

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

46th Legislative Day

April 18, 1997

Speaker Hannig: "The hour of 9:00 having arrived, the House will be in order. The Members will be in their seats. We will be led in prayer today by Father Francis MacDonald with the Saint Walter's Catholic Church in Roselle. Father MacDonald is the guest of Representative Carole Pankau. Guests in the Gallery may wish to rise for the invocation."

Fr. MacDonald: "Let us pray. God, shepherd of Your people, be with us as we pray. This season brings with it the signs of Your overwhelming love, the warmth of the sun, the soft gentle rain and the new life coming forth are all beautiful reminders of You giving us love and compassion. Let us too, be awakened this spring that we, like all Your creatures, may be a reflection of Your new life as we continue to celebrate the Feast of the Resurrection, we ask You to grant us true love for all people. Give light to those in darkness, bestow justice and peace upon all people and above all in these challenging times, give us hope and allow us to be that hope for Your people. Grant that in our deliberations today we work for the good of all. May this work today not be done in vain but let it be for the service of all people. Open our minds and hearts to our sisters and brothers so that we may love and serve each other. We pray as always in Your name, our God, forever and ever."

Speaker Hannig: "We'll be led in the Pledge today by Representative McKeon."

McKeon - 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 on the Democratic side."

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Representative Barbara Currie."

Currie: "Thank you, Speaker. Please let the record show that Representatives Gash and Schakowsky are excused today."

Speaker Hannig: "The record will so reflect. Representative Cross."

Cross: "We're all here on the Republican side. We're all here, Mr. Speaker. Thank you. Thank you."

Speaker Hannig: "Mr. Clerk, take the record. On this question there are 116 Members answering the Roll Call, a quorum is present. Committee Reports."

Clerk Rossi: "Representative Pugh, Chairman from the Committee on Human Services to which the following Amendments were referred, action taken on April 17, 1997, reported the same back with the following recommendations: 'be adopted' Floor Amendment #2 to House Bill 1758 and Floor Amendment #1 to House Bill 1460. Representative Flowers, Chairman from the Committee on Health Care Availability to which the following Amendments were referred, action taken on April 17, 1997, reported the same back with the following recommendations: 'be adopted' Floor Amendment #2 to House Bill 974 and Floor Amendment #3 to House Bill 626."

Speaker Hannig: "Mr. Clerk, read House Bill 398."

Clerk Rossi: "House Bill 398, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hannig: "Representative Ryder."

Ryder: "Mr. Speaker, on behalf of the Sponsor and cosponsor of this Bill, I'd indicate that these are selected Appropriation Vehicles. The consensus of which is that we are going to pass them to the Senate and continue the appropriation process in that fashion and I would urge approval."

Speaker Hannig: "Representative Schoenberg."

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Schoenberg: "Thank you, Mr. Speaker. On behalf of our side of the aisle, I'd just like to affirm Mr. Ryder's statement that these are Vehicle Bills which are the product of an agreement from both sides and we will move them along and send them to the Senate as part of our ongoing negotiations on the FY98 Budget."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question, there are 112 voting 'yes', 3 voting 'no', and 0 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 412."

Clerk Rossi: "House Bill 412, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hannig: "Representative Schoenberg. Representative Schoenberg on this question."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is one of the Bills that Representative Ryder alluded to earlier. It's a Vehicle Bill and I urge its passage."

Speaker Hannig: "On that question, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 109 voting 'yes', 6 voting 'no', and 0 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 455."

Clerk Bolin: "House Bill 455, a Bill for an Act making appropriations. 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. House Bill 455 is a Vehicle Bill. Part of the package alluded to earlier. I urge its passage."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 109 voting 'yes', 6 voting 'no', and 1 voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 457."

Clerk Bolin: "House Bill 457, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hannig: "Representative Younge."

Younge: "This is a Vehicle Bill and I move 'do pass'."

Speaker Hannig: "The Lady moves for the passage of the Bill and the question is, 'Shall this Bill pass?' Excuse me, Representative Black is recognized."

Black: "Thank you very much, Mr. Speaker. If this Bill gets the requisite number to pass, we'll request a verification."

Unknown: "How many votes does it need? Seventy one mandates?"

Speaker Hannig: "Okay, Bill."

Black: "Take it out of the record. I'm not going to be part of this sham and bullshit anymore. I'm going to run a verification on every Bill."

Speaker Hannig: "Out of the record. Mr. Clerk, read House Bill 183."

Clerk Rossi: "House Bill 183, a Bill for an Act to amend the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act. Third Reading of this House Bill."

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Speaker Hannig: "Representative Moore."

Moore, A.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 183 expands the pharmaceutical component of the circuit breaker and Pharmaceutical Assistance Program to prescription drugs that are used for the treatment of Parkinson's Disease. I would appreciate your support and be happy to answer any questions."

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

Black: "Mr. Speaker, this is a sham. You don't even have a quorum. I'm going to verify every Bill until everybody else gets over here and sits in their seat. If you want to run this House 14 hours a day, then get your people here."

Speaker Hannig: "So, Representative Black, you request a verification on this Bill?"

Black: "Absolutely."

Speaker Hannig: "Your request for a verification is acknowledged. Representative Stephens."

Stephens: "On behalf of Representative Moore, who was shocked by Representative Black's assault and appalled, we maybe have to slow things down here a little bit this morning until, appropriately so, all of your Members get over here."

Speaker Hannig: "Representative Skinner."

Skinner: "Mr. Speaker, now that we are doing nothing, I wonder if we could talk about negotiation of working conditions before the next Speaker is elected? Do we need special authorizing legislation to allow Members of the General Assembly to organize?"

Hannig: "Representative Skinner, there are some folks from the AFL/CIO out in the back that would probably like to talk to you."

Skinner: "Well, maybe they'll come find me. I really think that

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a 10 hour work day or maybe even a 11 hour work day is long enough but a 14 hour work day in this day-nine of this death march is really getting to me. I mean, last night I couldn't even get the Bill numbers right."

Speaker Hannig: "Representative, there are 585 Bills on the Calendar and next Friday is the deadline and we'll have Members from both sides of the aisle up here all next week wanting their Bills called, so we're going to be here and try to accommodate them."

Skinner: "Mr. Speaker, I would just respectfully suggest that I've heard some really long debates that could have been really short because the Roll Call..."

Speaker Hannig: "Could I suggest that maybe you move the previous question? We will certainly recognize Members who want to do that."

Skinner: "The Roll Call was unanimous on all of these Bills that were obviously agreed Bills and if you'd put the five minute clock up there again, we'd be shorter. Thank you very much."

Speaker Hannig: "Thank you for your suggestions, Representative Skinner. Representative Woolard."

Woolard: "Mr. Chairman (sic-Speaker), I move the previous question."

Speaker Hannig: "Representative Black, you have a..."

Black: "Well, that's fine. We can move the previous question all day. I don't have any problem with that but you have been in abject violation of the House Rules every time you've done it. Your rules say it requires 71 votes and you never ask for a Roll Call. You've been moving the previous question on a voice vote. How do you know it's 71 votes? You're preempting my Home Rule."

Speaker Hannig: "Representative, I have very good ears, but if

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any Member requests a Roll Call on that Motion, the Chair will grant it."

Black: "Let me just assure you that I'll be requesting that Roll Call. Since that requires 71 votes, I want to make sure we follow the new rules and procedures on what it takes to do anything in the State of Illinois."

Speaker Hannig: "We'll be happy to accommodate you, Representative. Now, Representative Stephens, you spoke in favor of this Bill. For what reason do you rise?"

Stephens: "Well, Representative Black, you know it's early in the morning. I was just talking with Sharon, his wife. Representative Black does not rule the home back in Danville. His Home Rule, he is out of order. Sharon will address all those questions about Home Rule in the Black household."

Speaker Hannig: "No one is seeking recognition, Representative Woolard, so Representative Moore to close."

Moore, A.: "Thank you, Mr. Speaker. This is a very good Bill that will help over 6700 people with a very serious illness in our state and I think you all know the merits of this Bill and I would appreciate an 'aye' vote."

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 that question there are 106 voting 'yes', and 8 voting 'no'. Representative Black, do you persist in your request for verification?"

Black: "Absolutely. Under House Rules, I can request a verified oral Roll Call and I will do so."

Speaker Hannig: "Representative Black, you are within your rights to request a verification. Mr. Clerk, read the poll of

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those voting in the affirmative."

Clerk Bolin: "A poll of those voting in the affirmative: Acevedo. Ackerman. Beaubien. Biggert. Boland. Bost. Bradford. Bradley. Brosnahan. Brunsvold. Bugielski. Burke. Capparelli. Churchill. Clayton. Coulson. Cowlshaw. Crotty. Barbara Currie. Julie Curry. Daniels. Dart. Davis. Davis, Steve. Deering. Deuchler. Durkin. Erwin. Fantin. Feigenholtz. Flowers. Fritchey. Giglio. Giles. Granberg. Hannig. Hartke. Hassert. Hoeft. Holbrook. Howard. Hughes. Johnson, Tim. Johnson, Tom. Jones, John. Jones, Lou. Jones, Shirley. Kenner. Klingler. Kosel. Krause. Kubik. Lang. Lawfer. Leitch. Lindner. Lopez. Lyons, Eileen. Lyons, Joseph. Mautino. McAuliffe. McCarthy. McGuire. McKeon. Meyer. Mitchell. Moffitt. Moore, Andrea. Moore, Eugene. Morrow. Murphy, Harold. Myers. Noland. Novak. O'Brien. Pankau. Persico. Phelps. Pugh. Ronen. Roskam. Ryder. Santiago. Saviano. Schoenberg. Scott. Scully. Silva. Skinner. Slone. Smith. Stephens. Stroger. Tenhouse. Turner, Arthur. Turner, John. Wait. Weaver. Winkel. Winters. Wirsing. Wood. Woolard. Younge. Zickus, and Mr. Speaker.

Speaker Hannig: "Representative Black, do you have any questions of the affirmative?"

Black: "Bugielski."

Speaker Hannig: "Representative Bugielski, is the Gentleman in his seat? Mr. Clerk, remove him."

Black: "Capparelli."

Speaker Hannig: "Representative Capparelli, is the Gentleman in the chamber? Representative Capparelli is not in the chamber. Mr. Clerk, remove him."

Black: "Eugene Moore."

Speaker Hannig: "Representative Eugene Moore. Is the Gentleman

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in the chamber? Representative Eugene Moore. Mr. Clerk,
remove him."

Black: "Burke."

Speaker Hannig: "I'm sorry."

Black: "Burke."

Speaker Hannig: "Representative Dan Burke. Representative Dan
Burke. Is the Gentleman in the chamber? Remove him."

Black: "Bradley."

Speaker Hannig: "Representative Bradley. Bradley is in his seat.
Representative Bradley is in his seat, Mr. Black."

Black: "Well, no he's not really in his seat but he's close."

Speaker Hannig: "Well, he's standing by his seat."

Black: "Brosnahan."

Speaker Hannig: "Representative Brosnahan is in the side aisle."

Black: "Crotty."

Speaker Hannig: "Representative Crotty is in her seat."

Black: "McCarthy."

Speaker Hannig: "Representative McCarthy is in his seat,
Representative Black."

Black: "Gash."

Speaker Hannig: "Representative Gash is excused."

Black: "Feigenholtz."

Speaker Hannig: "Representative Feigenholtz, the Lady from Cook.
Representative Feigenholtz. Remove her. She's not in her
seat, remove her."

Black: "Silva."

Speaker Hannig: "Representative Silva. The Lady's in her seat."

Black: "McGuire."

Speaker Hannig: "Representative Jack McGuire is in his seat."

Black: "Erwin."

Speaker Hannig: "Representative Black, or Representative Lang,
for what reason do you rise?"

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Lang: "Thank you. Mr. Speaker, if there are so few of us here as Mr. Black says, it seems to me everyone he's verifying seemed to be in their seat. If there's so few of us, he ought to be able to find out who's not here."

Black: "Oh, really. Well why are seven votes off if everybody's here?"

Speaker Hannig: "Representative, okay, Representative."

Black: "I called 12 names and 7 of them haven't been here. I don't call that dilatory. I call this whole sham dilatory. You want to run this House 14 hours a day, get your people here."

Lang: "Good plan."

Speaker Hannig: "Representative Black, continuing in your verification."

Black: "Flowers."

Speaker Hannig: "Representative Mary Flowers. Is the Lady in the chamber? The Lady is not in the chamber. Remove her."

Black: "Erwin."

Speaker Hannig: "Representative Judy Erwin. Is the Lady in her seat? Is the Lady in the chamber. The Lady is not, remove her."

Black: "Davis."

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

Black: "Monique Davis."

Speaker Hannig: "Monique Davis. Okay, Representative Feigenholtz has returned. Return her to the Roll Call."

Black: "Representative Morrow."

Speaker Hannig: "Representative Monique Davis yet. Representative Monique Davis, is the Lady in the chamber? She's not, remove her. Representative Black, can you give leave to Representative Julie Curry?"

Black: "Absolutely not."

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Speaker Hannig: "Okay."

Black: "Absolutely nobody will be given leave to be verified. I have to sit here 15 hours a day, so do they."

Speaker Hannig: "Thank you, Representative, you're with... would you continue with your... I'm sorry..."

Black: "Monique Davis."

Speaker Hannig: "Mr. Clerk, have we removed Monique Davis? The Clerk indicates Monique Davis has been removed."

Black: "Representative Morrow."

Speaker Hannig: "Representative Charles Morrow. Is the Gentleman in the Chamber? The Gentleman is not in the Chamber, remove him."

Black: "Representative Pugh."

Speaker Hannig: "Representative Coy Pugh. Is the Gentleman in the Chamber? The Gentleman is not in the Chamber, remove him."

Black: "Representative Lou Jones."

Speaker Hannig: "Representative Lou Jones, the Lady from Cook. Is the Lady in the Chamber? The Lady is not in the Chamber, remove her."

Black: "Representative Novak."

Speaker Hannig: "Mr. Black, I think Representative Novak is in a Dereg. Committee and I believe it's an understanding with both sides that...."

Black: "I don't have any understanding. Nobody told me anything."

Speaker Hannig: "Okay, alright, okay. Representative Novak. Is the Gentleman in the Chamber? The Gentleman is not in the Chamber, remove him."

Black: "Representative Giglio."

Speaker Hannig: "Representative Giglio is in his seat. Representative Fritchey, for what reason do you rise?"

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Representative Fritchey, the Gentleman from Cook."

Fritchey: "Mr. Speaker, on a Point of Personal Privilege."

Speaker Hannig: "Mr. Fritchey, why don't we let Mr. Black finish his..."

Fritchey: "On a point of personal privilege and in support of Representative Curry who he denied leave to walk off of this Floor by reading of Rule 56-C of the Rules is that she is entitled by right upon a request to be verified, she is entitled to be verified and leave the Floor."

Black: "Are you the new Parliamentarian?"

Speaker Hannig: "Thank you, Representative Fritchey."

Black: "If you're the new Parliamentarian, get up and get on the podium."

Speaker Hannig: "Representative Black, do you have any further? Representative Black, any further?"

Black: "Representative Saviano."

Speaker Hannig: "Representative Saviano. Representative Capparelli has returned, return him to the Roll Call. Representative Bugielski has returned, return him to the Roll Call. Is Representative Saviano in the Chamber? He is not, remove him. Representative Black."

Black: "Representative McPike."

Speaker Hannig: "I think he's way in the rear of the Chamber, way back out of there."

Black: "Oh, he's out by the rail."

Speaker Hannig: "Yeah, somewhere out there."

Black: "Mr. Speaker."

Speaker Hannig: "Representative Eugene Moore has returned. Would you return him to the Chamber, to the record?"

Black: "Mr. Speaker, have I made my point? You think we have everybody here?"

Speaker Hannig: "We thank you for bringing the Members here,

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Representative Black."

Black: "Thank you very much. I'll withdraw, I have nothing further."

Speaker Hannig: "Nothing further. And on that question...and Representative Morrow has returned, and on that question, there are 98 voting 'yes', 8 voting 'no', and 0 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. Committee Reports."

Clerk Bolin: "Representative Deering, Chairman from the Committee on Transportations to which the following Amendments were referred, action taken on April 17, 1997, reported the same back with the following recommendations: 'be adopted' Floor Amendment #2 to House Bill 489. Representative Lopez, Chairman from the Committee on Consumer Protection to which the following Bills and Resolutions were referred, action taken on April 17, 1997, reported the same back with the following recommendations: 'be adopted' Floor Amendment #2 to House Bill 43. Representative Murphy, Chairman from the Committee on Personnel and Pensions to which the following Bills and Resolutions were referred, action taken on April 17, 1997, reported the same back with the following recommendations: 'be adopted' Floor Amendment #1 to House Bill 2047; 'be adopted as amended' Senate Joint Resolution 19. Representative Dart, Chairman from the Committee on Judiciary I, Civil Law to which the following Amendments were referred, action taken on April 18, 1997, reported the same back with the following recommendations: 'be adopted' Floor Amendment #4 to House Bill 92, Floor Amendment #2 to House Bill 289 and Floor Amendment #1 to House Bill 378. Representative Phelps, Chairman from the Committee on Elementary and Secondary Education, to which the following Bills and Resolutions

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were referred, action taken on April 18, 1997, reported the same back with the following recommendation: 'be adopted' Floor Amendment #1 to House Bill 1730. Representative Ronen, Chairman from the Committee on Children and Youth to which the following Bills, Resolutions and Amendments were referred, action taken on April 18, 1997, reported the same back with the following recommendations: 'be adopted' Floor Amendment #1 to House Bill 64."

Speaker Hannig: "Mr. Clerk, read House Bill 291."

Clerk Bolin: "House Bill 291, a Bill for an Act to amend the Illinois Purchasing Act. Third Reading of this House Bill."

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

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 291 deals with a change in our law relative to the suspension of fraudulent contractors. We know that periodically we have contractors who don't do what they're supposed to do, who steal money from the state, they don't fulfill their contracts. Under the current law, they can be suspended from having further contracts with the state for up to one year. Well, as Mr. Skinner said the other day during debate on an Amendment, one year is ridiculous. He would like life-time suspension. What this Bill would amount to is a five year prohibition or up to five years for people who have contracts with the state that steal our money or defraud the state. CMS has approved this. IDOT has approved this. Everybody seems to be on board and what we want to say is that if you're going to get a state contract, you better save the taxpayers' money where it's appropriate. You better not steal the taxpayers' money and we're going to tell contractors that if you're going to get a contract from the State of Illinois, you better do the

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right thing. That's what this Bill is all about and I would ask for your support."

Speaker Hannig: "And on that question, the Gentleman from Kendall, Representative Cross."

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

Speaker Hannig: "He indicates he will."

Cross: "Representative Lang, I know we had some discussion in committee about this. Just for clarification, does your Amendment now provide that the business or person will be...can be suspended up to five years? It's not a mandatory length?"

Lang: "That is correct, Representative. It was the will of the committee to leave some opportunity for a contractor who is in this category to resurrect themselves, so we said up to five years."

Cross: "If I'm not...originally it had been not more than one. Your original Bill talks about ten and now."

Lang: "That's correct."

Cross: "I just want to make sure we're clarified. And everyone is in agreement with your...with the Bill now that it's amended?"

Lang: "The Amendment was drafted by IDOT and CMS is not opposed. Certainly they had no opposition, previously, either."

Cross: "If I recall the authority to suspend is in the discretion of the Director of CMS, is that correct?"

Lang: "That, I believe, is correct."

Cross: "Alright, thank you very much."

Speaker Hannig: "Representative Brady."

Brady: "Will the Sponsor yield? Representative, in committee your original Bill said, 'not less than 10 years', correct?"

Lang: "The original Bill said, 'at least 10 years', I believe,

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and I was convinced that we should soften that a little, not to make it easier for contractors but to make it easy for state agencies."

Brady: "So, you felt that there should be a maximum rather than a minimum?"

Lang: "No, I... well, what I felt was, that in an effort to pass the Bill and make sure that both CMS and IDOT had their concerns resolved and the Members of the committee had their concerns taken into account, I'm going now from the current statute of one year to this Bill which now says five years."

Brady: "The current statute says, 'a maximum of one year'?"

Lang: "It says, 'up to one year'."

Brady: "And your original Bill switched it from a minimum...excuse me, your Amendment switched it from a minimum to a maximum?"

Lang: "Well, let me make sure I'm stating it correctly. Let me find it in the original Bill. The original Bill increased from one year to ten the maximum period that a contractor could be suspended."

Brady: "Why did you reduce it, the maximum to five?"

Lang: "It seemed to me that there were several Members of the committee that thought ten years was too harsh. It's also the case that IDOT came to me and said, 'Look, we have these contracts from time to time and it's important for us to have some discretion.' We must also recognize that from time to time a contractor might have a problem but could resurrect themselves, perhaps convince IDOT or CMS that they're not going to do this again and we wanted to make sure we put enough teeth in the law to get the bad apples out but also give state agencies the discretion to do what they feel is appropriate after a period of time."

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Brady: "Representative, I intend to support your Bill but I would have preferred to support it in its original state. I don't understand why you wanted to reduce it from ten to five. It still gives IDOT and the rest of them the discretion, as I understand it, under either category. It simply takes the discretion away from the agency in year six through ten and I believe that's correct. I'll support your Bill because I think it makes the law better but I would have preferred your original Bill."

Speaker Hannig: "Representative Moffitt."

Moffitt: "Thank you, Mr. Speaker. I just rise in strong support of this Bill. We talk good government and we talk looking out for the interest of the taxpayers. Here's the opportunity to do something about it. I think it's a reasonable approach. If going from one to five is sending a strong message that we want the laws of Illinois obeyed as far as bidding and contracting practices and if we need to extend it at some future date, increase that, that's fine but this is a tremendous step in the right direction and I hope we have all green votes. Thank you."

Speaker Hannig: "Representative Skinner."

Skinner: "Mr. Speaker, I rise to ask what has happened to this General Assembly's sense of outrage? In the 1970's when people were convicted of bribing state officials, we passed a law that said you could not do business with the State of Illinois, ever again. If you look at your...the contracts that you signed on contractual...for contractual services, your leases, for example, there is a line in that lease that says, 'Have you ever been convicted or have you ever admitted under oath, bribing a state official?' And if you answer yes to that question, you may not have a contract with the State of Illinois. I wish that the Department of

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Transportation had had that same sense of outrage that Representative Stearney had during the 1970's. If someone wants to fix prices on state contracts, participate in that, they should be forbidden from doing business in the State of Illinois forever. Never again. They should have to go to Iowa or Wisconsin or Indiana. I really am tempted to get a copy of the tape of the committee hearing to find out why anyone would think that we shouldn't give the department at least 10 years discretion to get rid of corrupt contractors. In fact, I wouldn't give the Department of Transportation any discretion. I'd say never, but then again, I'm not the Sponsor of the Bill. Thank you for bringing it forward, Representative Lang."

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 115 voting 'yes', 0 voting 'no', and 0 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 718."

Clerk Bolin: "House Bill 718, a Bill for an Act to amend the Illinois Pension Code and State Mandates Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Deering."

Deering: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 718...House Bill 718 amends a provision in the Pension Code dealing with death benefits and medical expenses of police officers or firefighters while they're injured in the line of work. It has been amended to remove the City of Chicago from the Bill. It has no fiscal impact on the state, and it's my understanding that it's dealing

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with the Workmens' Compensation Act and the Workmens' Occupational Diseases Act. There's been no problems with it with the Amendment, that this has been agreed to. I'd be pleased to try and answer any questions."

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

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

Speaker Hannig: "He indicates he will."

Hoeft: "This is very similar to the Bill that we passed last year that indicated that health benefits for widows and families of individuals who have been killed in the line of duty shall not be disconnected. This is a part of a number of Bills that have been brought forth by individuals for policemen and firemen indicating if they have given themselves, their lives to the service of their communities, that we ought to make sure that their families are properly treated. So this is one of a number of Bills that are addressing this area. I think it's a good idea. I think these people deserve our respect if they have paid the ultimate price, and I would like to go along with Mr. Deering in saying, 'Let's respect these people and let's get these things put through.' Thank you, Sir."

Speaker Hannig: "Representative Parke."

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

Speaker Hannig: "He will."

Parke: "Representative Deering, is there anybody opposed to this legislation?"

Deering: "To my knowledge, Representative, there has been, there is no opposition, but let me run a quick run on the analysis here. To my knowledge there is no opposition, and this is dealing, again, with several issues with the Pension Code, and it's because of the case of the Village of Winnetka versus The Industrial Commission, is the

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genesis of this Bill."

Parke: "I'm sorry, Representative, I didn't hear that last statement."

Deering: "Said, this Bill is dealing with the court case, a 1992 Appellate Court Decision, The Village of Winnetka versus The Industrial Commission, dealing with, I believe it was firefighters killed in the line of duty and receiving a death benefit, and then...the court case ruled that the individual could not get a death benefit from Workmens' Comp, is what the crux of the case was. It said that if they were killed in the line of duty, that they couldn't get a benefit out of that and this is trying to correct that problem."

Parke: "Now, are we superseding the court case with Winnetka? Are they still in court on this, and are we trying to bypass them or are they in agreement with this?"

Deering: "This is not in the court system, I believe, at this time, and yes, this is overturning what that court had ruled."

Parke: "So, what we're doing is that we have a municipal government that's made a ruling and what they intend, and now, if we pass this legislation, we're going to bypass the municipal government's ruling and their village manager and their village board's intention of what they were going to do? Is that what you're saying?"

Deering: "No, the only thing we're saying is, if you're a fire fighter and you're injured or killed in the line of duty, you should be able to receive Workmens' Comp benefits. That's all this Bill is saying. The municipalities are saying that they're not wanting to pay, they're refusing to pay the claims. This just says the individuals would get the claims that are entitled them."

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Parke: "Does this have anything to do with the Structural Work Act?"

Deering: "No Sir, it does not."

Parke: "And why do we need to have this? Is currently...do not firemen and policemen get covered under Workers' Compensation?"

Deering: "Under Article 22 of the Pension Code, if the city refuses to make the award, no they can't."

Parke: "The City of Winnetka refuses to pay the award for a Workers' Comp case?"

Deering: "The city apparently has a local ordinance where they just pay a few thousand dollars to try to appease the claimant. Nothing there with Article 22 or Chapter 22 of the Pension Code would allow, and because it's a local ordinance, they're trying to abide by that, other than what's in the state statutes."

Parke: "Representative, do you know of any other community that has this provision in their law?"

Deering: "As far as I know, it's statutory language, which would cover all municipalities in the state. Now, if there's any other municipalities out there that have a local ordinance, I have no idea. Nobody's come to testify. It's my understanding the Municipal League is okay with this legislation. This Bill, Senate Bill 194 passed 55 to 0 in the Senate."

Parke: "Okay. Has there been a Fiscal Note filed?"

Deering: "It's my understanding...it's my understanding there had been a request and a Note has been filed."

Parke: "And what is the cost to the taxpayers of Illinois, or to the local taxpayers of Winnetka?"

Deering: "There's no cost to the state. There's no impact on the pension funds."

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Parke: "How about to the Village of Win..."

Deering: "Bear with me a minute please. Economic and Fisc filed a Pension Impact Note saying that the impact on the downstate police and firefighters pension funds would be minimal."

Parke: "Do we have any idea what the impact will be on the budget of the Village of Winnetka?"

Deering: "It's my understanding that these funds are, the annual contributions to these funds by both the employee and the employer would still continue to come, and I would assume, Representative, that interest and investment income would continue to allow these funds to grow, and it's not like we're going to be paying out of these funds on a daily basis. So, I think it would be on a case by case basis as to what type of injury or accident the individual fire fighter would have and whether he or she was killed in the line of duty. I think that would be the biggest note on what the impact would be."

Parke: "Okay. Thank you, Representative, I appreciate you working through this with me. Thank you."

Speaker Hannig: "Representative McAuliffe."

McAuliffe: "Yes, I commend Representative Deering on this great piece of legislation. The policemen and firemen have a job that's very, very serious, and I'd just like to commend Representative Deering again on this piece of legislation to let the police and firemen know that we in the Legislature care very much about them and their widows. Thank you."

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?"

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Mr. Clerk, take the record. On this question there are 111 voting 'yes', 4 voting 'no', and 0 voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 951."

Clerk Bolin: "House Bill 951, a Bill for an Act to amend the Adoption Act. Third Reading of this House Bill."

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

Lindner: "Yes, thank you, Mr. Speaker. House Bill 951 addresses the cocaine baby problem we are still seeing in our juvenile courts, women coming in with their fifth and sixth cocaine baby. A couple weeks ago, someone came into court. They had, were on their eleventh child. They had ten of them under neglect provisions and six of those were cocaine babies. This is a great cost to the child when the child is born and also through school, the developmental delays that the child suffers and a great cost to society. This would add another ground of unfitness to the Adoption Act, essentially saying that if you came in with a second cocaine baby and you had already had an adjudication of neglect for the first one and it had been given a chance to go to a bona fide counseling program that that would be a grounds of unfitness to bring a petition for termination under the Adoption Act."

Speaker Hannig: "The Lady has moved for passage of House Bill 951. Is there any discussion? Seeing 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 114 voting 'yes', 0 voting 'no', and 0 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. Representative

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Klingler, for what purpose do you rise?"

Klingler: "Mr. Speaker, my switch is not turning on. I wish to be recorded as a 'yes'."

Speaker Hannig: "We'll send the electrician down to take a look at your switch and the record will reflect your intentions to have voted 'yes'. Mr. Clerk, read House Bill 896."

Clerk Bolin: "House Bill 896, a Bill for an Act in relation to negotiation of firefighter residency requirements. Third Reading of this House Bill."

Speaker Hannig: "Representative Boland."

Boland: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Chamber. House Bill 896 authorizes arbitrators' decisions to include rules pertaining to residency requirements for firefighters. The Bill only applies to municipalities other than Chicago, and this Bill also states that an arbitrator would not be allowed to grant an award allowing firefighters to reside outside of the State of Illinois. There is no fiscal impact."

Speaker Hannig: "On that question, Representative Parke."

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

Speaker Hannig: "Yes, he indicates he will."

Parke: "Thank you. Representative, why is the Illinois Municipal League opposed to your Bill?"

Boland: "Representative, I'm not quite sure. When the lobbyist from the Municipal League talked to me, he didn't give me a real clear answer, but I suppose they feel it just takes away from some of their powers."

Parke: "Isn't it a little bit more personal than that? Don't they, by local ordinance, wish to have police and firemen located within the city boundaries, so that if an emergency comes up that they're a lot more readily accessible to the emergency if they're called in when they're not on duty?"

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Isn't that what this is really about?"

Boland: "That is their view and that is a point of view. The firefighters feel that in most of our downstate communities that they can be to their job very, very quickly and it does not present a problem."

Parke: "Representative, you mentioned downstate. Many of the Members of the General Assembly are from downstate legislative districts, and in those areas they don't have standing fire or police do they? What they have is that they have volunteer fire departments and, to some degree, auxiliary police departments, and so many of them don't even have somebody on duty. So when an emergency or fire takes place, they must send out a notice by phone or by some kind of a mechanism to notify those men and women to come in and get on the trucks and then go out to the fire, isn't that true?"

Boland: "That's true. This does not affect those people. This affects only those in bargaining units."

Parke: "With bargaining units? Okay, good, that makes a little bit more sense. But still, let's presume that it's Peoria, and a fireman is at one end of town and the station's at the other end, or he's outside the city limits, doesn't that create a problem in terms of distance?"

Boland: "They don't believe so."

Parke: "Okay. Thank you, Representative. To the Bill. Ladies and Gentlemen, it's pretty straightforward here. You have firefighters, members of the AFL/CIO, collective bargaining units, who would like to have their members live outside the city limits to be able to have their opportunity for housing wherever they see fit. The citizens and Municipal League, those mayors and managers who represent the citizens, feel that it would be better if those men and

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women were located within the city limits. Quite frankly, Ladies and Gentlemen, it's your call, it's up to you, that's the Bill, and do your best."

Speaker Hannig: "Representative Bost."

Bost: "Thank you, Mr. Speaker, Members of the House. To the Bill. This Bill is a very good Bill. Basically, it does not change what is going on now, except it just allows it to be codified in contract. If a city, right now, allows their people to live outside the city, that's fine. If they are already in the case where they are making them live inside the city, that's probably a long, ongoing situation. This just simply puts into contract, so that someone, if they're...have a personal problem with an individual firefighter, that actually...they only have one living outside the city boundaries, they can all of a sudden change the rules to get rid of that firefighter. This is a real good Bill, it allows it to put it into contract. It's not going to endanger any of the cities because most of the larger cities already have it in place that they do live in. This is not going to change that, it would have to be negotiated. It's a good Bill, I just ask for your support."

Speaker Hannig: "Representative Scott."

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

Speaker Hannig: "He indicates he will."

Scott: "Representative Boland, I just have a couple questions. There's a situation going on in Springfield right now with people that want to live outside the city but in the fire protection district. Would this Bill affect that situation?"

Boland: "I'm not familiar with that particular situation, Representative."

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Scott: "I'm going to support the Bill, and I used to do this, I used to do the collective bargaining for the City of Rockford, and they've traditionally opposed residency and I assume they still will, but this will just make it a negotiable item, which is why I'm going to support the Bill rather than a mandate. But my question is, you have to live in Illinois. Now, where I come from, you could live in Beloit, Wisconsin and be much closer than many, many places in Illinois, and I know a lot of places that allow people to live outside of cities will set a mileage requirement, draw a circle around the city and you can live anywhere within that of so many miles. I'm wondering why the State of Illinois, because theoretically, somebody could live over an hour away, which might be fairly detrimental to a particular department."

Boland: "I think that the firefighters just felt that, keeping within the state was sort of a patriotic attitude to take in this regard and so they did not seek to allow residency outside the state. Although, I can see, you know, in a few rare instances like in Rockford there may be, you know, people right across the state boundary that are actually closer than maybe somebody on the south side of Rockford."

Scott: "Okay, to the Bill again, Mr. Speaker and Ladies and Gentlemen. This is simply a Bill that would allow for a negotiation of this particular event. It's not a mandate, it doesn't remove it entirely from the items that can't be arbitrated and all this does is allow for negotiations of the subject, and if municipalities and their bargaining units come to that agreement, then I don't see any reason why we shouldn't allow that and for that reason I support this."

Speaker Hannig: "Representative Morrow. Representative Morrow,

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Charles Morrow."

Morrow: "Yes. Thank you, Mr. Speaker. I rise for a personal privilege. I think they're still up in the gallery, but they're leaving now. I'd like to introduce to the General Assembly some students from the Illinois Association of Equal Opportunity Program Personnel. They're here for a student leadership conference. I think most of them, well, I see some hands waving in the gallery, let's give them a good welcome to Springfield, Illinois."

Speaker Hannig: "Welcome to Springfield. Representative Fantin."

Fantin: "Thank you. Questions of the Sponsor please. Do you have this in your town or village? Do the firefighters there, is there a residency requirement in your area?"

Boland: "In my town? No there isn't."

Fantin: "I'm just going to speak to the Bill. I know in our communities we're having quite a problem with this, and we have some communities where there is no residency, some there are. I think it should be left up to the hometown, the community in which the firefighters reside or work, I should say, and I think it should be up to the communities to decide if they want their firefighters to live within their city limits or village limits. I do not think that should be something we should be deciding on and forcing it down their throats. There are many good reasons why some of the firefighters are required to live in their village or town. We are right on the Indiana line, and if they make it a 20 mile radius or 15 mile radius as many of the firemen would like, we are going to have most of our firefighters live in the State of Indiana. I think if the firefighters are in their own communities they care more, they have more concern about fighting a fire of their neighbors' than just any old person that they're coming to

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that town. 'Okay we get there, our duty is to try to get it out,' but if they have to face these people, live with these people, be their neighbors, I think they'd put a little more energy into this. I understand what they're doing, why they're doing it, because we've been fighting this for quite a while in my own city, but I urge you all to take a very close look at this and think if you want your firefighters that are protecting your homes, your businesses, to be living 20 miles from you, and that's what a lot of them want to do. I ask you to please consider this and give it a 'no' vote."

Speaker Hannig: "Representative Brady."

Brady: "Will the Sponsor yield?"

Speaker Hannig: "He will."

Brady: "Representative, does this affect the Quad Cities areas, or the two towns up there?"

Boland: "Could you repeat that?"

Brady: "Representative, what city do you live in?"

Boland: "I live in East Moline."

Brady: "Does this affect East Moline?"

Boland: "No it does not."

Brady: "Why not?"

Boland: "Because we already have bargained and the firefighters there are allowed to live outside the city limits. Many of them do. It has not affected the quality of service at all."

Brady: "If East Moline wished to...didn't cooperate under this manner, would it affect them? If they didn't already do it, would it affect them?"

Boland: "What this Bill does, is just allow this to be a bargaining issue, and to be settled by an arbitrator if, you know, the two sides don't come to an agreement."

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Brady: "So, in that way it does affect East Moline if they didn't previously do that?"

Boland: "Sure."

Brady: "Is East Moline a Home Rule unit?"

Boland: "No it's not."

Brady: "Does this affect Home Rule units?"

Boland: "I would believe that it would affect any city outside of Chicago."

Brady: "For instance, the City of Bloomington is a Home Rule unit. It would affect the City of Bloomington?"

Boland: "Yes."

Brady: "Mr. Speaker, a parliamentary inquiry. How many votes does this take to pass?"

Speaker Hannig: "Representative Skinner. I'm sorry, Representative Brady has not completed."

Brady: "What did that mean? What did you mean by that, Mr. Speaker?"

Speaker Hannig: "Have you completed your questioning?"

Brady: "I inquired of the Chair."

Speaker Hannig: "I'm sorry."

Brady: "A parliamentary inquiry, how many votes does this take to pass?"

Speaker Hannig: "Representative Brady, the Chair will review the Bill. Do you have further questions?"

Brady: "I do not."

Speaker Hannig: "Okay. We will give you a ruling before we vote on the Bill."

Brady: "Can I respond to that ruling when you do so?"

Speaker Hannig: "Yes, Sir, you may."

Brady: "Thank you."

Speaker Hannig: "Representative Black. Representative Boland to close and then the Chair will discuss the ruling on the,

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I'm sorry, Representative Skinner had been recognized on questions."

Skinner: "I just heard something on the House Floor that's really hard for me to believe, and if I were a firefighter I would not be very happy. We just had somebody say that if you didn't live in the area where you worked as a firefighter, that you wouldn't be as conscientious fighting fires as if you lived in the area, and I just find that, frankly offensive."

Speaker Hannig: "And now, Representative Boland to close."

Boland: "Thank you, Mr. Speaker and Ladies and Gentlemen. Let me clarify this to make sure from what Representative Fantin said, this is not mandatory, this does not force the cities to do anything. It enters it into the negotiating arena, and that if the two sides did not come to an agreement on this particular issue, then it could be a topic for the arbitrator. It also does not allow the decision, the arbitrator's decision to allow outside the State of Illinois. So this is a good piece of legislation, I would hope that all my colleagues join with me in supporting it."

Speaker Hannig: "And on the question, Representative Brady, of how many votes that this takes. The Parliamentarian has informed me that this takes 60 votes, and on that question, Representative Brady is recognized."

Brady: "Mr. Speaker, the Sponsor suggested that this affected Home Rule units of government, that in fact, in his debate, he agreed that this allowed, this in fact mandated, under those units of government, that they would be affected by this, that they would have to negotiate under these terms. Therefore, it impedes their powers, present or future, and I disagree with the Chair, I move to overrule the Chair."

Speaker Hannig: "The Gentleman has moved to overrule the Chair,

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and the question is, 'Shall the Chair be sustained?' All in favor vote 'aye'; opposed vote 'nay'. This requires 71 'no' votes. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Motion there are 53 voting 'yes' and 58 voting 'no', and the Motion fails. Now Representative Boland has closed. Mr. Boland had closed, and 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 108 voting 'yes', 6 voting 'no', and 0 voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 2219."

Clerk Bolin: "House Bill 2219, a Bill for an Act to amend the Illinois Income Tax Act. Third Reading of this House Bill."

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

Leitch: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 2219 is another part of the effort to save the Illinois River. It provides another incentive for farmers and others to have vegetative strips which would work to prevent erosion along the tributaries and streams which feed into the Illinois River. I don't know of anyone who's opposed to it and I'd just ask for a favorable Roll Call."

Speaker Hannig: "Is there any discussion? Representative John Turner is recognized on that question."

Turner, J.: "Thank you, Mr. Speaker. Would the Gentleman yield?"

Speaker Hannig: "He indicates he will."

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Turner, J.: "Dave, I like your idea. My question is, 'Does this only apply to our current strips along the Illinois River or does it apply to other tributaries, other rivers?'"

Leitch: "I believe it applies to all tributaries along all rivers. It arose in the course of protecting the Illinois River."

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

Speaker Hannig: "Representative Skinner is recognized on this question."

Skinner: "Would the Gentleman yield for a question or two?"

Speaker Hannig: "He will."

Skinner: "Is this only along the Illinois River or along every river?"

Leitch: "It's along every river."

Skinner: "Isn't the most valuable land in the state riverfront property?"

Leitch: "No, what this is...this is land that is often farmland which is along banks and one of the greatest problems that we have, these rivers are filling in with silt and so Raymond Poe had a Bill last year which passed that dealt with this same issue and this just extends the issue to remove 100%..."

Skinner: "I understand what you're saying, Representative, but land in the Fox River Valley is priced by the front foot and that's how you determine how much the property is worth. If there is rip rapping along the river front may I assume that that would not be eligible for this tax break?"

Leitch: "Yeah, what this is, it's already the law. This is really a very almost insignificant Bill in one respect and that is, it's already the law to take away five-sixths of the property tax. This simply adds the additional one-sixth because it's just a means of incentive for

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farmers and others to participate in erosion control and to be aware of the importance of erosion control. I wouldn't get a lot of heartburn over this one."

Skinner: "Well, if a riverfront lot is worth... I'm wondering if there's going to be a massive decrease in assessed valuation in the upper Fox River Valley?"

Leitch: "No."

Skinner: "So, you would not assume that the township assessors in McHenry County would go out and reassess property? I mean it's..."

Leitch: "No, this is a very minor Bill. This is property that is already in many areas in the program and this would simply add another one-sixth to it. It's addressed throughout almost all rural Illinois and is, I don't think it's that big a deal."

Skinner: "Alright, well, let me ask it another way. If the property is platted as a subdivision, would there be any tax cut?"

Leitch: "I don't think so."

Skinner: "Well, I'd be more comfortable if you'd say 'no'."

Leitch: "No, this is aimed at agricultural property, any land located between a farm field and a river."

Skinner: "Does the Bill say that...I mean, I appreciate what you're aiming at but I'm hoping you're not using a shotgun when a rifle would be the proper weapon."

Leitch: "Pull up Amendment #1 and I think that you'll find that your concern is rectified."

Skinner: "Okay, I have it up. Oh, okay. So it says specifically any land that is located between a farm field and an area to be protected, which is a stream, river, et cetera."

Leitch: "Right, right."

Skinner: "A farm field, I assume, is something more than 10 acres

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and therefore would have an agricultural assessment?"

Leitch: "This is within the farmland assessment."

Skinner: "Oh, okay."

Leitch: "This is not..."

Skinner: "Alright, fine. I understand what you're doing. It has nothing to do with residential property. Thank you."

Speaker Hannig: "Representative Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. On the face of it, this Bill is not much in terms of controversial or will have a significant impact. But let me share with you a point of view. The point of view is that again, we find that the rural areas of our state are asking for property be taken off the tax rolls. That property and that tax is to be used to fund the educational system of those legislative districts in downstate. They continue to get farm subsidies, tax breaks. That means that that tax area will not be able to go to educate their children, those children who deserve a quality education like everybody else. No, this is a small little piece. This doesn't have much significance in the big scheme of it but when you take this and you put it on top of that, farm chemical assessments that you no longer pay taxes on, on farm implements that you no longer pay taxes on, you start to talk about real dollars when you add them all up, more than hundreds of millions of dollars. That means that those children and those educational systems do not have the tax base of which to be assessed with. Then those areas come down to Springfield and say, 'We do not have enough money to educate our children,' because we keep nickeling and diming the downstate areas and taking our property and assessments off of the tax rolls. Now, I think that we should vote 'no' on this to let them know

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that those tax bases ought to be paid for so that those children get the quality education they deserve and that all tax areas ought to be taxed so that there's money available for those children."

Speaker Hannig: "Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker, Members of the House. The last speaker really surprises me. When you look at the amount of dollars that Lieutenant Governor Kustra and the cleanup of the Illinois River and so forth and all the sedimentation that is taking place in our rivers and streams, this is a very, very small price to pay for this filtration slips. Granted it will be a little bit of a tax reduction on the rolls but it's also an incentive to clean up our rivers and streams. All of us want clean water in the State of Illinois. I stand in support of this legislation and you should be too. Thank you."

Speaker Hannig: "Representative Andrea Moore."

Moore, A.: "Thank you, Mr. Speaker. I rise in support of this Bill, very strong support. This is a good environmental Bill that goes to correcting some of the problems that we have encountered in Illinois over the years. Farms, as we know, with farms the non-point source pollution that our rivers and streams have incurred because farmers have utilized the land, right up to the river, has really cost the state and federal governments much money over the years, millions and millions of dollars. This is a small step to try and correct that problem and I would support it wholeheartedly."

Speaker Hannig: "Representative Lawfer. Representative Lawfer is recognized, the Gentleman from Jo Davies."

Lawfer: "Mr. Speaker and Ladies and Gentlemen of the General Assembly. The issue has been raised in regards to farming

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along streams and that regard. I would like to add that many times farmers are being forced to farm immediately up to the stream so that they can pay their property taxes, so that they can support the schools. This is an incentive so that farmers will voluntarily, voluntarily contribute to the environment, the environment that not only affects the people that live on the land but anybody that uses our natural resources such as the Illinois River and all of the streams. This is a good Bill. It is an incentive to help farmers continue to produce high quality food as well as protect our environment. I urge a 'yes' vote on this and I would like to ask the Sponsor if he would add me as a cosponsor."

Speaker Hannig: "Representative Woolard."

Woolard: "Thank you, Mr. Speaker. You know, I think that everyone has said very eloquently that this is not for the farmer, this is for all of us. There's lots of times that we're asking things for the farming community that many of you probably have reservations about. Sure there might be a few dollars of advantage on their tax bill but this is the kind of thing that will make a difference for years to come for the fair and honest and right approach to insuring that we have quality water available for each and every one of us. I'm here to tell you that this takes away some of those nasty, nasty things that many of you have been concerned about for a long time that might be eroding and coming off of the farmer's land. Let's do everything that we can to insure that we have a quality water source available for all. Vote 'yes'."

Speaker Hannig: "Representative Poe. Representative Raymond Poe is recognized, the Gentleman from Sangamon."

Poe: "Yeah, Mr. Speaker. This Bill a year ago originated in my

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district and I carried a Bill very similar and this sort of piggybacks on it. And this is developed from the watershed in Springfield. We were having a large problem with nitrates and there's several districts and small towns in our district that water out of Sangamon County and out of Lake Springfield. So, what the intention here was is to keep those nitrates and those kind of things that we all worry about getting in our drinking water. Someone said we were going to give the tax break to farmers. Well, what this does is probably... maybe 20 to \$50 at the most a farmer would receive, but we're forgetting what he would gross on that amount of acreage he's going to leave out. He's sacrificing probably \$350 an acre for this land he's laying out to be conservation-minded. But this is a way we can help him to bring the conservation to the forefront and take care of the waters we drink. I think this is a very good Bill and we ought to support it because it's very environmentally friendly and it's going to help clean up the waters that we all drink out of around the State of Illinois. Thank you."

Speaker Hannig: "There being no further 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 102 voting 'yes', 9 voting 'no', and 1 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 868."

Clerk Rossi: "House Bill 868, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hannig: "Representative Mulligan."

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Mulligan: "Thank you, Mr. Speaker, Ladies and Gentlemen. This is the, one of the Republican Vehicle Bills for the budget, appropriations. I ask for a favorable vote."

Speaker Hannig: "There being no 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 103 voting 'yes', 11 voting 'no', and 0 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 871."

Clerk Rossi: "House Bill 871, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hannig: "Is Representative Biggins in the Chamber? Okay, Representative Ryder to handle this Bill."

Ryder: "Thank you. This is another in a series of Vehicle Bills for the appropriation process and we would appreciate your affirmative vote."

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 102 voting 'yes'; 11 voting 'no'; and 1 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Younge, Wyvetter Younge, for what reason do you rise?"

Younge: "Thank you, Mr. Speaker. On a matter of personal privilege. The upward bound class of Southern Illinois University from Lincoln High School in East St. Louis are visiting with us. Let's welcome them here."

Speaker Hannig: "Welcome to Springfield. Mr. Clerk, read House

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Bill 877."

Clerk Rossi: "House Bill 877, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hannig: "Representative Weaver or Wirsing? Representative Weaver. Representative Weaver."

Weaver: "Thank you, Mr. Speaker. This is a Vehicle Bill. I'd ask for passage."

Speaker Hannig: "The Gentleman has moved for passage of this Bill. 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 100 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 881."

Clerk Rossi: "House Bill 881, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hannig: "Representative Skinner."

Skinner: "Yet another Appropriations Vehicle 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 105 voting 'yes', 11 voting 'no', and 0 voting 'present', and this Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 641."

Clerk Bolin: "House Bill 641, a Bill for an Act concerning units of local government. Third Reading of this House Bill."

Speaker Hannig: "Representative Smith."

Smith: "Thank you, Mr. Speaker. House Bill 641 does two things."

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It would amend the Municipal Budget Law to require that a municipality adopt a combined annual budget and appropriation ordinance within or before the first quarter of each fiscal year. The second thing it does is amend the Highway Code to allow township road districts to acquire title or interest in land rights or other property incidental to the road district purposes. Now both of these things are implied currently. This just makes or grants explicit authority in the statutes and this Bill is at the request of the Township Officials of Illinois. Be happy to answer any questions."

Speaker Hannig: "And on that issue, the Gentleman from Vermilion, Representative Black, is recognized."

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

Speaker Hannig: "He will."

Black: "Representative Smith, this is simply putting in statute what we think is already implied, correct?"

Smith: "That is correct."

Black: "Okay, I know of no opposition to the Bill, do you?"

Smith: "No, I don't."

Black: "Alright. Mr. Speaker, since we've moved from the Order of Approp and we didn't hear any bells ring, it might be appropriate for me to go 'ding, ding, ding', this is Third Reading. Thank you."

Speaker Hannig: "Third Reading. Thank you, Representative Black. 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 114 voting 'yes', 0 voting 'no', and 0 voting 'present', and this Bill, having received a Constitutional

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Majority, is hereby declared passed. Mr. Clerk, read House Bill 1452."

Clerk Bolin: "House Bill 1452, a Bill for an Act concerning notaries public. Third Reading of this House Bill."

Speaker Hannig: "The Gentleman from Jersey, Representative Ryder."

Ryder: "Thank you, Mr. Speaker. This is an initiative on behalf of Secretary of State George Ryan in which the Notary Public Association of Illinois and other interested groups have proposed some changes for the Notary Public Act. It does include an extension of the time necessary to register your seal, your notary public Documentation, and because of the extension of time, there is an increase in fee. There is, however, other requirements within it that are more stringent than what is now required by the Secretary of State. Most notably, is that you're required to keep a record in the form of a journal of those times in which you apply your notary public seal. I'd be happy to answer any questions."

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

Fritchey: "I have a quick question. You're saying that every time a notary puts his or her seal to a document, they'd have to keep track?"

Ryder: "Yes."

Fritchey: "The reason I'm asking, in my other life I work in a law firm that has a 180 attorneys and we have a number of secretaries and paralegals who are also notaries. Some of them may notarize 50 to 100 documents a day, five days a week. I know that you said that the notaries are behind this, at least that's my understanding. Is that a reasonable burden to be putting on them?"

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Ryder: "The notary associations have always recommended that a journal be kept. Most law firms suggest that a journal be kept. The reason is that once you affix your notary affixation and seal to the documents, and the documents leave, you no longer have any knowledge or record, especially, I would think, for the secretaries who are doing it many times a day to different kinds of documents. As a result, it is a recommendation by the associations in the past to protect the people who are relying on the notary seal and to the folks who affix the notary seals and as a result, this Bill now requires that journal to be kept in whatever form or fashion is convenient for the people. And I have one other question. I just wondered if I could go to work for a law firm that produces that many documents? I... even as a... oh, I do need to state that I am a notary public in the event that that's a conflict. I'll be voting my conscience. I'd be happy to help out, Representative, in your law firm. Just let me know."

Fritchey: "I appreciate the offer. I was just... will this also apply to municipal employees who are notaries that will notarize documents in the furtherance of their duties?"

Ryder: "Yes."

Fritchey: "And lastly, if I were to have a document notarized and the notary failed to keep a journal of that, does that in any way call into question the validity of the document?"

Ryder: "No."

Fritchey: "Thank you."

Speaker Hannig: "Representative Fantin is recognized."

Fantin: "Yes, to the Bill, or no, I'm sorry. To the Sponsor."

Speaker Hannig: "He'll yield."

Fantin: "You're stating in this that every time you notarize a paper that you would have to keep a documentation of this?"

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Ryder: "No, you do not have to keep a copy of what it is that you notarize..."

Fantin: "No, but you would have to keep..."

Ryder: "You do just have to keep a notebook, a journal, some form that said on this date, on a deed and list the names that were identified on the deed."

Fantin: "Alright, in our township, we have been refunding some monies, tax money and we had over 10,000 people in this past year that our staff had to notarize these documents. So now we would have to keep a copy of every name and address, I mean, is this... how far does the copy have to go? Do you have to keep a name and address of the persons you're notarizing for? What would this require?"

Ryder: "Representative, it's at your discretion. The journal is kept for the notary public for reference. It can be as detailed or as cursory as you wish. I would suggest at a minimum in the kind of mass documentation that you're talking about simply a date and the name of the person."

Fantin: "Who would ever veri..."

Ryder: "Since all the doc... in your situation, all the documents were the same, weren't they?"

Fantin: "Yes."

Ryder: "Okay, that's what I would suggest."

Fantin: "Alright now, who would ever check this journal, I mean, why are we keeping it?"

Ryder: "The journal is kept for the protection of the notary public so that in the event that your notary execution were called into question, you would have something in your possession as a notary that says, 'Yes, I did, or no, I didn't.' If somebody tried to forge your signature, if somebody stole your seal, if somebody borrowed your notary seal and used it without your knowledge, then you would

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have a record to protect you."

Fantin: "So with a staff of 10 to 12 people doing the notarizing on this project that I'm speaking of, each one would have to keep their own journal."

Ryder: "Yes, the journal is for each individual notary. It's not meant to be massive, and I understand that it could cause some great concerns, however, how you keep the record is up to you. If you are satisfied that these are the ones that you did and you get a printout and you simply say, 'These are the ones that I did today.' That's fine."

Fantin: "Will this include currency exchanges and banks?"

Ryder: "To anyone who is a notary public."

Fantin: "Anyone that is a notary? Thank you."

Ryder: "Anyone that's a notary public."

Speaker Hannig: "Representative John Turner is recognized."

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

Speaker Hannig: "He will."

Turner, J.: "Representative, I know you indicated there is a fee increase."

Ryder: "Yes, there is."

Turner, J.: "How large a fee increase is it?"

Ryder: "Representative, the current fee is...registration with the Secretary of State for a notary public is \$10 for four years, \$2.50 a year. It went to \$15 for five years which is to say \$3 a year. So the fee has increased from \$2.50 a year to \$3 a year. Did I explain that adequately for you, Sir? Would you like for me to do it again?"

Turner, J.: "Yes, well, I'm cogitating on that. That is...in total then, the fee increase is fifty cents per year, if I understand what you're saying?"

Ryder: "Yes, yes."

Turner, J.: "And there's no other fee increase at all involved in

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this?"

Ryder: "Representative, you're familiar with the Secretary of State's office that has indicated, for example, corporations and others when we ask for expedited service, overnight service, to be handled in a special fashion that we pay extra for that. There's also a provision within the document that indicates that if you want expedited service for registration of your notary license, that you pay for expedited service."

Turner, J.: "As for those fees, those would be paid by the notary?"

Ryder: "Oh, absolutely. Yes."

Turner, J.: "These are not fees in any way associated with the notary charging the person for whomever they're notarizing?"

Ryder: "Representative, by law, the notary public can charge a dollar at this stage. We have allowed them to choose between a dollar and five dollars for their services. We've not mandated but we simply suggested a range. So, in that sense, yes, Sir, for the people obtaining the services of the notary public, if the notary public wishes, the notary public can now charge from a dollar to five dollars for that service if they wish. I, however, would love to get paid just once for my notary public attestation because I've never been paid for it."

Turner, J.: "Understood, neither have I but if I'm following you, then current law allows a notary only to charge one dollar..."

Ryder: "That is correct."

Turner, J. "...and this legislation or this Bill, if it becomes legislation, would allow a notary to charge up to five dollars."

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Ryder: "Up to five dollars, that is correct statement."

Turner, J.: "Thank you for answering my questions so specifically, I appreciate it."

Ryder: "You're welcome. You have my seal of approval."

Speaker Hannig: "Representative Giles."

Giles: "Thank you, Mr. Chairman (sic-Speaker). Because I am a notary public, this may be a conflict of interest. I will be voting 'present'."

Speaker Hannig: "Thank you, Representative. Representative Tom Johnson."

Johnson, Tom: "Will the Sponsor yield?"

Speaker Hannig: "He will."

Ryder: "Of course."

Johnson, Tom: "Representative, what's prompting this, this extra paperwork of keeping a journal? Have we had all kinds of problems or what?"

Ryder: "Yes, the Secretary of State receives complaints on a regular basis since they are the residuary of the licenses on almost every case and I think we're talking as many as 100 complaints a month. Is that right? Okay, I overstated, not quite a 100 complaints a month. Folks who are..."

Johnson, Tom: "How many a month?"

Ryder: "Let me find out."

Speaker Hannig: "While they're looking for the answer, Representative Biggert, for what reason do you rise? Turn on Representative Biggert, please."

Biggert: "Thank you, Mr. Speaker. A point of personal privilege."

Speaker Hannig: "State your point."

Biggert: "I have in the gallery today three schools, O'Neil Middle School from Downers Grove, Hinsdale Middle School,

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and Jefferson from Woodridge. I wish you would all give them a warm welcome up in the Gallery."

Speaker Hannig: "Welcome to Springfield. And now Representative Ryder to answer the question."

Ryder: "Thank you. Representative, I've been informed that I overstated the amount. They do not keep complete records and as a result, I cannot tell you. I believe in my conversations on this with folks outside of the Secretary of State's office, perhaps it was with the notary association that the 100 a month came up but I can't verify that so I'm not going to stand behind it."

Johnson, Tom: "Okay. You know, you're a notary and I'm a notary. I would imagine there's a lot of notaries even in this chamber. You know this, this...what's the penalty if I don't keep this running journal?"

Ryder: "Representative, there is no penalty. It is for the, it is for the protection of the notary who is affixing their seal onto the document. So, it's a requirement without a penalty."

Johnson, Tom: "Okay, so basically it's kind of a voluntary thing. If I keep that journal in my head, maybe that's sufficient, right? It just seems to me, Representative..."

Ryder: "In your mind, Representative, I'm sure that's more than sufficient."

Johnson, Tom: "Okay, you know, I'm not that organized. When I'm running around and I'm in court or whatever, now I got to carry another journal around with me and make sure, 'Gee, I must have just notarized this document that I'm filing at the court or something and where's my journal?' And by the end of a day, I got to tell you I don't remember what I did an hour before. Now..."

Ryder: "Representative, I hope that my law of practice were as

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active as yours. I can assure you it is not."

Johnson, Tom: "Well, mine used to be active. I hope it's still active back there but not for me."

Ryder: "Representative, I don't... I understand that this does place some additional requirements but in preparation for this Bill I was frankly surprised at the dollar amount of litigation that takes place in this state in which one of the relevant items is the notary verifications. I was surprised by that. I didn't think that that was an issue. It's never been an issue in the practice of law to which I've become familiar and it has, however, been and I'm frank to admit this, when I get my notary information from either the Secretary of State or the County Clerk after it's been recorded, I've reviewed those documents and they've always recommended that I keep a journal."

Johnson, Tom: "Well, it usually comes up as a sub-issue in another case, you know, to verify a document..."

Ryder: "I agree, I agree."

Johnson, Tom: "...but it seems to me that when a notary seal is affixed to a document, we have the name and address and number of that notary and we also have a date of expiration and a nice new stamp that went with that several years ago and we included..."

Ryder: "I had to pay for one of those, too."

Johnson, Tom: "...more information. It seems to me that that is, in fact, a journal. It says that person notarized it. Now, if they didn't, it seems that the record is already available for that notary to come in and say, 'No, that's not my signature', or whatever. I don't know what an extra journal is going to do for us."

Ryder: "The journal is simply the memory of the notary. If they are as organized and with the memory of someone such as

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you, memorizing each and every document that is notarized would be sufficient. My memory is not that good, and if I'm asking on documents that tend to have a long-standing validity, I don't remember. I see a signature. It appears to be mine. I see the notary. If it is called into question, I don't have any other evidence to suggest that that's the case."

Johnson, Tom: "Well, I guess I just submit that even if you kept the journal and wrote a name and an address or something in there, it doesn't mean that you'll remember it any more. But at any rate, I..."

Ryder: "I understand."

Johnson, Tom: "...I just think that this is a superfluous, another onerous piece of recordkeeping that many of us don't like to just keep adding journals and records and files and carrying them around and so on. You say there's no penalty now so I guess it's not too onerous. I'm more concerned that next year, knowing how we all like to find enhancement penalty Bills around here, that I might become a convicted felon here in about five years if I don't have my journal."

Ryder: "Representative, perhaps next year we'll double the no penalty. Thank you."

Speaker Hannig: "Representative Hughes."

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

Ryder: "Of course."

Speaker Hannig: "He indicates he will."

Hughes: "Would you clarify again what information is required to be kept in this journal?"

Ryder: "The statute is silent on that. It's simply, you keep a journal of the times and occasions in which you affixed your notary seal."

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Hughes: "Is our analysis incorrect when it says, 'It shall contain the signature and printed name of the person, the date of notarization, the type of notary act, the type of document, the signer's address and the manner in which the signer was identified.'"

Ryder: "I apologize. You are correct and I was in error."

Hughes: "So this is a fairly extensive journal that will take a considerable amount of time and probably time to justify the five dollar fee instead of the one dollar fee?"

Ryder: "Well, perhaps you heard the earlier conversation. I've never been in the business of asking to be paid for that and it's been my experience that most folks do not. But if..."

Hughes: "But if you're a bank and you're..."

Ryder: "I would not suggest that keeping the journal, the increased fee is to pay for keeping the journal. That is not the case. I understand how the logical connection in your mind could take place."

Hughes: "I think in my mind, if I'm a bank..."

Ryder: "I understand."

Hughes: "...and I have employees spending this much more time to notarize a document, that's money, that's time..."

Ryder: "I understand."

Hughes: "...on another job."

Ryder: "Sure."

Speaker Hannig: "Representative Mulligan."

Hughes: "Thank you."

Mulligan: "Mr. Speaker, an inquiry of the Chair. Representative Giles stood up and declared a conflict because he is a notary public. I would venture to say that probably half the people in this room are, maybe less, but could we have some kind of ruling? If you're not in the business of

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being...of notarizing or you just have one because you're in that profession or...we keep ours up in our office to do it as a courtesy to people that walk in, whether that's a conflict?"

Speaker Hannig: "Representative, the Chair would just advise the Members to vote their conscience on this Bill and every Bill."

Hughes: "Thank you."

Speaker Hannig: "And they can consult the statutes for further help. Representative Jones, Shirley Jones."

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

Ryder: "Sure."

Speaker Hannig: "He will."

Jones, S. "Representative, if I'm running for office and I got 50,000 petitions and I need a notary to notarize those, is my notary supposed to keep a copy of those 50,000 petitions?"

Ryder: "Representative, could I ask you to clarify? Do you mean 50,000 names on the petitions or 50,000 sheets of paper?"

Jones, S.: "Sheets, 50,000 sheets. You know like the Governor, the Secretary of State, or whatever, you know they get signatures all around the state so that means that that notary has to keep that each sheet of that petition or...."

Ryder: "Representative, since you're signing all of the sheets on the petitions, I believe that you can simply state you have affixed your notary signature to however many pages, 50,000 pages on a certain date, time, et cetera. That's all that I believe that would be necessary under this Act."

Jones, S.: "So, they don't have... are you saying that they don't have to keep it? All they got to do is just keep a copy of saying that they signed these 50,000 sheets?"

Ryder: "Obviously, if you want to keep a copy of all 50,000

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sheets, that would be fine."

Jones, S.: "No, you said a notary has to keep a document of whatever they notarized. That's why I'm asking you. If a notary has to keep a copy of every document that they notarized, do they have to keep a copy of the notary..."

Ryder: "Representative, it's not meant that you have to keep a copy of every document. That's not the case. What is meant is, that when you place your seal on a document, that it is necessary to indicate that document. And in the case that you described, you do the date, you say, however 50,000 sheets of Representative Jones for Governor and you indicate that information. I believe that's sufficient."

Jones, S.: "Thank you."

Ryder: "Thank you."

Speaker Hannig: "Yes, just further along the lines of what Representative Mulligan had raised, the Chair is not in the position to advise anyone as to what may be a conflict of interest so each Member should check for themselves and vote their conscience. 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 27 voting 'yes', and 79 voting 'no', and this Bill, having failed to receive a Constitutional Majority, is hereby declared lost. Mr. Clerk, read House Bill 745. Representative Scully on House Bill 745, excuse me."

Clerk Bolin: "House Bill 745, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Scully. Excuse me, Representative Bost, for what reason do you rise?"

Bost: "Thank you, Mr. Speaker. I rise on a point of personal

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privilege."

Speaker Hannig: "State your point."

Bost: "I'd like to introduce... with me today are the Student Support Services Group from the Shawnee College visiting with us right here and I'd like you to welcome to the chamber."

Speaker Hannig: "Welcome to Springfield. Representative Scully. Representative Scully, proceed."

Scully: "Thank you, Mr. Speaker. House Bill 745 amends the Vehicle Code to deal with incidents where a person leaves the scene of an accident. Yesterday we discussed this Bill and the Amendment thereto, which now is the Bill. House Bill 745 will extend the time period within which a person can apply for a new license after their license has been revoked. We discussed yesterday whether or not the mandatory sentencing that is contained in this Bill is appropriate. I've contacted the Will County state's attorney which is one of the proponents of this Bill to see if we can possibly revise that, whether it's appropriate to revise those mandatory sentencing provisions. I look forward to the opportunity to work with the Senate on any revision that may be necessary. I ask for a favorable vote and I'd welcome any questions."

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: "He will."

Black: "Representative, Floor Amendment #1 was adopted to the Bill and that Amendment becomes the Bill. Is that correct?"

Scully: "That's correct."

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Black: "So the underlying Bill, or the Bill that currently is before us has nothing to do with weight limit exceptions?"

Scully: "That's correct."

Black: "Alright, so the Bill does have something to do with a hit and run vehicle accident? That's the only thing this Bill deals with, right?"

Scully: "That's correct. It deals with the penalty for leaving the scene of an accident and not reporting that accident. It also deals with the ability to have a license reinstated after it has been revoked."

Black: "Okay, this Bill seems very familiar to me. Has this Bill been before us before, in some form?"

Scully: "Mr. Black, first of all, we discussed this Bill yesterday when it was on Second Reading for the Amendment to become the Bill. Also this is very similar, if not identical, to a Bill that was presented by my predecessor, Representative Ciarlo."

Black: "Oh, that's where I remember it. Representative Ciarlo had this Bill. I remember the accident now. What happened to that Bill last year? Did it get hung up in the Senate?"

Scully: "I believe it got hung up in the Senate."

Black: "Okay, I... I'll tell you some strange things happen in the Senate. Now your Bill that's very similar to Representative Ciarlo's, this is a non-probationable offense, correct?"

Scully: "That's correct."

Black: "Okay, what kind of...jurisdiction isn't the right word. Are we giving the courts any flexibility in this? The way I interpret it and staff interprets it, you know, if you're found guilty, you shall be sentenced. And I'm wondering about an elderly driver, not under the influence, who and you know, it's not beyond the realm of belief, may hit

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somebody and just not realize it. I mean, is there any... does the court have any leeway in the sentencing?"

Scully: "Right now this Bill provides for mandatory sentencing. Mr. Roskam and Mr. Cross raised these issues yesterday and the Will County State's Attorney's office has been working with me on this Bill and I placed a call to their office this morning to express those very concerns. But you are correctly analyzing the Bill as it is right now."

Black: "Okay, would it be your... will you be seeking to amend the Bill in the Senate or are you fairly adamant that the mandatory sentencing should stay in the Bill?"

Scully: "Mr. Black, right now the Bill, as presented, provides for mandatory sentencing. I am very willing to work with the Senate, with the Will County State's Attorneys and with Representatives from this Body who have more experience than I at criminal prosecution on whether that's an appropriate standard."

Black: "That's a very reasonable answer. We appreciate that. Thank you."

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

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

Speaker Hannig: "He will."

Roskam: "Representative Scully, how are, and we've talked about this before, but how do you contemplate personal injury being defined in the statute? Is there a minimum threshold of injury, in other words, or is there a time period within which, post accident, someone would have to seek licensed medical care to fall into that?"

Scully: "The statute does not define personal injury and without having a specific definition in the statute, that would become a question of fact for the jury or the judge to

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decide at trial. And that would certainly give some discretion for the prosecutors at how they pursue the prosecution by leaving that term undefined within the statute."

Roskam: "Okay, I think in terms of... I sense your willingness to continue working on this Bill and I appreciate that. I think that there are some substantive concerns that many of us would have because you are enhancing a penalty and there are issues in terms of changing the ground rules, just relying on the underlying law, maybe one situation if the penalty is at one level but now if we're changing the ground rules and enhancing that then I think we need to begin to more clearly define. Because in my law practice, for example, I run into people who really haven't sought medical treatment immediately following, but you know, go to the Wheaton Medical Clinic, for example, two or three days post-accident and there is something that is, that's objective and it's not just some sort of phony complaint, but it's on the level, but they really didn't seek medical care, immediately. I know that that's not the type of situation that you're trying to address and I appreciate your willingness to work with this in the Senate. Thank you."

Scully: "Thank you."

Speaker Hannig: "Representative Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Hannig: "He will."

Durkin: "Representative, this is now a Class II Felony, correct?"

Scully: "Yes."

Durkin: "And is this a non-probational Class II Felony?"

Scully: "Yes."

Durkin: "Do you know of any other Class II Felonies which are

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non-probationable? Would this be... I'm not familiar with anything else in the Criminal Code which has a Class II classification which is non-probationable. Do you know of any other ones?"

Scully: "Representative, I don't know the answer to your question, and although I'm an attorney, I'm not a criminal attorney. On those issues, I defer to the experienced criminal prosecutors, both in my district and in this Body for help on those matters."

Durkin: "Okay, well I'm going to speak to the Bill. I do appreciate the intentions of the Sponsor but, however, this is a situation which more often than not, we are dealing with people who are scared. They are not the most criminal individuals in our community, for example, the people, other people who have been charged with a Class II Felonies, but these are probationable cases. These are people who are charged with the offenses of robbery, kidnapping, aggravated battery of a senior citizen, aggravated battery of an unborn child, that's just a few of the examples, moreover, people in these situations often are very scared and I think that by placing a mandatory sentence on them. 'Shall', I think, is probably going a little bit too far, therefore, I respectfully am going to vote 'no' on this measure."

Speaker Hannig: "Representative Scully to close."

Scully: "Thank you, Mr. Chairman (sic-Speaker), I appreciate the very intelligent debate of this issue and I ask for a favorable vote."

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

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question, there are 98 voting 'yes', 10 voting 'no', 7 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1900."

Clerk Bolin: "House Bill 1900, a Bill for an Act concerning the impoundment of appropriated items. Third Reading of this House Bill."

Speaker Hannig: "Representative Skinner."

Skinner: "Would you please take it out of the record?"

Speaker Hannig: "Out of the record at the request of the Sponsor. Mr. Clerk, read House Bill 2125."

Clerk Bolin: "House Bill 2125, a Bill for an Act to amend the Metropolitan Water Reclamation District Act. Third Reading of this House Bill."

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

Crotty: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'm happy to present House Bill 2125 on behalf of the Metropolitan Water Reclamation District, and advise the Members that the legislation would simply codify and present practices of the district for holding administrative level hearings against polluters who discharge the district's sewage system. It also adds some minor technical language. It was prepared with the assistance of the Chicago Chamber of Commerce and the Illinois Manufacturers Association and there is no opposition to this Bill. I'd be happy to answer any questions from the Body."

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: "She will."

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Black: "Representative, I'm having a little trouble understanding this. The Amendment becomes the Bill?"

Crotty: "Yes, it does."

Black: "Alright, the Amendment states among other things, that the discharge of sewage into a sewage system would be illegal. I thought that's what a sewage system was for."

Crotty: "That's correct."

Black: "Now, wait a minute. We build sewage treatment plants to treat sewage, right?"

Crotty: "That's correct."

Black: "Okay, as I read the Amendment, you're prohibiting the discharge of sewage or other wastes into a sanitary district's sewage system. I thought..."

Crotty: "Only if those pollutants are already in the statute that would be in violation. Those discharges, right now, are in violation."

Black: "Okay, you're still confusing me. I thought we built sewage treatment plants to treat sewage and yet the Amendment seems to say that you can't discharge sewage into a sanitary district's sewage system. Where is it going to go?"

Crotty: "It's the illegal pollutants, the sewage that's illegal already by statute is not allowed in our drainage system. And that is what the Water Reclamation's District, that is their job, to monitor that and this piece of legislation will go after the polluters."

Black: "Well, what's the definition of a polluter in the Amendment?"

Crotty: "A polluter is one of the persons who are discharging illegally into the water system."

Black: "If I have a storm drain on my house and I didn't know it was connected to the sewage system, am I then a polluter

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because I'm discharging storm water into a sanitary sewer?"

Crotty: "My Bill does not cover that. This is not for residential, this is for industrial."

Black: "Alright, well, let me try another avenue here. If I own a business and I build the business and I hook up to the sewage system where I built my business, the building, and I have a plumber do this and I hook up to a sewage system, that sewage is obviously going to be discharged into a sanitary sewage district's treatment facility. Correct? Am I illegal?"

Crotty: "Well, hopefully, well no because you left out about getting a permit. You first need to get a permit and then after you get a permit, you then hook up legally to the system. As long as you're still not discharging pollutants into that system, yes, Representative Black, you would be legal."

Black: "Okay, now, did I hear you earlier say... is the permit system currently in operation?"

Crotty: "Yes, it is."

Black: "If I don't have a permit, let's say that I built my facility 30 years ago and I don't have a permit. Did you say that I'm grandfathered? It's okay? You couldn't come back and get me now, could you?"

Crotty: "Well, I don't know what the statute was 30 years ago, but right now we do have legislation that you have to get a permit and that permit, as long as you abide by that permit right now, within this law, then you would be fine. But what my Amendment says is, if in fact, you are against any of the points in the law then the Water Reclamation District, this legislation allows them to come after those who are polluting and not going by the laws that are governed."

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Black: "Okay, does your Act only pertain to the Metropolitan Water Reclamation District?"

Crotty: "Yes."

Black: "So, it would not cover any of the downstate sanitary sewage disposal plants?"

Crotty: "Any plants that fall under the jurisdiction of the Metropolitan Water District. Those are the plants..."

Black: "Okay, where... are those only in Cook County?"

Crotty: "I think, yes."

Black: "Okay, and I notice you reference mobile or portable equipment. Would this be somebody who contracts with a business to dispose of liquid waste from a factory and then, in fact, you find that they are going out into a drainage ditch or something and just hoping it runs into a sanitary sewer. Those are the people you're after here, right?"

Crotty: "Yes. There's very, very few of those but this legislation does address that."

Black: "Okay, let me... in other words, if I...if a contractor fails to obtain the proper permits and I'm then the owner of a house or a dwelling that is hooked up to an approved sanitary sewer so I'm not polluting but the contractor unbeknownst to me, did not obtain the necessary permits, am I the guilty party as the owner of the property or do I have recourse on the contractor?"

Crotty: "This will go after developers and make sure that the developers have entered into an agreement with the municipality in which the work is being done. So, this really sort of makes sure that our residents aren't in a predicament when...it with sewers. This agreement is with their sewers or their sewage system. This agreement goes along with the builders and the municipalities in which a

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division would be..."

Black: "Okay, do you need me to continue asking you questions while they take pictures? I want to make sure they have plenty of pictures."

Crotty: "I know, I couldn't see you there for a minute, thanks."

Black: "Okay, now there's language in the Amendment that empowers the sanitary district to require a municipality to get approval of any plan or specification for the construction of sewers that will be eventually hooked up to the sewage district, correct?"

Crotty: "Correct."

Black: "Does that include the City of Chicago? In other words, can the... under your Amendment, can the Metropolitan Water District tell the City of Chicago, 'If you're going to build a new McDome, for example, we want to see the plans for your sewage, the sewers and to make sure that we approve and sign off on those before you build a McDome?'"

Crotty: "The Water Reclamation District does not go into the City of Chicago. The city monitors their own sewage system as far as the permits. Is that your question?"

Black: "Do they do a pretty good job?"

Crotty: "Oh yeah, sure they do, great job."

Black: "They don't discharge any of that stuff in that Chicago River, do they?"

Crotty: "What, pardon me?"

Black: "They don't discharge any sewage into the Chicago River or Lake Michigan, do they?"

Crotty: "No, they'd never do that."

Black: "That's right, because I think the 'Deep Tunnel Project' is going to fix that, as I recall. The language also provides that a person that causes an intentional discharge of industrial waste, shall be liable for the cost of

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seizure, storage and disposal of any mobile or portable equipment involved. Is that an automatic seizure of those trucks or pumps or is there due process implied in your Bill?"

Crotty: "Are you talking about the mobile equipment that we'd be taking?"

Black: "Right, right."

Crotty: "Well, this would allow for the cost recovery when equipment used for illegal mobile dumping is seized and there's very few incidents of this, like I had mentioned. There's only approximately a couple, but it still is a cost that's incurred by the Water Reclamation District and this piece of legislation would make those costs go back to the mobile industry whoever..."

Black: "Okay, so, if I understood you correctly, there is a provision for due process before I lose my truck or my pump? Even though I may have been violating the law, I assume I'll get a court hearing before you can seize my property?"

Crotty: "It's under the forfeiture provisions, current."

Black: "Well, is it treated like drug forfeiture, where, you know, under various Acts that we've passed, some poor person driving up the street and they get a hit of cocaine, the dog smells a little cocaine in the vehicle, they can take that car? That's gone, the car is out of your control. Is this the same kind of seizure?"

Crotty: "Right now, what happens is, if in fact you would see a mobile unit in the middle of night dumping a discharge into the sewers, the sheriff would probably be called. And if the sheriff is there, they would cease that activity right away and confiscate that mobile unit. Yes, they will."

Black: "Now, is that an absolute seizure and forfeiture? I don't

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have the right to go to court and plead my case and maybe get my equipment back?"

Crotty: "Anyone has the right to go to court on any case, but if in fact, they're discharging illegally into a sewer out of a mobile unit, a sheriff would confiscate that mobile unit."

Black: "Okay, just two more question, Representative, and I do appreciate your answers. I assume then that the Metropolitan Water District would service some unincorporated areas in Cook County. Would that be a fair statement? Maybe there isn't a city or town, but because of your growth, you would put the sewers into that area, right?"

Crotty: "That could be. I'm not certain."

Black: "Okay, in some of these areas that were maybe settled several decades ago before sewers were constructed or run to that area, there may be some people still using a septic tank. Would that be possible in that area? I know it is in mine, I'm not too sure about the Metropolitan area, but there might still be septic tanks?"

Crotty: "I'm sure that there are areas that have septic tanks, yes."

Black: "Okay, now, because we have to do this in my area, do you have any procedure in the law for those people who lawfully empty septic tanks, clean them out every so often, pump that effluent and sludge into a truck, and then in my district, what they do is they take it to a sewage treatment plant where they have a discharge pipe so that it can be treated. Is this permissible under your Bill?"

Crotty: "Well, I'm glad my guess would have been right. I would have imagined that one of those mobile units would have come out and probably at that point all the laws defined

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for that mobile unit goes into effect through this Bill."

Black: "Okay, because I think it's very important, Representative, that...I just don't understand the workings of the Metropolitan Water Reclamation District and I apologize for that, but I want to make sure that the homeowner, this isn't retrospective, that if I've lived there 70 years and I have a septic tank, I want to be comfortable with the fact that the Metropolitan Water Reclamation District can't come to me and say, 'Look, 75 years ago you could have a septic tank, we have sewers here now. Either you connect to them or you're in violation. We're going to put a lien on your house.'"

Crotty: "Well, I can definitely understand your concerns, but this Bill does not affect what you're doing right now with the sewer system."

Black: "But would it affect a homeowner..."

Crotty: "Thirty years from now?"

Black: "...under the Metropolitan Water Reclamation District?"

Crotty: "All the Water Reclamation District is saying, is once whoever has taken that mobile unit has taken the waste from your residence, I would expect that that's where these laws would start affecting that mobile unit where they are dumping, and the rules would be for the person dumping into the sewers."

Black: "My last question then, it appears that your Amendment is giving the Metropolitan Water Reclamation District the right to place a lien on my property if I have an illegal hookup. If I fail to get a permit, for example, and the district finds that out, there's language in your Amendment that says then they can put a lien on my property. So, let's say I accept the lien, okay, I don't like it but you've put a lien on my property. Three years from now I

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want to sell my property. What kind of dollars am I talking about to clear the lien so that I can sell my property?"

Crotty: "The Bill specifies that there are some penalties. The fines that the court could levy would be anywhere from a thousand to 10,000 per day."

Black: "Per day? What if my house was only worth \$40,000?"

Crotty: "Well, then I would suggest that you not dump your waste illegally."

Black: "Holy mackerel."

Crotty: "But there's also a Section which is 'C' that specifies fines that the board may levy anywhere from \$100 to \$2,000 a day. I think it's important that you understand that this is for improved enforcement, efficiency, by eliminating the time burden that exists right now through the court systems, and I find this Bill to be very pro-environment as well as pro-business. Pro-environment for the illegal waste that would be dumped but pro-business because, as I said, there's only a few that go against these laws and those few have tied up so many of the dollars and the court systems and the seizure costs for these mobile units and it's the people that have abided by all these rules that are paying for all that, Representative Black."

Black: "Okay, thank you very much, Representative and Mr. Speaker, to the Bill, and Ladies and Gentlemen of the House. I certainly don't quarrel with what the Sponsor is intending to do. It just seems as if there are some penalty factors in this Bill that I must admit I don't completely understand because I don't know how the Metropolitan Water Reclamation District works. I don't know what my due process rights would be if I lived in that

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area but she certainly got my attention when she said if I was illegally connected or I failed to get a permit, that a fine in exce....thousands of dollars a day could be levied and a lien put on my property and if it was a modestly priced home, the fines that can be levied would soon exceed the value of the house and I may find that I have lost my property maybe through no fault of my own. Maybe the contractor failed to get the proper permits or the contractor wasn't as reputable as he or she should have been but the lien goes on to my property and with those kinds of fines, the right or title to my property could be in serious question. I don't quarrel with the, what we call the fly by night dumpers. I think that's a good idea. But when you talk about that kind of a fine and a lien on my property, boy that gets kind of scary and I just don't know how that works and so I think to maybe not set a precedent for homeowners in my area I intend to probably vote 'no' or 'present' on the Bill."

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

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

Speaker Hannig: "She indicates she will."

Lang: "Representative, this your first Bill?"

Crotty: "Yes, I didn't think you'd notice."

Lang: "Well, no."

Crotty: "No whistles, no nothing."

Lang: "Our job is to notice. You want whistles. Who's got whistles? Alright, now you've got whistles. Do you feel better?"

Crotty: "I feel much better, thank you."

Lang: "Alright, so I heard all this conversation with Mr. Black about sewers. Don't you need Mr. Giglio to be helping you with this Bill?"

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Crotty: "Well, he thought this was a great idea so he came over here and already said this is great. I hope he's...obviously he must be doing things legally so he's happy with this."

Lang: "I'm very interested in knowing who was opposed to this Bill in committee, if anyone."

Crotty: "There is no opposition to this Bill."

Lang: "Did you tell anyone about the Bill?"

Crotty: "Well, of course we told...sure."

Lang: "Alright, so this wasn't a stealth Bill. I mean, everyone knew about it, right?"

Crotty: "Certainly."

Lang: "And there still was no opposition?"

Crotty: "Absolutely not."

Lang: "Well, just because you crafted it so carefully or is there just good public policy or why do you think no one would come to committee to object to your Bill? You are a freshman. I mean, what do you know about what we do here? How is it you got this Bill through committee unscathed?"

Crotty: "Well, I think most of the Bill I know it's more clarifying some of the language. This Bill was written 20 years ago so it's just bringing it up to date. It's also putting in a due process for persons like Mr. Black that might think that he's not getting a fair shake. There's a lot of...it defines that people will come in. They constantly regulate the discharge when, in fact, they first find out that you're illegally discharging some pollutants into the system. They do start with warnings. The problem that they do have is sometimes the warnings just go unheard from the persons that are doing these illegal discharge. So, this only helps them to be able to penalize them much quicker instead of going through the court system."

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Lang: "You keep talking about discharge, does this have to do with firing employees at the Water Reclamation District?"

Crotty: "No, it does not."

Lang: "So, no one's opposed to this. This does not involve firing employees. So we don't have to worry about a glut on the labor market in Cook County, correct?"

Crotty: "Correct."

Lang: "Well, I applaud you, Representative, for not only having such a Bill that is unopposed, but also for being able to handle this, as most of the Democratic freshman have been able to, without a gaggle of people around you telling you what to say. So you know your Bill pretty well. Congratulations."

Crotty: "Thank you."

Speaker Turner, A.: "Representative Turner in the Chair. The Gentleman from Bureau, Representative Mautino."

Mautino: "Will the Sponsor yield?"

Speaker Turner, A.: "She indicates she will."

Mautino: "Representative, did you indicate that this was your first Bill?"

Crotty: "Yes, I did."

Mautino: "You did? Okay, I was just looking at the Amendment here and I have a question. It says that it clarifies that the sanitary district, acting through the general superintendent, has the authority to authorize a person to cease the discharge of sewage. Is that a personal thing?"

Crotty: "No, I don't think so. It's pertaining to the sewage system."

Mautino: "Is there a supplementary appropriation in this Bill for corks or anything?"

Crotty: "I didn't..."

Mautino: "Is there a supplementary appropriation for corks or

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anything? How do you implement this?"

Crotty: "How do you implement a cease? That's the warnings that I was talking about. Are you talking about..."

Mautino: "Well, the analysis says that the superintendent has the authority to order a person to cease the discharge of sewage."

Crotty: "That's correct. If that's...they're coming out, they're monitoring the systems, they come back and they tell you that there's an illegal discharge going from your..."

Mautino: "This would be a business, this would be a business."

Crotty: "This is your business, your business, yes."

Mautino: "Representative Crotty, I was just looking at the name there..."

Crotty: "I'll give you my card as soon as this is over so you can get it."

Mautino: "I have house in Crotty subdivision in Spring Valley. Would that be, do you have any relatives or relations up there? I was just kind of noticing the spelling's the same as where I live at."

Crotty: "No, but you've moved into a fine neighborhood."

Mautino: "So that isn't, you're not part of the Crotty family from Spring Valley?"

Crotty: "No, I'm not."

Mautino: "...and there's nothing in this Bill that would let you run in my district or anything like that?"

Crotty: "No, no."

Mautino: "Well, it's a fine piece of legislation and congratulations."

Crotty: "Thank you, Representative."

Speaker Turner, A.: "Are there any other questions? Seeing none, the Lady from Cook, Representative Crotty, to close."

Crotty: "Thank you, Speaker. To close, well, you've heard the

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discussion and I would ask for a favorable consideration.

Thank you."

Speaker Turner, A.: "The question is, 'Shall House Bill 2125 pass?' All those in favor should 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 this question, there are 75 'aye', 34 'nays', and this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Readings, we have House Bill 685. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 685, a Bill for an Act concerning clinical and school psychologists. Third Reading of this House Bill."

Speaker Turner, A.: "Take that Bill out of the record, Mr. Clerk. House Bill 132, Mr. Clerk. On the Order of Third Readings, we have House Bill 622. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 622, a Bill for an Act amending the Juvenile Court Act of 1987. Third Reading of this House Bill."

Speaker Turner, A.: "The Lady from Cook, Representative Flowers."

Flowers: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 622 is a Vehicle Bill and we're not finished working on the language for the Bill and I would appreciate just moving the Bill out, and it's just a Vehicle Bill and I would urge an 'aye' vote. Thank you."

Speaker Turner, A.: "Is there any any discussion? Seeing none, the question is, 'Shall House Bill 622 pass?' All those in favor vote 'aye'; all those opposed should vote 'nay'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this Bill there are 53 voting 'aye',

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63 voting 'no'. The Lady from Cook, Representative Flowers."

Flowers: "Mr. Speaker, will you please put the Bill on Postponed Consideration?"

Speaker Turner, A.: "The Lady requests Postponed Consideration. On the Order of Third Reading, House Bill 2079. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2079, a Bill for an Act to create the Illinois Workforce Commission. Third Reading of this House Bill."

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

Younge: "Right, would you take that back to Second, please?"

Speaker Turner, A.: "Return the Bill to the Order of Second Reading, Mr. Clerk. Are there any Amendments?"

Clerk Rossi: "No Amendments have been filed to the Bill."

Speaker Turner, A.: "Take the Bill out of the record. On the Order of Third Readings, we have House Bill 861. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 861, a Bill for an Act amending the Respite Program Act. Third Reading of this House Bill."

Speaker Turner, A.: "The Gentleman from Cook, Representative Lyons. On the Bill, Mr. Lyons."

Lyons, J.: "Well, thank you, Mr. Speaker and Members of the House of Representatives. House Bill 861 is a pack... one of a package of Bills called, 'There's no place like home'. This particular Bill and most of them in there realize the fact that most elderly and disabled people, their preference is of course is to remain within their own home and their own community. Respite Care can establish individuals to live at home rather than go to nursing homes so it's effective for taxpayers and humane for the elderly

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as well as their caregivers. What this Act does is, we changed some language. Originally what we did, 861 was to take out the requirement that this be dependent upon federal monies to initiate the program. We took that out of the Bill, the original Bill that was passed in the 87th General Assembly and then we had a concern from the Department of Aging that this could be read as a mandate for them to fund the program so we amended it to accommodate the Department of Aging to change the language technically so there is a program that they may implement at some point in time, but is not an obligation on them financially at this time. The Bill is a good Bill. It potentially helps people stay at home, either elderly or in sicknesses and it received no fiscal notes of obligation to the Department of Aging. I'll be glad to answer any questions anybody may have on this."

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

Lawfer: "Thank you, Mr. Chairman (sic-Speaker) and Ladies and Gentlemen of the House. Will the Sponsor yield for some questions?"

Speaker Turner, A.: "He indicates he will."

Lawfer: "Representative Lyons, you worked on this. Would you bring me up to date on what the Bill does now?"

Lyons, J.: "Well, Representative, what it does is, it allows potentially for a program of Respite Care to be initiated by the State of Illinois without being totally dependent on federal monies to start the program. It does not obligate them to do it, but it says that they may at some point in time if it fits within their budget, on initiation from a program that may be federally initiated or may be privately requested that they'll have the freedom to start such a

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program. And Respite Care basically, is appropriate temporary substitute care or supervision for somebody who is impaired. It would allow the primary care giver to have some relief from the difficult chores that may include some adult day care or weekend or substitute caregiving, vacation time, those types of things for a caregiver who may need some time off."

Lawfer: "But the Amendment then made it permissive then rather than mandatory?"

Lyons, J.: "Yes, Sir. absolutely."

Lawfer: "And then the Department of Aging can provide Respite Care but they don't have to, but if they choose and have appropriated money to do so, they can do this. Is this correct?"

Lyons, J.: "That's correct, Representative, there's no obligation. It's permissive only now."

Lawfer: "And this would be a relief for, well, for example, people that have elderly parents, and so on, that need a little respite care for weekends, and so on, this would set up the mechanism to do this, is this correct?"

Lyons, J.: "Correct, Representative, exactly."

Lawfer: "Where is the position of the Department on Aging on this?"

Lyons, J.: "Well, Representative, the Department on Aging went from being opposed to the Bill. With the Amendment that we put in there, they are now neutral on the Bill."

Lawfer: "Well, Representative, I think that you've explained the Bill very well. The depart...my information also is that the Department on Aging is neutral on this. This is permissive and a lot of this is going to be contingent on the availability of federal financial participation. But it does set in motion this, if that appropriations whether

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it be federal or loc...state are available. I think it's a good Bill and I plan on supporting the Bill. Thank you very much."

Lyons, J.: "Thank you, Representative."

Speaker Turner, A.: "The Gentleman from Vermilion, Representative Black."

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

Speaker Turner, A.: "He indicates he will."

Black: "Representative, Amendment #1 was adopted to your Bill. Was that a Floor Amendment?"

Lyons, J.: "Yes, Sir, it was."

Black: "Okay, following up on Representative Lawfer's questioning, and I think he's made it very clear that you've greatly improved the Bill but Amendment #1 did what to the underlying Bill?"

Lyons, J.: "It...in essence, Mr. Black, it took away the obligation of the Department of Aging that 'shall' fund the Bill to in essence, 'may' fund the Bill which gives ..."

Black: "'May', right. So, it becomes a permissive Bill and it doesn't change the underlying statute that says, 'respite projects, authorized under the Act will be funded to the extent of available appropriations', correct?"

Lyons, J.: "Correct."

Black: "I join with Representative Lawfer. I think this is a pretty good Bill and worthy of everybody's support. Thank you, Representative."

Lyons: "Thank you, Representative Black."

Speaker Turner, A.: "The Gentleman from Cook, Representative Lang."

Lang: "Well, I just need to...will the Sponsor yield?"

Speaker Turner, A.: "He indicates he will."

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Lang: "I just need to know, is this your first Bill?"

Lyons, J.: "Yes, Representative, it is."

Lang: "I think some people may have missed this little tidbit during this debate. So, do you think this is the kind of Bill that you want to rest your first effort on? Do you think this is a quality Bill that is worthy of your next news release?"

Lyons, J.: "I'm very proud of this Bill, Mr. Black, and I'm happy and I'm very proud that it's my first Bill and it'll make a good press release."

Lang: "Did you refer to me as Mr. Black?"

Lyons, J.: "Mr. Lang, my, my, my apologies of Mr. Lang. Representative, I knew I had to get Blacked and Langed on my first Bill so I'm in a zone here."

Lang: "I think this could help you get some votes on the other side of the aisle but I'm not sure. Now, I know Mr. Black obviously is not paying attention because he didn't jump out of his chair with outrage, but we can forgive you for that. Tell me, tell me specifically how this Bill is going to help my district?"

Lyons, J.: "Specifically, what its potential is, Representative Lang, if we have people who are primary caregivers, taking care of either elderly or people with chronic health problems that are trying to do their best as a primary caregiver, they may at some point in time, through the Department of Aging's initiative, be able to get some type of help to give them maybe an afternoon off so they can go shopping, do personal business, to maybe get an evening out so they can go to a social function to get a little bit of a respite, a little bit of a break from their obligations as a caregiver to an elderly or person with a severe disability or illness."

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Lang: "Now, you indicated in your remark that this is part of a package of Bills called, 'There's no place like home'. This doesn't have anything to do with Dorothy or Toto, does it?"

Lyons, J.: "No, I don't think they're directly involved with this, but we may have taken the theme of this from the Wizard of Oz."

Lang: "But it could have something to do with Aunt Em because she's a senior. This could affect her."

Lyons, J.: "Auntie Em would have been very proud of this Bill, Representative."

Lang: "Alright, well, for Auntie Em, I'm for the Bill."

Lyons, J.: "Thank you, Leader Lang, Representative Lang."

Speaker Turner, A.: "Is there any further discussion? Seeing none, Representative Lyons to close."

Lyons, J.: "Ladies and Gentlemen, thank you for the questions on the Bill. It's a good Bill. It potentially can help everybody in here and everybody's district in the State of Illinois and I ask for a favorable consideration and a favorable vote."

Speaker Turner, A.: "The question is, 'Shall House Bill 861 pass?' All those in favor shall vote 'aye'; all those opposed vote 'nay'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 111 voting 'aye', 3 voting 'nay', and this Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Third Readings, we have House Bill 1817. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1817, a Bill for an Act in relation to environmental protection. Third Reading of this House Bill."

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Speaker Turner, A.: "The Gentleman from Madison, Representative Stephens."

Stephens: "Thank you, Mr, Speaker. Eighteen seventeen is legislation that deals with the Brownfields, suggested by the Regional Council and Growth Association of the metro-east area, southwestern Illinois. It's fair to say that this Bill is certainly not in its final form but as the negotiations on this important economic development tool proceed with the Governor's office and with the Senate, I would ask the House's indulgence in passing this legislation along, understanding that we...that it is substantive language creating the Brownfield Rehabilitation and Redevelopment Program. The Bill... You all have an analysis of it. I'd be glad to respond to questions, understanding, however, that negotiations are taking place now and certainly changes are going to be made. We want to work with the Governor's office, with the Senate, and make sure that we can come to some agreement on this important economic development package. I'm glad to respond to questions. I move its favorable passage."

Speaker Turner, A.: "Is there discussion? Seeing none, Representative Stephens to close. The question is, 'Shall House Bill 1817 pass?' All those in favor shall vote 'aye'; all those opposed vote 'nay'. The voting is now 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 106 voting 'aye'; 8 voting 'nay', and this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Second Readings, we have House Bill 1103. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1103, the Bill's been read a second time

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previously. Amendment #1 was adopted in committee. No Floor Amendments have been approved for consideration."

Murphy: "Mr. Speaker, what's the position of 1103?"

Speaker Turner, A.: "It's on the order of Second Reading, Representative."

Murphy: "Well, I have Amendment 2 to have adopted to that 1103."

Speaker Turner, A.: "Take the Bill out of the record, Mr. Clerk. On the Order of Third Reading, we have House Bill 635. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 635, a Bill for an Act concerning day care services. Third Reading of this House Bill."

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

O'Brien: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 635 would require the Department of Human Services to complete a study to address and analyze the child care needs on a regional basis. This plan must be developed and delivered prior to April 15, 1998. The reason behind this Bill, as amended, is that because we believe that day care needs vary tremendously throughout the state, and that not everyone works from nine to five. And that in an era of welfare reform, that there's probably going to be a very sharp increase in need for services, especially nontraditional day care services, weekends, evenings, early morning, after school programs. But we also believe that we should not develop and fund programs until we identify where the need is both geographically and what kind of needs they are. That's what we're asking the department to give us, is to tell us where those needs are and I would urge an 'aye' vote, and would be happy to answer any questions."

Speaker Turner, A.: "Is there any discussion? The Gentleman from

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Kendall, Representative Cross."

Cross: "Thank you, Mr. Speaker, an inquiry of the Chair. What Amendments, if any, have been adopted?"

Speaker Turner, A.: "Mr. Clerk."

Clerk Rossi: "Committee Amendment #1 and Floor Amendment #2 have been adopted to the Bill."

Cross: "I'm sorry, could that be repeated?"

Clerk Rossi: "Committee Amendment #1 and Floor Amendment #2 are on the Bill."

Cross: "All right, thank you. Will the Sponsor yield?"

Speaker Turner, A.: "She indicates she will."

Cross: "Representative, my understanding is, with these Amendments, there's no opposition from the Governor anymore or the departments, is that your understanding?"

O'Brien: "That is my understanding. We worked with both the Governor's office and Howard Peters to develop the Floor Amendment."

Cross: "What if any, fiscal impact will this Bill have on the state?"

O'Brien: "It's my understanding that there would not be a fiscal impact on the state from developing the plan. If they come back and identify needs, that's going to be something different. But they're just going to make recommendations at this point."

Cross: "Are you aware of any opposition from any groups as we stand here today?"

O'Brien: "None that I'm aware of."

Cross: "All right, thank you."

Speaker Turner, A.: "The Gentleman from Vermilion, Representative Black."

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

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Speaker Turner, A.: "She indicates she will."

Black: "Representative, the Amendment we discussed...the Amendment that was added to the Bill was Floor Amendment #2, is that correct?"

O'Brien: "That's correct."

Black: "Does that become the Bill or add to the Bill?"

O'Brien: "Becomes the Bill."

Black: "Okay. There is a couple of interesting, and I think good points to the Amendment and I commend you on it. There is some language that says the state child care rate shall be commensurate with market rate. I think that language is in there isn't it?"

O'Brien: "I think that that is addressed in the Amendment."

Black: "Okay. The staff informs me of what we're on to and I think that's a good...I think that's part of the intent of the legislation is that we don't create rates far below what the market is, which then drives private providers out. Representative, I commend you on this, on your work, I think it dovetails very nicely with what Representative Erwin is trying to do in getting the studies done so we can see what kind of day care we need. I know in my area we're finding that we need some third shift day care, which we just don't have and again and not all of my colleagues agree with me as we move people off welfare and I think we all want to do that. It's been a Republican mantra for years, but to do that we must have child care available. It won't work any other way. I think this is a step in the right direction, particularly, when coupled with Representative Erwin's recall for a study so we know exactly what our needs are rather than continuing to throw money at what we think we need. I think this is a very good Bill, it's worthy of support. I'm going to vote 'aye'."

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O'Brien: "Thank you."

Speaker Turner, A.: "Is there any further discussion? Seeing none, the Lady from Grundy to close."

O'Brien: "Just very briefly, I think this is good legislation and I would urge an 'aye' vote."

Speaker Turner, A.: "The question is, 'Shall House Bill 635 pass?' All those in favor should vote 'aye'; all those opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this Bill, there are 114 voting 'aye', 2 voting 'nay'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Reading we have House Bill 1783. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1783, a Bill for an Act regarding preventive services. Third Reading of this House Bill."

Speaker Turner, A.: "The Gentleman from Cook, Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. House Bill 1783 calls for a pay increase for our in-home care workers for our senior citizens. I know there's been a litany of Bills that we've considered for pay increases for these in home care workers. I had House Bill 368 a couple days ago that addressed the increase for our in-home care workers for our developmentally disabled. This has a far less price tag on it, it calls for no less than 3%, no more than 5%. The cost ranges from 2 to \$4 million a year according to the Fiscal Note, and I would ask that this chamber approve it. I again say that this is an investment into our senior community to keep our senior citizens in an independent living arrangement rather than institutionalize them. As you know, it costs approximately \$36,000 a year

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to keep a senior citizen in a nursing home. That price tag is far, far more than it would have cost to keep our in-home care workers working for our senior citizens in their homes, keeping them independent, and also providing good quality care for them without a high turnover rate of our in-home care workers on an annual basis. I've heard figures from 50 to 60% turnover of in-home care workers working for seniors because they would rather go out...most people would go out and work minimum wage at a McDonald's rather than go in and care for a person, bathing them and doing general duties around our home for them. This is an investment and I ask for your favorable vote. Thank you."

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

Lawfer: "Thank you, Mr. Chairman (sic-Speaker). Will the Sponsor yield?"

Speaker Turner, A.: "He indicates he will."

Lawfer: "Representative, this applies to what people working for what departments?"

Saviano: "It applies for both Department of Aging and Department of Rehabilitation Services. I forgot to put that in there, but it also applies to DORS, yes, Representative."

Lawfer: "And the rate of increase for these workers would be what, and how would that be determined?"

Saviano: "It would be no less than 3, no more than 5% per year, and it would be controlled by the Consumer Price Index."

Lawfer: "What would the cost be to these departments then under that scenario?"

Saviano: "The Fiscal Note I received from DORS says between 2.5 and 4.2 for Fiscal Year '98."

Lawfer: "If these increases were given and this would pass and there was not additional money appropriated, what would

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happen as far as the process and how would the agencies handle this?"

Saviano: "Well, the common argument from the agencies always would say that if they were to institute a pay increase, they'd have to cut the number of workers, but I think that through our appropriation process with this legislation on the books we would fight hard to make sure the extra dollars were there to accommodate this legislation."

Lawfer: "Where do the Department of Aging and the Department of Rehabilitation Services stand on this Bill?"

Saviano: "As usual, they're opposed."

Lawfer: "The rate of increase then would be tied to the Consumer Price Index, is that correct?"

Saviano: "That is correct."

Lawfer: "How long would this run then? I mean, is there a time limit on this for a certain number of years?"

Saviano: "This is an annual COLA."

Lawfer: "But this would continue forever, or is this for like in the next three years, or in the next five years? I mean, is there an end to this increase?"

Saviano: "Well, Representative, I think that we get an annual COLA every year as Legislators, and we look forward to that to help raise our families and support ourselves. I think that these workers are entitled to the same benefits that we are."

Lawfer: "You mentioned earlier that the departments were saying that they may have to cut back on the homemakers and the chore housekeepers because of the appropriation if there was increased pay raises. Do you feel that, that is correct or do you think that, that could be handled by the departments?"

Saviano: "That's usually their common threat."

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Lawfer: "Now this, we're talking to the, in regards to the pay for the workers themselves. Do they work through vendors or do they work directly to the employee?"

Saviano: "In the case of the Department of Aging workers, it goes through the vendors and under the law they would be required to pay them 73% of that, and the remainder being to cover their own taxes and overhead."

Lawfer: "So, under that formula then, the pay increase, 73% of that additional dollars goes to the worker and 27% goes to the vendor for administration and whatever they need, is that correct?"

Saviano: "That is correct."

Lawfer: "Representative, or to the Bill, Mr. Chairman (sic-Speaker). I think the Representative has given a good explanation on this Bill. It does give a pay raise to some people that badly need it. Unfortunately, I don't believe that the money has been appropriated or is in the budget at this time. One thing that I see in this, inherent in this, is that we're tied into a...with the vendors and every time we give the workers an increase, the vendors get an increase, and I think that some time in the future, if we consider this or if this Bill passes, that we need to address that inequity, I believe, because the money should be going to the workers and I'm not sure that the vendors costs are going up that much. Thank you very much."

Speaker Turner, A.: "The Gentleman from Knox, Representative Moffitt."

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

Speaker Turner, A.: "He indicates he will."

Moffitt: "Representative, could you just give us a brief history? How long has it been since these workers have had a raise, or in the recent years have they, have they been on the

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receiving end of much of an increase?"

Saviano: "Representative, as long as I've been down here, this is my fifth year, they have not seen an increase. This is very, very badly needed. I think that, I think these are people that have fallen through the cracks that finally need somebody to come to their aid and insure that they get what they rightly deserve. You can understand that most of these people are making minimum wage or very close to minimum wage and for the work that they do, the only reason I can see that they're doing it obviously isn't to support themselves totally. I think they do it out of their compassion and their dedication to the senior community. And, like we were just discussing it, they have not seen a raise in many, many years."

Moffitt: "Thank you, Representative. I rise in strong support of this Bill. As you pointed out, they have been overlooked, they have not received raises. The very nature of the work they're doing, some of these as personal care attendants, et cetera, the type of work they're doing, they're definitely underpaid. I hope you will give it serious consideration. Keep in mind that legislation like this can actually be cost effective, if we reduce the turnover, lower the cost of training, lower the incident of staff problems, keep people in their homes longer, a raise like this can actually more than pay for itself. Thank you."

Speaker Turner, A.: "The Gentleman from Jersey, Representative Ryder."

Ryder: "Thank you, Mr. Speaker. I simply rise to make the General Assembly aware that in last year's budget, all social services providers received a 3% cost of living increase. Now, the employees may not have seen that, I cannot say that each and every employee got a 3% increase,

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but those to whom the state contracts for services received a 3% across the board increase. So, I admire the Gentleman and his position he's taken on this particular issue, but the General Assembly should know that you and I voted a 3% increase last year to all of those who provide services through contract to the state, and if those contractual vendors did not pass through the increase that we presented to them to their employees, the employees ought to be talking to the vendors and not the State of Illinois."

Speaker Turner, A.: "Is there any further discussion? Seeing none, Representative Saviano to close."

Saviano: "Thank you, Mr. Speaker. Just to address Representative Ryder's concerns. That's why, in this Bill, it requires that at least 73% of this increase funnels through to the worker. It's a guarantee that they will see an increase in pay, and I would ask for your favorable vote. Thank you."

Speaker Turner, A.: "The question is, 'Shall House Bill 1783 pass?' All those in favor shall vote 'aye'; all those opposed vote 'nay', and the voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 103 voting 'aye', 12 voting 'nay', and this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Reading, we have House Bill 760. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 760, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Turner, A.: "The Gentleman from Cook, Representative Acevedo."

Acevedo: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 760 is an attempt to protect domestic violence victims from current oppressive and evasive trial

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demands. It will provide that criminal law and discovery, shall apply to orders of protection proceedings. Currently, when victims seek orders of protection in criminal proceedings, prosecutors are governed by Article 112A of the Code of Criminal Procedure. Article 112A states that the Rules of Civil Procedure shall apply to orders of protection even in criminal cases. This, according to the Cook County state's attorney's office, has been used by defense attorneys to seek intimidating and harassing discovery from victims of domestic violence. A defense attorney, under current law, can obtain a deposition from a stalking victim or abused spouse, with an alleged stalker or abuser present in the room. The state can also be forced to respond to extensive and time consuming discovery tactics from the defendants. This Bill would diminish the potential for unnecessary delay tactics or reduced opportunities for defendants and their attorneys to intimidate victims into dropping charges. It passed out of committee unanimously, and I ask for your favorable, favorable vote."

Speaker Turner, A.: "Is there any discussion? The Gentleman from Kendall, Representative Cross."

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

Speaker Turner, A.: "He indicates he will."

Cross: "Representative, my understanding is that Amendment #1 became the Bill, is that correct?"

Acevedo: "Yes, yes."

Cross: "And if I look through our Fiscal Notes there is no fiscal impact with the Department of Corrections, is that correct?"

Acevedo: "Yes."

Cross: "There's no State Mandate, is that correct?"

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Acevedo: "Yes."

Cross: "And under the Judicial Notes, it would not increase the number of, the need for the number of judges in this state, is that correct?"

Acevedo: "Yes, that's correct."

Cross: "Seems like there's only one problem with your Bill, Representative Durkin is on as a Cosponsor. Would you consider removing him as Cosponsor?"

Acevedo: "I think I wanted to pass this Bill, that's why I put him on there."

Cross: "Well, then we'll make sure and vote how we think is appropriate. Thank you."

Speaker Turner, A.: "Is there any further discussion? Seeing none, the question is, 'Shall House Bill 760 pass?' All those in favor shall vote 'aye'; all those opposed vote 'nay'. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 116 voting 'aye', 0 'noes', 0 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Reading, we have House Bill 1168. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1168, a Bill for an Act amending the Illinois Securities Law of 1953. Third Reading of this House Bill."

Speaker Turner, A.: "The Gentleman from Cook, Representative Capparelli."

Capparelli: "Thank you, Mr. Speaker. House Bill 1168 amends the Illinois Securities Law of 1953, the Business Brokers Act and Loan Brokers Act and the Business Opportunity Sales Law. The legislation is necessary due to the passage of the National Securities Market Improvement Agreement in

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October, in Congress, of 1996. The Agreed Amendment is between the Secretary Office, George Ryan, the Securities Advisory Committee and the Securities Industrial Association. This has all been agreed upon. I would ask for a favorable Roll Call."

Speaker Turner, A.: "Is there any discussion? Seeing none, the question is, 'Shall House Bill 1168 pass? All those in favor should vote 'aye'; all those opposed vote 'nay'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 voting 'aye', 0 'noes', 1 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1106. What's the status of that Bill Mr. Clerk?"

Clerk Rossi: "House Bill 1106, is on Calendar Order - Third Reading."

Speaker Turner, A.: "Return that Bill to Second. The Gentleman from Effingham, Representative Hartke, for what reason do you rise?"

Hartke: "Mr. Speaker, the Democrats would request a Democratic Caucus in Room 114 immediately, for one hour. For one hour."

Speaker Turner, A.: "The Democrats have requested a caucus and they shall report to Room 114. The Gentleman from Adams, Representative Tenhouse."

Tenhouse: "Yes, Mr. Speaker, the House Republicans would also ask for a conference in Room 118."

Speaker Turner, A.: "The Republicans requested a caucus in Room 118. The House will stand adjourned for... will stand in recess for one hour, one hour."

Speaker Granberg: "The House will come to order. Ladies and

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Gentlemen, there is a bulletin being passed around on the floor of the House. This is not accurate. This is not accurate. Now, Ladies and Gentlemen, it might be even better. So, I'm just telling you, this is not accurate. Now, we are making that determination this afternoon. So, hopefully, we'll have news for you. As soon as we do, we will announce that, because we want to help Mr. Cross. We're here to help Mr. Cross, the Gentleman from Kendall."

Cross: "What are you talking about? I guess an inquiry of the Chair. I have a bulletin that's been passed out on to my desk that's calls for a break tomorrow and a break next Friday. Now, is this an accurate one or an inaccurate one?"

Speaker Granberg: "Mr. Cross, that is the inaccurate bulletin."

Cross: "So, we're going to have an advisory bulletin gate problem apparently. So this is a, this has been made up?"

Speaker Granberg: "It's probably coming from your district."

Cross: "No, we don't have typewriters in my district, Mr. Speaker. So, this has been on our desk now for about an hour and most of us have changed our plans for tomorrow. This is not true? I just want to make sure, it's not true?"

Speaker Granberg: "No, Mr. Cross, we don't know where this came from. We don't know who had it circulated. It is not accurate. The Speaker is currently..."

Cross: "Well, I would like to make sure we have a commission appointed to investigate this."

Speaker Granberg: "You want to ask Representative Klingler to include that with her Heiple investigation?"

Cross: "I think I had better stop right now."

Speaker Granberg: "House Bill 685. Representative Saviano in the chamber? Mr. Saviano, do you wish to call the Bill, Sir?"

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No. House Bill 1147. Is Representative Kubik in the chamber? Is Representative Kubik in the chamber? House Bill 333. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 333, a Bill for an Act to create the Illinois Patient Communication Act. Third Reading of this House Bill."

Speaker Granberg: "Is the Lady in the chamber? Is the Representative in the chamber? Representative Erwin, you would not like to handle the Bill for Representative? It's your decision, Ma'am."

Erwin: "I'll try it, it may go down."

Speaker Granberg: "Sure thank you, I'm sure Representative Feigenholtz would appreciate it, Representative Erwin. I don't know, we don't know where the Lady went. So the Lady from Cook, Representative Erwin."

Erwin: "Thank you, Mr. Speaker. House Bill 333 was amended. I believe it was a Floor Amendment. Would the Clerk just verify that for me?"

Clerk Rossi: "Floor Amendment #1 has been adopted to the Bill."

Erwin: "Thank you. Amendment, the Amendment to the Bill changes it so that it really no longer deals...it was originally dealt with the issue of gag orders in managed care organizations and I think that Representative Feigenholtz realized that there were gag order restrictions in other Managed Care Patient Rights Acts and so she, therefore, offered an Amendment dealing with mammography requiring managed care and managed care organizations and insurance companies to require an annual mammogram for women 40 years of age or older. And I will give the rest of my time to the lead Sponsor."

Speaker Granberg: "Thank you, Representative Erwin. Representative Feigenholtz, on the Bill."

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Feigenholtz: "Thank you very much, Mr. Speaker and Representative Erwin. Glad to share a Senate district with that Representative Erwin. Have I told the Chamber that lately? Ladies and Gentlemen of the House, mammograms for younger women have become a most contentious issue in recent months. House Bill 333 addresses those points of contention now. There's a few facts that I would like to share with this chamber. According to the American Cancer Society, breast cancer is the number one killer of women between the ages of 40 to 49 in the United States. In 1997, 9200 women in Illinois will be diagnosed with breast cancer and 2200 in Illinois will die from breast cancer. Last month to clarify their position, the American Cancer Society and the National Cancer Institute recommended that women begin annual mammograms starting at age 40. Previously annual mammograms were only recommended for women ages 50 or older. I think what we need to do here in Illinois is send a very clear message and I encourage all of you to support this measure."

Speaker Granberg: "The Lady from Cook... On that question is there any discussion? Any Member seeking recognition? The Gentleman from McLean, Representative Brady."

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

Speaker Granberg: "Mr. Brady, Mr. Brady, if I may. Let me advise you, Representative Weaver was seeking your attention that you're being filmed. You're being filmed for broadcast. Proceed, Sir."

Brady: "Representative, I'm sorry, you have amended this Bill with Amendment #1 and that becomes the Bill, correct?"

Feigenholtz: "That is correct."

Brady: "And, I am sorry, I did not hear you. Can you tell me what that Amendment does?"

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Feigenholtz: "Sure. Currently under existing law, an annual mammogram is required only for women 50 years of age or older and a biannual mammogram for women between 40 and 49 years old. This Amendment changes that. It recommends annual mammograms for women age 40 and up."

Brady: "Is there any opposition to this Bill?"

Feigenholtz: "I'm glad you asked that, Representative Brady. I was speaking with the Illinois HMO Association and some other people. I actually approached them to see what their feelings were on this initiative. Their only concern was the disparity and information that was coming out of the National Cancer Institute and the American Cancer Society at the end of March. When I showed them clarifying language that both NCI and the American Cancer Society were on the same page on this issue and had issued a report, they said that they had no active opposition to it that this is going to be incorporated into their plans and practice."

Brady: "So, there is no opposition to this Bill?"

Feigenholtz: "I, I don't think there is. I talked to..."

Brady: "It does two things, right? It eliminates the gag."

Feigenholtz: "Right the gag clause part portion of the Bill is gone. That part of the Bill is gutted. This is strictly a mammography Bill, Representative."

Brady: "It just moves it 10 years up?"

Feigenholtz: "Right, which has been recommended by NCI and the American Cancer Society."

Brady: "Thank you."

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

Cross: "I'm sorry, Mr. Speaker, my light wasn't on or I didn't mean it to be."

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Speaker Granberg: "It was on, it's on on every Bill, so I assumed that you wanted to discuss."

Cross: "Well, I'm in error this time and it shouldn't be on. I apologize."

Feigenholtz: "Come on Tom, ask a question."

Cross: "Okay. Representative, how are your cats doing?"

Feigenholtz: "I only have one, but she's doing fine, she misses me."

Cross: "Does she support this Bill?"

Feigenholtz: "Absolutely."

Cross: "I'm sure she does. Is there any opposition to this Bill that you know of?"

Feigenholtz: "Representative Cross, I already mentioned that I had spoken to the Illinois Association of HMO's on this issue."

Cross: "I'm sorry."

Feigenholtz: "The only point of clarification that they needed was that there was agreement from the National Cancer Institute and the American Cancer Society on this."

Cross: "Representative, you know we just got back after caucuses and I think people are just getting settled. So I apologize for asking this again, I'm sure Representative Brady did. What is, what are you trying to accomplish with this Bill, if you could tell us again?"

Feigenholtz: "We're trying to, actually have one message, I think at the end of March there had been an inconsistent report that came out of the National Cancer Institute. It was different from what the American Cancer Society says. But they have changed their minds and they are now speaking in one voice and that voice is that women over the age of 40 should get a mammogram every year."

Cross: "Okay, but what does the Bill do, given the fact that a

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woman should get a mammogram every year? I'm sure no one disputes that."

Feigenholtz: "Well, if you don't dispute it, then you should support the Bill because that's exactly what the Bill does. The Bill requires, let me read the analysis of the Amendment. The Amendment amends County Code, Municipal Code, Insurance Code, HMO Act and the Public Aid Code to require an annual mammogram for women 40 years of age or older. Under existing law, an annual mammogram is required only for women 50 years of age or older and a biannual mammogram for women between 40 and 49."

Cross: "Excuse my naiveness, is this a, just from an in... is this from an insurance coverage standpoint?"

Feigenholtz: "We're not mandating that women go get a test, Representative Cross. We're encouraging that women, that insurance companies and HMO's and counties and municipal insurance plans cover annual mammograms."

Cross: "Thank you very much."

Speaker Granberg: "Anything further? The Lady from McHenry, Representative Hughes."

Hughes: "Thank you, Mr. Speaker. To the Bill. I wonder if next year if a recommendation is that we have a mammogram every year from the age 30, if we will be back here legislating that as a mandate? I have just clarified with NFIB that yes there still remains opposition to this Bill and it is precisely for the point that I'm just mentioning. We have heard from the Sponsor of the Bill that the HMO's taking into account this study will be implementing that in practice. And many insurance providers are providing coverage for diagnostic tests but letting the holder, or the beneficiary of the policy determine which tests are the ones that should be covered under their policy rather than

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dictating that it be one test over another. So again, I think we are mandating in excess here. Thank you."

Speaker Granberg: "The Gentleman from Dupage, Representative Roskam."

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

Speaker Granberg: "Proceed, Sir."

Roskam: "Representative Feigenholtz, is there unanimity within the medical community about the necessity of these tests or is the jury still out and this is one latest study?"

Feigenholtz: "I will read from an article that I have. 'A report that pulled together the results of eight separate experiments concluded that breast cancer deaths among women in their 40's fall 18% if they have yearly mammograms. The National Cancer Advisory Board, a President Chilie appointed committee that advises the National Cancer Institute on policy has been developing new mammography guidelines for women in their 40's since last month. Director Richard Clausner said the new Federal Guidelines will be similar to the ones just discarded by the Cancer Society and it will recommend that all women in their 40's have mammograms every year'."

Roskam: "Representative, it is my understanding that the National Institute of Health has come to a different conclusion or that it hasn't been resolved at NIH and I'm basing this off a Sun Times editorial, and they suggest the Sun Times is quoting NIH, and their ruling says women between the ages of 40 and 49 should decide for themselves whether to undergo the x-rays procedure, because of the downsides of x-ray and so forth."

Feigenholtz: "You know, Representative Roskam, I think that when we take a look at statistics at how women can benefit from this, they really do outweigh any of the murkiness. I

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think as lawmakers, we should set a precedent and clarify a blurry message that annual mammograms are not effective. I think when we see statistics that deaths from breast cancer are reduced by 18%, that we should support a measure such as this."

Roskam: "I respect what you're saying. My only point is, Representative, that there is a well... I mean the National Institute of Health which is a respected organization and shouldn't be cavalierly discarded in their opinion, apparently, is not unanimous. If they are, please tell me, but I'm just trying to get a feel...is there ambiguity within the medical community, or isn't there ambiguity?"

Feigenholtz: "I think that there is unity in the community and I think something you need to understand is that in order to get a mammogram you need a prescription from your physician, that's first of all."

Roskam: "Okay, what about the NIH? I mean are they...are you just discounting them or is there some other explanation and if there is..."

Feigenholtz: "I'm assuming that if NCI and the American Cancer Society are on the same page that their opinions are very, very strong."

Roskam: "Okay, thank you."

Speaker Granberg: "Anything further? The Lady from... the Gentleman from Knox, Mr. Moffitt, I'm sorry."

Moffitt: "Thank you, Mr. Speaker. I just rise in support of this legislation. I think the point that we also need to keep in mind is that if annual mammograms lead to earlier detection we could actually be controlling costs and that's the factor it needs to enter in. I know there was a little controversy when National Cancer Institute made that ruling, but I was thinking that they had even revised their

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opinion on that and that they were all in lockstep now that it should be at age 40. So, I think there is agreement in the medical community. We got into this on the DNA testing and I just think this is one more thing that we need to be encouraging residents to do and it could, actually, more than pay its own way. So, a very, very strong support of this Bill. Thank you."

Speaker Granberg: "The Lady from Cook, Representative Feigenholtz, to close on the Bill."

Feigenholtz: "Ladies and Gentlemen, I think that we have heard from enough people and enough physicians who recommend to their patients that they receive annual mammograms to prevent breast cancer. Let's show them that we really mean it and support this measure. Thank you very much."

Speaker Granberg: "The Lady 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. On this question, 111 voting 'yes', 3 voting 'no', 1 voting 'present'. House Bill 333, having received the Constitutional Majority, is hereby declared passed. The Gentleman from Whiteside, Representative Mitchell, for the purposes of an introduction."

Mitchell: "Thank you, Mr. Speaker. I rise on a point of personal privilege."

Speaker Granberg: "State your point, sir."

Mitchell: "Ladies and Gentlemen of the House, I'd like to direct your attention to the gallery on the Democratic side of the aisle. There you'll find 110 of my students from Reagan Middle School in Dixon, Illinois, with their teachers Mrs. Coleman, Mrs. Wagner, Mrs. Wells and Miss Wilson. Thank

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you, Mr. Speaker."

Speaker Granberg: "House Bill 1118, read the Bill."

Clerk Rossi: "House Bill 1118, a Bill for an Act amending the Property Tax Code. Third Reading of this House Bill."

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

Moffitt: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1118 is an initiative of the Illinois County Treasurers Association. There's no opposition to it that I know of, whatsoever, and no impact to the state and what it does is eliminates the Property Tax Protest Fund that treasurers have been required to put the money into and says that, if after taxes are distributed it's found that the person that pays the taxes under protest if they are found to be entitled to a refund, then the refund would come from the next year's distribution and the taxpayer would get a statutory established interest. So it's just making it more efficient as far as the operation of government not having to maintain this fund. Again, I know of no opposition. Be happy to entertain any questions."

Speaker Granberg: "The Gentleman moves for the passage of the Bill. On that question, the Gentleman from Logan, Mr. Turner."

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

Speaker Granberg: "Proceed, Sir."

Turner, J.: "Don, I'm not familiar with the Property Tax Protest Fund. I guess your Bill says we're going to eliminate that, but exactly what is it?"

Moffitt: "If you were to go into your county treasurer...your tax collector, and one or all of your properties you paid under protest, currently that money would be withheld from distribution. If you... One of the problems that creates is if you never followed through on that protest, that money

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is held in limbo, and this says that the treasurer does... and sometimes that's not settled at the time of distribution. The treasurer... taxes bills that go out this May that are due June 1st, you pay it under protest. That might not be settled by the final distribution next fall, and this says that if that's not settled, the treasurer can distribute the money but the refund that would be owed to you if you were successful would come from the next distribution, the next year, and you would get interest on your money."

Turner, J.: "As far as the Property Tax Protest Fund as it currently exists, does it take a court order to release that money? Or when does the treasurer actually know when it can be, I guess disbursed to the taxing bodies? If I'm understanding what is going on here."

Moffitt: "It's held until there is court action on it, and so then the court's going to decide, 'yes you the taxpayer are entitled to a refund or no you're not', and then if you're entitled to a refund, you get some money back. If you're not entitled to it, it's distributed to the taxing bodies. You still have that right as a taxpayer to pay under protest."

Turner, J.: "All right, so under your proposal then you could still pay under protest. Is that right, you pay under protest? Am I using the terminology right?"

Moffitt: "Right, pay it under protest and you still will be able to do that."

Turner, J.: "Okay, so the taxpayer pays under protest, but the treasurer because the payment has been made under protest does not distribute the monies to the taxing governmental entities, is that right?"

Moffitt: "Right, it's not restricting... not holding that money

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up so long, And most of that money ends up... is distributed to the taxing bodies. This is going to allow for the more free flow of that. Guarantees the person paying under protest, they will get a refund with interest."

Turner, J.: "If we do this, will it ever create a situation where a taxpayer, if they're successful, would not get reimbursed as soon as they otherwise would have?"

Moffitt: "I think that's unlikely, and I believe a treasurer that was acting in a prudent manner if there was a huge protest, they, they could perhaps withhold some from distribution. I mean, if it was a, say a huge commercial property that could just be a large amount that you might take quite a while to collect that to have to refund, so, I don't believe it would slow it down any. And you know the years that I was treasurer we didn't have many refunds."

Turner, J.: "Okay. The analysis says that taxing districts will receive a more timely distribution of tax revenue and that sounds good, but I'm curious why, like the IEA or other taxing bodies, anybody associated with school districts would not be in favor of this. It would seem to be something that they would support. Have you had any contact from the Education Association?"

Moffitt: "No, but I believe you said you did not think they would be in favor, or you did?"

Turner, J.: "No, I would think they would be and I'm surprised they're not listed as a proponent."

Moffitt: "I think it's been a very noncontroversial Bill and I would think they would be, but it's such a small percent of the total dollars that they are getting, that it probably would have minimal impact. But it does give the opportunity for more efficient operation of government."

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Turner, J.: "I presume that the treasurers' offices across the state would be in favor of this?"

Moffitt: "It was at the request, this legislation was at the request of their association."

Turner, J.: "And if I understand it correctly, the treasurers would support it because it would... well I guess, would it cut down on some of their paperwork? Would it just allow them to distribute the money? Is it the creation of the Property Tax Protest Fund that is the problem, or what is it that it's going to do for our treasurers?"

Moffitt: "What was the final part of your question?"

Turner, J.: "What is it that it's going to do for our treasurers and why are they supportive?"

Moffitt: "It allows them to go ahead and distribute the money each distribution and not have to hold some out separate. Would reduce the amount of actual accounts and paperwork that they would have to have."

Turner, J.: "Last question. What will the interest rate be that will be placed on the monies held until the next tax year?"

Moffitt: "I believe it's 5%."

Turner, J.: "Five percent?"

Moffitt: "Five percent."

Turner, J.: "Is there any interest right now, the way we're doing it, when the money is held in the fund?"

Moffitt: "I think it's the same as it is now. The interest rate stays the same."

Turner, J.: "Thank you, Representative, for answering."

Moffitt: "And I believe Representative Julie Curry is still on this as a cosponsor and also a former county treasurer. She may want to make a comment too."

Turner, J.: "Thank you for answering my questions."

Speaker Granberg: "The Gentleman from McHenry, Representative

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Skinner."

Skinner: "Mr. Speaker, I rise in support of this Bill, I thought it was already law. Frankly, I thought this was...this law was changed in the 1980's except for the cases of a bio-nuclear plant or something like that where you need to have the money in the bank. It seems to me it makes a lot of sense."

Moffitt: "Representative Skinner, I'd sure like to have you join it so we could have it unanimous all four former county treasurers be on this Bill."

Speaker Granberg: "The Gentleman from Kendall, Representative Cross, do you have anything, Sir?"

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

Speaker Granberg: "Proceed, Sir."

Cross: "Just a few questions, Representative, so we can clarify this. It's a little noisy in here so we missed all your other...your previous answers. This is a proposal of the County Treasurers Association?"

Moffitt: "That is correct."

Cross: "Representative...Representative Moffitt, you were county treasurer were you not?"

Moffitt: "That is correct, Representative."

Cross: "Is this...was this an ongoing problem while you were acting as treasurer of the village, I believe, of Knox County?"

Moffitt: "Yes, it would have...it would have certainly made for a more efficient operation and it varies from year to year. I think Representative Skinner made a good point. You know, when you get that very large one, that's the time when you might want set aside some money just in case there was a decision that says that that taxpayer was entitled to a refund. But this, it will provide for a more efficient

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operation, decrease the amount of funds that are withheld from distribution. It's better for our taxing bodies and will decrease the amount of additional paperwork for the treasurer. So, I think it's simply a good government Bill. I hadn't mentioned but the Taxpayers Federation of Illinois is also a proponent of this legislation."

Cross: "Representative Moffitt, if I'm reading the Bill correctly and if you could interpret it for me, will the people that receive payouts from the treasurer's office or the taxing districts as the result of this, be receiving their money in a more timely manner?"

Moffitt: "Representative, would you repeat your question?"

Cross: "Should I as a tax...or should a taxing body or district get their money in a more timely manner, if we pass this? I mean the taxing districts ought to support this Bill."

Moffitt: "Right. I think taxing bodies probably, unilaterally, would support this. They're already getting their money but this is going to make it so that they will get a higher percentage of their money. There won't be this amount that's kept back from...withheld from distribution, so they'll get a larger percentage than they would of without this legislation."

Cross: "Representative, it sounds like probably one of the best pieces of legislation on the floor this afternoon and probably this week. Thanks for all your help and thanks for your work on behalf of this Bill and all the people in taxing districts that are going to be affected by this Bill, and we really appreciate your genuine effort of working with all the opposition and answering Representative Turner's questions and having all those meetings hour after hour after hour and you're a wonderful human being. Thank you."

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Moffitt: "Well, Representative, I certainly don't want to dispute your last statements there you know, but one thing that hasn't been answered, no one has raised in the debate, this legislation does go across county lines. It will be distributing to local government and different municipalities. I don't know if there is any question here from Representative Black or anyone doing with preempting home rule, now that question hasn't been raised."

Speaker Granberg: "There being nothing further, do you wish to close, Mr. Moffitt? Do you wish to close on the Bill?"

Moffitt: "Thank you, Speaker. A very plain and simple Bill, provides for a more efficient operation of government, a larger percentage of the tax money to taxing bodies sooner and still preserves the right for people to pay under protest and get interest on their money. I urge an 'aye' vote, 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, 112... 113 voting 'yes'; 3 voting 'no'; 0 voting 'present'. House Bill 1118, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1735. Representative Howard, 1735."

Clerk Rossi: "House Bill 1735, a Bill for an Act concerning environmental cleanup. Third Reading of this House Bill."

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

Howard: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1735 establishes a new tool for municipalities to address the blight of Brownfields in our communities. That new tool being..."

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Speaker Granberg: "Representative Howard, hold on a moment they're in transition in the gallery. We'll get the school kids out of here and I think the Members will be able to hear you. Oh, to be that age again. Proceed, Ma'am."

Howard: "I will begin again. House Bill 1735, establishes a new tool for municipalities to address the blight of Brownfields in their communities. That tool being the environmental lien. This Bill authorizes municipalities to enter onto abandoned, tax delinquent, and dangerous properties to inspect, test and remediate environmental hazards. The cost of inspection, testing, and remediation become a foreclosable lien on the property. 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 of these parties have agreed to continue their negotiations in the Senate. I am prepared to answer questions that you might have."

Speaker Granberg: "The Gentleman from Bureau, Representative Mautino."

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

Speaker Granberg: "Proceed."

Mautino: "In these negotiations, what you're talking about now would allow the city to go onto property that is involved in a cleanup site. Would that have any affect on any super-fund sites that are out there, or would they have to be already in the Brownfields Program, the voluntary cleanup site that we have?"

Howard: "No, these properties are not required to be in the Brownfields Program."

Mautino: "So, for example, in the City of De Pue there is a site which is pending for super-fund cleanup. Would the city, if

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this is enacted, be able to go in and do testing and attach a lien on that property, if I heard your description correctly? A lien for the cleanup?"

Howard: "In as much as that particular piece of property is already being taken care of, they more than likely will not want to do that. But if they do, they certainly can go to the municipality and become involved in this program."

Mautino: "Okay. Who could go to the municipality to do this?"

Howard: "The municipality would go to court to start that process."

Mautino: "Okay. Just so I understand, the municipality in this instance, the City of De Pue, would be able to go into court if no action is being taken?"

Howard: "That's correct."

Mautino: "Currently, it's just sitting in limbo and they've got 485 acres right at the edge of town which is tied up? It's off the tax rolls?"

Howard: "Yes, sitting in limbo and irresponsible owners have not taken any kind of action at all."

Mautino: "How are you defining irresponsible owners in this?"

Howard: "Those that have, for the lack of a better term, abandoned the property, have not done anything with the property, have done nothing and have resulted in that property being off of the tax rolls and unproductive."

Mautino: "Representative, I'm going to support your Bill. I think it's a necessary program and negotiations are continuing on this, that's correct?"

Howard: "That is correct."

Mautino: "I just simply rise in support of this Bill. I do have a situation back in the district which is under review and is sitting now. The Governor has recommended it for the super-fund site, and I think if I'm understanding your Bill

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correctly, then if no action gets taken or delays and other... towards the cleanup of this property, which would be Lake De Pue and the City of De Pue, then they would have a recourse under this Bill."

Howard: "That's correct. Let me just add that another factor will have to be that the property would be suspected to be unsafe as well."

Mautino: "With the amounts of lead and cadmium that have tested...and this is a site that is way above the RCRA levels where it should have been on this fund years ago, I think it would qualify then under your Bill. I congratulate you for your work on it."

Howard: "Thank you."

Speaker Granberg: "The Lady from Cook, I'm sorry, the Lady from McHenry, Representative Hughes."

Hughes: "Yes, thank you, Mr. Speaker. Will the Sponsor yield? Thank you for your patience, but with all the noise, I want to clarify again, I know you have brought this to committee a couple of times...you've been working with everybody on it, is there at this point, any opposition to the Bill?"

Howard: "There is still slight opposition, but the understanding from all parties is that they will continue to negotiate and they are satisfied with the other Amendment coming through the Senate process."

Hughes: "So that the Manufacturers Association, the bankers and all have agreed that, in its form, we will move it forward and continue to work on it in the Senate?"

Howard: "That is absolutely correct."

Hughes: "Thank you for clarifying that for us."

Speaker Granberg: "Nothing further, the Lady from Cook to close."

Howard: "Thank you very much. This is a good Bill, cities need this. Please give me a favorable vote. Thank you."

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Speaker Granberg: "The Lady 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. On this question, 115 voting 'yes', 0 voting 'no', 0 voting 'present'. House Bill 1735, having received the Constitutional Majority, is hereby declared passed. House Bill 1296, read the Bill."

Clerk Rossi: "House Bill 1296, a Bill for an Act in relation to public employee retirement benefits. Third Reading of this House Bill."

Speaker Granberg: "The Gentleman from McLean, Representative Brady."

Brady: "Thank you, Mr. Speaker. This a piece of legislation that passed through the Pension Laws Commission. It simply allows us to operate the optional retirement plan for SERS. I ask for your favorable consideration."

Speaker Granberg: "No one seeking recognition on the Democratic side, Mr. Parke, the Gentleman from Cook."

Parke: "I think just for the Members edification, Representative, is there any fiscal impact on this Bill?"

Brady: "No Sir."

Parke: "Thank you very much."

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, 116 voting 'aye'; 0 voting 'no'; 0 voting 'present'. House Bill 1296, having received the Constitutional Majority, is hereby declared passed. House Bill 1141, read the Bill. No, Mr. Clerk, I'm sorry, House Bill 325, 325."

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Clerk Rossi: "House Bill 325, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this House Bill."

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

Silva: "Thank you, Chairman (sic-Speaker). Thank you, Members of the House of Representatives. I bring before you a Bill that came out of as a result of an injury that was suffered by one of my constituents from gangbangers. Gangbangers in the City of Chicago are using pit bulls, doberman pinschers and bats to beat people with. The constituent that I brought down here a couple of weeks ago that testified in committee has permanent injuries that cause him to have seizures. He is now unemployed. It's taking up insurance claims and overall he nearly lost his home and it was as a result of this beating. And what I want to tell you is that on that day he was in the hospital and in a coma for three days. The young man, the gangbanger that beat him with that bat was out on bail with a \$100 bond. I would urge you and encourage you to vote for House Bill 325."

Speaker Granberg: "The Lady moves for the passage of the Bill. On that question, the Gentleman from Vermilion, Representative Black."

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

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

Black: "Yes, Representative, if a member of the Chicago Cubs would be spotted carrying a bat, I think it would be a gross miscarriage of justice to call that a deadly weapon."

Silva: "I would think so too. But if you came into my district or many other districts, you would see...you would be able to tell the difference between the people that are out there to intimidate you, harass you, perhaps assault you, rob you, you would be able to tell the difference believe me."

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Black: "Well, I, you know, the Cubs carry bats all the time and they haven't hit anything all year, but that's another story. How, how is a police officer supposed to know if I'm carrying my baseball bat from my home to a neighborhood ball diamond to play a little baseball or see if I can get up a sandlot game and I walk through your neighborhood carrying a baseball bat, does that subject me to a criminal penalty?"

Silva: "No, it doesn't, people do...police officers, law enforcement officers do know the difference. Oftentimes, people will wear gang colors as symbols of who they are. Believe me, you can pick them out and I would invite you to come visit my district to do that."

Black: "I don't know. You're scaring me to death here. I don't know if I want to. But how does a police officer know by looking at a person carrying a bat whether or not that person intends to use the bat for bodily injury?"

Silva: "Oftentimes at schools there are gang fights, there are fights on corners of blocks and they do know the difference, Sir."

Black: "Well, I don't know if the ACLU would agree with that, that a police officer knows the difference between a person carrying a bat for recreational purposes and person carrying a bat with the intent of doing bodily harm. Let me go over with you under current law, we have a number of devices that if a person carries or possesses with the intent to use same unlawfully, would fit your Bill that's a dagger, a billy... What's a billy? A dirk, I don't know what a dirk is either, a dangerous knife, a razor, a stiletto, a broken bottle or other piece of glass, a stun gun, taser, or any other dangerous or deadly weapon or instrument of like character. Couldn't a bat fall under

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the current code, under the what's called a billy, or a bludgeon?"

Silva: "I'm sure that a lot of things could be included, but the bat is not."

Black: "Well, let me, let me come back to that. Let me get into this instance of a dog. Your Bill says, if I'm carrying a dog with the intent to inflict bodily harm upon another, then I'm in trouble. I mean, once again, if I'm carrying my dog through my neighborhood, and I often do because my dog is so lazy it doesn't always want to come home on the walk, so I pick up my dog, the policeman comes into my subdivision, he sees me carrying my dog and he arrests me because he says I intend to use my dog to attack somebody. What kind of due process is that?"

Silva: "Did you want me to respond to it?"

Black: "If I'm carrying my dog..."

Silva: "You may be walking down the street with your dog and he may run or not run and he may be a passive dog. But there are dogs who are intimidating."

Black: "Mine's a beagle, I don't know about passive."

Silva: "There are people who actually carry these dogs and intimidate people and sic them on to people."

Black: "You mean now I have to be physically carrying my dog to fall under this criminal intent, or can I have my dog on a leash?"

Silva: "You could either do it either way."

Black: "What, what if I am just going to the store and for some reason my dog gets a little cranky and he bites you?"

Silva: "Then I'll sue you."

Black: "Now, does that mean I'm a criminal? Seriously, if I'm just walking in the neighborhood and maybe somebody passes by, says something to my dog or kicks at my dog and my dog

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bites him, am I then a criminal?"

Silva: "You would have to take legal responsibility for injury to others, that's the law, and I'm not a lawyer but I do know that."

Black: "I carry a lot of insurance on my dog. But, now my dog isn't very big so if I carry my dog under my coat and I'm marching down the street and my dog pops out from under my coat and bites somebody, am I going to be charged with carrying a concealed dog?"

Silva: "I'm sure that you will, you will get sued at the very least."

Black: "Well now, what if I walked down the street with my nine iron? A policeman sees me walking down the street with my nine iron and he knows I'm not near a golf course, am I going to get picked up with criminal intent for carrying a nine iron?"

Silva: "I imagine that if you are harassing, intimidating or committing battery, you would be."

Black: "Representative, if you knew my golf game my golf ball couldn't even charge me with harassment or intimidation, I'm that bad. How far do you want to go with this? I mean is it today baseball bats, tomorrow tennis rackets or how far are we going to go with this? I mean do you plan to come back next year with an additional sporting goods device or something and call it a..."

Silva: "At this point I'm not."

Black: "Okay, Representative, I defer to your judgement in your neighborhood, but this is a statewide law isn't it? I mean it's going to apply statewide?"

Silva: "It doesn't just happen in the city. It also happens in the suburbs and in other parts of the state."

Black: "Okay. Well, Mr. Speaker, an inquiry of the Chair. The

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Sponsor of the Bill has clearly indicated that this is a statewide law. It will prohibit me, it will prohibit me from carrying a bat for any intentional purposes that I might have nefarious or otherwise. I live in a home rule city. I don't think my home rule city has any prohibition against a bat. Now therefore, I can no longer carry this bat into any city in the State of Illinois. We're preempting home rule, clearly this would take 71 votes."

Speaker Granberg: "I've been informed that no town or city in your district has that prohibition, they might have a prohibition on your dog."

Black: "Well, and that goes without saying. I mean dogs are all over the place and some cities have very restrictive laws about how dogs can go out on the streets. Some have leash laws, some don't. She said if I carried my dog under my coat and it bit somebody it would be like a concealed dog and I'd be sued. So that's a preemption of home rule and that part ought to take 71 votes."

Speaker Granberg: "I think there's a prohibition against the Cubs, if you would like to put an Amendment to the Bill."

Black: "There is obviously a prohibition against the Cubs. You know they can't hit anything, so, a bat in their hands isn't a dangerous weapon, there's no question of that. Even if they have intent to hit, they aren't able to hit. Well, Mr. Speaker, I don't think I'm going to win this argument with you on whether or not this takes 71 votes. But I do think that it certainly precludes home rule. To the Bill, Mr. Speaker. I don't know...I defer to the Representative, if this is a real problem in her neighborhood, I don't want to make light of it, but I don't think it's a real problem statewide and I see many many scenarios where this law could be abused. We have a

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semipro team in Danville, plays in the summer and a lot of times if the players break a bat they'll give a bat to a young boy or girl in the stands and they get to take the bat home. If leaving the stadium they fall down with this bat in their hand and strike me on the back of my head, I may swear out a warrant against the kid for carrying an illegal weapon and it becomes a Class A misdemeanor, and I don't know what we're going to do about dogs. I'm not sure I want to explain to a dog owner if the dog goes mad or something and bites somebody that instead of dealing with a civil action, they may be dealing with a criminal action. I think this goes a little too far, and I'd be very careful. And I don't know whether we adequately defined 'bat' in the law. What if a bat that flies gets in your hair, who's responsible for that? I... this Bill is very vague and I'm sure the Sponsor is well-intentioned, but I'm not sure I want to give the police this kind of authority, based on what the Sponsor said, that the police know the difference between a person carrying a bat for illegal intent and a person carrying a bat for legal intent. I'm not sure the police would know that."

Speaker Granberg: "Thank you, Mr. Black. The Gentleman from Cook, Representative Giles."

Giles: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. With all due respect to the previous speaker who has spoken on this Bill, who has given you scenarios dealing with dogs and bats in his district. But the reality is, is that you have individuals that are getting beaten, you are getting individuals that are getting killed, you are getting individuals that are being injured by individuals who using a harmless bat for the intent to inflict bodily harm, severe bodily harm, on individuals."

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Representative, let me enlighten you, there are individuals that who are raising pit bull dogs, who are raising these animals to for the sole intent to use for intimidation to inflict bodily harm on individuals. You have... I truly would like to know where is the dog humane society is on this Bill because you have, you have, you have individuals who make a profit of selling these type of dogs to truly go out and to inflict harm on other individuals as retaliation, gang related activities and other unwanted activities. The Lady is truly right about what she is trying to do here. This Bill does not wish to take any type of professional sport, such as baseball out of the context because they use a bat. But what this Bill truly does is to address some issues that will prevent individuals, human lives from being intimidated or bodily harm being inflicted on individuals. That's what this Bill is trying to do. It's trying to save lives and trying to save grief from family members who have victims who have been violated with these particular type of weapons and with these type of dogs that are being raised to do bodily harm on individuals. So I strongly urge all of our Members to take truly a look at the purpose of this Bill and to support the Bill on its merits. Thank you very much."

Speaker Granberg: "Thank you. Mr. Durkin, do you have one question?"

Durkin: "Yes. Will the Sponsor yield?"

Speaker Granberg: "She indicates she will, and thank you for that one question."

Durkin: "Representative, if this is a strong crime Bill, then why is the Attorney General's Office opposed to this Bill?"

Silva: "I wasn't aware that they were opposed to it."

Durkin: "I see it on our analysis that they had submitted an

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opposition note to this."

Silva: "All I have here is from the Administrative Office of the Illinois Courts and all it says here is that they wanted to examine it, that's it."

Durkin: "Well, Representative, I know you're well-intended with this Bill, but I believe that there's plenty of other portions within our Criminal Code which deals with."

Silva: "I can't hear you. I can't hear you."

Durkin: "I know that you're well intended with this Bill, but I believe there is other provisions within the Criminal Code that would cover these type of situations, particularly, in the aggravated assault area, and under aggravated battery, if you make any contact with somebody, that is strictly an aggravated battery and if it's serious enough it's an attempted first degree murder. So I think that this is a Bill, which I know, as I said before, is well-intended, but I believe it's going to be unenforceable when it actually gets into the trial court."

Speaker Granberg: "Thank you, Mr. Durkin. Mr. Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I merely rise to support the Lady's legislation, and as far as Representative Black, the analogy of the eloquent speaker that he is, even my coon dog, Representative Black, could understand with your beagle hound, being the farthest from the south, that the Representative is trying to correct some of the hazards and the threats in the city that we are not exposed to in the south. So I just commend her for offering this legislation and rise in support."

Speaker Granberg: "Thank you, the Gentleman from Coles, Mr. Weaver."

Weaver: "Thank you, thank you, Mr. Sponsor (sic-Speaker). Will

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the Lady yield, please? I notice in your Bill, line 26, it talks about by use of a dog inflicts bodily harm upon another person or threatens the infliction of a bodily harm. What in your mind or your intent constitutes a threat to inflict bodily harm with a dog?"

Silva: "Oftentimes, gang members in Chicago and other parts of the state use the dogs and push them forward with their hands to clearly move people out of the way either from the walkway or on the street or in a park."

Weaver: "In your mind could that threat be done in writing, as opposed to verbally to threaten someone with a dog in writing?"

Silva: "Pardon. I don't understand the question."

Weaver: "Could the offense be done in writing as opposed to someone doing it physically or verbally?"

Silva: "I sure that you can. When you're threatened, you're threatened."

Weaver: "Okay. Mr. Speaker, to the Bill. Ladies and Gentlemen, the Lady has just clarified a point for us that you can in fact through her intention, inflict the threat of bodily harm with a dog by writing. I understand that may also include 'beware of dog' signs because that is a threat that there may be a dangerous dog there. So if this law goes into effect, if you've got a dog that you keep locked up, that you keep behind a fence, but if you have a 'beware of dog' sign on the fence, that could literally constitute a written threat of bodily harm by that dog and you would there be subject to arrest and subject to a misdemeanor conviction. I think perhaps she may have the best of intentions, but this law has the possibility of going way, way too far and subjecting all dog owners to the possibility of prosecution even though they are trying to

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do the right thing by posting 'beware of the dog' or 'dangerous dog' within the enclosure. I think a logical vote in this situation, the way it may be interrupted has to be a 'no' vote."

Speaker Granberg: "The Gentleman from Logan, Mr. Turner. Mr. Turner, do you wish to question the Lady on her first Bill? On her first Bill?"

Turner, J.: "No, but can I say something anyway?"

Speaker Granberg: "Certainly, Mr. Turner."

Turner, J.: "It's a tremendous idea, I commend the Sponsor. I can't vote for the Bill. In addition to what some of the other Representatives have raised with regard to carrying the baseball bat, clearly if somebody uses a baseball bat, in my opinion as I read the statute, it is either a bludgeon or it is another dangerous instrument. The problem with putting baseball bat into the Code is that you could just as easily put a golf club in, a piece of steel, just basically anything and if we start expanding our Code that is exactly what I think we've tried not to do in the past. And, while I commend the Sponsor, I wish I could vote for her Bill and I want to be as tough on crime as I possibly can, but I just don't think we're doing anything with this statute. So, I have to vote 'no'. Thank you."

Speaker Granberg: "Thank you. Mr. Scully."

Scully: "Thank you, Mr. Speaker. I would like to speak in support of this piece of legislation. I think some of the examples that have been brought out in opposition to this legislation are absolutely absurd. We have to have some faith in the good judgement of our law enforcement officials, some faith in the sound judgement of our judicial system, sound faith in the judgement of juries, to never reach a conclusion that a 'beware of dog' sign would

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constitute a threat. There is a clear distinction in this statute between certain instruments which are Class Category III weapons per se. Bludgeons, black jacks and metal knuckles, which are Category III weapons per se, regardless of intent. And the Amendment that is being added here which would add dogs and baseball bats when there is sufficient wrongful intent. I think the legislation is well drafted and I ask an 'aye' vote. Thank you."

Speaker Granberg: "The Lady moves for the passage of her first Bill. Representative Silva, would you like to close on your first Bill?"

Silva: "Yes, thank you. I think that if we are concerned about crime and we are concerned about children throughout the State of Illinois, one of the things that we do have to consider, some of the stuff that has been said about perhaps chihuahua dogs, I think is erroneous. I think that if you go on some street corners in the City of Chicago, you will see gangbangers using it to intimidate kids, young kids in parks, our children. It may be my children now but tomorrow it may be yours. I would encourage you to vote for 325."

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 on the Lady's first Bill? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. Take the record. There are 59 voting 'yes', 56 voting 'no', 0 voting 'present'. The Lady moves for Postponed Consideration. She's within her rights. Ladies and Gentlemen, I have been asked to announce by Representative Poe, I have been asked to

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announce by Representative Poe that he is going to cook dinner for all the Members at 6:00 o'clock. He is frying chicken for all the Members and it will be on the sides of the chamber. Now, Mr. Daniels might want to talk to him about that alternative but that's what Mr. Poe asked me to announce. So, I'm fulfilling that request. I'm not sure what side, Mr. Daniels, you will have to deal with Mr. Poe on that. House Bill 168. Read the Bill."

Clerk Bolin: "House Bill 168, a Bill for an Act to amend the Mental Health and Developmental Disabilities Code. Third Reading of this House Bill."

Speaker Granberg: "The Gentleman from Williamson, Mr. Woolard, for what reason to you rise?"

Woolard: "Thank you, Mr. Speaker. Point of Personal Privilege, I would like to recognize a group of students up in the gallery that happen to live in the community that Dave Phelps lives but are represented for the most part by me. The Eldorado High School Student Council."

Speaker Granberg: "Thank you. Representative Tenhouse. Mr. Tenhouse."

Tenhouse: "Yes, Mr. Speaker. We would ask for an immediate Republican Conference in Room 118."

Speaker Granberg: "Mr. Tenhouse, you are certainly within your rights. Do you want Mr. Poe to start the chicken?"

Tenhouse: "Yeah, yes, we will let him start the chicken."

Speaker Granberg: "And how long is the conference, Mr. Tenhouse?"

Tenhouse: "One hour."

Speaker Granberg: "One hour. The House will stand in recess until the hour of...Mr. Brunsvold."

Brunsvold: "Thank you, Mr. Speaker, and I want to thank the Republicans because you know we worked here from 9:00 until 10:00 everyday for weeks and you know what, there is a real

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world out there. My wife has just called me and asked if I could pick up a fish, a flamingo, a platypus, a turtle and a duck, a lizard and a moose at McDonald's, the little Beanie Babies. And thank you, Republicans, so, I'll go out right now and see if I can run these things down."

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

Hartke: "The Democrats can just relax just a little bit for... until the Republican's get back."

Speaker Granberg: "Okay, the House will stand in recess until the hour of 3:30. House will stand in recess until the hour of 3:30."

Unknown: "Ladies and Gentlemen of the House, I rise on Personal Privilege to introduce you and ask for a welcome from the Illinois House of Representatives for the 7th grade from Our Lady of Victory School."

Speaker Granberg: "The House will come to order. All unauthorized persons shall leave the House Floor. Mr. Clerk, House Bill 260. Read the Bill."

Clerk Rossi: "House Bill 260, a Bill for an Act amending the Illinois Pollution Prevention Act. Third Reading of this House Bill."

Speaker Granberg: "Representative Persico, do you wish to proceed?"

Persico: "Yes, thank you, Mr. Speaker. Can you take this Bill back to Second Reading, please?"

Speaker Granberg: "Return it to Second. The Lady from Cook, Representative Howard, for what reason do you rise?"

Howard: "In the excitement of having passed out 1735, I neglected to vote on that issue, on my own Bill. Had I had the presence of mind, I would have voted 'yes'."

Speaker Granberg: "The record shall so reflect. House Bill 685. Mr. Clerk, read the Bill."

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Clerk Rossi: "House Bill 685, a Bill for an Act concerning clinical and school psychologists. Third Reading of this House Bill."

Speaker Granberg: "Representative Saviano, what is your pleasure?"

Saviano: "Thank you, Mr. Speaker. House Bill 685 is currently still being negotiated between the clinical psychologists, the school psychologists and the department. They have a meeting on Wednesday of next week to come up with an agreement at that time. So, at this time, I would ask that it be taken out of the record."

Speaker Granberg: "Acknowledged. Out of the record. House Bill 732. Read the Bill."

Clerk Rossi: "House Bill 732..."

Speaker Granberg: "House Bill 730. House Bill 730, out of the record, Mr. Ryder? Out of the record. House Bill 806. The Gentleman from DuPage, Mr. Biggins. Mr. Biggins, you request that Bill be taken out of the record? Out of the record at the Gentleman's request. House Bill 1049. Read the Bill."

Clerk Rossi: "House Bill 1049, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this House Bill."

Biggins: "Mr. Speaker, could you move this to Second Reading, please?"

Speaker Granberg: "Return the Bill to Second Reading. Do you have an Amendment, Mr. Johnson? Return it to Second. House Bill 1072. Read the Bill."

Clerk Rossi: "House Bill 1072, a Bill for an Act concerning the Department of Human Services. Third Reading of this House Bill."

Speaker Granberg: "Mr. Wirsing. Representative Wirsing. Mr. Black, do you want to handle the Bill?"

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Black: "Yes, I'd be honored to handle the Bill for the Gentleman.

My hair is getting that grey."

Speaker Granberg: "Proceed, Sir. Leave for Mr. Black to handle the Bill? No objection. Leave is granted."

Black: "House Bill 1072, sponsored by my good friend and colleague, Representative Wirsing, amends the Department of Human Services Act and the State Finance Act. Requires the department to establish a program to pay for drugs prescribed exclusively for post-kidney transplant maintenance. Creates the Post-Kidney Transplant Maintenance Drug Fund as a special fund in the state treasury from which these payments will be made. Has an effective date of July 1, 1977 (sic 1997). I will be glad to avoid any questions or answer any questions that you have."

Speaker Granberg: "Anyone seeking recognition? The Gentleman moves for the passage of the Bill. No one seeking recognition, the Gentleman moves for the passage of House Bill 1072. 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? Representative Wirsing."

Wirsing: "Mr. Speaker, this Bill was not to be moved."

Speaker Granberg: "Dump the Roll Call, Mr. Clerk, at Mr. Wirsing's request."

Wirsing: "Thank you."

Speaker Granberg: "House Bill 168. Read the Bill."

Clerk Rossi: "House Bill 168..."

Speaker Granberg: "Mr. Clerk. Mr. Clerk. House Bill 829. Read the Bill."

Clerk Rossi: "House Bill 829, a Bill for an Act amending the Illinois Insurance Code. Third Reading of this House

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Bill."

Speaker Granberg: "Representative Brady. Out of the record.
House Bill 489. Read the Bill."

Clerk Rossi: "House Bill 489, this Bill has been read a second
time previously. No Committee Amendments. Floor Amendment
#1..."

Speaker Granberg: "Take it out of the record. Mr. Clerk, House
Bill 1106. Read the Bill."

Clerk Rossi: "House Bill 1106, a Bill for an Act to amend the
Environmental Protection Act."

Speaker Granberg: "Out of the record. House Bill 1148. Read the
Bill."

Clerk Rossi: "House Bill 1148, a Bill for an Act amending the
Public Utilities Act. Third Reading of this House Bill."

Speaker Granberg: "Mr. Kubik. Is the Gentleman from Cook in the
chamber? Is Mr. Kubik in the chamber? Does the Gentleman
wish to call his Bill? Does the Gentleman wish to call his
Bill? Out of the record. House Bill 1172. Read the
Bill."

Clerk Rossi: "House Bill 1172, a Bill for an Act amending the
General Obligation Bond Act. Third Reading of this House
Bill."

Speaker Granberg: "Representative Rutherford, do you wish to call
the Bill?"

Rutherford: "No, Mr. Speaker, I don't. And actually to be very
candid, when your staff had come around earlier and asked
if we would like to have that one called, I gave them the
two that I did not. So, maybe somewhat dilatory in trying
to bring these up. No, I never did, I never did suggest I
ever wanted to have this one nor the other one that's
either right above it or below it called."

Speaker Granberg: "Mr. Rutherford, I have a list of Bills I

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thought Members had requested to be called. The Gentleman from DuPage, Mr. Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. When your little minions run around here on our side of the aisle and ask our Members if they want to call your Bills, you have those up there. You know which ones they don't want to call. So, what you've been doing is calling the Bills that Members have said to you they don't want to have called right now. So, why don't we get down to calling Bills that Members want called. For instance, there is a Consent Calendar that's been sitting there for a long time that you can call and we can vote on and get part of that done. There is other legislation that Members of this House want to move. So, when your minions come around and talk to our Members, we're happy to talk to them because we know they aren't busy enough otherwise, and we will be happy to teach them Republican ways if they want, but when we tell them that we don't want to call our Bills, then we expect that you know that and that's why all the Bills you've been calling so far, you have been told already we don't want to call. So, why don't we get down and call some Members' Bills that want to be called and if you know, I'll give you a list as I have already of 37 Bills that we would like to have called. Now, we're willing to stay here for all hours of the night and day to accomplish your 1,000 Bills because you haven't been able to manage or run this House properly, if that's what you want us to do, but it seems to me, that it's about time we get down to the business of the day and get real work done instead of just feel good time for you and the way you want to run this House when you think that you're doing it in a fashion and means something to the people of Illinois. So, let's get

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down to business and do the work at hand and the work that needs to be done instead of just feeding your own ego and making sure that you feel better because we're staying here until 10:00 at night."

Speaker Granberg: "House Bill 168. Read the Bill."

Clerk Rossi: "House Bill 168, a Bill for an Act amending the Mental Health and Developmental Disabilities Code. Third Reading of this House Bill."

Mulligan: "Thank you, Mr. Speaker. I would like to move this Bill back to Second."

Speaker Granberg: "Representative Mulligan, back to Second Reading?"

Mulligan: "Thank you, Mr. Speaker. I would like to move this Bill back to second."

Speaker Granberg: "Return to Second Reading. Do you have an Amendment, Representative Mulligan? Ma'am? Representative Mulligan. Representative Mulligan, do you have an Amendment you want to offer to the Bill?"

Mulligan: "I'm sorry, Sir, what did you say?"

Speaker Granberg: "I'm sorry, I asked if you had an Amendment, that's why you wanted to return the Bill to Second Reading."

Mulligan: "No, I think Representative Lang and I were talking about putting the Mental Health Task Force Report on that, so we'll leave it there for a second."

Speaker Granberg: "Okay. Take it out of the record. House Bill 1680. Read the Bill."

Clerk Rossi: "House Bill 1680, a Bill for an Act amending the Grain Code. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Woolard, has been approved for consideration."

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Speaker Granberg: "The Gentleman from Macon, Representative Noland. Representative Noland. Is the Gentleman in the chamber? Mr. Noland. Anybody? Is the Gentleman in the chamber? Is the Gentleman in the chamber? Mr. Noland, is the Gentleman...we're trying to call his Bill. He requested it be called. We're attempting to accede to the Member's request. Out of the record. House Bill 192. The Gentleman from Peoria, do you wish to call the Bill? Read the Bill. 192."

Clerk Rossi: "House Bill 192, a Bill for an Act to amend the Uniform Commercial Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments."

Speaker Granberg: "The Gentleman from Peoria, Mr. Leitch."

Leitch: "Thank you very much, Mr. Speaker."

Speaker Granberg: "I'm sorry, Mr. Leitch. Third Reading. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 192, a Bill for an Act to amend the Uniform Commercial Code. Third Reading of this House Bill."

Speaker Granberg: "The Gentleman from Peoria."

Leitch: "Thank you very much, Mr. Speaker. About a year ago when we passed in this chamber the National Uniform Commercial Code, I think without the knowledge of the Members, it had the affect of putting the units of local government in Illinois who make...who make deposits and have banks and other financial institutions hold them, it put them in a...in the event of a bank default or failure or financial institution failure behind the FDIC in the course of resolving that. And this Bill would correct that, and I think it is important that we correct it, and I ask for its favorable consideration."

Speaker Granberg: "The Gentleman from Peoria moves for the

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passage of the Bill. On that is there any discussion? Seeing 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 'yes', 0 voting 'no', 1 voting 'present'. House Bill 192, having received the Constitutional Majority, is hereby declared passed. House Bill 1202. House Bill 1202. Read the Bill."

Clerk Rossi: "House Bill 1202, a Bill for an Act amending the School Code. Third Reading of this House Bill."

Speaker Granberg: "The Gentleman from Cook, Mr. Kenner."

Kenner: "Thank you, Mr. Speaker. House Bill 1202 amends the School Code, and it provides for a board to investigate harassment of LSC members. I would ask for an 'aye' vote on this and I'm willing to take any questions. Thank you."

Speaker Granberg: "The Gentleman moves for the passage of the Bill. On that question, the Gentleman from Vermilion, Representative Black."

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

Speaker Granberg: "Indicates he will. Proceed, Sir."

Black: "Representative, most of us on this side of the aisle are not, you know, not close to the City of Chicago in proximity. I'm about 130 miles south. Can you tell me what kind of harassment is going on that we would need to pass this Bill?"

Kenner: "Well, apparently, Representative, you have a number...you have an environment that's really not necessarily conducive for a school reform. There are many complaints from the parents, the LSC members, that the children are sometimes harassed in class by giving lower

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grades, you know, and there are other forms of harassment that have taken place and the parents basically feel...the LSC members basically feel as though they need a recourse for this type of activity that goes on."

Black: "What...would this task force be charged with any special powers or duties?"

Kenner: "No. Basically the task force will be charged at looking at complaints of harassment and then making recommendations for remediation of it."

Black: "Okay, and the recommendation would go to whom? The school board or..."

Kenner: "It could go before the school board, the school or in criminal cases, it might even go to the State's Attorney's Office."

Black: "This committee, this task force, excuse me...would not have subpoena powers or any extraordinary powers of that sort would they?"

Kenner: "No, we're not asking for that in this particular piece of legislation."

Black: "Okay. Would consist of 13 members, is that right?"

Kenner: "Yes."

Black: "Okay. Thank you, Representative."

Speaker Granberg: "Anything further? No one else seeking recognition, the Gentleman moves for the passage of House Bill 1202. 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, 61 voting 'yes', 54 voting 'no', 0 voting 'present'. House Bill 1202, having received the Constitutional Majority, is hereby declared passed. House Bill 1421. Read the Bill."

Clerk Rossi: "House Bill 1421, a Bill for an Act amending the

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Uniform Peace Officers Disciplinary Act. Third Reading of this House Bill."

Speaker Granberg: "The Gentleman from Cook, Mr. Hassert."

Hassert: "Thank you, Mr. Speaker. House Bill 1421 amends the County Codes, Illinois Municipal Code, Illinois Insurance Code. This is a Bill that we passed out of here last year that provides health insurance for survivors of the spouses of police officers and firemen killed in the line of duty. I would like to move this over to the Senate and continue working on it with the Governor's Office and the Municipal League. I ask for your support."

Speaker Granberg: "The Gentleman from Cook moves for the passage of House Bill 1421. 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, 115 voting 'yes', 2 voting 'no', 0 voting 'present'. House Bill 1421, having received the Constitutional Majority, is hereby declared passed. House Bill 1459. Read the Bill."

Clerk Rossi: "House Bill 1459, a Bill for an Act to amend the Abused and Neglected Child Reporting Act. Third Reading of this House Bill."

Speaker Granberg: "The Lady from Cook, Representative Davis. Is the Lady in the Chamber? Representative Monique Davis. Representative Davis. Out of the record. House Bill 1736. Read the Bill."

Clerk Rossi: "House Bill 1736, a Bill for an Act amending the Environmental Protection Act. Third Reading of this House Bill."

Speaker Granberg: "Is the Gentleman from Cook in the Chamber,

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Representative Giles? Out of the record. House Bill 2078,
Representative Younge. Read the Bill."

Clerk Rossi: "House Bill 2078, a Bill for an Act regarding a work
training program for welfare recipients. Third Reading of
this House Bill."

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

Younge: "Thank you very much, Mr. Speaker. I think that I have
just reached an agreement with DCCA. They support this
Bill, the Department of Commerce and Community Affairs.
This Bill could be known as the Bake Bread Bill and it
would call for the setting up of a project in a school in
which former welfare recipients would learn how to bake
bread. The baking equipment would come from surplus
equipment from closed federal facilities. This Bill is a
idea of Dr. Fredrick Rogers of the University of Illinois
and he's agreed to come into school district 189 and assist
in setting up of the project. What DCCA would do would be
to issue a RFP, a Request For Proposal and with certain
requirements including how it would be funded. And the
fiscal impact would be about \$50,000 for a two year grant
and then the project would become self sustaining. The
bread would be sold to hospitals, prisons, and schools.
And so the effort would be through the teaching of baking,
teaching mathematics and science and technology. And I
move for the passage of the Bill."

Speaker Granberg: "The Lady moves for the passage of the Bill.
On that, is there any discussion? The Gentleman from Cook,
Representative Parke."

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

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

Parke: "Thank you. Representative, has a fiscal impact study

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been done on this?"

Younge: "I believe the Fiscal Impact Notes said that the amount was undetermined, the amount that will be requested is about \$50,000 to set up the program and including RFP's, one part of the RFP will be for the candidate to determine how it will be funded after the first \$50 thousand is spent to set up the project."

Parke: "Will this project work in other areas other than your district?"

Younge: "That is one of the requirements of the RFP that the proposal show how it will be applicable around the state, not only in my district."

Parke: "Who brought this idea to you? Who wants this to happen?"

Younge: "Dr. Fredrick Rogers, who is a professor at the University of Illinois in the school of education over curriculum, proposed this project. This project would show how to use curriculum to augment production. For a number of years I have talked about an enterprise high school. Well, this starts at the other end with a specific project, but Dr. Rogers will be one of the persons who will be helping to set up this demonstration as to how you take the work, a work focus project and teach while there is production and while people learn how to be self sufficient."

Parke: "Thank you very much. To the Bill. Ladies and Gentlemen, again we have a Bill that on the face of it, sounds like a good idea. We have somebody who has brought to a Legislator an idea. When you look into the idea, you find is that they want to teach people how to bake bread. Now, I think it's a good idea that we teach people how to bake bread, but this is going to cost us \$50,000. It's another program and we have many programs already that are already

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in place, that probably could be implementing a curriculum on baking bread rather than setting up a new program. There's no guarantee that these people will get jobs. We have no guarantee that they will be able to sell the bread. It will be an educational experience, which to some people will gain skills I'm sure, but quite frankly, as we know, the Sponsor is dedicated to trying to bring about employment in her area which is a depressed area. But there are other programs, there's a community college there, there are other opportunities for people who want to learn to bake bread to use the current facilities that are there and I would suggest to the Sponsor that she work with the Appropriation Committee to figure out a way of helping develop a curriculum through that institution rather than setting up a new program that will cost the taxpayers another \$50,000 or more. So, I unfortunately rise in opposition and would suggest that the Body vote 'no' on this Bill."

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

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

Speaker Granberg: "Proceed, Sir."

Cross: "Representative Younge, I'm trying to make sure I understand this Bill. This Bill will require Representatives from DCCA to travel around throughout the state to all the bakeries?"

Younge: "No, DCCA would be the administering agency that would issue the RFP or the Request For Proposal. The University of Illinois Professor, Dr. Rogers, is the one who would come to East St. Louis to help set up the program. The idea is, we are terminating public aid and what we've got to do is to get people ready to work. In my county, there is a

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need for bakers. Bakers start with a living wage, the entry level is some \$6 per hour and they go up to \$7 per hour. So, we tried to take an occupation in which they can make a living wage and we've tried to take...the idea is you are going to have bread, a need for bread in hospitals, in prisons, and in schools. And you take people and you teach them how to bake bread and then they can sell these products in those institutions and have a living wage. So, what we're trying to do in an area in which there is a very small margin of jobs, we have 30 people looking for every entry level job. We don't have enough entry level jobs, so this project will produce entry level jobs and prepare people for them, Representative."

Cross: "Representative, I applaud that idea, the effort, but if there are not entry level jobs, are there jobs at the next level?"

Younge: "Well, the...most of the people who are leaving public aid, I believe, will need entry level jobs. So a project's focus ought to be that, to get people ready to start to work as trainees and as entry level people. That's realistic, Representative."

Cross: "Aren't there companies in the private sector that do the same things that you're talking about, that can teach people throughout this state how to bake without DCCA getting into the business of this? I don't think anyone is going to quarrel with the need or the desire to have people working. We all better...if we're saying that, we ought to mean it. But I don't...why do we want DCCA to get into the business of doing this?"

Younge: "Well, it's a question of state leadership. The jobs, you're right, Representative Cross, the jobs are in private industry. In fact, last week I had a meeting with the

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people representing the Illinois Manufacturers Association, representing the major unions in my area, representing the junior college districts and schools and everybody is getting together to approach this problem of how are we going to meet the mandate of...by 2002, having 50% of the people who are now on Public Aid in private gainful employment. This is a way to start that process in an area in which there are very, very few jobs. Twenty two percent of the people in my area live in poverty and are unemployed. I have the problem of some 40,000 people in my county of 260,000 who are in poverty and who need work and we've got to create jobs. But I am in the process of talking with the Illinois Manufacturers Association and private industry and we all have to go down this road together. I quite agree with you, and they will ultimately work in private industry or form a bakery."

Cross: "Representative, one of my real concerns about this is, we're now going to have DCCA competing with the private sector. Why don't we have DCCA and the private sector work together? Why don't we let DCCA contract with the private sector and develop intern programs? Your program, as well intentioned as it is, and I know that word has been used...those words have been used a lot this week, puts DCCA in direct conflict with the private sector. I don't think that does any...accomplishes a whole lot."

Younge: "Well, I appreciate your concern about that, and I think that DCCA could be guided by those principles. In other words, it will have the authority as a result of this Bill to do an RFP, a Request For Proposal, and it can ask that there be a cooperation between private industry and whoever is the applicant. It could make that one of the requirements. I think that we want to, as a principle and

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a philosophy, put people in private employment, and so I think your point is well-taken and certainly we're willing to proceed in that way."

Cross: "Representative, I see that...the suggestion on how to pay for this is to sell the products. Could you, can you give us the number...cost to institute this program and the anticipated revenue from the sale of the baked goods? And before you answer that, Mr. Speaker, in the event this gets the requisite number of votes, we would request a verification."

Speaker Granberg: "Acknowledged."

Younge: "The purpose of the demonstration is to do the feasibility study in the business plan, so I cannot tell you at this time what the amount of the revenue would be. I can tell you that there aren't any bakeries in my city right now and so that this business and this activity would not have competition. I can tell you that there are hospitals, there are 22 schools, there is a prison and so there's plenty of opportunity for customers plus the general public. There are elderly people, there are nursing homes, so there's plenty of opportunity to sell the product and so I believe that it will be a successful endeavor. In order to give us some insurance in reference to that, this project would terminate in the year 2000, which is less than 1000 days from now. It isn't...I'm not requesting that it go on and on ad infinitum. There is a shutdown date of the year 2000, and if it hasn't proved itself to be a self sustaining project then we'll terminate it."

Cross: "Representative, just in closing. This is one of those Bills that sounds good and as I said earlier, it's well intentioned and I applaud as I often do, your zest to do

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the right thing. But my concern is, we have a variety and a number of programs that have the ability and capability to do just what you're asking, both at the federal and state level. I would encourage all of us to think about how we can implement in addition to those, some private programs where we put together the state and private industry. But to create another program through DCCA, unfortunately, is not cost productive. There are programs that exist now that serve the same purposes that this Bill wants to do and for those reasons I would encourage a 'no' vote."

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

Pugh: "Thank you, Mr. Speaker. To the Bill, Ladies and Gentlemen. I rise in strong support of this piece of legislation. The previous speaker spoke to the fact that there are current programs in place to meet the needs of job creation. Of course there are current programs in place down in the downstate communities. DCCA has created a myriad of programs that are only designed for rural communities. A myriad of programs that are only designed under JTPA, under TJTC. All of these programs, none of these programs are designed for inner city communities. Representative Younge is attempting to create a program that will offer an alternative to the number of individuals that are going to be without income as a result of the new welfare reform program. This program is not a hand out, it is a hand up. It is an opportunity for an individual to gain a meaningful skill that will hopefully lead to some type of entrepreneurial activity. She is not asking for an individual to continue to be on the welfare dole, she is asking for an opportunity to train members of her community that they may become sufficient long-term taxpayers. And

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with that, I rise in strong support of this piece of legislation and any other piece of legislation that leads to self sufficiency in their community. Thank you."

Speaker Granberg: "The Gentleman from DuPage, Mr. Biggins."

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

Younge: "Yes, I will yield."

Biggins: "Mr. Speaker, would the Sponsor yield?"

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

Biggins: "Representative, my computer listed DCCA as opposed to this Bill. I thought you just stated that DCCA was for the Bill."

Younge: "I just talked with Busick, Miss Busick, of DCCA and she told me that they support it."

Biggins: "Well, then the computers are not as updated as we would like them to be, I guess. I have no further questions."

Speaker Granberg: "Anything further? The Lady from Cook, Representative Crotty."

Crotty: "Thank you, Mr. Speaker. Wyvetter, are we talking \$50,000 for just one time only?"

Younge: "Yes."

Crotty: "Okay. So we're looking at \$50,000 one time only for Representative Younge's area which has high poverty. Ladies and Gentlemen on the floor, I ask you to support this Bill for job training, but most of all for hope for some of these people so they can get off the welfare and get on with their lives. That's what we've been voted to do. I ask for that support. Thanks Wyvetter."

Younge: "Thank you."

Speaker Granberg: "The Lady from St. Clair 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?"

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Mr. Clerk, take the record. On this question 56 voting 'yes', 60 voting 'no', 0 voting 'present'. The Lady from St. Clair requests the Bill be put on Consideration Postponed. House Bill 235. Read the Bill."

Clerk Rossi: "House Bill 235, a Bill for an Act concerning civic centers. Third Reading of this House Bill."

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

Rutherford: "Thank you, Mr. Speaker. This is a pleasant surprise. House Bill 235 is a work that has been done by the Legislative Reference Bureau, actually three years ago. They prepared a piece of legislation which will take and consolidate all of the...or the most of the Civic Centers Acts throughout the entire statutes into one Civic Center Code. It was very carefully and intentionally done so that there would be no substantive changes to it. Anything that was common language was in the opening article and anything in the individual Civic Centers Acts that were going to be different all remain different within it. I would appreciate a favorable Roll Call."

Speaker Granberg: "The Gentleman moves for the passage of the Bill. On that is there any discussion? Seeing none, the Gentleman moves for the passage of House Bill 235. All in favor...The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. I'm just looking through my floor file here. Will the Sponsor yield?"

Speaker Granberg: "Indicates he will. Proceed."

Black: "Representative, this Bill is 1400 pages."

Rutherford: "Thirteenth hundred and forty-five."

Black: "Well, who's counting? It's my understanding...are you on the Legislative Reference Bureau Committee?"

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Rutherford: "No, Sir."

Black: "Is this, in fact, a Legislative Reference Bureau Codification Bill?"

Rutherford: "No, Sir. This is not a part of their annual cleanup legislation that I know that is always brought forward. This comes of about three years ago we met to discuss what type of consolidations could take place in the Illinois statutes under a common sense effort. They helped us draft a Bill that took them actually several months to do. We introduced the piece of legislation, had it posted, we left it out in the...out on the list, basically, for two years to allow everybody to have a chance to review it. We sent a Section for every civic center to the respective civic centers throughout the state so every one of them had the chance to review it ahead of time. We have introduced an identical Bill this year, once again had it posted for hearing and let it be known and we've had no one present any objections into the draft that have presented to them."

Black: "Okay. So, basically we're just putting all of the civic center legislation, cleaning up the statute books and putting it all together. That's the idea, right?"

Rutherford: "With one slight difference, it's not all of them. It does not include the Chicago Metropolitan Pier and Exposition, whatever the proper title for that is. That is not a part of it, we didn't want to touch that because that obviously is a different animal into its own."

Black: "So, it does not create any new civic center districts nor does it inhibit or hamper any existing civic center, is that correct?"

Rutherford: "That is correct, Representative Black. It does not change anything substantively to what any civic center under this new Code can operate within. It does not add

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anything new and it does not put any additional burdens on any of our civic centers."

Black: "Okay. So, there is no cost? You're not extending any bond issue, hampering any bond issue, changing any tax structure? It's really just a cleanup of statute as you indicated, right?"

Rutherford: "Absolutely. We're consolidating so it can be an easier document to be used and it would eliminate a lot of superfluous language in the Illinois statutes."

Black: "Okay, thank you very much."

Rutherford: "Thank you, Representative."

Speaker Granberg: "Anything further? The Gentleman from Bureau, Representative Mautino."

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

Speaker Granberg: "Proceed."

Mautino: "I only have one question per page for you today. How many pages is in this?"

Rutherford: "One thousand, three hundred and forty-five pages."

Mautino: "Oh, we can get this done real quick. No, just to reiterate, there are no changes as far as substantive changes and to the Bill, Ladies and Gentlemen. I just move for the passage of House Bill 235. It is, as the Gentleman explained, and it's been worked on over a couple of years. LRB did the drafting, there are no substantive changes."

Speaker Granberg: "Anything further? The Gentleman from Winnebago, Representative Scott."

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

Speaker Granberg: "Proceed."

Scott: "Dan, I know that we talked about this a little bit before, and I appreciate what you said about the substantive parts. There are some civic centers that when they were built had funds that were left over and left in

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the funds. Do you...does this Bill and I will apologize, I will be the first to admit I didn't read all 1400 and however many pages, but does this address those funds and what's left over or where any of those funds go?"

Rutherford: "No, Representative, it does not. This piece of legislation literally does nothing substantive to change any of the Civic Center Acts that are existing in the Illinois statute. Again, what we did was just take everyone of the, I should say smaller ones, not the Chicago one, consolidate them into one Code. So, for example, if they had bonding authority, it remains bonding authority. If the case that you're talking about is not resolved in statute, this will not do it. This only takes, very simply, a consolidation, taking duplicated language as a opening preamble or opening Section and then everything that was separate and apart, for example, the Rockford Civic Center is on page 336, Article 240, it substantively changes nothing that the Rockford Civic Center did or did not have prior to this legislation."

Scott: "Right, we went through that and I appreciate you taking your time with that earlier. I just wanted to make sure on the funding issues there wasn't anything that was changed in that."

Rutherford: "No, it changes nothing substantive whatsoever."

Scott: "Thank you very much."

Speaker Granberg: "Anything further? The Gentleman from Livingston 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, 113 voting 'aye', 3 voting 'nay', 1 voting 'present', and House Bill 235, having received the

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Constitutional Majority, is hereby declared passed. House Bill 1454. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1454, a Bill for an Act to amend the Property Tax Code. Third Reading of this House Bill."

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

Moore, E.: "Yes, Mr. Speaker and Ladies and Gentlemen of the Assembly. I present to you House Bill 1454. Fourteen fifty-four amends the Property Tax Extension Limitation Law so that the issuance of bonds by the district to construct Deep Tunnel and other flood control projects will not reduce the district's ability to issue limited bonds for the other major capital projects. When the legislation made caps applicable to Cook County, it especially recognized that completion of deep tunnel was such a high priority that it exempted TARP's Bonds from the tax cap requirement. This legislation would be consistent with the tax cap law because it treats TARP's bonds as a separate category of bonds which would not depress the district remaining capacity to issue the limited bonds. The Limited Bond Act, as written now, is of no benefit to the district because the TARP bonds would be counted against and used up all available limits bonding authority in the immediate future. The district needs the limited bonding authority for central non-TARP purposes such as constructions and enlarging sewer treatment plants, intercepting sewers. When the legislation treated TARP bonds as a separate category, it intended to help the district construct tunnel and reservoir plans as soon as possible not to negatively impact the district ability to provide other essential services to comply with the state and federal pollution and control mandates. Mr. Speaker."

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Speaker Granberg: "Proceed."

Moore, E.: "The Bill also exempts from tax cap bonds to finance flood control projects which are urgently needed by, not only Cook County, but also DuPage and Will County, with some relief from tax caps. The construction of these projects will necessarily extend over a long period of time. It will allow districts to proceed on an expended basis as well. For the purpose of this limited Bond Act, the legislation treats these flood control bonds the same as TARP bonds. Refunding bonds which take advantage of lower interest rates, are treated the same as underlying bonds for the purpose of tax caps laws and the Limited Bond Act. At this time, I would also like to extend a wish by my cosponsor there, my hyphenated Sponsor, Mr. Saviano, if he has any expression as well on House Bill 1454."

Speaker Granberg: "Thank you, Mr. Moore. The Gentleman from Cook, Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. House Bill 1454 is a Bill that is very important to a lot of communities. This Bill...I want to make clear, does not grant the Water Reclamation District any additional non-referendum authority. It simply extends it so we could be eligible for continued federal funding to the Deep Tunnel Project and all the other flood control projects that we now have in place along...not only along the Des Plaines River but also Stoney Creek, Deer Creek, Melvina Ditch, Riverside, Longdike, Buffalo, Wheeling, Thorton, Composite Reservoir, Willow Higgins Reservoir, and Willow Higgins Creek channel improvement. This last spring, starting in February, we experienced some major flooding along the Des Plaines River that caused major, major problems for our residents who live along the Des Plaines

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River. This is a project that we have ongoing. The Deep Tunnel Project started approximately two years ago in my district along the Des Plaines River. This project benefits villages of Brookfield, Buffalo Grove, Des Plaines, Elmwood Park, Forest Park, Franklin Park, Maywood, Melrose Park, Mount Prospect, North Riverside Park, Park Ridge, Prospect Heights, River Forest, River Grove, Riverside, Rosemont, Schiller Park, Wheeling, and some of our unincorporated areas. Stoney Creek benefits the village of Oak Lawn. Deer Creek benefits the Village of Ford Heights. Melvina Ditch benefits the Town of Burbank. Riverside, Longdike benefits the Village of Riverside. The Buffalo Wheeling Diversion Channel benefits Wheeling. Willow Higgins Reservoir benefits Chicago and Rosemont. Along with this, it also benefits the Village of Bensenville. As a result, it will reduce flood stages along the lower Des Plaines River. DuPage County may obtain residual flood relief along Salt Creek due to increased discharge capacity in the Des Plaines River. The beneficiaries of that project are Addison, Elmhurst, Hinsdale, Itasca, Oak Brook, Villa Park, and Wood Dale. Again, this does not extend, this does not provide the district with any additional non-referendum authority. This simply will continue to make them eligible for the federal funding that these communities deserve, and I would ask for your favorable vote. Thank you."

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

Black: "Thank you very much, Mr. Speaker. Would the Sponsor of the Bill yield for questions?"

Speaker Granberg: "Proceed, Sir."

Black: "Representative, reading through this, it appears that the

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bonding authority for the district, basically the levy, for said bonding authority would be exempt from the Property Tax Extension Limitation law. Is that your understanding?"

Moore, E.: "Yes, the Amendment is just for the Deep Tunnel Project only."

Black: "Okay. Does that Amendment take out the language for flood control projects? Because, I think I see in the Amendment that it states that the exemption shall be applicable to the financing of flood control projects initiated prior to 1, October, 1991. So, that would include...if I'm reading this correctly, it would include all portions of the Deep Tunnel Project as well as the various reservoir plans. Is that your understanding?"

Moore, E.: "Yes. That language is..."

Black: "Okay, do we have a definition?"

Moore, E.: "Yes, to finance the construction practice initiated before October 1, 1991."

Black: "So, is there...in the underlying Bill, is there a definition of a flood control project?"

Moore, E.: "I do not believe so, Representative."

Black: "The concern is, could that definition of flood control project...I guess the concern is...I'm not in that area so I'm having a little trouble here, bear with me. The concern is, if it isn't specifically defined, then a new project might be called or classified a flood control project and thus the PTELL would not apply to that new project. Could you..."

Moore, E.: "I don't think so, Representative, because actually the project would have to be initiated before October 1, 1991."

Black: "Okay, now in your remarks, you said it would exempt the levy authority from the PTELL, is that what you meant

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or..."

Moore, E.: "Just a second, Representative."

Black: "Okay."

Moore, E.: "Yes, Representative. It would exempt the levy from deep tunnel plans and flood control projects before October 1, 1991."

Black: "Okay, so let me ask you, and I'll defer to your judgement, obviously you're familiar with this project and I'm not. Would it be fair to characterize the legislation as creating a loophole in the Property Tax Cap Law?"

Moore, E.: "No, Representative, it would not do that. All it does is just clarify the exemption that was already in the particular Bill at the time that it was done prior to 1991."

Black: "Okay. Thank you, Representative."

Moore, E.: "Yes."

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

Skinner: "I referenced in my talk last night on House Bill 1456, this was the Bill that I was talking about. This is not a loophole through the tax cap, this is a deep tunnel. There were \$4 billion worth of bonds that Senate Bill 368 allowed to be reissued, sort of like a revolving checking account. The Metropolitan Sanitary District had one quarter of those bonds, \$1.1 billion. They have an annual financing base like what you repay for your mortgage of \$146 million which I believe means using a rather conservative multiplier of 10, they can issue another billion dollars worth of bonds without our doing anything. This will be the biggest loophole that you can drive in the tax cap. Last night I suggested that what was at stake was whether you wanted your taxes to go down or whether you wanted them to go up by the increase in the cost of living. The Metropolitan

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Sanitary District taxpayers will see their taxes go down. Now the Metropolitan Sanitary District lobbyist has told me that the MSD does not have the typical steam valve that all other tax districts in the tax cap have except one and that is the ability to go out for referendum. Well, maybe we ought to give them that right to go out for referendum and ask people whether they want the tax cap gutted. If you want to vote for this Bill, that's fine, but I'll remind you what I told you last night and that is every single sitting Legislator who lost election last year voted for Senate Bill 368. Now, I'm not going to stand here and say that every Legislator had a campaign run against them based on Senate Bill 368, because I don't know what the campaigns were like. But I don't think that's a coincidence that's irrelevant. Thank you very much."

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

Saviano: "Thank you, Mr. Speaker. I guess what we're coming down to here is a situation where we're judging quality of life here with an additional consideration for the people who live along these flood plagued areas."

Speaker Brunsvold: "Just a minute, Mr. Saviano. Just a minute, Mr. Saviano. Mr. Skinner."

Skinner: "I have a point of order."

Speaker Brunsvold: "Yes, state your point."

Skinner: "If he is closing, he has the right to have the floor assuming that the Sponsor has yielded him that floor, but he has already spoken in debate once."

Speaker Brunsvold: "Okay. Mr. Saviano, you can close, you've spoken in debate. Let's go to the Lady from Cook, Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker, Ladies and Gentlemen. I rise

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in support of this Bill because my communities Park Ridge and Des Plaines, are on the Des Plaines River and flood routinely. This past spring they flooded, and I think that it is very easy for a Representative who can get up and beat on people over tax cap things to speak against something like this if it is not his community that is being benefited by it. The Deep Tunnel Project is a multi-year project that is already alleviating some of the flood conditions. If every spring and every fall and every summer when the rains come down, your community floods, you would certainly be in support of this Bill."

Speaker Brunsvold: "Seeing no further discussion, the Gentleman from Cook to close. Mr. Saviano."

Saviano: "Thank you, Mr. Speaker. You know, like Representative Mulligan said, every time that we have a major downpour in the areas that I mentioned here, people in my district are walking around in hip boots and that's including me. And the cost on an annual basis of these cleanups that we have to sustain year after year will far exceed whatever exposure that we are giving to the taxpayers in my area and anybody else's area. Every time this happens, I have to get ahold of our state emergency disaster people. They have to pump dollars into it. The Illinois Department of Transportation has to pump dollars into it, our local village has to pump dollars into it, overtime and public works and construction and resurfacing of roads. This is an investment and that's what we are doing with this Bill, we are investing in the future of our communities and this project again is not just limited to areas along the Des Plaines, it hits areas in DuPage County and throughout the western area of Cook and eastern part of DuPage. Many of you are probably fortunate that you don't have flood

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problems like we have, but this is something that my district and many other Representatives and Senators in our area have to put up with year end and year out. So, I'm asking you, I'm pleading you, please approve this Bill. Thank you."

Speaker Brunsvold: "The question is, 'Shall House Bill 1454 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? Have all voted who wish? Mr. Clerk, take the record. And on that question there are 52 voting 'aye', 58 voting 'no', 4 voting 'present'. The Gentleman has requested Postponed Consideration. House Bill 260. Mr. Clerk, please read the Bill."

Clerk Bolin: "House Bill 260, a Bill for an Act to amend the Illinois Pollution Prevention Act."

Speaker Brunsvold: "What is the status of that Bill, Mr. Clerk?"

Clerk Bolin: "House Bill 260 is on the Order of House Bills, Second Reading."

Speaker Brunsvold: "Are there any Amendments? Leave that Bill on Second Reading, there has been an Amendment filed. Representative Persico."

Persico: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 260 was moved from Third to Second to put on an Amendment. I would like to withdraw that Amendment."

Speaker Brunsvold: "Would you on withdrawing the Amendment want the Bill moved to Third Reading again?"

Persico: "Yes, please."

Speaker Brunsvold: "Okay."

Persico: "Is that okay?"

Speaker Brunsvold: "And do you wish to act on that Bill?"

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Persico: "I...if you so desire."

Speaker Brunsvold: "Any Amendments, Mr. Clerk?"

Clerk Bolin: "No Amendments have been approved for consideration."

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

Clerk Bolin: "House Bill 260, a Bill for an Act to amend the Illinois Pollution Prevention Act. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from DuPage, Representative Persico."

Persico: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 260 is a Vehicle Bill right now. I would like to move it over to the Senate to continue negotiations with all the interested parties dealing with the Solid Waste Management Fund. And with that, I ask for your favorable consideration on House Bill 260."

Speaker Brunsvold: "Is there any discussion on that issue? Seeing none, the Gentleman has asked for the passage of House Bill 260. The question is, 'Shall that Bill...260 pass? All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 98 voting 'yes', 18 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 1643."

Clerk Bolin: "House Bill 1643, a Bill for an Act concerning criminal background checks. Third Reading of this House Bill."

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

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

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House. House Bill 1643, is intended to streamline government and reduce the waiting period for schools, nursing homes, and employees who must submit to fingerprinting for a criminal background check. The Bill simply allows the sheriff's department to conduct a criminal history for nursing home employees and school bus drivers. The fingerprint processing fee charged by the state police would have to be submitted to the Department of State Police. That's all the Bill does."

Speaker Granberg: "The Lady moves for the passage of the Bill. On that question is there any discussion? The Gentleman from Vermilion, Representative Black."

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

Speaker Granberg: "Indicates she will. Proceed, Sir."

Black: "Okay. Representative, I'm trying to work my way through the Amendment that becomes the Bill, because you referenced the Vehicle Code, I'm confused. It has nothing to do with school bus drivers and fingerprints, is that correct? It just references that Section of the law?"

O'Brien: "It allows the sheriff's department to actually do the fingerprint background check that is required for school bus drivers and required for employees of health care facilities such as nursing homes. Currently those have to be done by the Illinois Department of State Police. This Bill, in addition to the state police, would allow you to go to the sheriff's department and do that, if the county sheriff wants to do it and if they have the electronic fingerprint capability."

Black: "So, the addition...that's a change in current law and the addition is...you're requiring health care workers to have a background check. Is that..."

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O'Brien: "No."

Black: "I'm sorry, what am I not looking at?"

O'Brien: "The only thing that this Bill does, is now allow the sheriff's department in those counties that choose to do it, to provide this service to allow for the background checks. Both nursing home workers and school bus drivers already have to submit to the background check."

Black: "Okay. So, the only change then that you're making is, as you've indicated, the sheriff's department can do this as well as or in lieu of, the Department of State Police?"

O'Brien: "In lieu of, but it is permissive. It's not requiring the sheriff's department in any county to do this and the background on it is, our county...my county of Grundy has a county nursing home. The sheriff is willing to do it and has a turnaround time of the same day. They will get the results back in the same day on the background check. That's not the case with the state police, they are willing to do that on behalf of their county nursing home."

Black: "Okay, has the Sheriffs Association taken a position on this?"

O'Brien: "They are the one that presented the Bill to me for introduction."

Black: "Well, I guess that means they would be in favor of it huh?"

O'Brien: "Yes."

Black: "But correct me if I'm wrong, a county sheriff's department that feels they do not have the people power, the expertise, the money, the time, they would not have to do this?"

O'Brien: "That's correct."

Black: "They could just say, 'look the state police can handle that', right?"

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O'Brien: "Exactly."

Black: "Representative, is there anything wrong with this Amendment? If there is, could you point it out to me? I'm having a hard time finding anything wrong with it."

O'Brien: "Well, I don't think there is a thing wrong with it."

Black: "Well, let me check on that. My staff, Mr. Welch, who does an outstanding job, tells me that you are absolutely right and I should sit down, so I'll do that."

Speaker Granberg: "Mr. Black, at the request of Mr. Welch, sits down. The Lady from Grundy to close."

O'Brien: "I would just urge an 'aye' vote. Thank you."

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? Persico, 'yes'. Have all voted who wish? Mr. Clerk, take the record. On this question, 117 voting 'yes', 0 voting 'no', 0 voting 'present', House Bill 1643, having received the Constitutional Majority, is hereby declared passed. House Bill 234. Read the Bill."

Clerk Rossi: "House Bill 234, a Bill for an Act amending the Illinois Underground Utility Facilities Damage Prevention Act. Third Reading of this House Bill."

Clayton: "Thank you, Chairman (sic-Speaker)."

Speaker Granberg: "The Gentleman moves...good, Representative Clayton, proceed."

Clayton: "Thank you, Speaker. This amends the Underground Utility Facilities Damage Prevention Act, otherwise known as JULIE to address the indemnification of municipalities for the negligence of others in the JULIE membership. The proposal will limit municipal liability to their own acts or omissions. Back in 1991, municipalities were required

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by the General Assembly to join the statewide, one call notice system for underground utilities. Since that time pursuant to an agreement, JULIE is liable for its own negligence and has purchased liability insurance, however, the agreement does not cover the negligence of other members as all JULIE members are jointly liable for any one member's negligence, and this is the municipalities, Illinois Municipal League's request for municipalities to be liable only for their own actions and not other members of JULIE."

Speaker Granberg: "The Lady from Lake moves for the passage of the Bill. On that is there any discussion? The Gentleman from Logan, Representative Turner."

Turner, J.: "Mr. Speaker, I don't have a question on this particular Bill. On two prior Bills, I've had my light on and I was just curious why the Chair has chosen not to recognize me. The last time you did recognize me, I think you asked me to be nice to a Member from your side of the aisle. I tried to do that, so is there a brick on me speaking in the chamber at this point or what?"

Speaker Granberg: "Apparently not, I just recognized you. It was certainly inadvertent, Mr. Turner."

Turner, J.: "Thank you, Mr. Speaker."

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

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

Clayton: "Yes."

Speaker Granberg: "Proceed, Sir."

Black: "Representative, this impacts Home Rule, does it not? I mean the Bill is limiting a municipality's ability or liability for claims, right?"

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Clayton: "All municipalities, not just Home Rule municipalities. The state law requires municipalities to join JULIE, what all this Bill does..."

Black: "What does JULIE have to do with this?"

Clayton: "The underground...pardon?"

Black: "What does JULIE have to do with this? This is Lisa, why do we have to join JULIE? She left staff six months ago."

Clayton: "I wasn't here when the General Assembly passed that law."

Black: "I wasn't either. Oh, this is...JULIE stands for something. God bless her."

Clayton: "Joint Underground...I'm not sure what all it is. Let's see here."

Black: "So, it's an acronym?"

Clayton: "Yes, it is."

Black: "Ah. And this requires then that cities do what?"

Clayton: "No, we already require the cities to belong to this. All this does is make the municipalities not liable for the actions of any other member of JULIE. They would be liable only for their own actions."

Black: "Okay, so if I'm a contractor and I fail to call JULIE, and I'm trying to put in a sewage line and I dig up a telephone cable or a power cable then I'm liable as the contractor, right? For failing to call? All right, and you're saying if a city or municipality would only be liable if their work crews cut the cable?"

Clayton: "Right. They would be...they would not, you know, other utilities are members of JULIE and the municipalities don't want to be responsible for actions of other municipalities or other members of JULIE."

Black: "So, we're not excusing a municipality from any liability, we're just saying it's only damages that they cause?"

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Clayton: "That's correct."

Black: "Okay, I'm clear now, fine. Thank you. Very good Bill, Representative. This was on the Consent Calendar wasn't it?"

Clayton: "Yes, it was."

Black: "Evidently the Consent Calendar has run into a little technical difficulty. So, we're going to move it this way, right?"

Clayton: "That's correct."

Black: "Well, God bless you."

Clayton: "Thank you."

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

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

Speaker Granberg: "Proceed."

Giglio: "Representative Clayton, I believe I understand the intent of the legislation in that if a contractor were to sever say, a NIGAS line, a Northern Illinois Gas line, and there were to be a lawsuit, the municipality would be removed from liability even though they were a member of the JULIE system, is that correct?"

Clayton: "JULIE, itself, has their own policy that would take care of any action that JULIE would have. The municipalities want assurance that they are not liable for anyone else's actions but their own."

Giglio: "Okay, my question on the legislation is this, and it becomes very technical. If they are on the JULIE system, the City of Centralia, is on the JULIE system and a contractor hits one of the city's water mains that wasn't located, what happens to the liability then? Or if say, the gas company were to dig one of their gas mains and hit something or if the city were digging one of its water

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mains and were to hit one of the gas lines, it's the removal of the liability's part on the city is what questions me because if they don't locate properly, and one of the lines are damaged..."

Clayton: "It doesn't remove their liability, it only limits their liability. As I said, JULIE is still responsible for the actions of JULIE. The municipalities do not, for instance, other members... say it was NIGAS, and I hate to pick them out as one, but say NIGAS did something, they are a member of JULIE also. The municipalities do not want to be responsible for the actions of another member of JULIE. They want to be responsible for their own actions. JULIE as a whole, takes care of their own liability via the policy that they have."

Giglio: "I understand that, but if the city is at fault in that instance, is their liability removed by this?"

Clayton: "No. If the city itself was liable, they are still liable. So, I say they only want to be responsible for their own actions. So they are still liable for their own actions."

Giglio: "Okay. Thank you."

Speaker Granberg: "Thank you. Anything further? No other Members seeking recognition, 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, 116 voting 'yes', 0 voting 'no', 0 voting 'present'. House Bill 234, having received a Constitutional Majority, is hereby declared passed. House Bill 1459. Mr. Clerk read the Bill."

Clerk Rossi: "House Bill 1459, a Bill for an Act amending the

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Abused and Neglected Child Reporting Act. Third Reading of this House Bill."

Speaker Granberg: "The Lady from Cook."

Davis, M.: "Thank you, Mr. Speaker. House Bill 1459, as amended, requests that the Department of Children and Family Service develop a collaborative plan to provide and pay for medical and mental health screenings for children taken into temporary protective custody due to abuse or neglect. The plan will include how best to use existing resources to pay for these evaluations, and the department will report the plan as it is developed to the General Assembly by March 15, 1998."

Speaker Granberg: "The Lady from Cook moves for the passage of the Bill. On that question, the Gentleman from Kendall, Mr. Cross."

Cross: "Thank you, Mr. Speaker. Do you know...an inquiry of the Chair. Is the chicken ready?"

Speaker Granberg: "Mr. Poe is...where is Mr. Poe?"

Cross: "Well, I would like to know where Mr. Poe is and his chicken."

Speaker Granberg: "Well, you were seated adjacent to him. I'm not sure what happened to Mr. Poe, Mr. Cross."

Cross: "Well, we're all worried about him."

Speaker Granberg: "I'm sure you are. Any other questions?"

Cross: "I do have a couple of questions, but I just wanted to get to the more important question and that was, where's the chicken? But..."

Speaker Granberg: "Proceed."

Cross: "Will the Sponsor yield?"

Speaker Granberg: "Proceed."

Cross: "By the way, I don't believe this is Tyson chicken tonight, just for the record. Representative, the only

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question I have, this sounds like a good idea but my...the question surrounds really whether or not there is a need here. From what I understand of the current law, and maybe you could help me out, is that DCFS basically does this already and what's your understanding whether or not DCFS does or doesn't do it?"

Davis, M.: "My understanding is they don't do it already. So, we're asking them to put forth a plan to do this."

Cross: "Let me just read to you what I understand they do now and if you could tell me the difference between what they do now and your Bill. Right now if there's an allegation of abuse or neglect and there is a finding, they automatically remove the child, which they should. Initial health screenings are conducted and performed within the first 24 hours. Health evaluations are done within 21 days after the department receives custody of the child and then continuing physical exams are provided on the following schedule; the ages of one month, two months, four months, six months, nine, 12, 15, 18, and 24 months and annually thereafter. And this schedule follows the recommendations of the American Academy of Pediatrics. What, and I'm not trying to give you a hard time, what's the difference then between..."

Davis, M.: "No, I think that perhaps the major difference is the mental health screening. They perhaps don't do the mental health screening to see what effect this abuse has had on the child's mental ability. I spoke with one of our Representatives who is quite versed in this, and she informed me that currently, very frequently medical examinations may not take place, that children are placed in a different environment as soon as possible. But they may not get immediate medical attention or ever get mental

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screening to see how that abuse might have affected them mentally."

Cross: "Representative, and that may be the distinction, and is certainly an important one. Is the feeling of, not only of yourself but others that you've talked to then that within the confines of these health exams that the mental exams just don't get taken care of?"

Davis, M.: "That is correct."

Cross: "It does appear from the reading of the Bill and the Fiscal Note that it is a minimal fiscal impact. Is that your understanding?"

Davis, M.: "There will be a minimal...the plan of course won't, I'm hoping that when they present the plan to us in 1998, they will provide us with this cost. The projected cost for what this...the plan might, you know the collaborative plan might require."

Cross: "This sounds like a good idea, I know, our only concern is we weren't duplicating services, but I guess my final question, just to make sure is that DCFS has the ability to implement your suggestion along with their others?"

Davis, M.: "Yes, they do, very much so."

Cross: "Okay. All right, thank you very much."

Davis, M.: "This is their Amendment."

Cross: "It looks like a good one then. Thanks."

Davis, M.: "Thank you."

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

Turner, J.: "Thank you. Would the Lady yield?"

Speaker Granberg: "Proceed, Sir."

Turner, J.: "Representative, I just had one question. At the time that our analysis was completed, fiscal estimates were not available. You have indicated that there is not much fiscal impact. Could you just clarify exactly what the

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fiscal impact is?"

Davis, M.: "We received that Fiscal Note a few days ago. Let's see, well they say here that the fiscal impact is estimated to be \$2,256, which will be absorbed within the department's anticipated appropriations."

Turner, J.: "Okay, thank you."

Davis, M.: "You're welcome."

Speaker Granberg: "Excuse me, nothing further. 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, 115 voting 'aye'; 1 voting 'nay'; 0 voting 'present'. House Bill 1459, having received the Constitutional Majority, is hereby declared passed. House Bill 2283. Read the Bill."

Clerk Rossi: "House Bill 2283, a Bill for an Act amending the Illinois Insurance Code. Third Reading of this House Bill."

Speaker Granberg: "The Gentleman from McLean, Representative Brady. Out of the record. House Bill 1208."

Clerk Rossi: "House Bill 1208, a Bill for an Act amending the Criminal Code of 1961. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

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

Clerk Rossi: "House Bill 1208, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Granberg: "The Gentleman from Will, Representative Meyer."

Meyer: "Thank you, Mr. Speaker. This Bill was on Consent Calendar. It's moved back and I'll run it this way."

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Amends the Criminal Code of 1961, exempts a peace officer while in the performance of his or her official duties, from the unlawful use of weapons violation if the officer carries or possesses in a vehicle or on or about his or her person a firearm or ballistic knife while hooded, robed, or masked to conceal the officer's identity. This just pulls the law together as it is now being...as it is now in place, and I would appreciate a 'yes' vote."

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, 116 voting 'yes', 0 voting 'no', 1 voting 'present'. House Bill 1208, having received the Constitutional Majority, is hereby declared passed. House Bill 1641. Read the Bill."

Clerk Rossi: "House Bill 1641, a Bill for an Act amending the Metropolitan Water Reclamation District Act. Third Reading of this House Bill."

Speaker Granberg: "The Gentleman from Cook, Mr. Stroger."

Stroger: "Thank you, Mr. Speaker. House Bill 1641 amends the Metropolitan Water Reclamation District Act to allow board of commissioners to authorize the making of transfers after March 1st of a fiscal year within, or between departments, of sums of money appropriated for one corporate object or function, to another corporate object or function. The statute now allows such transfers after June 30th of the fiscal year. The Amendment would allow the district to respond more efficiently to changing fiscal realities. The Amendment would have no effect on the total amount of appropriations, would not increase the tax levy and I ask for an 'aye' vote."

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Speaker Granberg: "The Gentleman moves for the passage of the Bill. On that question, the Gentleman from Vermilion, Representative Black."

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

Speaker Granberg: "Proceed, Sir."

Black: "Representative, the Metropolitan Water Reclamation District seems to have a number of Bills before us this Session. Have they had a difficult year?"

Stroger: "I think all the rain really shook them up last time. A lot of flooding."

Black: "Okay. This Bill allows them to transfer money. Are they transferring money to my sanitary district downstate or is that not within the scope of the Bill?"

Stroger: "That is not within the scope of the Bill."

Black: "I had a hunch. So you are allowing the district to transfer money among departments after March 1st. And when does the fiscal year start, July 1?"

Stroger: "I believe that is correct."

Black: "You mean things are so tight up there they have to start transferring money before even six months of the fiscal year is up?"

Stroger: "You never know when there is going to be a flood."

Black: "Its been a very wet spring, there's no question about that. Is there...this doesn't affect the levy or the tax rate at all, just an inter-fund transfer?"

Stroger: "That's correct."

Black: "Okay. Who would make this decision? A majority vote of the Board of Trustees?"

Stroger: "Yes."

Black: "Okay, and are they covered under the Open Meetings Act, I mean, do they..."

Stroger: "Yes."

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Black: "So they would have to give notice of meetings and the public would be aware and they could show up, you know, and express their concerns if they had any."

Stroger: "Yes, they can."

Black: "Okay. Do you have enough pictures taken? Okay, I only have one more question. Could you ask the young staffer there by you, I believe recently assigned to the technical review staff, could you ask your young staffer if this takes 71 votes? There is a staffer behind him who probably has the answer, so, maybe they could confer."

Stroger: "Sixty votes, Sir."

Black: "You know it is amazing, he always rules 60 votes on your Bills and 71 votes on our Bills. I want to know where the technical review staff people go to get their law degrees because I'm going to form a task force to investigate it. But that's another story. Representative, I do appreciate your answering the questions. Thank you very much."

Stroger: "Thank you."

Speaker Granberg: "Thank you, Mr. Black. Anything further? The Gentleman from Cook moves for the passage of House Bill 1641. On that question, all in favor shall vote 'aye'; all opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, 109 voting 'yes'; 7 voting 'no'; 0 voting 'present'. House Bill 1641, having received the Constitutional Majority, is hereby declared passed. House Bill 437. Read the Bill."

Clerk Rossi: "House Bill 437, the Bill has been read a second time previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading."

Clerk Rossi: "House Bill 437, a Bill for an Act amending the

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Criminal Code of 1961. Third Reading of this House Bill."

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

Saviano: "Thank you, Mr. Speaker, Members of the House. House Bill 437 was a Bill that was on the Consent Calendar, was an Agreed Bill. It simply increases the maximum civil liability for deceptive practices from \$500 to \$1500. There's no opponents. This was suggested by the Illinois Collectors Association and also by the Illinois Retail Merchants Association. I ask for a favorable vote. Thank you."

Speaker Granberg: "On that question, the Gentleman moves for the passage of 437. 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 437, having received the Constitutional Majority, is hereby declared passed. House Bill 1168. Read the Bill."

Clerk Rossi: "House Bill 1168, a Bill for an Act amending the School Code. Third Reading of this House Bill."

Speaker Granberg: "The Gentleman from Cook, Representative Capparelli. Out of the record. House Bill 1097. Read the Bill."

Clerk Rossi: "House Bill 1097, a Bill for an Act amending the School Code. Third Reading of this House Bill."

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

Davis, S.: "The Chamber got awful quiet on this very important Bill. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1097 was designed to alleviate a problem

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with our local school funding down in my district. And what it does, it basically changes the school aid formula to be able to help these school districts that took a major hit with some massive reductions in property tax assessments on some of our oil refineries down in Madison County. And at the time, Ladies and Gentlemen, when we are talking about education funding and fairness in education, I think that we can prove to the people of the State of Illinois and certainly to the people in my district, that we do care about the school children and this is a very important Bill for us locally, and I would appreciate your support on House Bill 1097."

Speaker Granberg: "The Gentleman moves for the passage. On that question, the Gentleman from Cook, Representative Parke. Proceed, Sir."

Parke: "Thank you, Mr. Speaker. Will the Sponsor yield? I presume the Sponsor will yield. Representative Davis."

Davis, S.: "Yes."

Parke: "Does this legislation apply to the school districts in the collar counties?"

Davis, S.: "Representative, it would, yes."

Parke: "How would it apply to the collar county school districts?"

Davis, S.: "Well, Representative, it would apply to every school district in the State of Illinois that...and let me read you exactly what it says in the Bill. It would apply for any school district whose 1995 equalized assessed valuation is at least 4.6% less than its 1994 equalized assessed valuation..."

Speaker Hannig: "Representative Hannig in the Chair."

Davis, S.: "...as the result of a reduction in equalized assessed valuation of the taxable property within such district of

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any one taxpayer whose taxable property within the district has a 1994 equalized assessed valuation constituting at least 14% of the 1994 equalized assessed valuation of all taxable property within the district. The 1996-1997 state aid for such districts shall be computed using its 1995 equalized assessed valuation."

Parke: "Now, does... you said that this is going to affect every school district. Now doesn't this, when it affects every school district, don't we have to recalculate the general state aid for the entire state based upon your property tax assessment appeal in your district?"

Davis, S.: "Representative, I think I know what you're getting at with your question and according to testimony that came before the committee, Don Payton from the State Board of Education testified that it is not unusual for the State Board of Education to recompute the state aid formula on every once in a while because they are constantly getting revisions in property evaluations throughout the districts in the State of Illinois. So when you talk about recomputing this, this is not unusual for the State Board to do this. They do this quite often."

Parke: "Well, I understand what you're trying to get, but it seems like it's going to be unfair to other school districts. What's the net impact for the schools in your district on this?"

Davis, S.: "Representative, the net impact would be a total of \$569,367, and that would cover three separate school districts. That would cover the Roxana Community Unit District, the East Alton Wood River High School District and the Wood River Hartford Elementary District. And what happened, Representative, was in 1994 the total equalized assessed valuation was 1400...14 million, combined total

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for those three districts, and they took a \$36 million reduction due to a ruling by the State Tax Appeals Board."

Parke: "Thank you, Representative, for the honest dialogue on the questions. Mr. Speaker, to the Bill."

Speaker Hannig: "To the Bill."

Parke: "First of all, I would like a verification of the Roll Call. I would like a verification of the Roll Call, please."

Speaker Hannig: "A verification?"

Parke: "Yes, Sir."

Speaker Hannig: "Your verification, request for verification is acknowledged."

Parke: "Thank you. To the Bill. Ladies and Gentlemen, it looks like the Sponsor has a particular problem in his district. I can be sympathetic to that. I think whenever you have a school district that's having problems financially through no fault of your own, you're going to look for a resolution of that, but unfortunately, it looks to me like, if we were to pass this Bill, it will have an effect on other school districts in the state. And with the way we're going, I really would like to see us wait on this Bill and see if we can come up with some other kind of answer that... Right now we have a number of commissions, joint meetings on it with both chambers, with the Governor's Office. To me, I think we're going to have wait on this Bill, and I would ask the Body since it is an approach to solve a particular problem in this Legislator's district which he ought to be doing to try and help his district. It will affect all of us in our school districts. So, therefore, I would ask respectfully ask the Body to vote 'no' on this Bill and hopefully when we come back with the solutions to the overall funding of education in the State of Illinois that

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they hopefully will take into consideration his needs for his school district. So, I would ask the Body to vote 'no' on this Bill."

Speaker Hannig: "Representative Poe is recognized for an important announcement."

Poe: "Yeah, Mr. Speaker, Ladies and Gentlemen of the House. Right now, I think there's a few people who have already smelled the chicken, but it's out there in the corridor behind the windows. So any time you want to go out, go on out and help yourself."

Davis, S.: "I think, Representative Poe, you did that so these people couldn't be verified on my Bill, didn't you?"

Poe: "We'll let them wave through the window."

Speaker Hannig: "Thank you, Representative Poe. On this question, the Gentleman from Bureau, Representative Mautino, is recognized."

Mautino: "Thank you, Mr. Speaker. Question of the Sponsor."

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

Mautino: "You're doing this specifically because you have had, what would be termed as a catastrophic reduction in the EAV due to one plant being re-evaluated, correct?"

Davis, S.: "Well, actually it was three plants, Representative. It was Shell Oil Company, Clark Oil Company, and Amoco Oil Company, and the monies are going to these three different schools districts from those three companies."

Mautino: "Thank you. To the Bill. Ladies and Gentlemen of the House. This is not precedent-setting. It's not the first time that we did this. As a matter of fact, Representative Leitch and I had a Bill which did the same thing when there were drastic reductions. We also included in some other districts. What this is, is bridge financing for a district which can't make up that kind of a hit. We've

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seen it, it's pending. There's other counties that may in the future need to do this, like Ogle County, like LaSalle County. And what we are allowing them to do is use their prior year's EAV and calculate it on that. That way, it would give them bridge financing so they can make it through and if they have to make cuts or rift teachers or cancel programs, this gives them a one year float time to do it. This doesn't happen...or hasn't happened all that often in the General Assembly, but it's been done in the past for Representative Mulcahey. For schools in, as I said, in Representative Leitch's and some of the others that have had these massive reductions that you cannot make up. And so, I stand in full support of the Gentleman's legislation and I would ask that all Members vote 'yes' on this Bill."

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

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

Speaker Hannig: "He indicates he will."

Cross: "Representative Davis, in looking at the Illinois State Board of Education State Mandates Act Fiscal Note, and correct me if I read this improperly, under the fiscal impact language it reads, 'This would either...this would cause reanalysis of the '96-'97 general state aid due to a change in the EAV of several school districts. This would either (1) lower the GSA of all other districts for '96-'97 due to a lower foundation level or take GSA away from all other districts level for '97-'98 due to a positive audit adjustment, and therefore a lower foundation for '97-'98.' You don't dispute what's written there do you?"

Davis, S.: "Well, I'm not qualified to dispute it, Representative."

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Cross: "As a result of that language, is it possible that, for instance, school districts in Representative Crotty's district could lose state aid?"

Davis, S.: "I don't know, Representative. I don't believe so."

Cross: "Well, I don't see how to read it any other way. It reads, 'This would cause the reanalysis of the general state aid due to a change of school districts. This would either lower the GSA of all other districts,' so would this mean a reduction in state aid to Representative Scully's district?"

Davis, S.: "I don't know, Representative."

Cross: "Is it possible this would mean a reduction in state aid to Representative O'Brien's district?"

Davis, S.: "I would certainly not hope so, Representative."

Cross: "Well, neither would I. But I think we run the risk of not only all of us losing money in our school districts but also the concern that we've already set, our school districts have already set our budgets for the upcoming years and now we're going to have to reevaluate them. I would just caution everybody to take a real hard look at this. I understand and I sympathize certainly with Representative Davis, as do most of us. But the negative impact that it would cause all of our school districts, I think forces many of us to take a look at voting 'no' on this Bill with all due respect to Representative Davis. Thank you."

Speaker Hannig: "Representative Steve Davis to close."

Davis, S.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Let me point out a few things. Number one, I think it only takes 60 votes to pass this, I don't believe that it preempts Home Rule. So, I would certainly appreciate getting 60 votes on this. This is not, and I repeat, this

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is not precedent-setting legislation. This Bill passed out of the Education Committee 19 to nothing. The Education Committee was very, very sympathetic to this proposal because they understand that it's not the first time that it has happened to school districts in the State of Illinois. And I agree, it is a problem, and it's going to continue to be a problem, and unfortunately we as a Body, we as a Legislature have not addressed a long-term solution for these problems when they pop up. And I think that this is something that the Education Committee and the education community needs to work on in the future. However, unfortunately it is not going to help these three small school districts, these are not and I repeat, not large school districts. These are small school districts who are on the edge. A couple of them have already been on the financial watch list. They have taken extraordinary steps to lay people off, to try to make up the difference. The State of Illinois has a fundamental responsibility to help our school districts out, to educate our children and this is something that we need to do. And it's just not for my district, there are other districts that are going to have the same problems in the future. I don't think we want to send a message to the school children in the State of Illinois that the Illinois Legislature doesn't want to appropriate a measly \$500,000 when we're working with a \$5.8 billion budget for elementary and secondary education. We're not asking, we are not asking for the moon, we are asking for fairness. We are asking for some relief and we need your help. We need the help of both sides of the aisle on this. I implore you to do the right thing and cast an 'aye' vote. We are not giving away \$150 million in tax breaks for corporations in this Bill. We are giving

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\$500,000 to school children in my district. Thank you very much."

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 39 voting 'yes', 64 voting 'no', and 11 voting 'present', and this Bill, having failed to receive a Constitutional Majority, is hereby declared lost. Mr. Clerk, read House Bill 1680."

Clerk Bolin: "House Bill 1680, a Bill for an Act to amend the Grain Code. Second Reading of this House Bill."

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

Deering: "Thank you, Mr. Speaker. For purposes of an announcement. For those of you folks that haven't had a chance to get some of Representative Poe's fine food, we just got word from the state police that former Representative Steve Spangler heard we had food tonight and he's on his way down. And they said as soon as he gets past the trucker video store, he'll be right here."

Speaker Hannig: "On House Bill 1680, Representative Noland is recognized. Okay. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Floor Amendment #1, offered by Representative Woolard, has been approved for consideration."

Speaker Hannig: "Representative Noland on the Amendment."

Noland: "Speaker, this...Floor Amendment #1 creates the Wheat Development Act. Essentially, it's the same thing...it's a wheat check-off program very much like the Corn Marketing Act, the Soy Bean Marketing Act. I'd appreciate your consideration of this Amendment."

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Speaker Hannig: "Is there any discussion? Representative Hartke is recognized on that question."

Hartke: "Well, thank you very much, Mr. Speaker. To the Bill. In the State of Illinois we have a corn check-off, a pork check-off, a soy bean check-off, several other check-offs in the State of Illinois. The check-offs are generally created by the General Assembly and giving those producers an opportunity to decide whether they want to donate with a check-off on the bushels that they produce in order to put into a pot for the promotion of their product. This is permissive language, and I would urge each and every one of you to allow the wheat producers of the State of Illinois to have an opportunity to voice their opinion on whether or not they want to promote their product. The cost to the State of Illinois is absolutely nothing and I would urge an 'aye' vote."

Speaker Hannig: "Representative Woolard, on the Amendment."

Woolard: "Thank you, Mr. Speaker. As the original Sponsor of this legislation and along with Representative Noland, I think that this is one of those things that we should be doing and we should insure that the wheat industry in the state continues to grow at the same level and has the same opportunities as the other grain producing areas of the state. I would encourage everyone to support this Amendment."

Speaker Hannig: "The question is, 'Shall the Amendment be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Mr. Clerk, any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hannig: "Third Reading. Mr. Clerk, has this been read a third time previously?"

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Speaker Bolin: "The Bill has not been read a third time, previously."

Speaker Hannig: "So, Representative Noland, we'll have to wait until tomorrow until we can call this Bill."

Noland: "Thank you."

Speaker Hannig: "Mr. Clerk, read House Bill 257."

Clerk Bolin: "House Bill 257, a Bill for an Act to amend the Environmental Protection Act. Floor Amendment #2, offered by Representative Giglio, has been approved for consideration."

Speaker Hannig: "On the Amendment, Representative Giglio."

Giglio: "Thank you, Mr. Speaker and Members of the House. What Amendment 2 does is, it limits the scope of the recycling projects, the centers, to Cook County and further clarifies the language regarding construction and demolition debris."

Speaker Hannig: "All in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hannig: "Third Reading. Mr. Clerk, has this been read a second time previously?"

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

Speaker Hannig: "Would you read the Bill on Third Reading?"

Clerk Bolin: "House Bill 257, a Bill for an Act to amend the Environmental Protection Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Giglio."

Giglio: "Thank you, Mr. Speaker and Members of the House. What Bill 257 does is, it's a further effort on behalf of the state to encourage environmental recycling and construction demolition debris, as we all know, that's become a big part of our landfill problem and this will encourage recycling

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throughout the state, or excuse me, throughout the County of Cook. And I would ask for your favorable support."

Speaker Hannig: "Is there any question? On that question, Representative Novak is recognized."

Novak: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. I would just like to add a few words in Representative Giglio's endeavor here. He filed a Bill earlier this year and invited me to attend a meeting with some of his constituents. We brought the EPA in and I want to congratulate Representative Giglio for bringing all these diverse interests in together. It's a very good Bill, closely defined. The EPA certainly supports it. It addresses a serious problem to a small business in his district that's trying to survive and trying to deal with the new endeavors in the recycling business. So, I certainly want to congratulate Representative Giglio and I ask all my colleagues to support this Bill. Thank you."

Speaker Hannig: "Representative Roskam is recognized on this issue."

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

Speaker Hannig: "He indicates he will."

Roskam: "Representative, I just see the word 'fees' up there. Can you tell me about the fees, whether they're in this Bill?"

Giglio: "There are absolutely no fees and no fiscal impact."

Speaker Hannig: "Representative Schakowsky."

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

Speaker Hannig: "He indicates he will."

Schakowsky: "Where is the Illinois Environmental Council or any of the environmental groups on this Bill?"

Giglio: "I have heard from...there is no opposition known. This is agreed language on behalf of the Illinois EPA as well as

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a number of different interests, including the National Association of Waste and such."

Schakowsky: "Yeah, I'm not really asking about that. I'm asking about the environmental community."

Giglio: "Well, the IEC supports recycling and this will further enhance recycling efforts."

Schakowsky: "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 voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 112 voting 'yes', 2 voting 'no' and 0 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 829."

Clerk Bolin: "House Bill 829, a Bill for an Act to amend the Illinois Insurance Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Brady. I think the Gentleman went out to get some chicken, so we will return to that Bill at a later time. Let's call House Bill 1400, I see Representative Leitch in the Chamber. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1400 has been read a second time previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Representative Leitch, do you wish this Bill moved to Third? Third Reading. And Mr. Leitch, would you want to call the Bill at this time?"

Leitch: "Is Representative Mautino here?"

Speaker Hannig: "He's either in his seat or near the chicken, I would suspect."

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Leitch: "Representative Mautino handled this in committee and I would prefer that he handle this on the floor. Would you take it out of the record until he returns, please?"

Hannig: "Out of the record. Mr. Clerk, would you read House Bill 1824. What is the status of House Bill 1824, Mr. Clerk?"

Clerk Bolin: "House Bill 1824 is on the Order of House Bills, Third Reading."

Speaker Hannig: "Mr. Clerk, at the request of the Sponsor, return that to Second Reading. Mr. Clerk, read House Bill 1546. Thirteen-forty-six. Mr. Clerk, read House Bill 1346."

Clerk Bolin: "House Bill 1346, a Bill for an Act to amend the Higher Education Student Assistance Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Myers."

Myers: "Thank you, Mr. Speaker. House Bill 1346 amends the Higher Education Student Assistance Act and it provides that...for full-time students, it raises the incentive for access from \$500 per year to a \$1000 per year or in other words \$500 per semester or \$333 per quarter. It also establishes, as amended, that you have to be enrolled full-time, and the half-time student would receive \$500 as is currently the level. So, there was an original...the Amendment does reinstate the language that requires a student to be enrolled at least half-time to receive incentive for access."

Speaker Hannig: "Is there any discussion? Seeing none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes', 0 voting 'no', 0 voting 'present', and this Bill, having received the Constitutional Majority,

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is hereby declared passed. Mr. Clerk, read House Bill 1444."

Clerk Bolin: "House Bill 1444, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Scully."

Scully: "Thank you, Mr. Speaker. This Bill amends the Illinois Vehicle Code to correct a very unfortunate situation where the Illinois Legislature unfortunately put a position...people in a position where they were forced to pay taxes for property they did not own. In 1991, the Motor Vehicle Act was amended to provide that a purchaser of a mobile home had to obtain certification from the county that there were no unpaid mobile home taxes on this vehicle. Prior to that time, many counties hadn't been doing a proper job of monitoring the payment of mobile home taxes. As a result, there is a group of people who bought their mobile homes prior to 1991. They bought mobile homes that had unpaid real...unpaid taxes due. There was no way for these people to have known that these unpaid taxes existed. This year, Will County and several other counties throughout the state are aggressively trying to collect these unpaid taxes, but some of these taxes relate to a prior owner, a prior owner that these people had no knowledge, had not paid their taxes. House Bill 1444 attempts to correct that situation. It specifically provides that the people...owners of mobile homes are only liable for the taxes that accrued while they owned the homes, that they have no liability for the taxes that accrued while the prior owner had title to the mobile home. We ask for your favorable consideration of this Bill."

Speaker Hannig: "Is there any discussion? On that question, Representative John Turner is recognized. Representative

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John Turner is recognized."

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

Speaker Hannig: "He will."

Turner, J.: "Representative, I'm not familiar with this tax that you're referring to. You, at one point, I thought referred to as a vehicle tax and another time a mobile home tax. Could you...before I go further with our discussion, tell me exactly what it is you're talking about with regard to the kind of tax we're talking about?"

Scully: "It's a mobile home tax that is quite comparable to a real estate tax. Prior to 1991, there was no way for people to do a title search to identify any unpaid taxes. As a result, many people prior to 1991 bought mobile homes without the ability to be aware that they were buying a mobile home for which there were unpaid taxes."

Turner, J.: "So, say that the mobile home tax is similar to a real estate tax even though the mobile home is on wheels?"

Scully: "That's correct."

Turner, J.: "What is the rate, the state tax rate on mobile homes? How is it assessed?"

Scully: "It's assessed on a per square footage basis and I don't know what that rate is."

Turner, J.: "All right. I thought we got rid of the personal property tax a long time ago, but it sounds like that is what this is. This is a personal property tax then?"

Scully: "Specifically called the mobile home privilege tax."

Turner, J.: "So, it's a tax for the privilege of owning the mobile home?"

Scully: "Yes."

Turner, J.: "Who does the privileged person who owns the mobile home pay the tax to?"

Scully: "The tax is paid to the county..."

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Speaker Hannig: "Representative Poe, do you have any Bills to call?"

Turner, J.: "Do you need for me to repeat that question?"

Scully: "Yes, please."

Turner, J.: "I'm not sure I can."

Scully: "The tax is paid to the county, and some counties have been very efficient at collecting this tax over the years, others have been less efficient. The problem is caused by those counties who are less efficient at collecting the tax and less efficient at monitoring the existence of unpaid taxes."

Turner, J.: "So, it's paid to the treasurer in a county and then where does it go, to whom is it distributed?. Does it go into the general county fund? Or does it go to the taxing districts, like the school district?"

Scully: "It's distributed to the local taxing districts."

Turner, J.: "All right. I think I understand what the tax is now, and if I understand your Bill, you're suggesting that a mobile home may be sold and the subsequent purchaser of that mobile home may have the tax levied against him or her, because the person that sold them the mobile home did not pay their tax?"

Scully: "Today the counties are doing a good job of monitoring the existence of unpaid taxes and people are required to get certification from the county that all those taxes have been paid before they can transfer title to that vehicle. Prior to 1991, those systems were not in place. As a result, a person who owns a mobile home today, who attempts to sell it today, has to obtain certification that all the unpaid taxes have been paid. If this mobile home was purchased by the present owner prior to 1991, some of those unpaid taxes might relate to a prior owner. Prior to 1991,

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there was no way for a purchaser of a mobile home to verify before they acquired title that the taxes had been paid and the vehicle was free of liens."

Turner, J.: "Who does the certification of whether or not the taxes have been paid?"

Scully: "Presently, that certification is done by the county treasurer."

Turner, J.: "And under your Bill, will that certification be done by the county treasurer as well?"

Scully: "The certification process remains the same."

Turner, J.: "So, the county treasurer makes the certification?"

Scully: "That's correct."

Turner, J.: "How much money are we talking about as far as uncollected taxes across the state?"

Scully: "It varies from county to county. An estimate we received from Will County is that it was less than \$100,000 in Will County."

Turner, J.: "Now, a school district that needs the tax money obviously wants to have the taxes collected. If we pass your Bill, how are we going to go about collecting the taxes from the previous owner who has been delinquent and not paid their own?"

Scully: "In the specific case of Crete Township in Will County, I am presently working with the township assessor and the Will County State's Attorney's Office on ways that we can identify the person who originally owed these taxes, the person who sold a mobile home without having paid the taxes. In fact, I've been doing some pro bono work for some of these people to get those taxes paid by the original owner who owed those taxes, and we've been quite successful. The problem is, many of those people who originally owed the tax, who should have paid that tax back

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in the 1980's, they're dead, they left the state, which throws the burden of paying this tax on the present owner who innocently purchased a mobile home because our county was not properly monitoring unpaid taxes."

Turner, J.: "Well, if I understand what you're saying, the subsequent purchaser is not going to be required to pay the taxes from the person that sold him or her the mobile home. My question is, how are we going to go about collecting those taxes from the original owner who failed to pay their taxes so that our school districts will have this additional money?"

Scully: "I suggest that we work with the county collectors as I have in Will County to chase down those people who truly owe the money. The alternative is to collect taxes from people who never should have owed these taxes...who never owed these taxes in the first place. The tax is merely a lien on the property that they purchased because of our inadequate tax information systems."

Turner, J.: "All right. I think I see where you're going with this, and obviously, like when you're buying real estate, you can check the recorder's office and find out whether you've got good title, whether there is a tax lien on your real estate. Was there not a mechanism for the subsequent purchaser of the mobile home to determine whether or not there were any outstanding taxes? And if so, this would not be a good Bill, if not then perhaps it's a pretty good idea."

Scully: "Mr. Turner, I agree. If there were a proper system for a person exercising due diligence to have discovered these unpaid taxes, then they would have purchased that property at their own peril. There was no such system in place prior to 1991. The lack of a system was the reason that

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this Legislature passed the law in 1991, requiring the county to certify that all taxes had been paid."

Turner, J.: "Thank you."

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

Black: "Thank you very much, Mr. Speaker. I rise, first of all, to a Point of Personal Privilege."

Speaker Hannig: "State your point, Representative."

Black: "I just would like to thank Representative Raymond Poe for a home cooked meal. It's kind of nice to not have to eat something out of styrofoam for a change. And in the words of Representative Beaubien, where is the dessert? Mr. Speaker, would the Sponsor of this fine piece of legislation yield for some questions?"

Speaker Hannig: "The Gentleman indicates that he will yield."

Black: "Representative, if I understand you, if I understand what you're trying to do with this legislation, it's very similar to what I sponsored last year on back real estate taxes. A situation came up in my district where the owner was liable, even though they didn't code the property correctly, he was annexed into the city and they went back on some of the owners 30 years and they said, 'well you owe us all these back taxes', even though the owner was never notified, never given constructive notice that his property had, in fact, been annexed. Wasn't his fault. He paid the property tax bill he was given. So, if I have been listening to discussion, it appears that something similar has happened in your district. That the taxing authorities have not been as diligent as they should have been, and then all of a sudden they expect somebody to pay taxes who may not even have owned the mobile home at that time. So, you're trying to correct that?"

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Scully: "I disagree with your example that this is an analogous situation. It was not the local taxing districts who failed to monitor the taxes, it was the county collector who failed to properly monitor the taxes and the county who lacked a system for a buyer, exercising due diligence to determine whether unpaid taxes existed."

Black: "Okay. So, what you're doing is saying to the collector, it is your responsibility to see that these taxes are collected. If you do not do so, you are not going back on an owner who did not own the property at the time, the mobile home, and then collect taxes because you failed...the governmental body failed to do its job. So, the new purchaser of the mobile home would not be expected to make up for taxes not collected because of a lack of orderly record keeping or billing procedures on behalf of the county?"

Scully: "Let me clarify that this problem is isolated to a specific window. Since '91, and continuing through today, when a mobile home is purchased, the seller must obtain certification from the county that the taxes have been paid. So, the system in place works. The problem is caused by the current owners, who would go to sell a mobile home to you and would be required to obtain that certification from the county today and when they obtain that certification, they would discover that the mobile home that they purchased back in 1985 had unpaid taxes on it, and when they purchased it in 1985, they were incapable of identifying the existence of these unpaid taxes."

Black: "Okay. So, it looks to me like what we have here is legislation protecting a purchaser of a mobile home from an error not of his or her making."

Scully: "That's correct and it's a person who purchased prior to

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1991."

Black: "Okay. Now, do you establish in the Amendment, do you establish any restriction on a statute of limitations or are you leaving the underlying statute clear?"

Scully: "In the Amendment we limit the time period during which this...any potential refund would apply, to 10 years."

Black: "Representative, I appreciate the answer to the question and it appears to me that this legislation is a matter of eminent good sense. I can't see where anybody would be in strong opposition to this. I think you're on the right track and I appreciate you answering the questions."

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

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

Speaker Hannig: "He will."

Parke: "Thank you. Representative, one quick question. I have two huge trailer parks in my district. Will the citizens in those trailer parks mind if this Bill gets passed?"

Scully: "It certainly cannot hurt them, and if they were harmed by a similar problem, it would be advantageous to them."

Parke: "Say that again."

Scully: "It's possible that they were not harmed. If they have not been harmed they are neither helped nor hurt. If they were harmed, this will help them."

Parke: "Okay. Thank you."

Speaker Hannig: "Representative Biggins."

Biggins: "Thank you, Mr. Speaker. I rise in support of House Bill 1444. The mobile home tax situation has been around for a long time. It's been confusing for a long time. This Bill is taxpayer friendly. It's taxing body friendly. It's about time we had it. I urge an 'aye' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'nay'. The voting is open."

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Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there 117 voting 'yes', 0 voting 'no', and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1212."

Clerk Rossi: "House Bill 1212, this Bill has been read a second time previously. No Committee Amendments. Floor Amendment #2, offered by Representative Noland, has been approved for consideration."

Speaker Hannig: "Representative Noland."

Noland: "Mr. Speaker, Floor Amendment #2 is on behalf of Representative Novak. I would like for him to please introduce it."

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

Novak: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #2 is a negotiated land transfer with the Department of Mental Health of approximately 10 acres along Route 49 in Kankakee County, and the purpose of the land transfer is to construct a new county jail. The law that the Legislature passed, and the Governor finally signed, dealing with a referendum to increase your sales tax in increments of, I believe, up to a penny. We have a referendum currently set for November, and should this referendum succeed we're going to use the land to buy a new jail. Our jail is more or less overflowing at the seams, and should the county not use the land there's a reverter clause in the Amendment that the land automatically goes back to the Department of Mental Health. This has been agreed to language with Director Patla and the Kankakee County Board and myself. Representative O'Brien assisted and Secretary of State Ryan."

Speaker Hannig: "And on that question, Representative...there's

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some question on this Representative Noland.
Representative Noland on the Amendment."

Noland: "Floor Amendment #2, I thought was already adopted. He's
describing Floor Amendment..."

Speaker Hannig: "Mr. Clerk, what is the status of Floor Amendment
#2?"

Noland: "He's describing Floor Amendment #3."

Clerk Rossi: "Committee Amendment #1 has been adopted to the
Bill. Floor Amendments 2 and 3 have been recommended
for...approved for consideration by the Rules Committee."

Speaker Hannig: "So, Representative Noland, is it your intention
to adopt this Amendment?"

Noland: "Yes, except Representative Novak described Floor
Amendment #3, not #2."

Speaker Hannig: "Representative Novak acknowledges that he did
indeed do that."

Noland: "May I describe Floor Amendment #2, and we'll adopt it?"

Speaker Hannig: "Yes, that's the intention of the Chair.
Describe Floor Amendment #2."

Noland: "This Amendment involves two parcels of land, actually
three parcels of land in Representative Bost's district.
It allows the Director of Agriculture to convey two-tenths
of an acre, as well as a second parcel, three-tenths of an
acre. Parcel #1 will be sold for \$1,677, the second parcel
is three-tenths, will be sold for \$2,910. The third parcel
would authorize, allow the Director to purchase a 10 acre
parcel of land for \$23,000 near the DuQuoin State Fair."

Speaker Hannig: "Is there any discussion? Representative Black
on Amendment #2."

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

Speaker Hannig: "He indicates he will."

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Black: "Representative, can you tell me if the Department of Agriculture has indicated what the 10 acres that they are purchasing from Coastal Mart would be used for?"

Noland: "This land is at the entrance to the DuQuoin State Fair. It will be used as part of their entrance to the fair, possibly a parking area. It's land that the department needs for the fair."

Black: "So, as far you know, it would not be used for a hog production facility then?"

Noland: "I've assured Representative Tenhouse that this Bill will not be used for a large swine operation."

Black: "We have your word? It's your intent that it would not be used for a hog lagoon?."

Noland: "I'm not sure about lagoons. However, Representative Poe has approached me about a large chicken hatchery, but the Department of Agriculture has not decided on that issue."

Black: "Well, all right. You've satisfied my concern. It's going to be used for the DuQuoin State Fair."

Noland: "It will be used as part of the entrance, parking, something to do with the State Fair at DuQuoin."

Black: "Okay. Thank you very much."

Speaker Hannig: "Representative Skinner, on this question."

Skinner: "Yes, I wonder if the Sponsor could tell us if the...whoever is buying this is buying it at fair market value?"

Noland: "Yes, we have all the appropriate appraisals. The land is going at fair market value."

Skinner: "Thank you."

Speaker Hannig: "Is there any further discussion? The Gentleman moves for the adoption of the Amendment. All in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Any further Amendments?"

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

Speaker Hannig: "And Representative Novak on this Amendment."

Novak: "Thank you, Mr. Speaker. I'll repeat this for the benefit of the Members. Floor Amendment #3 is a result of a successful negotiation with the Department of Mental Health and Developmental Disabilities for 10 acres for the purpose of constructing a new county jail in Kankakee County."

Speaker Hannig: "And on that question, Representative Skinner."

Skinner: "I have the same question of the Sponsor."

Novak: "Yes, Representative, and the question was?"

Skinner: "Are you paying fair market value?"

Novak: "The conveyance is for \$1."

Skinner: "And it's 10 acres?"

Novak: "Yes."

Skinner: "You're not suggesting to us that land in your county is worth 10¢ an acre are you?"

Novak: "No."

Skinner: "Then you're not paying fair market value."

Novak: "It's a conveyance for a very, very important public safety purpose. We need to build a new jail, Representative. We're in serious problems with our jail back home."

Skinner: "Well, what's the land worth?"

Novak: "The appraisal indicated somewhere between 8 to 10,000 an acre."

Skinner: "Well, gee whiz, if Representative Davis was here I would suggest that that's where 1/10 of his money could come from."

Novak: "Representative, this land right now is farmland. I think it's in a leasehold and it's near a mental health facility, far enough away from the facility's residents, but the

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situation in Kankakee is that we have...first of all, first of all we have to pass a referendum. If the referendum fails to increase the sales tax to purchase...to build a new jail, the land automatically goes back to the Department of Mental Health. If the referendum is successful and the bids are appropriate, then we will build a new jail. We need the land, we need to build a new jail."

Skinner: "Well, Representative, I suppose this proposal comes under the category of, 'this is in my district, don't worry about it', and I won't."

Speaker Hannig: "All in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Mr. Clerk, any further Amendments?"

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "House Bill 1212, a Bill for an Act in relation to certain land. Third Reading of this House Bill."

Speaker Hannig: "Representative Noland."

Noland: "Mr. Speaker, I have made my commitment to Representative Tenhouse and I would appreciate your...the support of this Bill."

Speaker Hannig: "Representative Deering, on this question."

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

Speaker Hannig: "He indicates he will."

Deering: "I didn't get to ask this question on the Amendment, but Representative, on this piece of property that the state is purchasing, this defunct gas station, are there any underground storage tanks on the property?"

Noland: "To my knowledge, there are no unregistered tanks to my knowledge."

Deering: "There are no registered tanks to your knowledge?"

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Noland: "To my knowledge."

Deering: "What if they're unregistered."

Noland: "This Amendment, Representative Deering, just allows them to...the potential to buy the property. They are not committed to buy, they may buy it. I assume if there is a problem with underground storage tanks, they can negotiate the price at that point. This just authorizes up to \$23,000."

Deering: "Thank you."

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 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 1141."

Clerk Rossi: "House Bill 1141, a Bill for an Act concerning child support. Third Reading of this House Bill."

Speaker Hannig: "Representative Lopez."

Lopez: "Thank you, Mr. Speaker. House Bill 1141 provides that whenever a court finds that a child support obligor either owes or... more than \$10,000 or is delinquent in payment in an amount equal to at least three months support obligation, the court shall direct the clerk of the court to make information concerning the obligor available to consumer reporting agencies and to cause the obligor's name and address to be published in the newspaper. And I ask for a favorable Roll Call please."

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, I don't have any problem with what you're trying to do, but can you give me some reasonable assurance that the Department of Public Aid when they publish deadbeat parents' names, could I have some reasonable expectation that the list will be semi-accurate?"

Lopez: "It's not the Department of Public Aid, Representative Black, it's the clerk of the court."

Black: "And where will they get their figures? Will they get their figures from the Department of Public Aid, Bureau of Child Support?"

Lopez: "And the individual will get a certified mail from the clerk, advising them that their names will be published, so that will prevent from any names being published that shouldn't be published."

Black: "So the list to be published would come directly from court records. Are you bypassing the Department of Public Aid, Bureau of Child Support altogether?"

Lopez: "Right. We would not be going to the Department of Public Aid, it will come from the court system."

Black: "And it would be the court of that jurisdiction and they would be able to take it directly from court records?"

Lopez: "Yes."

Black: "You know, understand, I don't have any problem with it as long as you can give me some assurance that you're not going to rely on the Department of Public Aid to publish deadbeats, because I'm telling you on any given day, they don't have a clue."

Lopez: "No, this will go...they will use the records from the courts. The Department of Public Aid has nothing to do with this legislation."

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Black: "I noticed that you've raised the threshold of arrearage of from 3,000 to 10,000. Do you have any idea...I know that it would be different from county to county, but I also want to make sure that we're not going to get into making the county buy a full page in a newspaper, I mean there could be literally hundreds of names on this list."

Lopez: "My understanding is that many newspapers offer this space free to government entities so they can publish these kind of documents...these names."

Black: "Oh, really. I mean you actually get newspapers that will do this for free?"

Lopez: "They do this for like, DUI's and some of the other published names."

Black: "Is the Illinois Press Association aware of this?"

Lopez: "Well, they have not spoken to me on this Bill, so I don't know if they're aware of it or not."

Black: "I wonder if we could get them to publish the delinquent tax list and all that stuff for free."

Lopez: "Sounds good to me. We can work together on that if you want."

Black: "Something that we can work on. Okay. Representative, you've addressed my concerns. The court records should be the accurate record because my only fear is, half of my constituent work is on child support and half of those half are not in arrearage and don't owe a thing, and I just want to make sure that there is some inherent protection for somebody who is not in arrearage to pick up the morning paper and bingo, there's his name splashed all over the newspaper. And I think you have given me some reasonable assurance that this list is going to be handled a little differently."

Lopez: "Yeah, and they will have the opportunity because they

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will get a certified mail advising them that they will be on this list."

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

Speaker Hannig: "The Gentleman from DuPage, Representative Johnson. Tom Johnson."

Johnson, Tom: "Will the Sponsor yield?"

Speaker Hannig: "He will."

Johnson, Tom: "Representative, I applaud you for this, but I see that this information will be made available to consumer reporting agencies and then published in a newspaper. What are the consumer reporting agencies that you're thinking about here? Are there outfits out there who..."

Lopez: "The goal here is that every time an individual goes and applies for credit, many times they will not...they owe thousands and thousands of dollars to their ex-spouses and children and what we're trying to accomplish is that this would force them, if they want to buy a house, buy a car or do whatever they want with their credit that the credit bureaus understand and the people that are ready to get the loan know that they owe back child support."

Johnson, Tom: "Okay, but then it goes on, at least in my notes here and to cause the obligor's name and address to be published in the newspaper. Is that part of this?"

Lopez: "Can you repeat that again, Representative Johnson."

Johnson, Tom: "I'm reading my notes here, the staff analysis. It says, reporting agencies and to cause the obligor's name and address to be published in the newspaper. Who's causing it to be published in the newspaper?"

Lopez: "I couldn't hear you right, but I think what you're asking is, the clerk will provide the address according to the court documents."

Johnson, Tom: "Okay, and there will be periodic lists published

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in a newspaper, is that the intent of this?"

Lopez: "Yes."

Johnson, Tom: "Okay. You know Representative Biggert, I think, just passed a Bill to put 10 names on a worldwide web page, the Department of Public Aid. Now, I presume there would be no problem if, in fact, these lists are out in the public domain by way of a newspaper that some other outfit could probably go ahead and then publish all these names on a worldwide net page, right? Because they are in public domain at that time."

Lopez: "I believe that they could."

Johnson, Tom: "Okay. All right, thank you."

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 111 voting 'yes', 0 voting 'no', 1 voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of House Bill 2152?"

Clerk Bolin: "House Bill 2152 is on the Order of House Bills, Third Reading."

Speaker Hannig: "Mr. Clerk, return that Bill to Second Reading at the request of the Sponsor. Mr. Clerk, read House Bill 651."

Clerk Bolin: "House Bill 651, a Bill for an Act to amend the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Hannig: "And the man of the hour, Representative Poe, is recognized."

Poe: "Mr. Speaker, they tell me if you ever wanted to run a Bill, make sure everybody is full and not hungry. So, at this time, I bring to you House Bill 651. I think it's a good

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Bill. It's a Bill about domestic violence and what we're doing for the... We're moving what was in the Bill originally in the law from the second offense was a 48 hour consecutive term, and we've moved that to the first offense and then we have amended this Bill with... Representative Erwin has amended it, and we'll let her talk about the Amendment."

Speaker Hannig: "Representative Erwin."

Erwin: "Thank you, Speaker. I strong, no I stand in strong support of House Bill 651 and appreciate the work that Representative Poe did on this Bill in committee, and I just urge an 'aye' vote."

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 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. Representative Poe, the chicken worked. Mr. Clerk, read House Bill...Representative Gene Moore, for what reason do you rise?"

Moore, E.: "Yes, I rise on Personal Privilege. Just to say thank you to Mr. Poe. I guess this is one of the reasons he brought that chicken, huh, Poe? Good job. All right."

Speaker Hannig: "Mr. Clerk, read House Bill 1809."

Clerk Bolin: "House Bill 1809, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, excuse me. I misread this sheet in front of me, it's 1409."

Clerk Bolin: "House Bill 1409, a Bill for an Act to provide for a

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supplemental procedures and issuance of obligations in connection with the making of local improvements through special assessments. Third Reading of this House Bill."

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

Stroger: "Thank you, Mr. Speaker, Ladies and Gentlemen. This Bill is a special bond assessment Bill that takes.... when your streets are being done, excuse me, not your streets...when they do sidewalks and improvements, they charge you for them and this Bill would have instead of it being paid by vouchers, it will be part of the bond issue. That way it would reduce financing rates by creating a market for the bonds, eliminate the inflated prices that the contractor puts in there for doing the development, and I'd ask for a favorable vote."

Speaker Hannig: "The Gentleman has moved for passage of this Bill, and on that question, Representative Black is recognized."

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

Speaker Hannig: "He will."

Black: "Representative, it appears that this legislation would make it a little easier to levy special assessments. Would that be a fair assumption?"

Stroger: "Yes, it would."

Black: "What if I am, and this is statewide, it's not just for Cook County, this is statewide?"

Stroger: "Statewide."

Black: "What due process rights, if I'm in a downtown shopping district and the municipality decides we've got to spruce up the street, put in new street lighting, et cetera, et cetera, et cetera and they create a special taxing district

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for that, what are my rights as a property owner in that district? I don't want to participate. I don't want to pay the special assessment tax. I don't think any of that is necessary. Am I out of luck or is it going to be a vote?"

Stroger: "You're out of luck."

Black: "Well, that's nothing new. What would the due process rights then be in the special taxing district? Is it put to a vote of those people? Or is it just the municipal authorities can say, 'Look, we think this is necessary and therefore we're going to do it.'"

Stroger: "It depends on the project. If a neighborhood wanted streets or sidewalks, then they could request that. But as your first example was if the municipality was doing some improvements, then they wouldn't necessarily have to make sure that all the residents were in favor of it."

Black: "Okay, well, let's take, just for example, and I'm not that up to date on it, but I know there are some major improvements being done in the City of Chicago along Wacker Drive, Michigan Avenue, and I don't think that's in a special assessment, but what if the city, if this law, if this Bill becomes law, could the city have said, 'This is a pretty expensive project and when it's done, it's going to greatly enhance the shop owners and the merchants in that area so why don't we create a special taxing district and levy 40 cents or whatever to have the merchants help pay us back for those improvements.' Could they do that if this Bill were to become law?"

Stroger: "That's a special service area. This is a special assessment. I don't think the City of Chicago will use this. This will probably be used mostly outside of the city."

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Black: "Okay, what... can you clarify for me the difference between the special service area and a special assessment district?"

Stroger: "In the special assessment, that would be where an owner or property owner would be assessed a certain value and the... they would have to pay annual installments, depending on how much the project costs, what the service... it's a totally different statutory provision and that would be more like a general tax."

Black: "Okay. Would it be a fair assumption to... I'm looking at the Home Rule Impact Note. I have a sudden interest in Home Rule Impact Notes. And it amends the Illinois Municipal Code to provide that multiple local improvements may be combined under one special assessment project, provided that the assessing commissioner considers whether each piece of property is benefited by all or only some of the improvements. And it provides that combining such improvements under one special assessment project shall not be grounds for objection to the special assessment proceedings. And I go back to what you said earlier, if I didn't want the assessment, I didn't agree with it, I didn't like the project, it's really...I don't have any recourse, I mean, I'm just kind of stuck paying this tax."

Stroger: "This Act does not change the law. That was already there and will be after this is..."

Black: "Well, that was on the Home Rule Impact Note under the Bill's synopsis, so I was making an assumption that that somehow is reflected in that this is what this new law is going to do. Is that an incorrect assumption?"

Stroger: "No, that is part of the current law, that if they build a development and they put in a sidewalk, there is going to be an assessment."

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Black: "Okay, and that's a good example. If I want to improve the sidewalk, like along State Street and all the work that they have done there, it would be possible under this Bill for me to create this special assessment project, and I assume levy a tax on those property owners to help pay for that improvement. I'm not using State Street as the concrete example, but something of that sort. Right?"

Stroger: "Yes, that's true."

Black: "Okay. Is there any provision in the Bill for a property owner to try and opt out or any due process provisions early in the process saying, 'Look, I just don't agree. I don't want to be a part of this. I don't want to pay the bill? It appears that the assessing officer is going to make those recommendations, and as a property owner I may just be, as you said earlier, out of luck.'"

Stroger: "Well, Representative, that's already in the law. We are not changing that part of the law. We are only changing the funding part and trying to bring the cost down."

Black: "Well, if that's the case, then why does this company, evidently they're a law firm, this William Blair and Company, they're a law firm that our staff says specializes in these kinds of things. If you're not changing current law, then why do we need the Bill? What are they after?"

Stroger: "We are changing current law. We're not changing what you asked about."

Black: "Okay, as I understand it then, but we're making it easier for special assessment projects to take place. Is that fair?"

Stroger: "We're trying to make the costs smaller."

Black: "By expanding the base to participate in the project?"

Stroger: "We're trying to... what we're trying to do is we're

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trying to remove the vouchers which is what they pay the contractor who puts in the sidewalk. Now we like to pay them in cash. The vouchers will inflate the assessment price. So if we remove those, the price of the whole assessment would decrease."

Black: "Okay. Representative, thank you. I appreciate your answers. Mr. Speaker, to the Bill, if I might."

Speaker Hannig: "To the Bill."

Black: "And Ladies and Gentlemen of the House. This is a very interesting Bill. It's had a fair and full hearing in committee and it passed out on a 9-3-3 vote. It might have a positive impact on the communities that you represent, it might not have such a positive impact. And I think this is something that you need to take a look at your computer or your analyses if you have one at your desk because there is no question in my mind that this will ease the process for special assessments on property owners. Now, in some areas this has worked rather well and there's no problems with it. I know in my district, I have a community that did this some time ago in a downtown retail area, and as you know, downtowns are not what they used to be, and it has created some problems. And it has created some ill will and some hard feelings on property owners who think they may not have the complete due process protection that they would like to have on whether or not their special assessment tax goes up. So, it is something I think that all of us need to look at very carefully and you ought to know how this impacts your district and how your people feel about this rather than just vote blindly. The Gentleman has been very up front with his answers and it got a full hearing in committee, but this I say is something you just shouldn't look on the board and say,

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'Well, gee, there's 70 green votes up there so I guess it's okay for me to vote green,' because depending on where you live and the experience you have had with special assessment service areas, this could be somewhat controversial in your area and in other areas of the state it's worked very, very well and they haven't had any problems with it at all."

Speaker Hannig: "Representative Skinner is recognized on this question."

Skinner: "Wow, this is one heck of a Bill. You are expanding, first of all, special assessment power from municipalities to counties, townships, and any other unit of local government in every special district in the state. Is that correct?"

Stroger: "Yes."

Skinner: "Now, does that include every school district in the state? Every community college in the state?"

Stroger: "Any district that is authorized to do a special assessment."

Skinner: "Could you answer it more directly? Are school districts eligible to issue special assessments?"

Stroger: "I can't answer that."

Skinner: "Okay, well, let me help you. Under the State Constitution, governmental units and school districts are defined separately, so I assume that when you say governmental unit that you don't mean school districts? Goodness knows, I hope you don't mean school districts."

Stroger: "I don't."

Skinner: "Well, won a small one. How about airport authorities? Could the DuPage County Airport Authority by special assessment build a racetrack?"

Stroger: "I'm sorry, could you repeat that?"

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Skinner: "Could the DuPage County Airport Authority, by special assessment, build an airport? Excuse me, build a racetrack? They already have the airport."

Stroger: "That probably won't qualify."

Skinner: "Probably! Pretend you're a judge. Will it qual.... I mean you're talking to the Illinois Su..."

Stroger: "I'm not even a lawyer so I can't pretend."

Skinner: "You're talking to the Illinois Supreme Court. Is it your intention that the DuPage County Airport Authority be able to build a racetrack through special assessment?"

Stroger: "No."

Skinner: "I think my seatmate has gone from 'no' to 'present', I'm not sure."

Stroger: "Representative Skinner, that would affect more than the people that are surrounding that area. That affects a large area so that would be a 'no'."

Skinner: "Take me through the process. I'm on a township board and boy do I want a new township hall. How do I get a new township hall under this law?"

Stroger: "That would not be a special assessment."

Skinner: "Well, how about if I want to put street lights on all the township roads. Could I do that by a special assessment?"

Stroger: "Yes."

Skinner: "Alright, I'm on the township board, you're my lawyer. Tell me how this is going to work? Or maybe you're my bond consultant because hasn't this, wasn't this suggested by William Blair and Company?"

Stroger: "I believe that's a law firm."

Skinner: "Oh, they're a bond counsel, I'm sorry. What percentage do they get of every bond that's sold?"

Stroger: "I can't answer that."

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Skinner: "Well, take me through the process. How does this work?"

Stroger: "Representative, this Act does not affect the procedures that are in place right now. The board would get together. They'd decide on the action."

Skinner: "In public, hopefully."

Stroger: "Pardon."

Skinner: "In a public meeting?"

Stroger: "Yes, I hope it will be a public meeting. Even if it isn't, they have a meeting, they decide what they want to do. They have to go to the people who it would affect, tell them what they want to do, go out, put it out to bid and the process will be on its way."

Skinner: "Under the original Special Area Service District Law that Representative Ed Bluthardt sponsored, if I remember correctly, the properties, I mean they draw a line around the properties that were affected, right? I mean you have to have a map for... if you're going to have a district, right? There will have to be a map around the area to be taxed?"

Stroger: "That sounds fair to me."

Skinner: "So, you're going to have to define the special service area. If 51% of the residents or 51% of the property owners signed a petition and gave it to the governing body, the special assessment could not go forward. Is that same procedure included in this Act?"

Stroger: "There is a back door referendum, that's true."

Skinner: "Alright, so tell me what it means. Do you have to have both 51% of the property owners and 51% of the electors signing a petition asking for a referendum to get a referendum?"

Stroger: "You are correct."

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Skinner: "So, it is possible to stop one of these little things?"

Stroger: "Yes."

Skinner: "Okay, now when would the referendum be held and how long do the people... well, let me ask the first question, which I skipped. How long do the opponents have to circulate this petition? How many months?"

Stroger: "That is all in current law. That is not in..."

Skinner: "Well, what is it?"

Stroger: "That is not in the Bill."

Skinner: "I don't care if it's in the Bill or not. We're expanding something that hasn't been debated on this House floor since Representative Giglio's father and I were in our first legislative term and look how old he is."

Stroger: "I can get you that information, but I can't tell you what it is right now."

Skinner: "Well, I'm perfectly willing to wait."

Stroger: "Since it is not part of my Bill, I can't tell you."

Skinner: "I'm perfectly willing to wait. There was one of these staff attorneys standing next to Representative Gash last night, answering all sorts of arcane election law questions and he was looking them up right there and I'm sure you could find a set of statutes in this building. No it's not in the Bill."

Stroger: "Mr. Speaker, could Representative Scott answer this question for him?"

Skinner: "It's okay with me."

Speaker Hannig: "Representative Scott."

Scott:: "Thank you, Speaker. Representative Skinner, under the special assessment law, for a back door referendum, after the municipality holds a... they adopt an ordinance that sets a time for a public hearing. Once the public hearing is completed, there's a period of 60 days for the back door

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referendum to go into effect. If during that time period if 51% of the electors and the property owners sign a petition against the proposal, then it dies. They don't hold a referendum then, it's just dead."

Skinner: "Okay, but it is.... there has to be a concurrent petition? Fifty-one percent of the property owners?"

Scott: "Fifty-one percent of each have to do it."

Skinner: "And 51% of the electors?"

Scott: "Right."

Skinner: "Well, you know I think this probably has all the earmarkings of Senate Bill 368. I mean, we may even get a Crain Chicago Business front page story out of this. And instead of talking about Chapman and Cutler's lawyers being outside and having crafted this Bill that's going to get all of their partners a huge bonus, I mean, none of these staff attorneys that are advising you are connected with any bond house are they?"

Stroger: "I can't answer that question. I don't know who they work for."

Skinner: "Well, this is a massive expansion of Special Area Taxing Authority. Currently, county government is capable of providing or.... county government is capable of initiating the Special Service Area Tax process in any unincorporated area in the state. So that means we have trusted county government to do the unincorporated area and we've given this power also to municipalities. So the question it seems to me that's posed before us today, besides all of the 14% reserve funds and you know how you can have all this extra money... you can levy all this extra money beyond what the cost of the bonds and interest will be, is whether you want to expand this fairly undemocratic process of raising taxes to every unit of

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local government in every special district. I mean, I can imagine the Metropolitan Sanitary District financing the Deep Tunnel Project this way. And can you, in Cook County, imagine having to get 51% of the property owners in Cook County and 51% of the voters in Cook County to sign a petition in two months in the winter? I mean, you know these are done, these will be done on December 15th."

Stroger: "Was that a question?"

Skinner: "Yes, can you imagine that?"

Stroger: "No, I cannot."

Skinner: "Neither can I because..."

Stroger: "But I'm certain if it happened, that I would get out there and get some petitions signed because I don't want to pay that kind of money either. Yeah, I'd be out of office if that happened so I don't think that would be something I would be pushing, and I'm not pushing that in this Bill."

Skinner: "Well, I'm sure there's a reason for this Bill. And I think it's written on the top line of the analysis and the top line of our analysis says, 'Supported by the Illinois Municipal League. Passage of this legislation will likely result in more special assessments on property owners, suggested by William Blair and Company.'"

Speaker Hannig: "Representative Skinner."

Skinner: "I don't think I trust all my special districts because all my special districts aren't elected. I have a conservation district that isn't elected that issued \$5 million worth of non-referendum bonds and there was no recourse, whatsoever. I live in a county that's over 200 thousand people now. I can't imagine getting 50% of the voters and 50% of the property owners... you're right, I should ask for verification and I will ask for a verification and thank you for reminding me. But I can't

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imagine 51% of the people in McHenry County and 51% of the property owners being able to sign a petition in two months. Any time he wants to turn the timer on for everybody, I'll be happy to have the timer on for me."

Speaker Hannig: "Representative, could you bring your remarks to a close, please? We've been generous with everyone's opportunity."

Skinner: "I certainly will. If you want to have the worst tax vote of the Session, you ought to vote 'yes' on this, and if you don't, you ought to vote 'no'."

Speaker Hannig: "Thank you. Representative Stephens."

Stephens: "Well, thank you, Mr. Speaker. I don't mean to get personal on the House floor but Representative Mitchell was on the end of our row here, on the Republican side and, Representative, see there, he's so embarrassed, he left. He started tugging around on the furniture and he...I need a carpenter back here actually, and I wonder who the House carpenter is that's going to help repair the damage to the Republican side of the aisle. This didn't happen under our administration."

Speaker Hannig: "We'll look into that, Representative Stephens."

Stephens: "Oh no, that's not good enough. I want a carpenter out here this evening, a union carpenter."

Speaker Hannig: "Union, absolutely. Representative Bost."

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

Speaker Hannig: "The Gentleman has moved the previous question. The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'no'. The 'ayes' have it. The main question is put. Representative Stroger to close."

Stroger: "Thank you. Unlike what the previous speaker tried to portray this as, this Bill is designed to save money. What it does is, it takes the bonding costs and reduces it by

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giving the contractors' money up front instead of them charging an inflated rate. This is only one of more than, this is only one way of doing a special assessment. Everyone will not use it. I just ask for a favorable vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 24 'yes', 82 'no', and this Bill, having failed to receive a Constitutional Majority, is hereby declared lost. Mr. Clerk, read House Bill 1126."

Clerk Bolin: "House Bill 1126, a Bill for an Act amending the Veterinary Medicine and Surgery Practice Act of 1994. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, has this been read a second time previously?"

Clerk Bolin: "The Bill has not been read a second time previously."

Speaker Hannig: "Okay, we'll have to hold that Bill. Mr. Clerk, excuse me. Mr. Clerk, could you clarify whether that Bill had been read a second time previously?"

Clerk Bolin: "Correction, the Bill has been read a second time previously."

Speaker Hannig: "Okay, so did we declare Third Reading?"

Clerk Bolin: "House Bill 1126, a Bill for an Act to amend the Veterinary Medicine and Surgery Practice Act of 1994. Third Reading of this House Bill."

Speaker Hannig: "Representative Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1126 was brought to me by the Veterinary

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Medicine Association of Illinois and it is supported by the Department of Registration and Regulation. In essence, what it does is, it sets up proficiency exams for veterinarians who graduate from non-approved vet schools. In addition, it amends the Veterinary Medicine and Surgery Practice Act to correct an omission in the Act when it was renewed in 1994 and the word 'supervision' was left out of a reference to accommodate a variety of alternative treatments such as dental and chiropractic for animals. I stand ready to ask for question, would ask the Body to support and vote for it."

Speaker Hannig: "Is there any discussion? Seeing none 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. On this question, there are 114 voting 'yes', 1 voting 'no'; 0 voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk read House Bill 2061."

Clerk Bolin: "House Bill 2061, a Bill for an Act concerning small business. Third Reading of this House Bill."

Speaker Hannig: "Representative Fantin."

Fantin: "Thank you. This amends the Civil Administration Code of Illinois and the State Finance Act to create the Small Business Incubator Fund. Provides that the Director of Commerce and Community Affairs may make grants to small business incubators dedicated to the successful development of entrepreneurial companies. Provides that the grants shall not exceed 50% of the state income taxes paid to the previous...by the previous calendar year by qualified businesses leasing space from eligible small business incubators. Provides that an amount equal to 50% of these

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taxes shall be annually appropriated to the fund.
Establishes an application process for grants and
limitations for the use of grants, effective immediately."

Speaker Hannig: "And on that question, Representative Cross is
recognized."

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

Speaker Hannig: "She will."

Fantin: "Yes I will."

Cross: "Representative Fantin, at one time, at least our file
indicates that, DCCA opposed this Bill. Do you know if
that's still the case?"

Fantin: "When I talked to DCCA there was a little concern about,
she said that they would be glad to work with me on this
and this Bill had passed out of committee 21 to 0. There
is in this Bill, the money that is set aside there would be
money to pay someone from DCCA to take care of the grant
program."

Cross: "Sorry, I wasn't able to hear everything there. If there
is any remaining opposition with DCCA, you're going to work
with them when it goes over to the Senate?"

Fantin: "Yes."

Cross: "All right, thank you very much, Representative. Excuse
me, is that all the opposition that you know about?"

Fantin: "Yes, there's no other opposition and like I said
it...Okay."

Speaker Hannig: "Representative Parke."

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

Speaker Hannig: "She will."

Parke: "Representative Fantin, this is not a bad idea, but I
think we need to ask ourselves a question of public policy.
Do we want to set up incubators using taxpayers' money to
get small businesses started? I think the answer would be

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yes. We feel an obligation to work with those businesses that have difficulty getting cash to get started, because we realize small business creates the majority of our jobs in the state. But the problem comes in: is it good public policy for DCCA also to pay for the capital improvements of these incubators, and thereby, make it harder for other small businesses that have not gotten the same tax advantages, the same taxpayer support that we've given to these incubators and I guess that's a philosophical question that I'm asking you, Representative, rather than for you to answer it, because you've got the Bill in and you think it is. But I guess I ask the Body, is this fair to the other small businesses in the area to have to compete, not only with taxpayers money that they've paid, but to compete with those other companies who now get capital improvements on top of everything else, and they may have to compete directly with these companies? Maybe you can give me dialogue, what's your sense on this, Representative?"

Fantin: "Well, the incubators do not discriminate and there are about 20, my understanding is there are about 22 incubators in the State of Illinois. They do help small businesses get on their feet. It's a good program, they have a very wonderful success rate and they do not discriminate against helping any small businesses. So I would say it's open, pretty much, to any small business that would want to join in with a small incubator. So I see no problem and the funding is going to come from 50% of what they pay of their state income tax and it's defined quite clearly how that money could be used."

Parke: "Well, I guess that's a question that we all have to ask ourselves when we vote on this legislation. But can you

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explain to me why the Governor's office and DCCA would be opposed to your concept?"

Fantin: "I really do not know why in the past they have, I understand, been somewhat opposed. But I don't know that they, I have not heard that the Governor was opposed to this. That would be new to me."

Parke: "Okay, do you have any estimation, was a Fiscal Note filed on this?"

Fantin: "Yes, there was a Fiscal Note and they, it was undetermined what the amount would be because they pay state income tax every year and each incubator is different and this would also help to have better control of all the incubators. There are 22, as we understand, in the State and they do not have all the stats on these and by having this program it would help us have the stats on all the incubators through the state. The incubator that I'm talking about in particular that I'm working with, the amount of money I believe they paid in taxes and I believe they stated 1995 was approximately \$50,000, so this would be an amount of \$25,000 perhaps, and they would not necessarily get all that money."

Parke: "Well, Representative, we also, I understand, I think probably where DCCA is coming from and where the Governor's office is coming from, is that under your legislation you're requiring 50% of the sales tax that they earn has to be...cannot be collected by the State of Illinois on those incubators, is that correct in your understanding?"

Fantin: "It states income tax, I believe, not sales that's paid. Income tax that's paid, state income tax."

Parke: "Right, state income tax, they do not have to pay."

Fantin: "No, they do pay it. They do pay it and it goes into...and DCCA would take out 50% of what they pay and

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have that in a fund that could be, could be distributed to them through a grant and they must fill out request forms and the money must be used to put back into the incubator buildings."

Parke: "And you, and you say that this not only helps your district, because you're certainly concerned about your incubator in your district, but it will be applied to all incubators?"

Fantin: "Yes, Sir."

Parke: "Well, is there any...what if this doesn't work? What if this concept still doesn't show any improvements in there, is there any kind of a sunset on this?"

Fantin: "If there would be no increase, if this doesn't work, then there would be no money going into the fund and there would be no incubators."

Parke: "Well of course, that's...Representative, they're going to have some... they're going to have some success or the concept is invalid. We know that the concept does work, so you're going to...I want to see improvement, I want to see on behalf of the taxpayers if we're going to rebate 50% of the money paid by these incubators, which is the idea of why we want to generate these, we ought not continue it. Is there any chance that we can, I know that you're supposed to report by March 1st of each year what the taxes are supposed to be, but I would like to see some kind of a sunset on this to review it and see, I mean if this passes can you work with the Senate to see if we can get some kind of a..."

Fantin: "I would be glad to, I think it's a good recommendation. I thank you."

Parke: "Well, then I guess...thank you very much, Representative. To the Bill."

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Speaker Hannig: "To the Bill."

Parke: "This is a concept that is helping the most fragile of small businesses. There is a problem that these small sunset...these small incubators are supposed to generate tax revenue. We're now going to give 50% of that tax revenue back to them for capital development which they think they need. I guess each of you'll have to decide, but I certainly would hope that, that some sunset would be placed on this so that we could review it in a year or two years to make sure that, in fact, we're getting some kind of a benefit from this. So, I'll let each of you decide what you think is the best."

Speaker Hannig: "Representative Fantin, to close."

Fantin: "Thank you. I think this is a great chance to help develop more small businesses in our state. It gives them a chance to get on their feet. They have some people working with them to help them. It is usually a five year program when someone can be in a incubator, then they must graduate. I think it's a good chance for us to have more businesses in our state and help the development. I have just a short, a short business here that I would like to read to you real quick. It's a classic fill and etch story with a fairy tale ending, written with the help of a Chattanooga Hamilton County Business Development Center. A couple of gentlemen went boxer shopping. They found only flimsy shorts with dorky designs. The two men changed all of that. They located the Franklin Pack Industries, also known as well-bred boxer in the incubator and started manufacturing custom boxers from fine materials like Portuguese flannel, silk and chambray. The business began with \$234,000 and now it's up to 6.2 million. They started out with two employees and now have over 100. So

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Gentlemen, I think you can thank them for some of the beautiful designed silk shorts you're getting now days, and this is how they started in a small incubator program. Thank you."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 84 voting 'yes', 31 voting 'no', and this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1007."

Clerk Bolin: "House Bill 1007, the Bill has been read a second time previously. No Committee Amendments. No Floor Amendments. No Motions filed."

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

Clerk Bolin: "House Bill 1007, a Bill for an Act to amend the Township Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Bost."

Bost: "Thank you, Mr. Speaker, Members of the House. House Bill 1007 amends the Township Code and allows the township board of townships with a population of less than \$100,000, to increase the levy for fire protection, rescue, and emergency vehicles equipment, from .02 to .125% of the value of all taxable property by referendum only. Now understand, there are only two of these in the entire state. There are three ways that a...or three different types of fire departments, there are city municipality type fire departments, there's fire protection districts, and then there's the township fire departments. There are only two township fire departments in the entire state, both located in my district. The problem is, they were overlooked in the laws in the years past and they have not

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been able to generate enough revenue to keep up with their emergency equipment. This allows them to go by referendum to do that. I'd appreciate...I would answer any questions."

Speaker Hannig: "And on that question, Representative Hughes is recognized."

Hughes: "Will the Sponsor yield?"

Speaker Hannig: "He indicates he will."

Hughes: "Representative, will this give any tax advantage to those two fire districts over any other fire districts?"

Bost: "No, no it just brings them up to the point that they would be able to participate and be at the same level as the other fire districts, and the township officials are not opposed to this."

Hughes: "That was my next question. Is there any opposition to this?"

Bost: "No, there is no opposition to this Bill."

Hughes: "And in fact, did it not pass committee with a recommend...with leave for consent agenda?"

Bost: "Yes, this has been removed off of the Consent Calendar to go ahead and move it tonight. But yes, it did come up on the Consent Calendar."

Hughes: "Thank you."

Speaker Hannig: "The question is, 'Shall this Bill pass?'. All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 109 voting 'yes', 6 voting 'no', and this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1173."

Clerk Bolin: "House Bill 1173, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of this House Bill."

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

Fritchey: "Thank you, Mr. Speaker. House Bill 1173 is a proposal that would establish a one year pilot program to put high occupancy vehicle lanes, otherwise known as car pool lanes on the express lanes of the Kennedy Expressway. Express lanes on the Kennedy run right through the middle of my district and this is an idea that is as much an environmental Bill as it is a traffic Bill. Presently over 20 states have express lanes including every major metropolitan area in this city, in this country. If you don't think it can work, take a look at Los Angeles, Miami, Seattle, Washington, Philadelphia, Minneapolis, New York, New Jersey. It works in every major metropolitan area. People have come up to me and said, 'John, people don't want to car-pool and they're right.' People will not car-pool and they will not use carpool lanes unless you give them an incentive to do it. What this would do is require from just 7:00 a.m. to 9:00 a.m. and 3:00 p.m. to 6:00 p.m. that you have to have at least two people in the car. The next argument that people made was that if you have car pool lanes, you're going to backlog the local lanes even more than they already are. That is true in one condition and one condition only and that is if nobody uses the car pool lanes. If you give people the incentive to use the carpool lanes by having lower travel times, the express lanes will move faster and the local lanes will move faster as well. And it is a key point here because there will be fewer cars on the road. In addition, to the reduced travel time, you have fewer emissions, so it's a strong environmental Bill. There's less traffic on the roads. There's less wear and tear on the roads,

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necessitating less repairs on the road. There's less traffic in the city. There's less parking congestion in the city and as I said this is a one year program. It's under the auspices of the Department of Natural Resources that would review it at the end of the year to see if it's worked, and if it has worked then we can continue it, otherwise it would extinguish by itself. I would be happy answer any questions about this Bill."

Speaker Hannig: "And on that question, Representative Rutherford."

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

Speaker Hannig: "He indicates he will."

Rutherford: "Thank you, Representative Fritchey, in committee, the Department of Transportation had testified, or had suggested that they had already done a study on this. Do you recall what their conclusions were?"

Fritchey: "Mr. Speaker, I can't hear."

Rutherford: "During the committee hearing, the Department of Transportation had said that they had already done a traffic study and their conclusion. Would you share with the Body what that conclusion was?"

Fritchey: "The conclusion of the Department of Transportation was, that in their opinion, the Kennedy was not the best place to try it. The Department of Transportation has told me that they feel that car pool lanes are a very good idea and a needed idea that we should have in this state. They have also told me that if we do not pass this Bill, we will not have car pool lanes in this state because the only time that they will support it will be if there will be additional lanes put on one of the existing expressways. The Department of Transportation also told me that since the Mayor did not support their proposal for car pool lanes

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on the Stevenson, they were not going to support my Bill. The Department of Transportation also told me that they were not going to lobby against this Bill because they felt that it was a good idea but they just couldn't support it, and the Department of Transportation went back on that recommendation and that commitment as well."

Rutherford: "Well, just in discussing this with DOT during committee and here, their study definitely did show that in order to put in place what you want to have happen on the Kennedy, they would have to have additional lanes put in. That without those additional lanes, that it will not work. Secondly, they did look at doing something on the Stevenson, but that was only with the additional lanes as well. So I think, I think the idea is that you know what you have may well be a good idea but it's just not the right expressway to do it in, per the Department of Transportation study. The second thing is, why, why in the piece of legislation do you have the Department of Natural Resources being the one to conduct the study?"

Fritchey: "I was informed by the LRB that under the reorganization, the responsibilities for this would now fall to the DNR as opposed to IDOT. IDOT agreed with that and DNR agreed with that. And if I can add with respect to the department's study, the U.S. Department of Transportation has indicated that the best opportunity for car pool lanes is on a readily distinguishable stretch of lanes that can be easily monitored and easily maintained. The express lanes are exactly that. For those who may not be familiar with the express lanes, they are railed off. It is not as if you have the left lane of the expressway that people can come in and out of. They are differentiated and demarcated set of lanes. There's two

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lanes that are reversible lanes, they're marked off by guard rails and it is the ideal situation to have car pool lanes. You can get in and out at three points. You are talking about a six mile stretch of road."

Rutherford: "I'm going to have to have you go back, Representative Fritchey, and tell me again about Natural Resources. I still don't see the logic in why you're requesting the Department of Natural Resources to be the state agency to conduct the study of effectiveness of this. I mean it just, I don't see how it..."

Fritchey: "Representative, my, my original drafting of this Bill put it under the auspices of IDOT. LRB said it's not an IDOT task, it's a Department of Natural Resource task and I'm thinking that that's probably because this is as much of an environmental issue as it is a traffic issue. After I got the draft back from LRB, I talked to IDOT and they said, 'If they say it's DNR,' then it's DNR, and I talked to DNR and I spoke to the director of the department and I was told by them that yes, it would come under their responsibility."

Rutherford: "Well, Representative Fritchey, I, I can appreciate what you are saying. I'm going to have to stand in opposition to the legislation for a couple of reasons. One is the Department of Transportation has already done studies on this and what you're proposing here does not make it the most effective use to try to implement and number two, to be able to have the Department of Natural Resources be the one to do the study does seem to be out of character for it. So I will be standing in opposition to the legislation."

Speaker Hannig: "Representative Durkin."

Durkin: "Will the Sponsor yield?"

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Speaker Hannig: "He indicates he will."

Durkin: "Representative Fritchey, I live in the western suburbs of Cook County and if I have a job up in the north shore or the north suburbs, and I routinely take the Eisenhower Expressway in to Kennedy and I have nobody in my block who goes anywhere near that suburb and I see that the regular lanes are congested and the express lane is not congested. Am I going to be forced to stay in that congested part of the roadway?"

Fritchey: "Not everybody will be able to take advantage of this. If you don't have somebody that you can ride with and car pool with, no you cannot use the express lanes. I've got to stress again, if this works as its worked everywhere else in every major city that's done this, you have fewer cars on the express lanes. Additionally, you have fewer cars on the local lanes. The present congestion will be reduced because there are fewer cars on the road."

Durkin: "Well, I think it's...still when you look at the way that the Chicago suburban area is spread out and when you hit..."

Fritchey: "Mr. Speaker, I can't hear. Mr. Speaker, can I get some quiet? I can't hear, I can't hear what's being said."

Speaker Hannig: "Could we give the Gentleman some order? Could we have a little order in the chamber? This is an important and controversial Bill. Could we hear the debate, please? The Gentlemen cannot hear each other, a little order, please."

Durkin: "How about just controversial? Representative, let's look at the suburban area. You've got a number of people who are not...whose jobs are not concentrated strictly in the Chicago Loop. A number of people from the south suburbs or western suburbs need access to the Kennedy

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Expressway and the fact is, you are now telling these individuals, if they do not have somebody in the car with them, they are going to be imposed, there will be some type of civil fine which will be imposed on them. I see they, what is the first violation, how much, what's the cost for the first violation?"

Fritchey: "The first violation will be \$100, the second would be 250, subsequent violations would be 500."

Durkin: "Well, I don't think you...we've got to get back to that question. I mean, if I have nobody in my...within my...where I live within two or three blocks of me, am I going have to search for somebody to drive in my car in order to have some type of valid defense from a traffic citation?"

Fritchey: "Absolutely not, you would use the local lanes."

Durkin: "Well, once again, you've got the local lanes backed up, there is an accident, and I'm in a rush to get to work. I have a responsibility to be at work at nine o'clock in the morning but the express lanes are open, I cannot use the expressway because I'm the only person driving my car. Do you have any type of emergency exception inside this Bill?"

Fritchey: "There is no exception provided, and mind you, the local lanes are already congested. IDOT will concede that they cannot get worse than they are. This is an attempt, popular or not, to reduce that congestion. This is a good idea. IDOT has conceded it's a good idea. I have my own speculation of why they are opposing it that I'm not going to get into."

Durkin: "Well, Representative, I got a suggestion. If this be the situation, maybe we can hire out hitchhikers along the Kennedy right when we get to the entry lane, so these individuals if they see that there...probably the regular

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lanes will be congested, have somebody throw them in the car, give them five bucks, let them drive in the left hand lane, in the emergency, in the express lane so they don't get a \$100 fine. What do you think about that?"

Fritchey: "Representative, I think it would be much easier to go into your trunk and get the inflatable doll."

Durkin: "To the Bill. I believe that while the Representative has...is well-meaning with this legislation, I have received a number of concerns in my district from people who do make this transport from the western suburbs up to the north shore and up to the north suburbs for employment, and they feel that this an imposition on their ability to get to work on time and on their basic liberties. I would respectfully ask for a 'no' vote."

Speaker Hannig: "Representative Black."

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

Speaker Hannig: "He indicates he will."

Black: "Representative, are you familiar with a study done by the Illinois Department of Transportation on the Stevenson Expressway?"

Fritchey: "I have a study done by IDOT from the fall of 1992 that looked at a feasibility of IDOT for the entire metropolitan area."

Black: "And after that study was completed, what did the City of Chicago say to the idea of car pool lanes on the Stevenson Expressway?"

Fritchey: "The city was opposed to expending funds to putting additional lanes onto the Stevenson."

Black: "Okay. Thank you, Representative. Mr. Speaker, to the Bill if I might."

Speaker Hannig: "To the Bill."

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Black: "Yes, Mr. Speaker."

Speaker Hannig: "Yes, to the Bill."

Black: "You know it's really noisy in here when even the Speaker can't hear. To the Bill."

Speaker Hannig: "Yes, to the Bill, Representative."

Black: "Thank you very much. Ladies and Gentlemen of the House, the Speaker just indicated that the last time IDOT did a study, a regional impact study in this area on the Stevenson Expressway, the City of Chicago didn't want to do car pool lanes. So now we come in to do the Kennedy Expressway in which a feasibility study has already been done, that shows increased congestion and delays in the remaining vehicle lanes. The study further revealed a potential reduction in public transit ridership and negative impacts on the road base. As a result of that study, IDOT has determined that the Kennedy is not a good candidate for these high occupancy vehicle lanes. Now, let's just take a look at what goes on the Kennedy today. Fifty thousand cars per day use the express lanes and a 143,000 cars per day use the local lanes. So what you're going to do is to reduce the effectiveness of efforts already underway to increase usage on the express lanes. You know, the Gentleman is asking us to take \$50,000 from the IDOT fund, the road fund, to do signage to mark these express car pool lanes. Fifty thousand dollars for a study that could end after one year if it's found not to be effective. And last but not least, the Chicago Sun Times conducted a reader poll asking, 'Should the state establish a special expressway lane for cars with two or more computers, or commuters?' Or computers, take your pick. The survey found almost three to one against such lanes. Only 28% of the people responding were in favor of

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restrictive lanes and 72% opposed them. You know, this idea has been used in California and others but they plan for it. They create extra lanes of traffic to handle what they call the diamond lane. We won't be doing this. We'll be taking the express lanes and say, 'If you don't have two or more people in the car, you can't use it.' It doesn't create any more traffic lanes. It doesn't create any more opportunities. Other Representatives who live in the area already have said, 'Vote 'no'.' Add my voice to it. This just is not good public policy unless you're going to build additional lanes on the Kennedy Expressway and there are no plans of current to do that. Vote 'no'."

Speaker Hannig: "Representative Woolard."

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

Speaker Hannig: "The Gentleman has moved the previous question. The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the previous question is put. Representative Fritchey to close."

Fritchey: "Thank you. In closing, I would like to address the previous speaker's remarks. A couple of days after that Sun Times study came out and the Sun Times poll and after there had been some more stories about this in the paper, WMAQ Radio did a listener poll with 54% of the people favoring the Bill that I've sponsored here. There is not a need for \$50,000 in signage. There would have to be signage placed at two locations, at the beginning of the northern end and the southern end of the express lanes. In Los Angeles, they have done this without additional lanes. In Denver, they have done this without additional lanes. In Miami, they...if I don't get quiet, I'll talk for the next hour."

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Speaker Hannig: "Let's give the Gentleman some order. He's closing on this Bill and then we'll go to Roll Call. Representative Fritchey to close."

Fritchey: "Gentlemen, trust me, we can stall on this side too. This is far from the most important Bill we're going to deal with. This is a good Bill. This is a good policy Bill. IDOT has conceded this is a good idea. They have also conceded we'll never have car pool lanes unless this Bill gets passed. Not one state that has put this in, do people want to car pool before they were given incentives to do so. Yet in every state, in 21 states and in every major metropolitan area in this country, they've put in these lanes, people responded and it has worked. It's a good Bill, it's a good idea, it's not politically popular. I would like to think that every once in awhile, people would do something because it's the right thing, not because it's politically popular or unpopular. With that, I ask for your favorable consideration."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 32 voting 'yes', 70 voting 'no', and 12 voting 'present', and this Bill, having failed to receive the Constitutional Majority, is hereby declared lost. Mr. Clerk, read House Bill 53."

Clerk Rossi: "House Bill 53, the Bill has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Dart, has been recommended for consideration."

Speaker Hannig: "Representative Dart, on the Amendment."

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Dart: "Thank you, Mr. Speaker. Amendment #2 is a technical Amendment. It deals with the... can we withdraw Amendment #2, please?"

Speaker Hannig: "Amendment #2 is withdrawn. Any further Amendments?"

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

Speaker Hannig: "Representative Dart."

Dart: "Thank you, Mr. Speaker, Members of the General Assembly. Amendment #3 is a technical cleanup of the Bill. It brought in line some of the concerns that were voiced during the committee, and I'd move for its adoption."

Speaker Hannig: "On that question Representative Stephens is recognized. Representative Stephens. Representative Stephens is recognized on the Amendment. "

Stephens: "Thank you, Mr. Speaker. You can cancel that carpenter that I requested. Representative Jones, who has a roofing license which covers everything, he came over and fixed my furniture so we saved the Leadership of this House some more money and I hope that that's remembered as we approach the appropriation process."

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

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

Speaker Hannig: "State your inquiry."

Black: "Has Floor Amendment #3 been printed and distributed? I don't have it, and I don't have it on my technological marvel either."

Speaker Hannig: "Mr. Clerk, what is the status of this Amendment?"

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Clerk Rossi: "Floor Amendment #3 is available on the laptop."

Black: "I have Floor Amendment #2, Mr. Speaker, on my system, but I cannot find Floor Amendment #3."

Speaker Hannig: "Representative Black, we need to bring some young kids in here to help you with this computer. Mr. Black, have you found the Amendment?"

Black: "Thank you very much. I appreciate the help of the Chief Clerk, Anthony D. Rossi."

Speaker Hannig: "A fine Chief Clerk, I might add."

Black: "Also the expert advice from Representative Davis, who came over who was kind enough to give me her paper copy. Will the Sponsor of the Amendment yield?"

Speaker Hannig: "He indicates he will."

Dart: "Yes, I guess I would direct the questions to Representative Persico. He's handling the..."

Black: "Why?"

Speaker Hannig: "Representative Persico will answer them, too, if you want."

Black: "Well, he doesn't live in Chicago. Does he know anything about the Chicago school truancy problem?"

Dart: "Absolutely, he's one of the most... the best experts we have on Chicago Public School problems and truancy right now."

Black: "I'm impressed. Thank you."

Dart: "He impresses me everyday."

Black: "Representative Persico, watch how I impress him. Representative Persico, as the resident expert on Chicago School Reform issues, you're creating an Office of Chronic Truancy. Is it punitive in nature or is it an intervention program or what are you attempting to do here?"

Persico: "First of all, Representative, let me say that it's good to be back on school issues for a change rather than

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deregulation on energy and environmental and..."

Black: "Is this a school deregulation issue?"

Persico: "In a sense."

Black: "Okay."

Persico: "It's an intervention program, Representative."

Black: "How does one get into the program? I assume they're truant."

Persico: "First of all, you have to be a chronic truant, Representative, and a chronic truant by state law is 18 days of unexcused absence."

Black: "Need they be consecutive or just 18 days in a school year or a semester or...?"

Persico: "Just 18 days in a total school year of 180 days."

Black: "Okay. So if we have, I just got a copy of the Amendment, if we have a chronic truant missing in excess of 18 days, then what do we do? What is our step at that point?"

Persico: "First of all, maybe if I explain the Amendment in more detail, you will be able to understand exactly what's trying to happen here and what we're trying to do. Establishes an office of Chronic Truant Adjudication within the Chicago School Board. Basically, it's an attempt by the Chicago School Board to deal with this chronic truancy problem, and by the way, there's about 23,000 people that are chronically...or students that are chronically truant in the City of Chicago. And we are trying to deal with this without going through court procedures and doing more of an in-house procedure. It requires the board to appoint hearing officers who shall determine: (1) if a student is a chronic truant, (2) determine if the parent or guardian has taken reasonable steps to assure the student's attendance, (3) impose one of the following penalties upon the student or parent, performance of a school-based

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community service, completion of a parenting education class, or obtaining counseling or supportive services. And further, the Amendment provides that notice will be given to the parent for each unexcused absence. After 10 unexcused absences, a personal letter will be sent to the parents saying that they may be subject to the provisions in this Bill."

Black: "Did I hear you correctly to say that the Chicago Public School System, on any given day has 23,000 chronic truants?"

Persico: "No, not on any given day. I'm saying that there's 23,000 people throughout the school year, students throughout the school year that have the chronic truancy problem."

Black: "Well, that explains why a construction bond Bill passed earlier and they wanted it on an enrollment basis, rather than an average daily attendance basis. Now, I understand why they wanted that."

Persico: "I can understand your concern there, but we're dealing with truancy here."

Black: "I understand. Well, could you ask your staffer there, Representative ... Representative Lang."

Speaker Hannig: "Representative Black, what does the Gentleman, Representative Granberg, have there in his hand? Could you explain?"

Black: "This is a collector's edition of the Chicago Cubs, which, by the way, the baseball gods shined on the Chicago Cubs this evening in a night game at Shea Stadium with the beloved New York Mets. The baseball gods shined on the Cubs, and they were rained out. You'll have to come by and see this picture. Only a Cub fan could appreciate it. Representative Persico, it's my understanding that this

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Amendment is an Agreed Amendment between the Chicago School Reform Board and those interested parties in trying to intervene and get these truants back in school rather than being overly concerned with the punishment factor of said truants. Is that your understanding?"

Persico: "Right. The Bill is not set up to penalize these students but rather as an intervention program to get these kids back into school with parental support. If, after this time, they are still not successful, then they may refer this to the state's attorney for prosecution."

Black: "Well, I think that's a great idea because these 23,000 truants are going to get left behind, and if we don't encourage them to get that education and to somehow regain their interest in that education, these kids are doomed in all probability in the 21st century. So, I think you've worked out a good Amendment. I know you had good staff work with Representative Dart. And I think we ought to vote 'yes'."

Persico: "Thank you, Representative."

Speaker Hannig: "On the Amendment, all in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "House Bill 53, a Bill for an Act amending the School Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Persico."

Persico: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 53, as amended, is basically what we just debated over the last few minutes and I ask for your favorable vote on House Bill 53."

Speaker Hannig: "Is there any discussion? Seeing none, the

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question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 111 voting 'yes', 3 voting 'no', and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1227."

Clerk Rossi: "House Bill 1227, a Bill for an Act amending the Illinois Act on Aging. Third Reading of this House Bill."

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

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This is a piece of legislation that deals with home-delivered meals, a Bill that the AARP and a whole coalition of organizations has been supporting. What this Bill does, it amends the Illinois Act on Aging to one, provide that every citizen of the State of Illinois who qualifies for home delivered meals will receive such services subject to appropriation and I want to underscore that, subject to appropriation. So, it really just upgrades the status of home delivered meals and two, requires the Department on Aging to file with the General Assembly and the Illinois Council on Aging by January 1 of each year. Its estimates of additional funds needed to fully fund the program in the next fiscal year. I want to say that we are all very happy that the Governor has put in another \$3.2 million into the budget for home delivered meals. That does eliminate the waiting list, as we know it, for this year. What this legislation will do, in particular for those of you who are in areas that are not currently served by home delivered meals, we will get a better picture of what is the unmet need out there and then be able to plan for the future in order to provide home

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delivered meals to the seniors of your communities. I would urge an 'aye' vote on this legislation."

Speaker Hannig: "And on that question, Representative Black."

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

Speaker Hannig: "She will."

Black: "Representative, it gets so noisy in here. I did hear you say, the Amendment, Floor Amendment #2 becomes the Bill and you have taken out the language that said, every senior qualified should get a home delivered meal as a matter of state law. Now, you've deleted the 'as a matter of state law', correct?"

Schakowsky: "That is correct and added language that says 'subject to appropriation'."

Black: "Yes, I did hear you say that AARP was in favor of this Bill?"

Schakowsky: "Yes."

Black: "Is the Illinois Citizen Action Council, are they in favor of the Bill?"

Schakowsky: "If you mean Citizen Action of Illinois, I'm sure they are."

Black: "You could probably find out for us though, couldn't you? You need time to make a phone call or..."

Schakowsky: "I feel confident that they're for this Bill."

Black: "Well, I would think so too. And Representative, it's not easy to get up on any...a Bill like this and always talk about money and you've rendered that point moot by your Amendment and I appreciate that. I think your Amendment makes this a reasonable policy. It's something we would certainly like to do, and if the department gives us accurate figures on how many seniors need this service, then perhaps in the future we can budget accordingly. So,

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I think your Amendment makes it a very palatable Bill, something that we could all support, and I appreciate your answers to the question."

Speaker Hannig: "Representative Lawfer."

Lawfer: "Thank you, Mr. Chairman (sic-Speaker). Would the Sponsor yield for a question?"

Speaker Hannig: "She will."

Lawfer: "I've heard part of this discussion, Representative, but does the Department on Aging now submit an estimate for the funding needed?"

Schakowsky: "My understanding is their view is there is no cost now to this legislation."

Lawfer: "I'm sorry, you maybe did not hear my question. Does the Department of Aging now submit an estimate for the funding needed that is currently required under this proposal?"

Schakowsky: "I think the view was that the \$3.2 million that was added is adequate now to meet the waiting list that was in existence."

Lawfer: "Of course, that was added during...in the middle of the budget year. Now the Department of Aging will have to submit a proposal for the estimate for the upcoming budget year. Is that correct?"

Schakowsky: "That is correct."

Lawfer: "So, they...with the Amendment that went on there then what is the position of the Department on Aging?"

Schakowsky: "Neutral."

Lawfer: "Okay. Well, I think that this is something that is needed. It broadens the base for the department. It provides meals for people that need them and again, some of this is subject to appropriation, but on the other hand, it does put the Department on Aging in a position where they need to estimate so that we can properly budget this in

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upcoming years. I believe that this is a Bill that is good for the older people in the State of Illinois. Well over two million people in the State of Illinois now have reached that senior citizen stage, and this is going to help some of those. Thank you."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes', 0 voting 'no', 0 voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 408."

Clerk Rossi: "House Bill 408, a Bill for an Act amending the Hospital Licensing Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Beaubien."

Beaubien: "Thank you, Mr. Speaker. I think it's getting late and we've been here too long. Hudson Cross didn't even recognize his father this evening. Why don't you hold up Hudson there, Tommy, for the audience? This Bill modifies the Hospital Licensing Act. It defines and clarifies the term 'privilege' as applied to the hospital membership on the medical staff. This Bill was proposed by the Illinois Medical Society and the Illinois Hospital and Health System Association has no position on the Bill. We have a report from the Department of Professional Regulation indicating there is no measurable fiscal impact. I would urge passage for the Bill. If there are any questions, I would be happy to answer them."

Speaker Hannig: "Is there any discussion? Seeing none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The 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 116 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 1736."

Clerk Rossi: "House Bill 1736, a Bill for an Act amending the Environmental Protection Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Giles."

Giles: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1736 amends the Environmental Protection Act. What this Bill does, it prohibits the operation of a facility which receives, transfers, recycles or otherwise manages construction debris unless the operator of the facility maintains low tickets and other manifests. House Bill 1736 was proposed on behalf of the City of Chicago to address the illegal dumpings of construction and demolition debris on vacant lots that are within the city limits. There's no fiscal impact on this Bill. We have two Agreed Amendments on this Bill. One of the Amendments, Amendment #1, what it did was exempt the public utilities from the Bill, specifically Commonwealth Edison. The second Amendment, the Agreed Amendment, it exempted the Pollution Control Board which stated that they simply could no longer hear the complaints and impose fines on the perpetrators, and that the courts will make those decisions. This Bill is supported by the Sierra Club, the American Lung Association of Chicago, the Illinois Environmental Council, and the City of Chicago supports this Bill. Mr. Speaker, I ask for passage and I will yield for any questions."

Speaker Hannig: "On that question, Representative Black."

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

Speaker Hannig: "He indicates he will."

Black: "Representative, I noticed on the State Mandates Act Fiscal Note that was filed by DCCA, it says that this definitely creates a service mandate for which state reimbursement of the increased cost is required. Does this affect only the City of Chicago?"

Giles: "Representative, yes, this Bill is for the City of Chicago limits."

Black: "Okay. If this Bill impacts the City of Chicago, and it is a mandate, do you have any estimate of what the City of Chicago might say this would cost which would then become a reimbursable item that the state would have to submit?"

Giles: "Representative, I don't have a precise estimate, but the estimate will be minimal."

Black: "Would it be your intent that since it says a service mandate is required for which state reimbursement must be paid, is it your intent that whatever this program costs the City of Chicago, are you going to sponsor a Bill that the city comes back a year from now and says, 'This is costing us about 3 million a year.' You could seek reimbursement for that? Would that be your intent?"

Giles: "Representative, under the language, that is correct. But however, with the estimates and the various vacant lots within the City of Chicago, I don't think we can get to a \$3 million estimate."

Black: "I've seen the pictures. I know when this hit the news media a year or two ago and it's just amazing to see how that mountain of debris can pile up and I don't blame you for wanting to take some action to stop that. But...and I commend you for trying help your city. Two more questions."

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Does this preempt the Home Rule of the City of Chicago?"

Giles: "Representative, I believe it, does not."

Black: "All right, I won't even ask an inquiry of the Chair, I know what that answer would be. It's an interesting Bill and I know other Chicago Representatives have talked about it, and I think all of us have seen the pictures of just mountains of construction debris, concrete, et cetera, I mean a real, real mess. I sure wouldn't want it anywhere in my district and I don't blame you for not wanting it in your city. I think this is something we need to work with you on and try to give the city the tools necessary to stop this ridiculous abuse of the rights of people who live in these neighborhoods. And I hope you can put an end to it, and I hope that if you catch some of these people, you can and put them in jail. And I intend to vote 'aye'."

Giles: "Representative, that is exactly correct. That is our intent. These individuals, they come in the middle of the night when you are asleep, two and three in the morning and just simply violate the community, and of course, the residents that live within that community. However, you made a comment about a particular site. Yes, previously there were particular sites that were highlighted but however, the majority of the problem exists within various small sites throughout the City of Chicago in which debris is dumped on. And those areas could be used for building housing and other things that is worth to the community, and this just simply costs a lot to the community to continue to clean those debris and we want to make sure that people do not."

Black: "Sure."

Speaker Hannig: "Representative Black, have you concluded your questions?"

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Black: "No. Thank you very much. I think the Representative has done an excellent job of explaining his Bill why it is necessary and I hope it works and... Thank you."

Speaker Hannig: "Thank you. Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 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 2179."

Clerk Rossi: "House Bill 2179 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

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

Clerk Rossi: "House Bill 2179, a Bill for an Act concerning vehicles. Third Reading of this House Bill."

Speaker Hannig: "Representative Tenhouse."

Tenhouse: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2179 is a Bill that was on the Consent Calendar. Basically, it provides for immediate impoundment of motor vehicles that are being driven by an arrested driver who's unlicensed and uninsured. That closes a loophole in the law. Basically the way that it was before, if you have a suspended license, the vehicle could be impounded, but not if you have...if you've never taken the license and don't have a license at all. The second part of it basically has an upgrade penalty for operating a vehicle with registration suspended for no insurance. There is no opposition that I know of. I would ask for your favorable Roll Call."

Speaker Hannig: "Is there any discussion? Seeing none, the

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question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'aye', 0 voting 'no', and 0 voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 962."

Clerk Rossi: "House Bill 962, a Bill for an Act amending the Illinois Marriage and Dissolution of Marriage Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 962 is a tool to collect child support in the State of Illinois. It is part of the debt collection package I introduced. It embodies actually four Bills consolidated together, 962, 964, 965, and 966. There was no dispute about any of these in committee. In fact, the final draft here was, there was a collaboration with the Department of Public Aid and other state agencies that wanted to help in the drafting. As far as I know, there's no controversy, and as far as I know, there is no opposition to this Bill and I would move passage."

Speaker Hannig: "And on that question, Representative Cross is recognized."

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

Speaker Hannig: "He will."

Cross: "Representative Lang, it troubles me to see that the Illinois State Bar Association doesn't support this Bill. Is that your understanding?"

Lang: "I have not heard from the Bar Association. I don't recall that they were opposed to it in committee, although you may

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have notes that indicate that. I don't recall that. I certainly have not heard from anybody since in the Judiciary Committee where you sit, Representative. I presented the Amendment that consolidated these four Bills together and there were no witness slips in opposition."

Cross: "Well, for some reason our file shows opposition by the State Bar Association which I find. Must be one of the only Democrat Bills of the Session that they opposed. Just a couple of concerns that we had, if I recall, in committee and maybe you can address them. Is the fact that... several of the pieces that you suggested, there are already measures and avenues to do those and we just don't want to cause problems. On the summary criminal contempt proceedings, isn't there a possibility to do that now? Can't a judge hold someone in contempt right now for failure to pay support?"

Lang: "Under today's law, a judge in a civil case cannot find somebody in summary criminal contempt. This would allow them to do that. The Bill goes on to allow and require all state agencies that issue licenses, to revoke those licenses if there is a summary criminal contempt citation until the arrearage is paid."

Cross: "Representative, and you may be more familiar with the Criminal Code than I, or any portions of the Criminal Code, if there is a finding of a criminal...any form of contempt, does that prohibit the finding of the summary criminal contempt on a failure to pay support?"

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

Cross: "There are other forms of contempt that one can be...you could be found in contempt for just failure to pay support right now, is my understanding. Is that civil contempt?"

Lang: "There is civil contempt in a civil case and criminal

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contempt in a criminal case."

Cross: "My failure to pay child support when you are pursuing summary criminal contempt, is the state's attorney's office going to pursue that?"

Lang: "No, this isn't something that would be pursued by the state's attorney's office. This would be given by a judge in a case where, in the judge's opinion a deadbeat parent has been brought back time and time again and is unwilling to pay support that they could afford to pay. This covers a situation where the judge looks the person in the eye and says, 'Look, you can afford to pay your child support but you're refusing to pay your child support.' And in other states that have this kind of law, it's amazing how fast the people pay. As soon as you say to them, 'If you don't give me a check in five hours, you're going to jail in five hours.' Somehow that person that said they couldn't pay, comes up with the money."

Cross: "And Lou, we're...I don't disagree with that, I guess maybe the different counties from where we come, in Kendall, our judges are doing that right now. They send them over to court to the jail and say, 'For the \$5,000 or \$3200 you can get out', and you're right, miraculously the money shows. And I don't know why, I don't think there is any problem with this. The only other issue I'm concerned, not concerned, but what kicks in the license suspension and what all is affected? What areas...what professions are affected? Do you lose your license as an attorney?"

Lang: "You could lose your license as an attorney. Any license the state gives. The purpose of this, Representative, is to go after just that kind of person, the white collar deadbeat, if you will. Because many times as you know from practicing law yourself, many times people say they can't

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make a payment. Their money is not liquid. They can't get at it. It's in stocks, it's in bonds, it's hiding some place. This would say, this would be an additional lever against someone who says, 'I don't have the money.' The judge would say, 'Well, you have a license so we'll just take care of your license for you until you pay this up.'

Cross: "And just to...just a couple of more, Lou, and I will be through. I'm looking at...looking through the Bill. If that summary criminal contempt goes into effect, I'm a lawyer, I lose my license. As soon as I satisfy that debt or default, I'm reinstated. Is that your intention?"

Lang: "The intention of the Bill was to make sure the suspension remains in effect until all defaults are satisfied."

Cross: "I just want to make sure that we don't keep people from getting back to work. I think there are many good things in here. Just wanted to go over some things. You've cleaned up any concerns we had. I don't even know if we had that many. Sounds like a good Bill. I would encourage our side to vote 'yes'. Thank you."

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

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

Speaker Hannig: "He indicates he will."

Turner, J.: "Representative, your Bill uses the term, 'summary criminal proceeding'. What is a 'summary criminal proceeding'?"

Lang: "Well, as I envision it, Representative, it means right now. It means not a case that the state's attorney brings, goes into court, there's a big long hearing. This is a case where in a civil case, the judge could say to the deadbeat who is not paying, 'You can pay this. Here is the proof, you have a job, you have a bank account, you have a

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car, you have assets. You are refusing to pay even though we know you can.' The judge can say, 'If you don't pay this now you're going to jail now.'"

Turner, J.: "Well, I agree with you. I think if something is going to be done in the summary fashion it's going to be done right now. I guess my question is, in a criminal proceeding can we move in that fashion? Can we do it in a summary fashion? Is there not a presumption of innocence? Is there not due process involved?"

Lang: "A judge right now in a criminal case or even in a civil case can enter an appropriate contempt order against a party, a witness, a defendant, anyone the judge wishes. So, no, you don't need to go through that process and that's part of what the Bill is for. The purpose of this is because we know that there are many child support cases that come into court 10 times, 12 times, 20 times, and the person still doesn't pay. They have every manner or reason of defense, any excuse in the book for not paying and this would give the judge one more tool to say, 'Look, I'm tired of your excuses. I know you can pay.' This wouldn't happen in a situation where the person really cannot pay. This is only for situations where the judge is convinced that the person can pay but willfully will not do so."

Turner, J.: "Well, I agree with what you're trying to do. My concern is though, are you suggesting that there is no due process for this person? Does a summary criminal proceeding as compared to a civil contempt proceeding mean that there just is no due process afforded whatsoever, in case there is an legitimate defense?"

Lang: "This person will have already had due process because in these cases this person has been to court many, many times already. The person has already told the judge why he or

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she has not paid and the judge now believes that they are not getting the right information, that the person is lying, that the person is hiding something. And the judge can then say, 'You've had your due process, you've been here a dozen times already. Those dozen excuses you give me constitute your hearing and I don't believe you, and now you're going to jail.'

Turner, J.: "And what would be the penalties that would be meted out under your summary criminal proceeding?"

Lang: "The...I do not believe there is a length of time in here. The order would say that you go to jail until you pay, or until you make arrangements to pay, just as with the suspension of professional licenses."

Turner, J.: "All right, with regard to revoking licenses, I know that this question was asked in committee, I don't know if you changed this or not, so, if there is a finding made by the court in this summary criminal proceeding, one of the licenses that could be revoked would be a fishing license. Is that included in your Bill?"

Lang: "Any license issued by the State of Illinois."

Turner, J.: "Would that include a fishing license?"

Lang: "Yes, Sir."

Turner, J.: "Would that also include a trapping license?"

Lang: "What is a traffic license?"

Turner, J.: "Well, I think that's where a fur bearer gets a trapping license..."

Lang: "Oh, trapping. Trapping."

Turner, J.: "Trapping."

Lang: "I thought you said traffic license."

Turner, J.: "No, I'm talking about trapping."

Lang: "Any license issued by the State of Illinois. Perhaps a person's trapping license is more important to them than

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anything else in their life. Maybe that will get them to pay what they owe their kids."

Turner, J.: "How about a marriage license?"

Lang: "That is a very good question, and certainly we're not intending to suspend marriage licenses, although we're talking about people that are divorced."

Turner, J.: "Well, not necessarily. They may be divorced from..."

Lang: "Well, they could have been remarried, and if that's a flaw in the Bill we can straighten that out in the Senate."

Turner, J.: "I would think so. All right, so it includes a hunting license and a fishing license, but not a marriage license then."

Lang: "I presume that would be correct, Sir. Excellent question by the way."

Turner, J.: "Thank you, Representative."

Lang: "And a nice tie also."

Turner, J.: "I like your Bill. I'm going to support it."

Lang: "Thank you very much."

Speaker Brunsvold: "Any further discussion? Seeing none, the Gentleman from Cook to close, Representative Lang."

Lang: "I don't need to close, but Mr. Scully here has reminded me that marriage licenses are issued by the county not by the state, so the trick is on you. Move do pass."

Speaker Brunsvold: "The question is, 'Shall House Bill 962 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 that question, there are 115 voting 'yes'; 0 voting 'no', 1 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Representative Howard."

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Howard: "Thank you, Mr. Speaker, I was away from my desk on House Bill 1736, had I not been, I would have voted 'yes'."

Speaker Brunsvold: "It will so be recorded. Mr. Clerk."

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

Speaker Brunsvold: "Mr. Clerk, please read House Bill 1400."

Clerk Rossi: "House Bill 1400 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Brunsvold: "Third Reading. Read the Bill Mr. Clerk."

Clerk Rossi: "House Bill 1400, a Bill for an Act amending the Comprehensive Health Insurance Plan Act. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Peoria, Representative Leitch."

Leitch: "Thank you, Mr. Speaker. I would prefer to defer to Representative Mautino for this Bill."

Speaker Brunsvold: "The Gentleman has deferred to Representative Mautino for explanation of the Bill. The Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you, Mr. Speaker. House Bill 1400 is the administrative Bill for the ICHIP, the Illinois Comprehensive Health Insurance Policy. Changes the term, 'administrating carrier', to 'administrator', also sets forth some of the guidelines that they use for selecting through the bidding process who will be the administrator. Sets that as a five year, basically a five year contract. It is an agreed Bill, I know of no opposition, it came from the Consent Calendar, and I would ask for an 'aye' vote."

Speaker Brunsvold: "Is there any discussion? Seeing none, the question is, 'Shall House Bill 1400 pass?' All in favor

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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. And on that question, there are 116 voting 'yes', 0 voting 'no', 0 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 2200."

Clerk Rossi: "House Bill 2200, a Bill for an Act amending the Property Tax Code. Third Reading of this House Bill."

Fantin: "Thank you."

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

Fantin: "Thank you. This Bill would take new properties, annexed properties and recovered increments from concluded TIFs that are exempt. What happens under the Cook County tax caps is that new property because it says, prior year, a EAV, a new property, annexed property, recovered TIF properties, there is no prior year. So, what this does is just bring the one year in line as it does through any other county that has tax caps."

Speaker Hannig: "And on the question, the Gentleman from Livingston, Representative Rutherford."

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

Speaker Hannig: "She indicates she will."

Rutherford: "Where is she? There, I'm sorry, Representative. The Amendment 1 was adopted to this Bill and I assume that becomes the Bill then?"

Fantin: "That's correct."

Rutherford: "Give us just a real brief overview one more time of what this actually will accomplish."

Fantin: "This will take new properties, annexed properties, and recovered increment properties that are coming off the TIF district. Because the tax cap says prior year EAV, when

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it's a new property there is no prior year EAV and because it was under the TIF district there would be no prior year EAV. So, all it does is do just what the other counties do and just gives us that one more year."

Rutherford: "I'm sorry. That last part I missed."

Fantin: "It would just give us the one year that we are missing because there is no prior year."

Rutherford: "So, how is that..."

Fantin: "So, it gives you the present year. So you can pick up that year."

Rutherford: "So, you take the EAV of the present year as opposed to the previous year?"

Fantin: "Just on these because there is no previous year."

Rutherford: "And this only is in regards to TIF properties, or would this include others that may be coming out of..."

Fantin: "New properties, annexed properties, or properties that would be coming off of the TIF districts."

Rutherford: "What would a new property be? Give me an example."

Fantin: "A new home, a new building. Because it wasn't there the year before so there was no value the year before."

Rutherford: "Okay. That's the part maybe I'm getting confused on. Explain to me the new, I understand the TIF coming out of that the previous year, I understand the other but the new property. Give me..."

Fantin: "New property, a new home, a new building because it has never been on the taxing body, you know, it's not a taxing body the previous year. So, there is nothing there but an empty lot the year before. So, it would just put the new buildings on for that and it's one year, it's no windfall, nothing else. It would just put us in line with everyone else."

Rutherford: "Let me stumble through an example, help correct it

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and then maybe you give a better one for me. I build a new home and as I...let's say it takes during the one year to build the home the land was on the assessed values. Later the home is going up, it becomes an assessed value at a certain percentage done. The next year, when I...then it becomes fully assessed because I'm in it. What you're suggesting then is that there is...that you're actually going at that exact year to calculate the full assessed value of a new piece of property as opposed to waiting for the next calendar year when it would be on for taxable purposes?"

Fantin: "No...the homes are...it wouldn't be the full year, they prorate these when a home is built. If it's not built, you know, by January, it would not be taxed for the full year. They prorate it, and it would be just what they picked up the prorated part. It's not a windfall, it's not that much."

Rutherford: "Okay, I can understand trying to capture the previous year's EAV or that year's EAV for absorption by TIF and through annexation. Why would we want to go and try to do, not allow for that next year from a new home, a new piece of property? Why did you include that part of it, because that does seem distinctly different than perhaps the other two examples we were using...or the other two points that you have in your piece of legislation?"

Fantin: "Well, I think it says new property but sometimes you can have a whole complex go up, that would go up in that one year. I mean this doesn't necessarily just mean a home, it can be a multistory business building, it could be a whole shopping center..."

Rutherford: "Is this...I'm sorry. I'm sorry."

Fantin: "I mean, if you get my point, it can be not just maybe an

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individual home, this could be a whole big complex."

Rutherford: "Are you suggesting that this is new construction which was in a TIF only?"

Fantin: "No. No, the TIF..."

Rutherford: "Then I guess I'm really, I'm really finding major problems with it if it's new construction that wasn't in a TIF or in a previous annexation to think why we would..."

Fantin: "Okay, it's three different things. Okay, three different things. New properties would be, if it would be a new shopping center, anything new that was built that year that you're going to be taxing. The first gave a home, but as you can see a home would be a very minute thing but it could be something much larger, and they are losing the money for that year."

Rutherford: "So, this just...is this statewide? Would this application statewide?"

Fantin: "No, this would be...Cook County is the only one that used the prior year EAV to my understanding."

Rutherford: "All right the..."

Fantin: "And it's just clarifying and putting this in line with everyone else. The others did not use a prior year EAV, so that did not affect them."

Rutherford: "So, let's suggest then in suburban Cook County, a new home is being built, gets completed. It goes on the assessed value, the tax roles under that assessed, equalized assessed value that year rather than taking the prior year which means they wouldn't have any and giving them basically one year grace period. Is my...am I correct that that's kind of what it would be?"

Fantin: "That's it. Yes."

Rutherford: "Why..."

Fantin: "It's identical as what's happening in the collar

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counties, it's just the way..."

Rutherford: "I'm sorry, Representative, the last part..."

Fantin: "It's identical to what is happening in the collar counties. They do the same thing except we had this problem here."

Rutherford: "Okay. Representative, I think I do understand your legislation with regards to the TIF side of it, with regards to the annexation side of it. But the concern that I do have though, Representative, is in regards to a new construction and how that...basically you're saying to the property taxpayer who's now...I mean...I understand you're saying that maybe like it is in the collars but basically you're changing the tax time frame for all new property tax...property builders in those areas and it does...it's of concern to me. Thank you."

Speaker Hannig: "Representative Moore, Andrea Moore."

Moore, A.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this Bill and if perhaps I could clarify a little bit to assist, Representative. The definition of new property is defined under the Property Tax Extension Limitation Law as are these other issues that she is trying to bring in line with...bring the areas of Cook County in line with the collar counties. It's no more complicated than that. This is not going to allow any kind of additional taxing. It's how they will establish the rate of allowable increase according to the (sic-Property) Tax Limitation Extension Law. And I would support this legislation."

Speaker Hannig: "Representative Cross."

Cross: "Will the Sponsor yield?"

Speaker Hannig: "She will."

Cross: "Representative, part of my district includes Kendall

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County which at this point does not have tax caps, but they have it on the ballot this fall, the issue of whether or not to impose tax caps, and I haven't been able to hear all the debate. Does this apply to counties outside of Cook?"

Fantin: "No, Sir."

Cross: "What?"

Fantin: "No, Sir."

Cross: "Oh, I'm sorry, it's just Cook."

Fantin: "Yes, Sir."

Cross: "Who has...who's in favor of this Bill and who's opposed to this Bill with the Amendment?"

Fantin: "Who would vote for it? Well, it went out of committee 11 to nothing, the schools, everybody in the district. It's not going to be a windfall of money, it will be just a smaller amount of money to help the school districts and such in the area."

Cross: "Excuse me. Mr. Speaker."

Hannig: "Yes."

Cross: "I'm assuming this is a fairly important Bill, we cannot hear a thing on this side of the aisle and I'm not trying to give anyone a hard time."

Speaker Hannig: "Okay. Could we have some order in the chamber? The Gentleman has requested that we have some order in the chamber so we can debate the Bill. Please give the Ladies and Gentlemen debating the Bill your attention."

Cross: "Can you explain to us now, Representative Fantin, what this Bill does. Because no one on this side of the aisle has been able to hear any of what you've said and I'm not trying to slow things down, I'm not being dilatory, it's just impossible to focus or hear."

Fantin: "This is concerning Cook County only, first of all."

Cross: "Okay. Are there proponents of the Bill and opponents,

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and if so, can you tell us who they are?"

Fantin: "I do not have a listing but I know of no opponents, there were none listed. It did go out of committee 11 to 0. This was brought to me, the schools, SCOPE, which is a South Cook Organization for Public Education had brought this Bill to me and as I understand, everyone was in favor. We had no opposition whatsoever."

Cross: "When you said..."

Fantin: "There were no opponents at the hearing."

Cross: "When you said schools, you've heard from your school districts?"

Fantin: "Yes, this is a group of my school districts. Libraries are also supporting it."

Cross: "Can you tell us now, I know you've been over it a few times, but as quickly and succinctly as you can again so we can hear what it actually does? No one around me knows what it does."

Fantin: "It would take new property, annexed property, and recovered property from the TIF districts and they would be able to use them, or get them under the TIF, I mean under this exemption for the first year. This says prior year EAV in Cook County. It would take this off because the prior year there was no EAV on these properties. The property did not exist, if it's new properties. If it was in the TIF district, they weren't paying taxes, and annexed property would be something that would be annexed into the county and they would not have been on the tax rolls the prior year, so this is what it's doing, is just giving us this one year as it has done in the rest of the tax cap districts."

Cross: "All right. Thanks for that explanation. Thank you very much."

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Speaker Hannig: "Representative Currie, Barbara Currie."

Currie: "Thank you, Speaker and Members of the House. It's really a simple proposition but it seems complicated because only in Cook County do we have prior year EAV. So, most counties are able to capture their current EAV when they are establishing their levies and their tax rates, Cook County cannot. That was a reform of about six years ago. The problem the prior year EAV creates for local districts is that they are never able to capture TIF property that comes back on the rolls. The other exemptions that apply in other communities can never be captured by those school districts and local governments. Representative Fantin's measure will retain prior year EAV, retain the reform that means there's some certainty in levies and rates, but will do so in a way that means that that new property value can still be captured by local taxing districts. What this means is, the same kind of fair play for Cook County districts as House Bill 368 supplied to the collar counties with respect to the tax cap limitations. I urge your 'yes' vote."

Speaker Hannig: "Representative Black."

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

Speaker Hannig: "She will."

Black: "Representative, I thought I was on target until the esteemed Majority Leader gave her explanation, and now I'm back into a state of confusion, which is a relatively normal state, but the Majority Leader said that all of the other counties could capture prior year EAV. I don't think that's the case. Let me give you a scenario. What you're asking to do, let's say that I'm in the process of building a new house, and I'm going to move into that new house in

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suburban Cook about May 1st, about the time the tax bills are coming out. Now, my tax bill where I live would reflect the prior year when all that was there would be a lot. Because we always, we're paying taxes in June of 1997, on what we owned in the spring of '96. There is always that year delay in property taxes. So, I guess what I'm confused, if I move into my new house May 1, it appears that what you're doing is you are capturing my improved value of my lot. So, in other words, you're accelerating my property tax bill. Is that basically what you are attempting to do?"

Fantin: "No, that is not true. What this does, it works with the tax levy because the EAV, they could use that EAV with the tax levy. It makes no difference on your property taxes, whatsoever. It would not affect your property tax in any way."

Black: "Well, Okay then. Then it is the same in my county as it is in yours. The property tax bill I get in about 30 days will be on last year's assessment. So, if I add, if I add a family room, if I'm building a family room right now that will not be reflected on the tax bill I get in the next month. But it will be reflected on the..."

Fantin: "It will not be reflected for four years."

Black: "Right. Okay, because you are on a quadrennial. That makes all the difference in the world right there. Now, you've finally gotten the hay down where this old country boy can chew on it. It's the quadrennial that is throwing me. So, all you are attempting to do then is because of high growth capturing the increased EAV on the prior year's property. It doesn't affect the individual taxpayer, but it would affect the levy, correct?"

Fantin: "That's correct."

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Black: "Okay. Fine. Thank you."

Speaker Hannig: "Representative Fantin to close."

Fantin: "I ask you for a 'yes' vote. Thank you."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 104 voting 'yes', 10 voting 'no', 0 voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. Committee Reports."

Clerk Rossi: "Representative Currie, Chairman from the Committee on Rules, to which the following Amendments were referred, action taken on April 18, 1997, reported the same back with the following recommendations: 'be adopted' Amendment 2 to House Bill 724, Amendment 3 to House Bill 724; Amendment 3 to House Bill 957; Amendment 1 to House Bill 1027; Amendment 2 to House Bill 1684; Amendment 1 to House Bill 2079, and Amendment 4 to House Bill 865."

Speaker Hannig: "Mr. Clerk, read House Bill 1565."

Clerk Rossi: "House Bill 1565, this Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Krause, has been approved for consideration."

Speaker Hannig: "Representative Krause."

Krause: "Thank you, Mr. Speaker. The Amendment becomes the Bill and the Amendment would allow HMO's to offer specially designed arrangements for only outpatient services to children of the working poor to have health insurance. Currently, HMO's can only offer comprehensive coverage packages that include both hospitalization and other inpatient services. This would, therefore, permit working

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parents without health insurance to purchase coverage for their children for basic outpatient preventive and primary health care. And I would ask for the Amendment to be adopted."

Speaker Hannig: "Is there any questions on the Amendment? Representative Roskam."

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

Speaker Hannig: "The Lady will yield."

Roskam: "Representative Krause, is this the condensed version of 1302?"

Krause: "No, we will have, I'm sorry, this is...1302 will be called a little bit later or yet this week. This Bill compliments the Bill but this one only relates, in effect, to someone that could have coverage through HMO's. It does not involve any type of a government subsidy. It's a separate program. It compliments what you're going to see in 1302, but this is a program that now would permit HMO's, which were not up to now. Up to now they had to be able to offer coverage for hospitalization, inpatient and outpatient. This would permit HMO's to offer just outpatient coverage and the goal would be to have coverage for the working poor."

Roskam: "Okay, this would permit HMO's to do that or...so the HMO's are up on this?"

Krause: "Yes."

Roskam: "Thank you."

Speaker Hannig: "Representative Mautino."

Mautino: "Will the Sponsor yield?"

Speaker Hannig: "She'll yield."

Mautino: "I was just looking at the...at our analysis here and I don't know whether there are any proponents or opponents to this legislation or to the Bill as amended. Do you know if

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there are?"

Krause: "I would say that I have not had anyone step forward as an opponent and the proponents would clearly be HMO's that would work, you know, in this field. But no one notified me of any opposition."

Mautino: "Are there any changes in the Bill as far as how the Chicago area HMO's are currently operating?"

Krause: "This will permit those who work in that area to begin to offer this type of insurance immediately."

Mautino: "Thank you."

Speaker Hannig: "Representative Flowers."

Flowers: "Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of House Bill 1565. This Bill would create a new affordable outpatient health care plan that HMO's will be able to provide benefits for children whose parents do not have insurance. There are 300,000 children in Illinois that lack health care plans and will probably face very severe problems if their parents have to move from welfare to work and I would appreciate an 'aye' vote in regards to House Bill 1565."

Speaker Hannig: "All in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it, and the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 276."

Clerk Bolin: "House Bill 276, a Bill for an Act concerning the State Comptroller. The Bill has been read a second time previously."

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

Clerk Bolin: "House Bill 276, a Bill for an Act concerning the State Comptroller. Third Reading of this House Bill."

Speaker Hannig: "Representative Cross."

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Cross: "I would like to give Representative Durkin a chance to do a Bill. I'm going to yield to him."

Speaker Hannig: "Representative Durkin."

Cross: "Wait, we've got to find him. I'm sorry, he's not here."

Speaker Hannig: "Okay, Representative Cross."

Cross: "Well, he's here but he's just not here. Thank you, Mr. Speaker. House Bill 276 is a relatively simple Bill. It's an initiative out of the Comptroller's Office that deals primarily in the area of efficiency in the use of exchanging electronic transfers. Allows for signatures, electronic signatures by the Comptroller. I don't know of any opposition. Representative Hannig, you were up there as a cosponsor, I don't know what happened but if you want to get back on there. I mean a long time ago, not recently let's make that clear."

Speaker Hannig: "I was demoted."

Cross: "All right. Well, I would appreciate a 'yes' vote."

Speaker Hannig: "Representative Biggins."

Biggins: "Good evening, Mr. Speaker. I rise on a Point of Personal Privilege. I know that the hour is getting later, we are approaching the midnight hour and tomorrow's a very special day for a very special someone in this chamber. And I thought that maybe if the Democrats wanted to adjourn to all go together and go to the Mall before it closes to do some shopping tonight, I don't think too many Republicans would object."

Speaker Hannig: "Thank you, Representative. Is there any further discussion? Seeing none, the question is, 'Shall this Bill pass?' All in favor vote 'aye', opposed 'nay'. The voting is open. Representative Cross. Representative Cross for what reason do you rise?"

Cross: "I just want to make sure that before you take that record

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that Representative Turner gets on as a cosponsor. Hurry up, John. That's T-U-R-N-E-R."

Speaker Hannig: "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 115 voting 'aye', 0 voting 'no', and 0 voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1302. House Bill 1302."

Clerk Bolin: "House Bill 1302, the Bill has been read a second time, previously. Floor Amendment #2, offered by Representative Currie, has been approved for consideration."

Speaker Hannig: "Representative Currie."

Currie: "I would like to withdraw Amendments 2 and 3."

Speaker Hannig: "Amendments 2 and 3 are withdrawn. Are there any further Amendments?"

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

Speaker Hannig: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. Representative Krause and I met with the Governor's office after having met also with the people from CHIP, the people from Public Health and Public Aid. Amendment 4 incorporates several different items. First, it reduces the age at which this insurance program for the children of working families will be covered from 12 years of age to eight and would provide in out years that children up to the age of 12 might also participate, depending of course, on the amount of appropriation that is available. And secondly, the Amendment permits that the Department of Human Services may enter into intergovernmental agreements

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about the powers and duties that are delegated in this Act to CHIP, the Department of Public Aid and DHS. That language was approved by the Governors Office and I would appreciate your support for the Amendment."

Speaker Hannig: "On the Amendment. Representative Black."

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

Speaker Hannig: "She will yield."

Black: "Representative, it's your intent to continue negotiations with the Office of the Governor and the Department of Human Services? You and Representative Krause, as I recall, have been working on this. Thank you."

Currie: "That's right. And with the CHIP board and CHIP executive director."

Black: "Thank you very much."

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

Krause: "Yes, thank you, Mr. Speaker. Just that I join with the Sponsor in strong support of this legislation. It meets, I believe, the goals that all of us have here on a welfare to work program to assist people as also because they may not be able to have health insurance on their new jobs. This program would go a long ways in assisting them in obtaining health insurance. It's a sound program, it has been worked on extensively and I encourage everyone to lend their support on this Amendment."

Speaker Hannig: "Representative Skinner on the Amendment."

Skinner: "Yes, I'm just curious as to the cost estimate currently?"

Currie: "At the moment there is no...there's planning money which may, in fact, be covered by a grant that we hope to win from the Robert Woods Foundation. If not, the planning

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dollars would amount to around \$500,000. The program itself, the cost of the program would be subject to appropriation. So, we would not..."

Skinner: "Well, let's say it's fully appropriated. I mean you get all the money you want, how much is it?"

Currie: "Well, the original Bill which provided this coverage for children up to the age of 18, with participation by the parents in the cost of the premium, the state's share would have been by their estimate a little over \$13 million annually when the program was up and fully running. We have reduced the age of children who would be eligible for the plan from 18 to down to 8 and in out-years from 18 down to 12. So, we know that, that cost, the \$13 million cost would be lower because there would be a smaller number of children and a less expensive population of children to insure."

Skinner: "Okay, can you give me an estimate of the number of children who would be covered?"

Currie: "There are about 300,000 children in the state who are without health insurance. Based on experience of the other 36 states that offer some kind of program, health care program for children whose families are above poverty in terms of being eligible for Medicaid but below the ability to pay for health insurance, we found that no more than about 1/3 of the families actually participate."

Skinner: "So, that would mean a hundred thousand children in Illinois?"

Currie: "At that rate, at that participation rate when fully implemented, it might be as many as a hundred thousand. But again, we are working with the Governor's office because there may be further changes in the Bill."

Skinner: "All right. So a 100,000 children for \$13 million."

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Currie: "Well, the 300,000 estimate, Representative, was when the Bill covered children from zero all the way to 18. As amended, the measure covers children from zero up to the age of 8. So, the number, the number would not be a 100,000, it would be some number lower than that. In fact, I would guess it's probably about half of that."

Skinner: "Well, Representative, you have an intriguing idea."

Speaker Hannig: "All in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

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

Clerk Bolin: "House Bill 1302, a Bill for an Act concerning health insurance for children. Third Reading of this House Bill."

Speaker Hannig: "Representative Currie."

Currie: "Thank you, Speaker. I think we have explained the Bill fairly well, while we were discussing Amendment 4. The point is to provide a health insurance program for children in Illinois whose families are too well off for Medicaid, but whose jobs do not provide health insurance at work and who cannot afford the cost of private insurance. The program envisions that the families will help pay the premiums so it's a matter of shared responsibility, of strong personal responsibility from the parents, but a helping hand from the state. Representative Krause and I intend to continue our discussions with the Governor's Office and with the CHIP board and we would appreciate your support for this important measure. Thirty-six other states have already decided to provide some help to children in this kind of population and we think that you'll think it's time for Illinois to join them."

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Speaker Hannig: "On that question, Representative Roskam is recognized."

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

Speaker Hannig: "She will."

Roskam: "Representative Currie, I'm prepared to support your Bill, but I think for the benefit of the Membership, can you describe the difference from the benefits that were available under the first initiative and how that's been scaled back? I think there is a perception that this program at the beginning, and my criticism was, I thought it was a benefit rich program. It's my understanding that you've trimmed that back considerably. Could you speak to that?"

Currie: "We have. We have taken out, for example, case management, we've identified things like orthodontia as not one of the covered services under the Bill. What we've done is to take a fairly standard package of health care benefits, such as would be defined by an ordinary health insurance program, and targeted that for what would be available under this program. Thank you for making that point."

Speaker Hannig: "Representative Mautino."

Mautino: "Hello, Majority Leader. Nice tie. Appreciate the opportunity to work with you on the Bill, and it has come a long way. I see you've had a lot of changes since the original meeting. Is this applying...I know there were some questions about some of the coverage as far as outpatient surgery, what type of coverage do we have set up in here?"

Currie: "We have limited the coverage as I say, to what might be available in a fairly standard package. We've taken out case management, which was an issue and orthodontia. I

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think, however, those were the two specific ones that people talked about. I think that the surgery issue they concluded did not really, that that was all right to leave in."

Mautino: "Okay. As far as the..."

Currie: "But again, the discussions are continuing."

Mautino: "And as far as the building subject to appropriation of the General Assembly, that's another concern and I'm glad to see that you set in there. Do we have any idea how many, or what our basic cost is going to be per child on the program?"

Currie: "We have looked at other states where the cost ranges quite significantly from \$30 to \$95. We don't know what the differences are from one of those states to the other. States that are like us, providing inpatient coverage which this measure does not, seem to run around 60, \$65 a month, but those provide a greater range of benefits because they do include hospital services. Ours is an outpatient only proposition. Part of the point of the year for planning is to find out what the private market will offer in the way of insurance for this population. By virtue of reducing the age from 18 to 8, we have focused on a less expensive population to insure. It's kids over 12 who tend to drive the price up a little higher, but by virtue of leaving hospitalization out of the package, we would anticipate lower premiums than we see in other states."

Mautino: "Is the, I know...are we going coverage from age 0 to one as well?"

Currie: "In this Bill at this moment, we go from 0 to age 8."

Mautino: "I appreciate that and especially the appropriations driven portion of the Bill, because I think what we don't want to do in this and I know you have been working

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diligently at this, is to put a plan out there that we may not be able to appropriate enough money to cover and end up with a very large waiting list of people who may not...we wouldn't have the money to bring forward these benefits. As far as the population in those numbers, I know that there are similar...Blue Cross/Blue Shield has a younger child policy that they run and have run very effectively and I know that the CHIP Board, as a matter of fact, they have a blue ribbon actuary committee which is comprised of some of the finest actuaries throughout the country that is looking at this now. As a matter of fact, as we speak, I believe they met a little bit later to take a look. I commend you on your work and I know that you are going to continue to negotiate this."

Currie: "Thank you."

Speaker Hannig: "Representative Skinner."

Skinner: "Could you tell us how high the income of a household can be and still remain eligible?"

Currie: "Two hundred fifty percent of poverty."

Skinner: "Okay, could you put that into terms that a non-bureaucrat could understand?"

Currie: "Yes, if I can find the right page in my analysis. I think it's 30, 34,000 for a family of three, something like that."

Skinner: "And is there an estimate of what the premium would be?"

Currie: "We don't know what the premium would be. What we have said is, that the...we thought we knew when we introduced the Bill. We thought we had an idea of what the cost would be and so we specified the dollar amounts the parents would pay, a sliding scale with larger sums collected from those at the higher end of the income scale. In the revised Bill, we have set the family participation as a percentage

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of the total premium cost because we don't know. And again, we're spending a year planning with we hope, money from the Robert Wood Johnson Foundation to help us make some of those initial assessments."

Skinner: "I have a question that goes to Representative Roskam's question about the richness of the program. Now, I assume we're talking..."

Currie: "As originally introduced, we gave a full range of benefits, outpatient benefits, no hospitalization. And people from CHIP and the Department of Public Aid and Public Health pointed out that some of those that we offered, for example, case management services could, in fact, be fairly pricey. So we scaled back to some degree the benefit package and as I said, we're still talking with the Governor's office, with CHIP, with Public Health and there may be further refinements in this measure as it winds its way through the Senate, should it be successful in the House."

Skinner: "Well, most of these sound pretty straightforward, but one of them which is under (8) on page 4, line 2, Allied Health Services, I really can't even understand a couple of them. It says, including physical, occupational, and speech therapy. What is occupational therapy for an eight year old?"

Currie: "I'll look into it, I haven't a clue. I suppose, you know, that maybe someone who's on his way to some of those countries where they specialize in child labor. We want the kid to be ready to compete even in Pakistan. I don't know."

Skinner: "Maybe they're talking about one of these kids that made these little DuPage children museum tops. It says it was made in China. Why do you include..."

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Currie: "And let me point out that the Bill originally introduced did go to kids up to the age of 18, and of course, some of the 16 and 17 year olds might have needed some occupational therapy if they hurt themselves on their hours at McDonalds."

Skinner: "Okay, the other two items are social work and nutritional services."

Currie: "This is a full benefit package. We asked...in 1990, we asked the Department of Public Health to do a study of the cost of providing health insurance to this population. They worked with some health care consulting group and came back with some of the estimates upon which our numbers here are based. They included this full set of benefits and came up with a fairly small price tag. And again, we looked at experiences in the 35 or 36 other states that provides some kind of insurance coverage for these children."

Skinner: "Now, all of these children will be in school, right?"

Currie: "Well, not the ones who are under five."

Skinner: "But all students in the State of Illinois have access to speech therapy through their school district, I believe."

Currie: "And the children who are under five do not. So, there's no..."

Skinner: "Well, I beg to differ with you. I mean I can't tell you all children do, I can tell you my niece certainly got it under age five from the public school system in Crystal Lake."

Currie: "Not all school districts have the full scope of program and that program available at school would kick in before the speech program that is under this Bill."

Skinner: "Well, I think you're moving in the right direction,

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Representative. Thank you very much for answering my questions."

Currie: "Thank you."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 110 voting 'yes', 4 voting 'no', and 0 voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1565."

Clerk Bolin: "House Bill 1565, a Bill for an Act to amend the Health Maintenance Organization Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Krause."

Krause: "Thank you, Mr. Speaker. We heard this just shortly before when we discussed the Amendment which had become the Bill. Under current law, HMO's must offer certain defined packages of coverage unless exceptions are granted because this Bill seeks to create a coverage that is only for children and only for outpatient services, that is why it is necessary to amend the HMO Act. This Act, therefore, would allow working parents without health insurance to be able to purchase affordable coverage for their children to again meet basic outpatient preventative and primary health care which therefore, could include physical exams, immunization, sick visits to the doctor, x-rays, lab services, and I ask for support. I know of no opponents to this legislation."

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

Hughes: "Thank you. To the Bill. I'd like to commend the

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Sponsor for bringing forward an innovative option for low income families to deal with health insurance and I think this is an exciting Bill and we should support it enthusiastically."

Speaker Hannig: "Is there any further discussion? Seeing none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes', 0 voting 'no', and this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1041."

Clerk Bolin: "House Bill 1041, a Bill for an Act to amend the Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993. Third Reading of this House Bill."

Speaker Hannig: "Representative Lopez."

Lopez: "Thank you, Mr. Speaker. House Bill 1041, this Bill provides that a PER card holder display the card at all times while on duty. In addition, the card must contain a current photograph of the applicant. This Bill also requires the department to return the results of the investigation for a criminal record of an applicant for a PER card within 12 weeks of the receipt of the application. It also...the person who applies cannot work during the 12 week period without having his PER card, and also a private security contractor agency who hires a person without...knowingly without a PER card will be fined a \$1000. I ask for a favorable Roll Call."

Speaker Hannig: "The Gentleman has moved for passage of the Bill and on that question, Representative Black is recognized."

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

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Speaker Hannig: "He indicates he will."

Black: "Representative, are you still working with the Department of Professional Regulation on this Bill?"

Lopez: "Yes, we had an Amendment adopted to this Bill to satisfy some of the concerns the department had. Originally, we wanted 10 days and those were too impractical for the agency so we came to an agreement with 12 weeks, and some of the other language that they wanted changed. There still might be some things that we need to change in this, but we will continue working. Terry and I have been working on this throughout the last couple of weeks and we will continue working on this Bill."

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

Lopez: "Thank you."

Speaker Hannig: "Representative Roskam."

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

Speaker Hannig: "He will."

Roskam: "Representative Lopez, it's my understanding that this Bill has a 12 week gap, it would give the department 12 weeks after a security firm goes and asks for verification and so forth. Is that correct?"

Lopez: "At the maximum 12 weeks, if the report comes back before then, then the person could work before then."

Roskam: "Okay. But the Amendment, the 12 week...originally you had requested 10 days, isn't that right?"

Lopez: "You're right."

Roskam: "And the department said they can't do it in 10 days and they asked for a 12 week Amendment, is that right?"

Lopez: "Right, that was an agreement between myself and the department."

Roskam: "Okay. Representative, I've heard from a lot of security agencies and security guards and so forth, in and around my

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district and folks that I have gotten acquainted with over the past year who have very serious concerns and I know that they have brought these to your attention. I'm rising, frankly, in opposition to the Bill. I think that it's well intended. I understand where you're coming from. I understand that you want to make sure that gang bangers don't get security cards and so forth. But to put...to the Bill, Mr. Speaker. To put private businesses, private security businesses that are honorable businesses and are trying to do the right thing, in the situation of having to wait for 12 weeks after they have applied to the Department of Professional Regulation for the ascertainment of their...their employees for a 12 week delay, I think that's going to have a very, very tough effect on a number of the private security businesses in this state. Again, I understand where Representative Lopez is coming from. I understand the issue that he is trying to address, but my fear is that we're going to end up putting good security firms out of business through this intervention. I would urge a 'no' or 'present' vote. Thank you."

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

Moore, A.: "Thank you, Mr. Speaker. I would just like the record to reflect that I evidently did not hit my switch properly on House Bill 1565 and if I had done so, I would have voted 'aye'."

Speaker Hannig: "The record will so reflect. Representative Lopez to close."

Lopez: "I completely understand Representative Roskam's concern and some of the private security agencies' concerns. But at the same time, some of these security guards are working some delicate positions. They work in nursing homes. They

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work at hospitals. They work at different schools. They work throughout the state in different agencies or different buildings that need to be protected. All we're trying to do is make sure that when they have their PER card or when they are working as security guards in a position of confidence, that they do not...are not felons. That's all we're trying to accomplish and I understand some of the concerns the security guards have but this vote is very simple. Are you willing to risk having convicted felons working as a security guard in a hospital or nursing home, or are you more concerned about the cost factor of a security guard agency. That's what it comes down to. And I urge for a 'yes' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay' The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 97 voting 'yes', 18 voting 'no', and 1 voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. If I could have your attention for just a moment. Mr. Black has made a Motion to recommit a number of Bills to the Rules Committee at the request of the Sponsor. And at this time we're going to ask the Clerk of the House to read those Bills. Mr. Clerk."

Clerk Rossi: "House Bills, 29, 31, 32, 60, 87, 89, 91, 109, 162, 166, 170, 173, 174, 175, 177, 178, 187, 188, 198, 255, 256, 261, 415, 489, 541, 629, 648, 650, 699, 700, 704, 711, 730, 773, 774, 775, 778, 779, 780, 782, 805, 806, 809, 813, 857, 900, 928, 934, 935, 936, 953, 964, 965, 966, 997, 1010, 1015, 1030, 1049, 1072, 1109, 1127, 1170, 1172, 1185, 1225, 1236, 1312, 1320, 1389, 1420, 1436, 1441, 1464, 1534, 1635,

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1639, 1654, 1674, 1689, 1729, 1737, 1767, 1772, 1781, 1782,
1810, 1821, 1828, 1891, 1895, 1896, 1897, 1904, 1906, 2027,
2040, 2063, 2065, 2066, 2070, 2097, 2113, 2127, 2156, 2158,
2167, 2181, 2189, 2220, 2244, 2269, 2284, and 2288."

Speaker Hannig: "Okay, you've heard the Gentleman's Motion. These are Bills that will be recommitted to the Rules Committee at the request of the Sponsors. All in favor of the Motion say 'aye'; opposed 'nay'. The 'ayes' have it and the Motion is adopted. Mr. Clerk, read House Bill 1058."

Clerk Rossi: "House Bill 1058, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Noland."

Noland: "Thank you, Mr. Speaker. House Bill 1058 is a Bill sponsored by Representative Deering and myself. Representative Deering had a recommendation from the State Police that would redefine the vague definition of a permanently mounted equipment. There were some question that some groups were getting around paying the registration fee because the definition was vague and that was recommended by the State Police. My portion was offered by authorities in Macon County. There was a problem with people getting traffic tickets for going down roads that were closed or bridges that were closed and they were getting out of these tickets because the sign didn't say it was closed by whose authority. This Bill would remove the language that requires you to post by whose authority you're closing the road. I would appreciate your support."

Speaker Hannig: "And on that question is there any discussion? Seeing none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open."

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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 a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1819."

Clerk Rossi: "House Bill 1819, a Bill for an Act amending certain Acts in relation to gambling. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #4, offered by Representative Younge, has been approved for consideration."

Speaker Hannig: "And on that question, Representative Younge."

Younge: "Yes, thank you, Mr. Speaker. Floor Amendment #4 would share the...2% of the income from the riverboat with surrounding communities. I move for the adoption of the Amendment."

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

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

Speaker Hannig: "She will."

Black: "Representative, does the underlying Bill still create a dockside provision for the East St. Louis boat?"

Younge: "Yes, it does."

Black: "Okay. Thank you very much."

Speaker Hannig: "All in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hannig: "Third Reading. Representative Younge, this has to stay on Third Reading because it was not called in a previous day. Mr. Clerk, read House Bill 571."

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Clerk Rossi: "House Bill 571, a Bill for an Act in relation to truth in taxation. Third Reading of this House Bill."

Speaker Hannig: "Representative Fantin."

Fantin: "Thank you. This amends the Truth in Taxation Law by requiring a public hearing by local taxing districts on their intentions to adopt an aggregate levy. If the taxing district intends to adopt a levy that is 5% greater than the previous year's levy or greater than the increase in the consumer price index, the taxing body must give public notice of the hearing, if the levy is increased less than 5% or the increase in the CPI, the notice requirements of the Open Meetings Act apply. What this Bill does is institute a citizens awareness tax week during which all taxing units would hold hearings before finalizing their levies. Under the proposed tax week, all taxing units will be required to hold public hearings on their levies during the first week in December. The objective of the tax week is to make taxing units more accountable for their spending decisions. Given the large number of taxing unit types, the hearing schedule will require major users of the property tax to hold hearings on separate days. And then it has examples of first Monday in December, park districts and municipalities will hold their hearings and on..."

Speaker Hannig: "The Lady has moved for passage of House Bill 571 and on that question, Representative Moore is recognized."

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

Speaker Hannig: "The Lady indicates she will yield."

Moore, A.: "In committee, Representative, there was a lot of discussion about one part of this public awareness legislation, and that related to counties and any of you out here who may have been a county commissioner ought to pay attention here. Because other than Cook, counties are

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sworn in on the first Monday of December. And this is the first Thursday in December. Every two years you'll be having some kind of problem where you would have new members sworn in on the first Monday, four days later you would be having a hearing. There was some commitment to trying to fix this portion of the Bill."

Fantin: "Yes, and that was agreed upon that it would be fixed. It was an agreement that it would be fixed before it went to the Senate and there was also another problem, one of the counties, I guess the forest preserve district in the county is separate unlike most counties, and we have talked to them and they have agreed to hold their hearings together to where there would be no problem. I believe that was Lake County."

Moore, A.: "No, actually they haven't agreed to hold their hearings together because they have different fiscal years and it would make it very difficult for them to hold them together. But that gets back to the issue, were you able to get the Bill fixed, is there an Amendment that could fix this Bill?"

Fantin: "They are trying to draft an Amendment and the Amendment will be drafted to go on this for the Senate...with the Senate and that has been discussed. They have talked to the unit and that will be taken care of for sure."

Moore, A.: "Okay, so you feel like you're going to be able to, well we've got Monday, Tuesdays, Wednesdays, Thursdays, and Fridays all in December and counties aren't going to work in December, so I know that there is a commitment to try and fix it in the Senate but since you're trying to do this Bill for the first week of December to make a public awareness week for truth in taxation and the first week of December isn't going to work for counties, was the whole

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point of the discussion. I mean, I can see where you might want to send it over to the Senate to fix but I must say to the Body, I have my doubts whether this is fixable. The first week of December is simply not going to work for any kind of counties, other than Cook. That rather defeats the purpose of this public awareness week."

Fantin: "If that's the case they will have to, I'm sure, take the counties and separate them, and hold the county hearings on a separate time. I'm sure that can be adjusted. The others all seem to have no problem."

Moore, A.: "Have the school districts commented on this?"

Fantin: "Yes, the school districts, I'll tell you in just a minute here. The school districts I know are held on two different days. Okay, school districts, are you asking, is your question is when they will be held?"

Moore, A.: "No, I was asking if the school districts were opposed?"

Fantin: "Not that I know of."

Moore, A.: "I have that ED-RED signed in against."

Fantin: "None that I know of."

Moore, A.: "No, I think ED-RED is opposed."

Fantin: "This actually is being held for the taxpayers, not the taxing districts. This is a truth in taxation to help the taxpayers be able to go to the meetings to know what's going on. So, it is not done for the taxing districts, this is for all of our constituents for the taxpayers to know what's going on."

Moore, A.: "I know, but the people that are elected to prepare the information that represent the taxpayers have to be able to do it in a way that they...that people can understand. And the timing of this proposal, I think the idea, truthfully, I think that the idea is one that has

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merit but let's face it, this is the State of Illinois where we have what, 1800 townships, we have 1600 municipalities, we have a 102 counties, countless other districts that all have different fiscal years, they have different ways that they prepare their budgets. They adopt their appropriation ordinances at different times, and yes, it is difficult, but the idea is that the people are able to be involved at the local level. I think to consolidate all of this will make it almost impossible for people, they will be having hearings at the same time..."

Fantin: "Well, this is why we're proposing this. There are about 6,000 local taxing districts in the State of Illinois, and people are very confused. I know when they come to my office and they are asking about their tax bills, they want to know when these hearings are they say, because they say, they have no way of knowing when the school districts are holding their hearings and all the different hearings. The proposal would make, if they have the hearings for the schools, they know the first week in December, that they are going to be able to go to all the different tax hearings and I think any taxing body, any of the school districts, anyone else, they should be able to always be holding their meetings where the average citizen can understand what they are talking about. They have meetings, if they have the schools one day, they have the counties another, they have the library districts...would on and on so they know that every, the first Monday in December every year, they know they can find out what their schools are doing. The first Tuesday of the year, they may know what their township is doing. So the average citizen will know what his tax Bill consists of, where it's coming from, why they are paying the money and they will have a

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chance to voice their opinion. This is strictly for the taxpayers."

Moore, A.: "To the Bill."

Speaker Hannig: "To the Bill."

Moore, A.: "I think the idea is...has merit but I think the practical, the practicalities of trying to implement such legislation is almost impossible. Once this is implemented, you'll have constituents complaining that they can only go to, they can't get from one hearing to the next all in one day because they've got two or three different school districts they need to go to depending on the age of their children. They will not want to be running from one single district to the other the entire week. People will have to take a weeks vacation just to go to these truth in taxation hearings. I think the idea is good but the legislation is bad. Vote 'no'."

Speaker Hannig: "Representative Black, the Gentleman from Vermilion. Representative Black. I'm sorry, Representative Black does not wish to speak. Representative Biggins."

Biggins: "Thank you, Mr. Speaker. I rise in support of House Bill 571. Again it is a taxpayer friendly Bill, it allows the taxpayer to know when the local levies will be established. It's also a media friendly Bill because the media will let everybody know. All of us citizens will know the same week how much the spenders are asking for. It's not about raising revenue, it's about how it is being spent. Focuses attention on what the governing bodies do, it enables the media to compare what one district does with another in the same classification of government. It will shed a lot of light at the same time for all the taxpayers and citizens of this state to know just how the monies are

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going to be spent. The Bill has the support of the Taxpayers Federation of Illinois, so I would ask your favorable consideration as well."

Speaker Hannig: "Representative Moffitt. Representative Moffitt is recognized."

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

Speaker Hannig: "She will."

Moffitt: "Representative, I certainly agree with the intent of what you're doing. I do have some questions just on the mechanics and if I could ask you a few questions that perhaps that would help. I agree with the intent but I've got some concerns. Do you see this potentially being an increased cost on local government?"

Fantin: "No, Sir, I do not. I can't see where there is any cost. All the mandates came in with no cost. And they already have to hold a meeting, you know it's by law they are required to hold a meeting. We're just specifying that the meetings be held on a certain day of the month."

Moffitt: "Even if they are less than 5% increase?"

Fantin: "Yes, even if it's, you know, they have to hold a meeting anyway. They're required to hold a meeting every year, the law states that, and this is just going to state that they do this on a specific day. That's the only thing that's being changed. Most of them have them, I believe at the end of November or the beginning of December as it is, we're just specifying the one week so that every year it's the same day that the constituents, that the taxpayers will know when they can go to the meeting."

Moffitt: "Okay. Now, the date of this hearing does not necessarily apply to the date of the adoption of budget or start of a fiscal year, does it?"

Fantin: "No, the adoption of the budget is not done at that

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meeting."

Moffitt: "So, I mean..."

Fantin: "This is a hearing."

Moffitt: "People could be going to a hearing for a taxing body that really had adopted their budget, maybe a month or two before, would that be the case in some situations?"

Fantin: "That's one of the problems we need to look at. This is just to have the hearings, the budgets, I don't believe it specifies when budget hearings are. They are not to be the same day."

Moffitt: "It just seems to me, if we're really looking for citizen input, it would be good to put...have that input prior to the adoption of that budget that had a 5% or more tax increase in it, if you were really going to take to heart, if the taxing body is really going to take to heart the citizens comments. That's...do you see what I'm saying and I wondered if you had given any thought to making it at a timely manner in relation to budget adoption?"

Fantin: "It is something that can be considered, I really did not have that here."

Moffitt: "Okay. If I understand the legislation correctly, it indicates that they have to hold the hearing if they are 5% or more increase over the prior year or in excess of consumer price index. Is that correct?"

Fantin: "Whichever is less, they would have to hold the hearing."

Moffitt: "Okay, then does it establish where they find out what the CPI is and is there a source they go to or how do they, you know, a township, a park district, library board, how are they going...who is going to supply that information to them on a CPI?"

Fantin: "I believe it's either the Federal Department of Labor, or the Federal Department of Commerce, I'm not certain."

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It's publicly available."

Speaker Hannig: "Is there anything further?"

Moffitt: "Representative, I thank you for answering those questions. I agree with the concept, like I say, I just...there's some mechanics I'd sure like to see worked out and I hope you will consider continuing to work on those, perhaps even some changes in the Senate on some of the things there that we talked about. Thank you."

Speaker Hannig: "Representative Hoeft."

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

Hannig: "She will."

Hoeft: "Could you tell me when the mosquito abatement district meets?"

Fantin: "Mosquito abatement?"

Hoeft: "When does the mosquito abatement district meet? What day?"

Fantin: "Let me see. First Friday in December would be all other taxing districts that are not listed on the first four days."

Hoeft: "What time will they meet?"

Fantin: "It does not specify. That would be...a notice has to be in the paper. You have to do a notice just like you would any other meeting and at that time you would specify the time. This does not specify."

Hoeft: "Will that specify whether they have met the criteria of the CPI or the 5%?"

Fantin: "I don't understand your question, I couldn't hear you."

Hoeft: "Well, let's say the mosquito abatement district is going to meet on Friday but they don't fall under this classification. Some people want to be there and they find out, they go to the meeting, they go to the place where they generally meet on Friday and low and behold, they are

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below that and they'd done it two weeks before. How do they know that they have passed the threshold necessary to implement this requirement?"

Fantin: "Are you asking how the mosquito abatement notice, how the public notice..."

Hoeft: "How the public knows whether, in fact, this meeting will be held or not held?"

Fantin: "The meeting still has to be held under the Open Meetings Act, so there would still be a notice that there would be a meeting. They can attend the meeting. This alerts the public to look for the information."

Hoeft: "Even if they don't...even if they have no tax increase at all, they have to meet that night?"

Fantin: "There would be no notice filed and under the Public Meetings Act, so they would know if there is no notice, there is evidently no meeting. Just alerts them."

Hoeft: "Man this is really going to get complicated, if it gets complicated for us and you have to sit here and ask, and you know, you have to look and we are here as Sponsors and this is a classic example, Ladies and Gentlemen, of something that looks good in theory but breaks down in the real world. Let me give a specific example. I'm a single parent and I want to go to the school night but we have dual districts and I have a child in high school and I have a child in the elementary school. They are both the same night. What do I do?"

Fantin: "The school districts are the first Tuesday in December and the high school districts are the first Wednesday. If you had two children in, most likely your children would be in the same school district because of where you live."

Hoeft: "Community college. When do they meet, community college?"

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Fantin: "Community college would fall under the first Friday in December I believe, under other taxing districts."

Hoeft: "Ladies and Gentlemen, okay, let me ask this. What happens if there...is there any bail out, an emergency, they don't get a quorum that night. One board member, we have a five member board..."

Fantin: "The public would be there, if the public went and there was no quorum they would know when there is a meeting. Those things happen. You know, I don't think in any Bill, any statute, the statute serves a purpose here. We never know if there's a snow storm, if there's a blizzard, if there's a flood. Those things happen. If those things happen, common sense would prevail I'm sure, and the meeting would have to be changed to another night."

Hoeft: "So common sense is the bail out, allowing people, there's no penalty for this, right?"

Fantin: "No, the Bill does not specify a penalty."

Hoeft: "Okay, so if it's an emergency they just say declare emergency and post it some other night. That's good. That's good, I'm pleased with that. Ladies and Gentlemen, this is a classic example of trying to micromanage from Springfield what our elected officials are doing throughout this state. This is going to create such chaos, this is going to compact people into something that is unnatural, the whole taxing cycle. We know the taxing cycle, there are emergencies, there are breakdowns, there are things that happen straight on through the system that the elected officials cannot control and yet we're forcing them into this absolutely unnatural schedule and this is going to create hardship, it's going to cause chaos. I think that this is a good example of theory versus reality and I would ask all of you in voting this, are you someone who goes

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with real situations, and we're all in government and we know how it works, or are we individuals who try to think up something that is going to help our districts from the theoretical point but not in the practical point? I really appreciate the thought that you've put into this and I respect the position you're coming from, but the reality of this is, this isn't going to work. This is going to create more chaos for our schools, our community colleges, our townships. This simply is not going to work. Everyone knows it, I would suggest we vote 'no'."

Speaker Hannig: "Representative Tim Johnson is recognized."

Johnson, Tim: "Mr. Speaker, I move the previous question."

Speaker Hannig: "The Gentleman has moved the previous question. The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the main question is put. Representative Fantin to close."

Fantin: "Thank you. I disagree with the previous speaker. I think this will simplify things for us. If we know there is one week specified every year, the first week in December and all the taxpayers, everyone knows they have that first week in December every year. It's held the first Monday of December, the first Tuesday of December. It's very simple. I think this is a good taxation Bill for our constituents. We owe this to our taxpayers and it's just micromanagement. Thank you. I urge you to vote 'yes'."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 88 voting 'yes', 25 voting 'no', and 1 voting 'present', and this Bill, having received the

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Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1112. Excuse me, Representative Klingler for what purpose do you rise?"

Klingler: "Thank you, Mr. Speaker. On House Bill 1302, in which I was a cosponsor, I was at the chamber door when the vote began and was unable to reach the switch. I would like to be recorded as an 'aye'."

Hannig: "Thank you, Representative. Mr. Clerk, read House Bill 1112."

Clerk Bolin: "House Bill 1112, the Bill has been read a second time previously. No Committee Amendments. No Floor Amendments. No Motions filed."

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

Clerk Bolin: "House Bill 1112, a Bill for an Act to amend the School Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Moffitt."

Moffitt: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1112 has been on the Consent Calendar. I know of no opposition. The purpose of this Bill...it was really...it came about...I was at a meeting at my community college and there were several community colleges there, a representative from a state university and a representative from the Board of Higher Education. They would like to and they have lots of times when they want to be able to sign contracts where they can connect between the different state agencies, the community colleges and et cetera in the areas of technology, telecommunication, and information access. That's what this legislation would do. It would authorize the State Board of Education, give them the statutory authority to enter into those agreements. It would allow, if you have a community college and perhaps they have a course offering and they want to be able to

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offer another course or two, they don't offer it but with being able to sign up with the technology that's available through another community college they would be able to provide this. I would be happy to answer any questions and I think perhaps even one of the other Sponsors, Representative Phelps, might want to comment on this. Appreciate your consideration."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all vote who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes', 1 voting 'no', and 0 voting 'present, and this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 314."

Clerk Bolin: "House Bill 314, the Bill has been read a second time previously. Floor Amendment #1, offered by Representative Boland, has been approved for consideration."

Speaker Hannig: "Representative Boland."

Boland: "What Amendment 1 does is that it lowers the income eligibility ceiling from 35,000 to 30,000. That's all."

Speaker Hannig: "All in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

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

Clerk Bolin: "House Bill 314, a Bill for an Act to amend the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Boland."

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Boland: "What this does, thank you, Mr. Speaker and Members of the House. What this does, this amends the circuit breaker law, the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act. It raises it from the current 14,000 which has been in effect since nearly the beginning back in 1972 up to 30,000 ceiling, income ceiling which is slightly below what the...what inflation would have brought it. There's been a 115% increase in the consumer price index since 1972. If it had kept up with inflation, the circuit breaker income limit would now be \$30,100. It also lowers the eligibility age from 65 to 62 and it attaches the legislation to the consumer price index so that we don't have to go through this every so often. I especially want to thank my 63 cosponsors on both sides of this aisle and would appreciate a 'yes' vote."

Speaker Hannig: "Representative Black."

Black: "Thank you very much, Mr. Speaker. To the Bill if I might."

Speaker Hannig: "To the Bill."

Black: "Ladies and Gentlemen of the House. The Sponsor is very well intended on this and if you've been here any length of time, when he got up to give his Amendment, he said it only changes one word, 35,000 to 30,000. I'm reminded of a late great Representative when I first came down here, got up one day and he said, 'My Bill only changes one word.' And Representative Vinson was our Floor Leader at the time, and he pressed this Representative from Rockford. He said, 'What word does it change?'. And the Representative was known to be able to mumble and we couldn't understand him and he said, 'I said, what word did it change?' And he said, 'It changes million to billion.' Well I would submit

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to you and that individual who did that was a remarkable man and a friend to all of us who had the pleasure and privilege of serving with him. But Ladies and Gentlemen of the House, this Bill, I mean you talk about the ultimate feel good Bill and what I would like to do. I would love to vote for this Bill, but you know, I can't go home and look my constituents in one eye and say, look what I did for you and look at my other constituent with my other eye and say, it's going to cost you \$240 million. Now, at some point in the process we not only have to be honest with ourselves, we have to be honest with our constituents. Yes, I would like to lower the age for circuit breaker from 65 to 62. And yes, I would like to be able to raise the household income from 14,000 to \$30,000. Yes, all of us would like to do that. But Ladies and Gentlemen, in all due respect to the Sponsor, somebody has to pay the bill. Two hundred and forty million dollars, first year annualized cost. I don't know if I can talk any of you out of voting for this because I know this Bill looks good, it feels good and I'll tell you there are people on both sides of the aisle that can devise a really neat direct mail piece on this. But at some point in the process, we have to put politics aside and say, 'If I'm going to give you this benefit, it's going to cost somebody else money', and we do that all the time but I submit to you, not when it costs \$240 million, first year cost. We can't afford it, it can't be done and I dare say it would never be signed into law. For once, even though it's late. Sometimes you have to have the courage to do what is right, what is...instead of what is expedient, and I urge you for the sanctity of the budget process, vote 'no'."

Speaker Hannig: "Representative Ryder. The Gentleman from

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Jersey, Representative Ryder."

Ryder: "I'm certain that I cannot match the enthusiasm or the eloquence of the previous speaker. But perhaps I can simply talk in common sense terms. Two hundred and forty million dollars is the price that you're paying if you vote in favor of this. Now if you know in the budget where 240 million is going to come from, be honest enough to tell those folks that you're taking it from, that you're going to do it. If you believe that this is more important than the other places we're spending money, be honest enough to tell us where you're going to cut. But the worst of all promise is the promise you know you can't keep when you make it and we can't keep this promise. We don't have 240 million in spare change laying in somebody's closet. We have...all the money that we bring in now is obligated. All of it. In the event that you're suggesting that you want to spend it, be honest enough to say who's going to get hurt. You can't give if the money is not coming in, you can't make a promise if the money isn't there. If you want to feel good about it, you go ahead and feel good. I'm going to try to keep the promises that I made and this is one that we just can't keep. Thank you, Mr. Speaker."

Speaker Hannig: "Representative Woolard is recognized. The Gentleman from Williamson, Representative Woolard."

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

Speaker Hannig: "The Gentleman has moved the previous question. The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the main question is put. Representative Boland to close."

Boland: "Thank you, Mr. Speaker and Members. I think this is a question of priority. Earlier in this Session we gave \$150 million tax break to big business. We spent almost a

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billion dollars on another program that one Legislator put through. We had a half of billion dollars in another piece of legislation that another Representative put through. I say it's time for us to put our priorities straight and put them to the people who are the most needy, the senior citizens and the disabled in our state. We talk about tax breaks and property tax breaks. People are talking about \$1.5 billion tax breaks, property tax breaks. Let's give the senior citizens, let's give the low income disabled people their break. Let's make sure that they're counted when the breaks come. As far as the cost of this, let's look at this one other way. We have a \$34.5 billion budget, this Bill here is less than 7/10 of 1% of that \$34.5 billion budget. You mean we can't afford to help our most needy citizens, citizens who have been waiting since 1972 for a raise in this program. I say the time is now, let's back our senior citizens, our disabled people."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 76 voting 'yes', 35 voting 'no', and this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 363."

Clerk Bolin: "House Bill 363, a Bill for an Act to amend the Illinois Vehicle Code. This Bill has been read a second time, previously."

Speaker Hannig: "Excuse me, Mr. Clerk. Representative Kosel, for what purpose do you rise?"

Kosel: "Yes, due to the late hour of the evening, my finger malfunctioned. I would like to be recorded as a 'yes'."

Speaker Hannig: "The record will so reflect your intentions. Mr.

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Clerk. Third Reading. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 363, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Black."

Black: "Thank you very much, Mr. Speaker. I again commend you for your sense of fine timing. House Bill 363 amends the Illinois Vehicle Code to provide that in provisions concerning fees for permits to move a house trailer, that we will move...what we're doing is moving the weight length, excuse me, the weight for trailers hauling modular homes. This Bill was on the Consent Calendar until an hour or so ago. I would be glad to answer any questions about the 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 115 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 27."

Clerk Bolin: "House Bill 27, a Bill for an Act concerning taxes. Third Reading of this House Bill."

Speaker Hannig: "Representative Hartke."

Hartke: "Thank you, Mr. Speaker and Members of the House. House Bill 27 amends the State Local Tax Act and exempts the taxes on sell of equipment for use in aggregate mining, and mining industry."

Speaker Hannig: "Representative Skinner."

Skinner: "Could the Gentleman tell us how much the fiscal impact of this is?"

Hartke: "The fiscal impact says \$1.7 million of local revenues,

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and I want to say, 3 million of state."

Skinner: "My analysis says 3.2 million, I guess that rounds to 3 million."

Hartke: "That's close enough. I think it's probably over estimated."

Skinner: "Well, I'm sure that everybody that did not vote for tax relief for senior citizens won't vote for this, but you'll still pass the Bill."

Hartke: "You voted for the last Bill, right?"

Skinner: "Right."

Speaker Hannig: "Is there any discussion? Seeing 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 105 voting 'yes'; 8 voting 'no', 3 voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 132."

Clerk Bolin: "House Bill 132, the Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions Filed."

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

Clerk Bolin: "House Bill 132, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. Third Reading of this House Bill."

Speaker Hannig: "Mr. Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I've carried this Bill for about three years. It was brought to me by a former judge in my district. The State Bar Association is in support of the Bill, and I have to tell you the truth, I'm not an attorney

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and I can't explain this Bill, but I'll be glad to do the best I can."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'yes', and 0 voting 'no'. And this Bill, having received the Constitutional Majority is hereby declared passed. Mr. Clerk, read House Bill 1780."

Speaker Hannig: "Mr. Clerk, read House Bill 1780."

Clerk Bolin: "House Bill 1780, a Bill for an Act concerning preventative services. Third Reading of this House Bill."

Speaker Hannig: "Representative McGuire."

McGuire: "Thank you, Mr. Chairman (sic-Speaker). I really do mean thank you. We've had this Bill several times. I'm going to be very brief. The hour is late. The Bill is 1780. We've discussed it, we've debated it, we've questioned it. Please vote 'yes'."

Speaker Hannig: "Representative Lawfer on that question."

Lawfer: "Thank you, Mr. Chairman, Ladies and Gentlemen. I realize the hour is late, but, however, this is a very important Bill, and will the Sponsor yield for some questions?"

Speaker Hannig: "The Sponsor will yield."

Lawfer: "Representative, what does this Bill do?"

McGuire: "Mr. Lawfer, this Bill gives a rate increase to the personal assistants, and we've discussed this Bill so often and the hour is late, we've got everybody on board, the Bill was passed out of Committee even with your vote 19-0. I think everybody knows what the Bill does, so let's please vote on the Bill and vote 'aye'."

Lawfer: "There are two Amendments on the Bill, is that correct?"

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McGuire: "One or two, I'm not sure, it's been so long."

Speaker Hannig: "Mr. Clerk, could you tell us how many Amendments are on this Bill?"

McGuire: "One I believe."

Clerk Bolin: "Floor Amendment #1 was adopted to the Bill. No other Amendments were adopted."

McGuire: "The Amendment straightened out an error that was from one of the departments. That's what the Amendment was, Sir."

Lawfer: "What this does then is a 21% increase for these workers, is that correct?"

McGuire: "Yes, yes there is over three years."

Lawfer: "What is the total cost of this over that three year period?"

McGuire: "I believe it's 5.3 million."

Lawfer: "The total cost is, is that for one year or for five years, or three years, I'm sorry?"

McGuire: "Three years. It's a three year program."

Lawfer: "Would this be a, some of the figures I have, and they've been figured a couple different ways, just let me understand whether my figures are right. It would be a \$23 million cost to the Department on Aging and 17 million for DORS, however, they have a total of \$80 million cost over a three year period, is that correct?"

McGuire: "The figures that were first introduced from one of the departments I will not name, were the erroneous figures. The Amendment corrected the figures. Now the change will be implemented in three years, and the change is to coincide with the minimum wage increase. Now, if anyone's concerned about the minimum wage increase, think about how many times that happens, I think it's about one every 10 years."

Lawfer: "But basically this increase then is the same percentage

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as the minimum wage?"

McGuire: "Oh yes."

Lawfer: "But the percent of increase however..."

McGuire: "Yes, it's the same percent of increase as the percent of increase in the minimum wage."

Lawfer: "But some of these individuals or the vendors were getting more than the minimum wage to begin with, is that correct?"

McGuire: "Yes, because of the fact that the minimum wage has already gone into effect before this goes into effect."

Lawfer: "Because some of these agencies deal with vendors, some of this increase will be going to the vendors instead of the workers?"

McGuire: "That's correct, 27% I believe, and 73 are the figures."

Lawfer: "As I mentioned earlier today in discussion on this type of a Bill, I do not see why we should be increasing the amount of money going to the vendors. I think that the amount of money that we are appropriating should be going to the workers, I don't see where the costs of the vendors have been going up that much."

McGuire: "Well, Mr. Lawfer, I'll agree that the increase should go to the personal assistants, but the vendors are their bosses, and they are the ones that make the contracts with the State of Illinois, and they claim that a certain percentage of that money has to go to their administration, just as our good friend Saviano said an hour or two ago with his increase, some of it has to go to the vendors before it goes to the personal assistants."

Lawfer: "Since part of your Amendment ties this to the increase of the minimum wage, is that correct?"

McGuire: "You say it is..."

Lawfer: "In future years is this..."

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McGuire: "Yes, yes."

Lawfer: "So, even though that this is a three year period on costs that we're projecting right now, if there is an increase in the minimum wage, this would automatically increase on the first of July whatever that percentage of the minimum wage...is the increase?"

McGuire: "Yes."

Lawfer: "Representative McGuire, I realize that there's been a lot of work on this, I think we have gotten the agencies together as far as talking about when the starting times are and what the actual increase was. I think that one of the departments was figuring an 8% increase at one time, another was figuring 21, now both of them have gotten their figures together on the understanding of your Bill, and this would be a 21% increase over three years. And that, also if the minimum wage increases, the vendors and personal attendants will also get the same percentage increase, is that correct?"

McGuire: "I'm not sure because I couldn't hear you too well, Mr. Lawfer, but the legislation includes both phases of the federal increase. The one already implemented and the second phase to be implemented in the fall of '97, and should and when this Bill becomes law there would not be an additional 8.4 increase in the rates this fall. I repeat, there would not be an additional 8.4 increase in the rates this fall. I realize all the confusion has been over the numbers that were falsely or unintentionally supplied by the department, but I think the Bill is very straightforward, I'm trying to be very straightforward, this Bill has been debated over and over again, and I would appreciate your vote."

Lawfer: "The Department on Aging and the Department of

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Rehabilitation Services, what is their position on this Bill?"

McGuire: "DORS is opposed, but they were in the first place, even though the figures were wrong. Aging, I don't believe I have a position, they may be opposed, but they were opposed in the first place, so that's nothing new."

Lawfer: "If there is no increase in appropriation to implement this Bill, does that mean that the number of workers that they have will have to be cut back?"

McGuire: "We'll work to get the money in the budget, but..."

Lawfer: "Thank you very much for your comment, Representative, this is a substantial increase of 21% over..."

McGuire: "Over three years."

Lawfer: "Over three years, that's correct, Representative, for these workers as well as the vendors. A fairly large increase needed in appropriations to cover this. Thank you."

Speaker Hannig: "Representative Black."

McGuire: "Thank you, Mr. Lawfer."

Speaker Hannig: "Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. To the Bill."

Speaker Hannig: "To the Bill."

Black: "You know, this can be, this can be a very unpleasant profession to be in sometimes. It can be a very cynical process. The fact remains that our staff, we know what it's going to cost. Over three years of phase in, and this assumes that there will be no expansion of the program, no expansion of the program, and we know that won't happen. There will be more people in the program. Our staff, as is yours on the other side of the aisle, are very good people who spend hours examining this. This is an \$80 million

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price tag. I'm not going to belabor it so somebody can get up and holler and yell about everything that goes on. But you know the cruelest thing we do in this Chamber, the most cruel hoax we play, and I guess it's so we can send out a press release or we can put out an end of Session report and puff ourselves up with pride about what we do, but the cruelest hoax of all is that we build expectations in the minds of citizens of this state, and you and I know, and everybody on this Floor knows, this isn't going to be passed into law. It isn't going to happen, but you're going to have people out there that think it will, and they're going to get all excited, and they're going to hope that it passes, and everybody on this Floor, and I don't have any doubts that this will pass overwhelming. This is one of the cruel things we do. We build expectations for our own press releases and our own egos, when we know full well this measure will never be signed into law and this raise will not be forthcoming, and we can debate whether it should be, or could be, or might be, but we all know it isn't going to happen, and that's the cruelest thing we do, is to build expectations that we know are not going to be delivered. That's part of the process sometimes that drives some of us out of it. I intend to vote 'no', I have no doubt it will pass, I am not going to go home and look people in the eye and build expectations that I know will not be fulfilled. That's a cruel thing to do, and that's why I'll vote 'no'."

Speaker Hannig: "Representative McGuire to close."

McGuire: "I'd appreciate your 'aye' vote. There has not been a raise for these people in many years. You know the minimum wage has not been raised in about 10 years, this Bill is key to the minimum wage increase, so it's just going to be

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a raise that whenever the minimum wage is increased, and these people are minimum wage workers. I appreciate your 'aye' vote, and thank you for your time."

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 94 voting 'yes', 19 voting 'no', and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 748. 748."

Clerk Bolin: "House Bill 748, the Bill has been read a second time previously. Floor Amendment #2, offered by Representative Wait, has been approved for consideration."

Speaker Hannig: "Representative Wait."

Wait: "I would ask that Amendment #2 be withdrawn, and we run with #3."

Speaker Hannig: "Amendment #2 is withdrawn. Are there any further Amendments?"

Clerk Bolin: "Floor Amendment #3, offered by Representative Wait, has been approved for consideration."

Speaker Hannig: "Representative Wait."

Wait: "Thank you. Now Amendment Bill (sic-#3) becomes part of the Bill. Basically, what this Bill does is 748, to clarify in Senate Bill 2200, which was passed in 1992, to say that interstate trucks, those are the ones that cross from state to state, that the Secretary of State of the State of Illinois shall be the exclusive taxing agency for these type of trucks. This is just to clarify some language. The Bill passed, a similar Bill passed out of the Senate, 56 to 0. I would be happy to answer any questions."

Speaker Hannig: "All in favor of the Amendment say 'aye'; opposed

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say 'nay'. The 'ayes' have it, and the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

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

Clerk Bolin: "House Bill 748, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of this House Bill."

Wait: "Thank you, Mr. Chairman (sic-Speaker), Ladies and Gentlemen of the House. I just explained the Bill to you, and I would certainly appreciate your vote."

Speaker Hannig: "And on that question, Representative Black is recognized."

Black: "Mr. Speaker, I take no delight in this. Representative Wait is a good friend of mine, but I must make an inquiry of the Chair."

Speaker Hannig: "State your inquiry, Representative."

Black: "When we adopted Amendment #3 to the Bill, I believe that the Parliamentarian will check, it clearly makes reference to home rule preemption under the proper subsection of the Illinois Constitution, and in my opinion, and in all due respect to the Sponsor, it would require 71 votes, and I would ask the Parliamentarian to so rule."

Speaker Hannig: "Mr. Black, did you say Amendment 3?"

Black: "Yes, I believe with the adoption of Amendment 3, clearly preempts the appropriate Section of the constitutional home rule and would take 71 votes, which I will be glad to supply one of those votes. But I would appreciate a ruling from the Chair, just so we know."

Speaker Hannig: "Yes, Representative Black, the Parliamentarian has examined the Amendment, and it does require 71 votes. This preempts home rule."

Black: "Thank you very much, Mr. Speaker and again I get no pleasure of asking. But I think we need to be consistent

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in light of the creative decision last night. I intend to be one of those 71 votes. I do appreciate the Parliamentarian's rule on the consistency of what he applied last night."

Speaker Hannig: "Represent..."

Wait: "Yes, I would just like to say, Amendment #3 was to satisfy the City of Chicago. So, the City of Chicago is fine on this Bill now."

Speaker Hannig: "Representative Wait, did you wish to explain the Bill?"

Wait: "They're okay with this Bill, with the Amendment, they are fine on the Bill."

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

Dart: "Thank you, will the Sponsor yield?"

Speaker Hannig: "He will."

Dart: "Representative, can you explain to me, why we need this Bill?"

Wait: "Because there has been, since we passed the Bill in 1992, there has been a couple of court cases going different ways on this and this would clarify it so that we would know, once and for all, that the Secretary of State is to be exclusive agency as far as taxing these IRP plates, instead of allowing local communities to do something with them. Because these trucks travel all over the United States."

Dart: "What would this do to the local vehicle stickers?"

Wait: "Pardon?"

Dart: "What would this do to local vehicle stickers?"

Wait: "Basically, this would say that the state is the only one that has the right to issue vehicle stickers to these type of trucks. This only involves about three thousand vehicles."

Dart: "So, but that means that the locals would not be able to do

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this at all then, is that correct?"

Wait: "Right, and in one of the court cases that's what it said, that the state has preempted it with this Bill, but there has been a split in the court cases so this would clarify the original language."

Dart: "To the Bill. I rise in opposition to this Bill. It is cutting the counties out. It's cutting local governments out, at a time when they're all strapped for money. I don't think this the time that we should be cutting them out of the ability to license these folks and get the fees that come with it. I think it's irresponsible at this time to do that. I rise in opposition, and I encourage my colleagues, especially from the city to oppose it as well."

Speaker Hannig: "Representative Currie, Barbara Currie."

Currie: "Yeah, I too have serious questions about the Bill. It looks to me as if it does in some ways preempt local authority to tax, and while I appreciate the ruling that this is a 60 vote ruling, I think the principle that local governments ought not to have this opportunity which is still embodied in the Bill, never mind that it has been amended to meet the specific concerns of the City of Chicago. I think this is a serious issue for this Assembly. So, I think there are serious questions about the Bill, and I think that at this point it would be good to have better answers than the Sponsor has provided. And I think a 'no' or 'present' vote would be appropriate."

Speaker Hannig: "Representative. Representative Mulligan."

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

Speaker Hannig: "He indicates he will."

Mulligan: "Representative Wait, exactly what does Amendment 3 do that you put on for the City of Chicago?"

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Wait: "Amendment #3 is what Chicago asked to be put on there and with that they are acceptable to it. They were never fighting this case in the first place. So, they're fine with it."

Mulligan: "Representative, I would be really interested in what they exempted out of here because this Bill is very similar to my limo Bill that Representative Lang always likes to point out to and I'm very curious if...why the City of Chicago would put something on there which probably would exempt them from those provisions which I think this Bill would create."

Wait: "What was that? Was that a question?"

Mulligan: "Well, I'm curious if Chicago wanted that Amendment and prior to this they would not want, they would want to be able to tax vehicles, which they do, that are fleet vehicles, what does your Amendment #3 do?"

Wait: "Chicago never was contesting this in the first place."

Mulligan: "So Chicago was always out of this Bill? Thank you."

Speaker Hannig: "Speaker Madigan."

Madigan: "Question of the Sponsor."

Speaker Hannig: "The Sponsor will yield."

Madigan: "Mr. Wait, what's the affect of this Bill upon the ability of counties to issue vehicle stickers, counties?"

Wait: "On counties, this would prohibit counties from issuing vehicle stickers."

Madigan: "Okay. What about municipalities other than the City of Chicago?"

Wait: "The only ones that were in contention were either home rule districts or Cook County. City of Chicago never did fight this."

Madigan: "All right. So, cities such as the City of Springfield, would they be prohibited from issuing vehicle stickers?"

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Wait: "Yes."

Madigan: "And what would be the universe of vehicles where they would be prohibited from issuing the sticker?"

Wait: "It's only those that have IRP plates. There's around 3,000 vehicles, 3,000 of them out of...I don't know, 11,000 vehicles, or 11 million vehicles in the State of Illinois. So, it's only 3,000 vehicles we're talking about. These are the interstate trucks that have the IRP plates, those are what they call the apportion plates that are issued by the Secretary of State because they go through all the states."

Madigan: "Thank you, Mr. Wait."

Speaker Hannig: "Representative Bost."

Bost: "To clarify, Mr. Speaker. Thank you, Mr. Speaker, will the Sponsor yield?"

Speaker Hannig: "He indicates he will."

Bost: "Is this just an opportunity to provide for cross country trucks, that use interstate plates between every state, so they can register their miles, so that they don't have to be stickered in every particular city they go through, is that correct? That's the only ones they affect?"

Wait: "Yes, that's exactly it."

Bost: "It's a good Bill, vote for it."

Speaker Hannig: "Representative Deering."

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

Speaker Hannig: "He indicates he will."

Deering: "In the current statutory language, isn't counties the only word that's omitted from the language in the statute?"

Wait: "Yes, that's what we're clarifying."

Deering: "So, this just clarifies it and brings it under the umbrella so everybody's on a level playing field, correct?"

Wait: "That's it exactly."

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Deering: "Thank you."

Speaker Hannig: "Representative Mitchell."

Mitchell: "Thank you, Mr. Speaker. Will the Sponsor yield? I know he will."

Speaker Hannig: "The Sponsor will yield."

Mitchell: "Ron, one more time, if I happen to be the Mayor of Rockford, and I determined that I wanted to put a vehicle sticker on automobiles and I wanted to do that, is your Bill going to stop me from stickering pickup trucks and cars and motorcycles? If I chose to do that, could I still do it with your Bill?"

Wait: "Yes, you can still sticker cars, trucks, even semis. Semis that just stay, exclusively, in the State of Illinois. This only affects the 3,000 vehicles that are interstate trucks that travel throughout the whole United States."

Mitchell: "So this is the Ron Wait big truck cross country Bill? I think it's a good Bill, thank you, Sir."

Speaker Hannig: "Representative Wait, to close."

Wait: "Thank you very much. Hopefully, you understand exactly what this does, like I say, this is only three thousand vehicles, it was suppose to be clarified in the Bill we passed in 1992 and has been a...court cases have gone a couple different ways and this is to clarify. But those trucks that travel all over the United States that they do not have to be stickered in each and every community that they visit. I would appreciate your 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 90 voting 'yes', 17 voting 'no'; and 8 voting 'present', and this Bill, having received a

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Three-fifths Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of House Bill 164?"

Clerk Bolin: "House Bill 164, is on the Order of House Bills - Third Reading."

Speaker Hannig: "Mr. Clerk, return that to Second Reading. Just so the Members know what the rest of the evening is scheduled for, there is a committee hearing tonight on the Children and Youth Committee that will begin shortly. We will be moving a few Bills back from Third to Second and then we are prepared to adjourn. Representative Black. Representative Black. Representative Black."

Black: "Mr. Speaker, I again renew my request for a supplemental appropriation so you can hire somebody to run the sound board, but whatever. Mr. Speaker, an inquiry of the Chair."

Speaker Hannig: "State your inquiry, sir."

Black: "Now, if you'll look at this official sheet put out by the Office of the Speaker, the Children and Youth Committee is scheduled for 10:05 a.m., today. Now you have violated the posting requirements. I would say to you, how in the world can you then have a committee meeting at 10:05, or 10:10, or 10:15 on a Friday night, when this sheet said it was supposed to be held at 10:15 this morning? The public has no idea that this committee...people all over the state have gone home, and now they're going to have to try to come back here as quickly as they can. You're denying the public a right to attend this meeting. This is chicanery, chicanery of the highest order. I would submit to you, I would submit to you, Sir, if this is the manner in which you wish to run the House, the hour of 10 o'clock having already come and gone. This calls for a 10:05 a.m. meeting. Now you've changed it on the face. This is an

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outrage to people, I'm shocked and appalled. Shocked and appalled."

Speaker Hannig: "Thank you, Representative Black."

Black: "Mr. Speaker, this cannot, this cannot continue. This House is out of control. You are now denying the people a right to testify. I move we adjourn."

Speaker Hannig: "Representative Black, the posting requirements were correct, but the memo was incorrect. So we met the posting requirements, Sir. Mr. Clerk, what is the status of House Bill 260?"

Black: "The Motion is always in order. I'm joined by Members from your side in a roll call."

Speaker Hannig: "Mr. Black, do you want to adjourn? Want to adjourn? Mr. Clerk, what is the status of House Bill 260?"

Clerk Bolin: "House Bill 260, is on the Order of House Bills - Third Reading."

Speaker Hannig: "Return that Bill to Second Reading."

Black: "Mr. Speaker."

Speaker Hannig: "Representative Black."

Black: "Haven't we already passed this? It would be on the Order of Fourth Reading, or are we meeting as a Committee of the Whole in the Senate? Well, we might as well, because they aren't here and God knows if they'll come back."

Speaker Hannig: "Representative Black, we're trying to accommodate Members who would like to move their Bills from Third to Second."

Black: "Well, we don't need to accommodate Representative Persico. Is he even here? Oh, I'm sorry, I'm sorry, I didn't even know he was here, I'm sorry."

Speaker Hannig: "Representative Black now moves that the House stand adjourned until Saturday, April 19, at the hour of

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9:00 a.m. All in favor of the Motion say 'aye'; opposed
'nay'. The 'ayes' have it, and the House stands
adjourned."