as a duly elected leader of this Body, is this your basic response to the education challenges facing the children in Illinois today?"

Madigan: "No, it's not, Mr. Stephens. This is part of a program that I think should be advanced through this Session of the General Assembly. As I said as part of my inaugural remarks on our inaugural day, there are some very basic elements that are needed for reform of education. Number one, we need to change the system of financing public education in the state so that there is more equity among districts. We need to put more money into the system, and as was documented by the Republican radio commercials in Cook County during the last general election cycle, I have said for years that I would be prepared to vote for the tax that would put more money into education. In addition, we need more accountability, we have to hold teachers more accountable, and in that regard, I said that as part of a broad legislative package, I would be prepared to vote for the elimination of tenure. In addition, I think we have to take action to bring more discipline into the classrooms

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and into the school buildings. And this is one small thing that can be done in that regard. This Bill and the next Bill are not intended to be a cure-all for all of the problems of education in this state. It requires a broad legislative package, as enunciated by Governor Edgar. And I think we'd all be well advised to get about the business of supporting the Governor. Not necessarily with these two Bills, but stop playing games, get on board with the Governor's program and move it through here so that we can actually bring some fundamental change to the system of operating schools in this state."

Stephens: "Well, I think that those remarks were a good example of what I believe this really is, Mr. Speaker, and I say this with all due respect, this is really just a diversion from the real issues. When you had your, in your inaugural address you did mention three issues. You mentioned school uniforms, homework, and tenure, and to this date we've seen little beyond that. As the elected Speaker of the House, and to the Bill, Mr. Speaker, I believe it's your responsibility to present to us, the Members who are responsible for your election as the Speaker of this House, a plan. You are a state leader, you, I believe it's incumbent upon you to step forward with your plan to negotiate with those of the rest of us that are working day after day, week after week to put together a program that answers the needs of the children of this state. Treating each child in this state with fairness and equity treating the taxpayers with respect and equity, and making sure that the job that be do in educating our children is not only improved but it is complete. And so I would remind the Body that, as the Speaker of the House, we feel that you should come forward with your plan. Stop the diversion,

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which is what this Bill is, and the next, and as the elected Speaker, step forward and meet your responsibilities, Sir. Thank you, Mr. Speaker."

Speaker Brunsvold: "The Gentleman from McLean, Representative Brady."

Brady: "Mr. Speaker, should this receive the requisite number of votes, I wish to verify. Will the Sponsor yield?"

Speaker Brunsvold: "So recognized. The Sponsor indicates he'll yield."

Brady: "Speaker Madigan, earlier you were asked if, how many school districts had uniform or dress code policies. Do you know of any school districts that do not have a uniform or a dress code policy in the State of Illinois?"

Madigan: "Not precisely. I presume that there are some that don't."

Brady: "But do you have any citings that we might look out for, that we might be trying to correct? In other words, is there anyone right now that you can cite, who would be in violation of this law, should it pass?"

Madigan: "No."

Brady: "So, as important as this issue is to you, you're not sure there's a need for it, because everyone, in fact, may be abiding by this law."

Madigan: "I think there's a need for the Bill, and I've spoken to that about three or four times in this debate."

Brady: "But if everyone is already in compliance, would you still think there's a need for this Bill?"

Madigan: "I think that it's good and healthy for every Member of this House and General Assembly and the State Government to make this statement, and issue this directive to the local school districts."

Brady: "We could also do that by passing a Resolution thanking

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them all for already having this in place, and for that reason, I tend to not support the Bill."

Speaker Brunsvold: "Seeing no further discussion, Speaker Madigan, to close."

Madigan: "Mr. Speaker and Ladies and Gentlemen, once again, I urge support for this Bill. As has been explained in debate, this would be a mandate that would not entail any monetary cost to the school districts. We know from experience that where there are children from poverty in school districts that arrangements have been made by the teachers and other parents to provide that it does not become a financial burden that these children are required to wear uniforms, and in conclusion, let me explain a poll recently taken by the Wall Street Journal where respondents were asked to indicate whether they approve or disapprove of a whole variety of issues which are designed to improve the educational quality in the country, and over 50% of respondents indicated their support for a requirement that children wear school uniforms in the schools, and this was the only, this and the homework item, were the only ones that were non-cost items that got over 50% approval. I request a favorable Roll Call."

Speaker Brunsvold: "The question is, 'Shall House Bill 1700 pass?' All those in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. The Gentleman has asked for Consideration Postponed. It will so be placed by the Clerk. House Bill 1701. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1701, a Bill for an Act to amend the School Code. Third Reading of this House Bill."

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

Madigan: "Mr. Speaker and Ladies and Gentlemen of the House, this Bill would provide that local school districts would be required to have homework policies. Simply provides that in every school district in the state, there must be some policy on homework. It does not mandate item by item what the nature of the assignment would be. It does not tell a school teacher what the assignment for a particular day should be. It simply says that homework is an integral part of the education process, and that on everyday there ought to be some assignment that's carried home and then brought back for review the next day. I request a favorable Roll Call."

Speaker Brunsvold: "Is there any discussion? Is there any discussion? The Gentleman from Vermilion, Representative Black."

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

Speaker Brunsvold: "He indicates he will."

Black: "Representative, this Bill has been amended by Committee Amendment #1 and that becomes the Bill, am I correct?"

Madigan: "Yes."

Black: "All right. Let me just ask you a few questions about Committee Amendment #1 that, in effect, is the Bill now. On page one of the Amendment Section 10-20 - Homework Policy, it says, 'the school board of each school district shall establish and enforce a homework policy for the 1997-98 school year and each school thereafter that is consistent with the requirements of this Section. Under that policy, the school board shall mandate,' 'shall,' not 'may,' 'that homework be regularly assigned to students,' and then it goes on to list a number of requirements under



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that policy. So, would you characterize this as a mandate?"

Speaker Brunsvold: "Please, Ladies and Gentlemen, let's have some quiet."

Madigan: "Once again, Mr. Black, a non-cost mandate."

Black: "Well, we could argue that semantically. It may not be a direct cost, but to establish and enforce, which is in your Bill, to enforce this policy, I assume will cost some staff resources, but, you know, we may just agree to disagree on that. I think what I'm after is, this presents some interesting difficulties as someone who's spent a number of years in the classroom, as I did. How will you insure, are you giving the compliance factor to the state board, or is there any compliance factor to see that school districts are complying with this legislative measure?"

Madigan: "The answer is no."

Black: "Does your measure, it is silent on this point, would your measure or would it be your intent to have these policies forwarded to the state board, so that the state board knows that, in fact, all districts do have a homework policy on file?"

Madigan: "That is not provided for by the Bill."

Black: "Then, similarly to the last Bill, I assume then there are no penalties or sanctions for school districts who simply, for whatever the reason, do not implement this policy."

Madigan: "Correct."

Black: "All right. Now, I could give you a number of scenarios, but let me just one, because, and I think you and I and most everybody in this chamber is in agreement of how technology is changing the very face of education as you and I knew it going through school. But let's take a district like mine, a very diverse district, we do have

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computer labs, certainly not what we'd like to have, but if I were a teacher of a computer science class, how could I give a homework assignment when I would probably know full well that more than half of my students do not have a computer at home?"

Madigan: "I don't think you would give a computer assignment, would you? Would you do that?"

Black: "Well, I think you would like to if you could..."

Madigan: "Well, but as a former teacher who tried to work with children, you wouldn't embarrass a child like that would you?"

Black: "No."

Madigan: "Not Bill Black."

Black: "No. Well, I..."

Madigan: "I didn't think so."

Black: "I think we have policies that would prohibit us from doing that. In fact, we had many an unwritten policy established by the local school board on, and it used to be Wednesday night was considered church night, I don't think it's that way as it was 35 years ago, but local school boards often had a policy that homework should be avoided on Wednesday nights if at all possible. I guess what I'm trying to say is, again, local school boards have the means and the wherewithal to establish this policy, and I would imagine many of them do. So again, what is the fundamental purpose of your legislation since you really don't have any way of checking or enforcement, nor have you given any indication that you want to?"

Madigan: "The fundamental purpose of the legislation is to provide a directive from the Legislature to the school districts that homework assignments are an integral part of the educational process. The idea that learning does not

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stop when you leave the school building."

Black: "I guess what I'm having trouble, and I always like to see if I can have a cause and effect in anything I look at, assuming that a teacher is not giving homework now, and you say you shall do this, there shall be a policy, and the teacher, for whatever the reason, says, 'No, I'm not going to do that.' Then what happens to that teacher? Do we get involved as a Legislature, or do we assume the locally elected school board will get involved in that?"

Madigan: "I presume that first the principal or the administrator would try to work with the teacher to encourage implementation of the policy."

Black: "Okay. Again, I appreciate your response, Mr. Speaker. Mr. Speaker, pursuant to House Rules, I'm joined by seven Members on my side of the aisle to remove this Bill from Short Debate, and if I could speak to the Bill, Mr. Speaker."

Speaker Brunsvold: "So recognized. Proceed."

Black: "You know, on the face of this Bill, as amended, it's very difficult to argue against it, and I don't think anybody will get up and argue against the intent of the legislation. I think homework should be an integral part of education. I certainly had what I considered to be tons of it when I was a young student. It's hard for me to remember that far back, but we did have homework. When I taught, I did assign homework within the parameters of my locally elected school board and the financial resources of my school and my students and the parents who sent their children there. This Bill sends a very strange message. It says it will be required, but there is no enforcement mechanism to require anything. You know, when I first heard about this Bill, I had visions of homework police

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riding forth throughout the State of Illinois, knocking on the door of children throughout Illinois at 8:30 at night and say, 'I'm here to inspect your homework, and if you don't have it, you may be guilty of a felony.' My God, the way we go it could happen. Now, I know the Sponsor doesn't have that intent. I have far too much respect for that individual to even insinuate that he would do so, but I think many people perceived, when the General Assembly gets involved and mandates homework, their perception is that sooner or later you're going to mandate compliance. I dare say that no school district in the State of Illinois has the staff or the financial resources to enforce this rule. Nobody wants to see homework police, we all want to see homework as an integral part of our education. But once again, that decision as to the requirement, as to how it will be implemented and how it will be enforced should rest with locally elected school boards. I intend to vote 'no.'

Speaker Brunsvold: "The Lady from DuPage, Representative Biggert."

Biggert: "Thank you, Mr. Speaker. To the Bill. As a former school board member, I can remember sitting in our board meetings wondering why the Legislature was doing this or that to us, and, to me, making a mandate for homework requirement is just another one of those policies that is a mandate on local government and should not be done. In looking at the Wall Street Journal poll, and the ranking that was in the poll is for prescriptions for proposals that would make improvement in public schools. The number one ranking in the poll was to recruit and retain better teachers. Second was to improve computer equipment and training. Third was to reduce class size. Fourth was to

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require standard tests for promotion. Next was to give greater control to the local level. Next was to require teachers to pass a competency test each year. Then alternative schools for discipline problems teach basic skills using traditional methods, more challenging requirements, fewer electives, spend more money on education, introduce a set of national education standards, new teaching methods based on learning research, downsize school administrations, provide financial rewards for the best teachers, de-emphasize extra curriculums, more academics, and third from the bottom was require students to wear school uniforms. Next to the bottom was increase home work, and finally to lengthen the school day. I think that what we really need to do is to know where is the plan. This is a band-aid solution, and to me there's something wrong if we're promoting homework policy over issues which are the utmost important to the Legislature and to the educational community as to what are we going to do about the crumbling schools? What are we going to do about class sizes? What are we going to do about the academics? We need to get on to the business of resolving the overall issue of education funding, and I would urge a 'no' vote."

Speaker Brunsvold: "The Lady from DuPage, Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker. To the Bill. Many of the remarks that were made about House Bill 1700 apply to this Bill as well, particularly those having to do with local control, and having confidence that our local school boards, because they are much closer to that constituency, are more akin to what the people, the students, the taxpayers in each of these school districts throughout the

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state really want, and what is most suitable for that unique constituency. Rather than painting with this extremely broad brush, which is what we tend to do when we do things with the state law. But finally, Mr. Speaker, the term 'homework' says a lot. It assumes that there is a home where this student is going to go, and I guess it assumes that that's a nice nourishing place, where there are two parents, where there is a lot of support for education, and where education is valued, and where, in the course of the evening, if the student has a math assignment, his mother is able to help him with that. If he has an assignment in one of the fine arts, his father is able to help him with that. Those are a lot of assumptions, and frankly, in this day and age, particularly in areas where there is widespread poverty, that kind of home does not exist. And when you give children who are not going to have any help from an adult who is well educated this kind of homework, you put children who live in poverty at a terrible disadvantage. Consequently, I not only think that this is a dreadful violation of local control, but I think that this is the kind of policy that is a terrible disservice to children who live in poverty."

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

Lang: "Thank you, Mr. Speaker. I rise in support of House Bill 1701. You know, I don't agree at all with the prior speaker. This is local control. We have a responsibility in Springfield to talk about issues that are important and then to give local control back to our communities to make decisions about them. That's what this Bill does. For both (sic-House Bill) 1700 and 1701, I was one that indicated to Speaker Madigan that I was not for mandatory

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homework to be ordered from Springfield. Nor was I for mandatory uniforms to be ordered from Springfield. I am pleased that these Bills were changed or the notion was changed so that now we don't have mandatory homework or mandatory uniforms being proposed. We have a proposal that locals should decide this for themselves. An acknowledgement that these are important issues that should be debated, and an acknowledgement that locals should make some decisions about them. So rather than voting against these as I was going to do when I heard their initial form, I think these are now good Bills, because our locals will be forced to come to grips with these decisions and to make some attempt to decide what's right for them. If local communities, if school boards, decide that they don't want to have mandatory homework, this Bill would allow them not to have mandatory homework, but it would require the locals to come to grips with these issues, and accordingly, I think it's an appropriate way to go and think we should all vote 'aye'."

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

Mulligan: "Thank you, Mr. Speaker. I rise, reluctantly, in opposition to this. Basically it's not what's happening in my area or in my school district to enforce something from a state level. I think while all the goals are laudable in there, I think it would be more appropriate to have a Resolution that included these goals that we could support and encourage local people to do that. Currently, I'm serving on a world class school committee for high school district 207, that brings together community leaders, business leaders, school board members, local elected officials, a number of people that are examining our local high school district to see its strengths and weaknesses.

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And one of the things we're examining is what national goals would be, and one of the things we all came up with is that we did not want to impose on our district, which is an excellent award winning district, any kind of a standard because it was a national standard. We wanted to develop our own, and we didn't want to be told what we should do, we wanted to take our successes and expand on them. So, while I might be willing to support this as a Resolution that we would be encouraging local bodies to do this and that we're supportive of all of these goals. I don't think I'd want to support it in the form of a law."

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

Cross: "Thank you, Mr. Speaker. In the event that this gets the requisite number of votes, we'd like a verification."

Speaker Brunsvold: "Acknowledged. The Gentleman from Cook, Speaker Madigan, to close."

Madigan: "Mr. Speaker, I think we've had a good solid debate. I'm happy to see that Members on the other side of the chamber have come awake. Welcome. Let's take a Roll Call."

Speaker Brunsvold: "The question is, 'Shall House Bill 1701 pass?' All in favor vote 'aye'; all opposed vote 'nay'. 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. We have 52 voting 'aye', 66 voting 'no', 0 voting 'present'. The Gentleman has requested Postponed Consideration. Mr. Clerk, House Bill 1702."

Clerk Rossi: "House Bill 1702, a Bill for an Act amending the School Code. Third Reading of this House Bill."

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



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Madigan: "Mr. Speaker and Ladies and Gentlemen of the House, this is a Chicago only Bill, and therefore I suppose we won't be so concerned about the mandate nature of this Bill. This would provide that the CEO of the Chicago School Reform Board of Trustees would have the authority to appoint a local business person as a non-voting member of every local school council in Chicago. The idea is that many of these school councils could be greatly helped if there were someone working with them on a daily and weekly basis who would have a good solid knowledge of business practices. I move for a favorable Roll Call."

Speaker Brunsvold: "The Gentleman has asked for the passage of House Bill 1702. On that, is there any discussion? The Gentleman from Vermilion, Representative Black."

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

Speaker Brunsvold: "Indicates he will."

Black: "Representative, I'm not that familiar with the Chicago school reform laws, et cetera, so what I need to ask you is, again, does this take statutory action to enable the chief executive officer of the Chicago School Reform Board to appoint such a person?"

Madigan: "Yes."

Black: "Is there a particular reason for wanting to do this? What's the genesis of this Bill?"

Madigan: "For the second time, many of these local school councils could use somebody available with a business background to help them with business practices and the managing of the monetary accounts at the school."

Black: "How would this work if it were to go downstate? Would it be the school superintendent or the locally elected school board that would put such a member... an advisory member,

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or is it just too different to even try to speculate on how that would be done?"

Madigan: "You probably would want to take into account local practice and local custom. So, it might be more appropriate for the school district superintendent or the local school principal, I would exceed to your view because you were a school teacher, and I've listened to you speak in debate, and I exceed to your expertise in this area."

Black: "Keep in mind, I was on the very low end of the food chain that 35 years ago."

Madigan: "Well, you left teaching to come to this."

Black: "There are days I wonder why. In other words, this person that you're wanting the board to appoint will have some expertise to see what business practices these school councils are following, and that advise will be given to the board or the local school council?"

Madigan: "Local school council."

Black: "Now, you and I could probably work this out and agree that this wouldn't be a bad idea no matter where it was, but I do like the fact that it's in Chicago, and you live there, and I'm going to acquiesce to something I think you're trying to do in the city. We want to work with you on Chicago school reform. This is a good Bill. I intend to vote 'aye'."

Speaker Brunsvold: "The Gentleman from DuPage, Representative Biggins. He does not wish to speak. The Lady from DuPage, Representative Cowlshaw."

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

Speaker Brunsvold: "Indicates he will."

Cowlshaw: "Speaker Madigan, I believe that as a result of the scandal at Clemente High School, you passed a Resolution, I

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think that was just last week, although the time gets kind of blurry when we're in Session so many days. You passed a Resolution creating a special bipartisan committee to investigate the situation at the Clemente High School and perhaps make some recommendations about how we could avoid anything like that occurring again. Since this is apparently, at least in some respects, a response to that same type of situation, shouldn't we perhaps wait until that committee has made a recommendation before we proceed, or is this what you intend to do no matter what the committee says?"

Madigan: "Representative, Clemente High School was not the only school in Chicago which has had problems with business practices. So there have been other local school councils who, quite obviously, could be greatly helped if there was someone there that could advise them on how to keep their checkbook, how to keep their records, matters of that nature. So I, hopefully we'll be able to correct what's been reported relative to Clemente High School, but I don't think we need to wait. That investigation is moving forward. Chairman Lopez has been very active, and he's prepared to try and address the problems that arose at Clemente, but that doesn't mean we can't move forward with this."

Cowlshaw: "So, Mr. Speaker, you're saying that this does not preclude our doing something as a result of the recommendations of the committee. This is not in place of something that the committee might recommend."

Madigan: "That's correct."

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

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

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Johnson, Tom: "Will the Sponsor yield?"

Speaker Brunsvold: "He indicates he will."

Johnson, Tom: "Mr. Speaker, just a couple questions for my own edification. Local school councils in the City of Chicago, in terms of the dollars that they really oversee, that you feel is important now that we put a businessman on these, or woman, are those dollars really the Poverty Funds, Chapter One, Title One Funds, is that the funds that they deal with, or do they have control over the entire budget of a school in the city of Chicago?"

Madigan: "They don't have control over all of the money spent in a local school building, because, number one, there's a master teacher contract between the Chicago Teachers Union and the central board. They do have control over the Title One money and a limited amount of additional money.

Johnson, Tom: "Okay. So, you know, if I understand what you're attempting to do here, and I think I'll support this, but I'm not sure that it really gets at any sort of solution to how the Title One Funds are being spent. Ought we not more to be looking at reigning in the various six categories and maybe spelling out more precisely for these local school councils what, in fact, Poverty Funds can be spent for?"

Madigan: "Well, I think that would be a good idea, but I just listened to a certain amount of debate explaining how important it is to have local control."

Johnson, Tom: "Right, but we set up categories through the State Board of Education, and we say that you can expend funds in the following categories, but as I understand it in my brief experience now with the Clemente situation, those categories are rather loose ends. Now, that's a state function to set the categories and to set up regulations as it relates to how those state dollars are being spent.

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These aren't local funds. These are state dollars, and I guess all I'm saying is, wouldn't it be more appropriate if we were really interested in reform, and in terms of the dollars that are being spent versus the results we expect, to probably be focusing more on how dollars are used as opposed to trying to teach people how to balance their checkbooks or whatever?"

Madigan: "I wouldn't object to working with you along the lines of what you set out, but, Mr. Johnson, I can simply tell you that the news media in Chicago has documented certain number of instances where, obviously, the members of the local school council had no background or training in common business practices, and that was the reason for this Bill, to provide some mechanism so there would be someone there to simply advise them."

Johnson, Tom: "Okay, but I also am aware, you know as to the Clemente situation and the documented stories that you are referring to, that it's my understanding that the State Board of Education, in the past, has taken a position, in forms of letters and so on, that, in fact, no laws were violated per se. That's something, obviously, we're going to need to look at, but rather, it's in terms of the interpretation of the categories of the funds, and you know that if I say that it's important for cultural, or for self esteem for low income or poverty students to be enhanced in cultural diversity or so on, that might be a legitimate thing. Now the key is whether or not we ought to start redefining what, in fact, the additional poverty funds really ought to go to in terms of enhancing the learning of the core curriculum, as I understand it, for our children. That's what we're all looking for, and I say that sometimes we don't get down to the real issues of reform by doing the

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types of Bills that you are presenting as opposed to... great we'll have business and know how to do the bookkeeping, but the real issue is the bookkeeping for what. Ought we not to be looking at that what and not the process of whether or not the reports get filled out or whatever. So, but I am going to support this, and I hope you'll support more detailed reform as we get into this whole education thing this year."

Speaker Brunsvold: "Speaker Madigan, to close."

Madigan: "Request an 'aye' vote."

Speaker Brunsvold: "The question is, 'Shall House Bill 1702 pass?' And on that question, all in favor vote 'aye'; all opposed 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 that question, there are 118 voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Churchill, for what reason do you rise?"

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise today to celebrate with you a milestone on behalf of my seatmate across the aisle. Today, Lee Daniels is 55 years old. The big double nickel. We have some cake up in front, so please join us with some cake, and join us in celebrating Lee's birthday. I think Representative Phelps was going to help me out on this."

Speaker Brunsvold: "Mr. Phelps. Please turn on Mr. Phelps. Representative David Phelps."

Phelps: "Sings Happy Birthday."

Speaker Brunsvold: "Thank you, Representative Phelps. Representative Winters. Representative Winters."

Winters: "Thank you, Mr. Speaker. I also wanted to announce that

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another Representative has his birthday today.

Representative Wait is 53, not 55. Representative Wait."

Speaker Brunsvold: "A mere pup compared to the rest of us.

Representative Churchill."

Churchill: "I have just been told that Brad Bolin is celebrating a birthday today. Not anything over 50 though. Happy Birthday, Brad."

Speaker Brunsvold: "Happy Birthday. There's cake available down in front. So all the Members should come down and celebrate the birthdays of all the individuals on the Floor today. Happy Birthday. Representative Lopez, for what reason do you rise?"

Lopez: "Thank you, Mr. Speaker. I rise on a Point of Personal Privilege. I would like to welcome a former colleague of ours, Representative, or now Alderman Ray Frias. He's in the back."

Speaker Brunsvold: "Welcome back, Representative Frias. Ray Frias, welcome back. House Bill 18."

Clerk Rossi: "House Bill 18, a Bill for an Act relating to bonds for school construction. Third Reading of this House Bill."

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

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 18 is an issue I think that's been around here for a good number of years. I think the time is right that we certainly begin the... address the serious issue of school construction bonds in the State of Illinois in the serious condition that many of our schools throughout the entire State of Illinois are currently in existence. Schools in Chicago, in the suburbs, and downstate Illinois are in desperate need of repair. Leaky

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faucets, roofs with holes in them, all kinds of different infrastructure problems dealing with heating and cooling. This Bill simply increases the bond authorization by \$1 billion for capital construction grants to school districts. It amends the School District Construction Grant Index to change the student measure from weighted daily attendance to enrollment, and to reduce the local share from an average of approximately 50% to an average of approximately 35% of the cost of the project. This is a program that's been in existence since the late 70's and early 80's. It has helped finance the construction of many new schools and repair schools in the State of Illinois. Within the context of school reform that we certainly hope to address in this issue in the 90th General Assembly, this issue is of great importance as well. It has been well documented in the media throughout all media outlets in the state that we need to fix our schools. We've built enough prisons in this state, we know we're going to be building more prisons in this state, but I think it's time we started taking care of our children in this state. We need to fix our schools and build new ones where the need is applicable. Be more than happy to answer any questions."

Speaker Brunsvold: "The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. A question of the Sponsor."

Speaker Brunsvold: "He indicates he'll yield."

Black: "Representative Novak, you may want to take this Bill out of the record and get our staff together. There's a major flaw in this Bill, in all seriousness, and, you know, I remember the days of your experienced staff and they would have caught this. What you've done in this Bill, you have



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forgotten to increase the Floor. We sold bonds in the Veto Session, and this Bill gives the old Floor of 8 billion, 146 million, (sic-dollars). So if your Bill is adopted without a change, you're only selling \$300 million worth of bonds, and I don't think that's what you want to do. I really think you need to correct it, it's a major flaw, it isn't going to work without it."

Novak: "Well, Representative Black, I'll certainly take your advice. I'll take it out of the record, and we'll double check that, and we'll come back to you."

Black: "We'll send our experienced staff over to help you out, Sir. Anything we can do to help you."

Novak: "Well, we have experienced staff over here. I'm sure it was inadvertent. Thank you. Please take this Bill out of the record."

Speaker Brunsvold: "Thank you, Representative. House Bill 8. The Gentleman has taken the Bill out of the record. House Bill 654. Representative Phelps. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 654, a Bill for an Act amending the School Code. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Saline County, Representative Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill is identical to I believe it's 1526 that we passed out of here. Chairing the House Elementary and Secondary Education Committee, I set up a sub-committee to address the under-funding part that we are sending to special ed purposes, and this Bill just reinforces so we can have a second Bill over in the Senate for negotiating purposes to make sure that the funding level 500 per child maximum reimbursement to school districts providing these

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special education extraordinary services. So, with that in mind, and knowing that we've already passed this Bill, it should be a Short Debate."

Speaker Brunsvold: "And on that question, the Gentleman from Vermilion, Representative Black."

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

Speaker Brunsvold: "Indicates he will."

Black: "Representative, again, our staff indicates that all of this is incorporated in another House Bill, and that it was your intent to strip this Bill and make it a vehicle to keep something alive. Have we gotten the wrong signal?"

Phelps: "No, Sir. I have another Bill that we passed out as a vehicle in case we need it for other subjects relating to this. The sub-committee we formed on two major subjects in the Elementary Education Committee was issues with regional superintendents and the special education. So, Representative Woolard chaired the sub-committee on special ed and so we have his Bill already passed out, but we want to pass this one if it's okay with you. Same subject matter just in case one gets held up."

Black: "But I'm not sure why you want to pass two identical Bills. What would be your intent?"

Phelps: "I guess because I see no harm in it. We do it all the time. Except, sometimes it's usually a Senate Bill coming over. So, just give the same vote that we... overwhelming support that we had on the other one, and we'll be fine."

Black: "Hang on just a second, I need to check something. Representative, may we have some indication of your intent that this will not be used for anything other than special education if we see it again?"

Phelps: "No, that's exactly right. That's the clear intent."

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That's why a vehicle going over saying I might do special ed was not what I wanted to do."

Black: "Alright. Thank you, Representative."

Phelps: "You bet."

Speaker Brunsvold: "The Gentleman from Whiteside, Representative Mitchell."

Mitchell: "Thank you, Mr. Speaker. As indicated earlier, this is an excellent opportunity to show the school community how we feel about funding in the State of Illinois. Full funding for special education will allow approximately an 18% increase to each and every school district. That's not an 18% in their overall operating cost, but an 18% increase in their special education cost. It's equal to each district, according to the number of special education students that they have. It's fair, and I echo all of the same comments I had before. I think it's a good Bill. Representative Phelps and I discussed this earlier, it is good to have a backup, you never know when something might happen to one of the Bills, and I recommend a strong 'yes' vote. Thank you."

Speaker Brunsvold: "The Gentleman from Saline County, to close, Representative Phelps."

Phelps: "Just ask for the affirmative vote. This is a repeat, but we need an extra backup in case something falls apart."

Speaker Brunsvold: "The question is, 'Shall House Bill 654 pass?' All those in favor vote 'aye'; all opposed 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 that question, there are 116 'ayes', 2 voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 819. Read the Bill, Mr. Clerk."

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Clerk Rossi: "House Bill 819, a Bill for an Act relating to certification of school personnel. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Saline County, Representative Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. (Sic-House Bill) 819 addresses the professional teachers standards issue, and what we're trying to do here on behalf Illinois Federation of Teachers to make this their focus for this year. We... trying to address the standards question for professional teachers. This creates the Professional Teachers Standard Board and abolishes the existing State Teachers Certification Board. Now, the new independent board, we're asking for them to develop the standards for teacher education, approve and evaluate teacher education programs, abolish criteria for individuals to enter the teaching profession, monitor professional practices, set standards for professional development. Now, since 1970, Ladies and Gentlemen of the House, 12 boards have been created for autonomous purposes and are directly accountable to State Legislatures to control standards and practice for educational professionals. The concept of self-governance is taken for granted in many professions, but in education it is the exception. So, having one governing body to oversee teacher preparation, licensure and practice, I think is significant for this profession. I appreciate your support and be happy to answer any questions."

Speaker Brunsvold: "Representative Black, on the question."

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

Speaker Brunsvold: "Indicates he will."

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Black: "Representative, if I heard you correctly, what you're doing is you're setting up a new Teacher Certification Board, not necessarily a process, but you are setting up a new Teacher Certification Board, correct?"

Phelps: "That's correct."

Black: "And where will this new board be located, under what agency?"

Phelps: "It's self-autonomous. It's within itself."

Black: "But is it still not housed in the State Board of Education?"

Phelps: "No."

Black: "Well, then I've got some information here that's incorrect. You mean the..."

Phelps: "Do we need to send our analysts over to help you now?"

Black: "We may have to. Can you tell me where the language is that says the Professional Teachers Standards Board will be a stand alone agency?"

Phelps: "Page 17 D of Line 1. 'The Professional Teachers Standard Board, as a state agency that is eligible for appropriations shall comply with the provisions of the Bureau Budget applicable to state agencies.'"

Black: "That may make sense then. You said page 17, line 1?"

Phelps: "Yes, 17, the top of the page, D."

Black: "So this board, in fact, then will be a stand alone board. It will not be a part of the State Board of Education."

Phelps: "No. That's exactly right."

Black: "All right. Who then will have day to day responsibility for that entity?"

Phelps: "The Chairperson of the board and the members of the board will act accordingly like most boards. They report back to themselves until they report to the General Assembly."

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Black: "I assume that they will be subjected to audit by the Auditor General?"

Phelps: "Sure. Certainly."

Black: "Any appropriations will have to be made by the General Assembly."

Phelps: "Yes, Sir."

Black: "Is it your intent to transfer all of the current members of the Teacher Certification Unit to the new board?"

Phelps: "I believe that was the question on Second Reading you had with that Amendment, and that is clearly the intent."

Black: "Well, then what confuses me about that is I assume you're not happy with the old certification board."

Phelps: "Well, it's not been my mission in life this year to just attack the board and dissolve it and so forth, but in lieu of what IFT and other teachers groups have brought to my attention, and to know that there's been a conversation, a dialogue, for the last several years about changing and reforming this, it never has come about. So, we feel like the time is now. And other states have gone ahead of us by our waiting. So, we're still open for possible modifications down the road with input, but I think we're on the right track with this."

Black: "You are increasing the size of the board over what the current Teacher Certification Board is, is that correct?"

Phelps: "The current, we're asking for 19 members to be appointed, and currently, I believe to just three."

Black: "And in your legislation then, do you designate an Executive Director or the head of this new body?"

Phelps: "It's elected from the board. Once they have been appointed by the Governor and the other leaders as we've outlined, they will select their own Chair. The democratic way."

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Black: "Okay, but you and I as Legislators will have somebody we can call to answer questions about policies and procedures or, you know, somebody calls us and says..."

Phelps: "Representative, I really don't see any difference in regards to our contact or input that we do now. Except that it would just be a different set up, and they will be very responsive, I don't see why they wouldn't. Maybe even better, but I'm not questioning how responsive they are now."

Black: "On the old board the state superintendent was a member, and if I read your legislation correctly, he will not be, he or she will not be, under this legislation."

Phelps: "That is correct. Five college administrators, one regional superintendent, three school administrators from regular school districts, and ten teachers."

Black: "Refresh my memory, what will their terms be?"

Phelps: "Two of the five administrative or faculty members or private or public colleges or universities terms expire, 1000. The terms of the other three expire 2002. The regional superintendents expire January 2000. Two of the three school administrators terms expire January 2000, and the other school administrators terms expires January 2002. Five of the ten classroom teachers expire January 2000, and the other five expire January 2002. And the successors in office of these members each serve four year terms."

Black: "All right. But, now you're not violating the Tully court decision are you? You're not throwing anybody off, everybody currently on the board will fill out their term?"

Phelps: "That's right."

Black: "Okay. Will the new members, or will this new agency, will they wear uniforms?"

Phelps: "Unless they're employees of McDonald's or something and

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show up in their gear, I don't think they would be dressing alike."

Black: "And if they get behind, are they going to take this work home and work on it every night?"

Phelps: "Certainly. Absolutely. If they're downstate, they will take it serious."

Black: "Well, you may want to amend that in the Senate, I didn't see that in here, but that would be a good idea. Can you briefly tell me who you've heard from in support of and opposition to this concept?"

Phelps: "Well, IFT, IEA, Chicago Teachers Union, Dean of the College of Education at Illinois State University - Normal."

Black: "And they're all opposed?"

Phelps: "Marie Krause, a member of the Certification Board."

Black: "Are they all opposed or are they in favor?"

Phelps: "Those are the proponents."

Black: "Proponents. All right."

Phelps: "Those are the proponents. I'm sorry."

Black: "Is there any opposition that you're aware of?"

Phelps: "I don't think the State Board of Education really likes the Bill, but they didn't file an actual slip in committee."

Black: "Representative, as always, I appreciate your answering the questions. Thank you."

Phelps: "Representative Black, let me just say, we held it on Second for a while so that the State Board of Education, IFT and other members did really get together and have discussions about possibly modifying the Bill with input from both sides, and they didn't reach an agreement, but that doesn't mean it won't be modified somewhere down the road."



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

Speaker Brunsvold: "The Gentleman from Kane, Representative Hoeft."

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

Speaker Brunsvold: "Indicates he will."

Hoeft: "Actually, more of a comment. I have two things I'd like to say. One is looking backwards. The certification department of the State of Illinois has been a problem for the regional superintendents and the teachers of the State of Illinois for years. I'm sure as Legislators you've had numbers of constituents call and write and plead to get the certificates out of the state board. Two years ago, we did a survey, there were 5 thousand certificates that had not been processed by the state board after one year. That's 5 thousand lives, careers that were on hold to get the bureaucracy to try and get these certificates out. The certification board, presently, is under the leadership of the state board. The agendas are set by the state board. They are the ones that will create the policies that create either the backlogs or the implementation of the certification laws. We have had enormous problems with certification department. There have been numerous groups of people who have said, 'Let's start breaking the agency up. Let's start making independent groups responsible, rather than the big bureaucracy.' Looking forward, if you take a look at the reform movement across the United States, you will see state after state looking at the teacher preparation problem. It is interesting to note that this is sweeping the nation, and the key component is an independent certification board. We need to have the independence of this board so that they can direct the agency in terms of what is necessary for the certification

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and the maintenance of teaching credentials of this professional staff. One of the most interesting things in this Bill that I have seen is the universities in this state are proponents. They are the ones that struggle with this agency. They are the ones that have to work through the certification problems, and even the universities in this state say, 'Hey, enough is enough. Let's get an independent board so we can clean up a mess that has been with us for years.' This is a good bipartisan vote. It will create much cleaner and healthier teacher preparation programs throughout this state and is a good 'aye' vote."

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

Johnson, Tom: "Yes, Mr. Speaker, on that last Bill, House Bill 654, either the switch or my finger malfunctioned. I'd like to be recorded as an 'aye' not a 'nay'. Thank you."

Speaker Brunsvold: "It will so be reported. The Gentleman from Whiteside, Representative Mitchell."

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

Speaker Brunsvold: "Indicates he will."

Mitchell: "Representative Phelps, as I look at the analysis, it states here, and I just want to clear this up, that once the new certification board is in place, if, in fact, you are successful, an executive director will then be hired by the board to run the day to day operations and prepare the staff, as needed, to carry out the important functions of this new board, is that correct?"

Phelps: "I believe that would probably be, come under the powers of the board, their first responsibility once they organize and have a chairman. I believe that's the intent to proceed in that manner."

Mitchell: "I think there definitely will be a chairman, a

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chairman of the board, but it also states that there will be an executive director. Someone was concerned about the day to day operations, and I think you've got it pretty well covered within your Bill and within the structure. Mr. Speaker, I rise in strong support of this legislation. I think Representative Phelps is carrying a Bill that is monumental to the changes that we're going to see in education reform. We all know that last year the state board of education was downsized and that number dropped considerably. Along with that, we can deal with specific problems within the education arena, and one of those problems now is tenure, certification, registration. That whole area is going to be one that will be crucial in the next 10 years. I truly believe that an independent board will function much better than a portion of a huge bureaucracy that we all know that is needing downsized for a long time, and I think this is a great step in the right direction, and I think everybody ought to get on board with Representative Phelps. Thank you very much."

Speaker Brunsvold: "I'd like to welcome Attorney General Jim Ryan to the House Floor. Welcome Attorney General. Representative Phelps, to close."

Phelps: "Thank you, Mr. Speaker. Very quickly, this initiative is a response to the National Commission on Teaching in America's Future, which recommends that each state establish professional standard boards. Governor Jim Edgar and Ted Sanders, the past superintendent of education and now president of Southern Illinois University at Carbondale, both served on the Commission. As I said before, the Teachers Standard Board is supported by the many deans of colleges of education, a majority of the Teacher Certification Board, and the IFT and IEA, and I

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believe it is time to reform this particular way we assess teachers, and we appreciate your affirmative vote. Please vote 'aye'."

Speaker Brunsvold: "The question is, 'Shall House Bill 819 pass?' All those in favor vote 'aye'; all opposed 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 that question, there are 118 voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, House Bill 1098. Read the Bill."

Clerk Bolin: "House Bill 1098, a Bill for an Act to amend the School Code. Third Reading of this House Bill."

Speaker Brunsvold: "Mr. Clerk, what's the status of this Bill?"

Clerk Bolin: "House Bill 1098 is on the Order of House Bills - Third Reading."

Speaker Brunsvold: "Please place that Bill on Second Reading. Are there any Amendments?"

Clerk Bolin: "Floor Amendment #1, offered by Representative Phelps, has been 'approved for consideration'."

Speaker Brunsvold: "Representative Phelps on Floor Amendment #1."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #1 incorporates two major provisions. One is that the Community Residential Services Authority has recommended that the various organization and individuals that have been recommending in the past few years that we change the existing language relating to individuals with disabilities to make it a person first language so they could be included on the board, be properly represented, and that some of those that, when a vacancy has been created on that Community Residential Service Authority Board, that we make provisions to allow

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these people to be included and be represented on that board. The other part addresses sprinkler systems in the state. School buildings that have incorporated as part of their growth problems and to address other problems of prefab classrooms or temporary quarters or mobile type structures that have been used as extra room classrooms, I should say, and the mandate that presently addressed the requirement for fire sprinklers would be imposed upon those buildings. We merely, through this Amendment, take that requirement out if it's under 7200 square feet, and also if they have a fire alarm that is installed. So, and there's many other technical parts of the Bill, but those are the two major concerns, and I'd appreciate your support."

Speaker Brunsvold: "And on the Amendment, is there any discussion? Seeing none, the Gentleman has asked for the adoption of Amendment #1. All in favor say 'aye'; all opposed say 'no'. The 'ayes' have it. The Amendment has been adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

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

Clerk Bolin: "House Bill 1098, a Bill for an Act to amend the School Code. Third Reading of this House Bill."

Speaker Brunsvold: "Representative Phelps, on House Bill 1098."

Phelps: "Thank you, Mr. Speaker. The adoption of the Amendment we just put on, with the explanation with that really became the Bill, and we appreciate your support."

Speaker Brunsvold: "Any discussion? The Lady from DuPage, Representative Cowlshaw."

Cowlshaw: "Thank you, Mr. Speaker. I will be very brief. The first part of this Bill, which comes to us from the Community and Residential Services Authority, comes from

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the Authority and it is something that really needs to be adopted. But I just want to mention something to my colleagues. The Community and Residential Services Authority exists to help you and your constituents if you have someone under the age of 18 in your district who is going to need some kind of residential placement because of some disability. I have found that group to be wonderfully helpful with some of the toughest decisions that parents ever have to make, and so, please, if you're not familiar with the Community and Residential Services Authority, you ought to become familiar with it. And whenever you are faced with one of those problems because one of your constituents is, you should call them and get them to help you. The second part of this Bill, I want to commend both the State Board of Education and the State Fire Marshall for working together to straighten out some of the things that didn't seem to be very clear in the sprinkler law that we enacted back in 199... it was either 91 or 92. At any rate, I think both of these things are excellent, but most of all, Mr. Speaker, it isn't very often that you find two entities of the State Government that, for years, have been in turf battles with one another who finally decide to get together and work cooperatively to make something work well. That has finally happened with the Fire Marshall and the State Board of Education. We all ought to say 'Hallelujah'."

Speaker Brunsvold: "Representative Phelps, to close."

Phelps: "Thank you, Mr. Speaker. I just merely ask for the support. The Amendment is self explanatory."

Speaker Brunsvold: "The question is, 'Shall House Bill 1098 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all

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voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 117 voting 'aye', 0 voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 8. Please read the Bill."

Clerk Bolin: "House Bill 8, a Bill for an Act concerning genetic information. Third Reading of this House Bill."

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

Moffitt: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I bring to you House Bill 8 with the Genetic Information Privacy Act. Just a very brief review of how we got to where we're at today. Last Session, I had a constituent come in one day, no appointment, ask if she could speak with me, I said, 'sure.' She sat down, she said, 'There's an issue I'd like to bring to your attention. Wonder if you could help me with this.' My constituent had had ovarian cancer 10 years ago. It had advanced to the point that she should not have been a survivor, but obviously she is a survivor. And her doctor, in talking with her, indicated that he would like for her daughters and her granddaughter to be, have a genetic test to see if they're carrying the gene that puts them at risk for ovarian cancer. The gene that gives a woman a predisposition to get ovarian cancer and several other diseases like breast cancer has been identified, but her doctor told her not to do it, because in Illinois that information is not confidential. An employer or an insurance carrier can obtain that information without your knowledge or approval and could discriminate on employment or price or coverage. So she asked if we'd consider this like 12 other states have passed, and that's how the

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legislation started out. This chamber, the Illinois House, last year passed a much broader and more inclusive Bill. You've already passed one in this chamber for genetic testing privacy. It passed here last year by a vote of 99 to 5, an overwhelming vote for it. Then that did not pass in the Senate. This year the Senate has passed this exact same legislation. It passed by a vote of 57 to 0. We've done several things in this Bill to accommodate concerns that were expressed in the... by opponents to this Bill. I might just mention some of these, because it's significant, the amount of change and accommodation that we've done to make this acceptable legislation. We have defined that predisposition is different than pre-existing condition, and that's in the legislation. This legislation does not include life insurance, since our objective was to make sure there is no discrimination on other insurance, essentially health insurance and employment. We've made it clear that they can still have access to blood and urine samples, those are routine items that are used in physicals now. We put language in here to make sure that public aid, the Department of Public Aid, can still have this information, because they use it to prove paternity cases. We put language in to accommodate the Illinois Department of Public Health, because they track some diseases with DNA testing. It came up in committee that we needed to define the 'need to know', and so the State Police helped us address this and legal council so that we have defined 'need to know' for police and prosecutors. And we have additional language for the Parentage Act. I think it's important as you consider this legislation, the legislation that you passed 99 to 5 last year, that at the last count 12 other states have passed this and quite a few others are



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considering it. I also want you to know that by the year 2005, all 3 billion, 3 billion, that's with a b, different human DNA sequences will be identified. We're not there yet, it's going to take until 2005, but once we reach that point we'll have a number of additional diseases that can be determined whether or not you have a predisposition for that. A couple figures for you to keep in mind. If a woman has the gene that puts her at risk for breast cancer, then there is 85% probability she will develop breast cancer in her lifetime, 85%. In the case of ovarian cancer, it's 45%. I see this as a very positive step where we can help people be proactive about their health care. They can do things early in life to help lower that risk, to fight the disease, and in the long run, even help control health care costs. I think it's legislation that we need. I hope you'll give it your very serious consideration. You've already passed it out of here similar, although, this has been reduced in its scope, trying to accommodate those concerns that were raised. I think it's legislation that we need to give a real strong support for today. I'd be happy to answer any questions."

Speaker Brunsvold: "Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker. I was on the phone on that last vote, and I just didn't vote my switch, and I would like to be recorded as voting 'aye'."

Speaker Brunsvold: "It will so be recorded. The Gentleman from Cook, Representative Parke, on the question."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Sponsor has pointed out, and rightfully, that he's made a lot of compromises and worked hard and long on it. However, I must rise in opposition to the Bill. The fact of the matter is, the insurance companies have to have

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the medical information in which to underwrite insurance. An area that is going to be greatly affected by this is the underwriting of disability insurance and also the underwriting of long term health care. Right now, very few companies are underwriting long term health care risk in Illinois, and the problem is, if they don't get the right kind of information, many of these people might very well end up on Medicaid, and therefore, these programs will become very costly to you and I as taxpayers. Unfortunately, what I would like to do is ask you to vote 'no' on this Bill and let the Sponsor come back and work out a way of working with the insurance industry, and therefore, in the long term, the taxpayers of Illinois in a system that really will do what I think ultimately the Sponsor would like, but at the same time, not costing taxpayers so much money because we can't get the right kind of underwriting information. Ladies and Gentlemen, as well intended as the Sponsor is on this, there are some loopholes in here that are dangerous and costly. I would ask that you vote 'no' so that the Sponsor will work directly with the industry to find a compromise that is workable for all the citizens of the State of Illinois."

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

Erwin: "Thank you, Speaker. I rise in strong support of House Bill 8. Two years ago, and I think a year ago, Representative Sara Feigenholtz and myself sponsored a very similar Bill, and we have worked with Representative Moffitt and our Senators, Senators Cullerton and Hawkinson, on this issue for the past couple of years. I just want to say that Representative Moffitt has worked long and hard on this, and I think made many, many accommodations. Frankly, maybe more than Representative Feigenholtz and I would

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have. I think he is to be commended for that. With all due respect to the previous speaker, Representative Parke, I think that your interpretation of House Bill 8 costing taxpayers money is exactly the opposite of what, in fact, is the case. If there are genetic tests that are available to people who may believe, because of their family history, that they may have a predisposition to a certain disease or illness, be it cancer, be it diabetes, be it whatever. Medical technology, thank God, and research is bringing us to the point at which early intervention and prevention can, in fact, stop these diseases from ever taking hold on individuals who may genetically have a predisposition for these diseases or illnesses, and yet, an employee certainly would be too fearful to seek a test that, in the end, would not only save their health, maybe save their lives, but clearly save their employers the cost of what the normal coverage for a serious illness would be. You would be very fearful of going and getting a test if you believed it could be used against you at another time to deny your insurance, or frankly, to possibly deny you promotion or somehow lose your status as an employee. So, this is, I think, possibly one of the most critical really human and civil rights issues we will be dealing with going into the next millenium. Because of technology, we will be able to determine and intercede to stop the spread of very serious diseases. We need to save all of our efforts on research and solving those problems where we don't have enough information to help people intervene, and I would certainly urge a very strong 'aye' vote."

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

Coulson: "Will the Speaker yield?"

Speaker Brunsvold: "Indicates he will."

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Coulson: "I rise in support of this Bill. I think that genetic testing confidentiality with limiting access to that genetic testing doesn't mean there aren't available ways for insurance companies, if they really need to know in order to write the insurance, to get this information. It's basically just making it private. It's confidential information. As to the issue of companies not being able to set rates because they won't know if you're liable or at risk to get a certain disease, that's why we have pooled insurance. Pooled insurance is based on the prevalence of certain diseases within a population, and the actuarial tables are where the rates should be set from. The percent of the population that will get heart disease or alzheimers is very well known, therefore, insurance tables can tell what those rates should be. I'm very concerned that this preventive health care is going to be refused by most patients, because who would be, want to have a test done where they could literally lose their insurance for the rest of their life because they have a positive test for breast cancer, alzheimers, or heart disease when, if they have that test, they could literally change their behavior and maybe not ever get that disease. This is a cost effective prevention, as well as a confidentiality and privacy issue, and I urge your support. The insurance companies won't lose money in the long run, it would only be a short term hit, and I think the long term is much more important here. And I urge your support of House Bill 8."

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

Feigenholtz: "Thank you, Mr. Speaker. I would like to applaud the Sponsor of this Bill for all of the hard work he has put in to making it palatable, although, actually, I

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thought that it was pretty good last year in its original form. Sometimes I find it hard to believe that we actually have to try and understand some of the opponents of this Bill. This is a Bill that is going to serve a huge portion of our population that's trying to access medical care. Information is power and knowledge is power in this situation. Nobody should be discriminated against any kind of testing information, and so I urge an 'aye' vote, and let's move into the next millennia with science. Thank you."

Speaker Brunsvold: "The Gentleman from McLean, Representative Brady."

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

Speaker Brunsvold: "He indicates he will."

Brady: "Representative, as I understand it, yesterday you passed an Amendment?"

Moffitt: "Right. The language that should be in the system now is identical to what passed the Senate. It has all the changes that we've worked out, and it's really narrowed up the scope a little bit. And so the Amendment that was passed out of committee yesterday became the Bill."

Brady: "Could you briefly explain to me how this affects health insurance at this point?"

Moffitt: "How it affects health insurance? This legislation simply says that the results of a DNA or genetic test are confidential, that the person that had that test is the one that is entitled to the results, that no one else can have those results without that person's knowledge or permission, that they would remain confidential. At the present time, I don't believe health insurance uses DNA testing, if they do, it's very limited. If you know different than that, correct me, but that's my

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understanding, that they do not. They're looking down the road saying it's something we might want. If they have information that says it would be a problem then present it, but I don't, in the short run, I don't think it would change it at all. We would be starting to allow citizens of Illinois, who elect on their own, who make that decision in consultation with their doctor to get a DNA or genetic test, that they can get those results and they can start being proactive. And as one of the other prior speakers said, if you know you have that predisposition, you can start by lifestyle, by diet, by working with your doctor and actually, maybe head off the disease. At least at a minimum have very early detection. Your question, what impact would it have on health care? Little, if any. They essentially don't use it now. It hasn't been used that much, we're talking about something that's going to be used more and more in the future."

Brady: "And I certainly understand the proactive measures of DNA, and I applaud you for your efforts in this direction. Would this legislation prohibit the use of DNA tests by health insurance companies in underwriting?"

Moffitt: "You have stated that correctly."

Brady: "So this legislation would prohibit the use of DNA tests? If I went into a health insurance company and asked them for health insurance, they could not request from me a DNA sampling as they would a urine or blood sampling?"

Moffitt: "Correct."

Brady: "And how does this differently affect long term care, life insurance, or disability insurance?"

Moffitt: "Life insurance is not included in this."

Brady: "So they can ask for a DNA sampling to underwrite life insurance under this legislation?"

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Moffitt: "This does not apply to life insurance as it's written."

Brady: "What about long term health care?"

Moffitt: "The provisions of this Act would apply to long term health care and to disability income insurance."

Brady: "And in that, it simply would prohibit, again, any issuer of long term health care from requesting a DNA sampling to underwrite that policy, is that correct?"

Moffitt: "I agree with... You stated it correctly."

Brady: "And disability is the same?"

Moffitt: "Yes."

Brady: "So, what, in essence, you're doing with this legislation is, it's your intention for people to be encouraged to receive DNA tests so that they can proactively deal with the results of that in their lifestyle changes, but what you're doing is you're prohibiting, and they can do that now, but what you're doing is carrying this over to say, 'We want to prohibit insurance companies who now do other tests, blood, urine, other types of tests. We're going to let them continue to do those to see if there's a chemical make up, and we will continue to let them do those, but we will not allow them to ask for the results of a previous DNA test or we will not allow them to request a DNA test in order to underwrite an insurance policy presently, is that accurate?"

Moffitt: "Representative, I believe you essentially restated what you said before, and I believe that you correctly stated it. Essentially, I think you should point out that right now they're not using the results, I'm not aware of them using the results of a genetic test now. So, we're just saying that this is going to continue to be, we want this to be confidential information, you can continue to use the same items you have in the past."

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Brady: "Representative, you said that there were 12 other states where this legislation had passed?"

Moffitt: "It's my understanding there are 12, and it's being considered in a lot of other states, and I'd like to mention that this particular piece of legislation is being reviewed by ALEC to possibly be the model for the nation. Many, many, many other states are looking at it. Twelve that I know of to date have adopted it, but there will be more and they are looking at the very piece of legislation that you're considering."

Brady: "What was the first date and when did it happen?"

Moffitt: "I don't know, over the last two years. I wish you would've asked me that question, I would have been happy to have that answer and perhaps, I know we can get that, but I don't have it on the top of my head."

Brady: "I guess one of my concerns is, might we, in fact, be driving up costs of long term disability, of disability? Might we, in fact, be driving up the cost of long term health care, which very few people purchase any way. It's a tremendous drain on Medicaid resources and something that we need to encourage people to purchase and to make affordable, and in that..."

Moffitt: "I think there was a question in there wasn't it? Are we driving up costs of... did you ask me a question?"

Brady: "And in that, do you have any indication of previous states who have passed this legislation, what the effects have been on cost, access and availability of those products for people who wish to provide for themselves?"

Moffitt: "I do not have those, and certainly, had I been asked in advance, I sure would have been happy to comply, those are excellent questions. I would point out again that what I think we're doing is controlling health care costs, and you



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asked the question, 'Aren't we driving them up?'. I would absolutely strongly disagree with you. We're attempting to help people control health care costs, and it stands to reason if you can identify a person who is a risk for a very serious disease, help them be proactive, help them, one, change the lifestyle to prevent it, or, two, identify it extremely early, then the actual health care costs would be controlled. That's what we're doing with the legislation, not what you just said."

Brady: "Thank you. Mr. Speaker, to the Bill, but before I go to the Bill I would ask for a verification should this receive the requisite number of votes."

Speaker Brunsvold: "Proceed. Yes, that's been acknowledged."

Brady: "Ladies and Gentlemen, I applaud the Sponsor's hard work and I applaud the Legislators here who have assisted in this. I do believe that DNA tests should be proprietary information. I do believe that people who think that a DNA test would help them maintain or develop a lifestyle that would be a healthy lifestyle, a longer lifestyle, would be the proper thing for them to do, and I certainly don't want to see this Legislature do anything to contradict that. But yet, I think when we begin to enter into whether or not we're going to prevent insurance companies who are trying to provide affordable policies, providing greater access to people who want policies, allowing people to better afford to pay for their own ways, we in fact might be doing just the opposite by prohibiting that on insurance companies. I recommend a 'no' vote."

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

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. First of all, I want to really compliment the

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Sponsor of this Bill. We've heard a lot of Bills presented in the last few days, and I just want to tell you I thought your presentation of your Bill was one of the most compelling arguments that I've heard. You really did a great job, and I want to support your legislation and also point out really what a crazy system we have of health care in this country. Here we are, on the verge of these wonderful breakthroughs, where we can really, for the first time, understand the kinds of diseases that we may face later in life. This is a blessing, this is an achievement, this is a thing to rejoice over, and yet, what are we talking about here? Instead of that we're saying, 'Oh no, now that we know these things that we can actually do something about it, I'm going to end up uninsured. I'm going to not be able to afford to buy any health care because of this information that we now have.' That is the most perverse kind of thinking and the most perverse kind of public policy that we have. Obviously, our current way of insuring ourselves and providing access to health care is not working very well if, in the face of this wonderful technological development, we're going to find people penalized and punished for trying to save their own lives. So, I just applaud this information. I hope in the future we can, in a even more comprehensive way, deal with these kinds of ethical and technical and scientific issues so that we can have the best health care for everyone and not worry about, 'Am I going to lose my insurance because of it?'. Thank you for this Bill."

Speaker Brunsvold: "The Gentleman from Whiteside, Representative Mitchell."

Mitchell: "Thank you, Mr. Speaker. I rise in strong support of this Bill. I too want to commend the Sponsor. I remember,

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Don, over a year ago now, the anxiety that you felt and the concern that you felt when you knew you were entering the land of unknown and hoping to do something to help a constituent on the brink of scientific advances that could save lives, that could end pain and end suffering. Now, I look at this thing in a more simple way. Rather than being something that's going to make people, men and women, uninsured, it's going to give us information that are going to allow them to live healthier lives, to combat disease, and therefore, lower insurance costs no matter whether they knew or not. There's absolutely no reason for insurance companies to have this information, people need this information because it's going to save lives. I think, just each and every one of us are going to do things to save lives, do things to live longer rather than do something to end our life or to live a shorter period time. This is a great Bill, it's a great concept, and I'm very proud to be a Cosponsor. I urge a 'yes' vote. Thank you."

Speaker Brunsvold: "The Lady from McHenry, Representative Hughes."

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

Speaker Brunsvold: "He indicates he will."

Hughes: "Representative, I think all of us want to support you on this Bill and recognize that you've moved it a long way from the point you started last Session. There are a couple of things that are a little bit disturbing, and that is not the health insurance impact but the long term care and disability. We have attempted to encourage people, in subtle ways, to purchase long term health care in order to protect themselves for the future and to provide that as an alternative to Medicaid in late years. Could you explain why this Bill was not amended to delete those two

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provisions, could you help us out in that area?"

Moffitt: "Sure, Representative. Our initial intent was to prevent discrimination for employment and insurance, and insurance broadly defined. If the industry for long term income disability, for long term care, if they can show that they would be discriminated against, if they can show, bring figures, show, then it could be changed in the future. I have not actually seen the figures, I don't believe any figures were presented in committee, and anyone that was at that committee can correct me if that's not correct information, but that could be changed. But discrimination is there, we don't want to discriminate against people with a disease that's going to cause a disability, and that's what we'd be saying if say, 'Well, it doesn't apply to you folks.' And I went back to my constituent, and we talked this over when that question was raised, because we were genuinely trying to accommodate all the concerns, and not that she has the final say, but she is the one that brought up the issue and generated all the research that we've done, and she really felt those both should be included. I also talked to the Senate Sponsor, and so we had a lot of discussion on that issue, and I guess I'd say this, Representative, and you had an excellent question. Representative Parke expressed comments on that it should be a 'no' vote and continue to work on it. We could exempt out disability income, we could exempt out long term health care, and while we're doing it, we could even exempt out employers, and then we wouldn't have any opponents. Everybody would be for this Bill, but the Bill wouldn't mean anything. So that's, I still think we need it. We can continue to look at it. You know, I truly believe that there's the potential for

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discrimination in those two areas, and that's why it's been left in."

Hughes: "I appreciate your response, and I know that you've made a good faith effort to address these concerns. I believe I'm understanding you to say that if this Bill should pass in its current form, and I believe it will, and there are significant impacts on those two insurance markets, that this is an issue that should be revisited."

Moffitt: "I certainly think that it will be something that will continue to be monitored. If it would be established that in Illinois you could no longer buy those two types of insurance, then I think General Assembly certainly would revisit that. We're just trying to protect our constituents. Good faith question, I commend you for your question, but at this point I believe that we do need to protect people in those two areas. Genetic testing is going to continue to advance. We are being, like I say, this language is being looked at as a national model. I received a call from the National Institute of Health out of Bethesda, Maryland, they are monitoring this, and of course are full, full support that we pass this. The discrimination is real. Surveys have been conducted, and I've got plenty of literature to show you that. Surveys of people who've had genetic tests, and usually when they do those surveys every result that I've seen half or more of the people who've had the tests state that they have been discriminated against then after they had the test. Either for employment or insurance coverage. That's what we're trying to protect against. I think disability income and long term care at this point do need to be included."

Hughes: "Thank you."

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

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Mulligan: "Thank you, Mr. Speaker. I rise in strong support of this Bill, and I too want to commend the Sponsor, who has worked a long time to get this passed. I think it's really difficult when you're in a family that has an inherited disease to hear the older members of the family tell the younger members of the family, 'Don't be tested for this because if they find out that you have it you won't get any insurance. Wait until you're insured. Wait until you have a job and you have some kind of permanent insurance.' This is neither healthy for those people in families that have these types of diseases and it certainly doesn't encourage anyone to find out and work on methods to keep yourself from having a disease, or treating yourself a little better health wise. And I think the logic behind insurance here seems to escape me. Ten years ago, before we had this kind of testing, if you were reasonably healthy and you were young, insurance companies were happy to take your money and insure you, with the chance that as you progressed in age you might have the propensity to have a disease or to have some kind of operation that you needed, and as you got older the premiums rose and you were part of a statistic, and I don't see what's any different now, except that if you have this test and if you look at it, you'd probably treat yourself better and you'd take care of yourself. So I think that the logic behind purchasing insurance is still the same. The risk is spread over a large group, it doesn't make any difference if you know this or not, and if they're going to start weeding out people, I mean, you're only going to sell to healthy people, then there's no point in having insurance. So I think this is a positive thing, and we should take advantage of science and we should pass this Bill."

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Speaker Brunsvold: "Mr. Moffitt, to close."

Moffitt: "Thank you very much, Mr. Speaker. I really appreciate the indulgence of the chamber. I appreciate the questions, as well as the excellent comments that have been made by a number of individuals that spoke on behalf of this. I really appreciate all of that. In closing, I want to just point out a few items. This legislation, I believe, is the top priority of the American Cancer Society, as far as the legislative issue in Illinois, that's my understanding, at least that's what it has been, and I think this is their top priority to see this passed. Stop and think about the potential here. If a child at birth could be tested, their DNA tested as this continues to advance, we're reaching the point where we could identify a child, a baby, who maybe no one would want to insure, maybe no one would want to employ, that is discrimination. That might be your child or your grandchild, that's what we're trying to prevent, that would be wrong. I'll use one analogy here, we've improved our ability to forecast weather of approaching storms. We're much better than we use to be. It's not perfect, but it's much improved. Your home, my home have been under tornado watch a number of times, did the tornado hit? Well, I hope not, it hasn't hit mine, but we've been under that watch. We were warned of a possible approaching storm, and that's really what DNA testing is. It's not for sure that you're going to have this disease, but you have the potential. If your house, if every time your house was under that tornado watch and if your home owners insurance could be canceled or the premium raised, we wouldn't stand for it. We wouldn't tolerate it, that is discrimination. It's the same situation here, we're just saying with the DNA test, there's that potential, that possible approaching

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storm, of that possible approaching problem. As I indicated, we could exclude everything. We could exclude employers, but then we wouldn't have a Bill. I think we've had many excellent comments. I believe this is legislation, this is an idea whose time has come, and what you really need to ask yourself, we have the ability now to tell, like on one disease, to tell a woman whether or not she's 85% at risk for breast cancer. Are you going to allow her to get that information without being discriminated against? That's what's at issue, as well as identifying a lot of other issues. Again, I thank you for your consideration, and I ask for a 'yes' vote. Thank you."

Speaker Brunsvold: "The question is, 'Shall House Bill 8 pass?' All in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. Mr. Brady, do you persist in your verification? Mr. Brady. Mr. Brady evidently doesn't want to persist in his verification. And on that question, there are 100 voting 'aye', 14 voting 'no', 2 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Biggins. Mr. Biggins, do you happen to know the score of the Cub game today?"

Biggins: "I am the unfortunate bearer of bad news. I received the news first from somebody who had delivered it to me, but apparently on one of the radios in the Stratton Building, they found out that the Cubs lost today. Now, I've been trying to push an idea about an earlier adjournment hour and I kind of tied my fortunes to the Cubs, and I appear to be going down to my third strike on



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this issue. So, I'm not going to ask for .11 in adjournment, and I'm not, I think .10 is fine with me. Thank you."

Speaker Brunsvold: "Mr. Black."

Black: "Thank you very much, Mr. Speaker. If that is indeed true, this is a dark day for Cub fans and for all of those who love baseball. They've now set a modern record for losses at the start of the season. Given the fact that many of us are distraught, we need to do something, I would move we adjourn to someplace where we could get something, I'm tired of eating out of Styrofoam, Mr. Speaker. Let's adjourn. Those Cub fans need to get together, I think, over some libation, some diet soda or something. We could come up with a strategy. So I think we need to get out of here. If you don't mind."

Speaker Brunsvold: "Most would agree with you, Mr. Black."

Black: "Thank you. Let's go home."

Speaker Brunsvold: "Mr. Stephens."

Stephens: "Representative Black, for God's sake man, we're talking major league baseball here and you're trying to interject the Cubs, I don't get it."

Speaker Brunsvold: "Representative Feigenholtz."

Feigenholtz: "Thank you, Mr. Speaker. I also move for adjournment. My theory on this, my theory on this is that all of us from Chicago need to get back and help those Cubbies, so let us go home."

Speaker Brunsvold: "Representative, if you wanted to adjourn, you should speak with Speaker Madigan. The Gentleman from Cook, Representative Fritchey."

Fritchey: "Thank you, Mr. Speaker. On a lighter baseball note, I think we should all take note and issue and appreciation. It was 50 years ago today, to the day, that a incident

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happened that has changed not only baseball, but race relations, and an individual that has done more for the civil rights movement, or as much, in his own way, as Martin Luther King or Malcolm X or Nelson Mandella or any of those, and I think that would be agreed to by most people. Jackie Robinson, 50 years ago today, became the first individual to break the color barrier in major league baseball, and so doing he changed society and he changed the game that is the national pastime, and I think it's only appropriate that we take minute for recognition. Thank you."

Speaker Brunsvold: "Thank you. Representative Hannig in the Chair."

Speaker Hannig: "Mr. Clerk, read House Bill 94."

Clerk Bolin: "House Bill 94, a Bill for an Act to amend the Illinois Solid Waste Management Act. Third Reading of this House Bill."

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

Dart: "Thank you, Mr. Speaker, Members of the General Assembly. House Bill 94 as it was amended it does two things. It creates a two year market development program by DCCA for secondary material manufacturing. It requires them to put together a two year strategic plan to design methods to promote efficient collection of recyclables and also a two year pilot for financial assistant programs targeting enterprise zones as well. This Bill is supported by numerous groups, the Environmental Council, Sierra Club, Farm Bureau, and DCCA is now in support of it. This Bill is a result of, it sort of dove tails with a study that was done by DCCA which showed some problems with the grant recipients, and this is an effort to try to bring grants to individuals for a worthwhile cause such as this, because we

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have been finding out that we have been doing a much better job than we had in the past in the area of recycling, however, we're finding less and less to do with the recyclables. So this is an effort to encourage the use of recyclables in manufacturing. I could go on for hours about the number of jobs that we'd create and the efficiencies there, but I will let it suffice to say that this is a Bill that I know of no opposition, and I'd appreciate a positive vote."

Speaker Hannig: "The Gentleman from Vermilion, Representative Black. Representative Black."

Black: "Yes, Mr. Speaker, you might wish to see if you could get a supplemental appropriation so you could hire somebody to run the sound board. There's nobody there."

Speaker Hannig: "We didn't know if you really needed the microphone, Representative Black, but we'd be happy to turn it on."

Black: "Am I on? Hello. Hello."

Speaker Hannig: "You're on."

Black: "All right. Thank you. Will the Sponsor yield? Representative, what did the Amendment do? I heard you say that the Department of Commerce and Community Affairs is now a proponent and I know at one time they were registered as an opponent. So, did the Amendment change their position?"

Dart: "Correct. When we entered committee, as a matter of fact, we had witness slips from the department. Two opposing, one supporting the Bill, and when the Bill came in front of the committee the representative from the department came forward and said they are no longer in opposition, because what the Amendment did, is it changed the thrust of the Bill to set forward a two year pilot program that they are

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supposed to operate. Which, as I said, it dove tails with a report that was just completed for them about the problems that's been going on with some of the grants, as far as getting them out to local groups and their inability to do that. So, I think part of their opposition was initially the Bill was going to cost a great deal of money, as it's amended, it does not do that anymore and this is just a two year pilot program."

Black: "You mentioned there were pilot programs in, did you say three cities?"

Dart: "No, it doesn't specify that. They are supposed to create a two year pilot, and they are supposed to target four enterprise and empowerment zones located throughout Illinois."

Black: "I'm having a hard time finding the language. I thought it specified a population base on the pilot programs."

Dart: "It talks about creating a two year pilot program, a pilot financial assistance program especially designed to develop secondary materials, manufacturing enterprises and four enterprise and empowerment zones located throughout Illinois that reused or remanufactured material is collected in municipal and business recycling programs, and that's on page 2... I have the Amendment in my hand, I don't..."

Black: "Okay. The Amendment mentions those pilot programs would be in enterprise and empowerment zones. Are there any empowerment zones downstate?"

Dart: "I'm unaware of that right now, Representative."

Black: "Where is an empowerment zone?"

Dart: "Well, I do know that there are some in the City of Chicago, but I do believe they are throughout the state, but I'm not sure of that."

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Black: "So am I wrong, the thrust of this is trying to tighten up grants for recycling, is that what you're trying to do?"

Dart: "Representative, there is one in Southern Illinois. I'm trying to get the location now though, I'm not exactly sure. It's an East St. Louis community, and I believe there's also one in Springfield as well."

Black: "Our staff indicates that they are in Chicago, Springfield, and East St. Louis."

Dart: "Yeah. I just got the same information."

Black: "Is that the only place where the pilot programs could be located in those three areas?"

Dart: "That's just the empowerment zones, but there also are, it would allow for them to be done in enterprise zones as well, which are also scattered around the state as well."

Black: "Well, Representative, I congratulate you on crafting an Amendment that no matter how I read it, upside down or sideways, I have no idea exactly what you're trying to do here. I, when in doubt I usually vote 'no'. I'm not sure you're up to anything here, but some of the language in this thing about secondary materials manufacturing, I'm just an old country boy and I'll be darned if I really know for sure what you're doing, but I'll take your word that you're trying to do something good. But I'm not sure it's going to be anything good in my district. So if you don't mind, I may vote 'no'. Okay."

Dart: "That's fine, Representative."

Speaker Hannig: "Representative Skinner."

Skinner: "When I first read the analysis, which I can't get up on my screen now because I've locked the screen, it said something that sounded like it would help my county, and now, after this last bit of discussion, I sense that this will only help areas that have an empowerment zone or an

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enterprise zone, is that correct?"

Dart: "Well, the thrust of it is to have DCCA target areas where they've had problems with this, where they have a hard time bringing in jobs and businesses. So this is an effort to try to target those areas, and it's been proven to work in other states as well, but we go through all these hoops we jump through with creating TIFFs all over the state, this is an effort to put jobs that will be bringing in wages into areas that otherwise wouldn't have them."

Skinner: "So the answer is yes?"

Dart: "Yeah."

Skinner: "That means if you don't have an empowerment zone or you don't have an enterprise zone, there's no way on earth that any business enterprise in your area is going to get one of these grants of up to \$50 thousand to help with a secondary market start up company, correct?"

Dart: "No. What they're supposed to do is they're suppose to just give first priority to them. It doesn't mean the other ones are excluded, it's first priority goes to them."

Skinner: "And how much money do you have planned in this?"

Dart: "The Fiscal Note on this is \$300 thousand."

Skinner: "Well, Representative, with all due respect, there are so many enterprise zones and we're covering the entire City of Chicago virtually."

Dart: "No, it wouldn't, because they have to be viable. Just because you have an empowerment zone doesn't mean you get it. They're supposed to be given first priority, if they don't put together a proposal that's viable, they don't get it."

Skinner: "Well, as with Representative Black, it seems to me you've left my district out. I would also then make a second line of argument, and that is that there is

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absolutely no evidence anywhere that I've ever seen that government officials are capable of figuring out which businesses are going to succeed and which businesses are going to fail. Why do you trust government bureaucrats to make that judgement?"

Dart: "Government bureaucrats, the only determination they would be making is they would have proposals put forward to them and they would select the proposals."

Skinner: "Right, but they're going to have to pick winners from losers. I mean, the Small Business Administration's record over time hasn't been stellar."

Dart: "That's what we do all the time around here."

Skinner: "And we do it poorly all the time."

Dart: "I would challenge that."

Skinner: "Well, the Illinois Finance Development Authority has a loan program for under \$100 thousand loans, 50% of the loans are in default. That does not sound like success to me. You're talking about \$30 thousand loans. If you would open this up, on the other hand, to all comers throughout the state, I'd be an enthusiastic supporter."

Speaker Hannig: "Representative Pugh."

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

Speaker Hannig: "He will."

Pugh: "Representative, can you explain to me the genesis of this legislation?"

Dart: "Frankly, it's twofold, threefold really. The Department had done a study that is a potential grant recipients survey research project, which showed that a lot of groups especially groups, I mean, different groups throughout the city were having a difficult time obtaining grants through the Department. So this was an effort to address that by

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trying to shift more of an emphasis to individuals who should be applying for these types of grants, that's A. B, it was also an effort to target areas that sometimes are, do not get adequate consideration for manufacturing type jobs by putting some type of emphasis on putting them in the top level here. And secondly, as I mentioned earlier, we have been doing some remarkable things in the area of recycling. However, the problem is we're not doing anything in regards to trying to use something with these recyclables. So, if you look at the market for them, whether it's glass or tin or aluminum, it fluctuates and at this point right now, some of these are so low that there's no point in even recycling them because no one is using them on the other end. So, it's great to recycle, but you've got to utilize the things you recycle. So this is an effort to try to expand on that."

Pugh: "To the Bill, Mr. Speaker. This piece of legislation is similar to a piece of legislation that the President, or that they created in Washington. The President's Council on Sustainable Communities has charged the states with a mandate to develop avenues or mechanisms whereby sustainable communities could be developed not at the risk of harming the environment for future generations. The Build Illinois Act is one piece of, one mechanism whereby the Department of Commerce and Community Affairs develop mechanisms to develop economic generators. This municipal waste grant proposal will provide jobs while maintaining the environment to create sustainable communities for future generations, and with that, I rise in strong support of this particular piece of legislation."

Speaker Hannig: "Representative Scott. I remind the Ladies and Gentlemen of the chamber that this Bill is on Short Debate,



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but we try to extend everyone an opportunity who feels they must ask questions or make statements to do so. Representative Scott."

Scott: "Thank you, Mr. Speaker, and I'll be brief. In a past life, I was responsible for all of the recycling and solid waste programs for the City of Rockford. An I'll take issue of something that the Gentleman from McHenry said a few minutes ago. DCCA is an agency which has done a very good job. Before, it used to be through the Department of Energy and Natural Resources and then DCCA picked up that function. They've done a very good job of helping municipalities and other not-for-profits with respect to fund recycling programs. This, to me, seems like a logical extension of that, because you're creating a marketplace for markets which are fairly unstable at times. This will allow DCCA to make loans to do two things. One is, in empowerment zones and in enterprise zones will provide a good jobs program for those particular areas, and, secondly, what it will do is allow the marketplace to take over in an area where it hasn't been able to do so on its own. Many municipalities, in fact, virtually all of them now statewide are involved in doing recycling and what you're also doing is helping out the taxpayers in those local municipalities by providing a good, stable marketplace for the goods that they're picking up with taxpayer dollars. I think for a lot of reasons this is a wonderful Bill, and I encourage everyone to vote 'yes'."

Speaker Hannig: "The Gentleman from Cook, Representative Hassert."

Hassert: "Will the Sponsor yield?"

Speaker Hannig: "He will."

Hassert: "Representative Dart, where would the funding come for

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these programs?"

Dart: "Through DCCA."

Hassert: "I'm sorry."

Dart: "Through DCCA."

Hassert: "Where would DCCA get the money for these pilot programs? You mentioned 300 thousand plus for the pilot programs, where would that money come out of their existing budget?"

Dart: "They would have to appropriate it out of their existing budget."

Hassert: "Do you know what fund they would take that out of?"

Dart: "The Solid Waste Management Fund."

Hassert: "Okay. So they would take \$3 or \$400 thousand plus out of solid waste management?"

Dart: "Not \$3 or \$400 thousand, \$306 thousand, \$306 thousand."

Hassert: "Okay. So the funding mechanism will be coming from... do you know how much is approximately in that fund?"

Dart: "At this present time, no, I'm not aware of what that is."

Hassert: "Okay. So, actually this would be in competition with other grant requests, am I right, if these pilot programs would come into play?"

Dart: "Unless we were to increase the appropriation, which is possible, that would be in competition."

Hassert: "Well, my understanding of the only way to increase the fund is basically it's from the Tire Management Fund, the Solid Waste Management Fund, as they will increase the tipping fees at landfills, you don't anticipate that, do you?"

Dart: "Unless we appropriate more."

Hassert: "Okay. Just my concern is that this Bill would probably have some effect on other recycling grant programs throughout the state. I would ask my colleagues just to

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remember that. Thank you."

Speaker Hannig: "Representative Dart, to close."

Dart: "Thank you, Mr. Speaker. I just urge an 'aye' vote on this. This is something that, as I say, is a responsible way to try to get at two problems in particular. One, namely the fact that we are recycling but the markets have been declining because we are not doing anything with these recyclables, and it's also an effort for DCCA to expand viable programs that they do have throughout the state, and I would urge an 'aye' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 85 voting 'yes', 32 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 143."

Clerk Bolin: "House Bill 143, a Bill for an Act concerning insurance coverage for certain conditions. Third Reading of this House Bill."

Speaker Hannig: "Representative Steve Davis."

Davis, S.: "Thank you, Speaker, Ladies and Gentlemen of the House. House Bill 143 would require individual and group accident and health insurance policies, coverage by health maintenance organization under a health service plan to include coverage for the prescription, introformulas, and reduced protein foods that are necessary for the treatment of, or management of inherited metabolic diseases, involving amino acids or organic acids. Ladies and Gentlemen of the House, since 1965, the State of Illinois has been testing newborn infants for six genetic metabolic

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diseases or conditions. These conditions are biotin deficiency, congenital, adrenal, hyperplasia, galactosemia, hypothyroidism, certain hemoglobinopathies, and PKU. Since that time, approximately 570 children have been diagnosed with PKU. Each month the Illinois Department of Public Health provides one or more of 10 formulas, formula-based products, to more than 250 children, at an annual cost to the state of approximately \$2,800 each. Unfortunately, this formula is only a fraction of the dietary needs of PKU children. House Bill 143 will require insurance companies doing business in this state to cover up to 2,500 per year, per child, toward the cost of prescription dietary foods, which are needed to maintain a healthy and productive life for these children. There are currently 308 children in our state who need these special low-protein foods. It is my hope that we can help the families of these children by passing this very, very special piece of legislation for some very special families. I will be glad to answer any questions upon this Bill."

Speaker Hannig: "Representative Skinner is recognized for questions."

Skinner: "Would the Sponsor yield to a question, please?"

Speaker Hannig: "He will."

Skinner: "Representative, you know in the worst way I want to vote for this Bill. It seems to me that there's no sense, whatsoever, that we should force the testing of each child in the state, at birth, for PKU, and then not require insurance coverage for that disease, which is perfectly treatable. But there is some, well shall I say, confusion over how broad a Bill this is. So I would like to go through each specific, I guess you would call it,

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condition, which will be covered under this Bill. I'm referring to the chart that you gave me, and I'll start in the upper left-hand corner. Biotin defects, there are now 10 of these in the state. Is that correct?"

Davis, S.: "Yes, it is."

Skinner: "Something with the initials GSD, glycogen storage disease. There are four of these cases in the state. Is that correct?"

Davis, S.: "Yes it is, Representative."

Skinner: "Tyrosine, whatever that is. There are four of these in the state. Is that correct?"

Davis, S.: "That's correct, Representative."

Skinner: "Let's see, the initials are HOM, homocystinurias. There are two of these in the state. Is that correct?"

Davis, S.: "That's correct, Representative."

Skinner: "PKU, there are 253 of these in the state. Is that correct?"

Davis, S.: "That's correct, Representative."

Skinner: "MSUD, Maple Syrup Urine Disease. There are four of these in the state. Is that correct?"

Davis, S.: "Yes, that's correct, Representative."

Skinner: "MPS, mucopolysaccharidosis, there are 10 of these in the state. Is that correct?"

Davis, S.: "That's my understanding, yes, Representative."

Skinner: "Urea cycle disorders, there are 10 of these in the state. Is that correct?"

Davis, S.: "Yes it is, Representative."

Skinner: "BCOA, which stands for branch chain organic."

Davis, S.: "Acidurius."

Skinner: "Thank you. There are two of these in the state. Is that correct?"

Davis, S.: "That's correct, Representative."

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Skinner: "MMA, let's see..."

Davis, S.: "Methylmalonic acidurius."

Skinner: "All right. There are two of these in the state. Is that correct?"

Davis, S.: "That's correct, Representative."

Skinner: "And, PROP, propionic, and you said that second word real well. Would you say it again?"

Davis, S.: "Acidurius."

Skinner: "There is one of these in the state. Is that correct?"

Davis, S.: "That's correct, Representative."

Skinner: "SCOA, straight chain organic..."

Davis, S.: "Acidurius."

Skinner: "Thank you, again. There are six of these in the state. Is that correct?"

Davis, S.: "That's correct, Representative."

Skinner: "All right. When we add 253 PKU patients to 55 of these miscellaneous related, inherited metabolic disorders, we have a total of 308 in the entire state. Is that correct?"

Davis: "That's correct, Representative."

Skinner: "Well, Representative, it seems to me that this is a very limited mandated coverage. And I think, that having put that in the record, that we're talking about no other diseases. Correct?"

Davis, S.: "To the best of my knowledge, Representative. This Bill is tightened up to cover these specific diseases."

Skinner: "Well, but that is your intention, that it would only cover these specific diseases?"

Davis, S.: "That's correct."

Skinner: "Okay. Well, based on that interpretation, I intend to vote for the Bill."

Davis, S.: "Thank you, Representative."

Speaker Hannig: "The Gentleman from Cook, Representative Parke."

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

Speaker Hannig: "He will."

Parke: "Representative, it's my understanding that this Bill will allow a doctor to prescribe this food product, up to a maximum of \$2500 per year, per, I presume, per every person that has these problems?"

Davis, S.: "That's correct, Representative."

Parke: "Thank you, Representative. To the Bill. Ladies and Gentlemen, 300 plus people, have problems. Three hundred some people can have these food supplements up to \$2500. Again, this is another mandated Bill. A mandate that is going to be placed on the insurance policies that must be paid for by small and large businesses in this state. We have sat through this week, Bill after Bill, being presented, all well-intended, all serving some kind of a problem that we have. We are moving towards socialized medication in Illinois, just like we tried to defeat on a national level. The reason is obvious. Every one of these Bills is well-intended. It deals with a group of people that have medical problems. But every time we mandate this on the small and medium and large businesses of Illinois, the cost of doing business will increase. The people have no choice. The businesses have no choice but to pass those mandated costs on to the consumer, the men and women who run these businesses who have to pay the freight. Ladies and Gentlemen, I don't know where this is going to stop. Where will this stop? Why do we continue to keep doing this to ourselves? Yes, we're trying to solve one problem on one end. That's great. Yes, these are all problems, they're personal problems, family members, relatives, that are involved in this. But Ladies and Gentlemen, what we're

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doing is, we're killing the goose that lays the golden egg. There comes a point in time where it's not going to be a good place to do business. It's going to start to cost us jobs. One day we're going to be standing on the Floor of the House wondering, well how come Illinois' not a good place to do business? It's because we nickled and dimed the businesses in this state with mandated, mandated and mandated, coverages. Where will this stop, Ladies and Gentlemen? When are you going to get some sense?"

Speaker Hannig: "The Gentleman from Vermilion, Representative Black."

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

Speaker Hannig: "He will."

Black: "Representative Davis, you have a serious Bill here. And I don't want to do anything to make light of the Bill. But I would like to know if you could amend the Bill on its face and, probably have Dr. Bromwell at the Department of Agriculture, the state veterinarian? What I'd like to do is to add the pigeons and starlings that flock around the Capitol to this Bill, because if anybody has gastrointestinal problems, those pigeons and starlings do. And I think we ought to give them something to stop this. My car, last night I couldn't go home, my car, the windshield was full. Could we do anything about that on this Bill?"

Davis, S.: "Representative, we took all references to gastrointestinal conditions out of this Bill. It went with the Amendment, unfortunately."

Black: "That's what I was afraid of. Well, maybe we can work on that later."

Davis, S.: "Perhaps, but I believe that what is left in the Bill



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is something that is really, really needed for some very special children."

Black: "I understand that. And I don't make light of the underlying Bill. But I also, you know, I had to use a handkerchief last night to clean off my windshield so I could drive to get home. So we got to work on that too."

Davis, S.: "If you were in Chicago, I think they have people on the street corner that do that for you."

Black: "Maybe we can bring some down."

Speaker Hannig: "The Gentleman from Cook, Representative Schoenberg."

Schoenberg: "Thank you. I'd like to address some remarks to Mr. Black, the previous speaker. Mr. Black, if you could please consult with the reference material that Representative Gash provided you with several days ago, if you'll turn to page 30. Mr. Black, why would we refer to you as the dreikup from Danville? Could you please enlighten the Members as what, why we would call you the dreikup from Danville? And what your remarks had to do with that?"

Black: "Well, if I may say so, Representative, you may refer to me as that. I don't know that I accept that. Why would you say it's someone who confuses you and makes your head spin? Do I do that to you?"

Schoenberg: "Could you, please, for the benefit of the rest of the Members, keep going on the definition of what a dreikup is?"

Black: "Someone who bothers you..."

Schoenberg: "It has nothing to do with chutzpa."

Black: "Yeah. Someone who bothers you and pesters you."

Schoenberg: "Keep going, please."

Black: "Someone who is confused. Who's own head is spinning."

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Schoenberg: "Keep going, please."

Black: "Well, the only thing I left out is a swindler and a con man. And I don't answer to that."

Schoenberg: "Thank you. I have no questions for the Sponsor. I urge your support for the Bill."

Black: "Well, now you've confused me. And if I knew how to pronounce that, I'd say that to you double."

Speaker Hannig: "Representative Davis, to close."

Davis, S.: "Thank you, Speaker, Ladies and Gentlemen of the House. This is a very serious Bill. And we aren't talking about just people here, as Representative Parke referred to earlier; these are children. And they're very, very special children. And the prescription foods that these children require, to remain healthy, to remain productive citizens in the State of Illinois, are necessary. It's a lifelong diet, it is no different than the insulin that a diabetic has to take. Unfortunately, there isn't a shot to help these children. There isn't a pill that they can take that can help their condition. The only way that they can fight off mental retardation is by staying on this very strict diet. These are foods that you cannot pick up in a grocery store. These are foods that you have to get from pharmaceutical companies. They're not available in drug stores. They're extremely expensive for the parents of these children. I could go down a list of the cost items, just for bread. These are children that have never had a hamburger in their life, never had a hot dog, never had a glass of milk, never had butter, never had cheese. They could have absolutely no protein. And it's a very rare disease. And the total cost to the insurance companies, these poor insurance companies in the State of Illinois, would be a total of \$770 thousand to a multi, multi-billion

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dollar industry. Believe me, Ladies and Gentlemen of this House, the insurance industry can afford this Bill. This is not a requirement, this is not a mandate, this is something that is very necessary for the health of these children. I know that at one time or another, each one of us has been asked why we ran for State Representative. And I'm sure that most of us have answered to this question with this answer, 'We became State Representatives so we can make a difference.' Well, today, Ladies and Gentlemen, you have an opportunity to make a difference in the lives of 308 children in the State of Illinois. And I would urge your 'aye' vote on this important piece of legislation."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 98 voting 'aye', 16 voting 'no', and 2 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 321."

Clerk Bolin: "House Bill 321, a Bill for an Act to amend the Intergovernmental Cooperation Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Moore. Representative Moore."

Moore, A.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 321 is legislation that represents nearly three years of work by a blue ribbon committee of local elected officials and appointed officials who have labored to find solutions to the problems that hamper intergovernmental land use planning. The basic intent of this Bill is to enable local governments to agree in the future use of land in which they have a common interest,

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and among the Bill's benefits, adoption of an intergovernmental land use plan could reduce destructive competition in unincorporated areas and address the issue of boundary wars. We've received support from Cook County, DuPage County, Kane, Lake, McHenry Counties, Will Counties, the Lake County Municipal League, Northwest Municipal Conference, West Central Municipal Conference, South Suburban Mayors and Managers Association, the Duquesne Valley Council, Will County Government League, DuPage Mayors and Managers, the Metropolitan Planning Council, the Civic Federation, Open Lands Project, the Chicago Transit Authority, PACE and others. I would appreciate your support and be happy to answer any questions."

Speaker Hannig: "Representative John Turner, is recognized on this issue."

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

Speaker Hannig: "She will."

Turner, J.: "Representative, I have some loud colleagues that surround me here. I was unable to hear what your explanation of the Bill is. Could you just briefly go over that for me one more time please?"

Moore, A: "The basic intent of the Bill is to enable local governments to agree on the future use of land in which they have a common interest. Among the Bill's benefits is the adoption of an intergovernmental land use plan, which could reduce destructive competition in the unincorporated areas and reduce the boundary wars that exist today."

Turner, J.: "And do you have a definition for local government in your Bill?"

Moore, A.: "Could you repeat the question please?"

Turner, J.: "Do you have a definition for local government in your Bill?"

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Moore, A.: "It's as it's defined in the Constitution, in the Illinois Constitution."

Turner, J.: "Is there a definition for intergovernmental land use plan?"

Moore, A.: "Is there a definition for... it means a plan that's been adopted by two or more local governments. At least two of which are general purpose local governments."

Turner, J.: "Well, what I'm getting at is would that allow then a county and municipality to go together? Would they qualify if they adopted the plan?"

Moore, A.: "If a county and a municipality go together, would that qualify as local? Yes."

Turner, J.: "Thank you, Representative, that's all the questions I have."

Speaker Hannig: "The Gentleman from Cook, Representative Fritchey."

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

Speaker Hannig: "She will."

Fritchey: "Representative Moore, let me, first of all, commend you because, as you know, I know you've put a tremendous amount of time and labor into this and I've attempted to work with you on this. Just so the intent is clear here, right now municipalities are able, under the Intergovernmental Cooperation Act, to have these regional plans to control and to guide land use planning, or not land use planning, but to have intergovernmental agreements, is that correct?"

Moore, A.: "Yes."

Fritchey: "And what this does is facilitate that and allow them to do this for land use planning, is that correct?"

Moore, A.: "Yes."

Fritchey: "And it's really more of a codification of what they

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are likely able to do already under the Intergovernmental Cooperation Act, correct?"

Moore, A.: "Yes, and it more clearly defines that purpose."

Fritchey: "And am I correct in assuming and judging from the parties that were involved in the creation of this legislation and from the Sponsor of this legislation, everybody appears to agree that this Act will make it easier for regional planning by allowing the counties to come in and to have more comprehensive long term planning for the growth of communities, is that correct?"

Moore, A.: "I think that's highly desirable, as this Bill only affects the Chicago and the Metropolitan area, the counties that surround it, which is a more urbanized area. I think this will promote greater cooperation between counties and municipalities."

Fritchey: "Representative, as I've told you all along, I think this is a tremendous Bill. You've done a lot of work on this, and I strongly urge that everybody vote in favor of this Bill. Thank you."

Moore, A.: "Thank you."

Speaker Hannig: "The Lady from Lake, Representative Clayton."

Clayton: "Yes. I'd like to speak in favor of this Bill. This Bill would not be binding on any local government that adopts the plan, and it also requires notice and public hearings before the plan would go into effect. I think one of the most important things of the Bill is that it promotes joint planning by municipalities with counties and other units of local government, and it prohibits a plan which includes unincorporated territory where the county has not entered into the plan. I commend the Sponsor on this Bill. What she's trying to do is encourage intergovernmental land use planning in our six counties of

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Northeastern Illinois, and it will encourage local governments to use cooperation rather than confrontation in land planning. I urge a 'yes' vote."

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

Stroger: "Thank you, Mr. Speaker. To the Bill. I rise in support of this Bill. The Sponsor did a lot of hard work. It's good to see local governments working together and this Bill does not mandate anything. This Bill is only if the local municipalities and governments want to be in this, and I think we all deserve it to give it a 'aye' vote."

Speaker Hannig: "The Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the legislation placed before us today. As 321 will create a vehicle through which, what we're going to do is end up binding future city councils and village boards and depriving them from their ability to exercise their prerogative regarding some of the land use. What we're, in effect, doing is putting in another ad hoc level of government, and that would be somewhere between the municipal and the county levels. I think a lot of these, when you look at these, you've got to look at the growth between the cities and their plans for the future, and you're going to be effecting their ability to exercise their authorities over that. So I'd like to ask the Members to take a solid look at this Bill and take a look at some of the sparsity and inequality in treatment between property owners and it's contrary to the underlying philosophy of equal protection under the law. So what I'd ask the Members to do is look at this legislation and

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consider it and vote 'no'."

Speaker Hannig: "The Gentleman from DuPage, Representative Roskam."

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

Speaker Hannig: "She will."

Roskam: "Representative Moore, what's the position of the Realtors Association and the Home Builder's Association?"

Moore, A.: "As you may recall, Representative, this Bill actually came before the Body last year, and we agreed to hold hearings over the summer, which we did with a number of different groups, Department of Natural Resources, the Metropolitan Planning, the American Planning Association Members, we had the Farm Bureau, we also had the Realtors and the Home Builders. And we were able to address every issue and, in the end, the Home Builders and the Realtors have decided that they are philosophically opposed to the Bill."

Roskam: "Thank you."

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

Hartke: "Yes. An inquiry of the Chair. Does this take 71 votes?"

Moore, A.: "This does not preempt Home Rule. On page two, in the Bill, 'The powers granted in this Section are not intended to limit or preempt the powers granted under the Illinois Constitution or any other provision of law.'"

Hartke: "It seems to me that this is an agreement between governmental bodies, and it does take some authority away from those home units and so that's why I ask that the Parliamentarian whether it... required 71 votes."

Speaker Hannig: "Representative Hartke, we've examined the Bill, and I've been advised that it requires only 60 votes."



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Hartke: "Thank you very much."

Speaker Hannig: "Representative Moore, to close."

Moore, A.: "Thank you very much, Mr. Speaker. As I said before, this was a lot of hard work on the part of many people to provide an opportunity for cooperation with our local governments. I would urge an 'aye' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 81 voting 'yes', 32 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 232."

Clerk Rossi: "House Bill 232, a Bill for an Act amending the Unified Code of Corrections. Third Reading of this House Bill."

Speaker Hannig: "The Lady from Lake, Representative Gash."

Gash: "This Bill expands the number of convicted sex offenders who are required to submit blood samples for genetic marker groupings to include the following: child luring when there is an intent to commit sexual penetration or sexual conduct, indecent solicitation of a child, sexual exploitation of a child, soliciting for a juvenile prostitute, keeping a place of juvenile prostitution, patronizing a juvenile prostitute, juvenile pimping, exploitation of a child, child pornography, and ritualized abuse of a child. This Bill passed out of the Judiciary Committee on Crime with 15 'yes' votes and 0 'no' votes. This Bill is supported by the Illinois State Police and the Illinois Council against sexual assault and many other groups, and I ask for your 'aye' vote."

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

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

Speaker Hannig: "She will."

Cross: "Before that an inquiry of the Chair. What Amendments have been adopted on this Bill, either on the Floor or in committee?"

Speaker Hannig: "Mr. Clerk, what is the status of Amendments on the Bill?"

Clerk Rossi: "Committee Amendment 1 and Floor Amendment 2 have been adopted to the Bill."

Cross: "Thank you. Representative, it's just a little loud in here, and I know this is an important Bill. Can you explain to us, if you don't mind, for those of us that aren't aware, that aren't in committee, what genetic marker groupings are and what purpose they serve?"

Gash: "Genetic marker groupings track offenders. Recidivism rates are higher among sexual offenders than most any other offender. It's important to keep track of this, it's DNA testing, Deoxyribonucleic Acid."

Cross: "I'm not necessarily quarreling with the idea of your Bill. I just want to make sure we all know what we're voting on, and so it's a matter of... when does the submitting of the blood sample, samples or sampling take place, Representative, and how are they collected?"

Gash: "When someone is convicted of one of these crimes. The Act currently covers many offenses, but does not cover these offenses. We're trying to expand the Act to those offenses. It's just common sense."

Cross: "I'm not questioning the common sense of it. Is this, the blood samples that you're collecting would be analogous to finger prints, in terms of tracking people if they..."

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Gash: "They're unique to individuals, yes."

Cross: "Who's going to collect and who holds on to the blood samples?"

Gash: "The Illinois State Police's Division of Forensic Services and Identification does that presently and will do that with this."

Cross: "Well, Representative, it sounds like a good idea, and I hope we certainly support your Bill. Thank you."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'no'. 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', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, call House Bill 263."

Clerk Rossi: "House Bill 263, a Bill for an Act amending the Public Utilities Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Novak. Representative Jones, for what purpose do you rise?"

Jones, J.: "Thank you, Mr. Speaker. I would like to be recorded as an 'aye' vote on that last Bill."

Speaker Hannig: "The record will so reflect your intentions. Representative Novak."

Novak: "Yes. Thank you, Mr. Speaker. House Bill 263 is one of two Shell Bills that we're using in our attempt to restructure the electric industry in Illinois. This Bill is being sent over to the Senate with the express purpose to put language on it later on so we can come back, probably in a Conference Committee or possibly a Concurrence, to deal with this issue of electric restructuring."

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Speaker Hannig: "The Gentleman from Vermilion, Representative Black."

Black: "Thank you, Mr. Speaker. Will the Sponsor yield? Representative, again, it's rather difficult to hear in here. This is a Vehicle Bill that you intend to use for what purpose?"

Novak: "To restructure the electric industry, Representative Black."

Black: "Completely restructure it?"

Novak: "Restructure and deregulate."

Black: "This could be really a heavy Vehicle Bill then when it comes back, right?"

Novak: "Right now it looks like it's on a few inner tubes, but when it comes back it could be a full fledged 18 wheeler."

Black: "I would think you'd need some inner tubes, some airbags, and some seat belts on this vehicle, but just so we know what you're up to. Thank you very much."

Speaker Hannig: "Representative Persico."

Persico: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. As Representative Novak mentioned, this is the Vehicle Bill for the restructuring of the electric utility industry. It is a Bill that we need to pass over to the Senate, and I would ask for your favorable Roll Call."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 62 voting 'yes', 52 voting 'no', and 3 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 558."

Clerk Rossi: "House Bill 558, a Bill for an Act concerning

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managed care dental benefit plans. Third Reading of this House Bill."

Speaker Hannig: "Representative Wojcik."

Wojcik: "Thank you, Mr. Speaker and Members of the House. House Bill 558 creates the Managed Care Dental Care Parent Patient Protection and Reform Act. It provides for the regulation of dental managed care plans by the director of the Department of Public Health, establishes requirements for disclosure to enrollees, establishes credentialing and utilization review standards and requires plans to include a point of service option. Finally, this legislation requires a director to issue an annual report on the performance of those managed care's entities. This is supported by the Delta-Dental Plan Group and by the Illinois Dentists. Also, it exempts on self-insured plans and also employees of 50 and under. I ask it's favorable passage."

Speaker Hannig: "Is there any discussion? Hearing none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'no'. 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 102 voting 'yes', 10 voting 'no', and 4 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 362."

Clerk Rossi: "House Bill 362, a Bill for an Act amending the Public Utilities Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Lawfer, for what reason do you rise?"

Lawfer: "Would the record reflect that I would have been an 'aye' on the 558?"

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Speaker Hannig: "The journal will reflect your intentions.  
Representative Novak."

Novak: "Yes. Thank you, Mr. Speaker. This is the brother of  
House Bill 263 dealing with restructuring the electric  
industry. Again, it's our express purpose, well, it  
possibly could be its sister, to make it gender neutral,  
for the express purpose, once again, to put language on in  
the Senate or either in a Conference Committee, as we seek  
to deregulate and restructure the entire electric industry  
in the State of Illinois. It's just a Shell Bill, there's  
nothing in it."

Speaker Hannig: "And on that question, Representative Persico."

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

Speaker Hannig: "He indicates he will."

Persico: "Representative, I know that this is one of the two  
Bills that we want to pass in order to carry forward with  
the Electric Utility Restructuring Act. One of the  
questions that we have over on this side of the aisle was  
that we failed to put Novak, Persico as CoChairman of these  
Bills, and would you mind if my name was added to this  
Bill?"

Novak: "Representative Persico, apparently it was an oversight  
and we'll certainly add you on as soon as we pass this  
Bill."

Persico: "There's no problem. There it is."

Novak: "Your name is in lights."

Persico: "Thank you, Representative. Again, I ask you for your  
favorable Roll Call on this. This is a Bill that we need  
to get over to keep the process going, and, as we said,  
there is no agreement yet, but we're trying to reach it.  
So please vote 'yes' on House Bill 362."

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Speaker Hannig: "And the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'no'. 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 64 voting 'yes', 48 voting 'no', and 4 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 473."

Clerk Rossi: "House Bill 473, a Bill for an Act amending the Code of Civil Procedure. Third Reading of this House Bill."

Speaker Hannig: "Representative Capparelli."

Capparelli: "Thank you, Mr. Speaker. This is a Quick Take Bill for Morton Grove, Rosemont and Oak Park. As you know, the TIF Districts have been successful throughout. These are all TIF Districts, first of all, three of these districts are TIF Districts. And there always have been successful and economic development. Morton Grove has a piece on Waukegan and Golf with a hotel, which they want to take and put economic development shopping center. I believe in Rosemont... I'll turn that over to Skip Saviano for Rosemont."

Speaker Hannig: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker. Regarding the quick take at Oak Park, this has been a long time coming for the redevelopment project for downtown Oak Park at Harlem Avenue and Lake Streets. This authority only applies to the commercial property. It does not include any residential property. And I would ask for your favorable consideration."

Speaker Hannig: "The Gentleman from Cook, Representative Giles."

Giles: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 473 is a very important piece of

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legislation, as Representative Saviano has just mentioned. What this Bill will do is allow Oak Park to continue their development of their commercial district only. And I just simply ask for a favorable vote for this piece of legislation. Thank you."

Speaker Hannig: "Representative Gene Moore."

Moore, E.: "Thank you very much, Ladies and Gentlemen of the House. I certainly rise in support of this quick take for the Village of Oak Park for the economic development structure, so they can continue to do exactly what they are doing in our communities, to bring jobs to the community. And again, I support Saviano, as well as our good speaker over here, Mr. Capparelli. And I ask for an 'aye' vote as well."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 82 voting 'yes', 34 voting 'no', and 1 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 452."

Clerk Rossi: "House Bill 452, a Bill for an Act to create a fair and equitable funding formula for schools. Third Reading of this House Bill."

Speaker Hannig: "Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. This Bill is not what the title on the board would suggest. In fact, it has been amended to include a proposal which has been worked on for several years that has to do with creating for school districts throughout the state, something very similar to what was



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created for the Chicago school district when that Bill was passed in 1995. Instead of having individual levies and individual separate accounts, for educational operations and maintenance, transportation, working cash, and special education, the school districts would have a general operating fund. They would be restricted to a levy that did not exceed the maximum rates currently authorized by statute for each of those funds, but they would have, it seems to me, a good deal more flexibility in the way that they go about preparing their levy. They would also have considerably more flexibility in how they can go about actually dispersing that money amongst the various requirements that are placed upon the districts by the state as far as all of those functions are concerned, the educational function, which includes all of the teacher salaries, materials and so forth, operations and maintenance, transportation, working cash, and special education. This Bill was suggested by the Education Research and Development Group known as EDRED, by the South Cook Organization for Public Education known as SCOPE, and by the Illinois Special Education Administrators. Mr. Speaker, as far as I know, there is absolutely no opposition to this Bill. It does not raise anybody's taxes, it does not lower anything at all. It simply consolidates levies so that school districts have more flexibility."

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

Dart: "Will the Sponsor yield please?"

Speaker Hannig: "She will."

Dart: "Representative, I just need some clarification, maybe you can supply it here. In the provisions, that would allow individual limits exceeded with voter approval..."

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Cowlshaw: "I can't hear you."

Dart: "Okay. There's provisions in here that would allow individual limits to be exceeded with voter approval. Are those through a referendum or a tax increase?"

Cowlshaw: "Sir, there are already provisions in the law for any rate to be exceeded by voter approval through a referendum. This does not change that."

Dart: "That's my point. Does your change any of those provisions?"

Cowlshaw: "Oh, my goodness no. In order for there to be any increase in any rate, there would have to be a voter referendum. None of that has changed, it is all as it is right now."

Dart: "Okay. So there is no provisions in here that change any of the existing law in regards to the referendums?"

Cowlshaw: "No, Sir. There is nothing like that."

Speaker Hannig: "Representative Skinner."

Skinner: "I have a question about the working cash fund implications, if you would answer it. Working cash funds are issued without regard to referendum. Now, you're mixing referendum rates with a non-referendum rate. Surely there are some implications there. Well, not surely, but perhaps there are some implications there that are negative to the taxpayer. Could you expound a bit on the working cash fund implications?"

Cowlshaw: "The Bill requires that any money in these funds may be... that any increase in the tax levy, from the combination of what all of those tax levies were individually from the prior year, that any increase in that levy must be submitted to the voters and approved before it can happen. So, you can go ahead and levy a total amount that is the equal of everything separately put together,

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but to go above that at all you have to go to the voters."

Skinner: "Alright, but working cash funds..."

Cowlshaw: "So whatever it was last year for the working cash fund is all you can have this year too."

Skinner: "Okay. But working cash funds are eventually paid off."

Cowlshaw: "I'm sorry, I still can't hear you."

Skinner: "Working cash funds are eventually paid off and the levy disappears. For example, they may be sold for five years, and after five years, there is no working cash fund levy. Now, in my area before the tax cap, it was a common practice for school districts to levy a working cash fund in year one, drain it in year two, re-levy it in year two, and I'm wondering if we're building in a non-referendum, bonding... a non-referendum approved tax rate in perpetuity."

Cowlshaw: "The thing we have done in here to try to prevent any misuse, such as the kind of misuse you are describing, is that we have provided in this Bill that the total amount of money that is the levy for the general operating fund, which is the combination of all these former separate funds, may not be levied at a rate sufficient to accumulate funds until the school board has ordered the issue to be voted upon by the voters in a regularly scheduled election."

Skinner: "Then it's not your intent that a school district should be allowed to levy more money for working cash, to retire working cash bonds that otherwise would have been the case?"

Cowlshaw: "That is exactly correct, and I'm glad that you made that a matter of record. That is correct and that most certainly is the intent."

Skinner: "You don't mind if I still feel nervous?"

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Cowlshaw: "Pardon me."

Skinner: "You don't mind if I still feel nervous."

Cowlshaw: "We all do, Cal."

Skinner: "Thank you."

Speaker Hannig: "Is there any further discussion? Hearing none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes', 3 voting 'no', and 1 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 152."

Clerk Bolin: "House Bill 152."

Speaker Hannig: "Okay. Representative Fritchey, this Bill has been just moved to Third Reading today, so we're going to have to hold that. So that Bill is out of the record. House Bill 524, Representative Leitch. House Bill 524, Mr. Clerk."

Clerk Bolin: "House Bill 524, a Bill for an Act concerning districts. Third Reading of this House Bill."

Speaker Hannig: "Representative Leitch."

Leitch: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 524 seeks to address a problem that showed up in Illinois a couple of years ago, and it resulted in Macomb, Illinois in the instance where a TIF, Tax Increment Finance District was created overlapping an Enterprise Zone District. There were disputes after the TIF was established because the Enterprise Zone District included in it tax abatements, which would have otherwise been overruled by the TIF. It went to the Third District Appellate Court, and as a consequence, the City of Macomb

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is hanging out on a bunch of bonds they had already let out and so forth, and this has also occurred in other parts of the state. What this Bill simply does now going forward, is to lay out the process by which parties in enterprise zones can be notified of their rights, and in the course of creating new TIFs, have those enterprise zone rights terminated so that this problem won't occur again. And with that, I would ask for your favorable consideration."

Speaker Hannig: "And on that question the Gentleman from Bureau, Representative Mautino."

Mautino: "Representative, are there any opponents to this legislation, or is this the Bill which is just addressing that court case?"

Leitch: "I'm not aware of any opponents. This just deals with the enterprise zone and TIF legislation."

Mautino: "Is that the Orion decision?"

Leitch: "This is not in that one, no. The next one you're probably interested in."

Mautino: "Okay. I understand what you're trying to do, and we did have some confusion where the TIFs overlapped on the enterprise zones. So, I'll have to stand in support of your legislation."

Leitch: "Thank you."

Speaker Hannig: "On that question, there being no one else seeking recognition, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'no'. 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 114 voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 207."

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Clerk Bolin: "House Bill 207, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of this House Bill."

Speaker Hannig: "The Lady from Cook, Representative Ronen."

Ronen: "Thank you, Speaker, Members of the House. This Bill comes from a proposal from the Illinois Municipal League. They're a non-Home Rule Committee. This committee consists of mayors and managers from non-Home Rule municipalities across the state. In order to help, these non-Home Rule units effectively combat teenage smoking, the committee requested this legislation. Currently, the state prohibits manufacturers, retailers, and distributors from selling or distributing tobacco to minors, but Illinois does not have provisions specifically allowing municipalities to regulate local retailers. This Bill would do that, allow them to provide a license. We amended the Bill in committee, which grandfathered in existing dealers, retail vendors. We think this was an adequate compromise. The issue here is one of local control, allowing the non-Home Rule communities the ability to regulate sales, and if somebody is violating the law by selling tobacco to minors that they can appropriately deal with it. I move 'do pass', and I'd be happy to try to answer any questions."

Speaker Hannig: "And on that question, is there any discussion? Seeing none, the question... Representative Black, the Gentleman from Vermilion, is recognized."

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

Speaker Hannig: "She will."

Black: "Representative, this is a Bill that we talked about yesterday. The Amendment... this Bill is entirely permissive."

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Ronen: "Yes, that's exactly right."

Black: "Doesn't require that any city do anything if they don't want to."

Ronen: "No, it doesn't. This just gives them the ability to do something if they wish."

Black: "Okay. Thank you."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'no'. 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 103 voting 'yes', 12 voting 'no', and 1 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 525."

Clerk Bolin: "House Bill 525, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Leitch."

Leitch: "Thank you very much, Ladies and Gentlemen of the House and Mr. Speaker. House Bill 525 is a Bill that a number of us have been working on for the last couple of years, and it seeks and, I believe, successfully addresses a number of important reforms in the area of tax increment financing. The problems it addresses, I would say that actually there are seven very significant problem areas that this Bill addresses, and among them are the concerns about communities who have been concerned about including questionable or ineligible properties within TIF districts, especially, in some areas, vacant farm land. What this Bill does is define all the eligibility criteria in the statute using the definitions, better, tighter definitions, which were used in the sales tax TIF in 1988 and 89."

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Definitions are added for each factor for blighted and conservation areas and for each factor awaiting to improve vacant properties. At present, the statute merely lists these, but does not define them adequately. By extensively defining these terms in the statute, TIF consultants, municipalities and everyone else involved will know that they are going to be held to a higher and a more consistent standard. This Bill also, by the way, adopts many of the more extensive definitions that are proposed in House Bill 696, and we can talk about that more in a minute, and they are also reflecting the sales tax TIF language of the late '80s. Importantly, this Bill also eliminates the possibility of so-called double counting of different criteria involved in TIF processes, that that has been an issue that a number of conflicts have arisen over and indeed the number of factors to be considered has been reduced from 14 to 13. The proposal also adds new requirements for each factor. Each one which shall be present and that means that each one of these factors that are cited need to be present, and they also need to be reasonably distributed throughout the district that is proposed as a TIF district. This again is a significant addition. This reform also, importantly, bans the use of TIF incentives for golf courses and the like, unless they've already been under construction or occur before the effective date of this plan. This Bill addresses another area that has been very much in controversy, and it makes it more difficult to just put in farm land in TIFs. It requires that the land, before it's included in a TIF, must be subdivided and accorded and filed with the municipality. It also clarifies the requirements for the industrial park conservation TIFs. Under this proposal, those areas now



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must be zoned industrial before and not after the TIF is included. The second important problem area is in the area which has made a number of communities very upset, is in the area of using a TIF to induce a retailer to close a facility in one adjacent community and then relocate that TIF in the subsequent municipality's TIF area. After the effective date of this TIF, that could not be done within 10 miles of the original site. And again, this is similar reform language to that used in the sales tax TIF reform of '88. Some municipalities have entered into agreements to share revenues with one or more overlapping tax bodies, but not all of them and without regard to the eligibility of the expenses from a TIF standpoint of using those funds. This reform now tightens that measure up and it clarifies and defines that those payments are not to be made unless they are directly TIF related to and relate to those specific and direct operating costs. One other, fourth area, that has been of concern and in need of attention, is that a number of communities have been complaining that there's not... there needs to be a tightened ability to bring complaints and disputes on TIF issues forward. This Bill expands the accountability changes adopted in '94 by requiring all TIFs to establish joint review boards and to mandate annual meetings. It expands the scope, as well, of these joint review boards. Another point in this is that is also requires cities to post so-called early warning notices, early warning hearings, even before a TIF hearing itself is held. So that is important. Another very significant problem in here has been that there have been some great concerns around the state over TIF developers, in effect, getting money out of both ends of the contract, and that has resulted in some very unfair payments, in my

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opinion, to TIF developers and their unfair payments that have made the TIF association very upset, and this would address that with a series of three year contracts. A very important addition to this, and I want to thank Representative Sonia Silva for this, and if you notice she has put out a letter as well in favor of this Bill. We addressed in this Bill, we took the time to sit down with SHAK and address the concerns that were being expressed in the Latino community and others, and I believe the Bill is a better Bill for it. And I could go on for quite a while, just the analysis is 35 pages long, but I would recommend this Bill to you. The City of Chicago is for it. It's a Bill that has had a great deal of work, and I would ask for your support."

Speaker Hannig: "And on that question, Representative Eileen Lyons, is recognized."

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

Speaker Hannig: "He will."

Lyons, E.: "Representative, does this legislation provide any oversight?"

Leitch: "What's your definition of oversight?"

Lyons, E.: "Who would determine whether the TIF districts were qualified?"

Leitch: "Well, what this Bill does is strengthen considerably the powers and the mandates to be carried out by the joint review boards, which has not been in here before."

Lyons, E.: "But that would be advisory only."

Leitch: "It's advisory now."

Lyons, E.: "Right."

Leitch: "I think the problem is..."

Lyons, E.: "So this does not strengthen it if it's still advisory, right?"

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Leitch: "Well, it's always been advisory. The only other choice would be veto power, and nobody thinks that's a good idea, unless they're trying to kill TIF."

Lyons, E.: "So the municipality would be the sole authority, the Department of Revenue would have no authority, DCCA would have no authority."

Leitch: "That's not true. If you're reading from this very annoying thing that's put out here from this group, that was opposed to it. Virtually all the information in here is incorrect, and they didn't bother to talk to me before this Bill, and it is not a list of concerns that I have any respect for."

Lyons, E.: "If you'd just clarify for me then, you saying that any oversight that is provided in this Bill is strictly advisory."

Leitch: "Yeah, but that's not a change. It's always been."

Lyons, E.: "Right. So it doesn't strengthen it any by providing for any more..."

Leitch: "No. The advisory review board has... is mandated to receive annual reports and more detailed reports and reports that identify where all the money went and is a process that is strengthened considerably with this reform. Right now, there are shortcomings which we've been trying for some time to address in a reform Bill, and I think that those points have been strengthened very considerably in this Bill."

Lyons, E.: "But unlike an enterprise zone that must be certified by DCCA, this is not true with TIF zones."

Leitch: "No. No."

Lyons, E.: "TIF districts."

Leitch: "TIF districts have an elaborate process by which they have to go through the municipalities, through

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redevelopment plans, through the ordinances that would satisfy bond lawyers in their specificity because bonds are often sold here. The Department of DCCA and the Department of Revenue are both in support and agreement with both this Bill and the previous Bill, 524. We worked hours with each of those Departments."

Lyons, E.: "Well, again, I have a problem because it doesn't provide any oversight, but to get back to the independent factors of blight that you mentioned. Narrowing it down from... to 13, and five out of those 13 are necessary, and it seems to me a lot of those criteria are either duplicative or overlapping."

Leitch: "Well, have you read it?"

Lyons, E.: "Yeah."

Leitch: "Well, I don't agree with you, and I don't think the people from SHAK or the others would agree with you. Those have been very considerably tightened up. They have been reduced in number, and their uniformity has been an important addition here, because unlike the present status quo situation, a finding of each of these characteristics now must be more generally found throughout the proposed TIF district. In addition, it had to be certified that this existed before the TIF proceedings began. So I would argue to you that this has been an area where this has been considerably strengthened."

Lyons, E.: "Well, for instance, where it calls for dilapidation. Wouldn't dilapidation or advanced state of disrepair or neglect fall into the same category as depreciation of physical maintenance or deterioration? Those are three different criteria, but they all seem to mean the same thing."

Leitch: "I don't think so."

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Lyons, E.: "Well, let me bring up another point, Representative. This Bill purports to prohibit TIF revenue, to be used for the construction of municipal public buildings, but that's only in the case unless the municipality reasonably determines that the additional administration or storage space is needed. So, therefore the money can go for these very, very expensive municipal buildings if the municipalities decide that's how... they determine that that's the case."

Leitch: "Not really. What it does is it still does permit some money to go for public buildings if, in the scope of the TIF district itself, those public buildings are necessary. What the Bill does do is no longer provide for the ability for municipalities to just stick in buildings that are unrelated to the TIF or that they couldn't otherwise justify."

Lyons, E.: "Well, again, I'm afraid that it doesn't do that. It does not disallow that because it says 'unless the municipality reasonably determines,' and if they reasonably determine that they can make a case for those buildings. Representative, the surplus distribution is not addressed in your Bill. So that municipalities routinely amend TIF plans and expand the boundaries to continue using surplus TIF revenue for additional projects not included in the original TIF, or original redevelopment plan."

Leitch: "I would tell you that this is not a perfect Bill. That this is a Bill that is going to continue to be worked on. It addresses a huge number of the problems that have been in this area, but in the instance of surplus revenue, for example, some municipalities have retained some of this revenue in the past because they, rather than issue more bonds, would want to accumulate, pay as you go in some of

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these projects. Of course, that has caused some of the other units of government to complain about this. This is an issue which is yet another issue which the TIF association and the others at the table have agreed in writing that they will continue to work on in a subsequent TIF reform. There are, for that matter, the accountability issue is another one that you raised earlier. We've made great steps in this Bill, but we think there is more to be done on that still an issue, and the 'but for' language is also an issue. Now each one of those are three other subjects that we have committed in writing to address, but I must tell you it has taken years to get to this point, and we do not want to hold up the urgently needed reform that we've already been able to agree on to solve every conceivable problem that there is. So that's why I would recommend that you support this Bill and then let us get on to these other issues."

Lyons, E.: "Well, I guess I would take the position that because it needs so much more work that I would oppose this legislation until further work can be done on it."

Leitch: "It doesn't need so much more work. I must tell you this analysis right here on what we've accomplished so far is 35 pages long. This is not the kind of an issue or a Bill that you're going to be able to identify every conceivable issue and work it all out to everybody's satisfaction before you can make some important reforms. The perfect here, in this case, is the enemy of the good. We have an extremely good Bill, it's a great step forward, it is not perfect, but it is a great step forward, and it's important that we keep this reform process moving."

Lyons, E.: "I understand in the effort to work on this Bill that you did work with the Representatives from the low income

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housing, which was an Amendment on this Bill. Did you work with school districts on this Bill as well?"

Leitch: "What school districts are you... my school district is very much in favor of it."

Lyons, E.: "But did you work with Representatives from school districts on this legislation, because I think the other taxing bodies that are affected by the TIF should have been members of the table as well."

Leitch: "Well, where were they? I've worked with every group that has come to work with me on this Bill, and if somebody is representing to you that they were not included, I think that you may ask them why they weren't included not me, because we held this up for at least two weeks, three weeks to sit down with SHAK and sit down with Representative Silva and address her concerns and if somebody wasn't in this Bill, as far as I'm concerned, it was their fault they weren't at the table not ours."

Lyons, E.: "Well, to the Bill, Mr. Speaker."

Speaker Hannig: "To the Bill, Representative."

Lyons, E.: "My concerns are there are a lot, I think, TIF is a good business tool of economic development, but as someone once said, that 'if you if the only tool you have is a hammer, every problem looks like a nail'. And in the case of TIF, I think that's what's happening. I think it is a good economic tool, but there are abuses that I think should be addressed, and I don't think this Bill addresses those. Amendment 3 expands the use of TIF to permit TIF revenue to be used to pay up to 50% of construction costs for low income housing. As I said, I think that there is a real need to address the abuse of a TIF as an economic tool. I don't think this Bill does it, and I would urge a 'no' vote."

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Speaker Hannig: "Representative Novak."

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

Speaker Hannig: "He will."

Novak: "Representative, I come from an area that has three communities that are contiguous. I don't think there's any space in between each community before you get to their boundary lines, and it's always been a criticism back home about TIFs that one community may want to entice another business to come from that community, to leave that community. Does this Bill address anything with respect, let's say a car dealership, for example, resides in community A, which is contiguous to community B. Would community B, be precluded from enticing the car dealership from moving from A to B?"

Leitch: "My understanding is if it's within 10 miles of the other."

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

Leitch: "I know it's very noisy in here. My understanding is if it's within 10 miles of the other."

Novak: "If it's within 10 miles. Any type of commercial enterprise, is that it? What about residential TIFs? Any kind of TIF?"

Leitch: "The problem has been in the course of rating by... of commercial enterprises more than raising residential. So, I don't think residential applies in this."

Novak: "Okay. So, essentially this is prospective, of course."

Leitch: "Right."

Novak: "So, if a current... so if a community that has a current TIF, assuming this Bill would become law, and if they had some scheme to entice a Wal-Mart store or a Kmart to come to their community from their neighboring community, this Bill would preclude that, correct?"



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Leitch: "If it's within 10 miles."

Novak: "If it's within 10 miles."

Leitch: "Yeah. After the effective date, this would prohibit municipalities from providing direct financial tax increment support to retailers initiating retail operations in their TIF while terminating operations at another location within 10 miles of the redevelopment project area but outside the boundaries of the redevelopment project area municipality."

Novak: "Okay. What about municipal buildings? What does it say in your Bill about municipal buildings, such as police stations, or fire stations, or renovations of village halls, does it apply to any of those?"

Leitch: "Yeah. Let me go through that. Let me go through that issue again for you. This would prohibit redevelopment project costs to include the cost of constructing a new municipal building which is intended to be used only for the purpose of providing office or storage space either for administrative personnel of the municipality or in connection with the public safety or public works services provided by the municipality and which is intended to replace an existing public facility. If the construction of the new building implements a redevelopment project, that was initiated prior to the effective date of this Act. The municipality must make a reasonable determination in the redevelopment plan that the additional office space or storage space is required to meet an increase in the need for public safety or public works services anticipated to result from the implementation of that TIF. So, this is tightened up very considerably because in the past some municipalities have just lumped in to their redevelopment plan and redevelopment projects whatever services or

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buildings they thought they might need, and that was an abuse and that created a lot of conflict. This tightens that considerably but leaves the common sense option open that in the event that the district itself creates a need for some of these services or buildings, and it's agreed to throughout the redevelopment plan process and agreement that yes, they may, in those instances, be included in the TIF project area."

Novak: "Okay. If a village wanted to, let's assume, include school districts in a TIF that's already existing. In other words, they want to expand their TIF to include buildings within a school district that lie within the boundaries of the village, and let's say, in addition, the current village hall, and then they have plans to renovate the village hall, or add on another fire department bay, or add another room for the police department, how would your Bill affect those plans?"

Leitch: "If I understood your question correctly, what this would do would be to prohibit it unless it was related to the TIF district itself, and bear in mind here, in other parts of this Bill, there's what we call the early warning notice to all the parties, that they would, even before there's a hearing by a city posted which in and of itself provides notice. There's an early warning notice, there's the joint review board. The joint review board will have to get a lot of additional information here in its annual reports, but to address your fundamental question, there's a lot more... it's a lot tighter now, with respect to the public buildings and there's a lot more public disclosure and the definitions within these TIF districts themselves are considerably tighter."

Novak: "Okay. Thank you."

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Speaker Hannig: "The hyphenated Sponsor, Representative Scott, is recognized, to close."

Scott: "Thank you, Mr. Speaker, Ladies and Gentlemen. This is a good Bill, and it does a lot of very good things with respect to TIF. Having worked with the TIF program for 10 years as a city attorney in Rockford, I'm very familiar with some of the problems that have arisen as a result of it, and this goes a long way toward addressing almost all of those particular difficulties that TIF has had. One thing I wanted to point out right away, and it's the issue that Representative Novak was just covering with Representative Leitch, in contradiction to what was said by Representative Lyons earlier, a new city hall, new storage space isn't just at the whim of the municipality, it's reasonably intended to be used because of putting the redevelopment plan in place. For example, if you're building something new in an area that doesn't have anything right now you may need an additional fire station, you may need an additional public works infrastructure to support that. That's what this language says. It doesn't just say that the municipality can go in and decide that they're going to have to put a new building up because that's what they want to do. It has to be specifically designed to meet the needs of implementing the TIF. That's very different than the language that you have right now, and it's very different than the practice right now. We all get incensed by things like the golf course growing up out of a corn field that met nobody's definition of blight. This Bill addresses that problem. We all have problems when the TIF is used to displace low income people and take away housing. This Bill addresses that problem. All of the problems that have cropped up with TIF over the years

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have been addressed in some form in this Bill. Now, it may not go far enough for some people, and for school groups, I'll tell you, it will never go far enough for the organized school groups because they don't like TIF to begin with for the most part, and I understand that and that's fine for them to have that opinion, but it's not something we are going to negotiate away the basic philosophical difference over TIF. TIF is designed to allow municipalities to try to put back into place those areas which have been blighted and been run down, and in the vast majority of cases, it's been very successful in doing that and the abuses have been small compared to the successes. But you can't ignore the abuses and that's what this Bill is designed to do. It's a lot of work put into to make a good program that's been developed over the years an even better program. This will make this program last very much into the next several decades and do very well and we can continue to work on the problems that exist with TIF, although we'll never get over the basic philosophical question that exists between the other taxing districts and the municipality. I just don't think that that's going to be possible. This Bill corrects many, many problems that are inherent in TIFs that we used to see that used to infuriate us because we were running our TIFs correctly and we saw other ones that weren't being done correctly, that weren't meeting the definition of the Act. This one does that, it redefines the Act to take away the abuses. I think it's a good Bill, and because of the work that the chief Sponsor has put into this over the years with a lot of different groups, it deserves an 'aye' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'no'. Voting is open. Have

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all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 92 voting 'yes', 24 voting 'no', and 1 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 265."

Clerk Rossi: "House Bill 265, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Hannig: "The Lady from Cook, Representative Crotty, for what reason do you rise?"

Crotty: "I'm sorry. On House Bill 524, my colleagues tell me my light did not go on again. So, if it would have gone on, it would have counted as a 'yes' vote."

Speaker Hannig: "And the record will reflect your intentions. On House Bill 265, Representative Hartke, is recognized."

Hartke: "Thank you very much, Mr. Speaker, Members of the House. House Bill 265 simply makes the speed limit on our rural interstate highways in the State of Illinois 65 miles an hour for all vehicles. I would be happy to answer any questions."

Speaker Hannig: "Is there any discussion? Hearing none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 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 78 voting 'yes', 37 voting 'no', and 1 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 270."

Clerk Rossi: "House Bill 270, a Bill for an Act amending the Illinois Income Tax Act. Third Reading of this House Bill."

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Speaker Hannig: "The Lady from Macon. Representative Curry."

Curry: "Thank you, Mr. Speaker. Basically, what House Bill 270 does, it expands the tax credit for those businesses participating in school-to-work programs or tech-prep programs. Current law says that only manufacturing businesses can receive the tax credit. This will expand the law to include all businesses in this state. We believe small businesses should be able to take part in this tax credit. So I'd ask for a favorable vote."

Speaker Hannig: "The Lady moves for passage of this Bill. Is there any discussion? Seeing none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on this question, there are 109 voting 'yes', 5 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 561."

Clerk Bolin: "House Bill 561, a Bill for an Act concerning school buses. Third Reading of this House Bill."

Speaker hannig: "Representative Bergman."

Bergman: "Mr. Speaker, House Bill 561 is the Endangered School Bus Transportation Act, which makes the offense of endangering school bus transportation a Class A Misdemeanor, punishable by a fine of \$1,000 and/or up to one year in the county jail. This Bill was sent back to Second Reading last week upon suggestions from some colleagues on the other side of the aisle to make it a better Bill. Amendment was adopted. What this Bill does is a very serious attempt to try to prevent our school bus loading and unloading zones from becoming war zones and increasingly there are incidents of gang activity on or

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about a school bus or a loading zone, and I'd appreciate your support for this Bill."

Speaker Hannig: "And on that question, the Gentleman from Cook, Representative Lang."

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

Speaker Hannig: "He will."

Lang: "Representative, when you had this Bill before us previously, we discussed some issues relative to some inconsistencies with the penalties, as I recall, and you took this back and amended it, correct?"

Bergman: "Yes, we did."

Lang: "And were the areas that I was discussing with you the areas you amended in the Bill?"

Bergman: "Yes."

Lang: "What changes did you make, Sir?"

Bergman: "We omitted line 14 and 15 in the Act, in the Floor Amendment, which removed the language, let's see here, that would result in the creation of a substantial risk of death or bodily injury to anyone."

Lang: "Now, you have a Bill that, I guess is not very controversial, but the question would be, 'Do we need what's left?' So, don't we already have an assault law in our Criminal Code that talks about the same kind of situation that you're talking about here relative to threatening a driver with a gun, isn't that assault?"

Bergman: "Apparently there are no statutes currently on the books that specifically talk about an offense on or about a school bus facility, and what this Bill would do would address gang activity near a school bus loading or unloading site where a school bus driver, a transportation official, or a passenger would feel threatened and allow a police officer to come in and make this kind of a charge

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and hopefully prevent a situation from escalating into violence."

Lang: "Well, Representative, I'm inclined to want to help you here, but today we have, in our Criminal Code, aggravated assault. It's what happens when you point a gun at somebody and threaten their life. I think that's a Class A Misdemeanor. What you propose here for going onto a school bus and threatening a school bus driver with a gun is a Class A Misdemeanor. What is the difference between aggravated assault and what you're proposing here?"

Bergman: "This also includes the language, 'that with words or actions intended to induce belief that the person is armed with a deadly weapon'."

Lang: "Well, that's also what assault is. So, the question is, is there any difference, are you adding anything to the Criminal Code? Is this not assault, whether it's a school bus driver or whether it's one of the parents standing on the school corner waiting for the bus?"

Bergman: "Well, in the earlier part of the Bill, there is language that refers to a person tampering with the facility of school bus transportation with the intent to cause damage, malfunction, or non-function. That would include any tampering with tires, windshield wipers, the lights, fuel facilities, or the gas tank, anything that would endanger or cause the driver or passengers to feel threatened."

Lang: "Well, Representative, I'm going to vote for this because I don't want to vote against it. You've worked hard on this, you made the changes that I asked you to make. I'm still not sure you add anything to the Criminal Code, but I know what you're trying to do, which is to keep school bus drivers and kids safe on a school bus. As you probably



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know, I'm the one that talks about that a lot around here, seat belts on school buses and the like. Perhaps you will join me on my seat belts on school buses Bill the next time we run it, but I'm going to support you today."

Bergman: "Appreciate it."

Speaker Hannig: "There being no further discussion, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'nay'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'yes', and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 318."

Clerk Rossi: "House Bill 318, a Bill for an Act in relation to non-Home Rule municipality occupation and use taxes. Third Reading of this House Bill."

Speaker Hannig: "Representative Scott."

Scott: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 318 is very similar in many respects to what we passed last year that allowed counties to go out for a front door referendum, for sales tax referendum for public safety purposes. This would allow non-Home Rule municipalities to go, by front door referendum only, to go out for capital projects with quarter cent sales tax up to one cent. It simply gives municipalities the option, most of them can go out now by referendum for property taxes, it gives them and their voters and their citizens one other option in terms of paying for capital projects, which are defined in the Bill. I think it's a good way, again by front door referendum, to give taxpayers some flexibility to pay for projects, and I'd appreciate an 'aye' vote."

Speaker Hannig: "And on that question, the Gentleman from

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Kendall, Representative Cross."

Cross: "Thank you, Mr. Speaker. A Parliamentary Inquiry, does this require 71 votes?"

Speaker Hannig: "Mr. Cross, we don't see anything in the Bill that requires 71 votes. We believe the required 60 votes, but if you would like to make your case to the Chair we would listen."

Cross: "Well, Mr. Speaker, I see that this creates a non Home Rule capital projects municipal sales tax through a front door referendum. It's our belief that it requires 71, but we certainly will yield to the Parliamentarian and would request that you look at it a little further. Second of all, if this gets the requisite number of votes, we request a verification."

Speaker Hannig: "Yes. We acknowledge your request for a verification."

Cross: "And if the Sponsor would yield, I'd appreciate it."

Speaker Hannig: "The Gentleman will yield."

Cross: "Representative Scott, can you explain to us how the front door referendum works on this Bill?"

Scott: "Certainly. The city council would have to vote to put the referendum on the ballot, and then the voters would vote on it before any tax could take place. It's not like a back door, where the tax takes place unless so many of the taxpayers object to it at a later time. This is simply an election before the tax can go into effect."

Cross: "Do you know which Amendments have been adopted, either in the committee level or on the Floor?"

Scott: "Yes, I do. Amendments 1 and 2 were adopted at the committee level."

Cross: "Representative, what Fiscal Impact, if any, is there to the state?"

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Scott: "I don't believe there's any."

Cross: "My understanding is there's a collection... there's some administrative costs associated with collecting the tax. Do you know if there's any significance to those, Representative?"

Scott: "I'm sorry, you're right, Representative Cross, but they didn't say, Revenue testified in committee, they say it will have a negative Administrative Impact, but they don't say what in terms of dollars."

Cross: "What would be the projected revenue on, or would it depend on each municipality? My reading of this Bill is that it allows the local municipality to impose a local option sales tax for capital projects?"

Scott: "That's correct."

Cross: "What was the genesis of this Bill?"

Scott: "Well, again, it follows along the line of what we saw last Session with the counties being allowed to go out for sales tax, and we passed that Bill, actually we passed two different Bills, one for large counties and then we came back later and passed a Bill for all counties, to allow them to go out for a sales tax in quarter cent increments to pay for public safety purposes. This is something that the municipal league was interested in because it would allow their members some flexibility to give to the voters in terms of paying for some improvements without having to rely solely on the property tax, and again, it's only for non-Home Rule, because Home Rule municipalities already can do some of these things."

Cross: "Representative, maybe you said this and we just missed it and it's possible, what effect would this Bill have on tax cap counties?"

Scott: "It wouldn't have any because this is a sales tax, Tom."

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It wouldn't have anything to do with property tax caps."

Cross: "It's limited just to a sales tax?"

Scott: "That's correct. By referendum municipalities, Tom, by referendum municipalities can already go out for property tax referenda right now. This is just giving them another option if they want to pay for capital improvement. The municipality I come from, for example, every year puts a road bond issue on the ballot that's payed for by property taxes. This would give them the option of doing it by sales tax."

Cross: "So they don't have another revenue source, Representative?"

Scott: "Some do and some don't. You know, I mean, there's lots of revenue sources that a lot of municipalities don't use. Some have a utility tax and others choose not to do it. Again, our purpose here, Tom, is to give the voters in these municipalities some flexibility and not have to go back continually to the property tax, which is tapped in many places."

Cross: "All right. I don't have any other questions."

Speaker Hannig: "Representative Cross, the Parliamentarian has examined the Bill. It applies to non-Home Rule units, and therefore it requires only 60 votes."

Cross: "Thank you."

Speaker Hannig: "The Gentleman from Vermilion, Representative Black."

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

Speaker Hannig: "He will."

Black: "Representative, how many sales tax, you know, permissive sales tax increases have we voted on in the last year? Seems like we've had a lot of them."

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Scott: "Maybe you've got more in mind, and I could be just slow today. I remember the two that we voted on with respect to counties and public safety, and after that there may be more, but I can't think of them right now. We may well have, but those are the two that I remember."

Black: "I can't remember, I'm with you, I'm a little tired myself. It wasn't that many years ago that we passed a major sales tax reform Bill, and the purpose of that Bill was to standardize sales tax rates throughout the State of Illinois, and now it appears that we are getting away from that, even though your Bill is... requires for a front door referendum. I guess I'm having trouble with relating a sales tax to capital projects."

Scott: "Well, I don't know that there's any direct relation between sales tax, there can be, in certain instances, I mean, if your capital projects are infrastructure. I'll give you a good example, in Rockford we've issued, before we issued annexation bonds to attract retail businesses on the east side of town. We retired those bonds with sales tax revenues that came from the businesses that moved in to that area. So sometimes there is a good relationship between sales tax and improvements, it doesn't always work that way. Really, to me, this is an issue, Representative Black, of more local control. Of allowing the citizens in a particular locality to have a couple choices, and again, if they don't want it, if they don't approve it, it's not going to happen. So this allows the voters to be able to say that, you know, we'd rather have this by sales tax, we'd rather have it by property tax, or we'd rather not have it at all. It's their vote."

Black: "And I can appreciate that. I guess I'm trying to look down the road at what's going to happen when some cities

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are back up to a 7 1/2 or 8% sales tax, some are at 6 3/4, I just... Has the Department of Revenue talked to you about this at all? Are they a little concerned about the different sales tax rates that may be back on the books?"

Scott: "Yes they were and that's why I said I misspoke originally when Tom asked a couple of questions. They did say that it would take them some administrative effort to coordinate the different sales tax rates, but remember you already have that now, because the City of Chicago has got a different rate than other municipalities. So, it's not so much in the difference of rates, I mean, to me, that's another..."

Black: "The City of Chicago is just different, you know."

Scott: "But the different... well, Home Rule municipalities in general can have this ability to do this. So what we're really saying is that if a local community decides that a sales tax might be a better way, for example, if a community is heavily tourism based. If you've got Galena, say, just as an example, where a lot of their revenue comes from tourism from people who come from outside of Illinois. Well, a sales tax referendum might make completely better sense to them than it would to have a property tax referendum for the residents who are there and paying a predominant share of it. So it depends on the community and this just gives the different cities different flexibility."

Black: "Okay. You touched on an interesting scenario. Let me follow up with it. A Home Rule city, under existing law, would have the right to do this with or without front door referendums?"

Scott: "Without."

Black: "Without. Well, you've just destroyed the bulk of my

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argument."

Scott: "Sorry about that."

Black: "So, what you're asking for is for non-Home Rule cities to have a similar authority, but with front door referendum?"

Scott: "Similar but less authority actually, because they have to have referendum in front door to do it."

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

Speaker Hannig: "Representative McCarthy."

McCarthy: "Thank you, Mr. Speaker. I had some problems with my switch, and I'd like to be voted 'aye' in the Journal for House Bill 270 and House Bill 524."

Speaker Hannig: "The Journal will reflect your intentions. The Lady from DuPage, Representative Pankau."

Pankau: "Will the Sponsor yield for questions?"

Speaker Hannig: "He will."

Pankau: "Representative Scott, you and I had a discussion about this in the Revenue Committee, so I think you probably know where I'm going to come from on this. I am against your Bill. You know that."

Scott: "Yep."

Pankau: "A non-Home Rule community tomorrow has the ability to go out and put a referendum on the ballot to become a Home Rule community, don't they?"

Scott: "If they meet the size requirements, yes."

Pankau: "Even a community who may have put the question on the ballot sometime in the past still has the opportunity to go out and put a question on the ballot and become Home Rule, don't they?"

Scott: "Provided they meet the size requirements, yes."

Pankau: "So, basically, what you're looking for is to make a community not exactly Home Rule, but you could put a question on the ballot and become Home Rule for just

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capital projects and only increase it a quarter of a percent each time. So you're kind of like half way Home Rule and half way not Home Rule, right?"

Scott: "I don't think you're even close, because the difference is in the Home Rule situation the city council can just do it. They don't need to ask anybody's permission in term of the voters or anybody else. This is completely different, because for any of this to take place the voters have to approve it, and it's the same option that we give non-Home Rule municipalities with respect to property tax referenda. It's no different, it puts sales tax on the same level as property taxes with respect to non-Home Rule municipalities."

Pankau: "But in your Bill, Representative Scott, you have to go out every time you want to increase it a quarter of a percent."

Scott: "Just the same way you have to do it with property taxes."

Pankau: "But the underlying community does not become a Home Rule community."

Scott: "Right."

Pankau: "It only becomes a Home Rule sales tax quarter of a percent community for that period of time."

Scott: "But it's not a Home Rule community, because by very definition, having the referenda front door makes it apples and oranges from a Home Rule municipality who never has to go to the referendum procedure, front or back door."

Pankau: "I guess, as I see it, Representative Scott, you're trying to become something, but you don't want to quite be it totally. You want part of your, you want the cake and you want to eat it too, and I have a big problem with that. To the Bill, Mr. Speaker."

Speaker Hannig: "To the Bill."



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Pankau: "I urge the, my fellow Representatives to vote against this. There is, tomorrow a community, a non-Home Rule community could go out, put the question on the ballot and ask to be Home Rule. There's no amount of times you can be turned down. You can keep asking, and if the community really wants to do capital projects, they can do it by the rules and regulations that are already on the books. We don't have to invent new ones to make you sort of a quasi, not Home Rule Home Rule, but only for capital projects, only for a certain percent, only for sales tax. It creates a category that is truly, truly, truly unique. We've already got rules in place, let's stick with them. Thank you."

Speaker Hannig: "Representative Scott to close."

Scott: "Just in response, briefly, to this. First of all, there are a lot of non-Home Rule communities that are too small, that can't go out and become Home Rule communities tomorrow because they don't meet the constitutional requirements. Second of all, there are hundreds of statutes like this where we will give non-Home Rule municipalities some authority, some police power, some ability to tax, some ability to do something else that Home Rule communities can do all by themselves without asking the voters. What we're saying right here is, there are tremendous pressures on communities right now, and perhaps a community would much rather have a sales tax than a property tax as a way to pay for their capital projects. And I just can't see the problem with giving the voters in each individual community, the opportunity to vote to have that flexibility. Allow the voters in each community to decide what's better, because if you don't, we've just decided the property tax is the best way for municipalities to raise

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money, which I don't think most of us agree with that statement. So the idea here is to give some flexibility, give some local control, and allow, just like we did for counties and public safety projects, allow these municipalities to use this option if the voters choose. I'd ask and 'aye' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. 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, there are 34 voting 'yes', 78 voting 'no'. And this Bill, having failed to receive a Constitutional Majority, is hereby declared lost. House Bill 591. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 591, a Bill for an Act to amend the Code of Criminal Procedure of 1963. Third Reading of this House Bill."

Speaker Hannig: "Representative Turner."

Turner, J.: "Thank you, Mr. Speaker."

Speaker Hannig: "Representative Turner."

Turner, J.: "Yes, Mr. Speaker. Excuse me, I had to find my file. This Bill is presented based upon a Supreme Court decision, People v. Kruger which ruled that the statute that we have concerning 'no knock' search warrants was unconstitutional concerning one particular provision. The Bill tries to clean up that language and also add some additional language which actually puts further restrictions on peace officers, in as much as it requires them articulate the specific reasons why they want a 'no knock' search warrant to be issued by the court. Those reasons are that the officer reasonably believes that if notice were given, a weapon would be used against the officer executing the

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search warrant or against another person or alternatively that if notice were given there's an imminent danger that evidence would be destroyed. I would urge an 'aye' vote."

Speaker Hannig: "You've heard the Gentleman's Motion. Is there any discussion? Seeing none, the question is, 'Shall this Bill pass?' Representative Black, from Vermilion on this question."

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

Speaker Hannig: "He indicates he will."

Black: "Representative, I remember voting for this original Bill on the 'no knock', and I don't think I ever caught as much grief in my life as I ever got for voting for that Bill and as I recall, now you've been a prosecutor, correct me if I'm wrong. I think not long after that and my credentials on law enforcement, I won't take a back seat to anybody in here, but as I recall the police issued a 'no knock', or you know, went about their business with a 'no knock', got in a wrong apartment and an elderly man died of a heart attack. Can you give me any reasonable assurance? I mean, you know, you can't tell me it will never happen, but can you imagine that anybody in this chamber what our reaction would be if about 1:00 this morning somebody barged into our apartment or motel room, you know. I'd die of a heart attack. That's my only concern."

Turner, J.: "Well, ...Representative that, of course, is a legitimate concern. However, I would like to again to repeat this Bill, as drafted, actually puts further restrictions on the 'no knock' rule. It certainly doesn't eliminate the 'no knock' statute, but it further restricts what we did have in existence. So, if you're, I suppose against 'no knock' search warrants you would still be in

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favor of this Bill because it does restrict what we previously had in our statute."

Black: "I'll have to, you know, excuse my ignorance of the law but only a judge can issue a warrant in this... for any warrant, what safeguards exist in this one so that the judge is reasonably certain that this should be done?"

Turner, J.: "The same safeguards that are currently in the statute with just a little bit, I think, of added language that assists and that is, that the court will have to be given specific facts based upon a showing by the police officer that there is the existence of the exigent circumstances that I've listed in the statute. I suppose, Representative, that it does come down to whether the judge believes the peace officer who is requesting the warrant or not and whether or not he thinks that the information being provided to him is reliable."

Black: "So, there are sufficient safeguards, in your opinion, in the Bill?"

Turner, J.: "Yes, I think so."

Black: "Police agencies are generally in favor of the Bill?"

Turner, J.: "To my knowledge, yes. I do think they probably would have liked a little stiffer language in correcting the Bill pursuant to the Supreme Court opinion. We could have simply eliminated the provision that was struck down by the Supreme Court. But I did have discussions with the Cook County Public Defender's Office and from judges both from that area, and in this area and they had asked that we put into the statute that the officer be required to show specific facts before a warrant would be issued. So to that extent, we have put some restrictions on it with the additional restrictions, there may be some objections from law enforcement. On the other hand, law enforcement would

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certainly rather have a statute that is constitutional than one that is unconstitutional as..."

Black: "Okay."

Turner, J.: "... the state of the law is as it currently exists based upon the Supreme Court case that I have already indicated."

Black: "All right. You have allayed my fears. Thank you."

Speaker Hannig: "The Gentleman from Cook, Representative Pugh."

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

Speaker Hannig: "He will."

Pugh: "Representative, how do you define reasonable belief that if notice were given that a weapon was on the premises? Who would notify, would the individuals that's harboring the weapon notify the police that they have a weapon? How do you determine that a weapon is being used?"

Turner, J.: "It would be done on a case by case basis. The officer would have to present the evidence to the court. Now clearly the officer is not just going to be able to say, 'well they might have a gun.' That would not be specific facts. That would not be cause for a warrant to be issued. If you wanted me to give you an example, I would suggest that an officer would have seen a gun in the premises or knew that a gun was there by someone, a reliable source, having said that it was taken in there, and I think they would have to make a further showing that there was some reason that the officer believed that the gun would be used against him. The language, in fact, Representative, that was struck down was, that if a gun is simply in the premises, that isn't enough. That isn't enough to give a 'no knock' warrant because there has to be something that the court can rely upon that can be

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articulated for the courts going to issue the warrant."

Pugh: "Sir, you're speaking specifically in reference to a gun. This piece of legislation identifies, or the Amendment identifies a weapon, and a weapon can be characterized as a knife, a set of kitchen knives, a baseball bat, anything that can be used as a weapon. So, you're saying that if an individual police officer goes to a judge and says that a household has a knife or a baseball bat on their premises that they can receive a warrant and will not have to knock on an individual's door in order to gain entrance, am I correct?"

Turner, J.: "No. That would not be enough for a warrant to be issued. They have to show, Representative, reasonable, articulate..."

Pugh: "But your Bill does not delineate what a weapon is. It does not define a weapon. At first it said firearms. The Amendment struck the firearm portion and is identifying a mere weapon."

Turner, J.: "Absolutely, and if an officer can show a court that a weapon is reasonably, reasonably believes, the officer can show that he reasonably believes, or she reasonably believes that the weapon, I don't care what the weapon is, is going to be used against them, then the 'no knock' warrant would issue. That would be very difficult to do, however, unless it is a firearm, obviously. I don't think an officer would be able to articulate specific enough reasons for the warrant to be issued."

Pugh: "So, if the warrant would be based on it being a firearm, then why was firearm taken out of the Amendment and weapons replaced there?"

Turner, J.: "Well, for the protection of the police officer. If an officer is going to go to a door to execute a warrant,

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and if that officer can show that a weapon may be used against them, not may be used, that it's reasonably likely that the weapon will be used, it doesn't make any difference what kind of weapon it is, in that particular instance you have to put the safety of the peace officer first, and that's when the warrant would issue. Now again, it would take specific facts before the court would indeed issue the warrant."

Pugh: "So, what happens in the case that Representative Black alluded to where you've got a elderly gentleman with a heart problem, who has an address, a mistaken address, what happens in that case? Let me give you another scenario. There is a young minister at my church who lives on a block, who lived on a block where drugs were being sold. His house was mistakenly identified as a drug house. The police came in, gang busters, wrong address, shot down his door, shot one of his children, and the police officer only apologized to these individuals. This happens often, very often that there's a mistaken identity, and you're saying that we're going on the assumption, we're going on the assumption of a police, on a police that there is a weapon within the household. The problem with that is, first of all, you have not defined what a weapon is, so therefore, a police officer can constitute any type of thing as a weapon, a knife, a baseball bat, or anything, and be justified in securing a warrant, and the warrant is usually based on information that he has from an informant. Now, let's say that an informant wants to get back at another gang member. All the informant has to do is give erroneous information to the police officer, the police officer takes that erroneous information, gives it to a judge, receives a warrant and goes in and violates somebody's home.

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Representative, this piece of legislation may be well intended, but I think you should rethink the overall parameters of it. There needs to be some specificity relative to the police's powers. We're dealing with the rights of citizens, we're violating some very rights that were allocated in the constitution, and I don't think that you, as a prosecutor or as a former State's Attorney, is in the business of taking away the rights of individuals. Thank you."

Speaker Hannig: "The Gentleman from Rock Island, Representative Brunsvold."

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

Speaker Hannig: "He'll yield."

Brunsvold: "Representative Turner, what type of arrest warrants would you think would be serious enough to warrant this situation, an officer entering... I mean, if someone came to arrest someone for a bad check, that seems pretty trivial?"

Turner, J.: "Representative, just to clarify, the 'no knock' rule applies to search warrants, not arrest warrants."

Brunsvold: "Search warrants?"

Turner, J.: "Correct."

Brunsvold: "Okay. So, if someone is going to search this house, and I'm going to follow up with what Mr. Pugh had to say, most of these houses are going to have a gun in them. I mean, most of the houses in this state do have a hunting gun or some sort of gun in there, and the police can find out very quickly, by FOID Cards who's got the gun, right?"

Turner, J.: "Correct."

Brunsvold: "So, I guess Mr. Pugh is indicating that a judge is going to have to be very careful, is that correct?"

Turner, J.: "It is correct, Representative, and you raised a very



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good point, and indeed that's the part of the statute that was struck down. What the Supreme Court said is just because someone has a gun in the premises is not enough to issue a 'no knock' warrant, and that's what I'm trying to clean up here. So now, just because there's a gun present, doesn't mean that a 'no knock' warrant can be issued, they have to articulate reasonable likelihood to the court that the weapon, gun, firearm, or any weapon that could be used against them indeed would be used against them. And so, that's the reason we put it in there in that fashion. If I might just digress a bit to not only answer your concern, but the concern of the previous Representative. I guess the alternative is that you could vote against this Bill, but if you vote against this Bill you're going to be left with a statute in place, because only a small part of it was struck down, that is less restrictive on police than this particular Bill is."

Brunsvold: "Okay. Give me an example of an officer going to a judge and saying, 'I want to search a premises.' What criteria is that judge going to use to say, 'Well I think they're going to use this weapon against an officer.'? I mean, what background does this individual have that would lead the judge to believe that he is going to use that weapon?"

Tuner, J.: "It would depend on a fact by fact case, on basis. I suppose, if I wanted to make up an example, a reliable source or informant advise an officer that they saw a gun taken into the premises, or if the police know that a certain individual has taken a gun into the premises by having seen it themselves. If they check, they did a criminal background on that individual and he or she has two or three gun offenses. If there might be a lock on the

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door, if there might be cameras outside, things of those nature, all of it in totality, if those things would indicate that the police officer might be in danger, that's when the 'no knock' warrant would issue. Now clearly, there are going to be some close calls and judges have to make those close calls and decide. The other thing is, is if a warrant is issued pursuant to the 'no knock' part of the statute, if it's later found, after the search is made, that is was inappropriately given, that is the warrant, then obviously the evidence could be suppressed."

Brunsvold: "What does the individual in the home, if this is done incorrectly, does he have recourse against the officer?"

Turner, J.: "I think it depends on what happens, I can't honestly answer you what the civil ramifications might be. Clearly, in egregious circumstances, I believe, there would be some remedies, but honestly, Representative, I'm not real familiar with that area. There could be a civil rights violation, obviously. The description, or the example cited by the Representative, where someone was shot and it was the wrong person, clearly, there's going to be civil liability there. In the case where a door is knocked in, and it's just a property damage case and it's an innocent mistake by the police officer, by best opinion is that there probably would not be civil liability for that, but this Bill doesn't address that, nor does it try to change anything with regard to the law on search warrants other than what I've specified in cleaning up the statute because of the Constitution."

Brunsvold: "Representative, I would join with Mr. Pugh in saying that lately there seems to have been a rash of mistakes being made by officers going in the wrong houses and searching the wrong premises. And I would join Mr. Pugh in

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saying we ought to be very careful about how we do this.

Thank you."

Speaker Hannig: "Representative Turner, to close."

Turner, J.: "I don't agree with either of the Representatives. We do have to be very careful, but again I think that their concern is with 'no knock' warrants in general, and if they're against 'no knock' warrants in general, perhaps they should propose legislation in that fashion. What this Bill does however, is clean up the statute pursuant to the Supreme Court rule, and we went further than that, we did put further restrictions on it. If you vote against the Bill, you're voting for a statute, a 'no knock' statute, that, in fact, is not as restrictive on police as this one is."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. And 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 95 voting 'yes', 19 voting 'no', and 2 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 519."

Clerk Bolin: "House Bill 519, a Bill for an Act to amend the Illinois Food, Drug and Cosmetic Act. Third Reading of this House Bill."

Speaker Hannig: "The Gentleman from Cook, Representative Pugh."

Pugh: "Thank you. Thank you, Mr. Speaker. House Bill 519 is a Bill to amend the Illinois Food, and Drug and Cosmetic Act. The Bill prohibits the sale of professional hair care products to any person who is not a licensed barber or cosmetologist. A professional hair care product is defined to include any article that is labeled for 'professional

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use only' and will be used to alter the appearance of human hair. And I'd stand ready to answer any questions."

Speaker Hannig: "The Gentleman from Vermilion, Representative Black."

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

Speaker Hannig: "He indicates he will."

Black: "Representative, in other words you're telling me, if I market a shampoo, and I think it might be a pretty good gimmick to put on there 'for professional use only.' then I couldn't distribute my product through Wal-Mart, Kmart? I could only distribute it through licensed cosmetologists and barbers?"

Pugh: "Sir, there are certain laws restricting what is included on the commerce laws that restricts what can be included on a label. If your label is designed to trick people, then you should be a magician. You shouldn't be in the business of providing qualified hair care products, it's misleading. We're talking about truth in advertising. Let me explain, Sir. The purpose of this piece of legislation is not directed at Wal-Marts, Walgreens or any of the large hair care facilities. The leg... what's happening in our community is that you're having these small retail beauty supply stores that are owned by foreign owned businesses, and they are buying these surplus products, they are buying reject products from the manufacturers that are intended for professional use, and individuals in our communities are experiencing problems from having their scalp burned, their hairs falling out, the hair turns different colors and those kind of things. This is basically a Bill to protect the consumer."

Black: "Well, let me ask you, I guess I can see your point on

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certain caustic substances or whatever, but as I understand your Bill, it even includes shampoo, is that right?"

Pugh: "It includes anything that alters. Shampoo, does not alter... does not alter the shape of the human hair."

Black: "The head or the hair?"

Pugh: "The hair."

Black: "Oh. I don't know, I used some cheap shampoo once and it's never been the same, but that's another story. Have you introduced this Bill to address a particular concern in your area?"

Pugh: "That's the genesis of... the legislation was presented to me by the Association of Health and Beauty Aides Institutes of America, which consist of over 4,000 Cosmetologist and Barber Associations throughout the State of Illinois. And they are experiencing problems with trying to repair damages to the scalp and the hair of males and females who have experienced using these products that are made for professional use. I might add, Sir, that we have a department, we have a Department of Professional Regulations. We have a Department of Professional Regulations that licenses cosmetologists and barbers to use these specific products. If we are going to allow these products to sold on the open market to just anybody, then we have no reason to license these cosmetologists or barbers. So, we might as well do away with the licensing process that we have in place and therefore, remove the responsibility from the Department of Professional Regulations."

Black: "I appreciate your answers, Representative. I'm just not sure that this is something that the State of Illinois by law can do. I think if I were a manufacturer and I sold primarily to licensed beauticians and cosmetologists and/or

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barbers, and that was my main market but if I, in fact, wanted to sell these products on the open market, I'm not sure that the state can... could probably prohibit that. I think we would be ruled in restraint of trade by most any federal court. It's an interesting concept, and I can appreciate what you're trying to do, but I'm not convinced that it is something, in fact, that the State of Illinois can do. But I appreciate your answers as always."

Speaker Granberg: "Thank you. Granberg in the Chair. The Lady from DuPage, Representative Pankau."

Pankau: "Representative Pugh... will the Sponsor yield for some questions?"

Granberg: "Proceed, Ma'am."

Pankau: "Representative Pugh, to get this totally natural look that I have, are you telling me that I could no longer go to Walgreens or to Osco?"

Pugh: "Representative, I'm saying to you that, you can go anywhere to get the look that you have."

Pankau: "But I could not..."

Pugh: "I mean, this is not, maybe I didn't say that right. But this does not restrict... this does not restrict you from purchasing any product that you could use on your hair."

Pankau: "But I could only get this product at a beauty salon. I can't go to Walgreens or to Osco and get whatever formula of 509 I have, which is not the formula by-the-way. Whichever formula it is, to get this totally natural look that I so desire."

Pugh: "Well, to... specifically, I don't know the chemical makeup of what you're alluding to, but let's take Grecian Formula. Let's take Grecian Formula. Grecian Formula is not meant for professional use. You don't have to have... you don't have to be licensed, as a matter of fact, and I'll

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reference a piece of legislation. House Bill 244, which you were the Sponsor of, which... that registers salon owners, and it reinstated and rewrote the Barber, Cosmetologist and Ethics (sic-Esthetics) and Nail Technology Act of 1995. Under this legislation, you have certain skills that a cosmetologist or a barber has to have in order to receive these licenses. These... and in order to apply their trade, they have to be skilled and they have to know how to use certain chemicals to get the look that you have or that an individual wants to have. Now, we're talking about just those things, not shampoos that are going to color your hair. Not shampoos that are going to take levels of color out of your hair. We're talking about just those things that cosmetologists and barbers have to have special skills to apply that will damage the hair, that will alter the color of the hair, that would alter the shape of the hair or the substance of the hair."

Pankau: "But, Representative Pugh, isn't it in the application of products? Isn't it in the amount of time you leave it on, what you work... what one formula, you work with another formula, it's not so much the product itself, it's what you do with it. It's how you apply it. That's why we register barbers and beauticians, is what we do with the hair, not so much the product themselves. I would like to submit to you, Representative Pugh, that if I can only go to a beauty shop or salon to buy those products, they're not going to instruct me on the way that I should put it on. They're going to sell me the product. They're not going to give me any instructions. That's why I go to the barber or beautician because they know what they're doing and I don't. I just think your Bill goes way too far. So, to the Bill, Mr. Speaker. Although I'm sure Representative

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Pugh is well-intended, and I'm sure he's trying to meet a problem in his area, I just think this is much too broad, it goes too far. And I think maybe if you were looking for certain products, applied in certain ways, but as I read what you have here, it is anything that is rubbed, poured, sprinkled, sprayed or otherwise applied to human hair. Well, that's hair spray that you put on in the morning. I just think it's way too broad and maybe it needs a whole lot more work. So, I would suggest we vote it down now and let Representative Pugh continue to work on it."

Speaker Granberg: "The Gentleman from Washington, Representative Deering."

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

Speaker Granberg: "Proceed."

Deering: "Representative, I notice here that a person who violates this Section would be guilty of a Class A Misdemeanor for the first conviction and Class C Misdemeanor for the subsequent... or for a subsequent violation. Is this the person that purchases the product or the person that sells the product?"

Pugh: "The person that sells the product. Once again, the intent of the legislation is to ferret out, target and ferret out those individuals who are in... particularly in the African-American community that are buying products from manufacturers and the products... a lot of the products that they're buying from the manufacturers are rejects. Reject products. Products that the manufacturers will not sell on the open market. These products are clearly marked, they clearly have on the box, on the label, 'for professional use only.'"

Deering: "Well, if an individual wants to go in and purchase something, and he or she has the money to purchase it and



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it's a legitimate retail sale, why do we want to infringe them of their right to do that? I mean, I mean you make the argument about the 'professional use only.' There's any of us can go to a... Wally World or Sam's Club or any department store, cut-rate store and buy anything that's reject or over-manufacture or overrun. So, why do we want to do this for the hair products?"

Pugh: "Well, Sir. If you... once again, the intent of the legislation is directed to protect... to protect consumers who are buying products that are intended for professional use only. I submit to you, Sir, that we have a Departmental of Professional Regulations that... that sends an individual cosmetologist or barber through an intensive training program, a certified number of hours that they have to be certified before they can use these chemicals, before they can be licensed to use these chemicals. Now do we negate the licensing of these professional people or do we just allow anybody to purchase these products and use them? If so, then why do we have the licensing process? Why do we have the individuals participating in hours and hours of training?"

Deering: "Well, if we're going to go after someone and make a civil penalty for a person... who purchases this professionally labeled product, why don't we make it a misdemeanor for the person or the individual that purchases the product? Why do we hold the retailer or the person running the store at fault? Why don't we go after the individuals that go in and buy them?"

Pugh: "Well... because you have a consumer who is... once again, the problem is that the consumer is not aware of the ingredients or the chemicals or the harshness of the chemicals that are included in the project... everybody is

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not as gifted with beauty consultants as Representative Pankau. Everybody is not as fortunate as she is to know the makeup of the various things to make one beautiful. So therefore, an individual consumer can often be lead astray thinking that they are getting something that they're not."

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

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

Scully: "Thank you, Mr. Speaker. I rise in support of this Bill. It's about time that this kind of consumer protection legislation has been brought to this Legislator to protect the victims... of unprofessional hair care products. Had this legislation been passed years ago, I would be able to use hair care products today instead of Turtle Wax. Thank you, Mr. Speaker. I vote in support of this."

Speaker Granberg: "The Gentleman from Cook, Representative Morrow. For what reason do you rise?"

Morrow: "Yes. Thank you, Mr. Speaker. Would the Gentleman yield? Representative Coy. Representative Coy... Pugh. You can't hear, Representative Pugh? I'm standing right next to you. Will you yield?"

Pugh: "Can I take the Bill out of the record, Mr. Speaker?"

Speaker Granberg: "Yes, Sir. Out of the record. House Bill 811. Read the Bill. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 811, a Bill for an Act to amend the State Employees' Group Insurance Act of 1971. Third Reading of this House Bill."

Speaker Granberg: "The Gentleman from Coles, Representative Weaver."

Weaver: "Thank you, Mr. Speaker. Your timing is impeccable. This Bill is one that I picked up from our former State Senator Harry Woodyard, that would move the community

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college faculty members, retired teachers into the state health care plan at CMS. If you have recalled previous Bills, I think House Bill 708 is similar, except it sets up a complete separate system. This Bill simply puts those faculty members in higher education that are not currently covered under the state system. I'd be more than happy to answer any questions that may arise."

Speaker Granberg: "The Gentleman moves for the passage of the Bill. On that, is there any discussion? No one seeking recognition, 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, 107 voting 'aye', 5 voting 'no', 0 voting 'present'. House Bill 811, having received a Constitutional Majority, is hereby declared passed. House Bill 354. Read the Bill."

Clerk Bolin: "House Bill 354, a Bill for an Act to amend the Illinois Pension Code and State Mandates Act. Third Reading of this House Bill."

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

Capparelli: "Thank you, Mr. Speaker. House Bill 354 extends the deadline for the early retirement for Chicago teachers from 1995 to 2003. This is to coincide with the downstate teachers. There is no objection to the Bill, and I ask for a favorable Roll Call."

Speaker Granberg: "The Gentleman moves for the passage of the Bill. On that, is there any discussion? No one seeking recognition, all in favor shall... Sorry, the Gentleman from Kankakee, Representative Novak."

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

Speaker Granberg: "Proceed, Sir."

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Novak: "Representative Capparelli, you said this extends the early retirement for Chicago teachers to the year 2003?"

Capparelli: "Twenty-o-two."

Novak: "Twenty-o-two. What is the year for the early retirement for teachers for downstate?"

Capparelli: "Twenty-o-two."

Novak: "Okay. So it just brings it up in line with them. Okay. Thank you."

Speaker Granberg: "The Gentleman moves for the passage of the Bill. Any further discussion? There being no Members seeking recognition, 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, 109 voting 'yes', 4 voting 'no', 1 voting 'present'. House Bill 354, having received the Constitutional Majority, is hereby declared passed. House Bill 818. Read the Bill."

Clerk Bolin: "House Bill 818, a Bill for an Act to amend the Soil and Water Conservation Districts Act. Third Reading of this House Bill."

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

Hassert: "Thank you, Mr. Speaker. House Bill 818 is a, amends the Soil and Water Conservation Act. It's basically a negotiated agreement between Illinois Nurserymen and the Soil and Water Conservation Districts. It explains to, in how they engage in the sale of plants material and what type of material which they maybe sell for their fund-raising efforts. I will be happy to answer any questions."

Speaker Granberg: "The Gentleman moves for the passage of the Bill. On that, is there any discussion? The Lady from

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Lake, Representative Moore."

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

Speaker Granberg: "Proceed."

Moore, A: "One question. I know that there was some difficulty with the Soil and Water Conservation Districts, and it's my understanding that some compromise has been worked out on the language?"

Hassert: "Yeah. This is a compromise agreement between the Soil and Water Conservation and the Department of Agriculture is in favor of this, and some of the concerns have been addressed in the Bill."

Moore, A.: "Thank you."

Speaker Granberg: "The Gentleman from McLean, Representative Brady."

Brady: "Sponsor yield?"

Speaker Granberg: "Proceed."

Brady: "Representative, I'm sorry, I didn't hear what you said to Representative Moore. Is there still some opposition to this Bill?"

Hassert: "Not to my knowledge."

Brady: "Okay. I had an indication earlier that the Soil and Water Conservation Districts were opposed to this Bill. Have they been satisfied?"

Hassert: "This is the, the Bill is a negotiated agreement between the Soil and Water Conservation."

Brady: "Thank you."

Speaker Granberg: "The Gentleman moves for the passage of the Bill. 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, 117 voting 'aye', 0 voting 'no', 0 voting 'present'. House Bill 818,

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having received the Constitutional Majority, is hereby declared passed. House Bill 522. Read the Bill."

Clerk Bolin: "House Bill 522, a Bill for an Act creating the Home Medical Equipment and Services Provider License Act. Third Reading of this House Bill."

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

Bugielski: "Thank you, Mr. Speaker, Members of the House. House Bill 522 creates the Home Medical Equipment and Services Provider License Act. Licensee, a previously unregulated industry dealing with the provision of medical equipment, such as oxygen, respiratory equipment, electronic and computerized wheelchairs, hospital beds, feeding pumps, apnea monitors, to the home. The Bill outlines disciplinary action for noncompliance. This is a new, and the one thing that I wanted to point is that its services, there's many unscrupulous companies out in the marketplace today, this is also service. Most of the decent companies that we have today will go out and service, install, and take care of the maintenance of this equipment. A lot of the fly-by-night outfits that we're having pop up now, they're working out of their garages, they're working out of the trunks of the car, and it's detriment to these ill people that are at home that need this medical attention. The industry has come with us because of the fly-by-night outfits, and I will be happy to answer any questions on this Bill."

Speaker Granberg: "The Gentleman moves for the passage of the Bill. On that, the Lady from Lake, Representative Moore. Proceed."

Moore, A.: "Thank you, Mr. Speaker. One question. I know that in the renal division under the medical provisions, there

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are specific provisions that need to be complied with at the federal level, there's a whole separate category and they are exempted from licensing and the federal prospective. Will those people be exempted in this Bill also?"

Bugielski: "I believe so. Many industries are exempted from this, as long as they are approved by a health agency that is licensing these agencies. For instance, we had a problem with the Bill earlier in the Session because all the hospitals were concerned about this, and they are now exempt from this, and if they are licensed by a health care agency then I would imagine they would be exempt. I'm not positive about that, your particular group, but everyone else, no one's in opposition to this now. Everyone is in agreement with the Bill."

Moore, A.: "Thank you."

Speaker Granberg: "The Gentleman moves for the passage of the Bill. No one further seeking recognition, 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, 103 voting 'aye', 13 voting 'no', 0 voting 'present'. House Bill 522, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk."

Clerk Rossi: "The House Rules Committee will meet immediately in the Speaker's Conference Room. Rules Committee, immediately, Speaker's Conference Room."

Speaker Granberg: "The Gentleman from Macon, Mr. Noland, for what reason do you arise?"

Noland: "Mr. Speaker, had I been quick enough, I would have liked to voted 'yes' on House Bill 811."

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Speaker Granberg: "The record will so reflect. The Gentleman from Logan, Representative Turner."

Turner, J.: "Thank you, Mr. Speaker. I'd like to record to reflect I also intended to vote 'yes' on House Bill 811, but failed to do so."

Speaker Granberg: "Record shall so reflect, Sir. House Bill 918. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 918, a Bill for an Act relating to youth skills training, education, job placement, personal development, and leadership development. Third Reading of this House Bill."

Speaker Granberg: "The Gentleman from McLean, Representative Brady."

Brady: "Thank you, Mr. Speaker. House Bill 918 creates the Youth Build Act of Illinois. It's Cosponsored by Representative Scott and Representative Younge. There are three federally funded youth build programs in the State of Illinois, one in Rockford, one in East St. Louis, and one in McLean County. These programs are put together to bring disadvantaged youth or youth who've fallen away from the school system into an internship program where they achieve their GED, where they learn building trade skills, they build houses. There are up and running programs right now. The purpose of this program is to continue what the Federal Government has helped start. It provides for local contribution, and I ask for your favorable support."

Speaker Granberg: "The Gentleman moves for the passage of the Bill. On that, is there any discussion? No Members seeking recognition, 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,



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117 voting 'aye', 0 voting 'nay', 0 voting 'present'.  
House Bill 918, having received the Constitutional  
Majority, is hereby declared passed. House Bill 572. Read  
the Bill."

Clerk Rossi: "House Bill 572, a Bill for an Act in relation to  
taxes. Third Reading of this House Bill."

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

Currie: "Thank you, Speaker and Members of the House. This  
measure brings the Senior Citizen Property Tax Assessment  
Freeze into the same program that covers all other local  
taxes and that has to do with the certificates of error can  
not have to go to court. So the county treasurer can deal  
with that as they do administratively with homestead  
exemptions and senior citizen exemptions, and this new  
senior citizen property tax freeze, when it was adopted,  
did not have that same opportunity. I know of no  
opposition and would appreciate your support."

Speaker Granberg: "The Lady from Cook moves for the passage of  
the Bill. On that is there any discussion? The Gentleman  
from McHenry, Representative Skinner."

Skinner: "Would the Lady tell us if this is just for Cook County,  
or is this for all counties?"

Currie: "I believe it's all counties."

Skinner: "Could you find out, with any degree of certainty,  
before we vote on it?"

Currie: "Yeah. It is all counties, and, as I say, this is  
currently the law with respect to the homestead exemption,  
the senior citizen exemption. It makes for administrative  
efficiency not to have to take a certificate of error to  
court, and that's why we're trying to bring this particular  
kind of property tax break into line with the others."

Skinner: "And is there anything else in the Bill?"

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Currie: "That's all."

Skinner: "What happened to the Lake Park Estates part?"

Currie: "Oh, wait. Yeah, I believe that you're right, and this may be language that we also saw on Senate Bill 51."

Skinner: "Thank you very much."

Speaker Granberg: "Anything further? The Gentleman from Vermilion, Representative Black."

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

Speaker Granberg: "Proceed, Sir."

Black: "Representative, I think you just answered the question. This Bill is sitting on the Governor's desk right now as a Senate Bill, isn't it?"

Currie: "That portion of it, yes."

Black: "You've added more?"

Currie: "Well, the underlying Bill, I believe is not, and that has to do with how we treat certificates of error in the senior citizen property tax freeze. So, the second portion of the Bill was in Senate Bill 51, but the part that says that the senior citizen property tax freeze certificate of error can be administered by the assessor's office, that was not part of Senate Bill 51, and the effect of that is to make that streamlined, efficient way of dealing with certificates of error identical to the way we treat other property tax exemptions."

Black: "Okay. All right. Thank you very much."

Speaker Granberg: "The Lady moves for the passage of the Bill. 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, 116 voting 'aye', 0 voting 'nay', 0 voting 'present'. House Bill 572, having received the Constitutional Majority, is hereby declared

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passed. House Bill 1004. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1004, a Bill for an Act amending the Metropolitan Water Reclamation District Act. Third Reading of this House Bill."

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

Lyons, E.: "Thank you, Mr. Speaker. House Bill 1004 is in response to constituents in my district who have been asked to bear the burden of an agreement that was made in the 1970's between federal, state and local officials addressing the backwash into Lake Michigan and the flooding of basements, and we have been asked to host the reservoir that supplements the Deep Tunnel Project. The present sight for that reservoir, recommended by the Army Corp of Engineers, is in Lyons Township. What this legislation does is limit the boundary of that reservoir. We have been threatened in the past with an expansion from a 10 1/2 billion gallon reservoir to a 27 billion gallon reservoir, and what this legislation does is, again, it limits the boundary. So that, in the future, this reservoir cannot be expanded. We feel as though we are bearing the burden of an environmental project that is going to benefit a good portion of Cook County, and so, therefore, this is to relay the concerns of my constituents that any future expansion of this reservoir does not take place. And I ask for your favorable approval and will answer any questions."

Speaker Granberg: "The Lady moves for the passage of the Bill. On that, is there any discussion? No one seeking recognition... I'm sorry, the Lady from Peoria, Representative Slone."

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

Speaker Granberg: "Proceed, Ma'am."

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Slone: "Thank you. Representative Lyons, can you tell us whether there is some reason why this sight, as opposed to some other sight, has been chosen for this reservoir in terms of drainage and that sort of thing?"

Lyons, E.: "This sight has been recommended by the Army Corp of Engineers because of its location next to the sewage treatment plant, the location near the Deep Tunnel Project, and because it is located on the Metropolitan Water Reclamation District property, and therefore, it is the sight that has been chosen. They have done a cost benefit analysis, and because of the studies that have been done this sight has been recommended."

Slone: "Is there already a reservoir on the sight?"

Lyons, E.: "No, there's not. There are sludge pits right now on the sight, and those sludge pits will be eliminated as a result of the reservoir."

Slone: "And the reservoir, at 10 1/2 billion gallons, the community is alright with that?"

Lyons, E.: "No. There are objections to the reservoir period, but we are resigning ourself to the fact that this is going to be part of the Tarp Project and that we are resigned to the fact that this is going to be part of it, and this is the lesser of all the evils that have been recommended. So therefore, if they do build the reservoir on that sight, we want to make sure it is done environmentally soundly, that's two adverbs, environmentally sound, and so that's what we're trying to address, the environmental concerns. If this sight is chosen, we want to make sure it is limited and that they address our environmental concerns."

Slone: "Thank you."

Speaker Granberg: "The Lady moves for the... the Lady from Cook, Representative Fantin."

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

Speaker Granberg: "Proceed, Ma'am."

Fantin: "This be considered special legislation for Lyons Township then."

Lyons, E.: "It would be."

Fantin: "Can this not be resolved within the Township, without coming to the Floor here?"

Lyons, E.: "I'm sorry, I didn't hear you."

Fantin: "This cannot be resolved in the Township, in Lyons Township without coming to the legislation?"

Lyons, E.: "Exactly. Because, as I said, we were faced with the expansion of this reservoir once before and had no control over that situation, and this would allay the concerns of my constituents who fear that that could happen in the future, and this legislation would prevent that from happening."

Fantin: "But the reservoir would be servicing in all of Cook County and the Deep Tunnel Project you're saying?"

Lyons, E.: "Exactly."

Fantin: "And the Deep Tunnel Project extends that far, into Lyons Township?"

Lyons, E.: "It does."

Fantin: "I don't know that this is legislation... to the Bill. I don't know that this is legislation that we should be doing here on the Floor. To me, this should be something that should be taken care of in the local district, rather than bring it here as special legislation, and I don't know that I can go along with you, Representative Lyons."

Speaker Granberg: "No other Members seeking recognition, the Lady moves for the passage of the Bill. 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

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all voted who wish? Mr. Clerk, take the record. On this question, 101 voting 'yes', 9 voting 'no', 5 voting 'present'. House Bill 1004, having received the Constitutional Majority, is hereby declared passed. House Bill 609. Read the Bill."

Clerk Rossi: "House Bill 609, a Bill for an Act amending the Personnel Code. Third Reading of this House Bill."

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

Kenner: "Thank you, Mr. Speaker. House Bill 609 amends the Personnel Code and basically provides for a preference to individuals who successfully complete the Earn Fair Program, and only applies to the position that that participant worked on. This preference is not superior to any other preference, and I would respectfully urge your 'yes' vote. Thank you."

Speaker Granberg: "The Gentleman moves for the passage of the Bill. Anyone seeking recognition? The Gentleman from Livingston, Representative Rutherford."

Rutherford: "Thanks, Mr. Speaker. Would the Sponsor yield?"

Speaker Granberg: "Proceed."

Rutherford: "Representative Kenner, give me the genesis on this legislation if you would please, what precipitated this coming about?"

Kenner: "Basically, the genesis of the legislation comes from constituents in my district that have worked on the Earn Fair Program."

Rutherford: "I'm sorry, what?"

Kenner: "From participants in the Earn Fair Program that have worked on the program and jobs, a job became available and they weren't able to get that particular job, but they had the proper experience for the job."

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Rutherford: "What would the mechanics, just give me an example of a live person walking in, what are the mechanics to have all of this happen? What procedures do they need to go through? What kind of participation would take place in that?"

Kenner: "I don't particularly understand your question, Representative. Could you rephrase it please?"

Rutherford: "What kind of, mechanically, how would all of this come together, I mean, how would this work for an individual? You said you had a constituent come in that had a concern or problem. Just kind of walk me through the process how this might work for someone."

Kenner: "Well, I think, what you're asking is, how would a person end up with a job after they worked on the program?"

Rutherford: "Right."

Kenner: "Basically, if a person worked on a particular job for the Earn Fair Program, that would just position them, if that particular job came up on a full-time basis, to be in line and get a preference for that particular position. And it's part of the Welfare-to-Work initiative."

Rutherford: "What's the estimated cost for this?"

Kenner: "There is no estimated cost. If the position is available, then the cost was going to be there to begin with. We wouldn't hire anybody unless that position was already in the budget."

Rutherford: "How does this impact the Veteran's preference possibility?"

Kenner: "It doesn't. This preference does not come before any other preference. So, the Veteran's preference would have precedence over that."

Rutherford: "Veteran's preference would remain in the status that it is?"

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Kenner: "Yes."

Rutherford: "Okay, just albeit maybe very minor, I do want to address the fiscal side of it. It's our understanding that Central Management Services believes that it may cost, nominal, approximately \$14 thousand for additional clerical support internally does that?"

Kenner: "Well, yes, that's probably what the average job would pay, that this particular participant would be eligible for, so you're probably right, but it would be an open state job though."

Rutherford: "Okay, and who would be opponents to this legislation?"

Kenner: "There were no opponents that I was aware of."

Rutherford: "Great. No further questions. Thank you, Representative."

Speaker Granberg: "The Gentleman from Cook moves for the passage of the Bill. 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. Is the Gentleman seeking recognition?"

Kenner: "Could you put that on Postponed Consideration please?"

Speaker Granberg: "The Gentleman is within his rights. Postponed Consideration. Mr. Clerk, House Bill 1140. Read the Bill."

Clerk Rossi: "House Bill 1140, a Bill for an Act amending the Code of Civil Procedure. Third Reading of this House Bill."

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

Cross: "An inquiry of the Chair, Mr. Speaker. What time are we adjourning tonight? I just want to make sure we have



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enough time to do this Bill."

Speaker Granberg: "We'll make time for you, Representative Cross."

Cross: "All right. I'd appreciate a 'yes' vote. Thank you. This is a Bill, Mr. Speaker, that passed out of committee 11 to 0. It was a request from the mayor's office of Chicago. In the spirit of bipartisan cooperation, I decided to Sponsor this Bill. It amends the Code of Civil Procedure. What it does is it gives all of us throughout the state a few more tools in the attempt..."

Speaker Granberg: "Mr. Cross, please proceed."

Cross: "Can the Speaker chastise Representative Black for laughing at me please?"

Speaker Granberg: "That would include a lot of people."

Cross: "Pardon me?"

Speaker Granberg: "That would include a lot of people. Go ahead."

Cross: "It allows the lessor, along with the State's Attorney, greater authority in making it easier to kick people out of apartments when illegal activity is going on. This Bill, as I said, received a great deal of support in committee. I don't know of any opposition, and I appreciate Representative Black's support. Thank you."

Speaker Granberg: "The Gentleman moves for the passage of the Bill. On that, is anyone seeking recognition? No one seeking recognition, 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, 115 voting 'aye', 0 voting 'nay', 1 voting 'present'. House Bill 1140, having received the Constitutional Majority, is hereby declared passed. House Bill 163. Read

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the Bill."

Clerk Rossi: "House Bill 163, a Bill for an Act in relation to sexually dangerous persons. Third Reading of this House Bill."

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

Dart: " Thank you, Mr. Speaker, Members of the General Assembly. House Bill 163 is an attempt to try to put our state on par with two or three other states that are taking the lead at going after sexual predators. We have done some things in this state to take a stab at it with notification and the like. But as we are finding out, unfortunately, most of those laws work sometimes, more often than not, they're not working. We've had incidents of individuals, and I have a stack of newspapers I could read to you, of people who have been released from prison for one month, two months, five months for a rape. And they come out and do it again. What this Bill attempts to do is it attempts to alter our Sexually Dangerous Person Act, to give the community the true feeling of safety that they deserve. What this does is it allows for individuals to be civilly committed after the expiration of their term, if they're shown to be dangerous to the community and suffer from a mental illness. It would allow for civil commitment hearing, trial by jury. And it would allow for these individuals to be committed and kept there until they are rehabilitated. There are numerous cases, as I said there are three other states that have the law right now. The United States Supreme Court has the Kansas Statute on appeal right now. My desire is to get this Bill on the books as soon as possible, so when the Supreme Court affirms the Kansas Statute, we will already have our statute on the books. I've been working with the Attorney General's office, as

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well as the Cook County State's Attorneys Office, on this issue. And Attorney General Ryan has reiterated to me that this is a priority that he wants to get done as well. There are a couple of things that may need to be changed and worked on. But both he and I have agreed to work on this further in the Senate, if it needs to be. It is something, unfortunately, that is is a must for this state. The recidivism rate for sexual predators is well above most any other offender we have right now. We have a system right now where there's very little treatment done to most of these individuals in prison, because it's a voluntary program. And yet then they are released out into the streets with very little monitoring, whatsoever. This Bill would attempt to address that by keeping the dangerous ones in prison. And it would require a higher level of parole ratio to a prisoner for these type of individuals, when they're released. As I mentioned before, we talk a lot about how we are going to try to make the streets safe. This is something that will make the streets safe and it would do it immediately. I'd be happy to answer any questions."

Speaker Granberg: "The Gentleman moves for the passage of the Bill. On that is there any discussion? The Gentleman from Cook, Representative Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Granberg: "Proceed, Sir."

Durkin: "Representative, presently there is a Section within our code which will allow civil commitment of sex offenders. How is that different from what you are proposing right now?"

Dart: "This is different, because the one that is on the books right now would require the State's Attorney to make an

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election prior to trial, on which way he wants to go. This allows the State's Attorney, after the conviction, to make a determination whether or not this individual is safe to be on the streets anymore and proceed at that point as well."

Durkin: "Do you have any head count of how many people have been committed to the Illinois Department of Corrections, as civilly being labeled as a sexually dangerous person?"

Dart: "It's approximately 70."

Durkin: "Seventy."

Dart: "Yeah. Approximately 70."

Durkin: "Do you feel that this law is not useful or it's not being administered properly? Or do you feel that this law is ...there's a flaw in it which was requiring which is,... prompted you to move in this direction?"

Dart: "It's very rarely used right now. In certain counties, they do utilize it, they utilize it a little more than others. The problem is that in most of the counties, though, the State's Attorney is very hesitant to utilize this law, because he has to make this election, he or she, has to make the election prior to going to trial. So that State's Attorney is rolling the dice that this judge is going to find this person, in that fashion, and commit him or her for an extended period of time. You can understand the problem a State's Attorney would run into if he or she elected to proceed under this and a judge civilly committed the individual and then a year later released him saying that that individual was no longer dangerous to society, and that individual committed another offense. So State's Attorneys sometimes are reticent to use this law for fear of that blowing up in their face. So they would go ahead with a Class X instead."

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Durkin: "Well, don't you think the State's Attorneys, would probably, would embrace using that other Section? Because, first of all you have a lesser burden which you have to establish a commitment. Presently you only have to show by preponderance of the evidence, that this individual needs to be committed. Under the Civil Commitment Section, which the 77 people who have been committed, that is the standard which is used. As opposed to the reasonable doubt standard, which has been used to house some 34 hundred sex offenders in the Illinois Department of Corrections. Wouldn't that make the prosecutor's job easier?"

Dart: "No. No, under the Sexually Dangerous Person Act, that we have on our books right now, it requires reasonable doubt. So, I mean, I'm not changing the standard at all. My Bill would only allow for it to be utilized, post-conviction as well."

Durkin: "Okay. But under the present statute the sentencing is indeterminate, correct? Under the Civil Commitment Section the sentencing is indeterminate, correct?"

Dart: "Correct."

Durkin: "Okay."

Dart: "Just like this would be, as well."

Durkin: "Could you... for the purposes of intent of your legislation, could you explain to me how this Bill does not violate the Double Jeopardy Clause of the Constitution?"

Dart: "Sure. I've examined all the cases that are presently pending right now, and they've attacked it on three different levels, due process, ex post facto, as well as double jeopardy. In those instances, one of the things we've relied on this one is we provide admonitions up front, so that we get by the ex post facto concerns. We get by the due process concerns by way of the fact that we

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require mental illness, not just a mental defect to be resolved, to be the thing that you are trying to prove here. And as far as the double jeopardy argument, as well, this because this is a civil commitment as opposed to the criminal commitment. And it is admonishing included as something that the defendant is aware of ahead of time. This is, and can be considered, separate from that offense and not prosecuting him a second time for an offense."

Durkin: "Okay. So this individual has been convicted of a under the criminal system, on the reasonable doubt standard, he is ready for release but, however, there is some thought that he may in some time perspectively he may commit another sexual offense, and there is hearing conducted. Is the standard remain at a reasonable doubt, or is it a preponderance of the evidence?"

Dart: "Reasonable doubt. And he has a right to a jury trial, as well."

Durkin: "Okay. What was the... you said that presently the Kansas Statute has been brought up on appeal, correct?"

Dart: "Correct."

Durkin: "What did the United States District Court in Kansas rule, as to the constitutionality of this statute?"

Dart: "Both in Kansas and in Washington, which is another state that's had this up on the same path that's going up to the Supreme Court now, both of their Supreme Courts, in both of those states, found it constitutional. District Courts have overturned them, and it is now in front of the U.S. Supreme Court. Their basis for the overturning them was based on those three elements I was telling you about. But their statutes do differ from ours, as I mentioned before, they hung their due process argument based on mental illness as being the trigger mechanism to lock this person

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up civilly. Theirs was a mental disorder. Ours is mental illness which is a higher standard. And that was the reason for the Kansas. Kansas didn't even pick up the ex post facto argument or the double jeopardy one, that wasn't in their opinion."

Durkin: "What was the decision from the Federal Appellate Court in that district?"

Dart: "I believe these have gone straight up to the Supreme Court now, at different levels, because there are two or three states that have the same thing going on. So the Supreme Court has agreed to hear this to resolve it. It was heard on December 10th, and it is supposed to be coming down sometime soon."

Durkin: "Okay. My only concern is that at, I mean I think all of us are going to vote for this Bill, and I, personally, don't like these people, and I want them put away as long as we can. However, I think we have to be very conscious of what constitutional limitations that we do have. My only concern is that if the Supreme Court, within perhaps the next six months, returns the decision on this, and they do find that both of these statutes are unconstitutional in violation of ex post facto, due process and also the double jeopardy clause. Is that doing to require us, at some later date, to come back and repeal this law, if it is signed into... ?

Dart: "Pursuant to conversations, I said I have been working with the Attorney General on this case. They asked if I'd put a severability clause in this so that I would not have to have problems with the existing statutes. So, if, in fact, it would be overturned it would not affect the existing statute due to that."

Durkin: "Okay. Well, I think that's a good idea. Thank you very

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much."

Speaker Granberg: "Are you done, Representative Durkin? Anything further? The Gentleman from Logan, Representative Turner."

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

Speaker Granberg: "Proceed, Sir."

Turner, J.: "Representative Dart, I think Representative Durkin covered ex post facto, double jeopardy, and due process adequately. However, we didn't touch on the Fifth or the Eighth Amendment. As I understood your presentation, you indicated that these sexually dangerous people, basically I think your term was they have a incurable disease. Is that correct?"

Dart: "By and large they have an incurable disease as some psychiatrists and a lot of psychologists will state to that effect. One of the major problems though, is that under some of the same existing laws, the ones that are in front of the U.S. Supreme Court, there's no mechanism for these people to get released. So it's sort of like a scam where we pass a law like this, and they don't have an opportunity to get out. In our state though, we have the mechanism for where they could be released if they go into programs and then can come out and show that they are no longer dangerous."

Turner, J.: "I've been out of law school a lot longer than you have, but it seems to me that there were a plethora of cases in law school that indicated that if a person has an incurable disease or disease a fact of any kind, which indeed causes them to commit certain crimes, that to punish those people is a violation of the Eighth Amendment, Cruel Unusual Punishment Clause. Do you have an opinion on that?"

Dart: "Yeah. The thing is, John, the one of the things that



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we've been doing a lot of our drafting based on, is that they are not incurable per se. They have a higher recidivism rate. But one of the mechanisms that's needed for them to be safe in the community is that they have to get treatment. Right now we have two programs in the entire state prison system right now for dealing with these individuals. Department of Corrections would be in charge of dealing with these folks. Unfortunately, only 7% of the individuals will go through these programs and complete them. With this mechanism there, there would definitely be an encouragement for them to go through that. So would they be incurable? No, they would not be incurable. But it would require them to do certain things when they are in prison. Right now they aren't doing that. They have no incentive to do it because they get released on release date one way or the other. They don't need to go to these programs. This would definitely, if you ever have the situation where you said this individual has the key to the cell, this is it."

Turner, J.: "All right, so in summary then you can opine here tonight in the General Assembly that this is not a violation of cruel and unusual punishment?"

Dart: "No, in my and also I guess as an analogy we can and we have executed people who are mentally ill, as well. So, I mean, I think that we don't have a problem with that part of the statute. Or that Amendment."

Turner, J.: "It's also your opinion that it's not a ex post facto violation?"

Dart: "No. No, (A) it's civil, and (B) we provided admonition so that the defendant is going to be apprised of all these things up front. So there's none of those problems, that I can see."

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Turner, J.: "And you don't believe that there is a double jeopardy question here either?"

Dart: "No. No, because of the civil nature of this and because of the the way that this is structured, the admonitions, I don't believe there's that either."

Turner, J.: "Are you satisfied that there's no violation of due process under the Fourth Amendment?"

Dart: "I believe that our statute is at much higher level than some of these other states, that have brought theirs forward. And by our requirement of mental illness as opposed to mental disorder, I think we've overcome that hurdle."

Turner, J.: "Do you think there's any violation of the due process clause, under the 14th Amendment?"

Dart: "No. No."

Turner, J.: "Representative, I think you're on firm constitutional ground. I'll support your Bill."

Speaker Granberg: "Anything further? The Gentleman from Saline, Representative Phelps."

Phelps: "Thank you, Mr. Speaker. Representative Dart, and some of these questions may have been answered, I've been trying to listen pretty closely, but I hope that I don't duplicate a question. Right now what is the state consider what measure do we put forth to consider a person sexually dangerous?"

Dart: "Right now we have a statute that deals with sexually dangerous people. It's very, very rarely used, and it requires a finding of mental illness. And that the... he's been suffering from a mental disorder, which mental disorder has existed for a period of not less than one year immediately prior to the filing of the petition in this case."

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Phelps: "So we do have a way professionally, or whatever within our means in this state, to decipher the difference between a sexually dangerous person and someone else who has a mental disorder for committing other crimes? Do we have a way to detect the difference?"

Dart: "Correct. As I said, the statute that's on the books now is very rarely used. But when it is utilized, doctors, psychiatrists, psychologists come in front of the court and present evidence as to this individual's dangerousness and mental disorders. And then the court will make a determination if that then reaches that threshold. They also have to show that there is a propensity to commit sexual attacks as well."

Phelps: "And one of those measures would specifically against children. Is that something that stands out?"

Dart: "Yes. Yes."

Phelps: "The... I guess I'm just as interested in how we define or identify a sexually dangerous person. Now I'm interested in how we know if they are cured? Does a psychiatrist tell us that? Or they go through so many months of rehabilitation or supposedly recovery? Or how is that determined? Can you, can you hear me?"

Dart: "David, was your question about when would they be, a determination be made that they're no longer dangerous?"

Phelps: "Yeah. Or they're cured or what's the..."

Dart: "Okay. What it would do is that the defendant, once incarcerated under this Bill, would have the option of... committed under this Bill, would have the option of filing a petition to come back in front of that same court at any time and present evidence that he or she is cured of this. And is no longer poses a threat to the community, as such. And is no longer sexually dangerous."

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Phelps: "So, when these people are cured and then they are released, then the Department of Corrections have anymore responsibility to monitor those people more than the other violator of another crime?"

Dart: "Presently. Presently they don't have any higher standard and they do not monitor them any higher than any other individual. Under my Bill, though, there'll be a higher ratio of the parole officer to defendant, so that they can be watched and monitored more carefully."

Phelps: "Do we have any idea of knowing how many people have been identified in this status? By the state, do we know?"

Dart: "Right now, approximately 70. But as I mentioned before, Dave, it's not used very often."

Phelps: "So, are these people obviously pretty extreme? Or do they... I guess what I'm thinking, a person that appears normal in every way but they have this propensity or hang-up, I mean, or are they really someone that we would identify pretty obviously as having a problem?"

Dart: "Most all the individuals, in the case that I saw too, are individuals who have extended histories of committing these offenses."

Phelps: "So, if we have the Department of Corrections, you said approximately 70 people with this identification or at least a dangerous label. How... the probation do we have... or parole officers, do we have enough presently to sufficiently monitor these people?"

Dart: "Not presently. But we would have to increase those numbers. But the cost to Corrections is unknown at this time, because they don't know how often this would be utilized in the future."

Phelps: "But to be effective, we'd have to have more people to monitor."

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Dart: "Absolutely. And, I mean, I think that's a must with these type of individuals that we know have a propensity to commit offenses."

Phelps: "Thank you."

Speaker Granberg: "Anything further? No one seeking recognition. The Gentleman moves for the passage of the Bill. 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, 115 voting 'aye'; 0 voting 'no'; 2 voting 'present'. House Bill 163, having received the Constitutional Majority, is hereby declared passed. House Bill 1144. Read the Bill."

Clerk Bolin: "House Bill 1144, a Bill for an Act to create the Laser System Act of 1997. Third Reading of this House Bill."

Speaker Granberg: "The Gentleman from Jersey, Representative Ryder."

Ryder: "Thank you, Mr. Speaker. The purpose of this Bill is to allow us to use modern technology in the regulation of lasers. We found that the current language in the Bill, or in the Statutes, goes back to the 60's, and, if you'll pardon the pun, the amount of progress has been made in laser systems has increased by light years. So we needed the modern technology in order for regulations to take place, and we'll be happy to answer any questions."

Speaker Granberg: "The Gentleman moves for the passage of the Bill. On that question, the Gentleman from McHenry, Representative Skinner."

Skinner: "Mr. Speaker, how long did we spend on that last agreed Bill?"

Speaker Granberg: "Mr. Skinner, I did not check the time."

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Skinner: "Was that an hour?"

Speaker Granberg: "No."

Skinner: "Why did we spend that much time on a Bill that nobody voted against?"

Speaker Granberg: "Very serious issue I assume, Mr. Skinner."

Skinner: "Thank you."

Speaker Granberg: "The Gentleman moves for the passage of the Bill. On that question, is there any discussion? There being no discussion, 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 that question, 116 voting 'yes', 0 voting 'nay', 0 voting 'present'. House Bill 1144, having received the Constitutional Majority, is hereby declared passed. House Bill 615. Read the Bill."

Clerk Bolin: "House Bill 615, a Bill for an Act to amend the Juvenile Court Act of 1987. Third Reading of this House Bill."

Speaker Granberg: "The Lady from Cook, Representative Flowers. Excuse me. The Lady from Lake, Representative Gash. For what reason do you rise?"

Gash: "I would like the record to reflect that on House Bill 1144, I would have intended to vote 'yes' had I gotten there quickly enough."

Speaker Granberg: "The Record will reflect that the Representative intended to vote 'aye'. The Lady from Cook, Representative Monique Davis. For what reason do you rise, Ma'am?"

Davis, M.: "Thank you, Mr. Speaker. I would like to announce on Wednesday morning at 8:00 a.m., there will be a Human Service Appropriation meeting in Room 118. If any Member

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cannot attend and needs to be replaced, please see me. We have an important meeting in 118 tomorrow morning at 8:00 a.m. Thank you. Human Service Approp."

Speaker Granberg: "Thank you. The Lady from Cook, Representative Flowers, on the Bill."

Flowers: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 615 amends the Juvenile Court Act. It provides that the biological and adoptive parents may enter into an agreement at the time of a consent for an adoption. And it also provides that visitation can be worked out between the biological parents as well as the adoptive parents. This Bill is permissive, and I'll be more than happy to answer any questions you may have in regards to House Bill 615."

Speaker Granberg: "The Lady moves for the passage of the Bill. On that question, the Gentleman from Kendall, Representative Cross."

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

Speaker Granberg: "Proceed, Sir."

Cross: "Representative, how many... what Amendments, if any, were adopted in committee or on the House Floor?"

Flowers: "There was only one Amendment that was adopted in committee and that Amendment strengthened the language in regards to... on page 3..."

Cross: "What was the rationale or the reasoning behind this Bill?"

Flowers: "Well, first of all, in other states, in three or four other states, they have what you call cooperative adoption. And adoptions don't necessarily have to be punitive. There could be a situation where that the biological parent realizes that he or she or they are not able to raise their children and would choose to have someone else to adopt

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them under the conditions that they set forth in the agreement. And I would like to ...well..."

Cross: "So, Representative, if I... my wife and I adopt a child, the biological parents or parent, along with the two of us can enter into an agreement to allow for visitation of the biological parent or parents?"

Flowers: "Absolutely. As the old saying goes, it takes a village, a village to raise a child. And the fact of the matter is, I will say again, that all adoptions does not have to be secretive nor do they have to be punitive. There are lots of people out there who are willing to give up their right as biological parents under the condition that they are able to either visit with their child or if they don't want to visit, they could just have letters written on how the child is doing. Or later on in life, they would just like the ties to still be there in some kind of way."

Cross: "Two questions of concern, (1) Have we heard from any people in the field of psychology as to the pros and cons, if any, for the child? And I don't have any sense whether it's good or bad for a child. Is it confusing, for instance, for a child to have natural parents and biological... or adoptive parents and for a child as that child is growing up to try to figure out who's who? And I'm not arguing, I'm just curious. Do we know? Have we heard form anyone saying, 'This is good, this is acceptable?' Or maybe there's some psychological problems we need to just be careful about."

Flowers: "Well, you know, I guess it depends on each situation. First of all, the answer to your question is, no. I've not heard anything negative in regards to this. As a matter of fact, in five other states, New York, Oregon, Nebraska, New



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Mexico, and Indiana, this program has been working on a volunteer basis and it is my understanding that there are no negative recourses in regards to this."

Cross: "All right, thank you. My other final real valid, I think is a valid concern, I'm an adoptive parent. Things are going well. I've entered into this agreement with the biological parents, and all of a sudden things get a little sour. And, for whatever reason, the biological parents don't like the way I'm raising the child. Disagree with my parental skills and styles. Or worse yet, they decide that maybe they'd like, they'd like the child back. And I know that's maybe the extreme. What provisions are there in this Bill to back out, if you will, of this agreement that we've entered into? Because I could see that scenario happening or any of those scenarios happening."

Flowers: "On line 28, page 3, it talks of the failure to abide by the agreement, 'Shall in no manner affect the validity of the adoption.' It states it in the Bill."

Cross: "Well, let me ask..."

Flowers: "There is a recourse where's that you may go back before the judge to state your case in regards to the disagreement that you and the biological parent may have. But again, not unless... according to the Bill, it says, 'the failure to abide by the agreement shall in no manner affect the validity of the adoption, but the agreement shall be enforceable by a civil proceeding for the enforcement of the agreement.'"

Cross: "But if I'm the adoptive parent, can I say? 'Biological parent, no more. Visitation's off, we don't want you around. Thanks but no thanks. We need some finality here.' Or do I have to go before a court? What's the scenario?"

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Flowers: "On line 31, it speaks of the proceedings may also be brought to termination or modified... the agreement can be modified, but the court may not modify an agreement unless the court finds that the termination or the modification is necessary to serve the best interest of the child."

Cross: "Well, Representative, I think I know what you're trying to do and on its face, I think it sounds good. I'm just a little concerned about what happens if the need arises to terminate. Does this process of termination involve going back to DCFS? Does it involve a guardian ad litem for the child or children? Does it involve ...what's the burden of proof to terminate? I'm just concerned about... I think there's some downsides. Do you have answers to any of those questions?"

Flowers: "Because it is... again, if there's a finding of unfitness in regards to the parents, this act may be... and if there's clear and convincing evidence, they can go back into court to amend this situation. But you can't just change your mind. And there is a guardian ad litem involved in the adoption."

Cross: "Representative, I understand there are a good number, great deal number, there are a number of other people who want to speak, so I'm going to defer right now. I just... I have a few reservations. Maybe you and I could talk after the Bill's voted on. Thank you."

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

Hartke: "Yes, will the Sponsor yield?"

Speaker Granberg: "Proceed, Sir."

Hartke: "Representative Flowers, is this piece of legislation intended to promote adoption?"

Flowers: "Yes, it is."

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Hartke: "Does it apply only to minors?"

Flowers: "Pardon me."

Hartke: "Would this apply only to young parents or young minor...  
a mother under the age of 21 or any and all."

Flowers: "No, it applies to anyone who wants to participate.  
Anyone can go into court and make this agreement."

Hartke: "Okay, let's say that perspective, adoptive parents do  
not want to have contact or do not feel that they want to  
have contact with the natural mother, would that then  
negate an adoption proceeding?"

Flowers: "If that is the agreement in which the parties agree to  
at the time of the adoption."

Hartke: "So, actually, the instigator of this visitation rights  
and so forth is really up to the natural mother or father  
of the adoptive child."

Flowers: "It's up to the biological parents as well as the  
adoptive parents. That's how the agreement..."

Hartke: "There has to be an agreement between the two?"

Flowers: "Right."

Hartke: "If there's not, the adoption does not take place?"

Flowers: "No, it doesn't take place. Because there's... you  
can't force me to give up the right of my child."

Hartke: "Okay, thank you very much."

Speaker Granberg: "Anything further? The Lady from Kane,  
Representative Lindner."

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

Speaker Granberg: "Proceed, Ma'am."

Lindner: "Yes, your Bill, Representative, says that this  
person... it's the result of a neglect petition in Juvenile  
Court. Would this be in contested cases as well as cases  
where somebody would voluntarily give up their parental  
rights?"

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Flowers: "This would be not contested cases. This is a voluntary... this is on a voluntarily basis."

Lindner: "No, I mean I understand that the agreement would be voluntary between the adoptive parents and the biological parents. But if that person had been the subject of a neglect and abused petition, it's not just in those cases where they admit to a neglect and abuse. And there could have been a trial and a contentious issue. Is that correct then, that person's parental rights could have been terminated? An adoption petition would be filed then could those people still make this agreement?"

Flowers: "Anything is possible, but this Bill specifically speaks to where is it that the biological parent has chosen on his or her own to terminate her rights. She's chosen the adoptive parents."

Lindner: "All right, so it is where they consent to termination, not a trial situation?"

Flowers: "No."

Lindner: "Okay, thank you."

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

Durkin: "Will the Sponsor yield?"

Speaker Granberg: "Proceed, Sir."

Durkin: "Representative, I like this Bill. I just want to go through some of the mechanics on this. I'm looking at one of the Sections which states that... provides that 'failure to abide by the agreement shall in no manner affect the validity of the adoption, but the agreement shall be enforceable in a civil proceeding for the enforcement of the agreement.'"

Flowers: "What line and what page are you on, please?"

Durkin: "I'm looking at my analysis. Let me see if I can pull it

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out of the Bill."

Flowers: "Okay, I see it, page 3, line 28 of the Bill."

Durkin: "Well, my question is, if the parties who have entered into this contract and if they have completely disregarded the tenor of the contract. That is not going to affect the validity of the adoption?"

Flowers: "I'm sorry, Representative, I didn't hear you."

Durkin: "Okay. My question is that if the parties who had entered into this contract, if they do not live up to the obligations or whatever agreements they've set forth in the contract, it says here that that action will not affect the validity of the written contract. Is that correct?"

Flowers: "That's exactly what it says."

Durkin: "Is that what you want out of this Bill? Do you think that's the right thing to do?"

Flowers: "I think it's the right thing to do. I'm sure that... we're talking about children here. We're not trying to pass a ball back and forth."

Durkin: "No, but we're turning this into, basically, a contract. We're talking about a very... a piece of paper which has been litigated over the years determining what is the true intent of the parties and if we're going to be dealing under contractual terms, then I think the enforcement and also the remedies have to be contractual as well, which are common-law contractual remedies."

Flowers: "The Bill says, 'If failure to abide by the agreement in no manner affects the validity of the adoption.' You know it could be that the biological parents don't live up to their agreement or the adoptive parents don't live up to their agreement, but that should not affect the validity of the adoption. But it goes on further to talk about what can affect it, and that is if the parents are found to be

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unfit or either for the best interest of the child."

Durkin: "Will this Bill allow the public guardian, let's say a third party, to come in to seek modification or rescission of this contract?"

Flowers: "It does include... I just can't find it right now, the guardian ad litem."

Durkin: "But they would have standing to object at any time, correct?"

Flowers: "Pardon me."

Durkin: "They would have standing to petition the court for... would it be just a public guardian or could it be any third party who has some type of interest in this matter?"

Flowers: "It would only apply to the contracted parties."

Durkin: "My question is, can a person outside of the contract, contract the parties? I think you said that the guardian ad litem which would be in the standing of third party would have standing to object to this type of contract. Would there be somebody else outside of government who would be able to have standing as a third party to seek modification or rescission of contract?"

Flowers: "On line 21, it's only enforceable by the guardian ad litem if they were part of it, but if they were not a part of it in the first place, no. There's no third party involved."

Durkin: "All right. This is my next question. Who is going to be charged with drafting this document? We're saying it has to be a written document which must be presented to the court?"

Flowers: "Right."

Durkin: "Would the statute of frauds apply to these types of documents? Maybe Mr. Scully would be able to answer that question."

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Flowers: "Pardon me. As far as fraud?"

Durkin: "The Statutes of Frauds which is a kind of a archaean contractual theory which is basically the foundation for all written documents within our common law system. Would that apply to this type of document?"

Flowers: "I would assume that it would, but I would also assume that both of these parties would be bargaining in the interest of the child. And, as far as fraud, I guess if you don't live up to the contract, you would consider that as being fraud."

Durkin: "Okay. I have one more question."

Speaker Granberg: "The Gentleman from DuPage, Representative Roskam. Oh, Mr. Durkin, one more question?"

Durkin: "I just had one more question. I saw in our analysis our staff had raised, Representative Flowers, our staff had raised one issue and that would be, would the parents of an adopted, the parents of one of the children in this matter, would they be able to while they are seeking termination of parental rights, but there is an abuse and neglect petition pending against them. Would they be allowed to have contact with the child under those conditions? If they are seeking to, in some way, to terminate the rights..."

Flowers: "This has nothing to do with that particular situation. That's in a different court. This is basically an agreement between a biological parent and who they may choose, if they so choose, to give their children or child up for adoption."

Durkin: "Right. And... what I'm trying to get at is, is this going to allow... let's say those parents who are choosing to put their child up for adoption and there is a pending abuse and neglect petition against those individuals, will they be allowed, under your Bill, to enter into a contract

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to where they will be able to have contact rights?"

Flowers: "Representative, in that situation, the court would make the decision in regards to that area. This a totally different area."

Durkin: "Well, I appreciate your answer. I'm going to support this Bill. I think, you know, it's well-intentioned and while it may not be perfect, I think it's in the right direction so I urge an 'aye' vote."

Speaker Granberg: "The Gentleman from DuPage, Representative Roskam."

Roskam: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the Lady's Bill. It is, I think, well-crafted and here's why. The scenario that I think Representative Flowers is trying to address is this, where there is a child in an abuse and neglect situation, oftentimes, in order to coax or encourage the mother to relinquish or surrender that child up for adoption, a more attractive option for that mother could be if she is able to enter into some sort of consensual agreement with the adoptive parents that would allow her to have some contact with the child. I think that it's a great idea. These are the highest risk children in this whole scheme of things that we're talking about. These are the kids, that if they don't get adopted, are going to be institutionalized in some way, shape, or form. I think that it's a voluntary program. The... if this contractual arrangement, as it's been described, breaks down, it has no impact, whatsoever, on the adoption itself. I think the Lady deserves our support."

Speaker Granberg: "The Lady moves fo the passage of the Bill. All in favor shall vote 'aye'; all opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have



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all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, 113 voting 'aye', 4 voting 'nay', 0 voting present. House Bill 615, having received a Constitutional Majority, is hereby declared passed. House Bill 1155. Read the Bill."

Clerk Bolin: "House Bill 1155, a Bill for an Act to amend the Code of Criminal Procedure of 1963. Third Reading of this House Bill."

Speaker Granberg: "Mr. Durkin."

Durkin: "Thank you, Mr. Speaker. This Bill is an initiative of the Cook County State's Attorney's Office, Illinois State's Attorney's Association, also initiative of mine, supported by the City of Chicago as well. What this Bill does, it addresses a problem which has been an experience over the past 15 years due to a decision referred to as People v. Lynch, which has, in attempt it has allowed victims to be placed on trial as opposed to the defendant. It's a situation, which I believe is an extension of the Rape Shield Statute, which will allow only evidence in when there is a question of force when a, when there's a self-defense claim and a victim has alleged that the defendant was the aggressor, it only allows specific acts of evidence in to show that the victim was the aggressor. I am welcome to answer any questions right now."

Speaker Granberg: "The Gentleman moves for the passage of the Bill. On that question, no one seeking recognition. All in favor shall vote 'aye'; all opposed shall vote 'nay'. The voting is open. The Lady from, Representative Lindner, your light did not go on until the vote was called. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, 109 voting 'aye', 4 voting 'no', 3 voting

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'present'. House Bill 1155, having received the Constitutional Majority, is hereby declared passed. House Bill 611. Read the Bill."

Clerk Bolin: "House Bill 611, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of this House Bill."

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

Kenner: "Thank you, Mr. Speaker. House Bill 611 amends the Public Aid Code. It's a pretty simple Bill. It extends the participation period in the program from six months to nine months during any 12 month period of time. I would ask for a 'yes' vote. If you have any questions, I'll be happy to answer them."

Speaker Granberg: "The Gentleman moves for the passage of the Bill. On that question, is there any discussion? Any discussion? No one seeking recognition, 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, 109 voting 'yes', 6 voting 'no', 2 voting 'present'. House Bill 611, having received the Constitutional Majority, is hereby declared passed. House Bill 1184. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1184, a Bill for an Act to amend the Sexual Exploitation and Psychotherapy Act. Third Reading of this House Bill."

Speaker Granberg: "The Gentleman from Jersey, Representative Ryder. Is the Gentleman in the chamber? Does the Gentleman wish for Representative Lyons to handle the Bill? Representative Lyons, do you wish to handle the Bill for Mr. Ryder? Why don't we take this out of the record

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momentarily, wait for the Gentleman? He has returned. The Gentleman from Jersey, Representative Ryder, on the Bill. Representative Lyons refused to handle the Bill for you, Mr. Ryder. The Gentleman from Jersey."

Ryder: "Thank you. I am wondering if I'm allowed the same opportunity. This Bill is, the purpose of it is for those folks who've been practicing psychiatry and have had their license taken away from them because of improper sexual relations with their patients. There is nothing on the books now that would prevent the same individual from then setting themselves out as a para-counselor or a para-professional without license and committing the same act. The purpose of this is to prohibit those folks who have once had their license removed because of improper procedure from practicing again without having sought the appropriate kinds of counseling and remedies. It is offered by the Illinois Psychiatric Society as a means of protecting those who are part of the public who place their trust in these kinds of professionals, licensed or unlicensed. Be happy to answer your questions."

Speaker Granberg: "The Gentleman moves for the passage of the Bill. On that question, is there any discussion? No one seeking recognition, 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, 117 voting 'aye', 0 voting 'nay', 0 voting 'present'. House Bill 1184, having received the Constitutional Majority, is hereby declared passed. House Bill 614. Read the Bill."

Clerk Bolin: "House Bill 614, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of this House

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Bill."

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

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 614 has been worked on by many parties over a couple of years now. This would create a directory of new hires. All employers in the State of Illinois would report new hires to a central registry so that we could track Social Security numbers against deadbeat parents so that we can collect more child support. This program in New York collected many millions of dollars in just the first two months after it became law. This will help up track down those that are not taking care of their child support obligations, and I would move passage."

Speaker Granberg: "The Gentleman from Cook moves for the passage of the Bill. On that, is there any discussion? The Gentleman from Livingston, Representative Rutherford."

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

Speaker Granberg: "Proceed, Sir."

Rutherford: "Representative, who's responsible to track this, and how much will it cost?"

Lang: "The Department of Employment Security will do this. It will cost \$750 thousand, and it is already in their budget, Sir."

Rutherford: "It's already in the budget. Who else would have access to this information? Is this something that can be attained from any other groups?"

Lang: "No one else can get the information, Sir."

Rutherford: "Is this a Department initiative?"

Lang: "Well, it's partly a Department initiative. This started with my filing a Bill about a year ago that went to the Rules Committee with Speaker Daniels."

Rutherford: "Really, I mean, to make it easy on all of us here."

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Just a simple, if it's a Department initiative, that's great."

Lang: "Well, the Department is agreed, we're all agreed. There are no known opponents to the Bill."

Rutherford: "So it is a Department initiative, per your precipitation a of a year ago and the wonderful things that came out of all of it from that?"

Lang: "Yes, Sir."

Rutherford: "Thank you very much."

Speaker Granberg: "Anything further? The Gentleman moves for the passage... the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. To the Bill. I stand in opposition to the Bill. I've heard from many small business men and women in my district. This is an extremely onerous paperwork requirement on small business who can least afford to do it. If we could amend this Bill to say after you've worked seven days or 10 days or 14 days okay. This means the first hour that somebody walks into a small business, they have to start all this paperwork system for one day or eight hours. The individual quits. The big companies can handle this expense, the small companies can't. That's why I vote 'no'."

Speaker Granberg: "The Gentleman stands in opposition. The Gentleman from Cook, Representative Lang, moves for the passage of House Bill 614. No further Members seeking recognition, 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, 86 voting 'yes', 29 voting 'no', and 0 voting 'present'. House Bill

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614, having received the Constitutional Majority, is hereby declared passed. House Bill 253. Read the Bill."

Clerk Bolin: "House Bill 253, a Bill for an Act relating to educational choice in public schools. Third Reading of this House Bill."

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

Rutherford: "Thank you, Mr. Speaker. House Bill 253 is actually a Vehicle Bill which would create an Act relating to the educational choice in public schools, and we're going to send it over to the Senate. We don't intend to move on it until we have state board approval, Governor's approval, and any of the education unions involved with it. We'd like to keep a conversation going in the Senate. Appreciate a favorable Roll Call."

Speaker Granberg: "The Gentleman moves for the passage of the Bill. 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 54 voting 'aye', 54 voting 'no', 5 voting 'present'. House Bill 253, having received the Constitutional Majority, is hereby declared passed. I'm sorry. I'm sorry. Having failed to receive the Constitutional Majority, is hereby declared lost. House Bill 619. Representative Currie."

Clerk Bolin: "House Bill 619, a Bill for an Act to amend the Department of Human Services Act. Third Reading of this House Bill."

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

Currie: "Thank you, Speaker and Members of the House. The Bill, as amended, is a request to the Department of Public Health

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to do more work to encourage breast feeding among women who participate in the Women, Infants, and Children Program that is operated by that department. The facts and statistics are clear that breast fed babies are healthier babies, they cost the state less in Medicaid payments, and they're certainly a whole lot happier for their parents to live with, and it's easier for their parents who are not on Medicaid to pay their health care bills as well. We have a program that encourages proper nutrition for pregnant, I'm sorry, for new babies and this effort, which came out of the breast feeding task force which is a statewide organization that encourages education around those kinds of issues, has proposed this legislation. I know of no opposition, and I'd be grateful for your support."

Speaker Granberg: "The Lady moves for the passage of the Bill. On that, is there any discussion? No one seeking recognition, 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, 116 voting 'aye', 1 voting 'no', 0 voting 'present'. House Bill 619, having received the Constitutional Majority, is hereby declared passed. House Bill 1343. Read the Bill."

Clerk Bolin: "House Bill 1343, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of this House Bill."

Speaker Granberg: "Lady from DuPage, Representative Biggert."

Biggert: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1343 amends the Public Aid Code. It is to provide that the Department of Public Aid shall create and maintain one or more World Wide Web pages listing not 10, not less than 10, nor more than 20

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individuals who are delinquent in their child support obligations. This is a Bill that was in the chamber in the 89th General Assembly and passed out of here on a vote of 109-0 and then was in the Senate and was on a Bill which did not pass over there. So I would ask your favorable consideration and would be happy to answer any questions."

Speaker Granberg: "The Lady from DuPage moves for the passage of the Bill. On that question, the Gentleman from DuPage, Representative Tom Johnson."

Johnson, Tom: "Will the Sponsor yield?"

Speaker Granberg: "Proceed, Sir."

Johnson, Tom: "Representative, I will certainly support your legislation, but one question. Why are we limiting the maximum number to 20? Why wouldn't they put the whole thing on?"

Biggert: "Well, Representative, I think that this is kind of like the most wanted that you find in the post office, most wanted by the FBI, and there's maybe 10 or 20 pictures up there. I think if you listed the numbers, which there are a lot of delinquent deadbeat parents, and if you put so many on the web that it would kind of dilute the effect of having it. It also would be that if we would happen to make a mistake, which I would hope not, or that Public Aid would make a mistake, that it would be easy to delete that number, but to have a hundred or so rolling on the web all the time..."

Johnson, Tom: "Well, it just seems to me, and I think some states have, in fact, put them all on, and if they're listed alphabetically, I think that's the direction that we ought to go, because the mere fact that somebody might owe \$100 thousand or \$3 million. You know, some people, I understand, pay those amounts as if it's nothing, and if



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it's based on the total amount, obviously, to a lot of single mothers and so on, if they are owed \$1 thousand that is significant to some of them as \$1 million is to somebody else. And, you know, I think it's a good start, but I would urge you to keep going, and I would certainly hope, at some point, maybe we could get to the point where they are all on there."

Biggert: "I would agree with you, Representative, but I think it would be a good idea to try it this way and then expand it if we see that there really is a great collection rate."

Speaker Granberg: "The Gentleman from Vermilion, Representative Black."

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

Speaker Granberg: "Proceed, Sir."

Black: "Representative, I think you've got a good Bill. I just have had a lot of constituent problems with so-called deadbeat dads. About half of the people in my district who get tax intercept notices don't owe anything. Every year we try to get them removed and every year the Department says, 'Oh we'll take care of that.' I can tell you I'm going to see 95% of the same people next year, and they won't be cleared. What kind of reassurance can you give me that the people put on the World Wide Web are in fact deadbeat dads, who, in fact, owe money and not somebody whose records the Department can't seem to clear?"

Biggert: "Well, Representative, I think that's the reason for starting out with 10 to 20. To insure that mistakes aren't made. Everybody makes mistakes, but if this were to happen, you've got 10 or 20, it could be removed very quickly rather than, I think we started out with an idea at one time to have flyers sent out. Once those flyers go out

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that's got somebody's name on there. I think that this just has to be due diligence of the people that are posting them that this will happen. If it doesn't happen then we'll have to remove this."

Black: "Okay. Thank you very much."

Speaker Granberg: "Thank you, Mr. Black. The Gentleman from Cook, Representative Fritchey. The Gentleman from Madison, Representative Bradford."

Bradford: "Mr. Speaker, will the Sponsor yield?"

Speaker Granberg: "Proceed, Sir."

Bradford: "Do you agree that the people that are most likely to appear on these pages are the ones who are the worst offenders of child support?"

Biggert: "Yes."

Bradford: "And that they are the least likely to actually recover money from?"

Biggert: "Not necessarily."

Bradford: "Hasn't that been the history in regard to the..."

Biggert: "This was really started in Massachusetts, I believe in 1995, and they have had a great success rate with collecting the money. I think sometimes the people that might owe the most money, if they're seen by their friends and peers and mention to them, that sometimes they pay up very fast to get their name removed from that."

Bradford: "Do you have any statistics as to the success of the Massachusetts experience with this?"

Biggert: "I don't have the exact statistics with me, but..."

Bradford: "When you were in committee, Representative, we asked you whether or not you could determine some costs associated with this. Have you been able to do that?"

Biggert: "The only costs are the minimal costs of setting up the web site and maintaining it."

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Bradford: "And maintaining it. Do you have any idea what that would be?"

Biggert: "Well, having a web site myself, I don't think that the cost is, if you have, let's say, an outside doing it then it costs about \$250 for a period of time to enter information in there."

Bradford: "But we're going to keep this program going, right? I mean, that's the intent?"

Biggert: "That's the intent, if it's successful."

Bradford: "And who's going to pay for that, is it going to come out of the department's budget?"

Biggert: "That will be out of the Public Aid is responsible for setting this up."

Bradford: "Is there any provision in your Bill in regard to those who are caught or found or that the money comes back from that they will be assessed those charges?"

Biggert: "That's not in the legislation. Certainly, the savings would be to the Department, however, as the family would move off of Public Aid because they have been provided with the support that was owing them, that would be the savings and could be a lot more certainly than maintaining the page."

Bradford: "I understand that. Would you be willing, if we passed this Bill out, to work in the Senate to potentially amend that to add the cost of maintaining the page to those that we would actually come up with?"

Biggert: "That's not in the legislation, and I did make an error that the cost determined by the department is that it's \$15 a month to maintain the page. So they have a better deal than I do."

Bradford: "Thank you."

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

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you're the last speaker. Representative Lang, you're the last speaker, Sir."

Lang: "Mr. Speaker, thank you. On House Bill 253, I inadvertently hit the wrong switch, I voted 'yes', but I intended to vote 'no' on that very nasty Bill. So, please indicate in the record that I would have voted 'no' on House Bill 253."

Speaker Granberg: "The Lady moves for the passage of House Bill 1343. 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, 112 voting 'yes', 4 voting 'no', 1 voting 'present'. House Bill 1343, having received the Constitutional Majority, is hereby declared passed. House Bill 710. Read the Bill."

Clerk Bolin: "House Bill 710, a Bill for an Act to amend the Sex Offender Registration Act. Third Reading of this House Bill."

Speaker Granberg: "The Lady from Macon, Representative Curry."

Curry: "Thank you, Mr. Speaker. House Bill 710 amends the Sex Offender Registration Act. It says, 'If a person is required to register under the Act who knowingly provides material information required by this article that is false is guilty of a Class IV Felony.' Currently, under the legislation we passed a year ago, a sex offender must register with local law enforcement officials. The genesis of this legislation is over the course of the year when sex offenders were registering they would provide wrong information as to their address, and local law enforcement officials were finding out that some of these individuals actually said they lived at vacant lots and empty buildings. This is just to make sure that they understand

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that if they provide false information to our local law enforcement officials of any kind during registration that they can be sent back to jail and be convicted of a Class IV Felony. I'd be happy to answer any questions."

Speaker Granberg: "The Lady from Macon moves for the passage of the Bill. On that question, the Gentleman from Logan, Representative Turner."

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

Speaker Granberg: "Proceed, Sir."

Turner, J.: "Representative, is there not already a penalty in the statute provided for failure to register?"

Curry: "No. No. Failure to register, yes."

Turner, J.: "I'm sorry, what was that distinction? I couldn't hear you."

Curry: "Failure to register is a Class IV Felony."

Turner, J.: "Alright, and your Bill does what differently?"

Curry: "My Bill says if you provide information to local law enforcement officials during the course of the registration that is false, that that is also a Class IV Felony."

Turner, J.: "Has this been a problem that people are registering falsely? If so, how are they doing that?"

Curry: "Yes. After we enacted this legislation and sex offenders began registering, there were not only newspaper reports, but also local law enforcement officials in my area came to me and said that they literally had some of these individuals who had registered at vacant lots. And they obviously can't keep track of them if they don't know where they live."

Turner, J.: "I see. So what you're getting at here is, if they take the step to register, what they're doing then is just giving a false address so that they can't be located or no one can ascertain where they are?"

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Curry: "Correct."

Turner, J.: "Is the penalty then for the false information the same as the penalty would be for failure to register?"

Curry: "Yes, it is."

Turner, J.: "Does the failure to register penalty also have a minimum number of days in jail?"

Curry: "No, it does not."

Turner, J.: "Does your Bill?"

Curry: "Could I just have a moment please? Yes, they have to serve a minimum of seven days confinement in the local county jail."

Turner, J.: "Is that as to both offenses or only to the new one?"

Curry: "Just to the one that I've introduced. I'm sorry, it's to both offenses, Representative Turner. It is to both offenses."

Turner, J.: "Okay. So the penalty is exactly the same. Class IV Felony with a minimum seven days?"

Curry: "Yes. Right."

Turner, J.: "All right. Thank you, no further questions."

Speaker Granberg: "Thank you, Mr. Turner. The Lady moves for the passage of the Bill. They're indicating nothing further. 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, 117 voting 'aye', 0 voting 'nay', 0 voting 'present. House Bill 710, having received the Constitutional Majority, is hereby declared passed. House Bill 1365. Read the Bill."

Clerk Bolin: "House Bill 1365, a Bill for an Act to amend the Unified Code of Corrections. Third Reading of this House Bill."

Speaker Granberg: "The Gentleman from Whiteside, Representative

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Mitchell. The Gentleman from Vermilion, Representative Black, for what reason do you rise, Sir?"

Black: "Excuse me. An inquiry of the Chair, Mr. Speaker."

Speaker Granberg: "State your inquiry, Sir."

Black: "Like everybody else, I've sat here patiently for the last 12 1/2 hours, but there doesn't seem to be any rhyme or reason as to where we're going. You're skipping around, Bills in the low hundreds and then up to the 13 hundreds. From page 30 to page 42. Could you just share with me, are we heading in any direction or are we just bouncing around the Calendar? If so, let's bounce our way out of here."

Speaker Granberg: "Okay. Mr. Black, on all the Republican Member's Bills we're going chronologic numerically, so the Members know when their Bills are coming. Our staff is taking their requests. We are calling the Bills at their direction."

Black: "Well, then why are you going backwards to get Democrat Bills? The last Bill was 710. What, they don't know what their Bill is called, or what's going on here?"

Speaker Granberg: "We are also honoring their requests to call their Bills because they are prepared to proceed. We are trying to make extraordinary efforts to pass Republican Bills and that's what we're doing."

Black: "I'll tell you what's an extraordinary effort. It's an extraordinary effort to sit here hour after hour when you put 12 hundred Bills out on the Calendar and expect us to go through them in two weeks. If that's management of the House then I'm a monkey's uncle, and I may be, but let's go home."

Speaker Granberg: "The Gentleman from Whiteside, Representative Mitchell, on his Bill."

Mitchell: "Thank you, Mr. Speaker. I bring to you House Bill

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1365. Ladies and Gentlemen of the House, House Bill 1365 is a Bill that will provide that a defendant who is on mandatory supervised release and commits a forcible felony shall be sentenced to extended time. This Bill amends the Unified Code of Corrections. It provides that if a defendant who is serving a mandatory supervised release term commits a forcible felony, the defendant shall be sentenced to an extended term. I'd be happy to answer any questions."

Speaker Granberg: "The Gentleman from Whiteside, Representative Mitchell, moves for the passage of the Bill. On that question, the Gentleman from Cook, Representative Pugh."

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

Speaker Granberg: "Proceed, Sir."

Pugh: "Representative, can you tell me what you would define as a forcible felony?"

Mitchell: "Yes, I would, Representative. First of all, they are defined in statute. Those forcible felonies are defined as first degree murder, second degree murder, aggravated criminal sexual assault, criminal sexual assault, robbery, burglary, residential burglary, aggravated arson, arson, aggravated kidnapping, kidnapping, aggravated battery resulting in great bodily harm or permanent disability or disfigurement, or any other felony involving use or threat of force."

Pugh: "Can you explain line 125 of your Bill, speaking to the sexual orientation of the individual. Can you tell me the relevance of that?"

Mitchell: "Representative, I was not able to pick up on your question. Could you repeat that for me please?"

Pugh: "I think it's line 17, where the Bill speaks to sexual



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orientation. Can you explain that clause of the legislation? Page two, I'm sorry."

Mitchell: "Representative, it simply stands as it has. That's already part of the law. This has nothing to do with the change that I'm making in the law."

Pugh: "So can you explain to me the actual change that you're making?"

Mitchell: "Yes, Sir. The change that I'm making you would find on page six beginning with line 15, part D. 'The court shall impose an extended term sentence under Section 5-8-2 upon any offender who was convicted of a forcible felony while serving a term of mandatory supervised release."

Pugh: "And mandatory supervised release is parole, is that correct?"

Mitchell: "That's correct, Sir."

Pugh: "And under the factors of aggravation, we also have number four, that the defendant would have held public office at the time of the offense. Were you aware that that was part of the original legislation?"

Mitchell: "Yes, Sir, and this affects that in no way."

Pugh: "So, from whence does this, what prompted this piece of legislation?"

Mitchell: "Representative, this is simply an attempt to strengthen an already good law. It simply says that those individuals that commit this type of crime while on parole need to be dealt with quite harshly, and I think this does that."

Pugh: "Thank you. I have no further questions."

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

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

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

Lang: "Representative, my analysis shows that this is going to

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cost us \$500 million, is that correct?"

Mitchell: "Well, Representative, if you believe the Fiscal Note that you have here, in the worst case scenario on the percentages of what might happen if this does pass, then you could say that this could possibly, in this situation, if every person on parole committed a violent offense, a Class I Felony, then it would cost us some money. But what's your choice? The other choice is to have them on the street. These folks are going to get that sentence anyway. This only insures that they're going to get the extended time, and they're probably going to get it anyway. So I don't know how they came up with this figure. I think it's kind of shooting from the hip."

Lang: "So, that's yes."

Mitchell: "From the Department of Corrections, I would say that is a educated guesstimate, and in that term, if I worked for them I would probably say round or about."

Lang: "What's your guess?"

Mitchell: "My guess is that our streets will be much safer, and it will deter crime, and we'll be much better off."

Lang: "What will it cost us?"

Mitchell: "Well, Representative, you know, I really don't, I don't really know. The way they figured it, I've read this several different times, and I'm not sure that they can even estimate that figure. I'm sure that it will cost us some money, but it's also going to save some lives."

Lang: "My point is, well I don't question that, my point is you challenged the Fiscal Note of the Department of Corrections, but if you're going to challenge it you should have some idea what you think it will cost. Half of that, 3/4 of that, 10% of that, what will it cost, Sir?"

Mitchell: "Well, Representative, right off the bat, year by year,

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I would say 10% of that, because this is figured over a 10 year time period."

Lang: "I didn't hear your answer."

Mitchell: "I said, one tenth would be a pretty good estimate of that, at least if you use their figures because this is figured over a 10 year time period."

Lang: "So they also estimate that over that period of 10 years that part of their \$500 million Fiscal Note indicates about 1/3 of that for construction costs. Do you think this Bill will cause enough increase in the prison population to require the building of new prisons?"

Mitchell: "Well, they're certainly assuming that. I don't assume that at this point."

Lang: "I asked you. What do you think?"

Mitchell: "No. I don't really think that it will. I think this is going to stop. I think it's going to deter crime. I don't think it's going to be a continuing problem, but I think it's time that we send the message that these folks are going to be able to commit a second violent felony and walk is not going to happen."

Lang: "Have you tried to discuss this figure in the Fiscal Note with the department?"

Mitchell: "No, Sir, I have not."

Lang: "So you don't agree with it, but you didn't discuss it with them to see if you can get them to get it to be what you think is more reasonable?"

Mitchell: "That's correct."

Lang: "Thank you."

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

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

Speaker Granberg: "Proceed, Sir."

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Giles: "Representative Mitchell, Representative Lang asked some of the questions that I wanted to ask you as to how much this actual Bill would cost and I think you gave, I think that was a number that came up, it was 5 million, this Bill would cost 5 million, and I truly want to know is that with that 5 million figure is the operating cost included...500 million, is the operating cost included in that 500 million?"

Mitchell: "Representative, you're going to have to repeat that because I was hearing figures all over."

Giles: "Representative, I think there has been a number that has been thrown out here, and it may be a precise number 500 million that this Bill will cost, is that correct?"

Mitchell: "Representative, their estimation, again, over a 10 year period is 347 million."

Giles: "And does that include the operating cost of this?"

Mitchell: "That does include the operating cost."

Giles: "And it includes the construction as well."

Mitchell: "Construction cost is, their estimation, if we build more prisons, is \$170 million."

Giles: "Okay. Mr. Speaker, to the Bill. Once again, it's kind of, I'm pretty shocked and appalled. We're now going to extending the term in order to spend the taxpayer dollars. Once again, we have to find out where our priorities are and that is, are we going to fund education or not, and it seems to me that we're floating more bonds to build more prisons, to build more prison beds, now we're extending the term which is going to cost us over 500 million. I cannot justify \$500 million extending of a price tag in my legislative district when we have supermax prisons that are being built, we have bonds floating for that, and now we're going to extend the term which is going to cost us another

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500 million operating costs and construction costs. So, once again, we have to truly, we have to truly ask ourselves, what is our priorities in this state? Do we want to educate our kids and put them in programs that will prevent them from getting in harm's way and doing more crime in this society so that we won't have to float so many Bills and bonds and build supermax prisons. So I urge all of my colleagues to vote 'no' on this Bill. This is a costly Bill. I do not want one cent of my tax dollars going towards extending the term which is going to cost a tremendous amount of money. Vote 'no'."

Speaker Granberg: "Thank you. The Lady from Cook, Representative Fantin."

Fantin: "Thank you. Representative, I know your intentions are very good on this, but I have to agree with the Representative that just spoke. Five hundred Seventeen million dollars I think would very well be spent on education rather than more people in prison, bigger prisons, and we would have to build more prisons if we do this. While I agree your intent is good, the amount of money is astronomical, and I think we could better spend it on school books and educating our children so they don't wind up in the prisons."

Speaker Granberg: "Thank you, Ma'am. The Gentleman from Whiteside moves for the passage of House Bill 1365. 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, 96 voting 'aye', 18 voting 'no', 3 voting 'present'. House Bill 1365, having received the Constitutional Majority, is hereby declared passed. House Bill 395. Read the Bill."

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Clerk Rossi: "House Bill 395, a Bill for an Act to amend the Criminal Code of 1961. Third Reading of this House Bill."

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

Erwin: "Thank you, Speaker. House Bill 395 creates a safe storage of a handgun law. It is a proposal of our Illinois Attorney General Jim Ryan's Violence to Children Task Force of which Representative Tom Johnson was a member. It also included representatives from the State Police, the State Department of Public Health, as well as Voices for Illinois Children. The safe storage of a handgun law will create the offense of negligent storage of a handgun. Someone can be charged with negligent storage if a child is left alone without supervision by a person at least 21 years of age, and a handgun is not locked in a lockbox or secured with a cable lock or rendered inoperable. The negligent storage of a handgun would become a petty offense, for which the offender could be fined an amount not to exceed \$500. Fines collected under this Section would be deposited in the Violence Prevention Fund, which this General Assembly created a number of years ago which are also our violence prevention license plates help fund, which in turn would fund curriculum in other violence prevention programs. I urge your support."

Speaker Granberg: "The Lady moves for the passage. On the question, the Gentleman from Logan, Representative Turner."

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

Speaker Granberg: "Proceed, Sir."

Turner, J.: "Representative, what did you say the penalty was for this offense?"

Erwin: "Representative Turner, it would become a petty offense with a fine not to exceed \$500."

Turner, J.: "And I believe in committee I'd raised concerns about

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how such an offense would be enforced. What would be your thoughts on how you're going to enforce this piece of legislation, should we pass it?"

Erwin: "Well, Representative Turner, as the Attorney General's Office testified in committee, one presumes that if a child is in a home with a handgun that is not secured where it is open and accessible to a child that that offense would be reported to local authorities. As you know, we've indicated it is a petty offense and the local authorities would proceed accordingly."

Turner, J.: "With regard to the elements of negligent storage, the way I read the Bill there are three parts of it, and the third part says that you would negligently leave a handgun on the premises that is not locked in a lockbox or secured with a cable lock or rendered inoperable. What if the handgun is stored in a place that a child cannot or a minor cannot get the gun, would this still be an offense under your proposed legislation?"

Erwin: "Well, Representative, you know, this is not as other proposals have offered trigger locks, where it has been very specific. I think that the Attorney General's task force here was attempting to provide some practical, logical common sense in terms of storage of a handgun. If it's rendered inoperable or it is locked in a box of some kind, or one would presume that could also include a closet, I think that what we're looking for here is adults to use common sense in terms of not providing access to handguns. So, my presumption here is that an adult is going to use common sense in this, and I presume that local authorities would use common sense as well."

Turner, J.: "Well, that's exactly my concern. It looks like, to me, that as I read the Bill, a person could use common

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sense. A person could store the handgun in a place where a minor would not be able to get it, but nevertheless, because it is not stored locked in a lockbox, secured with a cable lock, or rendered inoperable, that person would be guilty of, I guess what you're saying here, would be criminal negligence, and would therefore be susceptible to a \$500 fine. And I think that the language is too broad. Do you have an opinion on that?"

Erwin: "Representative, I don't think the language is too broad. And, in fact, I'm sure the Attorney General, after this passes the House, would be happy to revisit those concerns. Again, I must tell you that they were raised somewhat in committee and it certainly, as you know sitting on that committee, was not enough to warrant our committees keeping this Bill on Second Reading. I think that, first of all, in order for this to kick in clearly an offense, a violation has to be given to the local authorities. One presumes that if a gun is not accessible to a child, a complaint isn't going to be filed, and so, even if a gun is accessible and an accident tragically occurs we're talking here about a petty offense, so I don't think that in the scheme of things the Attorney General's task force I think has given this a broad enough definition compared to what the other proposals that actually require trigger locks would require. So I think this is perfectly reasonable. Local authorities can use common sense, and I certainly don't think police officers around this state would abuse the intention of this law."

Turner, J.: "Well, the problem is not whether or not they use common sense. The problem is with the wording of the statute. A person can use common sense and store their handgun in a place so that a minor can't get it, but it



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won't meet the definition or specifications, I should say, of the language in your Bill, and they would still be guilty of a petty offense, but I'll move away from that for a minute. You mentioned a minute ago in the case of an accident, but your Bill does not require an accident, your Bill just requires a finding that the handgun is not locked in a lockbox, is that correct, in order for someone to be guilty?"

Erwin: "Yes, that's correct, Representative, but a complaint clearly would have to be filed under this statute. I mean, you're not suggesting a local authorities are going to be checking around homes."

Turner, J.: "Well, I don't know. I just think when you create a penalty you have to be very careful with the language that you utilize. You also have the language 'stored on the premises' or you mentioned 'on the premises' in a couple of different parts of the Bill. Premises usually include, I would suggest to you, both the home and perhaps the garage area. If a gun is kept in a garage area, would that be considered on the premises?"

Erwin: "Representative, if a child has access on a premises, I presume that a garage or anything that is attached to one's home and or the premises of your property where an adult, a parent has responsibility, that certainly would be included. Obviously we're talking about where a child would have access. So we're not talking about homes without children that are present under this definition, and we're also talking about children that could have access where an adult is not present. So this is a very limited view."

Turner, J.: "Well, the way you describe it doesn't sound too bad, but I don't see the language 'where a child would have

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access', is that in there and I'm just missing it? It just looks like to me that a child has to be on the premises, which brings me back to what I was indicating a minute ago. Premises usually would include the entire homestead, which would include an outdoor garage, for example, and it doesn't say anything about, that I see, the child having access. You use that when you describe it, but I don't see that in the Bill. Is it in the language or am I missing that?"

Erwin: "Representative, I think that it was the drafters of this clearly felt that using premises was sufficient in terms of this definition."

Turner, J.: "Well, I'm not sure who the drafters were. I know that you did work with the Attorney General, I think you also know that I opposed this in committee, and whoever the drafters were, whether it came from the Attorney General's office or any place else, I think if we're talking about where a child has access that should be spelled out. I think the language is way too broad. Let me move on, however. Does this cover a situation where a child is given a handgun, perhaps at the age of 16 or 17, with the authorization of the parent, do you make an exception anywhere in this Bill for that?"

Erwin: "Representative, this Bill applies to a child's access to a handgun without... when an adult or person at least 21 years of age is not supervising, in other words, the adult is no longer on the premises. We are talking specifically about a child's access to a handgun when an adult is not present. For the purposes of this definition, a child is a person under 18 years old. Again, I think that if you have significant concerns about this I would raise them with the Attorney General. I'm sure that he would be happy to hear

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any constructive..."

Turner, J.: "Again, I appreciate what you're trying to do, but the fact of the matter is I did raise these concerns. I raised them in committee. I'm raising them again here tonight, and this Bill is going to pass out of here. The Bill doesn't say anything about access. It should say access. The Bill doesn't address the parent who gives the 16 or 17 year-old a handgun, which is legal to do. I think when you're drafting a statute that penalizes someone, and this does, it's a petty offense, but it does have a fine of up to \$500, so we have to be very careful about the way we draft the Bill. And again, I think there are some real defects in the Bill, and while the way you describe it would probably be an okay Bill, that simply is not in the language, and I can't support your Bill, and I would urge Members, on this side of the aisle at least, not to support it, because I think that if we're going to limit it, if we're going to charge people with possibly a petty offense we should have the access language in here, we should take care of the situation where the parent does allow the minor to have a gun, and I think until we have those things in here, it's not a Bill that should be voted for. I do appreciate what you're doing, but I urge a 'no' vote."

Speaker Granberg: "The Gentleman from Rock Island, Representative Brunsvold. Representative Brunsvold, the Bill is on Short Debate do you want to?"

Brunsvold: "I'd like to remove the Bill from Short Debate, Mr. Speaker."

Speaker Granberg: "Are you joined by a sufficient number?"

Brunsvold: "I have hands."

Speaker Granberg: "Acknowledged. The Bill is removed from Short Debate. Proceed."

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Brunsvold: "Will the Lady yield?"

Speaker Granberg: "Indicates she will."

Brunsvold: "Representative Erwin, would you describe a trigger lock for me?"

Erwin: "Representative Brunsvold, this Bill does not require a trigger lock, so I'm not really sure it's germane to House Bill 395."

Brunsvold: "Well, that usually is what is indicated is a lockbox or a trigger lock, and most people would probably buy a trigger lock because it's cheaper."

Erwin: "Well, Representative, they may, but that would certainly be their choice. House Bill 395 does not require trigger locks."

Brunsvold: "What does it require?"

Erwin: "It just simply requires that a handgun be locked or secured with a cable lock or rendered inoperable. This is legislation that the NRA has supported in other states. That is, in fact, the law of five or six other states where they have registered in support. I think the Attorney General's task force has drafted very reasonable, practical language, and it very specifically does not require a trigger lock."

Brunsvold: "Discussion in committee, didn't in effect say that some of these trigger locks and/or cable locks are in themselves dangerous?"

Erwin: "Representative, there was a representative of the NRA who indicated that they did not believe that trigger locks... that they supported trigger locks. Again, let me reemphasize this does not mandate a trigger lock. It simply mandates that an adult, 21 or older, may not leave a child on a premises alone with a handgun accessible to that child. The adult may choose to take the handgun apart or

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render it inoperable. They may choose to lock it in a file cabinet. They may choose to lock it in a closet. They may lock it somewhere, and it just, I think, is very practical common sense piece of legislation. I don't think it's onerous. I think Representative Turner has raised a number of issues, for better or for worse, Representative Brunsvold, these were not considered serious enough that the Attorney General's office sought to do an Amendment, but I certainly will pass those concerns along for consideration in the Senate."

Brunsvold: "So when I, as an example of myself, I would have left my son Ted, here on the Floor at home, 17 years old, he would fit under your Bill. I could not leave my 17 year old son at home with a firearm?"

Erwin: "No, Representative, it's specifically only handguns."

Brunsvold: "Well, that's true, I mean, so I've got a handgun. So I can't leave my son at home alone at 17 with a handgun?"

Erwin: "That's correct."

Brunsvold: "What, in your opinion, is the purpose people have a handgun in their house?"

Erwin: "Well, Representative, I don't think it's to have them easily accessible to children, and I do think that responsible adults would... clearly when an adult is not at home, where children will be children, as we know, and be it, it might not be your son, Ted, but it might be one of your children's friends, and with handguns that are open and accessible, it is one of the reasons why there are so many accidents with handguns in homes."

Brunsvold: "Representative Erwin, I cannot think of an example of a lock box, a safe, a trigger lock, whatever that I could have in my house that a 17 year old couldn't find the key for or the combination or a way to get to it. Would you

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agree with that? A 17 year old is a pretty intelligent individual, male or female, that can find a key, can find a combination and can get that gun regardless of what I do to it."

Erwin: "Well, Representative, I don't know that we have time tonight to do a course in child psychology. Let me just say that I think that Attorney General Jim Ryan has come up with a very reasonable, practical means to protect children. This was his violence to children task force recommendation they worked on for many months. I don't believe it's onerous. The offense again is a petty offense. It is a \$500 fine that would then go to trying to teach violence prevention. So I would urge a favorable Roll Call."

Brunsvold: "Mr. Speaker, to the Bill."

Speaker Granberg: "Proceed, Sir."

Brunsvold: "Ladies and Gentlemen of the House, the Lady has indicated, I think, that regardless of what you do to the weapon, you cannot protect it and keep it locked from an individual, a 17 year-old, who is inquisitive. We come down to that big R word, it's called responsibility by the parents, and if they're not responsible enough to teach a child gun safety, then they're probably not responsible enough to lock up a gun. This is not going to happen, and we know why we have a handgun in the house, it's for safety reasons, for protection. If you lock one up, you can't use it. You might as well have a hammer or a baseball bat. So that is not going to work either. So I would say that you should look very carefully at this Bill because it really doesn't do what you're going to do, and as one of my seatmates said, what the heck is \$500 when a father or a mother is burying a son. I mean it's a little ridiculous.

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So I would ask the Members to vote 'no' on this Bill. Support the NRA's position, which is a 'no' on this piece of legislation, and Mr. Speaker, I would ask for a verification if it gets the requisite amount."

Speaker Granberg: "Acknowledged. Ladies and Gentlemen, this is the last Bill of the evening. The Gentleman from DuPage, Representative Tom Johnson."

Johnson, Tom: "To the Bill. I rise in support of this piece of legislation. I sat on the Attorney General's task force of violence against children. On that task force, there were many discussions concerning parents' responsibility and handguns, and as this chamber knows, we've debated back and forth over many, many years of whether or not any sort of responsibility a parent would yield an infringement upon Second Amendment rights and so on. I submit that the Attorney General, with the language that he has here, in fact, is a more instructive piece of legislation than an onerous piece of legislation. The intent here is merely that as parents who have children that we take reasonable steps as it relates to the access to a handgun on our home when somebody is not home, the adults are not present in the house. Now I recall one discussion that the Attorney General had and I fought any sort of controls, I hope everybody knows in here I'm not an anti-Second Amendment person, and I think that will come up tomorrow or whenever we called Concealed Weapon and some other things. But, I recall the Attorney General and the reports being said how would this ever be enforced? The issue is not one of punishment or anything else of parents here, but Johnny goes to school this morning, he's in third grade. He tells Bobby, 'Hey, come on over to my house this afternoon. I've got this neat toy, this neat gun, and I know exactly where

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it is.' And so, Bobby goes over after school, and they're playing around with the gun and Bobby gets shot. Now, those are sorts of things that may be prevented with this type of legislation. Is this any panacea? No, but the Attorney General is trying to wake parents up in this state. That is, parents, let's start paying attention to our children. Let's start paying attention to these instruments, and let's make sure, and all we've got is a very rather low, low sort of case of liability here in the sense that somebody's got to show that somebody was negligent, and that they negligently left this gun in a place where there kid is going to do that sort of thing. I think this is responsible. I don't think this is anti-gun. I don't think this is onerous. I think this is something that responsible parents would probably normally do anyway, but we're trying to get the attention of maybe some less responsible parents. So, I urge an 'aye' vote on this. Thank you."

Speaker Granberg: "The Gentleman from Cook, Mr. McKeon."

McKeon: "Thank you, Mr. Speaker, Members of the House. To the Bill. I stand in strong support of this Bill. I know there are some minor problems that have been raised that we can work out on the Senate, but as a former police officer, I have too many times, too many times had to go to the parent of a young child, an eight or a 10-year-old, to tell them that they were killed with a gun while playing with a neighbor's youngster in their home, a gun that was not secured. Or to tell a parent at the workplace that his gun was found by a youngster and used in an accidental shooting. I know from talking to school officials in my district that bringing guns on to school grounds is a chronic problem, continues to be a problem. In the vast



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majority of those cases, those were guns that were in the home for the protection of the home that were unlocked, that were unguarded, and children were taking them to school to share, and having them in their possession on school. This is a good Bill. We can work out the minor problems with it. This is really about saving children, preventing accidents, and unfortunately one child in this state is killed everyday, and every six hours a child commits suicide with a handgun that was in the home for the protection of that home. These deaths can stop. Vote for this Bill."

Speaker Granberg: "The Gentleman from Coles, Mr. Weaver."

Weaver: "Thank you, Mr. Speaker. I'll be real short. Ladies and Gentlemen, the only way you're going to enforce this law is by having police come into your home, either under bad circumstances or under normal circumstances. This is absolutely the worst possible case of behavior police. If you want behavior police checking your house out as to whether or not your guns are safely stored, vote for this Bill. If you want to get government out of your house and out of your life vote 'no'."

Speaker Granberg: "The Lady from Peoria, Representative Slone."

Slone: "Thank you, Mr. Speaker. In reference to the effect of the Bill. Last month in Peoria, we had a situation where a, exactly the kind of situation that has been described by one of the Representatives who has spoken to this Bill, actually occurred. Where a young girl was killed by her brother while the brother was showing a friend the father's gun. The father was not at home, and he didn't know the gun was loaded and he shot his sister at close range. We have not only a lost life, but also the ruined life of the young boy who accidentally killed his sister with a loaded

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handgun left unguarded by the parents. I would ask your very serious positive consideration for this Bill."

Speaker Granberg: "The Gentleman from Jackson, Representative Bost."

Bost: "Thank you, Mr. Speaker. I rise in opposition to this Bill. Ladies and Gentlemen, if you live in a downstate area think very closely about this because in this state we allow handguns to be used in hunting deer. Those handguns can be used by people that are well under, well under 21 years of age. Now you as a parent, can be responsible to the point that if your 16 year-old or your 17 year-old, who you have trained up and raised very well to handle those weapons, is out hunting can be possibly caught under this, and you can be penalized for it. Think very closely when you make this vote, and I ask for a 'no' vote."

Speaker Granberg: "The Lady moves for the passage of the Bill. Ladies and Gentlemen, after this Bill is considered we have approximately 15 Bills to move from Second to Third, merely housekeeping, then we will adjourn. The Lady from Cook, Representative Erwin, to close."

Erwin: "Thank you, Mr. Speaker. I would urge a favorable Roll Call. Thank you."

Speaker Granberg: "The Lady moves for the passage of the Bill. 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... the Lady from Cook, Representative Erwin requests..."

Erwin: "Postponed Consideration please."

Speaker Granberg: "She was within her rights. Postponed consideration. Mr. Clerk, the status of House... read the Bill. House Bill 630."

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Clerk Rossi: "House Bill 630. The Bill has been read a second time previously. Amendment #1 was adopted in committee. Floor Amendment #2 has been adopted to the Bill. No Motions have been filed."

Speaker Granberg: "Third Reading. House Bill 723."

Clerk Rossi: "House Bill 723, a Bill for an Act to amend the Unified Code of Corrections. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #3 has been 'approved for consideration.' It's offered by Representative Ronen."

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

Ronen: "Thank you, Speaker, Members of the House. Floor Amendment 3, which was recommended in committee yesterday, contains language that was agreed with the Department of Corrections and the groups. I urge 'do adopt'."

Speaker Granberg: "Any questions on the Amendment? The Gentleman from Kendall, Representative Cross. Mr. Cross, do you prefer to debate the Amendment on Second Reading or debate the Bill as amended?"

Cross: "Well, I'd like to know what the Amendment is right now, Mr. Speaker."

Speaker Granberg: "The Lady from Cook."

Ronen: "The Amendment is a pilot program that we discussed in the Judiciary Committee yesterday. It's agreed to language with the Illinois Department of Corrections about a pilot program to help serious juvenile offenders who are paroled, providing them with extra services to make sure they don't commit crimes again and get back in jail."

Cross: "Is there any opposition to the Amendment, Representative?"

Ronen: "Not that I'm aware of."

Cross: "Okay. Thank you."

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Speaker Granberg: "The Lady moves for the adoption of the Amendment. All in favor say 'aye'; all opposed say 'nay'. The 'ayes' have it. The Amendment is adopted. Further amendments?"

Clerk Rossi: "No further Amendments."

Speaker Granberg: "Third Reading. House Bill 795. Read the Bill."

Clerk Rossi: "House Bill 795, a Bill for an Act to amend the Open Meetings Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1651. Read the Bill."

Clerk Rossi: "House Bill 1651... 1651 is on the Order of House Bills - Third Reading."

Speaker Granberg: "Return the Bill to Second. House Bill 708."

Clerk Rossi: "House Bill 708, a Bill for an Act in relation to health care benefits for certain retired community college employees and their dependents. Second Reading of this House Bill. No committee Amendments. Floor Amendment #1, offered by Representative Black, has been 'approved for consideration.'"

Speaker Granberg: "Is Representative Murphy opposed to the Amendment? The Gentleman from Vermilion, Representative Black, moves for the adoption of the Amendment. All in favor say 'aye'; all opposed say 'nay'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Granberg: "House Bill 1535. Third Reading on House Bill 708. House Bill 1535."

Clerk Rossi: "House Bill 1535, a Bill for an Act to amend the Juvenile Court Act of 1987. Second Reading of this House

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Bill. No committee Amendments. Floor Amendment #1, offered by Representative Wood, has been approved for consideration."

Speaker Granberg: "Representative Wood."

Wood: "Thank you. House Amendment #1 is a technical Amendment. It merely clarifies that the fee to be charged is assessed on a daily basis."

Speaker Granberg: "The Lady moves for the adoption of the Amendment. All in favor say 'aye'; all opposed say 'nay'. The 'ayes' have it. The Amendment is adopted. Further amendments?"

Clerk Rossi: "No further Amendments."

Speaker Granberg: "Third Reading. House Bill 1670."

Clerk Rossi: "House Bill 1670, 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."

Speaker Granberg: "Third Reading. House Bill 1805."

Clerk Rossi: "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 has been adopted to the Bill. No Motions have been filed."

Speaker Granberg: "Third Reading. Mr. Clerk, the status of House Bill 18?"

Clerk Rossi: "House Bill 18 is on Calendar Order - Third Reading."

Speaker Granberg: "Return it to Second. The status of House Bill 483."

Clerk Rossi: "House Bill 483 is on Calendar Order - Third Reading."

Speaker Granberg: "Return it to Second. House Bill 1194."

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Clerk Rossi: "House Bill 1194 is on the Order of House Bills -  
Third Reading."

Speaker Granberg: "Return it to Second. House Bill 519. I'm  
sorry, Mr. Clerk, was there an Amendment?"

Clerk Rossi: "Floor Amendment #1, offered by Representative  
Gash."

Speaker Granberg: "Representative Gash. Any opposition to the  
Amendment? No one seeking recognition, the Lady moves for  
the adoption of the Amendment. All in favor say 'aye'; all  
opposed say 'nay'. The 'ayes' have it. The Amendment is  
adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Granberg: "Third Reading. House Bill 519."

Clerk Rossi: "House Bill 519 is on the Order of House Bills -  
Third Reading."

Speaker Granberg: "Return it to Second. House Bill 724, what's  
it's status?"

Clerk Rossi: "House Bill 724 is on the Order of House Bills -  
Third Reading."

Speaker Granberg: "Return it to Second. 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 927."

Clerk Rossi: "House Bill 927 is on the Order of House Bills -  
Third Reading."

Speaker Granberg: "Return it to Second. House Bill 1089."

Clerk Rossi: "House Bill 1089 is on the Order of House Bills -  
Third Reading."

Speaker Granberg: "Return it to Second. House Bill 1111 (sic -  
1089). Mr. Clerk."

Clerk Rossi: "Floor Amendment #1, offered by Representative  
Gash."

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

Gash: "Floor Amendment #1 removes Cook County at Cook County's request and makes the Bill completely permissive."

Speaker Granberg: "The Gentleman from Kendall."

Cross: "Well, Mr. Speaker, I hate to ask questions at this late hour, but is there any opposition to this Bill, Representative, that you know of?"

Gash: "The only opposition is now removed."

Cross: "Okay. Thank you."

Speaker Granberg: "The Lady moves for the adoption of Floor Amendment #1. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Granberg: "Third Reading. House Bill 1441."

Clerk Rossi: "House Bill 1441 is on the Order of House Bills - Third Reading."

Speaker Granberg: "Return it to Second. House Bill 1610."

Clerk Rossi: "House Bill 1610 is on the Order of House Bills - Third Reading."

Speaker Granberg: "Return it to Second. House Bill 1699."

Clerk Rossi: "House Bill 1699 is on the Order of House Bills - Third Reading."

Speaker Granberg: "Return it to Second. House Bill 1758."

Clerk Rossi: "House Bill 1758 is on the Order of House Bills - Third Reading."

Speaker Granberg: "Return it to Second. House Bill 1825."

Clerk Rossi: "House Bill 1825 is on the Order of House Bills - Third Reading."

Speaker Granberg: "Return it to Second. House Bill 2047."

Clerk Rossi: "House Bill 2047 is on the Order of House Bills - Third Reading."

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Speaker Granberg: "Return it to Second. House Bill 1670."

Clerk Rossi: "House Bill 1670 is on the Order of House Bills -  
Third Reading."

Speaker Granberg: "Return it to Second. House Bill 2282."

Clerk Rossi: "House Bill 2282 is on the Order of House Bills -  
Third Reading."

Speaker Granberg: "Return it to Second. House Bill 1670. We did  
1670. Out of the record and leave it on Second. House  
Bill 1176. Read the Bill."

Clerk Rossi: "House Bill 1176, a Bill for an Act concerning  
forced labor. Second Reading of this House Bill. No  
Committee Amendments. No Floor Amendments. No Motions  
filed."

Speaker Granberg: "Hold the Bill on Second. House Bill 1292."

Clerk Rossi: "House Bill 1292, a Bill for an Act in relation to  
Affirmative Action apprentice programs. Second Reading of  
this House Bill. Amendment #1 was adopted in Committee.  
No Motions have been filed. Floor Amendment #2, offered by  
Representative Morrow, has been approved for  
consideration."

Speaker Granberg: "Out of the record. House Bill 1915, what is  
the status, Mr. Clerk?"

Clerk Rossi: "House Bill 1915 is on the Order of House Bills -  
Second Reading."

Speaker Granberg: "Return it to Second. Out of the record. For  
the purposes of announcements, Representative Deering."

Deering: "Thank you, Mr. Speaker. I'd just like to announce that  
prior to a earlier posting, the House Transportation and  
Motor Vehicle Committee will meet tomorrow morning at 8:00  
a.m. in Room D1. At 8:00 a.m. in Room D1, this has been a  
change."

Speaker Granberg: "Representative McGuire."



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McGuire: "Thank you, Mr. Speaker. I just wanted to announce that the Aging Committee will not meet tomorrow. The Aging Committee will not meet tomorrow. Thank you."

Speaker Granberg: "Representative Flowers, Mary Flowers. Representative Coy Pugh."

Pugh: "I'd like to announce that the Human Services Committee will be meeting upon adjournment in Room 114. Not on the House Floor, in Room 114."

Speaker Granberg: "Representative Flowers."

Pugh: "Immediately upon adjournment. I make a Motion to suspend the posting notice."

Speaker Granberg: "Any discussion? All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. Appropriate notice is waved. Miss Flowers."

Flowers: "Mr. Speaker, I would like to make the announcement that immediately upon adjournment the Health Care and Human Serv... Health Care will meet in Room 114."

Speaker Granberg: "The Lady moves to waive the appropriate posting notice. Any discussion? In favor say 'aye'. The 'ayes' have it. Mr. Cross."

Cross: "An inquiry of the Chair, Mr. Speaker. What Bill did we just waive notice posting requirement on? No explanation, we don't even know what we're talking about. We don't even know what committee we're talking about. All I'm asking is the question."

Speaker Granberg: "Miss Flowers."

Flowers: "I'm sorry, Representative, what is your question please?"

Cross: "My question is what committee are we talking about and what Bill are we waving the posting notice?"

Flowers: "The committee that I was referring to..."

Speaker Granberg: "Just a moment. Just a moment. Health Care

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and Human Services. It's Amendment #1 to House Bill 333. In Human Services House Bill 42, House Bill 47, Amendment #2."

Cross: "In the same committee, Mr. Speaker?"

Speaker Granberg: "Two separate committees, Mr. Cross."

Cross: "And there's a Motion to waive the posting requirement on both Bills for both committees?"

Speaker Granberg: "Yes, Sir. The Minority Spokesperson had discussed that with the Chairmen of the respective committees."

Cross: "Okay. Thank you."

Speaker Granberg: "Thank you, Mr. Cross. Representative Winkel."

Winkel: "Thank you, Mr. Speaker. I'm pleased to announce this evening that a good friend of mine and I think many of yours, Mark Shelden, a member of the House Republican Policy Staff, was this evening unanimously appointed to be the Champaign County Clerk."

Speaker Granberg: "The Lady from Cook, Representative Currie, now moves the House Stand adjourned until the hour of 9:00. Allowing Perfunctory time for the Clerk. All in favor shall say 'aye'; all opposed say 'nay'. The 'ayes' have it. The House stands adjourned."

Clerk Rossi: "Committee Reports. Representative Currie, Chairman from the Committee on Rules, to which the following Amendments were referred, action taken on April 15, 1997, reported the same back with the following recommendations: 'be adopted' House Amendment 3 to House Bill 73, Amendment 1 to House Bill 104, Amendment 3 to House Bill 494, Amendment 1 to House Bill 644, Amendment 3 to House Bill 748, Amendment 1 to House Bill 861, Amendment 1 to House Bill 1354, Amendment 1 to House Bill 1780, Amendment 2 to House Bill 1918, and Amendment 1 to House Bill 2120."

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

43rd Legislative Day

April 15, 1997

Clerk Rossi: "Introduction and First Reading of Senate Bills.

Senate Bill 361, offered by Representative Biggert, a Bill for an Act to amend the Probate Act. Senate Bill 404, offered by Representative Shirley Jones, a Bill for an Act to amend the Civil Administrative Code. Senate Bill 677, offered by Representative Brunsvold, a Bill for an Act to amend the Property Tax Code. First Reading of these Senate Bills."

Clerk Rossi: "Introduction and First Reading of Resolutions.

House Resolution 108, offered by Representative Persico, Rules Committee. There being no further business the House Perfunctory Session will stand adjourned. The House will reconvene in Regular Session tomorrow at 9:00 a.m."