

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

48th Legislative Day

April 23, 1997

Speaker Madigan: "The House shall come to order. The House shall come to order, the Members shall be in their chairs. We shall be led in prayer today by the Reverend Leonard Pye. Reverend Pye is with the Highland Community Church in Highland. He is the guest of Representative Ron Stephens. The guests in the Gallery may wish to rise and join with us in the invocation."

Reverend Pye: "The scriptures proclaim, blessed is the nation whose God is the Lord. May we bow together please. Heavenly Father, we thank You for this statement from You in the Psalms, that challenges us to be all we can be and You then recognize us and bless us, accordingly, because we've placed You first in our life. We pray for this great assembly today, Lord, there's so many things that they're going to be talking about. But we pray for the individuals and their families as they've come and many, many hours have been dedicated to the job at hand. We pray Lord, for families who are missing moms and dads and brothers and sisters and such. And Lord, as we come to deal with the issues that surround us everyday and for the future, we pray for Your wisdom. Help us to be integrity kinds of people, that says, 'Blessed is the nation whose God is the Lord.' Help us to have Your wisdom this day, in Your name we pray. Amen."

Speaker Madigan: "We shall be led in the Pledge of Allegiance by Representative Churchill."

Churchill - 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 Madigan: "Roll Call for Attendance. Mr. Hannig. Mr. Hannig."

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Hannig: "Yes, thank you, Mr. Speaker. Will the record reflect that Representative Gash, Representative Schoenberg and Representative Feigenholtz are excused today."

Speaker Madigan: "Let the record reflect those excused absences. Mr. Cross."

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

Speaker Madigan: "Mr. Clerk. We are on the Order of the Attendance Roll Call. Have all voted who wish? Mr. Clerk, take the record. Mr. Clerk, how was Representative Slone recorded on the Attendance Roll Call? You indicate that she's recorded as 'present'? And there being 115 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk. Committee Reports."

Clerk Bolin: "Representative Harold Murphy, Chairman from the Committee on Personnel & Pensions, to which the following Bills, Resolutions and Amendments were referred, action taken on April 23, 1997, reported the same back with the following recommendations: 'be adopted' Floor Amendment #2 to House Bill 2047. Representative Currie, Chairman from the Committee on Rules, to which the following Bill/s, Amendments and Resolutions were referred, action taken on April 23, 1997, reported the same back with the following recommendations: be adopted' Floor Amendment #3 to House Bill 1076; Floor Amendment #1 to House Bill 1435; Floor Amendment #1 to House Bill 1451; Floor Amendment #1 to House Bill 1900, and Floor Amendment #3 to House Bill 1915."

Speaker Madigan: "On the Order of Third Reading there appears House Bill 1285, Mr. Scott. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1285, a Bill for an Act to amend the Crime Victims' Compensation Act. Third Reading of this

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House Bill."

Speaker Madigan: "Mr. Scott. Mr. Scott. Mr. Clerk, take this Bill out of the record. On the Order of Third Reading, there appears House Bill 821. Mr. Biggins. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 821, a Bill for an Act in relation to the repeal, deletion and amendment of certain statutory provisions. Third Reading of this House Bill."

Speaker Madigan: "Mr. Biggins."

Biggins: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 821 is a Bill from the Legislative Audit Commission. A bipartisan Bill, and we get to do something with this Bill that we talk about quite often, and now we have a chance to vote on it. That is to cut State Government. But this Bill repeletes (Sic-repeals) some obsolete statutes and makes changes to reflect current practices of the administrative agencies. And the Bill includes a lot of laws that are now considered obsolete. All Members of this Body had an opportunity to provide comment on any parts of this Bill that they didn't want in the Bill. That has been accomplished over the past several months. And I would urge an 'aye' vote and be glad to answer any questions any of the Members may have."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. There being no discussion, the question is, 'Shall the Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 'ayes'; 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House

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Bill 1285 has been read for a third time today and the Chair recognizes, Mr. Scott."

Scott: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1285 adds a provision to the Crime Victims' Compensation Act that would allow for the payment of a self-defense class for victims of violent crime, and I would ask for its passage. It passed out of committee on a unanimous vote."

Speaker Madigan: "The Gentleman moves for the passage of the Bill and the Chair recognizes Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Thank you. Representative, do you have a potential cost of this legislation?"

Scott: "I was just looking for that, Mr. Black, and I don't believe that there was any Fiscal Note that was suggested by that. Of course a victim is limited under the Act to certain statutory amounts anyway. So, I don't believe there's going to be any, any substantial extra cost involved."

Black: "Well, how does, doesn't this work now on a county by county basis? And isn't there a surcharge on cases filed, or something?"

Scott: "That goes into this fund, yes and then the Court of Claims distributes the funds to the victims."

Black: "And so the fund ... the fund does not stay... I'm under the mistaken impression that that fund stayed with the counties. You're telling me it doesn't do that."

Scott: "No, it's distributed by the... through the Court of Claims."

Black: "Would a victim have to appear before the Court of Claims

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and go through all of that... and some of these things takes years I mean, as you well know, some of these cases can take years to resolve, and would a victim have to go through all that hearing procedure?"

Scott: "I believe in most cases, I know how it works in Winnebago County. The State's Attorneys Office has a Victims' Assistance Program and I think they help in terms of making the claims, and I would imagine in most of the larger counties that's the way that it occurs."

Black: "I noticed I forgot to ask you to file a Judicial Impact Note on the Court of Claims. Might we need new hearing officers on the Court of Claims if this Bill becomes law?"

Scott: "I wouldn't think so, Representative, because I don't think there, there are going to be cases here where somebody is submitting an extra case, it might be something else that they ask for as part of their case, but I can't really see people submitting a claim just for this when they're not submitting a claim for anything else."

Black: "Okay. Can we talk a little bit... Are the self-defense classes still covered under this Bill?"

Scott: "Yes."

Black: "Okay. Now, who would be responsible for administering putting those on, et cetera? Where would they be held?"

Scott: "Could be anywhere, depending on where the person lives. All the, all the purpose of the Bill is to allow the Court of Claims, if they get a claim of a person as part of their claim is asking for this to be compensated, the Court of Claims could determine the reasonableness and the... and the payment to be done with it. The same way right now that they don't tell people where they have to go to get psychological counseling or their medical bills or anything else. That's just a claim that's, that's submitted to the

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court for them to pay out."

Black: "So, if I'm hearing you, this is entirely permissive. If somebody wants to go to the Scott School of Tae Kwon Do or whatever."

Scott: "There isn't one, by the way, because it wouldn't be very useful for anyone. But in case there were, yes."

Black: "I just wanted to make sure you had that on the record. So, if they choose to go in their own area, then they could submit the Bill to the Court of Claims for payment. Now, is there any safeguard? What if somebody gets started in this and they say, hey, this is really pretty neat, and my son has been in one of these, I don't know, black belt classes, et cetera, and he has been in there for a number of years and he really enjoys that and he goes to competition. What would... is there anything that would prevent somebody from getting into such a class and say? 'This is great exercise, I like it and I don't have to pay for it.'"

Scott: "Well, the safeguard is the court itself, because we purposely wrote it to leave the Court of Claims to have the discretion, rather than put a dollar amount on it where people might use up to the dollar amount, we want the court to be able to determine the reasonableness of the class and of the cost."

Black: "All right. Thank you very much, Representative."

Scott: "Thank you."

Speaker Madigan: "Representative Mulligan."

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

Speaker Madigan: "The Sponsor yields."

Mulligan: "Representative Scott, although, I think it might be a good idea to take a course such as this. Why do you think that government ought to pay for it?"

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Scott: "That's a good question. Well actually, government is not paying for it. Actually, the money from this comes from a portion of fines that come off of criminal cases. So, actually, perpetrators of crime just like they do for the rest of this fund, are actually paying for these classes. So, I think it's a good idea for them to help pay for it. But this actually came from a constituent. It was a person who was a victim of a home invasion and a sexual assault, who then went out and took this class on her own and she was talking about the self-esteem that comes from, and the self-confidence that comes from being able then to not be afraid as much. To be able to walk the streets and have a little bit better idea that they're not going to be feeling as much like a victim as she would have, otherwise, and so there is a very positive aspect for that. The same way that this fund right now pays for some kind of social and psychological counseling too. So, I think the two work very well together and again, it's not us paying for it. It's the perpetrators who pay for it."

Mulligan: "Would this then mean less money for victims in other areas?"

Scott: "Well, yeah. Again these are victims but, again, the amount that you can recover from this is capped already. So, I don't, I don't really think so. I mean, I think the amount of money that you can get out of the fund is already capped."

Mulligan: "What do you mean by capped? You're only going to put so much money into a program and then when, whoever... If so many people sign up that's the end of that for so many months or..."

Scott: "It's capped per person under the statute right now, how much you can get out of the... out of the Crime Victims'

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Reimbursement Act. There is only so much you can get out of that right now."

Mulligan: "But any person could request this?"

Scott: "Any, any victim, yes."

Mulligan: "Don't you find that maybe some local law enforcement or police departments do some of this for free and now we're going to pay for it?"

Scott: "They might."

Mulligan: "Are we covering the whole state here, or is it just applying to your area?"

Scott: "Covering the whole state."

Mulligan: "I think it's a good idea, but I really feel we're carrying government a little too far for paying for this. I mean it's..."

Scott: "Well, we're amending. First of all we're amending what already exists. We're... there's a... there's a... the Act as it stands right now, allows for this fund, which, again, is capped, so we're not adding more money. In fact, we did find the fiscal report that says there is no fiscal impact to the state on this, because, again, it's provided by perpetrators of crimes and all we're saying is, if we're going to try to make the person mentally, give them better peace of mind mentally through counseling and other things, this is another avenue that we can use to help achieve that. And again, there is no fiscal impact and if the Court of Claims deems it a reasonable expense, I'm not sure why, why we should be standing in the way. I think it's a fairly, it's a fairly easy way to try to provide some help to victims who are primarily women."

Mulligan: "The funds that are there now, are they sitting there not being used, or are they actually being expended?"

Scott: "Some are expended. I mean, there are some expended every

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year but they're not... they're not drained every year. Because as these crimes go on and the fines are levied, a portion of those fines goes in. So, every year, unfortunately, given the rate of crime and convictions you're going to have, more funds every year."

Mulligan: "But you can already do this now, so why are you bringing this Bill?"

Scott: "Well, we can't do it now under this Act. The Victims' Assistance Fund can't pay for this now under the Act. That's something that's not covered. That's why we're adding it to this."

Mulligan: "All right. I think that there would be a limited... You know, only certain people will do this, other people would not, and I'm concerned that it would lessen money for just victims across the board and the people that want to do this would probably find a way to do it on their own without government paying for it."

Scott: "Well, but I think that goes back to the whole purpose of what this Act is for in the first place. The Act is designed to take money from people who prey on other people and use that money to help the people who are preyed upon to come back and be made whole through their medical bills, through their loss of work. There's a whole list of things that are already paid for, and I'm just saying that that I think we can probably agree that this can be very helpful in terms of people's peace of mind. Why not add that to the list of things that can be paid for if it's not going to hurt the fund? And I don't think it is according to the notes that we've got."

Mulligan: "Well, have you got a priority? I mean if it were to hurt the fund would it be lower priority to pay for this than it would be for medical bills?"

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Scott: "Yes. That's already part of it right now, yes."

Mulligan: "All right."

Scott: "And again this is a second, the fund is a secondary source of compensation. So, if people have means and these items are covered in another way, not just for this, but throughout the fund if they are compensated in another way, then the fund doesn't pick it up."

Mulligan: "Okay. So, if I make a really good salary and I could pay for this myself, would the fund pay for it?"

Scott: "Not, necessarily. Not because you make a good salary, but if you have a different source of income, if you have a policy or insurance policy or something that will cover that, then the fund won't pick it up. But not just... not just because you make good money. Your medical bills and everything else can still get covered under this Act. They still do right now."

Mulligan: "Okay. I just think we're paying for an awful lot here. Thank you."

Scott: "Thanks."

Speaker Madigan: "Mr. Durkin. Durkin. Mr. Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Durkin: "Representative, how do you define the crime of violence? Is it anywhere codified, or is it within your Bill?"

Scott: "It's not within the Bill."

Durkin: "I'm sorry, could you..."

Scott: "It's not within the Bill."

Durkin: "Well, the only problem I see is that right now there is a section which defines a... there's a thing which is defined as a forcible felony, which is rather vague in my... I'm just kind of curious if there is any limitation as to what is... what is and is not a crime of violence?"

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Scott: "Well, Jim, if I can. The Act, itself, right now doesn't delineate between crimes that can be compensated, right now. It's just a victim of a crime, right now."

Durkin: "Victim of any crime? Any crime?"

Scott: "Of crime. So, we're, in this particular case, we're making it a little bit more stringent than that because the Court of Claims would then have to decide whether or not this was a violent crime."

Durkin: "I mean my only concern is, that if there is a situation where someone is... their car has been burglarized, they're going to be able to petition the Court of Claims for a self-defense class."

Scott: "No, that's certainly not the legislative intent here and I would... I would say it's a crime against the person."

Durkin: "Do you think perhaps maybe it could be defined and maybe you can narrow the scope of your Bill a little bit if it... over at the Senate?"

Scott: "Yeah, I would be willing to do that if you think that's necessary."

Durkin: "See, I think it did because I think it opens up a lot of questions, because I think no one is quite sure if there is no codification as to what exactly is a crime of violence within our code, but there is a definition of forcible felony, which I'm still kind of grappling with because that's rather vague 'cause I think that it's rather broad."

Scott: "But a forcible felony can be against property as well as against persons. So..."

Durkin: "Right. I mean, forcible felony is defined under 720ILCS5/2-8, which I've had problems with back in my prior career, but also right now with certain other issues. Doug, what do you anticipate the, I mean... the question may have been asked, but what do you anticipate that this

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will cost the Court of Claims? Is this going to force them to ask for an additional appropriation on a yearly basis?"

Scott: "I don't think so, because the amount that they can give to any person is already capped, statutorily, anyway. Besides, the appropriation for this Act doesn't come from us, it comes from the people who are committing crimes who pay into the fund."

Durkin: "Okay. What is the cap under this in the Court of Claims?"

Scott: "It's... right now its \$25 thousand. That's to cover everything that's covered under the Act."

Durkin: "Okay, but I'm just trying to think of a self-defense class. How can this... there's all sorts of self-defense classes and, I mean, we've already talked about, well is this going to allow somebody to take tai kwon do lessons over a yearly basis and to submit a Bill to the Court of Claims saying here pick up my karate lessons? Is that..."

Scott: "No, I don't believe so. I mean, again, and again we left that to the Court of Claims, because we didn't want to say jujitsu, yes, tai kwon do, no. We want to leave it to them to determine what's reasonable and I'm sure they can do that, by rule also. It's a self-defense class, also."

Durkin: "Okay."

Scott: "So, it wouldn't be something that would carry on for years."

Durkin: "Okay, if this Bill is successful in the House, would you be willing to perhaps, you know revisit it and perhaps narrow the scope of the classification of the individuals who would be able to participate under this provision."

Scott: "Sure. Yeah. Absolutely."

Durkin: "Thank you very much."

Speaker Madigan: "Mr. John Turner."

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

Speaker Madigan: "The Sponsor yields."

Turner, J.: "Representative, what is your definition for a self-defense class?"

Scott: "Well, I'm, specifically not having one in there, John, because I want the Court of Claims to be able to determine that. As I just said to Representative Durkin, I don't want to get into the the position, legislatively, of saying tai kwon do, yes, jujitsu, no, or something along that line. I want them to be able to determine the reasonableness of both the class and the cost."

Turner, J.: "What's the purpose of a person taking these self-defense classes whether it be karate or boxing or whatever the case may be?"

Scott: "Well, I think it's twofold. I think... Number one, I think you have... the main purpose of it and it goes back to the purpose behind the Act in the first place. The main purpose is to try to make people whole, both physically in terms of their bills and also in terms of psychologically. In answer to your first question of what is self-defense class is, we also don't define in the Act any of the other things that it can pay for like psychological treatment, medical treatment and things like that. We leave that to the Court of Claims to determine the reasonableness of that. So, this fits right into that. But the whole idea is to try to get the person feeling whole and if you talk to the person who came to me that's the result of this... That resulted in this Bill being filed, or you talk to other victims of violent crime, you'll find that there's a... there's a little bit of piece of mind and there is a little bit of feeling of less of a victim from being able to take something like this and that's the whole purpose of

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the Act in the first place, is to try to make these folks whole."

Turner, J.: "Well, is part of the purpose so that the person can become schooled in self-defense and perhaps protect themselves from a subsequent attack?"

Scott: "I think that's a secondary purpose but I think that, that's something there to."

Turner, J.: "Well, I'm glad to see you taking an interest in self-defense. Would you agree that the self-defense classes that you're talking about, probably would not be much good against someone who assaulted you with a weapon, for example a handgun?"

Scott: "Well, it depends... Obviously, it depends what it is and what your other proficiencies are there. It still won't make me vote for the other Bill, in case you're asking."

Turner, J.: "I kind of am asking. I think it's great that you're taking an interest in self-defense and I guess I'm asking you if you would like for me to support this? Would you be willing to revisit the issue of whether it takes 71 votes or 60 votes, with Representative Weaver, Representative Deering and your leadership? Because clearly if we're going to provide people with a mechanism of self-help or self-defense, the only self-defense against a handgun would actually be a law which would allow that person to have a handgun on them who's being assaulted with a firearm."

Scott: "Well, I don't know that I agree with that and I have full faith in our Parliamentarian on the other issue."

Turner, J.: "Well, with regard to self-defense, if self-defense is important and I believe it is and if self-help is important, what is in your opposition to concealed carry? Why is it not in the same scope or in the same parameter as what you're doing here with this Bill?"

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Scott: "Well, I think that's a different issue, John. I'm talking about this particular Act, and some things that we'll pay for under this particular Act, and we can debate that Bill if it gets called again. We'll be glad to debate that Bill at that time."

Turner, J.: "So, you have no opposition then to a person using self-defense as long as it's self-defense, which would be with their own hands, for example, karate or boxing. But you don't want to go further than that?"

Scott: "Well, I didn't say that, but that's not part of this Bill at any rate."

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

Speaker Madigan: "Mr. Skinner."

Skinner: "I wonder if the Sponsor, would..."

Speaker Madigan: "The Sponsor yields."

Skinner: "Would tell us whether handgun training would be eligible under this Bill?"

Scott: "That would be up to the Court of Claims."

Skinner: "Oh, then it would be. Thank you."

Speaker Madigan: "Mr. Scott, to close."

Scott: "Well, I think this Bill is important for a couple of reasons. First of all, I think that what we do is we tell the people who have been victims of violent crimes, that we're trying to do our best to make them whole under the Act that's here right now. I don't think there's a fiscal consequence to it and I think it really is an important issue, especially for women, who are victims of violent crimes and I would ask a favorable vote."

Speaker Madigan: "Those in favor of the passage of the Bill vote 'aye'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk

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shall take the record. On this question, there are 76 'ayes', 39 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1129, Representative Lindner. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1129, a Bill for an Act to amend the Public Aid Code. Third Reading of this House Bill."

Speaker Madigan: "Representative Lindner. The Chair recognizes the Clerk for an announcement."

Clerk Bolin: "Attention, Members, the Rules Committee will meet immediately in the Speaker's Conference Room. The Rules Committee will meet immediately in the Speaker's Conference Room."

Speaker Madigan: "Is Representative Lindner in the Chamber? House Bill 1129. Representative Lindner, please proceed."

Lindner: "Yes, thank you, Mr. Speaker. This is Amendment #1. It has been added to House Bill 1129 and, currently, when a family is paid child support, when they are on AFDC they only get to keep a certain portion of the child support and then the rest is passed through to the federal. This Bill is based on the Work Pays Program, that allows families to keep a certain amount of money out of the earned income and would treat child support like earned income and allow families to keep their entire child support, thus helping them get off welfare. And the Federal Act allows us to apply for this. We would have to receive a federal waiver and I would ask for support of this Bill."

Speaker Madigan: "The Lady moves for the passage of the Bill. The Chair recognizes Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

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Black: "Yes, Representative, this sounds like a very interesting Bill. Can you tell me what the genesis of this Bill? Where did this Bill come from?"

Lindner: "I believe this was the suggestion... some of the people from Voices For Illinois Children suggested this Bill and they had come to see me in their office and when they first started this Bill and then they had given the Bill to Representative Ronen to Sponsor."

Black: "So, this is kind of like... what, the genesis was Representative Ronen, to Lindner, to..."

Lindner: "It was Representative Ronen's Bill, yes. But these, the group had also come to speak to me, in my office, at the beginning of the Legislative Session."

Black: "Has the Amendment been adopted to the Bill, Floor Amendment #2?"

Lindner: "I'm not sure about that."

Black: "Should we ask the Clerk?"

Lindner: "Yes."

Black: "Yes, Mr. Speaker."

Speaker Madigan: "Mr. Black."

Black: "Could the Clerk inform us whether Floor Amendment #2 was adopted to the Bill?"

Speaker Madigan: "Mr. Clerk."

Clerk Bolin: "Floor Amendment #2 has been adopted to the Bill."

Black: "All right, thank you. Representative Lindner, do your records show that there should be another Amendment to the Bill?"

Lindner: "Yes, I believe and this is why I was confused looking at the board, that this is Amendment #1 to House Bill 1129, rather than the Bill."

Black: "Well, now I'm confused. Are you presenting the Amendment or the Bill?"

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Lindner: "It's my understanding that I'm presenting the Amendment."

Black: "Mr. Speaker, we seem to have a little difficulty here. The Representative thinks she is presenting an Amendment and I think she's presenting a Bill. Could we get some direction from the Chair? Within reasonable parameters Sir, if you care."

Speaker Madigan: "Are you suggesting that maybe we take this out of the record for a couple of minutes?"

Black: "Perhaps we should do that, thank you."

Speaker Madigan: "Let's take this Bill out of the record for a few minutes."

Lindner: "Thank you."

Speaker Madigan: "And the next Bill would be House Bill 974 by Andrea Moore. Mr. Clerk, Read the Bill."

Clerk Bolin: "House Bill 974, a Bill for an Act to amend the Health Maintenance Organization Act. Third Reading of this House Bill."

Speaker Madigan: "Representative Moore."

Moore, A.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 974 amends the Critical Health Problems and Comprehensive Health Education Act and it provides that the State Board of Education shall develop and make available to all elementary schools in the state, instructional materials and guidelines that will assist those schools in incorporating the required instruction for CPR and first aid, and that it be provided on a volunteer basis by local police and firefighter departments. I'd be happy to answer any questions. This is... some of you may know this program is a Save a Life Program."

Speaker Madigan: "The Lady moves for the passage of the Bill. There being no discussion, the question is, 'Shall the Bill

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pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? 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 95 'ayes', 20 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 483, Mr. Deering. Mr. Deering, on House Bill 483. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 483, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Madigan: "Mr. Deering."

Deering: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 483 is nothing but a Vehicle Bill. One would like to move it to the Senate for my Senator to pick up. We have a problem in our district we're trying to work out between a community and IDOT. Just want this Bill in place in case we need it somewhere later in the Session."

Speaker Madigan: "Mr. Black."

Black: "Yeah, thank you very much, Mr. Speaker. I just rise in support of the Gentleman's motion. We've talked about this. This Bill will go to the Senate, will be picked up, by Senator Luechtefeld and will be used only for a matter of a potential land transfer or purchase of said land under a quick-take provision. That's all it will be used for and we have the Sponsor's word on that and it will be under the control of a Republican Sponsor in the Senate. So, I see no difficulties with this Bill."

Speaker Madigan: "Those in favor of the passage of the Bill vote 'aye'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 103

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'ayes', 11 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1447, Mr. Ryder. Mr. Clerk, take that Bill out of the record. House Bill 1900, Mr. Skinner. Mr. Skinner, on House Bill 1900. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1900. The Bill has been read a second time, previously. Floor Amendment #1, offered by Representative Skinner, has been approved for consideration."

Speaker Madigan: "Mr. Clerk, is there an Amendment?"

Clerk Bolin: "Floor Amendment #1, offered by Representative Skinner, has been approved for consideration."

Speaker Madigan: "Mr. Skinner."

Skinner: "Yes, Floor Amendment #1 is an attempt to be less threatening. I've left the preamble in and taken the contents out after the title. The new title will be the Impoundment Regulation Act."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. The Chair recognizes Mr. Black."

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

Skinner: "Certainly."

Speaker Madigan: "The Sponsor yields."

Black: "Thank you. Representative, even though we're 12 feet apart I could not hear you. Is it your intent to make this a Vehicle Bill?"

Skinner: "Yes."

Black: "That's all I need to know. Thank you."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Mr. Clerk, are there any further Amendments?"

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Clerk Bolin: "No further Amendments."

Speaker Madigan: "Third Reading. Mr. Clerk, has this Bill been read a second time?"

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

Speaker Madigan: "Mr. Clerk, read the Bill for a third time?"

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

Speaker Madigan: "On Third Reading the Chair recognizes Mr. Skinner on the Bill. Mr. Skinner."

Skinner: "Yes, Mr. Speaker, this is a Bill that whose intent is to redress the balance of power between the executive branch and the legislative branch with regard to appropriated items. The preamble has been left in. The preamble, if you will look at on your Bill screen, outlines the veto power, which the executive branch currently has. As you know, that is the power of Total Veto, the power to reduce a given line item and the power to eliminate a given line item. The intent of this Bill is to give the legislative branch more power with regard to line items, which the Governor either does not want to speak and spend all of, or wishes basically to impound. It is at the present time a Vehicle Bill."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 60 'ayes', 52 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1408, Representative O'Brien. Mr. Clerk, read

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the Bill."

Clerk Bolin: "House Bill 1408, a Bill for an Act in relation to sex offenders. Third Reading of this House Bill."

Speaker Madigan: "Representative McCarthy. Representative O'Brien."

O'Brien: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1408 would amend the Sex Offender Registration Act and require that sex offenders register, not only in the county in which they live, but also the county in which they are employed. I'd be happy to answer any questions."

Speaker Madigan: "The Lady has moved for the passage of the Bill. There being no discussion, the question is 'Shall the Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. 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 114 'ayes', 1 person voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Representative Lindner. Representative Lindner, are you prepared to call House Bill 1129?"

Lindner: "Yes, Mr. Speaker."

Speaker Madigan: "Mr. Clerk, what is the status of this Bill?"

Clerk Bolin: "House Bill 1129 has been read a third time, previously."

Speaker Madigan: "So, Representative, the Bill is on Third Reading. What is your pleasure?"

Lindner: "Yes, I understand that now, thank you. This Bill would allow us to apply for a federal waiver so that families who are on AFDC under the new and then under the new TANF Program would be allowed to keep all of their child support instead of just a portion and it's modeled after the Work

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Pays Program. I know of no opposition to this Bill."

Speaker Madigan: "The Lady moves for the passage of the Bill. Those in favor signify by voting 'aye'; those opposed by voting 'no'. 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 'ayes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1103, Representative Murphy. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1103, a Bill for an Act to amend the Public Utilities Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. Murphy."

Murphy: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the General Assembly. House Bill 1103 is a Bill enacted to try and have a level (sic-level) and equal playing field. Remember a few nights ago we failed to grant the retail rate law to City of Robbins and to the City of Phoenix of Ford Heights. So, in all fairness, some Members of this Body decided that we should not grant that. So, if out of fairness, we would ask for a consistency to repeal the retail rate law, to methane gas and all the other solid waste."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. On that question, the Chair recognizes Mr. Parke."

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

Speaker Madigan: "The Sponsor yields."

Parke: "Thank you, Representative, I'm not sure I understand the entirety of your Bill. Can you take another two minutes and just tell the Body again what this Bill will do, if we pass it?"

Speaker Madigan: "Mr. Murphy."

Murphy: "What this Bill would do would make this General Assembly

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be on one accord. If you remember, most of the people in the General Assembly voted..."

Speaker Madigan: "Mr. Murphy, please proceed."

Murphy: "Most of the people in the General Assembly voted not to fund... not to use the retail rate law for a facility in my community and one in Ford Heights. And so that we get on a equal playing field, we decided to put in a Bill that would eliminate the retail rate law from all such facilities."

Parke: "Won't this have... won't this have an effect on all of the companies that are using the gas? Will it... Will methane gas then not be a good source of energy any longer, and would it not pay those companies to use it if they don't get this, the advantages that we gave them under the repeal last year?"

Murphy: "Well, no, no, they already had the advantages, we was just adding Robbins to the situation. It would not ban them at all. It's just the state would not give subsidy. They could continue to do it on their own, such as Robbins right now, so that it would not hurt them in any way, Sir."

Parke: "Isn't it, how do you answer the question when people claim that methane gas going into the atmosphere has a detrimental effect on the ozone layers that we have in this, or that surrounds this world?"

Murphy: "Well, we would continue to use it the way we use it now. The state just would not subsidize it. I think the issue is the subsidy and not whether we're going to the elements, or they could continue to use it the way they're using it, we just would not subsidize it, that's all."

Parke: "According to a note I have here, it says there is, approximately 20 landfill gassed energy facilities in Illinois which are or will benefit from the incentives provided through the retail rate provisions of the law. Is

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that true?"

Murphy: "That's true."

Parke: "And this would then, may, have a detrimental effect on those, so anybody who has a... a landfill that is using methane gas would have a problem, would it not?"

Murphy: "No, they would not have a problem, Representative. We're not, we're not repealing the landfill all we're saying is the state will not fund them or give them the retail rate law."

Parke: "Thank you, Representative. To the Bill. Ladies and Gentlemen, unfortunately, I'm going to rise in opposition to this. I think that 1103 would be detrimental. I understand the Representative does not want this to happen because he cannot get his facility. But, in fact, I think this will be more detrimental to us in Illinois and I would ask that you would oppose this Bill?"

Speaker Madigan: "Mr. Morrow."

Morrow: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I knew I was going to hear comments as the previous Gentleman said on House Bill 1103. But as I said last week this is about fairness, what's good for the goose is good for the gander. You said last year that you did not want to subsidize the project in Ford Heights, the project in Robbins, which are economically disadvantaged areas in the state, but it's all right to fund methane gas landfills in economically advantaged communities. Now I don't have the list of where those landfills were, I had the list last year. Those landfills are placed in communities that are not economically disadvantaged and getting more to the point, those who oppose the retail rate law for Robbins, how can you stand and support to subsidize landfills? This is a issue of fairness, that's all it is. So we're saying

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if you don't want to subsidize Robbins, then we don't need to subsidize anyone. It should be all 'green' votes on House Bill 1103."

Speaker Madigan: "Mr. John Turner."

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

Speaker Madigan: "The Sponsor yields."

Turner, J.: "Representative, it's my understanding that the Bill would repeal a subsidy. How much is the subsidy we're talking about?"

Murphy: "Well, we're talking about right around a billion dollars in a 10 year period."

Turner, J.: "I'm sorry, was that a million dollars?"

Murphy: "A billion."

Turner, J.: "A billion dollars and where are the landfills that would no longer be receiving the benefit of this subsidy, if you could tell us that?"

Murphy: "Well, no I don't know the landfills. I wasn't picking different landfills. But wherever we are now, they are receiving a benefit of the retail rate law that would no longer do it up under this Bill."

Turner, J.: "You're not certain then where the counties are that have these landfills that will no longer be subsidized?"

Murphy: "No, because I wasn't doing... writing the Bill based on where they were located in the county, I was doing it on fairness."

Turner, J.: "What is the purpose of the subsidy? What's to be accomplished by the state giving this subsidy?"

Murphy: "Well, here's what it will accomplish. When I go back to my district that I represent, I can tell them, well the General Assembly in their wisdom decided not to give you the retail rate law, but they also decided to remove it from any other facility. Therefore, we have somewhat of a

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level playing field except though, Sir, in my district where many of the Representatives voted down last week, I have a brand new facility that was up and running and is running now the same as the landfills are. They are up and running and running now and there's no law that says they cannot continue to run. All the law would do is say that we would not subsidize them."

Turner, J.: "Is the subsidy that is provided, not given in counties in order to utilize the monies to protect the environment?"

Murphy: "Well, that's what we had in House Bill 1309, I know that for sure. I'm not that sure with these because I don't have the language in front of me. But that was the case in 1309, in which we voted down, yes."

Turner, J.: "If we were to support your Bill, would it not be an anti-environmental vote?"

Murphy: "No, we just did anti-environmental vote, what we're doing here is removing the subsidies, that's all. To make it an even playing field. Making the playing field level. Has nothing to do, Representative, with the environment whatsoever."

Turner, J.: "Okay, Representative, I understand that you don't know where the landfills are exactly, but do you know the number of landfill that we're talking about here that would no longer get this subsidy?"

Murphy: "It's somewhere around... my understanding is it's somewhere around 20."

Turner, J.: "Thank you, Representative. Thank you, Mr. Speaker."

Speaker Madigan: "Representative Giglio."

Giglio: "Thank you, Mr. Speaker and Members of the General Assembly. I rise in support of House Bill 1103. Last week's vote on 1309 was a very very tough vote. For those

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of us who haven't been here long, maybe it was easy, maybe it was easy to come in here and say, this is wrong to reinstate this subsidy. But for those of you who have been here a long time and you know the history on this, to promise, to make promises to communities like Ford Heights and like Robbins and then take that money away, was unprecedented in the history in the State of Illinois and it was wrong. It was flat out wrong. The day that Governor Edgar signed the legislation repealing the subsidy to the incinerators, 110 people lost their jobs in Ford Heights. Not a week later, not a month later, that day that it was signed. The doors were shut, the power was shut off and they were let go. This will even up the playing field. We talk every day, we hear passionate speeches on the Floor about how we need money for children, and we need money for handicapped and we need money for seniors and we all talk about how important it is and how tough it is to get funds out of the budget. Here's a billion dollars worth of funds subsidizing landfills. We set the precedents, we said we are not going to subsidate (Sic-subsidize) incinerators. I urge you to do the same on 1103 and vote 'yes'. Thank you."

Speaker Madigan: "Mr. Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields?"

Durkin: "Representative, the prior speaker stated that the Robbins incinerator, there was approximately 110 people were taken off the job. If this Bill is successful and there's 20 landfills, how many people do you anticipate will be let go from their jobs?"

Murphy: "I have no idea but I know how many I lost in my district. I have no idea."

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Durkin: "Representative, if this Bill is successful, what are we going to do with our garbage?"

Murphy: "We are going to take it to landfills the same as we're doing now. We're still taking garbage to facilities in my community, we'll still take it there. The state just will not subsidize it. As I heard last week, would be, would give away to corporate welfare. We would not have corporate welfare, would not abolish the landfills, they will still be there, Sir."

Durkin: "Representative, my only concern is that if this Bill is successful, we're going to be forced to ship our garbage out-of-state, which I believe would be more costly to the State of Illinois. I do know that you are upset over the Bill from last week, but I believe this Bill is going in the wrong direction, and I will request a 'no' vote."

Speaker Madigan: "Representative Monique Davis."

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

Speaker Madigan: "The Sponsor yields."

Davis, M.: "Representative Murphy, the subsidy that was repealed in the Robbins area will cause the businessmen to bear their own expense. Is that Correct?"

Murphy: "That's right."

Davis, M.: "So, a subsidy that is repealed from any landfill will merely cause the businessmen to bear their own expense. Is that correct?"

Murphy: "That's correct."

Davis, M.: "To the Bill, Mr. Speaker. This is an excellent piece of legislation that makes a level playing field when we talk about garbage. Be it incinerators or landfills, if the State of Illinois is not going to provide a subsidy for one area, it should not provide a subsidy for another area. The dollars that we could save could be put towards

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education. It could be put towards children's future. I think that when many of you stood and spoke a couple of days ago in reference to the amount of dollars being spent, we agreed with you. We believe we should halt this foolishness of providing private industry with huge amounts of government dollars. I urge you to take a good look at this legislation and vote 'no'. The dollars you save can be put into your school buildings... I'm sorry, vote 'yes'. Vote, 'yes'. Thank you, Mr. Morrow. I'm so sorry, maybe I get used to saying 'no'. Vote 'yes' on this legislation. This is an excellent piece of legislation and I urge 'aye' votes, it will put dollars into your schools and lots of money in your community, and take it out of private industry's pocket. Thank you."

Speaker Madigan: "Mr. Hassert."

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

Speaker Madigan: "The Sponsor yields."

Hassert: "Representative Murphy, if this subsidy, as you so call it, would not be available to landfills, what would happen to the existing facilities at these landfills?"

Murphy: "Nothing. They would continue to operate. The people who own the business would continue to own them and continue to burn garbage."

Hassert: "Isn't there a possibility that these could shut down and if they did shut down, what would you do with the gas that was collected or would you not have to then just put up flares and burn them off?"

Murphy: "Well, I not sure about that. All I know is, Representative, that my community, one of them shut down already and the other one is operating. So we have to cross that bridge when we get to it. If that's what, happened I'm not certain that that would happen."

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Hassert: "Is the Environment Council for your Bill?"

Murphy: "I didn't hear you."

Hassert: "Is the Environment Council in favor of your Bill?"

Murphy: "Haven't spoken to them, Sir."

Hassert: "Thank you, Representative."

Murphy: "No, I've not heard from them either."

Speaker Madigan: "Mr. Hassert on the Bill."

Hassert: "To the Bill. I just, my concern, I think this is an anti-environmental vote. Basically, handling of gas at landfills is very crucial to our air quality. If these collection systems de cease to operate they would probably be likely to just flare it up and burn it off at the landfill, diminishing air quality. I think this is an anti-environmental vote. I would strongly urge my Members to vote 'no' against this Bill. Thank you."

Speaker Madigan: "Mr. Dart."

Dart: "Thank you, Mr. Speaker. This is not an anti-environmental vote. This is a vote for equity. This vote is something that makes sense. We have gone and taken it away from Robbins, we've taking away the subsidy for Ford Heights. This is purely a question of equity. And I ask you, when you go back to your districts and people are complaining to you about the school funding and where the money is for the schools, or when people are talking to you about, you know, we've got to make these streets a lot safer here, folks, or we're going to have to build more prisons. And when they're asking you questions about, 'Well, we've got a business here that could really thrive if we give it a tax credit.' Look at them square in the eye and tell them, 'Well we can't do that because the millions of dollars that I would like to give you for that, we're giving it to landfill operators, you know, who are making a great deal

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of money right now. We're giving them some more money right now in a subsidy, so I can't fund the schools, we can't keep the roofs patched up, we can't get enough teachers, we can't get enough school books, we can't build enough prisons.' There's a limited number of... amount of money in this state here, folks. And right now we're giving it away through subsidies to people who are private businessmen who should be taking the risk like every other private businessman. So, this is a vote for equity, it's a vote for common sense and it is something that we should do and I urge the support of this Bill."

Speaker Madigan: "Mr. McKeon."

McKeon: "Thank you, Mr. Speaker, Ladies and Gentlemen to the House. I urge you to support House Bill 1103, because what House Bill 1103 does is end corporate welfare as we know it. One billion dollars, one billion dollars of corporate welfare in support of these landfills that could be used for reductions in taxes to fund other programs of critical need in education, public safety, economic development and jobs. It's time we take a stand. A year and a half ago when we allegedly ended, ended the subsidies, we created a fiction in the public. We created a fiction in the State of Illinois that we ended the subsidies and we fooled the public, we pulled the wool over their eyes. These subsidies were not ended, they were ended only with respect to two communities. Yet there are over 20 other communities that are still receiving these lucrative subsidies into the private sector. Let the private sector stand on it's own and end one billion dollars of Illinois funded corporate welfare now. Vote for 1103."

Speaker Madigan: "Representative Crotty."

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

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Speaker Madigan: "The Sponsor yields."

Crotty: "I stand in support of House Bill 1103 for the same reasons that I stood and I asked you to vote down the retail rate law in the first place. I asked for everyone's support to find the dollars for the schools within our districts and we can only do that by ending the retail rate law. I ask that you support 1103."

Speaker Madigan: "Mr. Murphy to close."

Murphy: "Yes, thank you very much, Mr. Speaker. Here again, we've heard about landfills closing, we've heard about the environmental question, we've heard about people being laid off of jobs and we've discussed all of that last week. It's not an environmental problem, it has nothing to do with facilities closing. But it has to do with fairness. There's 20... there's 20 cities in different counties enjoying it right now, the subsidies. And all we're asking is to remove those subsidies, not to lay anyone off and continue to burn garbage. But the fair thing is, if you don't do it in one city, you shouldn't do it in another one. That's just fair. But I'm sure the majority of these people in this General Assembly is for fairness. So, I would urge an 'aye' vote."

Speaker Madigan: "Those in favor of the passage of the Bill vote 'aye'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Please record yourself. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 53 'ayes', and 59 'noes'. The Chair recognizes Mr. Murphy."

Murphy: "I would like to put this on Postponed Consideration."

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Speaker Madigan: "Put this Bill on the Order of Postponed Consideration. The next Bill will be House Bill 1447. Mr. Ryder. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1447, a Bill for an Act to amend the Mental Health and the Developmental Disabilities Code. Third Reading of this House Bill."

Speaker Madigan: "Mr. Ryder."

Ryder: "Thank you, Mr. Speaker. The purpose of this Bill is to allow the Illinois Department of Mental Health and Developmental Disabilities to change the standard by which they become the recipient of Social Security dollars. There are some people who will remain in facilities owned by the state for a long period of time that are eligible and do receive Social Security. Under the Social Security Law, we have to go through certain procedures in order for us to receive those dollars. In the event that we do, then the state can receive the dollars from Social Security when we're providing 100% of the institutionalized care of the individual. The purpose of this law is to conform to that Social Security standard which is different from the state's."

Speaker Madigan: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. I rise in opposition to House Bill 1447. This is a result of a successful lawsuit against the Department of Mental Health and Developmental Disabilities. The department was making assumptions about the competence of people in its care. It concluded that it was entitled to all but \$40 a month in Social Security and other payments that were payments made to those individuals. Those challenging the department finally had their day in court. They won their day in court and it seems to me totally appropriate for people's

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guardians to be the ones, if they are incompetent, to make the decision what to do with these people who may need help as payees who are not able to make those determinations themselves. I think it's underhanded of the department to come to us and ask us to overturn a court verdict that came out strongly, loudly in favor of the department's clients, in favor of our people who are in Department of Mental Health and Developmental Disabilities facilities. So, I join with those who successfully made the point at law with the Illinois State Bar Association in urging a 'no' vote on this measure, a measure that will take money out of the mouths of the people who are in state facilities. I urge us to respect those individuals and their needs above those of the department. I urge a 'no' vote."

Speaker Madigan: "Representative Black."

Black: "Thank you very much, Mr. Speaker. I rise in support of the Bill. I think you need to examine the Bill very carefully, Ladies and Gentlemen of the House. The state will only apply to serve as a representative payee for those individuals who have been in a state operated facility for more than 60 days and are anticipated to remain in the facility for a protracted period. Now, if you take this away from the department, the department will lose up to \$12 million that they now can obtain to defray the cost of caring for patients. This money goes into the Mental Health Fund which is then spent directly for patient care. This money does not go into the General Welfare or the General Revenue Fund. It goes into a Mental Health Fund for direct services to patients. The Appellate Court decision simply said that the department's procedures were not adequate. Listed three things they wanted the department to do. It is my understanding that those

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procedures are now in place that will satisfy the Appellate Court. I think it's extremely important that you realize you're not taking this money away from the individual, you're taking it away from the Mental Health Fund which is a direct care fund to help defray the cost of people in these institutions. It's been portrayed as somehow getting into their bank account and taking private funds and that is not the case at all, nor should any of you think for a second Representative Ryder would Sponsor such a Bill. So if you look at the Bill very carefully, it is worthy and deserving of your support. I urge an 'aye' vote."

Speaker Madigan: "Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker. To the Bill. Every single advocate for persons with mental illness and developmental disabilities is opposed to this legislation. Every single court that has heard this issue has ruled in favor of informed consent of residents, patients of mental institutions. This is a bald-faced attempt to go around the courts right now that have said that individuals should, in mental institutions, should have some say about how their money is spent. A recent Appellate Court decision held that the department's current procedures for obtaining informed consent, as required by the state statute, were inadequate and the department must conduct competency determinations, inform recipients if they choose someone other than the department as their payee, the payee will not necessarily have to use their benefits to pay for their treatment and inform recipients that their benefits are special money and cannot be garnished or attached by the department to pay for service charges. Without the money that is available to the residents, very often they have a harder time making it when they go back into the

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community. This is a serious violation of the rights of mental patients and, again, even as recently as a few weeks ago, there was an order issued by a court here in Illinois that informed consent must be given to mental patients. So, this, again, is nothing more than an end run around the courts to come to the Legislature to deprive patients of their right to determination of their own money. This is really a human rights violation. This is a travesty of justice. This is an improper, I believe, or inappropriate procedure that if you care about the well-being of mental patients, it could be someone in your family, then you will be opposed to House Bill 1447."

Speaker Madigan: "Representative Hughes."

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

Speaker Madigan: "Yes."

Hughes: "Representative, how long are these patients residents prior to any attempt to become a representative payee by the department?"

Speaker Madigan: "Mr. Ryder."

Ryder: "Thank you. Representative, the department cannot even start the procedure until they have been there 60 days and they also have to come to a determination that they are likely to be in the facility, the state operated and state expense facility for a protracted period of time. It is not meant for those folks who are in and out of the facility. Additionally, under the Social Security laws, we're required to notify the Department of Social Security 60 days before we anticipate their release. So, as a consequence, we've got to wait 60 days. We've got to notify Social Security 60 days. So we're talking about folks that are likely to be in the facility for months, if not years."

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Hughes: "And are the patients notified that this process is taking place?"

Ryder: "Oh, absolutely, absolutely."

Hughes: "That the department is asking to be representative payee?"

Ryder: "Yes, in fact the department has a procedure in which not only are the patients notified, and primarily, we're talking about those folks who have no guardians. Not only are they required to be notified, but there's a team of people who do the psychiatric examinations, the other examinations for mental health, and/or developmental disabilities, who as a team, make an analysis that it's appropriate in this circumstance."

Hughes: "And what is the purpose of the Social Security funds?"

Ryder: "The purpose of the Social Security funds, which are primarily disability funds, are to take care of the individual. To take care of their needs, which needs are being served by the State of Illinois 100% when they are in an institution of the State of Illinois. So, we're simply using the federal tax supported Social Security funds to take care of the individual with the exception that they, like any other individual, have a carve out of a certain amount, a few dollars, which I think is \$40, \$30 a month."

Hughes: "And is it a priority of the Social Security, the Federal Government, that these funds be used for maintaining support?"

Ryder: "Absolutely. Every..."

Hughes: "Food, shelter, et cetera?"

Ryder: "Everything within the procedure delineated in this Bill is in full compliance with what's necessary under the Social Security laws."

Hughes: "So to the extent that the department does not receive

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these funds, the taxpayers of Illinois are paying the bill twice?"

Ryder: "Absolutely. The federal tax dollars that are then available would not be used to take care of the individuals and, I might add, that if you allow those Social Security dollars to accumulate untouched, that the individual could then disqualify for Medicaid because they have acquired too much money on their own."

Hughes: "And how much money is at stake for the department? How many millions of dollars?"

Ryder: "Well, the total amount we believe is 12 million but the department gave a very reasonable guess of about 1.6 million."

Hughes: "Okay. I stand... to the Bill, Mr. Speaker. I stand in support of House Bill 1447. I believe that the rules and regulations provide safeguards to protect the residents of the institutions but also that the taxpayers are entitled to be sure that their hard earned dollars are going to the institutional support of these residents. Thank you."

Speaker Madigan: "Representative Scully and Mr. Hannig in the Chair."

Scully: "Thank you, Mr. Chairman (sic-Speaker). To the Bill. I aggressively oppose this Bill. This is not an issue of making sure the Department of Public Aid gets the proper funds, this is an issue of constitutional due process. The Department of Public Aid has the ability to try to obtain payment from these people. The Department of Public Aid has the ability to use the legal systems in place. Constitutional due process to obtain the moneys that are owed suggest that without this Bill the Department of Public Aid would go unpaid. And that we would be, these people would be allowed to stockpile funds is absurd

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because that argument is based on the concept that without this law the Department of Public Aid would simply throw up their hands and not use existing procedures for constitutional due process to obtain payment when money is owed. I aggressively ask the Representatives to vote against this Bill and vote to preserve the constitutional due process rights of our citizens."

Speaker Hannig: "Representative Skinner."

Skinner: "I think all of us want to give a cost of living raise to the people that are in the field and the CILA's, the Community Integrated Living Centers, this is where we're going to find the money, folks. It's going to cost about \$11 million to give them a cost of living increase. This is about \$11 million, so if you vote against this, don't be surprised if we don't give a cost of living increase to the folks that are in the field."

Speaker Hannig: "Representative Giles."

Giles: "Thank you, Mr. Speaker. I rise on a Personal Privilege."

Speaker Hannig: "State your point, Representative."

Giles: "We have here with us, if the General Assembly could help me welcome the school from Mid-Austin Steering Committee, grades K-8. I'd like to welcome them here to Springfield."

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

Mulligan: "Thank you, Mr. Speaker. I rise in support of this Bill. Quite frankly, we've passed a number of very expensive initiatives out of this Body. We're hoping that some of them will survive the Senate. The Appropriation's Budget in Human Services is a third of the state budget. It is hampering education funds. It's hampering other projects that we need, particularly to fund day care, things that we need to help welfare reform. If we don't do

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things that are correct in paying for services that people are using at this state, the taxpayers have to pay for them another way. There are many things we'd like to spend our money on and I think this is just one way of bringing up parts of the budget in a way that helps us access dollars that we've already spent on other programs by the Bills we've passed out. So, I would urge an 'aye' vote."

Speaker Hannig: "Representative Flowers."

Flowers: "To the Bill, Mr. Speaker. The last couple speakers called this Bill for what it is, it is a pay raise for the providers and it's balancing the budget for the State of Illinois on the backs of people who are mentally ill. The Sponsor of this legislation was asked a question, 'Does the provider, the patient, are they aware of what's happening to their dollars?' Now, mind you, they are in a mental facility and he was asked a question, 'Are they aware?' and I don't think, in all honesty, that the Sponsor of this Bill should have answered 'yes' because if they were aware of it, sure of it, surely they should not be in this mental health facility. That's number one. Number two, it has been written about, video taped, and everything else in regards to the abuse and the misuse that's happening to these patients in this hospital. Here, we're going to ask them to continue to pay for their abuse and misuse. I don't think that's appropriate. Number two (sic-three), these people are not going to be in there for a lifetime. So, therefore, are we going to go back and forth, back and forth, to the payee outside and then to the payee in the mental health facility or will the mental health facility maintain the dollars? This is a bad Bill. These people who are supposed to get these dollars should be able to make the distinction as to who they want to make it. We

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should not be balancing the state's budget off of the people who are unable to take care of themselves and I urge a 'no' vote on House Bill 1447."

Speaker Hannig: "Representative Ryder to close."

Ryder: "Here's the facts. Those people that have been determined to be disabled by the Department of Social Security are entitled to money from the Federal Government to help take care of them. When they become placed in a facility of the State of Illinois, and this only applies to a state facility, we're simply asking for those dollars, the Federal Social Security dollars, to be partially used to take care of the care of those individuals, individuals for whom we are paying 100% of their cost, health care, room and board. The process that's being established here is clearly in compliance with the Social Security Administration and this rule is set up in response, direct response, to court cases that have criticized the procedure. So, we are responding to those cases by having a standard that is equal to the Federal Government. The Federal Government provides the dollars for their care. The State of Illinois provides the care. We're asking for, consistent with federal rules, that the state be allowed in those cases in which the individuals do not have guardians, that the state be allowed to serve as such a guardian under these procedures. I would 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? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 56 voting 'yes', and 58 voting 'no'. Does the Gentleman request Postponed? Postponed Consideration. Mr. Clerk, read House Bill 1076."

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Clerk Rossi: "House Bill 1076. This Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Ronen, has been approved for consideration."

Speaker Hannig: "Representative Ronen."

Ronen: "Thank you, Speaker. Floor Amendment 2 is just a technical Amendment which changes the composition of the task force to look into the issue of impaired nurses. And I know of no opposition and I would move for it's adoption."

Speaker Hannig: "And on that question, Representative Black."

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

Speaker Hannig: "She indicates she will."

Black: "Representative, there is nothing substantive in the Amendment #2?"

Ronen: "I'm checking the file here. I think... I didn't hear your question, Mr. Black."

Black: "I was just curious as to whether there were any substantive changes in Amendment 2 that were otherwise delineated in Amendment 1?"

Ronen: "There were some changes. Amendment 2 was recommended in committee and I was describing Amendment 3, as I spoke. There were just minor changes from Amendment 1 to Amendment 2 and I believe Amendment..."

Black: "All right, Amendment 2 doesn't change any of the existing definitions of... in the current Nursing Act?"

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

Black: "Amendment #2 does not change anything as far as definitions that currently exist in the Nursing Practice Act?"

Ronen: "Well, it does make changes in definitions. These are

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changes in a whole area, a whole host of areas regarding registered professional nurses, licensed practical nurses, and unlicensed assistant personnel. The important point here is that these are... this is language that has been agreed to by the Illinois Nurses' Group, the Illinois State Medical Society and the Illinois Department of Public Regulation."

Black: "But on the Amendment before us, you are not getting into any substantive educational requirement changes?"

Ronen: "No, you're right. No. It's technical insofar as 1, but 1 was never adopted."

Black: "Okay. Thank you, Representative."

Speaker Hannig: "Representative Saviano, on the Amendment."

Saviano: "Thank you, Mr. Speaker. Floor Amendment #2 was approved for consideration by the Registration and Regulation Committee. It does represent an agreement between the Department of Professional Regulation, the Illinois State Medical Society and the Illinois Nurses' Association in a nursing community, and I would ask that this Body adopt it. Thank you."

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: "Floor Amendment #3, offered by Representative Ronen."

Speaker Hannig: "Representative Ronen, on Amendment #3."

Ronen: "Yes, thank you. This is a technical Amendment that relates to the composition of the task force that will be comprised to look at the issue of impaired nurses. The task force now will be comprised of 11 members rather than 13. I move for 'do adoption'."

Speaker Hannig: "And on that question, Representative Black is

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recognized."

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

Speaker Hannig: "She indicates she will."

Black: "Excuse me. Let me make this an Inquiry of the Chair."

Speaker Hannig: "Yes, an Inquiry of the Chair. State your point."

Black: "Yes, can the Clerk tell us whether the Amendment has been printed and distributed? We don't have a copy and neither does staff."

Speaker Hannig: "Mr. Clerk, can you give us the status of the Amendment?"

Clerk Rossi: "Representative Black, the Amendments are available on your laptop."

Black: "Yes, I see it on my technological marvel as we speak. Okay, thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Hannig: "She indicates she will."

Black: "Representative, in this age of technology, I'm still from the old school, I like paper in front of me. But I'm going to take this off the screen."

Ronen: "I'm with you there."

Black: "It says you're replacing all of the second grammatical paragraph with the following language and the language deals with, 'the task force shall be comprised of 11 members.'"

Ronen: "That's right."

Black: "And that is all this Amendment does. Correct?"

Ronen: "That's correct. And this Amendment was brought forth by the Department of Professional Regulation. It was at their request that we suggested this."

Black: "All right. And..."

Ronen: "And when it does, Representative, it really adds the

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Department of Professional Regulation and one representative from the Department of Public Health to the committee."

Black: "Does the Amendment amend another Amendment or does it amend the original Bill?"

Ronen: "It amends Amendment #2."

Black: "Okay. And the young staffer there beside you, is he..."

Ronen: "Do you think he's young?"

Black: "He's a very young fellow, and he's in favor of the Bill?"

Ronen: "He's Very much in favor of the Bill."

Black: "Well, this must be an excellent Bill, Representative. Thank you."

Ronen: "Thank you, Mr. Black."

Black: "Or Amendment. The Amendment is good and the Bill is even better. Thank you."

Ronen: "Thank you."

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. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1076, a Bill for an Act amending the Regulatory Agency Sunset Act. Third Reading of this House Bill."

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

Ronen: "Thank you, Mr. Chair. We discussed in some detail Amendment #2 and 3, which become the Bill. This Bill is now is based on a series of negotiations which have been going on for several months with the Illinois Nurse Planning Group, the Illinois State Medical Society, the Illinois Hospital Association, and the Illinois Department

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of Professional Regulation. What we're doing today is passing, hopefully passing language that all those parties agreed to, there are other issues that still remain that we've agreed to keep on discussing. Primarily the issue of advanced practice nurses. But I would ask that this Body recommend this Bill favorably and so that we can keep on working. As I said before, all parties do support this and I think in recognition of the very hard and great work that nurses do day in and day out in this state, this Bill is some way of us showing recognition for that very hard work and showing that we understand that the language in the Nurse Practice Act has to really be brought into the late 1990's so we're ready for the 21st century. And that's what language here does, it changes definitions to be more appropriate to the kind of things that licensed nurses and registered professional nurses and unlicensed assistant personnel do in a whole host of health care settings. So, I'm very proud to be the lead Sponsor of this Bill. I'm very proud that Representative Saviano has taken such a strong role. Representative Deering is another hyphenated Sponsor. Representative Lou Jones and at least 30 or 35 other Representatives from all over this state acknowledging that they care about health care and they care about the role that nurses perform in delivering that health care. So, I hope you will all join with me in saying, thank you, to nurses everywhere and vote 'yes' on this Bill."

Speaker Hannig: "The Lady has moved for passage of House Bill 1076, and on that question, Representative Black is recognized."

Black: "Thank you very much, Mr. Speaker. First of all, could you have the electrician stop by Representative Cross's

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desk. He got tangled up in his phone and pulled it out by the cord and I'm sure with some minor subcontracting we can get that put back together for him. So..."

Speaker Hannig: "Yes, we'll take care of that, Representative."

Black: "Will the Sponsor yield?"

Speaker Hannig: "She indicates she will."

Black: "Thank you. Representative your sense of timing is impeccable, absolutely impeccable. How long have you been holding this Bill so you could call it today?"

Ronen: "Mr. Black, you know what they say about timing, sometimes it better to be lucky than smart."

Black: "Well, under the House Rules, Mr. Speaker, that demonstration in the Gallery means that this Bill has to be pulled out of the record and considered in the year of 2002. Is that right?"

Speaker Hannig: "We'll take that under advisement."

Black: "Thank you. Well, Representative, I just want to congratulate you. First of all, in all sincerity, you've put together an agreed Bill, you've done a lot of work on it, and again your sense of timing is impeccable. I'm a little bit jealous that I wasn't a Cosponsor with all these fine people here, but the Bill is certainly worthy of our support and I appreciate all the work that you have done. Thank you."

Speaker Hannig: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker. I would concur with the Bill's Chief Sponsor, this Bill has evolved through the legislative process over the last three months with the help of some dedicated people. Not only the people who are Sponsoring the Bill but the people who have represented the various interest groups which this Bill affects. There has been a lot of time put into this Bill with negotiations. I

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think that everybody has worked together for the common good on this and I would hope, once it gets over to the Senate, that we could put this matter to a closure and come up with a good quality law which will assist the nurses in the great State of Illinois. Thank you."

Speaker Hannig: "Representative Ronen to close."

Ronen: "Thank you, Speaker. I'm very proud of this Bill, I'm very proud of the work that nurses across this state do. Let me remind my colleagues that what we're doing today is passing three-quarters of what needs to be done in reauthorizing the Nurse Practice Act. More work needs to continue to deal with the issue of advanced practice nurses, because, as we know, they're so important to increasing access to quality health care. So we need to do that and we're committed to continue working with the State Medical Society and other groups to make sure that happens. So, in recognition of great work done, day in and day out with not enough recognition, I ask all my colleagues to vote 'yes' for the reauthorization of the Nurse Practice Act in Illinois."

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 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 7."

Clerk Rossi: "House Bill 7, a Bill for an Act to improve the Illinois Pension System. Third Reading of this House Bill."

Speaker Hannig: "Excuse me, Representative Hoeft, for what reason do you rise?"

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Hoelt: "My switch did not work on the last vote. I would like to vote 'yes', so that it's unanimous."

Speaker Hannig: "The record will so reflect. Representative Klingler, is recognized on House Bill 7."

Klingler: "Thank you, Mr. Speaker. House Bill 7 is a Vehicle Bill that would be used solely for pensions and solely for a Bill that would come out of the Pension Laws Commission. I think it's important that we have this Bill pass the House so that this would be available to the Pension Laws Commission. It's looking at a number of Bill issues from state employees, to reach teachers, to other public employee groups and I would ask for your support on this Bill."

Speaker Hannig: "And on that question, Representative Parke is recognized."

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

Speaker Hannig: "She indicates she will."

Parke: "Representative Klingler, you said this is a vehicle. Vehicle for what type of legislation?"

Klingler: "Representative, this would be a vehicle for legislation coming from the Pension Laws Commission."

Parke: "Are you a member of that commission?"

Klingler: "No, I'm not. As you know, Representative, all Pension Bills have to be reviewed by the Pension Laws Commission."

Parke: "Will this be the only Vehicle Bill coming out of the House?"

Klingler: "Representative, there is also a Vehicle Bill, I believe of Representative Poe that was passed out earlier."

Parke: "Will there be many pension issues on this Bill or is it specifically earmarked for one idea?"

Klingler: "Representative, this is not marked for any particular idea. Again, there are issues before the Pension Laws

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Commission for state employees, for teachers, for correctional officers, for other groups and I'm not quite certain what's going to be coming from the Pension Laws Commission."

Parke: "Thank you."

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

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

Speaker Hannig: "She indicates she will."

Lang: "Representative, you say this is a Shell Bill?"

Klingler: "Yes, it is."

Lang: "Don't we have enough Pension Bills floating around here that can be used for any agreement that we get on pension legislation?"

Klingler: "Representative, all the Pension Law Bills have been referred to the Pension Laws Committee, which is reviewing and revising those Bills. This would give a vehicle for a Bill which has met the approval of the Pension Laws Committee to be put into a vehicle that could then come back to this Body."

Lang: "Have they asked you to do this?"

Klingler: "Representative, they need Vehicle Bills for completing their job."

Lang: "Haven't we already passed any pension legislation out of this General Assembly? I know I passed one."

Klingler: "Representative, we passed another Vehicle Bill for the Pension Laws Commission. I think it's important that there be more than one available to that commission because they may want to have separate Bills for different employee units."

Lang: "Thank you. Ladies and Gentlemen, I will rise in opposition to House Bill 7. How many pensions... we know at the end of session we may or may not have one Pension

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Bill that has all the agreements in it. We already have several Vehicle Bills floating around the system. Some that came from the Senate that are now in the House, some we sent from the House to the Senate. We don't need another Pension Bill that's a Shell Bill floating through the system. If the Representative could state a purpose for this Bill, we might want to consider it. But she has no purpose other than to put one more Shell Bill out there dealing with pensions. This isn't the environment or abortion or guns or any of those issues that anybody might want to use for a specific purpose. The Representative, herself, says that she just wants another Pension Bill out there. We all know at the end of session there will probably be only one Pension Bill for us to vote for, which will have all the agreements that people can make in that Bill. We don't need anymore Pension Bills flowing through the system. I strongly recommend on both sides of the aisle consideration of a 'no' vote here."

Speaker Hannig: "Representative Klingler to close."

Klingler: "Thank you, Mr. Speaker. I strongly urge support for this Bill. It's very important that this Body address the issue of pension improvement for not only state employees but also for teachers and other public units. It's important that this vehicle be available to the Pension Laws Committee for completion of its work. I urge an 'aye' 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 63 voting 'yes', 49 voting 'no' and 4 voting 'present'. And this Bill, having received a

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Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 724."

Clerk Bolin: "House Bill 724. The Bill has been read a second time, previously."

Speaker Hannig: "Mr. Clerk, are there any Floor Amendments?"

Clerk Bolin: "No additional Floor Amendments have been approved for consideration."

Speaker Hannig: "Third Reading. Mr. Clerk, read the Bill. Representative Mautino, the Clerk informs me that there's a Home Rule Note filed and the Bill has to stay on Second Reading. So, Mr. Clerk, I inadvertently or in error moved that to Third Reading, so return it to Second. Mr. Clerk, read House Bill 1684."

Clerk Bolin: "House Bill 1684, a Bill for an Act to create the Contractor Reporting Act. Third Reading of this House Bill."

Speaker Hannig: "The Republican Leader, Representative Daniels, is recognized for an announcement."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. We're joined today from some of the greatest senior citizens in the United States of America. They happen to come from the 46th Legislative District. Right up there in the Gallery. Please join me in saying hello to them."

Speaker Hannig: "Welcome to Springfield. And now, Representative Scott on House Bill 1684."

Scott: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1684 would create a Contractor Reporting Act that a contractor who engages in residential home contracting or home repair would need to register with the Attorney General's Office. They would be giving out any names that they operated under in the past, any bankruptcies that they had gone through and any lawsuits

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where they had been a defendant in the past 10 years that had to do with contracting business. And the reason for this is, I'm sure all of us get from time to time calls from people who have had a bad experience with a residential contractor. Most of them are extremely good, most of them to a wonderful job but there are some in the business who don't. This just simply gives consumers the ability to call one number, a toll free number and be able to get information that already is public record. So, we're not asking for anything that's not already public record, and at least to know a little bit more about the people that they are hiring. I think it's a good Bill, it's got, obviously, from the Sponsor Board, it's got Bipartisan support and it's got something that the Attorney General's Office has called their number one complaint in terms of fraud in other cases. So, I think it is something that we need to take some action on. It's far less onerous than licensing, but it is a good start and I would ask for favorable support."

Speaker Hannig: "Representative Wojcik."

Wojcik: "Thank you, Mr. Speaker. I rise for a Point of Personal Privilege. Representative Carole Pankau from District 49, and myself Representative Kay Wojcik, welcome the Bloomingdale Township Seniors and they are up in the corner up there."

Speaker Hannig: "Welcome to Springfield. And on House Bill 1684, Representative Black is recognized."

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

Speaker Hannig: "Indicates he will."

Black: "Yes, Representative, you had made some... some questions were asked in committee, I'm not sure if they have ever

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been answered. You've done a lot of work on the Bill, but can you tell me what the Attorney General's position is on the Bill, as amended?"

Scott: "They've actually, Representative Black, they've actually have not said anything one way or another to me about it. Originally it was in DCCA, and DCCA had objection to that, and rightfully so. Their statement being that they are there to help businesses, they don't really want to be an enforcement or reporting angle. But we made it clear in committee we were going to move this to the AG's and that Amendment's actually been out there for awhile and haven't heard anything on it, so."

Black: "Okay, it... I don't know if we... I don't think we filed or asked for a Fiscal Note, but do you have any idea what it might cost? I see the Fiscal Note, I'm sorry. But, as amended, do you think it will be a big ticket item?"

Scott: "I don't think... well, it depends on what we say is a big ticket item. I mean, I don't think it is and I think part of it may be that obviously there's some costs in establishing the toll free number and there's some personnel costs that are involved with that and those are listed in the notes. But what we don't see is the follow-up work that the AG will have to do on some of the complaints that hopefully will be able to stop by doing this."

Black: "Okay, I'm trying to get at the basis of your Bill here. If I'm a small contractor doing mostly residential work, but some commercial work and I bid... First of all, is it your intent to only cover public contracts or all contracts?"

Scott: "No, and it's not contracts specific, it's contractors who are engaged in residential contract work. Either

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construction or in repair. It's not specific to any particular contract. It's just that those people who are engaged... there is a real call, as you're probably aware, there's a real call to license these folks out there right now and I don't know that we need to take that step, but what we're trying to do is provide consumers with at least a little information about these folks because what happens is, and it happened in my district and Representative Winter's district, is they got... we had some people who had been really shafted badly by these contractors. It turns out some of these people had had some significant problems before that had somebody been able to call up and get the information from a number like this, they wouldn't have hired them in the first place. And so I think we're able to maybe head off some of this stuff at the pass."

Black: "What would the constructive notice provisions be? If I come to your house and give you a bid for a new heating, ventilating, air conditioning system, kitchen, whatever, do I then have to, as part of my bid proposal, give you a statement of how many times I have been sued in the last 10 years or how does that work?"

Scott: "No, not at all. What happens is, you're the contractor and I'm the homeowner and you're doing the name under Bill Black Construction or whatever, I would be able to call this toll free number and say, tell me what you can about Bill Black Construction. They would say, he's been sued twice in the last ten years, they resulted in dismissals of the case, never filed bankruptcy and he did business under BB Construction for five years and had no suits under that. So that's what happens."

Black: "That was the concern I'm after. I'm familiar with some of these companies that do that and they have a propensity

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to change their name about every four or five months."

Scott: "Right. And that's why we thought it was important that they have to list names that they had done business under before."

Black: "Okay, so your intent is not to track the company name but the owner or owners of said companies. Would you track that through what Social Security or..."

Scott: "Well, the contractors... There is an affirmative duty on the part of the contractors to get this information to the Attorney General's Office, so they are the people that have to do it."

Black: "Did the Associated General Contractors ever take a position on the Bill?"

Scott: "Associate General Contractors didn't to my knowledge. The home builders had some concerns over it. We addressed some of those. Part of their... that's why you've seen a couple of Amendments there. One of the concerns was, just listing lawsuits wasn't really fair because a lot of them resulted in dismissals, a lot of the suits are bogus. I think they're right, so that's why we put in the language about the disposition of the cases. We limited it to 10 years. That was a suggestion from Mr. Winkel, in committee because it's not really not fair to go back forever. I think that was a good suggestion. I don't think this is something they are ever going to be happy with though because they would just as soon not have to have this requirement, so, they're not supportive of this. But I think we have been able to address some of their concerns."

Black: "I think that's my concern. If you have a company that's been in business 50 years and while I realize you're only going to go back 10 years, if they call the 800 number and I've been in business for six decades, I'm probably going

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to have in this litigious society, I'm probably going to have a lawsuit or two against me."

Scott: "Right."

Black: "And if I have only been in business two years the chances are pretty good I may not have any. And I just wonder if this may not skew the bid in favor of a company that hasn't been around long enough to get bounced around in the dog eat dog business world today."

Scott: "Well, I don't really think so because I'm operating under the premise that the more information that you can have the better off you're going to be as a consumer. I think that's generally true. So what we're saying is, the more information that you've got about these individual companies the better off you're going to be and that's what we're trying to provide. And again, we had this Bill last year as an Amendment we tried to run and at that time we had some financial information and some other things that isn't public record and we pulled all that out. Because what we're trying to do is say, yeah, you know as a consumer you could go find out everything we're asking here. You could go look in public record and find this out, but that's very difficult and time consuming. Let's consolidate the information in one place so it's easier for the consumer to access and then let them make their own determination based on what they find out."

Black: "All right. Representative, as always, I appreciate the answer to the question. Thank you."

Scott: "Thank you."

Speaker Hannig: "Representative Lindner, is recognized."

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

Hannig: "He indicates he will."

Lindner: "To the Bill. I rise in support of this Bill and one of

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the things that led me to supporting this and I'm sure that this has happened in many of our areas is, I have a small village who had a housing development. I had 50 people walk into my office one night because they had, frankly, just been bilked by the developer. Their homes weren't finished, there were cracks in the walls, there were windows and doors not put in and the contractor had left. He had not only left his regional office, but left the state. No one could find him and the address that he left was in Warsaw, Poland. I know that the Home Builders Association was very upset about this, too, because I talked to the Vice President of the Home Builders' Association and they said that they were working on some legislation too, to try to look into things like this because, as we know, most of the people who do these jobs are credible people and it is always the few who ruin it for the many. So, I think this is a good Bill. I'm glad the Sponsor has worked with the Home Builders and other groups to improve the Bill and I would urge your support to this."

Speaker Hannig: "Representative Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. I rise for a Point of Personal Privilege. I would like to introduce the Mayor of Dalton, to the city... Mayor of Dalton, Bill Shaw."

Speaker Hannig: "Thank you. A Gentleman that is well-known in this Chamber. Representative Roskam is recognized."

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

Speaker Hannig: " He indicates he will."

Roskam: "Representative, how often does a contractor have to register. I don't... My computer is updating, I'm sure it's in there. How often does the contractor have to disclose this information? Is it annual or what?"

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Scott: "Well, there's no requirement. Anytime the information changes they are required to have the information to the AG that's part of the Bill. So anytime there is a bankruptcy lawsuit information they are required to update it then."

Roskam: "Okay. What's the penalty if they fail to do that?"

Scott: "It's a good question. There isn't any in there."

Roskam: "There's no penalty?"

Scott: "No."

Roskam: "Is there a minimum threshold, Representative, for a contractor in terms of dollar volume that they would have to fulfill? In other words, if I hire the guy across the street from me. Today, as we speak, I have a hole in my kitchen ceiling, one foot by two feet. I don't know anything about dry wall. I've got to hire my neighbor to do that. Would he be a person that would be a contractor under the definition?"

Scott: "Yes."

Roskam: "Okay. Do you have... are you sympathetic to that person at all? I mean, does this at all seem intrusive? I understand where I think, you know, we're all like-minded, but golly, I know a lot of people in my district that do this on a... you know, a little basis. They're not big shots, they're out helping guys like me, frankly."

Scott: "I'm sympathetic, Representative Roskam, but first of all, I don't think it's... it isn't going to cost a whole lot for the person to supply what's already public information to the AG's Office. So, we're not talking about an onerous thing in terms of doing a lot of paperwork or having to cost them a lot of money to notify the AG that this is the case. The second thing is, you know that the problems that people have with contractors aren't relative. You know, there isn't a drop off if contractors are small versus

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large. There are good contractors and there are some not so good contractors that are large and there are good ones and not so good ones that are small, and often the people who are small and have had significant problems before, aren't in a position to try and make it good as some of the bigger ones are who might have more assets at their disposal. So the purpose of the Bill is to provide information to consumers only. I don't think it's a lot of onerous paperwork that we're asking of the contractors to do. Certainly not as much as a lot of municipalities do, who ask contractors to be licensed. Certainly not as much as a lot of states like Michigan do, who have a contractor license requirement, as well. So, I think we're taking a step that will be helpful to consumers and not be very onerous to the contractors, even to the small ones."

Roskam: "I understand and I appreciate the work that you've done from the sense of listening to the earlier debate, you know, you've made a number of changes. My concerns though is for the little guy, the mom and pop guy who's doing it on a part-time basis, and your words of not a lot of paperwork, my fear is that that's sort of famous last words about a new government program. Thank you, for yielding to the question."

Scott: "I understand, and with respect to the mom and pop too, part of this is to protect..."

Speaker Hannig: "Representative Scott, I don't think that was a question. I think that was a comment. Representative Winters is recognized."

Winters: "Thank you, Mr. Speaker. I rise in support of this Bill. Doug, you've done a great job with the Amendments, answering some of the questions that the contractors had. This really is a problem that people, what they're dealing

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with the small contractors. You look in a phone book, you have no neighbors that have told you whether or not this person has done a good job for them. It does make a central clearing house throughout the state that is available to everybody. Again, I commend you, Representative Scott, for this Bill."

Speaker Hannig: "Representative Woolard is recognized. Representative Woolard."

Woolard: "Move the Previous Question."

Speaker Hannig: "The Gentleman moves the Previous Question. The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it, the main question is put and Representative Scott to close."

Scott: "Well, I thank the Cosponsors for their support on this. I think it is good in trying to provide some consumer protection. And I think it's also good in protecting those contractors big and small, the small mom and pops who do a good job and don't defraud any of their customers, I think it protects them, as well, and I would ask 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 81 voting 'yes', 32 voting 'no', and 3 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 489."

Clerk Rossi: "House Bill 489, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Weaver."

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

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House, this is an agreed Bill. It's been worked on for quite some time by the ABATE Group and by the Motorcycle Owners' Association and a number of groups dealing with recreational trails for off-road vehicles. This creates a Recreational Trails Act, a fund and an advisory board to use funds generated by off-the-road vehicles, two, three, and four wheel vehicles that will go to establish and maintain off-road parks. This does not include any existing state facilities, but may in the future. But this is simply a means of allowing those who ride off-the-road vehicles of two, three, and four wheels to put together the money that they need to establish these off-the-road parks. And I think rather than going to a more detailed explanation, I'll be more than happy to answer any questions you may have."

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

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

Speaker Hannig: "He indicates he will."

Dart: "Representative, are there any fee increases in this Bill? Are there any fees?"

Weaver: "Yes, there are some fees that generally fall to those who purchase these off-the-road vehicles for the first time and also fees for those who want to use the parks themselves. It's a \$30 fee for the sticker to get in and use the parks."

Dart: "Are those fees that are presently on the books or are these new fees?"

Weaver: "I'm sorry, I couldn't hear."

Dart: "Are these new fees or are these fees that are already on the books?"

Weaver: "No, these are new fees."

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Dart: "Okay, thank you very much."

Speaker Brunsvold: "Representative Brunsvold in the Chair. The Gentleman from Effingham, Representative Hartke."

Hartke: "Will the Sponsor yield?"

Speaker Brunsvold: "Indicates he will."

Hartke: "Representative Weaver, this fee, I think you mentioned that it would be levied upon individuals who use the parks. They put a sticker on their vehicle, is that correct?"

Weaver: "Correct. There is also a registration fee that will be assessed on the vehicle when it is first purchased."

Hartke: "And that would be a sticker that would be placed on, say the bumper or something like that or on the fuel tank?"

Weaver: "Well, the only sticker that is placed on the vehicle is one for those people who want to use the recreational parks. That's the \$30 fee there."

Hartke: "Okay, and this is a one time annual sticker fee or is it, if someone uses the park say 20 times a year, he gets 20 uses out of his \$30 or if he just goes once."

Weaver: "Well, that's in essence correct. It's a three year fee, \$30 fee for three years, and they can use it probably as many times that they want to."

Hartke: "In any park in the State of Illinois that allows these off-road vehicles to travel in their park?"

Weaver: "Yeah, these are going to be parks specifically developed for off-road vehicles."

Hartke: "Who handles the fund in the meantime while the monies are put together to purchase this land?"

Weaver: "It's handled by the vehicle, Off-The-Road Vehicle Trails Advisory Board. And the funds will be kept in the State Treasury but basically authorized expenditures by that board."

Hartke: "Will they have the right then to purchase land to create

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these parks?"

Weaver: "That's correct. They will not condemn land but they will have the ability to purchase land."

Hartke: "We do not give them condemnation rights or quick-take authority or anything like that?"

Weaver: "No, we did not."

Hartke: "Is there a limit on what can or cannot be bid for this land?"

Weaver: "No, I believe basically it's fair market value, whatever they can work out with the landowner."

Hartke: "Right now, I do believe that the State of Illinois, in certain instances, is limited when they go in to purchase a piece of property to go no more than the appraised value."

Weaver: "I'm sorry, I didn't hear the question."

Hartke: "At the present time does the Department of Conservation, and I think I'm correct in this, if they want to go in and purchase an additional 40 acres or something like that, that lays adjacent to a state park, the law requires that there be an appraisal made of the property and then the department, as they go out for bid for this property, can offer no more than a percentage above the appraised value for that piece of property. You see, that was put in for the protection of the public when, if a piece of property became available for public auction or an estate or something like that, that they... that the State of Illinois would be limited, not the taker of that land because they have more money than private individuals. Is there such a limit put on this board on their bidding for this property?"

Weaver: "I'm advised that this board will be operating under the guidance of DNR and that the current laws that effect them would also effect the operation of this board. So, in all

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likelihood I'm advised that that will fall under the same requirements as DNR is experiencing right now."

Hartke: "Thank you very much. I stand in support of this legislation; however, I'm concerned about that just a little bit to protect the rights of the landowners, not to be outbid for this purpose. You know, this could be a... considered by some a nuisance in some area to have this park next to them if it's going to be operating at all hours of the night, the sound and noise, and so forth. So, I think we should be very careful with this. Would you check on that with the Senate, should it get over there, to make sure that those precautions and safeguards are in there for the property adjacent to and for the purchase of this property?"

Weaver: "No problem."

Hartke: "Thank you, Sir."

Speaker Brunsvold: "The Gentleman from Williamson, Representative Woolard."

Woolard: "Thank you, Mr. Speaker. Will the Gentleman yield?"

Speaker Brunsvold: "He indicates he will."

Woolard: "It's my understanding that through this process there were several different groups, agencies that had some concerns. Could we specifically address those? How about the state police, were their concerns addressed?"

Weaver: "Yes, everyone who was involved in these meetings, as you well know, because you were part and parcel to all this. Everyone who's involved in these meetings has signed off on this Bill. It is about as close to an Agreed Bill as I have ever seen, thanks to the work that you and many others have put in on this Bill. But I think most all of the opposition has been removed."

Woolard: "In your opinion, Representative, is the ability of the

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board designed in such a way that they will be out seeking and acquiring land immediately or are there other purposes involved? Let me rephrase the question. The Department of Transportation has some monies that come into the state that are under the control of the IDNR. Those monies that are available would possibly and could possibly be used for land acquisition or improvement. Are you aware of any of those monies being available in the state today?"

Weaver: "Yeah, any money available, the board would be able to use for this process; however, what the board does is evaluate and recommend projects to DNR and it's not as though the board is going to be able to single-handedly do these projects immediately and on their own. It's going to be a cooperative process with DNR and the other agencies but it does, I think, offer an avenue whereby those funds collected through motor fuel tax monies and so forth can be used for projects of this nature. In the past years, those off-road cyclers whether, you're driving a two, three, or four wheel off-the-road vehicle, have really kind of been shortchanged because the money that they pay in motor fuel taxes that's suppose to go to benefit them, has not been going to benefit their uses and this offers an opportunity for them to get a use out of the motor fuel tax that they've been paying all these years."

Woolard: "So, those dollars that are flowing back into the state today would be able to be acquired by this group to accomplish the task of building or improving or designing, whatever it might be, some facilities for their off-the-road use."

Weaver: "Absolutely."

Woolard: "To the Bill. You know, I stand in total support of this Bill. I think these are the kinds of projects that we

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should be about. One of the things that happens in Springfield too often is we see that everybody becomes negative. Sure there's fee increases, and we want those of you who should not be voting for a fee increase to stay away. But for those of us who are in favor of acquiring and making better the atmosphere in the State of Illinois for recreational purposes of all of us, should be in great support of this issue. What we're probably going to see happen, is we're going to see less and less of those vehicles utilized in places that we all have concerns about. I know that we want to protect our parks, we want to protect our roadways and with this Bill, we believe that we have come up with something that will make a difference for all of us. We encourage you to support us and making it better for those off-track vehicles in this state."

Speaker Brunsvold: "The Gentleman from Madison, Representative Stephens."

Stephens: "I move the previous question."

Speaker Brunsvold: "The Gentleman has moved the previous question. All in favor say 'aye', opposed say 'no'. The 'ayes' have it and the previous question has been moved. Mr. Weaver to close."

Weaver: "I'd just ask for your favorable consideration."

Speaker Brunsvold: "The question is, 'Shall House Bill 489 pass?' All in favor vote 'aye'; all opposed 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 98 voting 'yes', 14 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Representative Crotty, for what reason do you rise?"

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Crotty: "Thank you, Mr. Speaker. I rise on a personal privilege. I would like to ask all of you to join me in welcoming the students from St. Christopher's Parish from Midlothian, Illinois. They're sitting in the back and all the way around behind me. Thank you."

Speaker Brunsvold: "Mr. Clerk, read House Bill 1575."

Clerk Bolin: "House Bill 1575, a Bill for an Act to amend the Civil Administrative Code of Illinois. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Cook, Representative Turner."

Turner, A.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. I rise in support of House Bill 1575. It's referred to, or known as, linking job training and economic development demonstration project. The intent of this legislation is to require the Department of Commerce and Community Affairs to make not less than 12 and no more than 20 demonstration project grants throughout the state. And these projects, as I mentioned earlier, are job training and economic development related. We're hoping as a result of the funding for these projects that it would serve as a resource that we could use or a model that we could use in creating other economic development projects in the state and I move for the favorable adoption of House Bill 1575."

Speaker Brunsvold: "And on that question, is there any discussion? Is there any discussion? Seeing none, the question is, 'Shall House Bill 1575 pass?' All in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question, there are 116 voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received a

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Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 744."

Clerk Bolin: "House Bill 744, a Bill for an Act to permit retired peace officers to carry concealed firearms. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Cook, Representative McAuliffe."

McAuliffe: "Yes. Thank you, Mr. Speaker and Members of the House. House Bill 744 amends the Illinois Police Training Act and the Criminal Code of 1961. It exempts provisions prohibiting the carrying of a firearm concealed on one's person on or in a vehicle, retired police officers, who within the preceding 12 month period, completed the course of fire required by the Illinois Law Enforcement Training Standards Board for active officers for firearm qualification certification. It also defines that they would have to at least serve 15 consecutive years as a sworn full-time peace officer for any federal or state department or agency or any unit of local government of Illinois."

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

Burke: "Thank you, Speaker. Representative McAuliffe, could you tell me..."

Speaker Brunsvold: "The Gentleman will yield."

Burke: "...with respect to this permitting retired police officers to continue to own and carry their revolver, must they undergo training?"

McAuliffe: "Yes, every year they would have to go training at their own expense."

Burke: "To the Bill."

Speaker Brunsvold: "Proceed."

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Burke: "Ladies and Gentlemen of the House, this is a matter I fully support, in fact, I had introduced legislation six years ago to permit retired officers to carry their weapon. These are individuals who for the course of their career in law enforcement had engaged in many different experiences, some of which were very unpleasant. They, in fact, probably arrested and saw to it that criminals were put in prison. Now eventually some of these prisoners will be released. Can we sit here and permit those officers who withheld the peace, enforced the law, made the arrests, put these nefarious characters in jail, can we take the chance that these individuals would be stalked and found in society without their weapon. I should say not. I fully support this legislation and I would ask each and every one of you, who have police officers in your districts, to consider this as a very important issue and vote in favor of House Bill 744. Thank you."

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

Currie: "Thank you, Speaker. First with a parliamentary inquiry."

Speaker Brunsvold: "State your inquiry."

Currie: "If this would permit people in this particular class to carry weapons in home rule municipalities and counties, would this, as a preemption of home rule, require 71 votes."

Speaker Brunsvold: "Well, we will check into that, Representative. You may proceed with questioning."

Currie: "Thank you. Actually to the Bill."

Speaker Brunsvold: "To the Bill."

Currie: "Mr. Speaker and Members of the House. I can appreciate that these retired folks would like to be able to continue carrying their weapons, but I would point out that there is

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no reason for them to do so. They're not out on a call, they are not answering a 911, they're not at the scene of the burglary at the village marketplace. The idea that these folks, separate from all other folks, ought to be able to carry weapons when they no longer have anymore use for them than I do or than you do, does not strike me as a sensible public policy. We had measures last year that would have provided the same opportunity, not just to retired policemen, but also to retired security guards, also to retired this's and that's. Well, the fact is these people don't need this kind of weaponry. They don't have any reason to carry about this kind of firepower, and if they are packing this kind of firepower, I would suggest to you, Speaker and Members of this House, that the firepower may go off in the wrong kind of place. For people who are actually working as law enforcement officers, there may be legitimate reasons to carry the gun, but not for those who aren't answering the call who are not out on the job. Our former colleague, Representative Don Saltsman, strong law enforcement officer type, that he was, and firefighter, said about the Bill I just described that was up two years ago, he said he never saw a sillier piece of legislation in his life. I would urge you, if you care about sensible public policy, to reject House Bill 744."

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

Black: "Thank you very much, Mr. Speaker and Ladies and Gentleman of the House. To the Bill. You know, it would be nice if a retired police officer could just pull a curtain on his or her career and tell all of the people that he or she arrested, tell all of the people that he or she helped put in prison, tell all the family members of those families

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that, that police officer helped put a family member behind bars. All of those people that that police officer put his life on the line for, you and me, every day for 25, 30, 35, years, it would be nice to just be able to draw a curtain and say, everything you've done in the last 35 years will be null and void. Nobody's going to come after you. Nobody's going to get out of prison and come looking for you. No family member will recognize you on the street and say, 'You, you are the individual who put me away. And I don't like it and further more you're going to pay for it.' Now, for crying out loud. These people spent the bulk of their life being trained how to use and carry and when to use a firearm. They spent their life doing things very few of us on this floor want to do. They go in the darkened bars. They go in the houses that people call 911 and say there's somebody here. They clean up society's messes day after day, hour after hour. And yet you expect when they retire, that's all forgotten and all forgiven. Well, I would submit to you that if anybody should have the right to carry a firearm for the rest of their natural life, unless for there is some physical or mental impairment, it would be a retired police officer, because their job is never over. They've made nothing but enemies in a career of cleaning up the messes that we don't like. This is a good Bill. Vote 'aye'."

Speaker Brunsvold: "The Gentleman from Winnebago, Representative Scott."

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

Speaker Brunsvold: "He indicates he will."

Scott: "If a... is there anything in the Bill, Representative, that would make people qualify for shooting. I see some paper requirements. They have to have a FOID card and a

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driver's license. Anything that makes them actually qualified shooting?"

McAuliffe: "Yes, every year they would have to go in front of the firing range and be retested. At the Illinois Law Enforcement Training Standards Board. Every year they would have to go back and be retested."

Scott: "Okay. Now, do you have any statistics in terms of incidents where retired police officers have been subjected to assaults or other things? Apparently that's the rationale for doing this, is that these folks may need to protect themselves more than you or I would. Do you have any statistics on that?"

McAuliffe: "No, I don't."

Scott: "Because wouldn't the same thing also... I mean, you know, I take to heart what Representative Black said, but if what he said is true, shouldn't we allow judges to carry too? Because certainly the judge that sentences somebody for 50 years, you know, may be equally as much a target as the police officer who arrested the person."

McAuliffe: "I understand where your coming from, but remember the police officers, and they've had to be in a pension system for 15 years and let's say for all practical purposes they've been out for 20 years, they have been trained every year. They have to retest and make sure that they are able to handle a firearm, where a judge does not have to do that every single year. These are people that right now carry weapons. We trust them to carry weapons and if they retire, if their last retirement date is on a Sunday, that means the next day Monday after working 20, 25, 30 years, if he's in a Seven-Eleven and he sees a robbery being attempted, he has to stand there and not say anything, not get involved and just be quiet. He cannot carry a firearm

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and somebody else could carry a firearm. If you were that individual that was in the Seven-Eleven and you got robbed and you found out that a retired police officer stood by idly while this other person committed this crime, you'd probably feel pretty bad to know that there was... and then when you would ask him, 'Why didn't you do anything?' You would say, 'Because the law says I can't carry a gun. I could carry it for 20 years, 25 years, or 30 years, but I can't carry a gun.'

Scott: "Well right. But that's because of... the difference is that he did retire on Sunday and he also doesn't have equipment, he doesn't have radios, he doesn't have back up, he doesn't have any of the other thousand things that we give police officers to use while they're actually on the force that he left that, or she left that behind when they retired from the force. I mean there is a distinction between the two. That's not a... that's not a question, it's just a response. So, state's attorneys and judges, even though they could meet the qualifications, they could test, they could qualify, they can get a FOID card and a driver's license and they may be in just as much danger. I mean, look what happened in Champaign last week... or two weeks ago, where somebody went at a judge because of a decision he thought the judge made. That happens quite frequently. But we're saying that the protection of those particular people, even though we know of incidents like that and I'm sure the other ones exist, I just haven't heard any, but we're saying we're going to make the distinction because these folks used to carry a gun. That's the only distinction that we're making."

Speaker Brunsvold: "Mr. Scott, have you finished your questioning?"

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Scott: "Yes... Okay."

Speaker Brunsvold: "Mr. McAuliffe."

Scott: "Well let me... let me ask a question to you, Representative. Is there anything in here that would say if an officer was suspended for weapons misuse during his career, at any time? That there's any different scrutiny for that particular person?"

McAuliffe: "No, there's not."

Scott: "Is there... I see a lot of 'no' positions on this. Is there any position from Chiefs of Police Association, or the NRA, or anybody on this?"

McAuliffe: "I believe the NRA, they told me last week that they are neutral on the Bill and every Police Officers' Association is for this Bill."

Scott: "Do you know why the City of Chicago would be against your Bill?"

McAuliffe: "They are not against the Bill, they are neutral."

Scott: "They're not against it? Well, the only reason I asked is because that somebody from the... representing the city slipped it as being an opponent. Record of appearance only in committee."

McAuliffe: "They were opposed to it, but they are neutral. I would not call this Bill unless they were neutral."

Scott: "Is there any Amendment to it or anything or did they just, in discussion with you, just change their mind?"

McAuliffe: "No, they discussed it with me and changed their mind and said they are neutral."

Scott: "Is there a person who can carry a concealed weapon, could he carry it into courts, airport, day care center?"

McAuliffe: "Is there a person, or a police officer?"

Scott: "A person who qualifies under your Bill. Is there any restriction on where that person can carry the weapons?"

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McAuliffe: "No. Presently, there's no restriction."

Scott: "Thank you very much, Representative."

Speaker Brunsvold: "The Parliamentarian with the ruling on the vote."

Kasper, Mike: "On behalf of Speaker Madigan, a review of this Bill indicates that this Bill will require 60 votes because it does not preempt the powers of home rule units. On the basis that this Bill does not contain any language that specifically permits someone who obtains this permit to carry a gun anywhere in the state, therefore, it is not inconsistent with any local government ordinances which would prohibit that possession, therefore, it is not a preemption under the section of the constitutional requirement, a super majority vote."

Speaker Brunsvold: "This Bill requires 60 votes. The Gentleman from McHenry, Representative Skinner."

Skinner: "Mr. Speaker, I rise in support of this Bill and I'd like to tell a little story about my grandfather, in Elkton, Maryland. In Elkton, Maryland they were having a crime wave so they swore in 50 private citizens and called them secret deputies, and they were allowed to carry concealed guns. Guess what? The crime wave stopped. I'm not saying this is going to stop the crime wave in your district, but let me tell you, folks that are trained to carry guns that have been past law enforcement officers, I sure want to have guns after they leave office. Not only to protect themselves, but to protect me."

Speaker Brunsvold: "The Gentleman from Madison, Representative Stephens."

Stephens: "Well, thank you, Mr. Speaker. I just wanted to compliment the Parliamentarian on his amazingly consistent rulings on the number of votes needed to pass a Bill. I

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also would remind the Members, Representative Wayne Goforth, who was a Member of this Body for some three terms. We walked under the... Wayne and I took a tour of a local prison in Southern Illinois. We were walking into the yard and all of a sudden Wayne stopped and he wouldn't go with me into the main yard of the prison and he, actually, after discussing it later, feared for his life. And I said, 'Wayne, what is the real problem?' And he knew well that in the main yard of a prison you are at the mercy of the prisoners, and Wayne, as a former State Policeman, for 26 years, that helped put a lot of folks in that prison in Southern Illinois and so I use that as an example. The memory of these persons who are arrested by police officers is long, and the protection that we should offer those police officers should be just as long as the memory of the criminals that they put in jail. And so on the behalf of Wayne Goforth and other retired police officers, who not only want this added protection but need, are in desperate need of the right to carry a firearm should they so require, request, is real. And so, on the behalf of Wayne and the others that are retired, I would rise in support of this Bill that only needs 60 votes."

Speaker Brunsvold: "The Gentleman from Washington, Representative Deering."

Deering: "Thank you, Mr. Speaker. Inquiry of the Chair. In light of the Parliamentarian's ruling, what if I am a retired peace officer, living in the city or the Village of Morton Grove where they have a no gun ordinance, can I then carry that gun in that community?"

Speaker Brunsvold: "That probably is not a parliamentary inquiry, Mr. Deering. You might ask that of Mr. McAuliffe."

Deering: "Representative McAuliffe, then to you. If I'm a

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retired police officer and I live in the community of Morton Grove where they have a no gun ordinance, can I carry a gun in Morton Grove?"

McAuliffe: "I believe that in the Bill it provides an exception."

Deering: "Can you spell that out on what line, please?"

McAuliffe: "Yes. It's a retired peace officer who possesses concealed weapons identification, under Section 8.3 of the Illinois Police Training Act. So, they cannot be charged with unlawful use of a weapon."

Deering: "It's my understanding that's a state statute. That addresses the policy of the state, it doesn't address local control. Can you expound on the local... expand on the local control, please?"

McAuliffe: "That's correct."

Deering: "So, we're then saying that the state is telling the local community that we're preempting your local authority, that the police officer can carry the gun?"

McAuliffe: "Can you repeat that again?"

Deering: "You're saying this is State statutory language. It doesn't affect the local ordinance, is that correct? Isn't that what you just said?"

McAuliffe: "It does not affect local ordinances."

Deering: "So, it has no effect on the local ordinance. So, if I am a retired police officer, and I live in Morton Grove, I cannot carry a gun then, is that correct?"

McAuliffe: "Yes."

Deering: "Does the Bill spell out anything in it where these retired officers cannot carry a gun?"

McAuliffe: "No, it does not."

Deering: "Why do we not do that? Can they carry it on an airplane?"

McAuliffe: "I'm sure there would be a federal prohibition against

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that."

Deering: "Does it spell that out in the Bill?"

McAuliffe: "No, it does not."

Deering: "What about in a court house or in police stations?"

McAuliffe: "Yes, you could."

Deering: "They could carry them in court houses and police stations. What about day care centers, schools, public facilities."

McAuliffe: "Yes."

Deering: "We're just giving them carte blanche to carry a gun anywhere they want to, is that correct?"

McAuliffe: "Wherever they could carry it as a police officer would still remain the same."

Deering: "I'm sorry, I didn't hear that answer."

McAuliffe: "Wherever they would be able to currently carry it, it would still be the same as a police officer now."

Deering: "Does the Bill spell out anything where the permit or the gun, where the permit or the authority for the retired officer can have that provision revoked if he or she is having mental problems, mental instability or other problems? What about domestic violence?"

McAuliffe: "Okay. You must be able to carry a current FOID card and if you would be prohibited from carrying a FOID card like the examples you brought up, you wouldn't be able to carry a gun."

Deering: "Sorry, Representative, I didn't hear that answer. I heard FOID card is all I heard."

McAuliffe: "Going back to your question. If you currently... enable for a retired officer to carry a gun they would have to have a current FOID card. So, under those examples you brought up, they wouldn't be able to carry a current FOID card, so, they wouldn't be able to carry a weapon."

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Deering: "Are there any fees in this Bill?"

McAuliffe: "Any fees that would be in there would be... would go back to the police officer. He would pay everything out of his own pocket."

Deering: "Would you have supported the concealed carry Bill?"

McAuliffe: "Bring it up to a vote."

Deering: "Will you support a concealed carry Bill?"

McAuliffe: "Bring it up to a vote."

Deering: "Thank you."

Speaker Madigan: "Mr. Arthur Turner. Mr. Biggins. Biggins. Passes. Mr. Acevedo."

Acevedo: "Yes, Mr. Speaker, I rise in support of House Bill 744. I agree with Representative Black, some of the comments he made that a policeman puts his life on the line 24 hours a day. He put some of the hardest core criminals behind bars. Those criminals have 24 hours a day, year after year to think of one thing on their mind and that is revenge. I think it's only fair after serving his community, putting his life on the line for so many years, that we allow a police officer to protect himself and his family and I encourage all my colleagues to vote 'yes' for 744."

Speaker Madigan: "Those in favor of the passage of the Bill vote 'aye'; those opposed vote 'no'. Have all voted who wish? 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 83 'ayes', 21 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 245, Mr. Phelps. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 245, a Bill for an Act to amend the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Madigan: "Mr. Phelps."

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Phelps: "Thank you, Mr. Speaker. House Bill 245 is a Neighborhood Protection Act. Most of us know it as the Obscenity Bill. House Bill 245, Ladies and Gentlemen of the House, amends the Criminal Code, which would change the reference point by which juries in Illinois judge obscenity offenses, from a contemporary statewide standard to contemporary adult community standards, in which the county the material is sold, delivered or advertised, or in which the performance occurs. The Amendment does not change any element of the substantive offense. It conforms to constitutional precedence as established by the United States Supreme Court. This Amendment, I believe, is vitally necessary to effectively reduce trafficking in illegal hard-core pornography in Illinois. Ladies and Gentlemen, in 1973 the United States' Supreme Court, in Miller v. California, gave State Legislatures the opportunity to allow local juries in criminal obscenity cases the right to consider the local adult contemporary standard, rather than a statewide standard. I believe the time for Illinois to take this fully constitutional opportunity has come. I believe the present statewide standard has miserably failed in Illinois. Strip clubs and so-called adult bookstores are creating nuisances and higher crime rates in many of your and my districts. These so-called businesses serve as magnets, as breeding grounds for the riffraff that has piled up the increase of the crime in this great state. A breeding ground for the pedophiles and other sexual predators who have disgraced our society and sexually victimizing the Illinois women and children today. I know that each of you have been very concerned in many considerations of this Bill and what it might affect. I know that each of you have carefully read

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this brief that was carefully put together by, what I consider one of the most experts in this particular area of pornography in the nation, 'Ms. Jan Larou', senior counsel for the National Law Center for Children and Families in California, because it legally disposes every, so-called argument made against House Bill 25. I had to take tht ask myself, to seriously ask myself a question before I would be Sponsor of this Bill, 'is obscenity protected by the First Amendment?' In Miller v. Southern States, clearly that obscenity is not within the area of constitutionally protected free speech or press. The objection overturned. Please, join with me today and cast a vote to protect the behavior in which the U.S. Supreme Court has deemed a crime. Will there be 102 different standards if this Bill passes? Absolutely not. In Smith v. Supreme Court states that the fact the different juries might reach different conclusions as to the same material, does not render the statute unconstitutional. In every obscenity cases there are only two standards, folks, innocent or guilty, the objection overruled. Twenty-seven states presently have the local, not the statewide standard. In none of these states have there been any constitutional, serious constitutional challenge. Many of them, most especially Oklahoma, have been able to use the local standard dramatically to clean up the obscene bookstores and strip clubs that have contributed to crime in their communities. A number of states are attempting to change from the statewide to community standards, and it's worked, and worked well. Let's give our prosecutors, the vast majority of them that support this Bill, the proper tools to effectively prosecute criminal obscenity in their jurisdictions. Thank you. And I'll be glad to answer any

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questions. Let me just say one thing in my introductory... to conclude my introductory remarks. Most of you know and join me that how valuable an asset and resource our community libraries are to us and our children. And I value myself an avid reader. My wife is a literature teacher and many times there are parents that have conferences with her and that don't understand why she would teach Of Mice and Men, or Chaucer's Tales, or some of those controversial, maybe to some people, the language that sophomores, seniors, might be exposed. That is not what we're after. We are not after the movies that are major box office draws. Whether we may have an opinion, philosophically different from each other, even at that, that's not what we're targeting here, folks. We're talking the worst of worst of pornography that exists in your backyard and mine. And I don't want it on my conscience when I have my little niece riding down the sidewalk on a tricycle in the area of where pedophiles, dope peddlers, have been drawn by these type of businesses and pray tell what may happen because of their evidence. Help me defeat that type of activity. Vote 'yes' on 245."

Speaker Madigan: "Mr. Parke."

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

Speaker Madigan: "The Sponsor yields."

Parke: "Thank you. Representative, the most objection I've had to your Bill is from the members of the library community. They've come to me and said that this will stop the reciprocal borrowing ability of excellent library systems in my area. How would you answer that concern?"

Phelps: "Representative Parke, I don't know a finer group of people that run our libraries. I have former grade school teachers that work in the library system in many of my

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communities. Some of the most devout people that are from a religious standpoint, that take the community very serious, and yet treasure the literary value of what we have in the libraries and will do anything to protect within their power. But I do not understand their concern from the constitutional questions, or the idea of freedom of press or free speech, that would be interfered with with this particular piece of legislation. I guess it's beyond my comprehension. I don't understand. But yet, I have not heard from one library in my district that is concerned about what this Bill would do. To the contrary, I have heard, from some of those folks who know me well enough, that my intentions are well enough that if there were some harm that we can't predict, that maybe we come back, what we do so often in this Body, and we modify, we improve or change legislation if it has a negative effect, which I don't believe it will have. But, that concerns me. But it's beyond my comprehension what those intrusions are in that regard."

Parke: "What happens when you have one library district that might be in more than one county and the other county sets a different standard than the next county, though this library district serves both counties?"

Phelps: "Right now, I guess, I don't know of any county that does not assemble a jury because of some crime that might be committed. And, in deep Southern Illinois we operate on a Shawnee Library System that takes in several counties, multiple counties, 15 or more, I believe, and that really are tied together because of consolidated effort to conserve the taxpayers' money and better utilize it. And I haven't heard that concern. And I don't think we go across one border or another in deep Southern Illinois, that lower

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25 or 30 or more counties, that would really see a difference in philosophical terms. Now, if that exists in other parts of this state, which I'm sure there may be an extreme difference of views on these things, maybe that's what we're saying. That particular county and the peers that would be assembled because of logical complaints, or severe concerns about what's going on in the unincorporated area where a business of this type would be setting up for foul purposes that many of us would agree that should not be there. And that county's affected, and the next county would not be, that may happen to show that a reaction, a response. This is happening in this county. Yes, 20 miles across the border they don't seem to be having these businesses flourish. This happened in a county, in Gallatin County in Southern Illinois, where right across the Wabash River from Mt. Vernon, Indiana, Omaha, Illinois, Representative Woolard's district. Five years ago there was an adult bookstore and all kinds of other things that were going on. And the folks, at that time, gathered around in a ground swell of support, tried to influence that business to shut down; and were effective in several months. But we realize that there was not the tools from a prosecutorial standpoint that existed. That's what this Bill does. It takes in effect, perhaps where the real intrusion is, that's where we want the tool to deal with it. Presently, I don't think that exists."

Parke: "Representative, I've read and seen where a book such as Catcher in the Rye has been banned from a library. With reciprocal, that library might be able to, if a patron wished to have that book, the library system may not be able to provide that for them, or if they did, that might leave them liable for breaking the law of the next county

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or to that library district. Do you see that as a problem? That because one library district may ban a book for whatever its reason and a library district, through a reciprocal program, sends that to a person, is that library district or reciprocal group breaking the law as you understand it?"

Phelps: "Absolutely not. That's not the way I would understand it. Now, that's not to say, even as we exist now, prior to any change in the obscenity statewide standard, that you have the same kind of concerns, someone that could be viewed as, maybe, not the normal or average attitude about what's going on, or what's presented or present in libraries as far as the literary value and might question that now. But I don't see any different in dealing with those type of materials. That's not what this Bill is all about. Because as we speak, I believe, I have a brother that's a principal of a high school in my district and there are parents that have brought to his attention in the school library that they didn't want the Sport's Illustrated swimsuit edition to be available for the sophomores and seniors, or whatever and that was getting a lot of activity, and Victoria Secrets Magazine, or whatever. Well, that can be brought to attention now. Those are concerns that might come up whether it's a literary book, Catcher in the Rye, or whatever, The Chaucer's Tales. That's going to be dealt with, with or without this particular Amendment to the Criminal Code. That's going to exist. But nothing in this Bill gives the merit to that in my measure."

Parke: "Thank you very much. To the Bill. Mr. Speaker, Ladies and Gentlemen of the House, the Sponsor of this Bill does not see the library districts' concerns. That is not his

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purpose for this Bill, to create a problem. It would seem to me from the intent of the Sponsor that a library district can work cooperatively with other library districts; can work cooperatively with library districts serving more than one county; they can work cooperatively with an area that might have a reciprocal loaning agreement. They, then, can work the problems out. They're not stopped from working those problems out. The Representative pointed out that in his area he has not had any library people come to him because they agree with him on this. In my area there are concerns. They need to address those concerns. That's what the purpose of this Bill is; let the local county establish their own standards. What is maybe a standard in the area of Cairo, may be different in the area of Schaumburg Township. So, Ladies and Gentlemen, I think this is a good Bill. I think people can work out this problem, they can solve it. The library districts can get together. I think their concerns are unfounded. I listened to the explanation of the Sponsor. Ladies and Gentlemen, I think, in retrospect, that this is a good idea and would ask the Body to support this Bill."

Speaker Madigan: "The Members would be advised that the Chair will begin to use the timer. The Chair recognizes Mr. Scully, for five minutes. Mr. Scully, for five minutes."

Scully: "Thank you, Mr. Speaker. I rise in support of this Bill, but more importantly than supporting this Bill, I'd like to explain my understanding of this Bill and point out some of the gross misunderstandings that have been brought to my attention. I've heard statements made by members of the library boards that this will have a chilling effect on the exchange of information. That this will establish county

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boards that will set new obscenity standards, and that's absurd. This Bill is an Amendment to the Criminal Code. Specifically, it amends the jury instructions that a jury will receive from the judge at a criminal prosecution for obscenity. After the jury hears evidence of what is... of the specific circumstances of the specific prosecution, the jury will then be instructed by the judge as to what is the standard by which we in the State of Illinois, what the state recognizes as obscene. Under this Amendment the jury will be instructed the material is obscene if the average person, applying contemporary adult standards in the county in which the material is sold, is obscene. This Bill has to do with jury instructions, it does not establish county boards for obscenity. It doesn't change the standards by which our library boards should decide what is and is not an appropriate book for their particular library. It merely changes the instruction that is given to a jury. It gives that jury the ability to decide whether this material that they have just reviewed, whether the circumstances of this particular prosecution constitute obscenity based upon the standards of this county. I've had many comments directed right to my office from library boards, library boards complaining that this would have a chilling effect, and I've had a chance to speak to these people and to explain to these different library boards exactly what jury instructions constitute. And that, based upon this law, they shouldn't be worried about this having any chilling effect on the proper exchange of information, and if any information being distributed by our libraries is really that close to the edge, then we really have to take a look at our standards within our libraries. And I don't think the material being distributed within our library system by

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responsible boards is that close to the edge. I'm very confident that our library boards are doing a very responsible job and that our juries will do a very responsible job of deciding obscenity when they are given proper instructions from the judge, when they've seen proper presentation of the evidence and when we make this Amendment to the law allowing them to decide obscenity based upon the standard of their home county where this material was distributed. Thank you."

Speaker Madigan: "Representative Mulligan, for five minutes."

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

Speaker Madigan: "The Sponsor yields."

Mulligan: "Representative Phelps, there's one simple question I have for you. If the biggest complaint is the libraries, why didn't you remove the libraries from this Bill? We've had this Bill in the past Session, we have it again now. It could have easily been addressed by taking libraries out of here."

Phelps: "I really didn't feel that there was any threats to the library situation. The issue in which they brought to my attention, I just don't feel has the merit of concern. It's not the intent, it's not the focus. I believe, I don't know about the association itself, I believe some have used it as an excuse, an alibi to be against the Bill. But that as it may, there are no prosecutions of any libraries in any state in which the community centers exist. So, I don't think it has merit."

Mulligan: "Well, Representative, I listened to the tape from the committee hearing, I don't think that you are doing this for any particular reason other than perhaps you believe in the merit of it. But here in Illinois, and it was not addressed in committee from the tape that I listened to, we

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have one of the most wonderful reciprocal library programs. Some of us object to that. My libraries have called me, we were lobbied last time, we were lobbied this time. Things such as cable television, movies that are available that you can go into Blockbuster Video, some of the things that would be harmed by this Bill, I think speak to the quality of life that we have here in Illinois, and particularly, our library system. I think that if the people that were behind this Bill really wanted it to pass, or really didn't want to have frivolous suits against libraries, school boards, they would have addressed those individual issues. Going down into the Bill I noticed there's forfeitures. Does that mean if our libraries are convicted twice the property in the library would be subject to forfeiture? I mean, how ridiculous can we be when we get into discussions such as this? Also, I think that when you talk about county wide standards, obscenity is sometimes in the eye of the beholder. My computer people, a young couple that have a business, called to my attention that there is a new program out called Cyber-sitter by Solid Oak Software in cooperation with Focus On The Family. This would allow you to block certain things off of your internet, and one of those things that they're blocking is the page for the National Organization of Women. Now, I want to tell you, if we're going to start getting into what individuals think is proper and what isn't, we're going to have frivolous lawsuits all across this state. I think the laws are working well, I was opposed to this Bill before I spoke out about it during the Veto Session. Even though there was a 'no' Roll Call, several of us were picketed immediately after. Obviously, this was a setup Roll Call. I don't like how this Bill is being presented. I don't like the

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object behind it. I don't like the fact that people are ready to send in mail things. I don't like the fact that it's being used to picket and to target certain people because we choose to protect our libraries and what we consider to be frivolous lawsuits and programs in our school that will be challenged. I think this is a bad Bill. I think we can address the problems that we have now. I would ask for a verification if this vote receives enough to pass, and I urge you to vote 'no'."

Speaker Madigan: "Mr. Deering, for five minutes."

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

Speaker Madigan: "The Sponsor yields."

Deering: "Representative, who establishes the standards in the individual counties?"

Phelps: "If the state's attorney is convinced from charges or concerns from the local citizens, which his judgement is now with the statutes of criminal of different kinds, then that jury would decide if there was obscenity committed beyond the acceptance of the county."

Deering: "So then the jury decides who sets the standards?"

Phelps: "That jury would... the ruling of that particular case, whatever it might be, would set the precedent for that county."

Deering: "Okay. Are you going to have the same jury for every case that is brought before the court?"

Phelps: "It would be just like it is for any other crime, Representative Deering, it would vary according to the charges."

Deering: "Okay. It's been talked about here about the libraries and that's been the point of interest. What if I am an individual that lives in a county and I subscribe to some magazine like a Penthouse or Playboy? Can someone in the

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county I live in decide that that's offensive to them, even though it's probably none of their darn business, and then wind up taking me to court?"

Phelps: "Representative Deering, my former remarks, I tried to make the distinction that even though we might have differences of opinion on those particular type of materials being acceptable or not in today's market, that still is not the focus and the intent of this Bill, and I know you weren't on the Committee of the literature samples that we passed out and circulated, but believe me, they go way beyond Playboy and Hustler and those that are acceptable, I guess, by many in the standards of society today. But that's not the focus of what we're going after here. We're talking about pretty bad stuff."

Deering: "What if I'm on Prime Star? I live out in a rural area, I don't have access to cable and I'm on Prime Star and I can get access to adult movie channels. Will I still be able to do that in the privacy of my own home?"

Phelps: "There's nothing in this Bill that even mentions Cablevision, or any type of programs that are presently offered."

Deering: "It doesn't mention it, but what about the intent of the underlying Bill, the language in the underlying Bill?"

Phelps: "The intent would be focused on, this particular legislation, is to those adult bookstores, those businesses that are established really to get around the local ordinance, to go into unincorporated areas, especially in our rural areas downstate, that might want to market the type of activity and literature that's beyond the present type of literature that you've talked about and what we would classify pornography, but even much more extreme."

Deering: "Has there been court cases in the other states that

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have these standards, where an individual's rights may have been tested in the courts, as far as what he or she or they decide to view in the privacy of their home? Are there court cases backing up your statements to the answers you have just given?"

Phelps: "Well, as I mentioned, there's been no prosecutions of the states in which this community county standard exist, no prosecution of any library in any state with the community standards."

Deering: "No prosecutions, but have there been court cases or lawsuits filed, or have people been run through the crux of being hauled into court having to try and prove their innocence of what they want to do in the privacy of their own home?"

Phelps: "I'm sure there have, and I possibly could provide you with that information, maybe before the vote. But there have also been statistics to back up reduction in crime. Especially in Oklahoma County where the rape figure went down like 27%, and they directly attribute it to the community standard. So, you know, either way you can argue, Representative Deering, that it may have an intrusion, but it all depends, again, on that jury that assembles in your county and my county, what they think of this particular charge. And the State's Attorney has the authority to judge those charges on the merits of what he thinks reasonable as he does now with... defined in the Criminal Code."

Deering: "You're talking about the adult bookstores, those facilities and you're trying to keep them out of the communities. We all travel the highways and byways of this state and other states and we have an opportunity to view these as we're traveling, we see the facilities. Is there

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any state laws or any signs that mandate that when you go past these facilities you have to stop? Can you not exercise personal indifference and decide, on a personal basis, what you may want to or what not want to do?"

Phelps: "That is correct, and I believe that would continue if we adopted the community standard."

Speaker Madigan: "Mr. Deering, you have 12 seconds left."

Deering: "Thank you. No further questions."

Speaker Madigan: "Mr. Kubik for five minutes."

Kubik: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. As Representative Mulligan indicated, we've seen this Bill before, and believe me, it doesn't get any better with time. I'm not going to even address the issues of the reduction in crime because, frankly, I think that that's probably due to the tougher sentencing laws that we have enacted nationwide on child molesters and sexual predators and the like. So, I think that those statistics are skewed and, frankly, I think that has a bigger impact on the reduction of crime than this type of a Bill. Let me just simply tell you, Ladies and Gentlemen, when I opposed this Bill in the fall, I pointed out that I thought that the problem with this Bill was that we reduced rather than broadened the standard. Take for a moment, let's stop for a moment and consider ourselves to be in 'Any town, U.S.A.', a town of 500 thousand people and which is a fairly large town. And I suspect that if you took some type of material in three different places and asked them what they thought, you'd get a very different opinion about what is pornographic. Let me give you an example. Let's say we took a copy of Playboy and we went to the local convent and we polled 10 nuns as to what they thought about Playboy. I think you would probably find that they would

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be offended by that magazine in some fashion and would consider it obscene. We then go across town to a college university and go into a fraternity house and poll 10 young men in a fraternity house. I suspect you'd get somewhat of a different reaction to Playboy. As a matter of fact, you'd probably find a centerfold pinned up on the wall before the interview was over. But then if we went to a... we polled 500 people in 'Any town, U.S.A.' and asked them what they thought of that magazine, I think we'd get a more balanced approach as to what they would consider to be obscene and what's not obscene. Let me suggest to you, if you took a magazine which depicted young children involved in sexual activity and you took it to those three places, I think people would be offended in all three places. The point I'm making is that the broadest standard is usually the best standard of determining what is obscene. And that is what we ought to continue to use in this state is the broadest standard, not the smallest standard. And I think that although the Sponsors and the people who support this Bill are well-intended and they say that it won't have the effect of... a chilling effect on libraries, it won't have a chilling effect on all these other things, the bottom line is, the change in the law will have a chilling effect and will determine what you and I can see and view in our county. Let me suggest to you that sometimes standing up for the First Amendment is one of the toughest things we can do. It's not an easy task. I ask you to do that. I, like Representative Mulligan, was one of those people who was picketed, and you know what? Those people have every right to picket in front of my office and I would support their ability to do so. And I might point out I got a copy of the flier that they put out in front of my office and

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you know what, I would consider that a politically obscene flier. It not only misstated the facts, it was full of lies-called me a person who supports pornography. Now, come on, let's get real here, folks. The point I'm making is that they have the right to hand that stuff out and I don't particularly like it and, frankly, I found it rather obscene, but they have the right to do that. So let me leave you with this thought. They want to curtail the same rights that they use to advocate this Bill, the First Amendment. And so, Ladies and Gentlemen, when we think about curtailing the First Amendment, let's remember that there are two sides to the gun, and it all depends on what side of the gun you're on. So let's be thoughtful. This is a tough vote for a lot of people because I can see the literature that's going to be put out. This is a tough vote, but the right vote. The truly right vote is to say the broadest standard is the best standard. Thank you."

Speaker Madigan: "Representative Erwin, for five minutes."

Erwin: "Thank you, Speaker. I rise to oppose House Bill 245. I think that while a number of the speakers have raised... a number of the speakers opposing this Bill have raised some of the key points, I would just like to reemphasize that the Illinois Library Association is firmly opposed to this Bill. And as we heard in committee, one of the main reasons they are firmly opposed to it is because, not so much because of the prosecutions that might actually ensue, but it's actually the intimidation or the fear of, or the possibility of that, as Representative Kubik so aptly just described, there then is a chilling effect. So, to Representative Scully I would say it is not so much in the jury instruction as it is operationally how the effect would work. And it is really through the fear is, through

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intimidation and through the fear of possible litigation that many libraries would become very, very fearful as we have testimony in committee of being a part of our so valuable system where we can share books from all over the state. I would also strongly argue that a good prosecutor in any of the 102 counties in this state are equipped with the tools today to prosecute pornography. I firmly believe this is not a Bill we need. It is not a law we need. The system, with all due respect to the Sponsor who I know is only well-intentioned, this system is not broken. They have the tools and they can use them and they should use them. The truth is that I think all of us, wherever we live, really want the best and the highest goals for the children and families that live in our communities and I think that in this case, the best and highest thing that we can do for them is to support the First Amendment, to not be on the side of those who might use, albeit a well-intentioned proposal, something that... it would have the effect of not encouraging freedom of thinking and intellectual pursuit. And I know that that's not anything that this Body wants to go on record opposing. So, I really hope that while, as Representative Kubik said, the First Amendment is sometimes not always the easiest ones to support, I want you to think about the folks in the libraries in every community of this state who have thought about this Bill and they have in their own mind operationalized what the impact is going to be. And it is why they are so firmly opposed and I encourage you to vote 'no'."

Speaker Madigan: "Mr. Black, for five minutes."

Black: "Thank you very much, Mr. Speaker. An inquiry of the Chair. This is a very interesting Bill. I've gone through

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our file. It appears to me to clearly preempt, if not all home rule units, certainly a county home rule unit. Would you ask the Parliamentarian to see if I'm correct in whether or not this would take 71 votes?"

Speaker Madigan: "If you will give us the opportunity to find the Parliamentarian?"

Black: "This is one of the reasons I asked you. He was supposed to check with us and someone on your side whenever he left the Floor and he's a young fellow and doesn't always remember to do that. Thank you very much for your indulgence, Mr. Speaker."

Speaker Madigan: "Okay, thank you. Mr. Tom Johnson for five minutes."

Johnson, Tom: "Mr. Speaker, Members of the House. I rise in strong support of this piece of legislation. And I rise in support of it because I represent my children and my constituents and you know we've heard a great deal and have read a great deal about the permeation of obscenity over the internet, televisions, press, so on and so forth. I suggest today that a lot of the arguments that we have heard, and especially from the Library Association, quite honestly, in my opinion, are red herring arguments. I want to read to you that first the statute as it relates to obscenity. Because in order for anybody ever to be prosecuted for obscenity, and keep in mind, this goes to the libraries themselves, as well. The statute reads, 'That any material or performance is obscene if...' Now, you have to prove all these things. '... the average person applying contemporary adult community standards would find, that taken as a whole, it appeals to the prurient interest and to average person applying contemporary adult community standards would find that it

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depicts or describes, in patently offensive way, ultimate sexual acts or sadomasochistic sexual acts, whether normal or perverted, actual or simulated, or masturbation, excretory functions or lewd exhibition of the genitals, and taken as a whole, it lacks serious literary, artistic, political, or scientific value.' Now, before I go on, because the bulk of the objection here is the Library Association's view towards this, I ask all of you, deep in your hearts, what I just read you as being obscene, do you in any way want to condone or protect libraries whether or not they have to apply a local or statewide standard to permit this obscene material in your local library? That is the first test and you have to show beyond a reasonable doubt that those occur. Now, in addition, there is an absolute affirmative defense in our statute. And an affirmative defense goes, I believe, to libraries because an affirmative defense to obscenity, that the dissemination was to institutions or individuals having scientific or other special justification for possession of such material. Now, again, I ask this Assembly, why in the world would we carve out the one exception in the entire Criminal Code that we would not permit our own juries, in our own counties to make the final decision and be the arbiter of fact whether or not the prosecution met its burden, beyond a reasonable doubt, to prove the offense of obscenity. Now, in addition to all of that, we have Appellate Courts and we have Supreme Courts. The point is, is that you have to prove that very strict definition of obscenity beyond a reasonable doubt. Now I, for one, believe that my community, being DuPage County, because again, our juries are drawn from our county, has a right to make that determination. And I would suggest to all of you

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that don't hide behind the fact that this is a threat to First Amendment rights and so on. It has very little to do with that. What it is, is the right of this state to govern, which it has, whether or not people can put out materials of the type that I just read to you that is specifically described in our obscenity statute. And finally, I would suggest, that one of the main reasons that people are now opposed to this, is for precisely the same reasons they are cloaking themselves in this strong defense and that is the First Amendment rights. Libraries and other people don't like being picketed. They don't like being told what to do. None of us do. But that is the ultimate use of our First Amendment rights and anybody has the right to do that. That's our system."

Speaker Madigan: "Mr. Johnson, 10 seconds."

Johnson, Tom: "I've got eight seconds. I would just urge an 'aye' vote."

Speaker Madigan: "The Chair recognizes Mr. Capparelli."

Capparelli: "Mr. Speaker, I move the previous question."

Speaker Madigan: "This Motion is for the previous question. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The previous question is moved. The Parliamentarian rules that this Bill will require 60 votes, Mr. Black. Any way we can accommodate you, Mr. Black, we want to do it. And Mr. Phelps to close."

Phelps: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. Thank you for your patience and attention on this matter. If Illinois changes to a community standard, it would have no chilling effect, whatsoever, on creative materials. Nor would it in any way hinder the types of books or motion pictures distributed in Illinois, just as it has not hindered distribution of the same materials in

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27 states with a community or local standards. Please, folks, I want to make it as short as I possibly can. This is an important vote for the families across the State of Illinois. Give us the tools to be able to challenge the type of activity, of business structure, that those that choose to take the filth and pornography into our backyards and the local areas of our treasured communities where we want our children to run free of the type of riffraff that can be drawn with these type of businesses. Please support 245."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 58 'ayes', 48 'noes'. Mr. Phelps, what is your pleasure, Sir? Mr. Phelps. Do you wish Postponed Consideration or do you wish that the Bill just fail?"

Phelps: "Mr. Speaker, I do not wish Postponed Consideration."

Speaker Madigan: "Okay. There being 58 'ayes' and 48 'noes', this Bill having failed to receive a Constitutional Majority, is hereby declared lost. The Chair will... Mr. Black. Mr. Black. The Chair will now move approximately seven or eight Bills from Third to Second Reading. Mr. Black."

Black: "Yes. Mr. Speaker, you have so many people at the podium lately and it's hard to keep track. The Gentleman from McClain County, is he the new Parliamentarian of the House? If so, we welcome him. We welcome that addition."

Speaker Madigan: "Mr. Clerk, House Bill 2191, what is the status of that Bill? (sic-House Bill) 2191."

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Clerk Bolin: "House Bill 2191, is on the Order of House Bills -
Third Reading."

Speaker Madigan: "Place that Bill on the Order of Second Reading.
House Bill 1214, 1214."

Clerk Bolin: "House Bill 1214 is on the Order of House Bills -
Third Reading."

Speaker Madigan: "Place that Bill on the Order of Second Reading.
House Bill 61. What is the status of the Bill?"

Clerk Bolin: "House Bill 61 is on the Order of House Bills -
Third Reading."

Speaker Madigan: "Place that Bill on the Order of Second Reading.
House Bill 2256. What is the status of that Bill?
(Sic-House Bill 2256)."

Clerk Bolin: "House Bill 2256 is on the Order of House Bills -
Third Reading."

Speaker Madigan: "Place that Bill on the Order of Second Reading.
House Bill 425. 425."

Clerk Bolin: "House Bill 425 is on the Order of House Bills -
Third Reading."

Speaker Madigan: "Place that Bill on the Order of Second Reading.
House Bill 1090, 1090."

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

Speaker Madigan: "Place that Bill on the Order of Second Reading.
House Bill 1262. 1262."

Clerk Bolin: "House Bill 1262 is on the Order of House Bills -
Third Reading."

Speaker Madigan: "Place that Bill on the Order of Second Reading.
On page 31 of the Calendar there appears SJR A-19 by Mr.
Murphy. Mr. Murphy. Mr. Murphy, on page 31 of the Calendar
there is Senate Joint Resolution 19. It deals with the
Pension Laws Commission. Mr. Murphy."

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Murphy: "Yes, one minute, Mr. Speaker. I don't have the Resolution before me, Mr. Speaker."

Speaker Madigan: "Mr. Murphy."

Murphy: "Mr. Speaker."

Speaker Madigan: "Proceed."

Murphy: "That... that Resolution, though I don't have it in front of me, would extend the time to go into Executive Session for personnel matters."

Speaker Madigan: "On that question, the Chair recognizes Mr. Parke."

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

Speaker Madigan: "The Sponsor yields."

Parke: "Mr. Murphy, Representative Murphy, why is this necessary?"

Murphy: "Well, first of all we have a... we don't have a permanent Executive Director and the time has ran out and we have some matters that we need to take care of, so we need some extra time."

Parke: "Is it... Now does this apply... when you say we, are you a member of the Pension Laws Committee?"

Murphy: "Yes, a Co-chair."

Parke: "And you're saying that the committee itself has recommended this, as the bipartisan committee and all Members have recommended this?"

Murphy: "That's correct."

Parke: "Then I... I do not perceive any problem with the Resolution."

Speaker Madigan: "Mr. Parke, are you finished? The Gentleman moves for the adoption of the Resolution. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. Excuse me, Mr. Hoeft. Mr. Hoeft, withdraws. The question is, 'Shall the Resolution be adopted? Those in favor say

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'aye'; those opposed say 'no'. The 'ayes' have, the Resolution is adopted. The next Bill will be House Bill 1005, Representative Biggert. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1005, a Bill for an Act relating to changes in school district boundaries. Third Reading of this House Bill."

Speaker Madigan: "Representative Biggert."

Biggert: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 1005 is to amend the provisions of the School Code relating to changes in school boundaries. This is a Bill that has come up in my area where a small five block area of Hinsdale is, wishes to de-annex from Western Springs and Lyons Township High School due to the fact that the children in that area must cross eight lanes of 294 to get to school and wish to be in the elementary and high school district in their own community. I'd be happy to answer any questions."

Speaker Madigan: "The Lady moves for the passage of the Bill. There being no discussion, the question is, 'Shall the Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 106 'ayes', 0 'noes'. This Bill having received a Constitutional Majority, is hereby declared passed. House Bill 1027, Mr. Kubik. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1027, a Bill for an Act concerning the news media. Third Reading of this House Bill."

Speaker Madigan: "Mr. Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1027, with Amendment #1, now becomes an

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Agreed Bill. This Bill would allow for Freedom of Information Act requests to Secretary of State, they'll do it on a case by case basis, as to whether or not they will allow information to be released to the press. This is a compromise between the Secretary of State's Office and the Illinois Press Association and I would be happy to respond to any questions you might have."

Speaker Madigan: "Mr. Hartke."

Hartke: "Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Hartke: "Representative Kubik, could you give me an example of like what would be waived under this piece of legislation? What would be considered a health and safety issue that you would want waived?"

Kubik: "Representative, this particular Bill arrived out of a case where a local newspaper wanted to compare driver's license list against voters lists to make sure that there wasn't voter fraud in a particular county."

Hartke: "There wasn't what?"

Kubik: "There wasn't voter fraud. There were not ghost voters involved. So, they had made the request, and it was a rather extensive request. The Secretary of State's Office disagreed with that request and said they would have to pay for it. They argued that there was a legitimate interest. The issue was debated back and forth and this Bill attempts to remedy those sorts of cases, where these..."

Speaker Madigan: "Representative Hannig in the Chair."

Kubik: "...are rather large requests and normally you would charge a fee for. But this was a legitimate attempt at a news story and a legitimate attempt at newspaper research and this would allow the Secretary of State to get those documents to the press without having to charge them for

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them."

Hartke: "I think you're talking about health, welfare and safety. Which one of those would this apply under?"

Kubik: "Representative, I don't know that that... I'm just citing an example. I don't know exactly what."

Hartke: "Could you give me another one, that one was a poor one. I want you to know that. It didn't convince me that this is a necessary... necessary item to change our statute."

Kubik: "Representative, I don't know of another example. Perhaps there's a..."

Hartke: "When you said this is a substantial amount of information, what would it save the newspaper then to waive this fee?"

Kubik: "Would you repeat your question?"

Hartke: "What did this save this newspaper. What would you suggest that would save this newspaper and who's going to make up those revenues? If you say the Secretary of State has to supply and waive the fee, what is that going to cost the Secretary of State?"

Kubik: "I think it would be a question on a case by case basis to be answered by the Secretary of State. I might point out, Representative, these are public records. These are not records that are private records. These are public records that they are asking for. So, we're not violating anybody's confidentiality or any of that nature. These are records that if a... for example, if they wanted to do a run, I suppose, on a particular model of car that the gas tank explodes or something, they would be able to find out how many cars are in Illinois. They would make that sort of Freedom of Information request. Those sorts of issues. That's the only one I can think of off hand. But, the point is this does not violate anybody's confidentiality."

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This information is already being sold."

Hartke: "But, the newspaper is going to use it for commercial purposes because they may do a great big expose and they'd be the ones to bring out this information and it would be used for commercial information for them alone."

Kubik: "It would be used at your... In your example, I would not describe it as commercial, I would describe it as public information. If they are doing that in the pursuit of a legitimate news story and that's a question that the Secretary of State will answer on a case by case basis, this is permissive. If they are pursuing that on a legitimate basis. I would think that the public would want to know about some of the problems that might arise. So, in that case, I don't think it's for commercial purposes, I think it's for the public's right to know."

Hartke: "Where does the Secretary of State stand on this issue?"

Kubik: "The Secretary of State helped negotiate the language which is currently in the Bill, so they are... they are... they are either neutral or supportive of the Bill."

Hartke: "Well, that... that maybe puts a different light on it. Maybe it's... Maybe my... my fears are unwarranted in this respect, so, thank you very much for answering my questions."

Speaker Hannig: "Representative Lawfer."

Lawfer: "Thank you, Mr. Chairman. Would the Sponsor yield?"

Speaker Hannig: "Yes, he will yield."

Lawfer: "Representative, does this pertain only to the Secretary of State Office or does this pertain to other public offices?"

Kubik: "Just the Secretary of State's Office, Representative."

Lawfer: "It would not pertain to information that a... for example, a press person would want from a county office or

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a township office?"

Kubik: "No."

Lawfer: "Does your Bill specifically allow only the press to get this, or could an individual concerned person have an opportunity to access that under this law?"

Kubik: "It specifies the news media, Representative. But, I might point out that... and it allows the Secretary of State to make those decisions on a case by case basis. What I might point out is that if somebody wanted to use it for commercial purposes, they would have to purchase the information."

Lawfer: "What if an individual wanted this for research purposes? Say, they were doing a thesis on some type of information. Would that be available?"

Kubik: "Under this Bill we do not address that issue. We address the issue of a newspaper, periodicals, a news service, a radio station, a television station. So it's strictly a news gathering operation, not another... We have not addressed that portion of the issue."

Lawfer: "Thank you very much."

Speaker Hannig: "Representative Currie. Barbara Currie."

Currie: "Thank you, Speaker, and Members of the House. I think this is good legislation as introduced. The Bill might have required the Secretary of State to give information to media for opportunities of fishing expeditions, which I don't think is good public policy for us. I don't think it's good public policy for the Secretary of State's. It could have been interpreted to enable the media to ask at will for large databases at frequent intervals, and I think that the Secretary State's Office was very helpful in negotiating with the Press Association, with Representative Kubik and with me, in order to craft a Bill that we think

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will meet the needs, the legitimate news gathering and news disseminating needs, of the press, of the media, without putting at risk legitimate privacy concerns of Illinois citizens. We're required when we sign up to drive a car to give information about our social security numbers, our ages, our addresses, our genders. I don't think that it would suit us to think that that information would become available free of charge to a news entity that might wish just to play around with citywide or countywide data without a particular point in mind. Under the recrafted Bill, the Secretary of State's Office will be in the position to give out large amounts of data when a news gathering entity has a legitimate good reason for wanting to acquire that information and when the Secretary of States Office feels that it will not break the bank, will not cause problems for the Secretary of State's budget. So I think we've crafted a Bill that balances legitimate interest in privacy, with legitimate interests in making sure that that which is newsworthy is available to the public. I would appreciate your support for House Bill 1027."

Speaker Hannig: "Representative Roskam."

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

Speaker Hannig: "He indicates he will."

Roskam: "Representative Kubik, I haven't been listening as well and I have not been as attentive as I should. Can you just give me a three by five card version of what this Bill does? Here's my understanding. The Bill would be permissive to allow the Secretary of State to waive certain fees as it relates to freedom of information requests only for members of the news media?"

Kubik: "Yes, that is correct."

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Roskam: "What's your thinking, you know and I don't know if you've read the Republican analysis on the Bill. It asks some kind of harsh questions. But what is the thinking behind allowing a commercial enterprise? I could see, you know, if you're saying well let's give it to a nonprofit 501-C3 tax exempt newspaper or that type of thing. But why should CNN, for example, which is a big business, a big money maker, why should they get the benefit under your legislation and someone else not get the benefit under your legislation? In other words, why don't we give the Secretary total authority, total discretion, if that's the route you want to go?"

Kubik: "Representative, that is not the issue that I raised with the Secretary of State. That may be a legitimate issue, but we negotiated an issue relating to releasing information to the news media. While I recognize that CNN is a profit-making cooperation, they do provide a public benefit in providing news."

Roskam: "It depends on who you're talking to, but go ahead."

Kubik: "But for example, Representative, a publication you may be familiar with, The Weekly Standard, would qualify under this particular Bill. Whether it be conservative or liberal or what not, they provide a public benefit in opening up information and providing information to the public. The real question here is, that we're talking about bulk of information, large quantities of information and sometimes that becomes cost prohibitive. So is the question, do we not pursue the story because it's cost prohibitive, or do we make a legitimate request and have the Secretary of State make a judgement on that and decide whether it is indeed a legitimate request? So, that's what we're trying to accomplish here?"

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Roskam: "Is there any legislative language, that you have, that would define what legitimate means? Are there any parameters that defines what legitimate means, or is legitimacy just determined by the person in the Index Division who happens to be at the counter on that particular day?"

Kubik: "Representative, I would venture to say, that that clerk, probably, is not going to make that decision. My guess is that, that if this is a big enough issue it will be looked at by the Secretary of State and all of his legal minds that surround him, on this issue."

Roskam: "Even if the Secretary, you know, and in this this case George Ryan, and I have total confidence in George Ryan's ability to make good decisions. But let's assume George Ryan is not there, and let's assume there is someone there who may not have that same... enjoy that same confidence that you and I have of the current Secretary. Is there any wisdom to try and define what is legitimate? Is there any wisdom to try and prescribe, to a certain degree, what that Secretary is able to do? Or under this Bill, it seems like they have the total flexibility with no restraining influence, whatsoever, to make a determination. Yeah, your legitimate Time Magazine, but News Week, you're not on the level and let's see the Tribune wrote a decent editorial about me, so you're legitimate. But the Sun Times you stuck it to me, so you're not. How does your Bill contemplate that kind of problem, and I don't think it's a specious argument?"

Kubik: "Well, I think that the... Again, it's a judgement call by the Secretary of State. Now, I... you know, if the Secretary of State is making ill advised and poor decisions on that in that end. I suspect that there would be some

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litigation on that."

Roskam: "Well, there would probably be some bad editorials."

Kubik: "And, probably, followed by some litigation. But this attempts to allow him or her the freedom to make those decisions. Now let me point out too, this information is already available for commercial purposes."

Roskam: "Oh, I understand that. I understand that."

Kubik: "It's not as if we're violating anybody's confidentiality. All we're saying that is, and frankly, the Secretary of State already accommodates certain sorts of freedom of information requests. It's just that when it reaches a certain level, then he's got to make a judgement as to whether, as Representative Currie pointed out, this a pure fishing expedition or is there a legitimate interest, and he... he is in that position to best to decide that in that case. And if he's wrong, he may receive some editorials and/or he's going to suffer some litigation."

Roskam: "Well, but in the alternative if he's wrong, the taxpayers have foot the bill. In other words, the taxpayers have taken over the responsibility of allowing that information to go out, at no cost, to this news organization. And that's my real concern. Number one is, that I don't think in the Bill, Representative, there is a solid definition of legitimacy. And that is, I think... I think vague and I think it's going to run into problems in the future. But, from a larger philosophical point of view, I do question the wisdom of carving out one type of commercial activity, the news media, to the exclusion of all other commercial activities and saying, you get this. I would understand it more if there was a tax-exempt organization that were involved, if it was for an educational purpose and so forth. So, I rise in

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opposition. I'm sure you're going to pass your Bill, but I think that those are significant things to try and really wrestle with, and you know, I don't know, you know, Ted Turner, frankly, does not need the support, financial support, of the taxpayers in my district."

Kubik: "Representative, if I could respond to one point that you made and I think you have a legitimate concern, in terms of philosophically. Let me point out to you, that when we contemplated creating these offices, whether it be the Secretary of the State, or Clerk, or any other office, I don't think that when these offices were initially created the idea was that we were going to sell these lists and sell this information. They were created to gather information and keep and house that information for the public. Not for commercial purposes or what, but for the public because it was valuable information. We have subsequent to that, taken a position now that we ought to sell it and we ought to make some money in order to help pay for the operation. But I think the bottom line is, this is public information and I think in the interest of opening up issues and examining issues, that the news media should have a right to get at that public information in order to... to inform the public."

Roskam: "But, Representative, the news media does have the right, and they have the opportunity and we're not talking about blacking out names. But we are talking about, who pays for it. And in my opinion the weakness of your Bill is that you're asking the taxpayers in my district to pay for a subsidy to Ted Turner, a subsidy to ABC News, a subsidy to that type of organization. I respectfully rise in opposition. I understand where you're coming from, but in my opinion I think the Bill needs a lot of work. Thank you

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for your kind answers."

Speaker Hannig: "Representative Skinner."

Skinner: "Mr. Speaker, I wonder if the Sponsor would answer a couple of questions?"

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

Skinner: "Representative, as I read the Bill, freelance reporters are not included, is that correct?"

Kubik: "I'm sorry."

Skinner: "Freelance reporters are not included in the benefit that you are conferring upon some of the news media? I would observe that some of the best investigative reporting is done by freelance reporters on their own and then they sell the story after they've done the immense amount of research that is necessary."

Kubik: "Representative, I think that's a fair concern, I think I would probably argue that in most cases they're operating under an umbrella, of a particular news organization. But I think it's a fair concern, we ought to look at that issue and address it at some point in time. Perhaps in the Senate."

Skinner: "What about newsletters? Specialized newsletters."

Kubik: "I'm not sure that I understand the question."

Skinner: "Well, what about an industry newsletter? How about the Springfield Scene, by the Illinois State Chamber of Commerce?"

Kubik: "Representative, I'm not sure that they would qualify, but, I'm not sure that they would qualify under that. If their purpose was... if their purpose was to provide information and that was their only purpose, then I think that perhaps they would be covered. If as a... let me stop there."

Skinner: "Well, Representative, I think the hole that you're

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driving is much too narrow, and I think it would eliminate from consideration not-for-profit newsletters, like the Chicago... yeah, what is that called? Well, there's a monthly newsletter focusing on minority affairs in Chicago. It seems to me that that would be not allowed. The Chicago Reporter, that's it."

Kubik: "But, Representative, if that was exclusively what they do. In other words, if that was a periodical that was circulated on a monthly basis and that was what their purpose for existing was, then I think they would be covered under this Bill. If you're a company and you put out a newsletter to your employees, then I don't think you're covered under this Bill, because you're involved in another business and not necessarily in the dissemination of news to the general public."

Skinner: "Now, what about the Northwest Tax Watch, newsletter? This is a newsletter which is published periodically, which attempts to find information about local governmental entities such as the salaries of teachers and administrators. They publish this information."

Kubik: "I would, I would..."

Skinner: "This is a not-for-profit organization."

Kubik: "If they publish on a regular interval, a regular interval, then they would be covered under this definition."

Skinner: "Well, they also lobby in their newsletter, as much as the State Chamber of Commerce lobbies in its newsletter and it would still be eligible?"

Kubik: "I would say that I'm not sure at this point, but..."

Skinner: "Well, when you're sure let me know. Thank you."

Speaker Hannig: "Representative John Turner."

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

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Speaker Hannig: "He indicates he will."

Turner, J.: "Representative, is there a Fiscal Note on this?"

Kubik: "I don't know that there is. Representative, this is not a mandate, it is a permissive Bill. So, I don't know that there is a Fiscal Note on it."

Turner, J.: "All right. Well, let me rephrase my question. What is the estimated cost to the Secretary of State or the taxpayers if this legislation passes."

Kubik: "Representative, as I understand it, in our discussions with the Secretary of State they indicate that this particular Bill would be... that the fiscal impact would be such that they would be able to accommodate it in their existing budget."

Turner, J.: "Are you saying then that the fiscal impact is basically negligible?"

Kubik: "I would say that that is correct and that the Secretary of State believes that he can accommodate it within his existing budget."

Turner, J.: "That being the case, if there is essentially no Fiscal Impact on the Secretary of State, I think it only follows that there really is no significant fiscal impact upon the news agency requesting the information. So, my query is, why in the world are we doing this for the news media? What is the purpose of giving away this information for free?"

Kubik: "Representative, as I've stated earlier, the news media does make requests from time to time, some of them are rather small requests, in some cases these are larger requests. They don't happen often, but occasionally they do happen. The question is, at what point do we begin to charge for that information. The Secretary of State, I think in his capacity as Secretary of State and as a

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guardian of the taxpayers, ought to be in a position of making a judgement whether this is a legitimate pursuit of public information and therefore, the fee should be waived."

Turner, J.: "Don't you think that any news agency, or media, or any person working for a news agency is always going to suggest that they're asking for information that is of legitimate public concern? Is that not their business? Why else would they be printing something if it was not of legitimate public concern?"

Kubik: "Well, I think that they're, as Representative Currie pointed out, there may be some news organizations out there who would just request lists for fishing expeditions. And in those cases, that's wrong. But if they come in and they make a legitimate request for a specific kind of information for a specific reason than for a news story, then I think that's appropriate. And the Secretary of State, I think, is in a position and he agrees to be able to make that judgement on a case by case basis."

Turner, J.: "Is there some particular news agency or some particular part of the media that has come to you with this request because they simply couldn't afford to access the information under the Freedom Information Act that they needed in order to complete their story?"

Kubik: "As I explained earlier, that this arises out of a case that occurred in Madison County on voter fraud in which they were comparing the voting list against the driver's list to determine whether there was voter fraud. And it was a rather large request and that's what was the genesis of this Bill. And as a result that... it brought before the issue, Representative, so that... and that's what brought the Illinois Press Association and the Secretary of

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State together to try to work out the language on this legislation."

Turner, J.: "In that particular instance was the news agency able to gather the information they needed or are you saying that because of a prohibitive cost they were not able to garner the information that was necessary in order for them to complete their story?"

Kubik: "In that particular case a fee was established and it was a rather large fee that... it was cost prohibitive for that particular... that newspaper. The newspaper was the entity that was making the request."

Turner, J.: "What was the cost?"

Kubik: "Representative, I don't know."

Turner, J.: "So it's based upon that singular incident then that we're going to change the statute and that is the reason why you presented the legislation?"

Kubik: "No, Representative, in the discussion with the Press Association and the Secretary of State, they indicate that this does happen from time to time. So it is not a single issue that is driving this, but it does happen from time to time."

Turner, J.: "Well, Representative, in all due respect, I don't follow the logic if it's not... If the cost to the Secretary of State is negligible it seems to me it's only logical that it also be negligible to the news agency. I can't see any reason why in the world we would be giving away this information to a news agency that can afford to pay for it and for that reason I'm going to vote 'no'."

Speaker Hannig: "Representative Kubik to close."

Kubik: "Thank you, Mr. Speaker. And since I didn't get an opportunity to respond to Mr. Turner's point, I would like to respond in closing. I think there is a vast difference

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in, I don't know exactly what the Secretary of State Office, what their budget is. I would imagine it's probably a rather substantial budget either in the hundreds of millions or close... hundreds of millions of dollars. A newspaper on the other hand, may be an organization that has five or six reporters and a total budget during the year of about a hundred thousand. So, a request of \$10 thousand would be cost prohibitive. For the Secretary of State, \$10 thousand may not be a lot of money. So, I think you have to keep in mind that there are two separate agencies here and the size is different. This is an Agreed Bill between the Secretary of State's Office and the Press Association. I would appreciate your support and I thank you for listening to the dialogue on House Bill 1027. 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? Have all voted who wish? Mr. Clerk, take the record. On this question there are 97 voting 'yes', 16 voting 'no' and 2 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, announcements."

Clerk Bolin: "Attention Members, the Rules Committee will meet immediately in the Speaker's Conference Room. The Rules Committee will meet immediately in the Speaker's Conference Room."

Speaker Hannig: "Mr. Clerk, read House Bill 1680."

Clerk Bolin: "House Bill 1680, a Bill for an Act to amend the Grain Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Noland. Out of the record. Okay, there's Representative Noland. I thought I saw the

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Gentleman in the Chamber. House Bill 1680. Mr. Clerk, you've read the Bill. Now we'll recognize the Gentleman from Macon, Representative Noland. Representative Brunsvold in the Chair."

Noland: "Mr. Speaker and Ladies and Gentlemen, House Bill 1680 will establish the Wheat Check-off Program, it will foster new markets for wheat products, provide more research. Many of the Bills that we... right here, you wonder if they affect the quality of life but this Bill right here, I'm telling you will, if you vote for this Bill, will create bigger buns, tastier bagels and fluffier wheat bread. Vote 'aye'."

Speaker Brunsvold: "And on that question, is there any discussion? The Gentleman from Williamson, Representative Woolard."

Woolard: "Thank you, Mr. Speaker. Representative Noland suggested that the buns and bread and all of those products made with wheat would get better. I'm the example. I have eaten every type of bread, donuts, biscuits, cake, that there is available to us today. If you want to look like me, you'll definitely stand in support of making the wheat industry a greater place in this state. Vote 'aye'."

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

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

Speaker Brunsvold: "Indicates he will."

Weaver: "Representative, I've got the world's largest bagel bakery in my district and I was wondering if this Bill would have an adverse effect or a positive effect on those bagels?"

Noland: "Representative Weaver, this is going to make your bagels ever tastier than even. It will make your bagel fest the

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best that you've ever had. This Bill here will do that."

Weaver: "I was a little bit concerned about your reference to my buns, but you can reference my bagels if you wish."

Speaker Brunsvold: "Further discussion? Seeing none, the Gentleman from Macon to close, Representative Noland."

Noland: "Your 'aye' vote would appreciated. Thank you."

Speaker Brunsvold: "The question is, 'Shall House Bill 1680 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? Record yourself. Mr. Clerk, take the record. And on that question, there are 115 voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 1670."

Clerk Bolin: "House Bill 1670, a Bill for an Act to amend the Criminal Code of 1961. Third Reading of this House Bill."

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

Zickus: "Thank you, Mr. Speaker and Members of the House. House Bill 1670 provides that it is a Class IV Felony for any person to knowingly represent that they are acting on behalf of any police, fire, or sheriff's department for the the purpose of soliciting funds. And that may... no person may knowingly claim to represent that they are representing on behalf of any non-governmental organization. What's been happening in many of the areas, there are some unscrupulous fundraising people who are claiming to represent law enforcement agencies or veterans' agencies and they're not giving them the money. So, this Bill would address that and I urge your 'aye' vote."

Speaker Brunsvold: "Are there any questions or any discussion? The Gentleman from Cook, Representative Lang."

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

Speaker Brunsvold: "Indicates he will, she will."

Lang: "Thank you. Representative..."

Speaker Brunsvold: "Representative Hannig in the Chair."

Lang: "I guess I understand why you don't want people to impersonate a police officer. I'm a little concerned about people who falsely represent themselves to be a representative of a veterans' organization. Is this all because of these calls we all get at home and our constituents get solicitating for veterans' charities?"

Zickus: "Yes, Sir. Some of the solicitation of the money that's raised does not go to the organizations that the fundraising people claim that they will. In many of these instances people give from their hearts and it's not going to the proper organizations. So, we're trying to address that. It's not only a issue in Illinois, but I understand that this is an issue that is going to be addressed, as well, on a national level."

Lang: "You have made this offense a felony. Do you think maybe that's going a little too far?"

Zickus: "Absolutely not. If... every so often we read in our local newspapers warnings from our police chiefs or fire chiefs or the sheriffs, that they are not soliciting by phone. So, it is a big problem. I think we must make this penalty stricter. And it's theft."

Lang: "Well, would it not be better to put in a Bill that if somebody falsely or misrepresents themselves as being a member of one of these organizations and they have gotten money for that charity, wouldn't it not be better to your constituents if the Bill said that the money should be returned? I don't see anything in this Bill that says the money should be returned. All I see is that someone is

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going to jail."

Zickus: "The Criminal Code always requires restitution. But, Representative, this Bill was on an approved list before I took it out to put some Amendments on it, to make it a little bit stronger. I worked very closely with the Illinois Sheriffs' Association, the Illinois Chiefs' of Police, the Illinois Fire Chiefs Association. Everyone is on board with this and I know of absolutely no opposition to this."

Lang: "Representative, I'm not asking you these questions because I have a problem with your Bill, I'm asking you these questions because I'm interested in finding out more about your Bill."

Zickus: "Okay."

Lang: "So, I'm probably going to vote for your Bill. But I would just like to get some of these questions answered. Well, you talked about restitution and yes, the Criminal Code requires restitution. However, the person who falsely represents one of these organizations is not the person who will do the restitution. Once that money goes to that organization, a person may go to jail for one to three years for a Class IV Felony, but that organization has the money. Is there something in the Bill that requires the organization that the person represents to return the money?"

Zickus: "My understanding is that any person who would be involved in such fundraising would be required to pay restitution. They would fall under this."

Lang: "Well, what about the money that has already been given to that organization, what happens to that money?"

Zickus: "If they know it's from there, they would probably be required to pay it back. But the purpose of this Bill is

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to establish the penalties."

Lang: "Representative, I'm going to vote for you Bill because I am aware that this is a problem in our communities, but I think there are some flaws in the way it is drafted, and I would strongly urge you to take a look at that in the Senate."

Zickus: "Thank you, Representative. This has been redrafted a number of times and we will continue to work on it, so I really appreciate your support."

Speaker Hannig: "Representative Black."

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

Speaker Hannig: "The Sponsor will yield."

Black: "Thank you. Representative, does this cover... My mother-in-law ran into this not many months ago. Somebody calls and says, 'hello, I'm John Doe with the Vermilion County Sheriff's Department and we're selling tickets to a country and western show or a banquet where somebody's the speaker, and can I send you four or five tickets?' And a lot of times they buy them because they think they're helping the Sheriff's Department. Whereas, in fact, this is generally a boiler room somewhere. So, this is what you're aiming at?"

Zickus: "This is precisely what it's being aimed at. In order to do that they would have to have the written approval of the Sheriff's Association, the Sheriff."

Black: "Does your Bill then, would it indicate that they would have to say anything prior to their spiel or is this just between the Sheriff's Department and the solicitor?"

Zickus: "No, if they are misrepresenting... if they are trying to represent that they are raising funds on behalf of that organization when, in fact, they do not have a written

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approval to do it, then that would come in."

Black: "Okay. Thank you."

Zickus: "That's what we're trying to... what we're trying to address in this Bill."

Black: "Okay, thank you very much."

Speaker Hannig: "Representative Zickus to close."

Zickus: "I urge your 'aye' 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 116 voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, Committee Reports."

Clerk Bolin: "Representative Currie, Chairman from the Committee on Rules, to which the following Bills, Resolutions, and Amendments were referred, action taken on April 23, 1997, reported the same back with the following recommendations: 'Be adopted' Floor Amendment #6 to House Bill 61. Representative Moore, E., Chairman from the Committee on Revenue, to which the following Bills, Resolutions and Amendments were referred, action taken on April 23, 1997, reported the same back with the following recommendations: 'Be adopted' Floor Amendment #1 to House Bill 2201."

Speaker Hannig: "Okay, Mr. Clerk, read House Bill 73."

Clerk Bolin: "House Bill 73, a Bill for an Act to amend the Medical Practice Act of 1987. 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. Earlier today we passed legislation so that if

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you are using a contractor to fix your house, you can call the Attorney General's Office, under that legislation, and find out if there have been any convictions, et cetera. You can find out some background about that contractor for your house. Well, House Bill 73 would provide you that kind of basic information about your doctor. House Bill 73 creates a simple system to provide public information on health care providers. As managed care restricts the choice of providers, patients and employers, who are choosing plans, need access to information about doctors who are going to be available through their health plan. House Bill 73 creates a low cost consumer friendly information system that will allow Illinois consumers to call, through an 800 number, and find out information about their doctors. A diverse group of organizations is supporting this legislation, including the Illinois State Chamber of Commerce, the Employment Law Council of Illinois, Metro Seniors in Action, the Coalition for Consumer Rights, Citizen Action of Illinois, the Illinois Coalition of Citizens with Disabilities, and other senior and consumer groups. What this Bill does is require the Department of Professional Regulation to operate a toll free number to provide patients with information on health care providers. House Bill 73 will make available data from the license application and current DPR records. It does not require the Department of Professional Regulation to collect any new data. The data would include training and education, revocation of hospital privileges, criminal convictions, malpractice claims paid, and disciplinary actions. This is a very important consumer piece of legislation, I would appreciate if the Members would listen to this legislation. It is modeled on legislation in

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place in Massachusetts, and most other states which provide more information than Illinois does. A number of misstatements, false information, has been passed around about House Bill 73, and before I take questions, I just wanted to set the record straight. Doctors and their organizations have been saying that they don't have the ability to control what information goes into the information that would be available on the 800 number. Doctors will have the opportunity to review the profile, correct any errors, and add explanatory comments prior to publication. They've said that Massachusetts saw doctors resign over this, and of course it is not true. There were no resignations and protests over the filing system, and there have been some concerns about the cost. I have a new Fiscal Note from the Department of Professional Regulation. It says that the annual cost to maintain this is about a quarter of a million dollars, which is certainly a doable amount for information about physicians. Nothing in this Bill would require publication of this data on the internet. I want to make that clear. No patient records would be released at all to the public as a result of this legislation. I would be happy to take any questions on this Bill, and I urge your support of it."

Speaker Hannig: "The Lady has moved for passage of House Bill 73, and on that question, Representative Ryder is recognized."

Ryder: "Thank you, Mr. Speaker. I'd just like the Body to know what the current law in Illinois provides. Illinois already has a strong mandatory reporting law in place, which the Illinois State Medical Society strongly supports. Under the current law, the Department of Professional Regulation receives reports on malpractice judgments against a doctor or settlements made by a doctor on a

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doctor's behalf, any criminal conduct, any curtailment of a doctor's hospital privileges, and peer review actions taken against a doctor by a professional organization. This information is collected so that Illinois Medical Disciplinary Board may suspend or revoke a doctor's license when appropriate. There is no provision in this Bill for the amount of necessary funding to be utilized that would be necessary because we're asking for information to be collected which is not collected today. In addition to the licensure process for physicians, peer review and credentialing activities assure that the public is safeguarded. Peer review in hospitals, other health facilities, and malpractice insurance companies monitor the quality. No other profession in this state goes to such lengths to assure professional competence. Unfortunately, passage of this Bill may have the opposite effect of what the Sponsor intends. Instead of reporting hospital disciplinary actions to a toll free number, there's likely to be a serious curtailment of peer review by hospital medical staffs who fear ruining the reputation of their fellow colleagues by taking the proper action to discipline the physicians as they would without this onerous reporting law. This is better handled in the private sector, where it is, in fact, handled every single day. In my area, the best way to find out about a physician is to ask your neighbors or to ask the physician. There is nothing in this Bill containing information that cannot be obtained by asking the physician, and you have every right to do that every single day. The Fiscal Note on this Bill indicates millions of dollars of additional cost to duplicate action which is already available in the public sector. In fact, there are organizations now that allege to provide some

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sort of actual factual information concerning physicians. It is duplicative, it is unnecessary, it is another place where the government is placing itself as 'big brother' for us in a place where it is absolutely inappropriate to do. In this circumstance, I believe the best and the wisest vote is to strongly oppose this Bill, and I urge you to do so."

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

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

Speaker Hannig: "She indicates she will."

Cross: "Incidentally, Mr. Speaker, if this Bill gets the required or requisite number of votes, we request a verification."

Speaker Hannig: "Yes. We acknowledge that and we'll certainly recognize you for that at the appropriate time."

Cross: "Thank you. Representative Schakowsky, I have a couple of questions, and I know as always you're well-intentioned and concerned about doing the right thing, but I have some real problems with this Bill. Starting with the very first Section, 23-1, (a)(1). My understanding from reading your Bill is that this board that you're going to create or that's going to be responsible for this shall be available. You're going to collect this information and you're going to collect a description of any criminal convictions for felonies and serious misdemeanors as determined by the Disciplinary Board within the most recent 10 years. What... how do you define 'serious misdemeanors' in the Bill?"

Schakowsky: "We would do that as a, is serious misdemeanor not defined anywhere else? Otherwise I would be happy to do that in the Senate, but we're talking about Class I Misdemeanors, serious misdemeanors."

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Cross: "Well, we have a problem. If you're convicted of obscenity, that's a Class A Misdemeanor. Is that a serious offense? If you're convicted of drunk driving, that's a Class A Misdemeanor."

Schakowsky: "Representative. Representative. I would be happy, in the Senate, to more clearly define 'serious misdemeanor', but the point remains that we have not got access to these kinds of convictions currently under the law. Right now if your doctor, and we have lots of examples of serious convictions that have not resulted in disciplinary action, and therefore, if you call, you will not know that your doctor has been convicted of molestation or has been convicted..."

Cross: "That would be a felony, Representative. But, so, now, we've got this program that you want to implement that the State of Massachusetts, I understand, is the only state that's done that, that's implemented a program. Is that correct?"

Schakowsky: "There are other states that have implemented more information about doctors. Other states offer similar data including California, Florida, Georgia, Iowa, Nevada, Illinois, and Nevada, not Illinois. So there are other states besides Massachusetts that offer more information."

Cross: "All right. So, let's get back to this 'serious misdemeanor' issue, and as long as it's going to be a minute let's at least talk about it a second so we understand what we're trying to do. Who's going to collect the information? As this... is this committee... am I going to contact all 102 state's attorneys on a weekly basis and say, I need to know which doctors have committed serious misdemeanors?"

Schakowsky: "Oh, look. That's a good question. Actually, this

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Bill does not require any more information than is currently submitted to the disciplinary board. My guess is, Representative, actually, that probably serious misdemeanors are probably already required, because this Bill was patterned after information, was based on information that's already requested to be sent to the disciplinary board. There's nothing new required here."

Cross: "Well, then maybe over in the Senate you should just delete that paragraph. Let's go back to misdemeanors, serious misdemeanors. Is a doctor's ability, if a physician has a hunting violation while out hunting and doesn't have his FOID Card, his or her FOID Card, and gets convicted of that, is that a serious misdemeanor? Is that something the public should know about?"

Schakowsky: "We are concerned with serious misdemeanors as determined by the Disciplinary Board, Representative. So, the Medical Disciplinary Board already makes that determination. I'm sorry I didn't specify that in the Bill, but clearly, as I look at this language, that has already been determined. They already have decided what is relevant."

Cross: "Okay. As long as we're on this issue, I'd like to know how this information is collected."

Schakowsky: "The information is sent to the, from various law enforcement agencies, to the Department of Professional Regulation and is available at the disciplinary... is available at the department. The problem is, Representative, if you call, if you want to know before you undergo open-heart surgery and you call the department, even though there may have been one of these convictions, even though the piece of paper may be at the department, they will more than likely, if there's been no disciplinary

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action, they will tell you that doctor has a clean record. That the license is in good standing. You will not get that information currently, even though that doctor may have been convicted."

Cross: "All right, let's go down to paragraph 2 of (a). Now, we're now... not only are we going to collect serious misdemeanors, whatever they may be, we're now going to collect a description, a description of any charges to which a physician pleads nolo contendere, or where a disposition of supervision is made by a court of competent jurisdiction within the most recent 10 years. So, we are going to collect, starting with every traffic violation a physician has committed, if he gets put on supervision. Is that your intent to get the traffic violations of every physician in the State of Illinois in this board's hands?"

Schakowsky: "Once again, this is information that's already being sent to the Department of Professional Regulation. So, I'm assuming that there is a distinction between a parking violation and a malpractice..."

Cross: "There's absolutely, with all due respect, no distinction in your Bill regarding serious misdemeanors, nor is there anything regarding court supervision. We give supervision, judges give supervision, because we allow it under the sentencing code for a whole host of violations. And I just think, if you're going to talk about this in the Senate and I hope it doesn't get there. But if you're going to get there with it, or you do get there, we're asking a board to do a whole lot of information searching and I don't know if they have the capacity to do it."

Schakowsky: "No. We're not asking for anything more than is already available at the department. We were careful to draft the Bill so that we weren't requesting more

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information than is required to be sent to them."

Cross: "I would encourage you to check with the department because all I understand you get now are felonies. So, if it gets over to the Senate, you might want to take a look at it. A second question, dealing with both the misdemeanors and the supervision, and given the fact that you don't get it now, I think you have a real problem. Does this extend to the rest of the 49 states in the United States?"

Schakowsky: "If they have been convicted in other states and that information is available here, then, yes, that would include convictions out of Illinois."

Cross: "Well, remember though, we're looking at paragraph 2 right now, we're talking about court supervision, how are we going to ask this... Hold on one second. I'm looking at some information I have on Massachusetts. We have about 36 thousand doctors, they have 27. In Massachusetts they have 12 full-time staff members. In your Bill have you provided additional funding so we can go after all this new information that you want? Is there additional funding?"

Schakowsky: "I want to make it clear that there is no additional information that is required in this Bill than is being reported to the Department of Professional Regulation."

Cross: "Representative, I would encourage you to check with the department. Maybe you can while we're going on with this debate because I think it may go on awhile. Misdemeanors and traffic offenses, misdemeanors of all levels and anything you get supervision on is not collected at this point."

Schakowsky: "Representative, why don't we talk about whether or not you would want information on whether or not the doctor that you would use for open-heart surgery has any

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convictions or settlements or judgments, for example, for malpractice?"

Cross: "We're not talking about that. Well, let's see. I'm going to have open-heart surgery tomorrow. I'd like to know, doctor, if you have had supervision for traveling 20 miles over the speed limit because I'm not sure if I want you working on my heart because you're a speeder. Is that what we're looking for?"

Schakowsky: "No."

Cross: "Well, then we need to take it out of the Bill. And I would encourage you to look at both of those areas because I think there's some real deficiencies in those portions of your Bill. Now, you have included just physicians and I'm a lawyer. Do we require the ARDC to keep track of every lawyer's traffic offenses now, or legislators or plumbers or psychiatrists or ministers? Before I go to church, should I know if my minister is a speeder?"

Schakowsky: "Representative, I think if you and I were just sitting down and talking about this that you would have to agree that when life and death matters are at stake, that if some loved one of yours is going in for serious surgery for a mastectomy, for example, for open-heart surgery, for gallbladder surgery, that you would certainly want to know as much about that person as you would about the person that's going to fix your roof, that's going to work in your house. And right now we have a Department of Professional Regulation that last year, one doctor, only one doctor was sanctioned for incompetence or negligence in the treatment of a patient, Representative. And all I am trying to create with this legislation is a simple system where you can call and find out if your doctor has a history and most doctors don't. In Massachusetts 92% of the doctors have

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nothing negative on their profile. I can show you a profile, an example of what it would look like. It explains very clearly that this information has to be understood, it has a long explanation about malpractice information and how to use it. But it gives consumers... and I think you would want to know that yourself."

Cross: "All right. Representative, you define in your Bill, or you don't define, you use the term 'health care providers'. What do you mean by 'health care providers' under your Bill? Who all's going to be covered? Does this include any M.D.? Does it include veterinarians? Does it include dentists? As long as..."

Schakowsky: "This is for physicians."

Cross: "Does it include... including surgeons, I take it?"

Schakowsky: "Yes."

Cross: "All right. So we're excluding nurses. Then you don't mean include nurses?"

Schakowsky: "No."

Cross: "All right."

Schakowsky: "Nurses don't have, at this point in Illinois, the opportunity to engage in these kinds of life and death decisions."

Cross: "I just would encourage you to maybe define 'health care provider' a little better. There are a whole host of people in the industry that might consider themselves health care providers, such as dentists, social workers, et cetera. There's no definition. Maybe if it gets over in the Senate I would encourage your Senate Sponsor to look at that."

Schakowsky: "It's the Medical Practices Act that we're amending."

Cross: "The Medical Practice Act where most of this is already covered?"

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Schakowsky: "No. Where this is not covered. I'm just saying in terms of who is covered, physicians are under the Medical Practices Act."

Cross: "Let's go on to another area. Let's just say that this underworked, understaffed, underfunded agency that we're going to ask to get all this information from 50 states, 102 counties, makes a mistake and says, 'You know, Dr. X was convicted of child molestation and I don't think he's going to be a good... he's not the cardiologist you should see.' What remedy does a physician have if this information is disbursed improperly and erroneously?"

Schakowsky: "That's a good question, Representative, and it was raised in Committee, and therefore, we went back and amended the legislation to say that physicians shall be meaningfully involved in the development of all aspects of the profile, of the profile methodology. Including collection methods, formatting, and means for release, and dissemination. It says, provider... in paragraph 6 it says, on page 2, 'provider profiles and other information that have been compiled regarding physician performance shall be shared with physicians under review prior to dissemination, provided that an opportunity for corrections and additions of helpful explanatory comments shall be afforded before publication.' So we made very explicit arrangements in this Bill for doctors to make sure that there are no incorrect statements about them."

Cross: "All right, there are a couple other areas, Representative, I'll conclude. We talk about... you talk about in your Bill, gathering information when there's been disciplinary action at a hospital, and specifically, on page 2 disciplinary cases related to character. What do you mean by character, in your Bill, and I guess

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specifically, with respect to the ability to be an effective physician, surgeon or not? Page 2, line 117, or I'm sorry, line 7."

Schakowsky: "Well, hospitals can restrict the privileges of a doctor on those grounds and if, in fact, there has been a restriction of privileges for reasons dealing with competence or character which has been defined already in the law and those are reasons that a hospital privilege can be denied, that information can be available."

Cross: "I'll give you, competence we all want. We probably are all in agreement. But what are some examples of character we're talking about?"

Schakowsky: "I'm not sure, but I want to say this to you. Right now hospitals have the right to restrict privileges based on character. So, they already have that right to do that, Representative. So, if your doctor could be perhaps, I don't know, alcohol involvement or improper behavior, you know, sexual advances, harassment, those kinds of things I would imagine would be included in there. You might want to know that, if it's been, only though, only if it has been a reason to restrict the privileges. This is not somebody's ad hoc analysis of somebody. This is if it led to an action. In every case there had to be an action against that physician."

Speaker Hannig: "Representative, could you bring your remarks to a close?"

Cross: "I certainly will. This is just a rather long and complicated Bill. I just want to make sure we're... How are you going to collect all the medical malpractice information, Representative? Is this a mandate on the circuit clerk to send this information?"

Schakowsky: "It's already required."

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Cross: "How is it collected? Why don't you let us know?"

Schakowsky: "I'm not sure how it's collected, but I do know that it is already sent to the Department of Professional Regulation, Representative. They have it."

Cross: "One final area and this will be my last questions. Why did you... the one thing I really would like to know, where my physician went to school, where he or she did their training, where they did their residency, et cetera. Why would you take that out of the Bill? I'd like to know whether he or she went to some school that's less than... well I won't go into schools, but why would we not want to know where a physician went to school?"

Schakowsky: "The only reason that we took any of the... that we took the requirements out of the Bill is because we wanted to be sure that the only thing we were requiring was information that the department already had, Representative. So we aren't adding any cost to the Bill. They don't have... They say they don't have that information, and so we said then you don't need to collect the new information. We didn't want to add a cost to the Bill, we wanted to put in only what they already have."

Cross: "Well, to the Bill. I would caution everyone to take a real hard look at this Bill. It sounds good, but logistically and mechanically it's going to be an incredible burden on the State of Illinois. People go to a physician, in many cases, based on word of mouth. We all ask our neighbors, our friends, our family, our colleagues, you know, you had this surgery, you had this work done. That's how the system works, it works well. The Department, right now, collects adequate information. Very few people are questioning the need to do this. This Bill is going to be a logistic nightmare. To expect the

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department to gather information in 50 states on serious misdemeanors, whatever those are; supervisions, including, which would include traffic offenses, it's impossible to do. While she may be well-intended, I mean, I'm sure not designed to harass the medical community at all and is only trying to do the right thing, I would encourage a 'no' vote."

Speaker Hannig: "Representative Woolard."

Woolard: "Thank you, Mr. Speaker. I move the previous question."

Speaker Hannig: "The Gentleman moves the previous question. The question is, 'Shall the main question be put?'"

Schakowsky: "May I close?"

Speaker Hannig: "Yes, you will, if we move the previous question first. All in favor of... The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'no'. The 'ayes' have it. The 'ayes' have it and the main question is put. Is there any request for a Roll Call? Representative Black, are you requesting a Roll Call? The Chair will grant anyone a Roll Call."

Black: "I think we should have a Roll Call. Most everybody knows how they're going to vote on this and I want to make sure she gets an opportunity to close on this fine Bill. I think a 'no' vote..."

Speaker Hannig: "So, on the question..."

Black: "I think we should continue to debate this. This has ramifications far beyond what we've heard so far. I have some very cogent comments I'd like to get to and you refuse to call on me. So I think we should not cut off debate."

Speaker Hannig: "On the question of moving the previous question, all in favor vote 'aye'; opposed vote 'nay'. The voting is open. Requires 71 votes. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this

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question there are 44 voting 'yes', and 66 voting 'no' and the main question is not put. And Representative Black is recognized on House Bill 73. Representative Black. Representative Black, at the request of Members from both sides of the aisle, we're going to put the timer on."

Black: "As well you should. I don't know why we didn't do that a long time ago."

Speaker Hannig: "And we will continue to do that through the rest of the day."

Black: "I understand, but what gets you in trouble is you only do it on selected Bills."

Speaker Hannig: "We will do it from now on, Representative Black."

Black: "Thank you very much. Will the Sponsor of this fine piece of legislation yield?"

Speaker Hannig: "She indicates she will."

Schakowsky: "I will, Representative."

Black: "Thank you very much, Representative. Representative Cross alluded to this, but in the general hustle and bustle of this exciting Chamber I couldn't hear your answer. And I know that he said something about nurses were exempt from any of the reporting standards and what was your reply to that?"

Schakowsky: "No, nurses... it's not a matter of nurses are exempt. In this legislation, Representative, this would provide individuals an opportunity to find out if there have been serious actions taken against a physician, a person who may do open-heart surgery, or a mastectomy, serious procedures on them. That's who is covered, is physicians."

Black: "Okay. Who does most of the direct patient care after the surgical procedure, a doctor or a nurse?"

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Schakowsky: "This Bill is intended, Representative, to get at life and death kinds of situations. The person who is in charge of your care is a physician. The person who directs your care, right now in Illinois, is a physician."

Black: "Well, thank you very much, Representative. That's just simply not true in my opinion and let me tell you why. If you watch 60 Minutes, if you watch Dateline, there's a hospital about 12 miles from my house in the state of Indiana that had an ICU nurse that has been accused of killing more than 100 patients, a nurse. It's been on every major TV news show in the country. A nurse who worked in ICU. I'd sure like to know if that nurse was going to take care of me. Oh my heavens. How far are we going to go with this? Why don't we put all of the Legislators' faux pas on an 800 number, huh? I want to know who got out of parking tickets, who drove over the limit, who got picked up for DUI. There's all kinds of goodies we should know about Legislators. What about optometrists? I can't see a thing. I think I ought to call an 800 number. What about my voice doctor? I can't speak like I used to. There should be an 800 number. What about the bum who sold me these shoes? They hurt my feet. I should call an 800 number, and so they can say, 'You know what, this guy's been accused 10 times of selling the wrong size shoe.' And look, look at this crummy suit. My clothing person should be... we should have an 800 number, so you can call up and say, 'Where can I get an ill-fitting suit like Black wears?' How far do you want to go with this? Earlier in the day, contractors. Tomorrow, what, mothers? We'll have an 800 number to see if you're a good mother or not, or a good father or not, or a good Democrat or not, or a good Republican or not. You know, at some

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point in the process you know what people really want us to do? Get out of their lives. Get out of their homes. Get out of their lives. Get out of their billfold and go home. Vote 'no'."

Speaker Hannig: "Representative Zickus."

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

Speaker Hannig: "She indicates she will."

Zickus: "I think we've already determined that the term 'provider' is not defined in this legislation, even though it's used in here."

Schakowsky: "Representative, it amends the Medical Practice Act. We're talking about physicians here."

Zickus: "Who else are providers though? There are more than physicians that are providers."

Schakowsky: "We're amending a specific Act here. We're talking about the Medical Practices Act. The Medical Disciplinary Board. We're talking about doctors."

Zickus: "But we're still referring to providers. I have another question. Would the DPR have to keep these exhaustive profiles on everyone that's licensed under this Act?"

Schakowsky: "They will have to keep a profile for the physicians that are licensed..."

Zickus: "Every physician?"

Schakowsky: "Correct."

Zickus: "So, if it's a physician with a temporary license, would they have to keep this information?"

Schakowsky: "Is this a physician that is practicing that you could go to, or your child could go to for care?"

Zickus: "They would have to have this information even though it's a temporary license?"

Schakowsky: "If someone is... if that person, if that doctor is treating the public, we want to be able to know about them,

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yes."

Zickus: "All right. So, if a physician who is temporarily licensed to come to Illinois to perform a single lifesaving surgery, he would have to provide this information and the profile, even though he's coming here for just one instance."

Schakowsky: "If someone is being brought in for a single procedure, no, Representative. I think I misspoke. That's a different category. These are doctors who are licensed to practice in Illinois."

Zickus: "I really believe that under this Bill, in that instance, that that doctor would have to conform, and I think what we're doing is, we're deterring good doctors to come in to Illinois. And Ladies and Gentlemen, I urge you to take a good look at this. This legislation was passed... was introduced, patterned after a new law in the state of Massachusetts. It's new, it's untested, and already there's articles. Here's a Cape Cod Times from March 9th. They are saying that it's raising questions regarding the accuracy of the profiles. So, I urge you to vote against this legislation."

Speaker Hannig: "Representative Slone."

Slone: "Thank you, Mr. Speaker. I would just like to say that I will be voting 'present' on this Bill because of a conflict of interest. Thank you."

Speaker Hannig: Thank you. Representative Durkin."

Durkin: "I rise in opposition to this Bill. House Bill 73 is an example of big government at its worst. If somebody wants to get information about a doctor or about any pending lawsuits or malpractice actions, it's real simple, it's been available for years. In Cook County, you walk up to the seventh floor of the Daley Center and you punch in a

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doctor's name in the plaintiff or index table and you pull the file, you can read the complaint. It's real easy. I urge a 'no' vote."

Speaker Hannig: "Representative Scott."

Scott: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this Bill, and contrary to what the last speaker just said, it's not that easy. It's not that easy to find out what has gone on with a particular lawsuit. You can read a complaint, but that doesn't necessarily tell you everything that you need to know about it. We talk about errors that may occur in the information that's provided. Well, the Amendment to this Bill provides that doctors that are covered by it are given the information prior to the time it goes out for public disclosure. They have the ability to correct any mistakes. They have the ability to add what they believe to be explanatory comments, explaining why, in a particular case, perhaps, they settled. You know, every day we run into people who've had particular difficulties with a provider. The vast, vast majority of medical providers in this state and everywhere else in this country are very, very good, but we all know there are instances where there are some that aren't so good. We spent a lot of time debating how much damages they should pay last year when we talked about tort reform. We know those cases occur. There have been instances of people that I'm very close to who happen to be about the 10th person in line who had a particular part of their body butchered by an individual physician. You know, it would have been really nice before this person had the surgery and went through all that and had to have several corrective surgeries, if they'd been able to find out that there had been several malpractice actions, and then to be

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able to find out what the result of those actions had been. You know, we talk about this like there's some kind of secret code here, and like there shouldn't be any rational reason why somebody would want to find out what particular problems their physician had had before they have a medical procedure. We're not talking about shoes, we're not talking about buying a suit that's ill-fitting, Lord knows most of us might be in that predicament at one time or another. We're talking about having major surgeries, having a doctor operate on us, having a medical care provider for us. And we're saying that it's too much to ask that we can call a number and find out what kind of problems there have been with this person's license, what kind of problems there have been with this person's conviction on serious criminal offenses, what kind of problems there have been with malpractice cases against this person with explanations as to what those cases were about? That's crazy to say that this information is too onerous or too burdensome. The information already ends up in this place, it's not going to be more onerous on doctors. There's a safeguard built into the Amendment to make sure that the information that's put out is correct, and it seems to me incredible, in this day and age, when we're talking about Bills, one right after another, this entire Session where we're talking about the quality of health care, how decisions get made with respect to health care that we can't look at the most basic of decisions, which is to try to figure out how good is the physician that's practicing on my body and try to find out what kind of problems that person has had in the past. It's crazy to me to think that this is too onerous or too restrictive of legislation. We're going, actually, in a lot of these

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managed care debates, we're talking about any willing provider and the ability of a person to be able to choose their doctor. How many times have we heard that this year? You should be able to choose your gatekeeper, choose the health care physician that you want to go to the best. Well, what kind of information do you have before you choose? Word of mouth? Do you have to go back and do a complete search all over the state of lawsuits they've been involved in, and then to try to track down people and find out what the dispositions were, because a lot of these cases don't end up having information that gets made public. What are we talking about here? We're talking about the basic right of people to understand what their physician is before they hire that particular person, what kind of problems they've had. We get that right when we call Better Business Bureau on a lot of businesses. We find out that same information, what kind of lawsuits they've had, what kind of trouble that they've had with their particular license. We do it in all kinds of other things that we license through DPR, but we're just talking about in this particular case it's too onerous. It strikes me as being very strange when the consequences and the stakes that are at risk here are that much more serious than they are in many of these other professions. I think this is, with the Amendment, I think it makes some very needed corrections to the original Bill. I think it makes it a better Bill. I think it makes it a Bill that we all ought to be proud to support."

Speaker Hannig: "Representative Wojcik."

Wojcik: "Mr. Speaker, this is just for point of a question, if I may ask. Because the natives are getting restless, and they're wondering what they should have for dinner, isn't

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there an announcement that should be made up there regarding a meal?"

Speaker Hannig: "You know, if I'd have made it clear that after we finish this Bill, we could do this announcement, maybe we could have moved along a little bit quicker. But there will be an announcement made after we finish this Bill."

Wojcik: "Well then in that case, I move the previous question."

Speaker Hannig: "Representative Wojcik, there's only one additional speaker seeking recognition. So, Representative Scully, on this issue."

Scully: "Thank you, Mr. Speaker. I rise in support of this Bill. This Bill is about disclosure. We're still asking consumers to make an informed choice by themselves about one of the most important issues they have to address in their life, the choice of their doctor. Are we imposing a higher standard on doctors than we would impose on other members of our society? You bet we are. There's a lot of professions in our society that have higher standards, doctors, lawyers, legislators, judges, and we hold them to higher standards because we hope that they hold a more important role in our society in making difficult decisions and providing professional services to the members of our society. In order to make that choice, yes, we will be asking these doctors to make these disclosures, so that the consumers can make informed choices on professional services. No, I don't want to step into their households and step into their lives and make those decisions for them. Instead, I want to give those consumers the information and the power they need to make an informed decision on their own, on this most important issue. I ask for your support on this House Bill 73. Thank you."

Speaker Hannig: "Representative Schakowsky to close."

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Schakowsky: "Thank you. Ladies and Gentlemen of the House, a stroke victim was told that brain surgery would improve the quality of his life, but the neurosurgeon mistakenly operated on the wrong side of the man's head, resulting in the patient's death. Later, the same neurosurgeon failed to perform a shunt procedure to relieve pressure on a young mother's brain, resulting in irreversible brain damage and her death at age 35. This doctor has paid over \$1.3 million to victims, but has a clean license in Illinois. I know that you're reaching for your red buttons, but before you do, I want you to think about this. This is basic information about what may be the most important decision of your life, or your loved one's life. I want you to think about how you're going to tell that woman in Mt. Vernon, who's going in for a mastectomy, that she cannot find out if her physician has been guilty of malpractice and has been convicted and paid a fine. I want you to ask yourself how you tell the man in Carbondale, who's going in for open-heart surgery, that he can't find out about the record of that physician. Let's not trivialize it and talk about tight shoes or ill-fitting suits. This is not what it's about. This is about the most important decision you may be making, and all we're asking for is information already available at the Department of Professional Regulation. Word of mouth isn't good enough in this day and age. You don't have the same kind of choices, employers don't have the same kinds of choices. That's why they want to be able to have informed decisions. That's why the Illinois State Chamber of Commerce is behind this legislation. I would urge you, think again as you reach for those buttons. This is good consumer protection legislation. I would urge and appreciate an 'aye' vote."

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Speaker Hannig: "The Lady moves for the passage of House Bill 73. 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 25 voting 'yes', and 85 voting 'no'. And this Bill, having failed to receive a Constitutional Majority, is hereby declared lost. Mr. Clerk, read House Bill 784. Mr. Clerk, let me make this announcement for the Members. I'm happy to announce that the Illinois Municipal League will be providing us with pizza and pasta sometime between 6 and 6:30 today. It will be over on the Democratic side of the aisle where... and we will be looking forward to that very shortly. So now, Mr. Clerk, read House Bill 784."

Clerk Rossi: "House Bill 784, a Bill for an Act amending the Illinois Public Aid Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Coulson."

Coulson: "Mr. Speaker, I need to get a little bit prepared here. This is a Bill that would provide that a condition to participate in Medi-Plan Plus Program must be a managed care entity, must authorize an investigation to determine whether they have been sanctioned or charged with a crime and it prohibits a managed care entity from participating in the program if its license has been revoked, suspended or not renewed and I would ask for any questions."

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

Parke: "Yes, again I'm not sure I understand. What is this Bill supposed to do? You're going to have to explain it to me because that explanation didn't make sense."

Coulson: "Basically it doesn't allow a health care entity,

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managed care plan to be a participant in our Medi-Plan Plus Program if they've had any revocation or suspensions of their license or any criminal background. Any crimes in their background."

Parke: "Why is this necessary? What's happening?"

Coulson: "We're concerned right now in the Medi-Plan Plus any entity can come in and be a provider and with the state funds that are going to these plans, we would like to make sure that they do not have criminal backgrounds or have any reason to have had their... any license revoked."

Parke: "Who..."

Coulson: "Basically, a patient protection."

Parke: "Who would be opposed to this? Is anybody opposed to it?"

Coulson: "There's no opposition. Mr. Parke, just so you know, the Department of Public Aid is no longer opposed, as amended."

Parke: "So, as far as you know the HMO industry supports this and the Medical Society and the Public Aid, and all those groups support this now?"

Coulson: "The HMO Association is neutral, as amended."

Parke: "Neutral, as amended. Thank you very much."

Speaker Hannig: "Representative Skinner."

Skinner: "The question has been asked as why is this necessary? It may not be necessary in Illinois yet, but the New York Times during the early part of February ran a front page story on how the Mafia is infiltrating health care, managed health care plans in New Jersey. And it seems to me it's best that we be ahead of the curve given Illinois' reputation."

Coulson: "Thank you."

Speaker Hannig: "Representative Stephens. Representative Ron Stephens."

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Stephens: "Well, thank you, Mr. Speaker. On a point of personal privilege. I wondered, in the last debate we got, I think, 20 votes 'red', or 'green', we discussed that Bill for a couple of hours. Now, you know, when the Republicans were in the Chair two years ago, we discussed some Bills for three hours, but when we did that we passed the darn things. So, if you're not going to get the votes on your Bills, let us know. We won't debate them and we'll just go ahead and beat them. And then we could all go on to do whatever it is we do in the evenings here in Springfield, depending on your personal habits, of course."

Speaker Hannig: "Thank you, Representative Stephens. Representative Coulson to close."

Coulson: "I'd urge a 'yes' vote on this. It's a preventive measure to prevent any problems occurring once Medi-Plan Plus is in place and I urge 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 112 voting 'yes', and 2 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 859."

Clerk Rossi: "House Bill 859, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this House Bill."

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

Dart: "Thank you, Mr. Speaker and Members of the House. House Bill 859 is an initiative of the Attorney General's Office and it's part of the recommendation that came out of his task force and what it does it increases the penalties for the involuntary homicide of a child, and I would move for

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the adoption of the Bill. Thank you."

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

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

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

Turner, J.: "Representative, does this create a new crime?"

Dart: "No. It doesn't create a new crime. What it does is the Attorney General's task force felt that this was something that was not being adequately addressed now as far as the penalty. So, it keeps the offense the same, it just increases the penalty for when a child or someone who is profoundly mentally retarded is the victim of the crime."

Turner, J.: "Any crime or what crime are you talking about, Tom?"

Dart: "It's for the involuntary manslaughter."

Turner, J.: "And it increases the penalty from what class of felony?"

Dart: "It stays the same class but it just increases the maximum."

Turner, J.: "All right. I'm trying to find it in my analysis. Is it a Class II?"

Dart: "Yeah, it's a Class II, and what it does is it just increases the top end of it. It still has three at the bottom but it just increases the top end to 20."

Turner, J.: "So, it was 3 to 7 and now it's 3 to 20?"

Dart: "Yeah. Yeah. So, it just gives the court more discretion in cases where children were the victims."

Turner, J.: "Is this an offense for which a defendant can get probation?"

Dart: "We didn't change that. It says, if sentenced to a term of imprisonment."

Turner, J.: "So, probation is a possibility at least."

Dart: "So, probation is still optional, yeah."

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Turner, J.: "I assume that there is some fiscal impact, and I don't have that in the file. What is that fiscal impact?"

Dart: "Approximately 350 thousand."

Turner, J.: "Is that over a certain time period or is that per year?"

Dart: "Yeah. They estimated two inmates."

Turner, J.: "I'm sorry, what was that?"

Dart: "They estimated two inmates over a year. Two inmates, one year."

Turner, J.: "Just two?"

Dart: "Yeah."

Turner, J.: "And I understand that you've worked with the Attorney General. Has the State Bar Association or Illinois State's Attorneys Association taken a position on this legislation?"

Dart: "I'm unaware of their position, but it is an initiative of the Attorney General's Office. I have a feeling they are all on board."

Turner, J.: "Well, you can at least say, then, that you haven't been contacted by either association to express any opposition?"

Dart: "No, I'm unaware of that."

Turner, J.: "It looks like a fine Bill, Representative. Thank you."

Speaker Hannig: "Representative Durkin."

Durkin: "Will the Sponsor yield?"

Dart: "Sure."

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

Durkin: "Representative, could you explain to me some situations? I'm not quite sure when you talk about involuntary manslaughter of a child. What would be some examples of this type of crime?"

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Dart: "Well, I'll read it to you. A person who unintentionally kills an individual without loss of justification commits involuntary manslaughter if his acts, whether lawful or unlawful which cause a death or such as are likely to cause death or great bodily harm to such individual and he performs them recklessly."

Durkin: "I think this is definition but I'm just trying to think of some examples that maybe you have seen in your prior career or..."

Dart: "Maybe somebody, it would be somebody maybe who's firing off guns, you know and shooting off maybe AK-47's or other weapons into the air and kill somebody."

Durkin: "My only question is... just one question. Now, the purpose is to increase the maximum on this probationable offense if incarceration is an option, correct?"

Dart: "Correct."

Durkin: "Presently, aren't judges allowed under the extended term portion of the Criminal Code of Corrections to sentence beyond the seven year minimum which is presently..."

Dart: "Sure. Sure they are, but as I said, the Attorney General convened his task force for violence against children and they had some extensive meetings. I testified in front of it, and it was from all of these meetings that they felt as if this was an area in particular where the area of children, 'cause that was the focus of his task force, where it was not being adequately addressed and that based on the information they received during the course of the committee hearing, that this was something that needed some changes in regards to that. So they obviously had the information where extended term was not being utilized often enough."

Durkin: "Well, my only concern is this may be duplicitous because

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I think a couple of weeks ago a Bill was passed out which would allow the age of the... a crime against a child would be a consideration to be used for extended term sentencing. But..."

Dart: "Yeah. I don't believe it is, and plus even extended..."

Durkin: "It isn't right now, but there was a Bill which we passed out about two weeks ago which is going to use that as another factor in aggravation, which a judge can use extended term sentencing."

Dart: "Sure, I recall that one but this is something where even with extended terms it still... it could possibly add on an additional six years."

Durkin: "Okay, Good. Thank you very much."

Speaker Hannig: "Representative Pugh."

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

Dart: "Yes."

Speaker Hannig: "Yes."

Pugh: "Representative Dart, does... is this piece of legislation already covered under... Well, first of all, a Class III Felony carries more time than a Class II Felony?"

Dart: "No. No."

Pugh: "It's the reverse."

Dart: "It's the reverse, yes. A Class III is two to five, a Class II is three to seven."

Pugh: "So, we're increasing the penalty for involuntary manslaughter of abuse?"

Dart: "This is for children and for profoundly mentally retarded individuals and it's discretionary because there's nothing in here saying that if you commit the offense you have to sentence someone to 20 years or you have to sentence them to 15. It allows the judge the discretion if they find that the act was particularly heinous or bad, that they

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could then utilize this to send a statement to somebody and saying, this individual here crossed the line and so we're going to make a statement with that person. The Department of Corrections information shows the impact would probably be two people a year, maximum."

Pugh: "So, if... so what's the distinction between an individual committing involuntary manslaughter and an individual committing murder? If the same penalties... It's my understanding the same penalty, that an individual can receive up to 20 years for a murder."

Dart: "No, no. For a murder, 20 years is at the bottom. It's 20 to 60, so it would be at the very bottom for them on a murder case. As I say, because it's written in such a way where it is discretionary so that a court would have that option, it isn't a mandate that they sentence someone to 20 years and so with that option, for those particular cases where it's particularly heinous, they would be able to utilize this, but by and large, they would otherwise be able to operate under the present statute. We just kicked up the back end of it, whereas murder it starts off at 20 years and moves up from there."

Pugh: "How does this apply to an individual, a juvenile that's below the age of 13, if he is the shooter or the..."

Dart: "Well, if he's below the age of 13, I believe..."

Pugh: "Would this automatically, I mean would he..."

Dart: "The automatic transfer provisions would... we don't change with anything dealing with automatic transfer at all with this Bill. There's nothing that affects that, that we deal with here."

Pugh: "Representative Dart, are you a previous state's attorney?"

Dart: "Correct."

Pugh: "You were. Do you read your E-mail?"

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Dart: "Do I what?"

Pugh: "Do you read your E-mail?"

Dart: "No, as a matter of fact, I don't even have my computer terminal here on the floor."

Pugh: "Thank you. I have no further questions."

Speaker Hannig: "Representative Monique Davis."

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

Speaker Hannig: "He indicates he will."

Davis, M.: "Representative Dart, if a person is accused of involuntary manslaughter, does that mean that because of his act or her act, someone died and they did not intend for that person to die?"

Dart: "Correct."

Davis, M.: "So, by passing this Bill of giving an enhanced penalty, are we saying, even though we're going to call it manslaughter, we're actually going to treat you as if you intended to commit a murder?"

Dart: "No, no. That's not what we're doing here. What we're doing here, as I say, it's an unintentional act in the sense that they didn't... but it was done with such reckless disregard that somebody died as a result of it. So, it isn't as if someone had an accident or a mistake. That's not what happens here, this is somebody who went way across the pale. And this, as I mentioned before, we're increasing the top end of it so the courts, in their discretion... we're not saying courts have to sentence anybody to a particular year. They could still fine them probation, they could still sentence to probation, they could still sentence them to three years. But if an individual who went to a playground with an uzi and just start firing off wildly with an uzi and three little children died and they have a previous background..."

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Davis, M.: "Then he should not be charged with involuntary manslaughter, my dear."

Dart: "No, that's the law."

Davis, M: "He should be charged with murder. No, no, anybody, Representative Dart, who goes on a playground and shoots an uzi, obviously he knows someone will be killed with that uzi and the action not be... the charge should not be involuntary manslaughter. The charge should be murder. To the Bill."

Speaker Hannig: "To the Bill."

Davis, M.: "Do you know that in the United States of America we have the highest number of incarcerated individuals in the world? Did you know that the life of a child is just as important as the life of a senior citizen or a mother of three, who is on her way to work? Life is valuable regardless to the age of the individual, and I believe that in the State of Illinois we must stop sending signals that if you do this to a senior citizen, you get 20 more years. If you do this to a child, you get 10 more years. Every life is significant and valuable regardless to the age of that person. And I believe that a judge has the right presently to create or increase penalties for people who commit heinous crimes. If it's a heinous crime and it's considered manslaughter, the judge has the ability today to increase those penalties. I for one am not going to stand here to put more people in prison for a longer period of time and cost taxpayers money. We need money for education, we need money for child care, we need money for job training. Now if a person is convicted of involuntary manslaughter, the law has determined he didn't mean to do it. He didn't mean to do it. If he comes on the playground with an uzi, he meant to do it, he should be

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charged with murder. And that's to me a very clear distinction. We must stop, in the United States of America, and especially the State of Illinois, of imprisoning people for vast number of years without any consideration for rehabilitation or finding out the causes of these crimes. What about the man who sold him the uzi, Mr. Dart? Mr. Dart, would you put forth a Bill to get the man who is selling the 14 year old the uzi?"

Dart: "I already did that."

Speaker Hannig: "Representative, Eugene Moore."

Moore, E.: "Yes, Mr. Speaker. Representative Dart, one question for you. What would happen in the case whereby just this week, I'm quite sure you've heard and everybody else has read where this young man ran his car illegally into a family here killing the whole family. What would happen in that particular case with that car accident? There was an accident this week where this young man was 18 years old, driving his car, he was certainly under the influence of alcohol and he killed the whole family with his vehicle. Well, how would this actually apply in this case?"

Dart: "This wouldn't. There's a separate section right under this one, Gene. It's for the wreckless homicide section and we don't change that at all. So that's still the same. We keep the wreckless homicide as still a Class III. We don't touch that."

Moore, E.: "Still Class?"

Dart: "Yeah, they have a separate section for... basically, involuntary manslaughter with a car is sort of separate and we don't change that at all."

Moore, E.: "We don't change. Okay, Representative Dart. Thank you very much."

Speaker Hannig: "Representative Dart to close."

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Dart: "Thank you. This is a Bill, as I mentioned before, that came out of the Violence To Children Commission that Attorney General Jim Ryan put together. It was their feelings that this was an area that needed to be addressed where the penalties the judges had available to them was not appropriate enough. As I mentioned before, it would be a limited number of people that would be affected by this. I do think it's the right thing to do though because I believe children are important to us and I think we should look after children, and individuals who kill a child should have a penalty that is appropriate for them and this is what that Bill does and I would appreciate 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 104 voting 'yes', 6 voting 'no' and 6 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1082."

Clerk Rossi: "House Bill 1082, a Bill for an Act amending the Illinois Antitrust Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Leitch."

Leitch: "Thank you, Mr. Speaker. House Bill 1082 is at this point a Shell Bill. It's a Bill that I'm waiting for some language for to address the antitrust issues as they would relate to hospitals in Illinois and I would ask your approval."

Speaker Hannig: "Is there any discussion? Seeing none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all

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voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 87 voting 'yes', 21 voting 'no' and 3 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 961."

Clerk Rossi: "House Bill 961, a Bill for an Act in relation to taxes. 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. This is the final Bill in the debt collection package that I've put together with the other Sponsors you see there. This is the easiest one of all to support. Today when the Department of Revenue wants to collect unpaid taxes from someone, they have restrictions of confidentiality. That shield of confidentiality which is known by taxpayers, gives them the ability to avoid paying their taxes. This Bill would remove that shield of confidentiality and indicate that the department could do whatever necessary, release the names to the public, send the debts to private collection agencies, if they first give the taxpayer 30 day written notice. After giving that 30 day written notice, which would be a due process type of requirement, if the payment was not made and the Department of Revenue on a case by case basis could publish names in newspapers, send these to private debt collectors and whatever they felt was necessary to collect these debts. This is a very important measure if we're going to get people to pay the billions and billions of dollars they owe to the State of Illinois. We need to protect the taxpayer's money, this is a good way to do it. I would move passage."

Speaker Hannig: "And on that question, the Gentleman from

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Vermilion, Representative Black."

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

Speaker Hannig: "He indicates he will."

Black: "Representative, is it your intent with this Bill to privatize state services?"

Lang: "Well, if you remember House Bill 960, Representative, which is a Bill that's now in Postponed Consideration, that Bill said we could privatize, but I first wanted to send it to a private debt collection unit within state government. That Bill, at least for the present time, has not passed the House. This Bill would say that if we can break through the shield of confidentiality, then if the Department of Revenue wished they could use private debt collectors or at a minimum they could continue their own collection efforts, they could publish names of deadbeat taxpayers in the newspaper, do whatever they needed to do. And I think you'll agree with me that if one of our constituents was a deadbeat taxpayer and owed the state a \$1000, should we have people like that in our districts, if there was a threat that their name would be published in a statewide newspaper, they might very well come up with the money. So that's another tool that would be at their disposal."

Black: "But there are adequate safeguards in your Bill prior to a private entity doing such publication. My experience, particularly with the child support division, has not been very good, quiet frankly. They often say, well, so and so is a \$1000 in arrears and then we find out he's absolutely not in arrears. That's my only fear."

Lang: "Well, I understand that concern but this, you know, anytime you want to collect money that belongs to someone

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else, in this case, it's the taxpayer money. If you owed Bergner's or some other store a Bill and you didn't pay it, for that suit that didn't fit, right, and it looks much better now. If you didn't pay that, there's always a risk that some debt collector is going call you and you're going to say, well, I paid it. Here's the check. But the public policy consideration here is that we cannot afford to have our own taxpayers owe us \$6 billion and we have to do something to go collect it."

Black: "Okay. Thank you, Representative."

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 108 voting 'yes', 7 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 2037."

Clerk Rossi: "House Bill 2037, a Bill for an Act amending the Criminal Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Cross."

Cross: "Thank you, Mr. Speaker. House Bill 2037 is a Bill that I did at the request of several judges from my area. It deals with the unlawful use of weapons Section of the statute. Right now, if you're convicted of unlawful use of weapons, in most cases it's a Class IV Felony. There's some belief on some judges part and others in the state that that's, in some cases, a bit too strenuous. What this Bill does, is on a first time offense of unlawful use of weapons, you would be convicted of Class A Misdemeanor, assuming you were convicted, you would be sentenced. If,

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however, it's a second offense, it would go up from a Class IV to a Class III Felony. If you're under 21 and convicted of unlawful use of weapon charge with a handgun, it would be a Class III Felony and if you were part of a gang, you would also be... go up to a Class III Felony. The only significant... well, the one change is a drop down to a Class A from a Class IV for those over 21 on a first offense. The other change is an increase in the penalty for those of a certain age and in gangs. I'll be glad to try to answer any questions."

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

Pugh: "Yes. Thank you. Will the Sponsor yield for a question?"

Speaker Hannig: "He indicates he will."

Pugh: "Representative Cross, you alluded to the fact that this Bill would reduce current penalties."

Cross: "In only one area, Representative. For a first time offense for someone over 21, or not... not in a gang an unlawful use of a weapon would go from a current Class IV Felony to a Class A. Yes, there is a reduction."

Pugh: "So, are we... are you, do you think that we're at the crossroads in this legislature that we're about to become soft on crime?"

Cross: "Well, I don't perceive it that way, Representative. I'm perceiving us of trying to be realistic and practical in how we approach this issue. The reason the judges from my area and from other parts of the state, I've since found out, are suggesting this is because we end up seeing cases filed and then either reduced or in some cases where people who have had no prior records end up with felony records or convictions. It destroys their ability to find jobs and ruins them in other ways. So, I wouldn't categorize this

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as a soft on crime, I would characterize it as an attempt to address a problem and be practical."

Pugh: "Has this kind of legislation been discussed before and if so, can you tell me the results?"

Cross: "Representative, I'm sure it's been discussed. I don't know where. I've discussed it with other State's Attorneys. I've discussed it with Judges. I don't know if your question dealt with it had been discussed in other states at other times in the legislative process. Not that I'm aware of, other than at the time the UUW went up to a Class IV. Other than that I'm not aware of any other discussion."

Pugh: "So, the intent of... Can you tell me the genesis, the intent of this? Who are you targeting with this piece of legislation?"

Cross: "Well, I'm targeting people that have had no prior offenses in this area of unlawful use of weapons and who end up being charged with a Class IV Felony because they have a weapon on their person or in their car. That could include... that could include a hunter coming back who has his or her gun improperly stored in the car and they end up with a Class IV Felony."

Pugh: "So, a hunter... a hunter that's 21 years or older will receive a lesser penalty than a hunter that's 21 years or younger. So, if two individuals, if two individuals, if two individuals are in the truck, one's 21 and one's 20, there'll be two different sentences applied?"

Cross: "Representative, if I misspoke earlier, if you look on page 4 of the Bill, that would only apply when that underage person of 21 had a handgun. And then that would be a Class III Felony. I apologize. Actually, the under 21 and the over 21 with a shotgun in the car, would both be

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a Class A Misdemeanor. So, I apologize if I misspoke earlier."

Pugh: "Okay, now, let's assume that you misspoke earlier. Can we start over and can you tell me if an individual 21 years old will be treated differently from an individual that's 20 years old for the same crime?"

Cross: "Yes."

Pugh: "So, how do we... why are we making a distinction between an individual that's 20 years old and an individual that's 21 years old?"

Cross: "Well, Representative, I guess to answer that I'll just remind all of us that we often make a distinction with age. We have different penalties for drunk driving. We have different penalties for unlawful use of possession of alcohol, sex crimes, for instance. I guess my belief on that is the thought is and the hope is that people over 21 are going to have a greater amount of maturity and a greater amount of responsibility. Certainly not always. It's a generalization."

Pugh: "So, if that's the case then shouldn't they be punished more harshly? Shouldn't they be punished more harshly if they are more mature? I would think so. But, to the Bill, Mr. Speaker."

Speaker Hannig: "To the Bill."

Pugh: "We have a piece of legislation here that's going to punish a hunter who might have his son in the car with him and once they're arrested, the hunter will be let go and his son will be charged a penalty. This piece of legislation is inherent with flaws and I submit to the Sponsor of this legislation, although it may be well intended, that he should go back to the drawing board and fill in the gaps. Thank you."

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Speaker Hannig: "Representative Dart."

Dart: "Thank you, Mr. Speaker. To the Bill."

Speaker Hannig: "To the Bill."

Dart: "It's gets all too common around here when we get up and say, you know, I strongly oppose the Bill, I rise in strong opposition. Ladies and Gentlemen, this one of the worst Bills we're going to have in front of this Body this year. This is horrible. I hate to use the expression, but I'm dead serious here, folks, because I have the statistics to prove it. Representative Cross and myself were the Cosponsors of the Bill two years ago, or three years ago, the Safe Neighborhood's Bill in which we put this into law. And let me give you an idea of what's happened since this went into law in the City of Chicago. Number of homicides since this went into effect are down 15%. Aggravated battery by a firearm, down 23%. Drive-by shootings down 41%. The number of narcotic incidents where guns were recovered have gone down 26%. Because why? Because the gangbangers and the rest of them have figured out, don't get caught with a gun, they're finally taking this stuff seriously. It's no longer a misdemeanor, it's going to be dealt with like a traffic ticket. So, what you're doing here with this, pillow, with this reduction of penalties, this get soft on crime Bill here, is that you're going to take the giant step backwards that we have finally got a hold in the City of Chicago and elsewhere throughout this State, of getting a handle on gun violence. We weren't taking away people's guns. We said, 'people who illegally have guns, we're going to go after you now.' That's what this Bill said we were going to do and the promise came true, that's exactly what we did. It fails on that point and just so you don't think that this was a Bill of a group

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of liberals from up north who are putting it together, this Bill originally was sponsored by Pate Phillip, folks. It's an initiative of Governor Edgar's, as well. And the reality here, this was an opportunity that we had a few years back to finally do something about the violence in our communities and the deaths that are going on out there. And that is why this Bill is strongly opposed by the Illinois Chiefs' of Police Association, the City of Chicago, the Chicago Police Department and the Cook County State's Attorney's Office. This is just a horrible idea. As mentioned earlier, in addition to all the other problems, the changes in there when you deal with gang members and treating them differently under this Bill, it's patently unconstitutional. We have court cases that show it. This is something where, as I said, you can look at it from a lot of different angles but the bottom line is, is we made a promise that when we put this Bill in effect we were going to go after the violence on the streets as the result of guns. We did that, the gun violence has decreased. Is there another way you might get after these first time offenders? Sure there's 14-10 probations we could do, but not this. So you can look at it from the standpoint if we promise something, we delivered. All the statistics bear it out, gun violence has gone down and all of the police departments that you talk to will say this is the reason why. It's all of a sudden serious to get caught with a gun. People don't want it, the gangbangers, the dope dealers, they all know it so they don't have the guns with them anymore. What you're doing with this Bill by voting 'yes' on this Bill, is you're sitting there saying gangbangers, dope dealers, go ahead keep your guns with you, use them whenever you want, because, guess what,

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we're sending them back to misdemeanors like parking tickets, folks. And we know what's going to happen then. This is the height of irresponsibility. We put a Bill on the books that actually did what we said it was going to do and now we're going to reverse that. Folks, if you don't agree with it from that standpoint, just think of the delightful mailers that'll be hitting out there about how you lowered penalties. How you made it easier for gangbangers to have guns and dope dealers to have guns on the streets of Chicago and anywhere else in the state because you know what's going to happen. This is a horrible, horrible Bill and I encourage you to vote 'no' on this soft on crime Bill."

Speaker Hannig: "Representative Deering."

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

Speaker Hannig: "He indicates he will."

Deering: "Representative, hi, how are you today?"

Cross: "I'm fine, Representative."

Deering: "Nice tie."

Cross: "It's not my favorite."

Deering: "Well, you know, just the previous speaker made a big spiel about the City of Chicago. The last I checked there is a big portion of this state that is not encompassing around the city limits of Chicago. What... can you tell me what happens in the downstate areas, say if I have a Ford Explorer and I'm traveling with a vehicle in the back of that explorer and also have, say I'm going on a hunting trip and ammunition in there. Would this Bill affect that? Can I be convicted as a law-abiding sportsman going on a hunting trip, I can be convicted of a felony because of the glitch in this law? Is that not correct?"

Cross: "Representative, the current law, you would be in the

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right situation with the gun open or out of the case, you would be charged with, UUW, which is a Class IV Felony."

Deering: "And that's because of what I believe we had a problem with this when it passes. Readily accessible. Is that not the term that was discussed?"

Cross: "That's accurate."

Deering: "Okay, what happens if I... what happens if I'm traveling in that Explorer, or that Suburban, or whatever the case may be and I'm traveling through Morton Grove and the city cop stops me because I may be doing 40 in 35, and he or she sees that I'm traveling through a community that has a no gun ordinance and I'm going through that community on a hunting trip maybe out of state, what could happen to me, my gun and my vehicle in that situation?"

Cross: "Well, once again, you would be violating the section of the statute that I just referred to. It would be a Class IV Felony. In addition, you would probably be... violate the Municipal Code where you were."

Deering: "Okay, so in essence, what we're wanting to do here is just correct a problem we created in the Safe Neighborhood's Act. It's no intention of soft on crime or anything, this is just trying to correct, correct a glitch that inadvertently went through, that is affecting a lot of other people in the state other than the gangbangers. We all want the gangbangers and the criminals to go to prison without a doubt. This just is in an effort to help law-abiding citizens. Isn't that correct?"

Cross: "Representative, that's it. But more importantly and I'll probably repeat this again, in this Bill we actually increase the penalty if you're part of a gang, from a Class IV to a Class III. We often and, Representative... the previous speaker alluded to the unconstitutionality of this

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section on gangs. We often utilize gang membership in our statute, in our sentencing statute. You can be as part of a... you can enhance a sentence because you are a member of a gang. You can extend a sentence because you're a member of a gang. We do that now and under this Bill we are saying not a Class IV, but a Class III Felony if you're violating this section of the statute and you're a member of a gang. So we're increasing it."

Deering: "Thank you, Representative. I have no further questions and to the Bill. I think the Sponsor just alluded to the fact of why we need this Bill. We're increasing penalties on the criminals, it's a good policy, it's common sense. I urge an 'aye' vote."

Speaker Hannig: "Representative Bost."

Bost: "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. The previous question is put and Representative Cross to close."

Cross: "Very briefly. I think I've tried to make my arguments up to this point, but I want to reiterate the point that while we are reducing it for those over 21 without a first time offense, from a Class IV to a Class A, we are increasing the penalty on a second time offense from a Class IV to a Class III Felony. If you're under 21 with a handgun, it also goes up to a Class III Felony and if you're part of a gang the offense goes up also to a Class III Felony. Right now, in the State of Illinois if you're charged with aggravated assault, you would only get... be charged with a Class A Misdemeanor. So, if you've got a firearm and point it at someone, you're only going to be charged with a

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Class A Misdemeanor. But, this brings some consistency to it. I don't think it's an unreasonable Bill and I would encourage 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 vote who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 57 voting 'yes', and 56 voting 'no'. Mr. Cross, do you request Postponed?"

Cross: "Yes, I do. Thank you."

Speaker Hannig: "The Gentleman's requests Postponed. So ordered. Mr. Clerk, read House Bill 783."

Clerk Rossi: "House Bill 783, a Bill for an Act amending the Illinois Public Aid Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This is a piece of legislation that's part of the package that deals with Medicaid Managed Care. There was a report just issued yesterday that indicated that there are HMO's in Illinois that are realizing excessive dollars from the state that are not going to health care. For example, we have American Health Care Providers where only about 41% of the 16... or 16.6 million of the \$40.7 million it gets from Medicaid goes to pay for... about 41% goes for non-medical care expenses. So, we have HMO's here in Illinois that are taking millions and millions of dollars from the state and are not spending it on patient care, are spending it on profits, are spending it on overhead, on administration. And so what this legislation would do, would just require that every managed care entity in Illinois will report the amounts that they paid to their

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owners, officers, employees, and agents every year so that we would have a report on how much is being paid and to understand if there is any profiteering going on. And if there is profiteering going on, the Illinois Department could by rule establish some limits on the amounts a managed health entity can pay to its owners, officers, employees, and agents. So, what it does is just enable the State of Illinois to be in control of and to prevent profiteering by managed care entities and we're beginning to see that that really is happening. So we want to protect patients, we want to protect health care, but we also want to make sure that we protect taxpayers from mismanagement by Medicaid managed care entities, so I would urge an 'aye' vote."

Speaker Hannig: "And on that question, Representative Parke is recognized."

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

Speaker Hannig: "She indicates she will."

Parke: "Representative, now you're saying that every bit of information including salary, wages, reimbursement benefits and other consideration paying the entities, officers, employees, agents and got to be made public?"

Schakowsky: "This would be only for those that are participating in Medi-Plan Plus."

Parke: "But why would you single out one company?"

Schakowsky: "What do you mean one company?"

Parke: "One HMO, Medicaid Plus."

Schakowsky: "No, no, no, no, no, no. The name of our Medicaid program, where we're moving all of the Medicaid recipients, is called Medi-Plan Plus. That is our State Medicaid program. So, only those who receive a Medicaid contract from the state."

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Parke: "Representative, how many do you... how many HMO's participate in that program?"

Schakowsky: "The program has not really... has not begun yet. It's not been implemented. So, it's not clear how many. This is prospective. This is for the future so that we can keep a handle on what kind of profits they're making and if there is profiteering going on. We have experiences in other states and Florida, where there actually has been profiteering and now we're looking and seeing some that are serving Medicaid patients in Illinois are profiteering, possibly."

Parke: "So, you're trying to pass a Bill that may be a problem. But maybe we won't have this as a problem. I mean to me, this seems like as big brother as you can get that you're going to have government requiring that anybody that's going to do business in the future through this Medicaid Plus Program and we'll have more than 10 or 15 HMO's or PPO's that will want to be part of this program, everything that goes on within that company has got to be reported."

Schakowsky: "Representative, the Medicaid Program is worth about \$5 billion in Illinois. That's how much we spend on the Medicaid Program. And so, for us to ask for information that would make sure that these companies are spending our taxpayer dollars well, that they aren't spending... that the money that we're giving them is going mostly the majority and well past, to health care, is a reasonable request. It is a permissive piece of legislation."

Parke: "Well, according to our staff, currently, once every five years, they're going to have to do this and you want to do it each year, is that right?"

Schakowsky: "The contracts are annual contracts with these companies. And so, we're asking that when they apply for a

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contract why not, Representative, why shouldn't we ask them these kinds of questions if we're giving out millions and millions of dollars in contracts. You know, we ask for information on background checks of all the people who work in health care facilities. We ask all kinds of information. Here we're giving away millions and millions of dollars, we just want to know how they're spending that money. It seems reasonable since there's evidence that in some states and maybe in Illinois, it's being misspent."

Parke: "Well, you know, Representative, they're required under the current law that every five years they're to do that, so the public information will be available. Now, are you, if somebody does business and does printing for the State of Illinois and gets taxpayers' money to do printing, are you going to require them, also, to every year to report all the profits and all the money that they make and all the salaries and all that, that any entity that is in with the printing company or any company that sells products or services to the state, are you going to require them to do it every year too?"

Schakowsky: "Representative, I have a huge article from Florida called 'Profits from Pain'. That lists example after example of how Medicaid companies were literally ripping off the state by taking millions of dollars that they didn't provide in care. The notion here is that we want to gather enough information to prevent profiteering, that's all. They have yearly contracts with the state. We give them millions and millions and millions of dollars. We want to know how that money is being spent. This is not like printing, this is health care we're talking about."

Parke: "Representative, who, who are they going to give this report to every year?"

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Schakowsky: "The Department of Public Aid."

Parke: "The Department of Public Aid. And how many people are we going to hire to review this report every year? I mean we're talking \$5.6 billion, aren't we?"

Schakowsky: "No, there's not going to be any more needed. We're moving all these people... there's not going to be anymore people needed. This is just..."

Parke: "Well, how can that possibly be the case, if they're, if you're going to turn in the information to them, somebody is going to have to store it, you're going to have to put it somewhere and those consumer groups who may want to look at this are going to have to have a place to do that. And let's say that you decide that you want to have staff review it. Then we'll have to have people."

Schakowsky: "I would just like to read to you the Fiscal Note. House Bill 783 has no fiscal impact on the Department of Public Aid. That's the answer to your question, Representative. There is no cost."

Speaker Hannig: "Representative Parke, your time has expired. Representative Black, is recognized."

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

Speaker Hannig: "She indicates she will."

Black: "Representative, there is some very interesting things in this Bill. Can you... I can't find it in the Bill but you're authorizing the department to establish limits on the amount a managed health care entity may pay to anybody. Do you... do you mention these limits or will you leave that up to the rule making authority of the department?"

Schakowsky: "It would be to the rule-making department. The rulemaking of the department, Representative, and the idea is only those dollars, that taxpayer dollars that we're

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giving them, would be subject to these kinds of limits."

Black: "Oh, I understand that. I mean, it doesn't impact on the private sector at all. I wasn't asking you that. So, you're leaving... you're leaving what a doctor may make or a clinic may charge or a hospital may charge under Medi-Plan Plus, you are limiting, you are giving the department the authority to decide what they can make?"

Schakowsky: "No, we're limiting payments to the managed care entity. If we think that they are spending too much on administration..."

Black: "Well, now wait a minute. Wait a minute. If you're limiting what they can make, you're limiting what any of their employees can make, directly or indirectly, isn't that true?"

Schakowsky: "We're saying, if we're paying a Medicaid managed care entity millions of dollars and only 50% of it is going to health care, to providers, then we can save. To doctors. We may be saying that not enough is going to doctors, too much is going to administration and so it would be up to the department to say that we can limit how much they can make in administration in overhead and those kinds of things."

Black: "Oh, but that's not what your Bill says. It says, owners, officers, employees. So, I take that to mean a radiology technician. The technician who would draw blood from me. The nurse. What anybody could make. You're going to limit that and allow the department to limit what they can make by rule, correct?"

Schakowsky: "We're talking about how much you could pay to the owners, owners of the entity, officers of the entity, employees, and agents, not the providers of care, Representative."

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Black: "Wait a minute, aren't they employees of the managed care, or are they some sort of independent contractor?"

Schakowsky: "Generally."

Black: "Can you give me an example of a health maintenance organization that doesn't have any employees other than administrative overhead? They don't have any doctors or nurses working for them, huh?"

Schakowsky: "We're talking about the entities themselves and not the physicians, not the providers of care. We're talking about administration."

Black: "You are talking about employees of a managed health care entity. Now, my question to you is, are you telling me a nurse, doctor, practitioner, technician, is not an employee of the managed health care entity?"

Schakowsky: "Generally, they contract with several HMO's and various HMO's and are not an employee."

Black: "Well, Representative, I respectfully disagree with you. And, Mr. Speaker and Ladies and Gentlemen of the House, here again we have a Bill that goes just a tad too far. I'm in an HMO, my doctor is an employee of that HMO. That person who takes my blood pressure is an employee of that HMO and I'm going to turn this authority over to the Department of Public Aid to determine how much they can make. So, the department says they can make a \$1.92. Boy, I'm really going to have a really top-notch employee taking my blood pressure, taking my blood tests. You know, we talked about health care reform and trying to get out of the bureaucracy, the paperwork, the 10 thousand forms that clog up our health care system in this country. We... we... a few years ago it looked like managed care was going to be the salvation or maybe an assistance. That's why I got in it. The premiums were a little bit cheaper and the

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paperwork was nil. I didn't have to do anything. So, here we go, once we get a Medi-Plan Plus out there in operation, oh no, we want thousands of pounds of paper, tons and tons of reports then we're right back where we started. All the money being eaten up in overhead and reports and who suffers? The patient. Every time we piddle and fiddle in the marketplace, it's the patient who suffers. I got into an HMO because I liked the fact that they had less paperwork and I knew exactly why I was going to the doctor and where those doctors were. This is a silly Bill, it doesn't deserve an 'aye' vote."

Speaker Hannig: "Just as an announcement to the Members. Food is now available in the corridor over on the Democratic side. Representative Acevedo, is recognized on this question."

Acevedo: "Now, Mr. Speaker on the previous Bill 2037, my vote was recorded as a 'yes'. It's supposed to be a 'no'."

Speaker Hannig: "And the record will so reflect your intentions. Representative Mulligan."

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

Speaker Hannig: "She indicates she will."

Mulligan: "Representative Schakowsky, you and I were both at the table when Medi-Plan Plus first came into being. And I think there was a number of us that felt that perhaps the per capita rate would fluctuate if it got to be a monopoly and that we were concerned about what that rate would be. Do you envision the department and I know, you're not... or are you specifying in the Bill what the department will do about making rules for this?"

Schakowsky: "No, I'm not, I'm leaving it permissive to the department. I think that we want to be able to over time, figure out through the data that's produced through this Bill, what is excessive, what is not. There's no... it is

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not defined."

Mulligan: "All right, so if a large managed care entity decides, besides their regular business, before profit, that they're paying for that they want to participate in Medi-Plan Plus, do you envision there being a problem with them segregating out the funds for Medi-Plan Plus when they do this reporting and not the other side of their business?"

Schakowsky: "Well, it's very important, I think, if we want to oversee how state dollars are spent that they do separate that out. And you know we have examples now, like United Health Care committed 94% of the \$171 million it got from the state to medical services. Then you've got American Health Care providers, which only... that 41% of all the money they got paid for non-medical expenses, only 59% did they spend on medical expenses. These are the kinds of things that we ought to be looking at."

Mulligan: "Right, I think the object is to provide the best bang for the buck on a per capita rate and what we're doing across the board with different entities, particularly, since some are already going in now and signing up people. But you do not envision there being a problem and I certainly wouldn't envision there being a problem if they keep their for profit business, that's not state business that the taxpayers aren't paying for separate from the reporting of what they report to the Department of Public Aid as far as the amount of money that they are collecting and spending."

Schakowsky: "The intention of this Bill, clearly, is only to provide oversight on those state dollars that go to these Medicaid providers."

Mulligan: "All right, and since this isn't a Universal Health Care Plan, but it is one provided by the taxpayers, do you

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object to these companies making a reasonable profit?"

Schakowsky: "Absolutely not. The notion here is that there is some history in other states of profiteering. That's all we're trying to establish, a mechanism to get at that and the first step of that is just to get the data."

Mulligan: "All right, and also would you envision that there would be anything wrong with them establishing a rainy day fund? For the simple fact that in one given year they may be spending less because people are healthier, and another year you may have a hard winter or flu epidemic where they're required to spend more. As long as they keep that segregated out and don't turn it into paying for profit, but to just keep it aside to perhaps keep the per capita rate down for the following year but have extra money there in case that were to happen."

Schakowsky: "In fact, I think there probably ought to be such a fund. In some states they've been in business such a short time, kind of took the money and ran and so I certainly... this Bill would not have many problems with that kind of rainy day fund."

Mulligan: "All right, is the department supportive of this?"

Schakowsky: "I don't believe they signed in against it. I think they're neutral."

Mulligan: "No, that's my understanding also. I think that there is a misconception here that we would be looking at private enterprise and not what the taxpayers are paying for. There was a number of us when we came to the table, particularly on my side of the aisle, that were concerned that Medi Plan Plus would create a monopoly for certain health care entities and then they would raise the per capita rate, and we would have no way of knowing whether that was true or not. And since then we have now changed

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to a different way of funding from the Federal Government and a limit on federal funds where we know that over the next period of years we will probably be picking up more of this on a state level and it will require that we keep a closer monitoring of this. I really don't see a problem if the rules are promulgated right and as long as the department is going to be the one that does that with some oversight from the Legislature, I would envision this not to be a bad thing to do because we want to make sure that we're not paying good tax dollars to not provide care and to pay profits that aren't going anywhere, but in somebody's pocket rather than to provide the care that we want for the people that we're trying to pay for. So, I would support this."

Speaker Hannig: "Representative Skinner."

Skinner: "Mr. Speaker, I think this is a plot to keep Public Aid bureaucrats on the payroll. We've gone from about 10 to 15 thousand health care entities that the Department of Public Health has to manage, down to a couple hundred and every time the director of the Department of Public Aid comes in I ask, well, how many Springfield bureaucrats you going to fire. I figure they got about five thousand people that are looking at managed care. Maybe I'm a little high. But surely we should be losing thousands of employees or at least hundreds of employees. Well, this is a proposal that's going to give the Public Aid Department more work to do so we can keep those bureaucrats on the payroll. Now, that may be your goal in life. My goal in life is putting money places where it will make sense. Now, let's talk about these managed care companies. They're selected by open... by sealed bid. They're given the best deal they can. Now, if you don't like the deal,

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don't take the deal. But once the Department of Public Aid cuts the deal with these managed care companies and assuming there's quality care in the Department of Public Aid, they're making sure that the people get the care that they should receive, why should we care where they spend the money? I view this as a Bill we ought to vote against because I think it's a, if not intended the unintended consequences, we're going to keep more bureaucrats on the payroll in Springfield and goodness knows we would rather have them in our district or someplace else or even off the payroll. What a radical thought."

Speaker Hannig: "Representative Flowers."

Flowers: "Mr. Speaker, Ladies and Gentlemen of the House. To the Bill. The last speaker just asked a question, why should we care where they're spending the money as long as we assume that they're providing their quality of care? And I don't think we want to do that. I don't think that we want to assume that our tax dollars is paying for services that's not being delivered. When you think about the highest paid Chief Executive Officer of a managed care is 62% higher than any other Chief Executive Officer in this country, I think that's a problem. And we should care when the dollars that was contracted out in good faith by the Department of Public Aid was to provide for health care services, not for advertising, not for hiring these expensive chief executive officers, not for contracting out, not for giving out less service and more people are dying at a faster rate or either having these long waiting lists for people to have tests or not being able to see doctors in a timely fashion. That is not the purpose of the reason why we're paying out these dollars. So, therefore, I think the Lady has done a fantastic job in

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regards to House Bill 783, and I would move for the adoption of the Bill. The passage of the Bill. Thank you."

Speaker Hannig: "Representative Schakowsky, to close."

Schakowsky: "Thank you. Ladies and Gentlemen of the House, I want to to once again point out that according to the Department of Public Aid, which is neutral on the Bill, that there is no fiscal impact, so we're not going to create any more bureaucracy here. All we're going to do is to set up a system so that we can make sure that we use our taxpayer dollars in the Medi-Plan Plus program well. We know where that money is going and we authorize the department to have some control over the \$5 billion that goes into the Medicaid Program. We're talking about a lot of money and this just a system, this is just a system to be able to oversee that money. It seems to me that we ought to put the system in place and I would urge an 'aye' 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? Representative Johnson. Representative Johnson, for what reason do you rise?"

Johnson, Tim: "My light is not functioning. Could you please record me as 'no'?"

Speaker Hannig: "The Gentleman wishes to be recorded as 'no'. Mr. Clerk, can you vote Mr. Johnson from the podium? He wishes to vote 'no'. Is that correct, Representative Johnson? That is correct. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 46 voting 'yes', and 70 voting 'no'. And this Bill, having failed to receive a Constitutional

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Majority, is hereby declared lost. Mr. Clerk, read House Bill 2282."

Clerk Rossi: "House Bill 2282, a Bill for an Act amending the Illinois Insurance Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Brady."

Brady: "Thank you, Mr. Speaker, Ladies and Gentlemen. House Bill 2282, as amended, amends the Producer Controlled Act. What it does is it exempts governmental reciprocals from certain functions of the Producer Controlled Act when they already complete functions for that purpose in another way. I ask for your favorable vote."

Speaker Hannig: "Is there any discussion? On that question, the Gentleman from Cook, Representative Dart."

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

Speaker Hannig: "He indicates he will."

Dart: "Representative, can you, maybe, explain it just a little bit longer than you did?"

Brady: "Representative, it's a very short piece of legislation."

Dart: "All right, maybe you could just explain it. So, that we can figure it out. Us slow people from up north."

Brady: "In fact, I can read you the language in almost less time."

Dart: "What are you trying to get at?"

Brady: "We passed a piece of legislation that would have amended requirements under the Producer Controlled Act. It affected a government reciprocal. There's only one government reciprocal in the state. That government reciprocal already provides certain paperwork, already that meets the intent of the Amendment which we passed. So, what we're trying to do is, rather than overburden them and make them duplicate procedures which are unnecessary, we're

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amending them out because they already do something that meets the needs."

Dart: "Did they already do all this already?"

Brady: "No."

Dart: "Did they do all this already, so it would be duplicative to do it all over again?"

Brady: "It would be a duplicative process, Representative."

Dart: "Okay. Thanks."

Brady: "Thank you."

Speaker Hannig: "Representative Mautino."

Mautino: "Thank you. I simply rise in support of the Bill. As Representative Brady mentioned, the reciprocal agreements take care of most of the ERISA plans throughout the State of Illinois, your townships, your municipal governments. Currently we're not really regulating them and it's a gray area in the Insurance Code. What this will do is provide what information is going to be required so that we can regulate them. There are no opponents to it and the language was written by the Department of Insurance."

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 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 864."

Clerk Rossi: "House Bill 864, a Bill for an Act amending the Medical Patient Rights Act. Third Reading of this House Bill."

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

Ronen: "Thank you, Mr. Speaker. This Bill would require that

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health care facilities that are licensed in the State of Illinois require a person to wear an identification badge. And I would note that the Amendment which was agreed to with the Hospital Association, changes the wording so that we're talking about employees who work in the facility that they should wear an identification badge so that patients who are being treated there understand who is coming into their room and providing service. I think it is straightforward. I'm not aware of any opposition to the Bill, and I would be happy to answer questions and request a 'favorable' Roll Call."

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 indicates she will."

Black: "Representative, I remember we had a lot of questions on the Amendment, but it has been awhile. So let me make sure that I'm still on the same page here. The Amendment removed any provision, as you and I discussed. There's a nursing home in my district right across the street from our area vocational center, and a lot of times the young youngsters will go as part of a class or there's some dog owners that bring dogs and cats in every once in awhile and visit with the residents. They would not have to have a name tag, that's correct, right?"

Ronen: "That's correct."

Black: "So, your intent is that only those employees of said nursing home would wear this identification tag?"

Ronen: "That's exactly correct."

Black: "And would there be a differentiation on the tag to show, say the difference between an RN an LPN?"

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Ronen: "Yes, that's the idea."

Black: "Okay."

Ronen: "A physician, their name and their title. A custodian would, you know, a nurse, a physician, that's the thinking."

Black: "And my young staffer, Mr. Skinner, who's on loan from the institute of higher bureaucratic studies, wanted me to ask you, and I think we discussed this when you had the Amendment, do you specify the size of the type? Because many of these people in these homes don't see very well."

Ronen: "No, we did discuss this before and no we don't. And we're going to leave that to the discretion of the facility."

Black: "Okay. So, the doctor, I assume then the doctor would have a different color tag than the nurse, than the LPN, than the custodian, et cetera?"

Ronen: "Yes."

Black: "Okay. Now, have you heard from any of the, I don't know how to put this delicately, I guess the owners of nursing homes that indicate this may be a burden to them?"

Ronen: "No, I actually haven't. They didn't file a slip in committee, as I recall and I haven't heard from them. But the Illinois, as I said before, the Illinois Hospital Association and the Illinois Nursing Association is supportive of this and work together."

Black: "And so as far as you know..."

Ronen: "And I should also point out that in the Amendment that we did take out language talking about violations."

Black: "Right. So, if a home is careless, doesn't do this, forgive me, is it a business offense, or did you take that language out?"

Ronen: "I didn't hear your question, Sir."

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Black: "If a home gets careless, does not do this properly, what is the possible penalty to that operator?"

Ronen: "The Bill is silent on that right now."

Black: "Okay. So, this will be handled by the rulemaking authority of the department?"

Ronen: "That's right."

Black: "All right. Thank you very much, Representative."

Ronen: "Thank you."

Speaker Hannig: "Is there any discussion? There being no further discussion 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' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 885."

Clerk Rossi: "House Bill 885 has been read a second time, previously. No Committee Amendments. No Floor Amendments."

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

Clerk Rossi: "House Bill 885, a Bill for an Act to amend certain Acts in relation to political contributions. Third Reading of this House Bill."

Speaker Hannig: "The Gentleman from Champaign, Representative Winkel."

Winkel: "Thank you, Mr. Speaker. House Bill 885 would amend the Election Code, the Illinois Horse Racing Act of 1975 and the Riverboat Gambling Act. What it does is it would prohibit a candidate, a political committee, or a public official from accepting anything of value from a licensee or applicant for licensure under the Illinois Horse Racing

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Act or the Riverboat Gambling Act. An initial violation of the Act is a Class A Misdemeanor and subsequent violation is a Class IV Felony. It would prohibit certain persons licensed under the Horse Racing Act or the Riverboat Gambling Act from making certain political contributions. It would require contributions received in violation of the Acts to be paid into the State Treasury. And I would be glad to answer any questions that the Members may have."

Speaker Hannig: "And on that question, the Gentleman from Cook, Representative Lang."

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

Speaker Hannig "He indicates he will."

Lang: "Representative, the Chicago Sun Times asked a question about this Bill today that I think was my first question. Why should we set aside a particular type of business or particular type of entity for this kind of approach? Why do we not prohibit other kinds of entities that are regulated by the state to do... from making campaign donations?"

Winkel: "Representative, I also read that opinion in the Sun Times from this morning and I guess I was very surprised that they seem to have missed the single most important factor in this case, that the gambling industry is a industry that is heavily regulated. Its profits are regulated by those who sit on the boards who regulate this industry. The people sitting on the boards are appointed by people who are public officials, and you have to look at the amount of contributions that have occurred over the past several years. In fact, beginning in 1990 there was \$60 thousand that were contributed in... to political campaigns, it's \$60 thousand. Now, five, excuse me, seven years later, actually, through 1996, it's gone all the way

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up to 1.1 million. I mean that's almost a 1700% increase. So, naturally, they draw attention to themselves when we have that kind of severe, unprecedented increase in contributions in a heavily regulated industry. So, I guess I'm a little surprised that the Sun Times missed that most important factor."

Lang: "Representative, we regulate a lot of companies that aren't in your Bill. We regulate doctors, we regulate lawyers, we regulate utility companies, we regulate all sorts of industries and all sorts of businesses. In fact, if you went and took a list of everybody who's regulated by the Department of Registration and Regulation you would see hundreds. We regulate nail technicians, we regulate electricians, we regulate all sorts of interests and many of them give big campaign donations to the people sitting in this room. Why do you not include all of those people in this Bill?"

Winkel: "Well, after I read that in the Sun Times today, I got a little curious and started looking through the newspapers. Just from today, I mean I've got newspapers from all over the place. I can start reading the headlines, 'State Probes Casino Payments', 'Casino Owners' Money Being Investigated', 'Illinois Gaming Board Probing Contracts Given by Casino Queen', 'Gaming Panel Ask Casinos to Explain Payment to Ex-state Official'. You know, this is in today's paper, 'Board Investigating Casino Owner's Deal'. It just goes on and on and this is not the first time. 'Watch dog... Dogs Attack Contributions from Gaming Interests'. 'Lawmakers Cash in on Gambling', a big story in the Sun Times, from yesterday. 'Gambling Industry Aided Lawmakers'. Gamble, gambling, gambling, gambling. One story after another and that's just today and yesterday. I

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mean, this is a heavily regulated industry where contributions have gone from 60 thousand to 1.1 million, and I mean, that's nearly 1700%. Now, I mean, does that not give the public the impression that there is some influence going on here? I mean, at least the impression. I mean, for years we've had state employees that have been clamoring for increases in pensions and how many Bills do we have, and compare that to how many Bills we now have for, and you ought to know this, Representative, for expanding the scope of gambling throughout the state? I mean, where are the people clamoring for the expansion of gambling? They are not. It's the industry that's giving this much money from 60 thousand a year to 1.1 million. I think that's having a big impact on the sort of Bills that are being presented here in this chamber. And I think that's the reason why we have to look at, in particular, at the riverboat gambling and the racetracks."

Lang: "Well, thank you, Representative. I hope you weren't trying to insinuate that this Sponsor of that Bill has been influenced by the gaming industry, quite the contrary."

Winkel: "Certainly not, but what we're talking about here..."

Lang: "This Sponsor has received quite a few dollars from that industry, but to the Bill. I understand what the Representative is trying to do, and, of course, we want influence of those kinds of dollars out of state government. Perhaps the gambling industry does donate too much to our campaigns, just as perhaps lawyers do, and doctors do. My only interest in debating this legislation is that good public policy would say that we have all sorts of industry regulated by the state, but only one industry is named in this Bill. Representative Schakowsky, I think, has a Bill that says that anybody who's regulated by the

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state would be prohibited from campaign donations, or limited in their campaign donations. That would be a far better Bill. To pick out one industry and say you can't do this is not good public policy and I would recommend 'no' votes."

Speaker Hannig: "Representative Biggins, is recognized on this question."

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

Speaker Hannig: "He indicates he will."

Biggins: "You referenced an article in the paper today or yesterday about some individuals from the gaming board receiving contributions, did you not in your comments?"

Winkel: "Yes."

Biggins: "Will this Bill affect that?"

Winkel: "It could, but it's not a clear definite connection, but I suppose it could. I don't think that was the point, Representative, I was trying to make. I think what I was trying to point out is that there are some problems that things aren't quite rosy in the industry we're talking about here."

Biggins: "Okay, did... How much money did you say the gaming industry has invested or donated toward political candidates last year? What were your figures that you have?"

Winkel: "The figure that I have is 1.1 million and that's for the calendar year 1996."

Biggins: "Okay, and during that time, how many new riverboat licenses were issued?"

Winkel: "Not for lack of trying, there were 0."

Biggins: "How many new racetracks were built?"

Winkel: "Now, again that's the same thing, not for lack of

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trying. I mean, I guess my point there is that there has been an excessive amount of activity in trying to expand the number of licenses and to expand this gambling industry. That's the point."

Biggins: "Well, my questioning is just trying to find out if we're going to tell somebody they can't contribute, but they're contributing and there's no perceived benefit from the people they're contributing to. Maybe the Bill isn't necessary. How much money have they contributed over the years since the last time there was a license issued? Millions of dollars would you say?"

Winkel: "The figures I have that I have given you is it's risen rapidly from 60 thousand, which is the number I've got from the University of Illinois at Sangamon, or excuse me, Springfield. That number is 60 thousand and that happened in 1990 and it's risen rapidly to the calendar year of 1996 to 1.1 million. Those are the figures I have."

Biggins: "And has any Legislator been charged with not declaring, accepting those donations? Has there been any violations of law that we've noted, or charges brought against improper reporting?"

Winkel: "Well, a lot of times we don't do it just for that... that single reason. I mean, the answer is, 'no' to your question. But by the same token, I guess what I'm trying to convey is never before, I mean, rarely do we see such legislative activity, such a flurry of the introduction of different Bills to expand an industry where there is no outcry from the public for an expansion of that industry, and at the same time, you have an increase of contributions to politicians from 60 thousand to 1.1 million. I'm just suggesting if there is not, in fact, a direct correlation, certainly gives the public the... certainly gives the

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appearance of that sort of influence and impropriety. And bear in mind, too, unlike the other professions, we're not talking about an unlimited number of licenses as for doctors or lawyers or anybody else. This is a very strictly limited number of licenses that are extremely, can be extremely lucrative and the profitability of a license is directly related to what the board of those industries does and they're appointed."

Biggins: "Well, I guess my point is that for a group that's donated so much money the last several years, they seem to have nothing for their efforts, so how can there be a relation? Maybe they are just very, very bad political donors and put their moneys in places where they shouldn't."

Winkel: "Well, let me maybe look at it from a different angle. I mean, I've been with Representative Currie and others and I know others have had similar legislation. It's not only promoting legislation, it's killing it, as well. I mean, for instance... I mean, you know, I'm not expecting... You're asking the questions, I'm giving the answers, but I would say, rhetorically, I mean, how many Bills have passed out of committee that have been introduced and there's been probably a dozen of them that would require a statewide referendum on the question of whether or not to expand gambling in this state. Those Bills are routinely killed in this chamber. It may well be... it may well be that in the past couple of years that that's been the purpose. This seems like an awful lot of Bills that have been introduced and brought about in this chamber to bring that sort of referendum, have been killed. So, you can look at it, Bills killed, and then also the flurry of legislation that's been introduced to expand and those seem to have a

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brighter future in this chamber than Bills that require a referendum statewide."

Biggins: "Well, would your, would you be agreeable to permit people that always vote 'no' on expansions of gambling to receive money from gambling interests?"

Winkel: "Representative, my Bill is pretty straightforward and I think you understand it very well. I mean, what this Bill does is really essentially..."

Speaker Hannig: "Can the Gentleman bring his remarks to a close? Representative Winkel, could you finish answering the question and then we'll move to Representative Black?"

Winkel: "This fills in a gap created in 1989 that took out political committees from the racetrack. We want to put that back in so that you can't circumvent that. It looks like in the books that you can give political contributions when indeed you can't. We want to put back in political committees that were taken out in 1989 and we also want to bring the Riverboat Casino Act in line then with the Racetrack Act. That's what we're seeking to do with House Bill 885."

Speaker Hannig: "Representative Black."

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

Speaker Hannig: "He indicates he will."

Black: "Representative, I think the Gentleman from Cook raised a couple of points and I'll defer to your legal expertise. The only thing that concerns me about these Bills, and let me just say up front, I intend to vote for it. You may know the cite, I certainly don't. Hasn't the United States Supreme Court ruled that if I owned a casino and I'm a multimillionaire I can run against you and I can spend as much of my own money as I want, but with your Bill and others we may limit what you may be able to spend. Is that

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the gist of what the Supreme Court ruled not too long ago?"

Winkel: "I'm not aware of that Bill."

Black: "Okay, and I may be completely off base, but I..."

Winkel: "What I can tell you though is... are we talking about First Amendment? I don't think you are exactly."

Black: "Yeah. I thought they had made a ruling that an extremely wealthy individual can use as much money of their own as they want. We can't limit what they can spend."

Winkel: "Okay. Are you talking about the Valeo Case? I think you may well be."

Black: "Yeah, I think it was."

Winkel: "Yeah, okay. Well, that's... I think you've caught the gist. But, however... I mean, in cases that involve Bills like this would have... which have similar regulatory language, they've been held to be constitutional. In fact, in 1976 when we used to have this sort of ban for contributions, or on contributions for the liquor industry, the Illinois Supreme Court found that to be constitutional. In fact, a New Jersey court has since used that as the basis for its opinion to uphold a Bill very similar to this concerning the gambling industry. And their Supreme Court in New Jersey and the U. S. Supreme Court decided not to review those cases."

Black: "On those states that have, in fact, adopted a ban very similar to what you're proposing, have they had case law? I mean, has it gone through the state courts and been upheld as constitutional?"

Winkel: "The only case... let see, Iowa has it, Louisiana does, New Jersey, and I believe Virginia. They certainly had this pending, I think they've adopted it. The only challenge that we're aware of is in New Jersey, the matter of petition of Soto, S.o.t.o. It's 236 North New Jersey,

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reporter 303. I mean, in that case, Bill, what they said was that it is constitutional."

Black: "Okay. That's what I wanted to check on. Thank you, Representative."

Speaker Hannig: "Representative Scott."

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

Speaker Hannig: "He indicates he will."

Scott: "Representative, I don't have a big problem with the concept of the Bill, but there are a couple of questions. I don't have a problem with the concept of the Bill, but there are a couple of questions that I want to ask. Do you have an exception in here for winnings? I mean, the way I read it, not accepting anything of value would mean to me, in its literal sense, that a person, a Representative or a public official, who is so inclined, couldn't take winnings home from the track if you win."

Winkel: "Well, I suppose, obviously, if these are fixed and a way of passing a thing of value. But, no, my reading of this is that there is no provision that's in here that would prohibit a public official, a candidate, from going to the racetrack and winning, or going to a casino and winning."

Scott: "Well, it's not written specifically for campaign contributions though, it's written shall not accept those or anything of value, shall not accept that, and it's written as public official, not just the committees. So, again my question is, when you say that a public official shall not accept anything of value from one of these companies, to me in its literal sense, you're saying that... that you couldn't take something home from the track. That may not be your intent, but it sure reads like that."

Winkel: "Representative, I would be glad to take another look at

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it. I think if we send this over to the Senate, I would be glad to go over there with the Sponsor and... in the Senate and work on clarifying that if it's necessary. But that's a legitimate point okay. We're writing that one down."

Scott: "The other one, let me follow up on something that Representative Black asked. In the Buckley Case you're limiting individuals from also giving because of their professional association with a particular company. Are we sure... I'm sure we can limit the particular companies because of their regulatory nature. Are you sure we can limit the individuals, from giving?"

Winkel: "We're relying on Schular Park, Colonial Inn, Inc. v. Berz, B.E.R.Z., 63 Illinois-second 499. That was the Illinois Supreme Court decision which reviewed language very similar to what we're using here, which concerned the liquor industry and it was upheld as being constitutional."

Scott: "My concern is that... that... I mean, that's an Illinois Supreme Case, Buckley is the United States Supreme Court case. My concern is that we pass something that Illinois courts might think as just fine, but Buckley being a United Supreme Court case, I'm not... I mean, they're pretty strong about not prohibiting... about not limiting individuals to what they can give as a First Amendment right. And I just want to make sure that whatever we pass here is something that can... that can pass that muster."

Winkel: "Yeah. I mean, essentially, what Buckley V Valco 424US1, they did set out a two-step test. I mean there has to be a compelling state interest where, here obviously, that's satisfied with a highly regulated industry, the gambling industry, and it needs to be the least restrictive approach, and I think that what we're saying here is that we believe that that is constitutional, that this would be

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the least restrictive way of doing that and certainly in 1976, which I understand, does predate the Valco, the Buckley Case that there could, theoretically, be some question and it could be revisited. But, my reading of Buckley V Velia and the Schiller Park Case is that we satisfy that test."

Scott: "Okay. I have just one more area to get into in my remaining 90 seconds. It's written with respect to license holder or applicant for a license. So, what if we've got a gaming company that right now isn't licensed in Illinois? We've got... pick one... you know there are several that are licensed here, but we've got a Nevada company or a New Jersey company that's not licensed in Illinois. There are no licenses up right now, so there aren't any applicants for licenses at this particular point in time, are we saying that by the strict reading of your Bill these companies can give whatever they choose to? And so, and my reason for asking that is, you made reference to... to linking this with proposals for expansion. It seems to me the people that would want to expand it the most are the people that aren't already in Illinois, and I don't think your Bill stops them from giving."

Winkel: "One moment, Representative, I'm looking. Representative, just so I'm understanding your question. You're saying some out-of-state organization would want to come here to open up a gambling operation in Illinois?"

Scott: "Yes, yes."

Winkel: "And they would be applying for the license to operate?"

Scott: "Well, there aren't any. See, we're talking about right now. There aren't any licenses right now. The licenses that are... that exist in Illinois right now are set. The number's set and there's license holders for them. It's

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pretty clear that the people who hold the licenses now are covered by your Bill, but since there aren't any applications open, so there aren't any applicants, to me you're saying that the people who aren't in the interest in state right now, or aren't in gambling in the state right now, can give through the nose under this Bill and it wouldn't be prohibited from doing that."

Speaker Hannig: "So, Representative Scott, your time has expired. Representative Winkel, would you finish answering the question?"

Winkel: "Representative, I don't see that impact here. I think I follow what you're saying, but they would have to be an applicant that come within the scope of the Bill and these sort of restrictions would apply."

Speaker Hannig: "Representative Giles."

Giles: "Thank you, Mr. Speaker, to the Bill."

Speaker Hannig: "To the Bill."

Giles: "Representative, I don't personally, I don't have a problem with your Bill and I understand what you're trying to do, but I would have to agree with Representative Lang when he made the statement, it seems to me that we're singling out one entity here and I think that's not fair. That's not with parody and equity, but, also, I see we have a trend here in the House, as well. We have a trend, for instance, House Bill 1309, when it was presented by Representative Murphy. To me it seems like it singled out two incinerator entities in which we, I believe we judge unfair and unjust to two communities. We singled those communities out. And today we presented, Representative Murphy presented a Bill, House Bill 1103, which made everything fair. It took all of the monies out of all the incinerators. We took all of the subsidies out of all the

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incinerators. That would of made it fair. So, so far we have not been fair here. Now, if you present a Bill in which we take all contributions made to all the entities, so that none of us here will get a contribution, then we will be on a fair track. And so for those reasons only, Representative, the reason why I cannot support this legislation. I think we need some consistency here. If we're going to be fair, let's be fair across the board. If we're not going to legislate legislation for the purpose of a single district, you know, let's not do that or let's do that. Let's make that the standard, and so, for those reasons, Representative, that's the only reason that I cannot support your legislation and I respect the two Sponsors of that legislation. And all I ask that we have some type of consistency and be fair with every Member in this Body, and with every entity in the state, as well. Thank you, Mr. Speaker."

Speaker Hannig: "Representative Woolard. Representative Steve Davis."

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

Speaker Hannig: "He indicates he will."

Davis, S.: "Yes, Representative Winkel, is there anything in your Bill that would prohibit the anti-gaming forces from donating to the Legislators?"

Winkel: "I didn't hear you."

Davis, S.: "Is there anything in your Bill that would prohibit the anti-gaming forces from donating to the Legislators?"

Winkel: "Could you be a little more specific? I mean, what do you have in mind, Representative?"

Davis, S.: "Well, there are people in this state who oppose a gaming expansion as you mentioned earlier, but apparently you feel that it is okay to allow them to donate as much

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money as they want to the Legislature to get their point across, but yet you don't want the pro-gaming forces to donate any money to get their point across, is that correct?"

Winkel: "Well, I mean, are you talking about a specific church, or church group, or the Christian Coalition, or what... what are you..."

Davis, S.: "Well, you're... in your Bill you're going after the entire gaming industry, but yet you're allowing those who oppose the gaming industry to have a free reign when it comes to campaign donations."

Winkel: "Well, I mean, Representative, if you want to take that course and draft that kind of legislation, have at it. I'm not interested in that. I think that this Bill is aimed at the target we want to aim it at. It's an industry that has increased political contributions by nearly 1700% from 1990 through 1996. If you think that the groups, the anti-gambling groups have done something similar, maybe we ought to take a look at it, but, I suggest that might be your endeavor, not mine."

Davis, S.: "Where, Sir, did you get your figures on the amounts of monies that were donated by the gaming industry? Did they come just from people who are registered lobbyists with the gaming industry and the total amount of monies that those registered lobbyists donated to the various candidates? Because many of the lobbyists that lobby for the gaming industry also lobby for other industries. So, did you just pick out specific amounts of monies that the lobbyists sent only for the gaming industry, or did you just pick out these particular lobbyists and add their... the total amount of money that they donated to the various public officials?"

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Winkel: "Representative, the Public Access Project issued a press release on April 21st. I used some of their numbers, I used the numbers from Common Cause. As I said before, I, also, used numbers from the University of Illinois, Springfield. That's the 60 thousand number... \$60 thousand number in 1990. If you care to challenge the numbers, I'm open to that."

Davis, S.: "I was just curious as to how they came up with their numbers."

Winkel: "I mean, I'm not quite sure, I want to follow your line of question and answer. I mean, are we talking about a particular church or are we talking about the Methodist Church, or we talking about Common Cause? You want to bar them or... I'm not sure where you're going."

Davis, S.: "We would like to know if your figures are correct, Sir."

Winkel: "I believe they are. I wouldn't give them to you, if I thought they weren't."

Davis, S.: "Okay, let me ask you a couple more questions. In your Bill, anybody... let's say one of the gaming... anybody who owns any stock in any of the gaming companies is precluded from donating to any candidates? Is that correct or not? I wish you could clarify that for me."

Winkel: "I certainly will. I want to give you the most exact answer here. Anybody who has a legal or beneficial interest in racing or gaming license. That's what we're really aiming at. Legal or beneficial interest in the license. That's what we're really talking about. We're not talking about employees, we're talking about somebody who has an ownership interest, direct or indirect."

Davis, S.: "Ownership interests, meaning owning stock in the corporation?"

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Winkel: "In the license. I mean, by whatever mechanism you want to own that license, if you want to do it through a corporation, or if we're talking about shares, or some sort of a trust. You know, individually, through a partnership. If you have an interest, legal or beneficial in the license, then you would be covered by this Act."

Davis, S.: "Okay, Representative, so, it's my understanding then if you do own shares in any of the gaming companies that operate in the State of Illinois, you're not eligible to donate monies to public officials."

Winkel: "Or candidates or political committees."

Davis, S.: "Okay, so, anybody who owns mutual funds in the State of Illinois and if those mutual funds own shares in gaming companies, then anybody who owns mutual funds in the State of Illinois are not eligible to be able to donate to political candidates. Is that correct?"

Winkel: "What's correct is if you have a legal or beneficial ownership in the license then you cannot make these sorts of contributions."

Davis, S.: "Well, Sir if, if Argosy Gaming Corporation is a publicly held corporation traded on the New York Stock Exchange, then that license is in Argosy Gaming Corporation's name and they issue shares. If you own a share of Argosy Gaming Corporation, or if your mutual fund owns a share of Argosy Gaming Corporation, then you're not eligible under this piece of legislation to donate money to public officials."

Winkel: "Well, that's... if you own a legal or beneficial interest in the license, then you would be banned from making political contributions."

Davis, S.: "What about if... let me take for example, and I'm using Argosy because that's from my district, and I know a

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lot about their boat, but they own a boat in Kansas City and they own a boat in Indiana. What if somebody in Kansas City who works for Argosy Gaming Corporation wants to donate to an Illinois candidate even though they're not working on the Illinois boat, can they do that?"

Winkel: "Could you repeat that, I'm sorry, I'm having trouble hearing you."

Davis, S.: "Okay. The Argosy Corporation has boats in Kansas City, in Iowa, and in Indiana. Now, if they have employees that work on the boats out of state, but they still belong to that corporation, are they going to be eligible to donate?"

Winkel: "If they have a legal or beneficial interest in a license. I mean, that's what the Bill says."

Davis, S.: "But it also says something... it also says something about the managers, gaming operation managers, or an agent of such a person."

Speaker Brunsvold: "Representative, can you bring your remarks to a close? Representative Brunsvold in the Chair. Representative Davis, have you completed your questioning?"

Winkel: "Representative... I'm sorry, Speaker, it's my... I think he did ask me a question."

Speaker Brunsvold: "Please reply, Representative."

Winkel: "Yes, it's the... if the manager or somebody acting on the manager's behalf, that's correct."

Davis, S.: "And would that be any employee? Well, you want me to bring my remarks to a close, Speaker? I'm hoping to be able to have somebody else yield their time to me."

Speaker Brunsvold: "The Clerk for announcements."

Clerk Bolin: "The Rules Committee will meet immediately in the Speaker's Conference Room. The Rules Committee will meet immediately in the Speaker's Conference Room."

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

Bugielski: "Thank you, Mr. Speaker, I move for the previous question."

Speaker Brunsvold: "The previous question has been moved. All in favor say 'aye'; all opposed say 'nay'. The 'ayes' have it. The previous question be moved. Representative Winkel to close."

Winkel: "Thank you, Mr. Speaker. I want to emphasize that the numbers is 60 thousand in 1990 to... through 1996, the \$1.1 million. Those contribution numbers include no lobbyists, what we're talking about there with those numbers, we're talking about strictly money that's gone to... to candidates, to political committees, or to public officials. So, that's what the numbers apply to. What we're looking for here is the common sense way of bringing back the integrity to this process. Today the people are very, very suspicious of the way we're handling the gambling industry. They're very suspicious that we're getting way too much money from the gambling interests. They're very suspicious because all these Bills to expand gambling have been introduced and moved pretty far into the process, when there's really been no public outcry for the expansion of gambling in this state. In fact, to the contrary, they're also very suspicious that all the Bills that have called for a statewide referendum on this question as to whether or not we should expand gambling in this state, have really been killed and killed at the very beginning of the process time after time after time. What this Bill does, this Bill brings the... some sanity back to this process. It restores the sense of integrity to the process. It removes the suspicions that have been rampant

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in the public concerning our handling of the regulation of the gambling interests in this state, and I would urge you to vote 'yes' on House Bill 885."

Speaker Brunsvold: "The question is 'Shall House Bill 885 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question, there are 70 voting 'yes', 42 voting 'no', 3 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 1039."

Clerk Bolin: "House Bill 1039, a Bill for an Act to amend the Illinois Horse Racing Act of 1975. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Williamson, Representative Woolard."

Woolard: "Thank you, Mr. Speaker. What we're talking about is the difference between the agri-business side of the racing industry and the racetracks. A few years ago we passed a piece of legislation, which would accommodate what we thought was significant new dollars going into this operation. There was a statement that was made and was placed in the Bill as it proceeded through the process and it was recapture of funds. It was a guarantee that was put in for the racetracks to ensure that they did not lose money and, in fact, what happened the new moneys that were expected, did not come about. What I'm asking is for fairness for those working men and women, the owners, the trainers, the drivers, the jockeys, all of those people. The groomsmen that work with the horse racing industry. The farmer who supplies the products that feed them, the veterinarians that take care of them that we protect an

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industry in the agri-business sector in the State of Illinois that is about to leave us. I believe that this is a matter of sheer fairness that we have a responsibility to see that the agri-business industry remains viable as far as horse racing and the horse racing industry in the state. I would be happy to try and answer any questions you might have."

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

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

Speaker Brunsvold: "He indicates he will."

Cross: "Representative, I apologize. It's a little loud in here and I don't want you to have to... Did you hear my question?"

Woolard: "It's a little loud in here, I agree."

Cross: "Can you repeat, kind of in a brief manner what you said earlier so we know what this Bill does? No one over here at least around our area heard it at all, heard you."

Woolard: "We're talking about the recapture of funds. The part of the Bill that was passed a few years ago which, in effect, would be monies that would be guaranteed out of the horsemen's portion of the monies that would be coming in in revenues that would be used to subsidize the track owners. We believe, positively, that this is something that is necessary for the agri-business industry, and we would ask that you would support the farming community in the agri-business side of the horse racing industry."

Cross: "I'm looking... Apparently, Representative, this revolves around or involves the Horse Racing Act of '75 and I know we took some action last year. Is there a Governor's task force on this whole issue, or there was a task force that addressed this whole area a few years ago?"

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Woolard: "Yes, Representative. In '75 there was a task force. They met on a continuing basis, all segments of the industry was represented, but at the last minute the task force kind of dissolved and fell apart. The Bill was developed and there was some segments of that Bill that were not... everyone was not afforded an opportunity for input, and this is what we're talking about is the recapture portion of this Bill that was passed was never presented to the horsemen themselves for their consideration. We believe that with the Bill as it was written, and the law as it stands today that the horsemen's side of the industry cannot afford to continue to give up large chunks of money that are coming about. Nine million this year. Last year were... nearly \$5 million. This is going to drive the industry out of the state and it's going to happen faster than we care to see."

Cross: "Representative, and I ask this with all due respect, I'm not trying to be difficult, but is this an issue or a problem that's been around since '75 and if so, why are we just now addressing it?"

Woolard: "The first recapture dollars were paid last year and they amounted to \$4 million. This year it's \$9 million. Next year is it going to be \$18 million? If it is, the entire part of the process that is developed for the benefit of the horsemen themselves is going to be lost."

Cross: "Is there any indication that it will be as high as \$18 million? Is it million or billion?"

Woolard: "I have... I have no idea what it will be next year. But it is at least twice this year what it was last year and last year it was nearly \$5 million."

Cross: "Well, Representative, I guess somewhere this \$9 million loss is going to be felt. If it goes to the groups that

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you're supporting, what does it do to the industry, the rest of the industry by taking \$9 million from their pockets, so to speak? Are we not going to hurt them as well?"

Woolard: "Without question, this a debate between the two sides of the industry and, you know, maybe this is not the final solution or the end of the issue, but we believe if we don't continue the discussion, if we don't continue the Bill, there's no chance that we'll ever resolve this issue. The recapture money, definitely, if it's not resolved in some fashion, will dry up the entire horsemen's side of this industry in the State of Illinois."

Cross: "Representative, just so I know from a purely selfish standpoint, this money doesn't go into the fund or come out of the fund that affects the money that goes to county fairs, does it? This doesn't have anything to do with county fairs, does it?"

Woolard: "No. I didn't hear what you said. Joe said, the answer is 'no'."

Cross: "But you know it is a 'no'? We get a little money from a fund for our county fair I know that comes from horses, it doesn't affect this? Okay. All right, Representative, I appreciate your time and patience with my questions."

Woolard: "Thank you."

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

Lang: "Thank you, I rise in opp... In support, sorry. In support of House Bill 1039. When the Horse Racing Reform Bill was passed a couple of years ago, I stood on this floor, and even though many in the horse racing industry on both sides were for that Bill, I told you at that time that that Bill wasn't going to work. I told you at that time

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that the horsemen, the people that own the horses, breed the horses, grow the feed for the horses, train the horses, the 37 thousand people in our state who are in the agriculture business whose livelihoods depend on the horse racing industry, who are going to feel a sharp pain as a result of the Horse Racing Reform Bill that we passed. We made a mistake then particularly as it relates to this recapture business. We made a mistake because that recapture, specifically went after these people in the agriculture business in Illinois. Thirty seven thousand jobs, the people that own the horses. These people are all the most important part of the horse racing industry because we can build all the racetracks we want, we can have all the people owning racetracks we want, but unless there's horses at those tracks and unless there's people that ride those horses and unless there's people to feed those horses, there is no horse racing industry in Illinois. What we did a couple of years ago was dramatically impact the horse racing industry in a negative way. Now my Bill for expanding gambling does not return this recapture but says lets keep it to advertise and promote live racing. What we do not do in Illinois today is have a comprehensive plan for promoting live racing, which is why at racetracks around Illinois some of the racetrack owners would just as soon close their tracks, make all the money from the OTB's and never run a horse on the racetracks in Illinois. We can do better. We have to do better. We have to promote racing by making sure there's breeding in Illinois, that people that grow feed for the horses have responsible jobs in Illinois, so that the trainers have horses to train in Illinois. Leaving all this money with the track owners only leaves the money with

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the track owners. Without these other people you have no horse racing in Illinois, period. Now, when we passed the Bill two years ago many of you didn't believe me when I told you this was going to happen, but it happened. Responsible people in this chamber said, 'No, this is going to work out.' And I respected your view then, but you were wrong and now it's time, with House Bill 1039, to admit that you were wrong, to say that what we did at that time was detrimental to horse racing in Illinois because it does not promote the horses running around the racetrack. Anything we do that keeps the horses from running around the racetrack cannot be good for horse racing in the State of Illinois. This Bill will encourage more live racing because it will encourage people to buy horses and breed horses and grow the feed for the horses and train horses. We must do this if we're going to keep this business alive, and the very track owners who benefit from getting this recapture money today are going to, in a very short period of years, either go broke trying to run their racetracks because there won't be any horses to run there or they will close down their racetracks and simply get OTB signals from New Jersey and Pennsylvania and California and Florida, and New York and we won't have any live racing in Illinois at all. If that's what you want, go ahead and vote against this. And you people that represent agriculture communities cannot afford to vote against this Bill because this Bill goes to the heart of the people you represent. This Bill goes to the agriculture industry in Illinois, 37 thousand jobs in that industry directly related to horse racing. Don't let those people down. Vote for this Bill."

Speaker Hannig: "Representative Wojcik."

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

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Woolard: "Yes."

Speaker Hannig: "He indicates he will."

Wojcik: "Representative, are you familiar with Public Act 89-16, which was signed into law in 1995?"

Woolard: "Certainly. Yes."

Wojcik: "Do you realize that this was an agreement with the Horsemen's Association, that they concurred with this Public Act?"

Woolard: "The task force was dismantled before the Bill was drafted."

Wojcik: "Well, it seems a shame and I have great respect for you and I understand that you're doing your job on that side of the aisle but it is terrible to see what's going to happen to the racing industry and for the fact that we had an agreement. I was a part of that task force and I was on... we negotiated and we listened to the Illinois Horsemen's Association and they did concur with the Public Act. So, now what we're looking at, is we're looking at a 9.5 million loss and I think you know I happen to have a racetrack up in my area and they are going to be looking at a 2.5 million loss besides the length of the racing season dropping and the fact that with the riverboats that have come in, the racing industry is not even getting the revenue that they are supposed to generate. So, I think that your Bill is well intended on your part, but it's a bad Bill for the racing industry. And, Mr. Speaker, if this Bill should get the requisite votes, I would ask for a verification, please."

Speaker Hannig: "Yes, your request for a verification is acknowledged and if it gets the requisite votes it will be honored."

Wojcik: "Thank you."

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Speaker Hannig: "And the Gentleman from Jersey, Representative Ryder."

Ryder: "Thank you, Mr. Speaker. Over the past few years, probably the last decade or so, we've had a number of times in which we have revamped the Horse Racing Act to the State of Illinois. Each and every time that that has occurred the people who represent the horses that run on the tracks, the people that represent the tracks and others have sat down and said, 'we have a mutual interest in this industry and we need to work together to accomplish that end.' Now, I'll be the first person to admit that we've got some problems. We've got some track owners that don't want to use all of the dates available to them. We've got some horse folks who don't feel the initiative and the incentive to raise, to breed, to race horses in Illinois and on behalf of an agricultural community, I want to see them do that. But we cannot, in my opinion, solve the problem by only doing what one side says to do. Because ultimately they have to run at tracks and if the tracks aren't open, if the tracks don't have enough dates, if the tracks are losing more money than it takes to run the races, the tracks are going to close. And we have tracks that have closed in this state. We have tracks that may close in this state. So, whatever the merits of the Bill, and I think the Bill does have some merit, it doesn't solve the problem if it only represents one position by one group of individuals. Let us work together to solve the problem for a very important part of the Illinois economy. Let us not pick sides. Let us not choose preferences, but let us work together to solve the problems. Only by doing this can we preserve the horse racing people, the track people, and the people who enjoy going to those tracks for that purpose.

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It's for that reason that I reluctantly rise in opposition of the fine Gentleman's well-intentioned Bill because I think those statements are true. But unfortunately it's only one side of the story and we need all sides to work together on this very very important issue. Thank you, Mr. Speaker."

Speaker Hannig: "Representative Kubik."

Kubik: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I'd like to take a moment and remind the Members that what we have here today is a product of an agreement that was worked out two years ago. And although this a portion that is in dispute at this point in time, there were a lot of other issues that were before the task force and were resolved. Some were resolved to the horsemen's benefit, some to the track's benefit and vice versa. The point is, that the Governor put together a task force, we worked together to try to resolve some of the issues facing racing, and I think we did it in a cooperative fashion. I think Representative Ryder hits the nail right on the head. The fact of the matter is, the best way we can resolve this problem is to get the parties back together and start negotiating and making agreements that help both sides. Representative, I agree with Representative Lang, you've got to have horsemen and you've got to have breeders in order to have the industry, but by the same token, you also have to have tracks that are willing to put the capital and the money into creating an industry and keeping an industry alive. So, it's a joint partnership. I've been around this chamber for 13 years, and I can tell you there is nothing, nothing that is more difficult than trying to get the horsemen and the tracks to agree upon something. And one of the things that happened in the task force was that

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there was mutual agreement on a lot of issues. They put aside some differences on some issues in order to work together. I would agree with Representative Ryder, some of the portions of the Bill didn't work out correctly and this is one of them. But what a better approach would be is to get the task force together and work out these agreements for both sides and try to work together to resolve this problem. Because, let's face it, one cannot exist without the other in Illinois. They cannot... you've got to have tracks, you've got to have horsemen to make this industry happen. So, I would suggest to you that we oppose this Bill, but we oppose it with the idea that the best method of resolving this problem is to get the Governor to reconvene the task force and work together to resolve the issues that are at hand. And I might point out that although the horsemen disagree with this particular issue, there are the tracks have differences of opinion on other issues, and those issues ought to be brought to the table, as well. All issues should be brought to the table, they should be negotiated and worked out. I reluctantly oppose this Bill. I think some of the points in the Bill are meritorious but I think an overall approach is a better approach, and for that reason I will be against House Bill 1039."

Speaker Hannig: "The Representative from Cook, Representative Art Turner."

Turner, A.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. I, too, reluctantly arise to oppose this Bill and my reason for stating such opposition is that I, like the former speaker, served on the Horse Racing Task Force that was formed two years ago. I might add that when I was first appointed to that task force and in the first

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meeting, I realized that there were people there who represented the track, track owners and there were those who represented the horsemen and I considered myself being one of those individuals who represented the better. Only to learn that the better really was not sitting at that room or his issues were really being considered. And so being the underdog that I am, I decided to side up with the horsemen. And I, too, fought for this particular issue, the recapture issue along with the other issues on behalf of the horsemen and there was lots of negotiations that took place during that... during those meetings. The agreed upon Bill that was voted upon two years ago was a Bill that was reached in agreement by both parties and in most... like most agreements, when you leave the meeting everyone is not happy because they don't get everything they want. I think that Representative Kubik is absolutely right, that the way to resolve this issue and any further issues dealing with the two parties concerned is to reconvene the task force and at that time bring out, not only this issue of the recapture, but I think this whole issue of gambling, the expansion of riverboats, the introduction of land based casinos, all those variables need to be considered and I think... at that time in a task force is the proper place for us to make those decisions, and for that reason that I reluctantly rise to oppose this particular Bill. Thank you."

Speaker Hannig: "Representative Woolard to close."

Woolard: "Ladies and Gentlemen of the Body, let me state a couple of things that I want each and every one of you to know about this issue. First and foremost, I was one of the Sponsors of the legislation two years ago. I worked very closely with Jack Kubik. Representative Kubik was a great

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leader on this issue. There were many things that were concerning to each and every one of us as we proceeded. There were many of us that recognized that there was things that we wanted that weren't there. But let me tell you what's happened this year. I have been asking for the last two weeks to have an audience with the Governor on this issue. Because I believe as has been stated by Representative Kubik and Representative Turner, Ryder, and others, that the issue should be resolved in negotiations. That all parties should be at the table. But there is only one person that lead the charge in resolving the issue before us. We're going to have to do something drastic to ensure that we have a viable industry in this state. That we have racetracks, that we have an industry, that we have breeders and trainers and owners, riders and jockeys, and all of those other people that are in this related industry. The only way that we can have a chance to survive is to continue with the discussion. I plead with you tonight to give us a favorable Roll Call so that when this is sent to the Senate, the discussion will continue. In my opinion the farming, the agri-business side of this industry is going to dry up. It's going to fold and the reason that it is, is because they don't have near enough dollars in the industry, in the pots today to make it worth their while. As we stand here today, some of the greatest trainers, Anthony Morgan, one of the best in the business, is headed for Indiana to run and he has been the leading horseman in the State of Illinois for the last several years. Indiana which has no justification or reason to have more money in their pot than we do in the State of Illinois. Our agri-business industry should be the top of the line. There's no reason for us to be second to anyone.

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The only way that we can make a difference is for us to get together and discuss what's good for the racing industry, all parties concerned; tracks, owners, riders, drivers, trainers, everybody. I say, support an important industry in our state. 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 52 voting 'yes', and 62 voting 'no'. Did the Gentleman request postponed? He does not. So this Bill, having failed to receive a Constitutional Majority, is hereby declared lost. House Bill 1111. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1111, a Bill for an Act regarding trust relationships in the construction industry. Third Reading of this House Bill."

Speaker Hannig: "Representative Leitch."

Leitch: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1111 addresses an issue that's been worked on at least for the last three years and I believe finally an agreement has been reached between the contractors, the specialty contractors, the home builders and others with respect to a problem that has occurred with paying these contractors for business that they... subcontractors for business that they have performed. Under this, this Bill amends the Mechanic Liens Act and it requires that when a lien waiver has been issued that the contractor put this money aside designated in an account and that it be so designated until that lien waiver is released. I think it's a good Bill. It is prompted more urgently this year by virtue of a court decision in the

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southern district where a contractor went broke and as a result of not having these funds available, the IRS stepped in ahead of them and the small guys were wiped out. So, this is a good Bill to protect the smaller contractors and to have fairness in the system and I would ask for an 'aye' vote."

Speaker Hannig: "The Gentleman has moved for passage of House Bill 1111. And on that question, the Gentleman from Cook, Representative Dart."

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

Speaker Hannig: "He indicates he will."

Dart: "Dave, just to clarify. I mentioned this last time when you amended it. There was originally some opposition based on the fact that it was going to impact, originally just the one contractor. All that has been clarified now and it has been straighten out?"

Leitch: "Yes. To my knowledge all the parties... I held the Bill because of this conflict. We put on the Amendment that I believe satisfies all the party and I now know of no opposition."

Dart: "Great. Thank's, Dave."

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

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

Speaker Hannig: "He indicates he will."

Black: "Representative, there's nothing more complicated than the Mechanics Lien Act. I want to make sure that what we're doing here... I know at one time the Home Builders... Illinois Home Builders had expressed their opposition to the Bill. As amended, have they removed their opposition?"

Leitch: "Yes."

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Black: "And the Amendment does not do anything to destroy what you and I would know as my rights under the Mechanics Lien Act?"

Leitch: "No, not at all. What it does is address the issue of payment and it protects the smaller subcontractors because the large contractors required to set aside the funds to the extent there has been an unresolved lien waiver."

Black: "And it doesn't change anybody's position as to who's first position or second position, whose lien is advanced, whose lien... that all remains the same?"

Leitch: "Actually the reason for the Bill is because the court decision put the IRS ahead of the small guys. So, this restores the small guys ahead of the IRS in the event of a bankruptcy."

Black: "A very compelling sentence and argument for your Bill. Thank you, Representative."

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

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

Speaker Hannig: "He indicates he will."

Mulligan: "Representative Leitch, I see by the Bill that you can commingle the funds and I could understand this particularly for a small company. But how would you determine what's first in money or first out if you wanted to pay someone?"

Leitch: "There is supposed to be a designation that addresses the amount of money that is owed the subcontractor and designated as such in a trust fund that would be included in the accounts of the contractor."

Mulligan: "So, they could put all the money together but you would still have to designate by a chart of accounts or something, whose money was in..."

Leitch: "It's designed that way because previously the last

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couple of years the configuration and the proposals to resolve this problem have become extremely complicated and in the end they broke down and everybody gave up and said they didn't work. So, what this represents is a simplification of that process which the parties believe has the clarity to get it accomplished and have a simple process that will protect the small subcontractors."

Mulligan: "So, everyone is in agreement now with this Amendment?"

Leitch: "Yes."

Mulligan: "Thank you."

Speaker Hannig: "Representative Cross. The Gentleman from Kendall, Representative Cross. Are you seeking recognition? Apparently, Representative Cross is not seeking recognition. Representative Leitch to close."

Leitch: "I would ask for your support. 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 117 voting 'yes', and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, Committee Reports."

Clerk Bolin: "Representative Currie, Chairman from the Committee on Rules to which the following Bills, Resolutions and Amendments were referred, action taken on April 23, 1997, reported the same back with the following recommendations: 'Be adopted', Floor Amendment #1 to House Bill 410, Floor Amendment #4 to House Bill 626, Floor Amendment #1 to House Bill 1088, Floor Amendment #2 to House Bill 1214, Floor Amendment #3 to House Bill 1407."

Speaker Hannig: "Mr. Clerk, read House Bill 999."

Clerk Bolin: "House Bill 999, a Bill for an Act to amend the

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Illinois Income Tax Act. Third Reading of this House Bill."

Speaker Hannig: "Representative McCarthy."

McCarthy: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise today to present House Bill 999. Like many of you, I came to Springfield to try and make our place a better place to be. I firmly believe that House Bill 999 will help in leading Illinois toward that goal. I am very proud to have the illustrious group of Cosponsors who have joined me in this pursuit. As you can see from the board, I have both the Republican Leader and a Democratic Leader up there. I would also like to thank Representative Wojcik and Representative Madigan for putting their name up there, as well. My other Cosponsors include Representatives Tom Johnson, Bob Biggins, Ed Acevedo, Edgar Lopez, Bob Bergman, Anne Zickus, Mary Lou Cowlshaw, Tom Dart, Eileen Lyons, Kurt Granberg, Dan Burke, and Rich Bradley. I mention them because I think they deserve recognition for taking a strong position on a controversial issue and I commend them for stepping up. This Bill would allow Illinois families who are spending more than \$250 in the K-12 education of their children to earn a tax credit. The tax credit would be calculated by taking 25% of the qualified educational expenses, over \$250, with a maximum credit of \$500. The qualified education expenses are defined as tuition, book fees and lab fees. In order to qualify for the full \$500 credit, a family would have to incur educational expenses of \$2,250. Every year the options for the children of our state, when it comes to K-12 education, are reduced. Schools that once educated thousands of our children are no longer in operation. These private schools, along with our public schools, were partners in educating our citizenry

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and helping us achieve the high standard of living that we enjoy in our country today. We, as Legislators, cannot afford to sit back and do nothing, and wait until that option is no longer available to the next generation of students in our state. And let's not fool ourselves, the children who are most in need of a choice are the ones who are losing it now and will continue to be the ones who will lose it in the near future. Last week in the papers we saw about Saint Martin DePorres. A year ago we heard about Saint Stephen in the Pilsen area. The year before that we heard of Peace Lutheran in the Brighton Park area. History has taught us that monopolies should be avoided whenever possible and this Bill will help avoid a monopoly that could develop with our most precious asset, our children, and our most important responsibility, their education. Our friends in the public schools will try to persuade you that this is anti-public. Nothing can be farther from the truth. What they must understand is that this is pro-education and it is very easy to be both, pro-public and pro-private. While I was president of my parish's school board, I openly supported both tax referendums for my local school board. I did so because they justified the need for the funds, and I wanted all of our schools in the area to be the best they could be. I have always believed that you should be good to those who are good to you. I find it disheartening that when these people who have helped us for so long, come and ask for a little assistance; those who have been receiving the benefits from these hard-working taxpayers are the first to jump in opposition. Please don't let those with their own self-interests convince you in any way that House Bill 999 is anything but pro-education. Finally, a thought on

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property taxes. In this age of ever-increasing property taxes, the investment these families have made is the one sure thing that has helped curtail this anti-housing, anti-senior, anti-young family, anti-business tax. Anything we do to help secure the existence of these schools will help in reducing our property taxes and help in the total education of all the children in the state. It will also help our public schools by reducing the burden they have and reducing their numbers. This is especially true in tax cap counties like my own and tax cap counties now have more than a majority of all the students in our state. I urge you to vote 'aye' on House Bill 999. I would hope that we will ask ourselves, not whether we can afford to do this, but whether we can afford not to do this. Thank you and I'll be available for any questions."

Speaker Hannig: "The Gentleman has moved for passage of House Bill 999. And on that question Representative Mulligan is recognized."

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

Speaker Hannig: "He indicates he will."

Mulligan: "Representative McCarthy, how much do you think this is going to cost?"

McCarthy: "We have a Fiscal Note from the Department of Revenue that says it's indeterminable. Because we weren't happy with that result, we asked the staff to work on it and we've come up with a number of \$69 million. They told us to be safe, but they think it might be under that. But I should say between 60 and 75 million."

Mulligan: "I notice in your Bill it goes up to age 21. But it's only 21... a child who's 21, or a young person who's 21, that's finishing 12th grade, not college. Correct?"

McCarthy: "Correct. It's only for K-12 education."

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Mulligan: "Is it silent as to who gets the deduction if the parents are divorced, or someone has that child as a custodian, in a custodial..."

McCarthy: "It does say that the custodian of the child would get the credit."

Mulligan: "All right. So what if parents have an agreement in a divorce that the mother's custodial but the father gets the credits. Would it then the tax deduction go to the parent that is actually paying?"

McCarthy: "I would think it would be whatever the court decree would declare."

Mulligan: "Okay, so it would be negotiable along with your divorce settlement if that were the case."

McCarthy: "I'm sure it would be."

Mulligan: "I'm very interested in supporting this. I don't usually like to support vouchers. Particularly with the programs that we've had, the voucher programs that we've had would require public schools to keep those spaces open, whether a parent moves their child back and forth. But this seems to be a direct amount to someone that has made that choice and would make that choice periodically from year to year, but would not require public schools to keep this open. I'm just concerned as to the 60 to, what did you say, 65 or 70?"

McCarthy: "Sixty to 75."

Mulligan: "Million dollars loss of revenue in a year when we're discussing education. I'd like to support this, but I think it's a big loss of revenue."

McCarthy: "I understand that. I have your concern too. But we've also seen school after school close down. We're now at 320 thousand children in our state K to 12 who attend private schools and the estimate at our current average for

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public school education, we'd be adding a \$2 billion payroll to our public education fund if these 325 thousand students decided to go there. So, I think we have a much better chance of helping these people by giving them some incentive through a tax credit, which has been found constitutional in both of the states where it was questioned already, Iowa and Minnesota. And I think by giving this incentive maybe they will stay open a little bit longer than they have been staying open and reducing the burden on our public schools and saving us money in the long run."

Mulligan: "Wouldn't it be more reasonable to give a deduction rather than a credit, financially, as far a burden for the state? I mean, I would think a deduction would have a better chance of passing both bodies than a credit would, which is a lot more money."

McCarthy: "Well, I think tax credits would be more meaningful to these parents who are making sacrifices already. And I think that because they've been found constitutional already in other states, it was a safer constitutional way to go than working through a tax deduction."

Mulligan: "Thank you."

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

Lang: "Thank you, Mr. Speaker, Ladies and Gentleman. Nobody who would vote against this Bill disputes the fact that private schools are very valuable in the State of Illinois. In my district I have many Catholic private schools, many Jewish private schools, Lutheran private schools, other ethnic groups have private schools and they are very important in my community. And many have come to me from those schools and said, 'Why aren't you for this kind of approach?' And I will tell you what I tell them and what I've told the

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Sponsor, who has got nothing but good intentions and who I have the greatest respect for. In my view, Ladies and Gentlemen, firstly, we have an issue here of church and state. Now, I know the Sponsor will tell you that the court, the Supreme Court might possibly approve this kind of approach, but this isn't just, will the Supreme Court approve it? We are public policymakers. It is up to us to decide what is right and wrong for the State of Illinois. And, Ladies and Gentlemen, it is my view that when you put public tax money, even though it's in the form of tax credits, it's coming out of GRF. When you put public tax money into private schools, you're starting down that slippery slope of mixing church and state together. Our society is based partly on a separation of those. That's one of the reasons people came here from England hundreds of years ago, to get away from the mixing of church and state. In addition, and perhaps more important, is what our view of public education should be. And, Ladies and Gentlemen, anything we do that diminishes public education in the State of Illinois is not what we should be about. The Sponsor will say, 'Well, these kids will out of the schools and there will be less kids,' but there will also be less funding. And, perhaps, most important, when you take these children out of public schools and encourage them to go to private schools, history has shown us in areas that have allowed this, that what you do is take the best and brightest out of the public school system and move them to private schools. And then what you have left in the public school system is not a full range of type of student, but a lessening of the general quality of student because the best and brightest have left. And then, Ladies and Gentlemen, what will the middle students and the lower

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students use to learn from? We know that students learn from other students. They sometimes learn things they shouldn't learn, but they oftentimes learn what school is all about. They oftentimes learn how school is and what's important about school. And they learn from students who might be above them or below them, in terms of education and what they get out of school. And when we take some people out of our public schools from certain ethnic groups, certain religions, certain cultural groups, we steal from the children who are left in our public schools, what they could learn about these other people, about these other religions, and about these other cultures. We should be about the business in this chamber, of enhancing the quality of public education, not giving people excuses and reasons, and back doors to take their children out of public education. Now, if people want to do that, they should go ahead and do that. I have no problem with that at all. And as I've said, in my community thousands of children go to private schools. But, Ladies and Gentlemen, to take from our GRF, to give it to private schools is taking our public tax money and giving it to private schools. And whether you make it a tax credit and just take it off of an individual taxpayer's tax return, or whether you give it directly to the private schools is exactly the same thing. It's GRF going to private schools. It's wrong because of church and state, but more important, it's wrong for the education of our children because we need to expand the value of public schools, not diminish from them. This Bill will do that and I would recommend 'no' votes."

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

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Ryder: "Thank you, Mr. Speaker. I admire the Sponsor of the Bill for what he's doing. I strongly believe that he's very sincere in that. And to your seatmate, the offer of a trade is still available. We can discuss that at a later date. Unfortunately, Representative, I'm unable to support your measure that comes before us at this time for a couple of reasons that I deem to be important. Whether we pay a credit or a voucher, or use another devise to have public funds of the State of Illinois finance, in some way, whether it be directly, indirectly, such as your Bill asks or in other ways, the bottom line is that we're taking from one area and giving to another. When you do that it diminishes our ability to take the responsibilities of State Government for which we were formed. I've not supported vouchers in the past for the reasons that I believe if vouchers were to come about, that the strings that would go with those vouchers, that the direct public funding of private or parochial schools would ultimately lead to a denigration of the quality of education that they provide, which I think is excellent. That one of the basis for which private schools exist is that students wish to go there. They are not forced to go there, they wish to go there because of the discipline, the curriculum, and their parents make sacrifices in order for those children to be there. And the very real threat that private or parochial schools have, which is to say, we can ask the student to leave, something that a public school does not have, or that is hugely important in the success of parochial schools throughout the State of Illinois. For that reason and for the reason that indirectly your Bill takes money out of the State Treasury. It stops money from coming into the State Treasury, the amount of which is unknown, but, I

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think as reasonable people, we would agree that the amount of money would be considerable. And therefore, that money is not available to do that which the State of Illinois is required to do. That money comes out, the majority of the money that is raised by income tax goes into the General Revenue Fund which finds its way into education. We would be taking from one form of public education to fund another form of private education. That is not what the state was created to do. If we were meeting our obligations to public education, and we are not, then that which you propose may very well receive a different result, or at least, perhaps, from this Legislator it might. But we're not meeting that public obligation. We are not doing what's right for those students in public education. And to now take funds from that in the form of the credit that you propose, is not within the appropriate bounds of what State Government is and should be about. I admire parochial schools and public schools in my district. I compliment them, they do a wonderful job. And were it within my ability as a Legislator to be assisting to that, I would try to do so. But unfortunately, you have proposed an arrangement that simply takes from some to give to the other and I cannot be supportive of that. I admire that which you do, but in this situation, Sir, I'm afraid that I cannot be supportive, and I ask my fellow Legislators to join with me in our opposition. Thank you, Mr. Speaker."

Speaker Hannig: "The Gentleman from Cook, Representative Art Turner."

Turner, A.: "Thank you, Mr. Speaker. Will the Gentleman yield?"

Speaker Hannig: "He indicates he will."

Turner, A.: "Representative, I have a question concerning students that are in private schools, who may be there, and

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their tuition is covered based upon financial need, either through scholarship or through some sort of financial aid. If, in fact, their parents are not paying for their child to go to school, would they still be eligible for this credit?"

McCarthy: "They would be eligible up to the amount of money that they spend out of their own budget. Any money that's covered through scholarship or something, because they didn't make that expenditure, they wouldn't get credit for it."

Turner, A.: "So in a case... I understand the situation where there is financial need. In a situation where a kid has an academic scholarship, I'm not so certain that the same rationale, in other words, in this case we're punishing the kid who's coming in because academically he qualifies for another... but I know that's not your intent here with the legislation."

McCarthy: "Well, I would say that if that child is going on an academic scholarship, and his classmates are paying 3 and 4 and \$5 thousand for being in the same seat, he's already getting quite a benefit already. And the fact that he won't get the tax credit will be the least of his problems."

Turner, A.: "My reluctance to support this Bill, and I should go on record by stating that I do have a child in private school, so my wife is probably, when she finds out how I'm voting on this Bill, is going to look at me like I'm crazy. But my reluctance to supporting this legislation is similar to the statements that you've heard earlier from the previous speakers. Last year, I guess, the Ikenberry Commission, I know that there were 16 or more members on the Ikenberry Commission when we were studying this

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question of education funding. In my 17 years here we've been talking about dealing and addressing this whole question of education shortfalls on the part of State Government every year for the last 17 years, and we've done nothing. I know this year we've got a group of eight that's meeting, and the discussion in all newspapers editorials would lead us to believe that we are going to do something to address education funding this year. I am a little reluctant to vote to do something for private and parochial schools, and the question of public schools has not been addressed. In fact, I think that this is an issue that, probably very well, should be incorporated into the talks that's going on in the room of eight, currently. And I don't know how or what it takes to get it into that room, but I would think that this would be a... especially if we're talking about reform. So they're not only dealing with funding, but they're dealing with reform. And I think if we're dealing with funding, we're dealing with reform. But this is very well an issue that should come in under the reform part of their discussion. But because of the fact that we have not resolved the public education question, which may leave some hope for you, and that is that if in fact we take care of that this year, and if this Bill were to come back next year, I certainly could support it. But because of our reluctance to this point, to have addressed that situation of public school funding and its shortfall, at this particular point I cannot readily support this legislation."

McCarthy: "I respect the speaker's comments. And I'd only say that in the 17 years that he's been there..."

Speaker Hannig: "Mr. McCarthy, that was not a question. So you'll get a chance to close at the end. Okay."

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Representative Wojcik is recognized."

Wojcik: "Thank you, Mr. Speaker and Members of the House. I think we really have to look at what the issue is regarding this wonderful piece of legislation. You know, I think that when you look at the City of Chicago, the Catholic school system is the 11th largest right now. A lot of the schools are looking at closing. We've talked about Saint Martin's High School, and they've already recently announced they're going to be closing in June. Other schools are on the ropes. You think we have problems now, there's going to be a lot more problems in the future. And then we're going to say, what can we do, and how can we help? I think we have to stop worrying about public education and start worrying about the educated public."

Speaker Hannig: "The Gentleman from Cook (Sic-Vermilion), Representative Black."

Black: "Mr. Speaker, for a downstater you've insulted me, Sir. The Gentleman from Cook?"

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

Black: "Well, that's all right. I'll live in Cook if I can live near Wrigley Field. By the way, they won again today. Will the Sponsor yield?"

Speaker Hannig: "He indicates he will."

Black: "Thank you. Where is he? Oh, there he is. Excuse me, Mr. Chief Clerk. Mr. Chief Clerk of the House, could you take your Caucus in the back there? I'd like to look at the Sponsor. Thank you. Thank you very much. Thank you. Representative, the only question, and forgive me if it's been asked, but I could not hear most of the debate. I think a legitimate question has been raised by people in my district as to whether or not a phenomena that seems to

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grow every year is covered by your Bill and that's home schoolers? And I don't know. I've read through it and I don't know whether they're included or not."

McCarthy: "We have some discussion here about that."

Black: "I was going to say, you have a complete law firm there."

McCarthy: "I talked to the Illinois State Board of Education yesterday, and they had told me about a case that came all the way back from the 50's, that according to their interpretation of it, would qualify for them. Now, I said it, of course they don't charge tuition to their own children, so it would have to be through educational expenses only. And then for the amount that they incur over \$250, as far as my reading of the Bill, they would be eligible for the 25% credit."

Black: "Okay. So it's fair to say that the Bill is silent, but that you think for legislative intent that it would probably cover that, if they were buying books or even a computer?"

McCarthy: "Yeah. Or buy a curriculum, or whatever."

Black: "Okay."

McCarthy: "As long as it can be seen as an educational expense and..."

Black: "Okay. Are you surrounded by the members of your firm, there? Or what is that triumvirate?"

McCarthy: "I was going to ask you who these people are, there, Representative Black."

Black: "Oh, all right. Thank you, Representative."

Speaker Hannig: "Representative Mautino."

Mautino: "Thank you, Mr. Speaker. I move the previous question."

Speaker Hannig: "The Gentleman moves the previous question. The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and

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Representative McCarthy to close."

McCarthy: "Thank you, Mr. Speaker. I'd just like to say that some of the previous speakers have mentioned things that have happened in the last number of years that they've been here, and I would remind them that the options in their community have also decreased during those years, and these are very viable options that are needed. This is a partnership, this is not a we versus them. We need every one of our schools in the state educating as many kids as we can, as best as we can. We can't face the fact that we haven't done a great enough job funding our public schools to date, and we talk about waiting until that's over. Well, if we wait until it's over, the horses will be out of the corral. I think it's time that we do something to ensure the existence of these private schools, these are property taxpayers, these are income taxpayers, many, many people who we are going to be coming to in the next few weeks or months, presumably, with another income tax increase. Let's make them part of the system. Let's make them feel that they have a full stake in it, and let's show that they are people that we care about and people that we think are worthy of a good education, as well as our public schools. This is in no way a detriment to public school funding in the state. 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? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 61 voting 'yes', 50 voting 'no' and 1 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 646."

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Clerk Bolin: "House Bill 646, a Bill for an Act to amend the Emergency Telephone System Act. Third Reading of this House Bill."

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

Woolard: "Yes, Mr. Speaker, on the previous Bill I accidentally cast my vote in the wrong direction. I intended it to be a 'no'."

Speaker Hannig: "The record will show, reflect your intentions. Representative Cross."

Cross: "Thank you, Mr. Speaker, this Bill in its present form I believe is what is commonly known as a Shell Bill or Vehicle Bill and it deals with the whole issue of 911, specifically the issue of cellular 911. Representative Brunsvold and I, actually, I believe Representative Black have a 911 meeting tomorrow morning with all of the interested parties. We are going to attempt to resolve this. Maybe we will, maybe we won't. I appreciate Representative Brunsvold working with me and giving me the opportunity to work with him. I would appreciate a 'yes' vote. I think this is a Bill that all of us are going to at least try to come to some resolution on it. The law enforcement community supports it as do the 911 boards and I would be glad to answer any questions."

Speaker Hannig: "Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I stand in support of Mr. Cross's motion for the passage of this Bill. The Federal Government has put down some mandates regarding cellular 911 and we're in the process now of meeting and trying to come to some agreement. And Mr. Cross and I will work towards that agreement and pass this Bill only in the Senate if we do

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have that agreement."

Speaker Hannig: "Representative Hartke."

Hartke: "Yes, I have a single question. Will the Sponsor yield?"

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

Hartke: "Representative Cross, is this the only Shell Bill that we have out there for 911 language?"

Cross: "I believe it is. I'm looking at Representative Brunsvold. There might have been another one. But is that... I don't think we're going to move that one, Joel? This would be the only one we have left. I had one that died in committee. So this is it."

Hartke: "As well it should. Okay, we'll support the Bill."

Cross: "Thank you, now if I can get our side to support it."

Speaker Hannig: "Representative McGuire."

McGuire: "Mr. Speaker, I was away from my seat and I want to be recorded as 'aye' on 999."

Speaker Hannig: "The record will so reflect your intentions to have voted on that Bill. Representative Cross, to close."

Cross: "Someone just cut in, or someone asked me if this had anything to do with the hands free phone. It has absolutely nothing to do with that at all. All we're going to attempt to do is deal with the cost of running an enhanced 911 throughout the state and the surcharge on cellular phones. It has nothing to do with whatever you call those, hands free, thank you."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 102 voting 'yes', 13 voting 'no' and 1 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed."

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Representative Tim Johnson, for what reason do you rise?"

Johnson, Tim: "Would the record reflect that it was my intention to vote 'yes' on House Bill 1039? And I ask that the record so reflect."

Speaker Hannig: "Yes, the record will reflect your intention to have voted that way, Representative. Mr. Clerk, read House Bill 1414."

Clerk Bolin: "House Bill 1414, a Bill for an act in relation to taxes. Third Reading of this House Bill."

Speaker Hannig: "Representative Moore."

Moore, E.: "Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1414 changes the taxable base for pull tabs and jar games, bingo, charitable games, by redefining gross proceeds to exclude all amounts awarded as prizes. This change brings the taxable base for these charitable games closer in line with the taxable base for commercial businesses by taxing only the portion of receipts which the charity conducting the game gets to keep. This Bill will make the tax system more fair to charities and at the same time allow charities to keep a little bit more of the proceeds from these games. I submit to any questions, basically."

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

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

Speaker Hannig: "He indicates he will."

Black: "Representative, the Fiscal Note that was filed on this Bill indicates that this will result in about a \$4.2 million loss to the Common School Fund and a \$2.1 million loss to the Mental Health Fund and a General Revenue Fund loss of \$7.8 million. Do you agree or disagree with that

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fiscal statement?"

Moore, E.: "Based on the analysis that I received, I also agree with that impact that you've just stated."

Black: "Okay, thank you very much."

Moore, E.: "Yes."

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

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

Speaker Hannig: "He indicates he will."

Hoeft: "Actually this is a statement to all those in the chamber. We are taking more and more money out of the Common School Fund, that last Bill 999, for everyone of us, and I did vote 'yes', that is going to take every bit of the Governor's budget out of the educational system in this state. If we continue to raid the educational budget, I hope that everyone in this chamber who voted 'yes', will also vote to find the funds to replenish that. Our normal procedure here is to vote 'yes' for the enhancements and 'no' for the appropriations. We've got to stop and think of what we're doing. Are we going to find the taxes to replenish these Bills? That's my question to all of you."

Speaker Hannig: "Is there any further discussion? Seeing none, Representative Moore to close."

Moore, E.: "Yes, on this particular Bill, I just ask for a 'favorable' vote. Thank you very much, Ladies and Gentlemen of the House."

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 vote who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 52 voting 'yes', and 62 voting 'no'. Does the Gentleman request Postponed

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Consideration?"

Moore, E.: "Yes."

Speaker Hannig: "The Gentleman request Postponed, so ordered.
Representative Shirley Jones, for what reason do you rise?"

Jones, S.: "Could you tell me why the Speaker is not voting on
this Bill?"

Speaker Hannig: "Mr. Clerk, read House Bill 2109."

Clerk Bolin: "House Bill 2109, a Bill for an Act concerning
support services. Third Reading of this House Bill."

Speaker Hannig: "Representative Krause."

Krause: "Thank you, Mr. Speaker, Ladies and Gentlemen of the
House. House Bill 2109 permits the Department of Human
Services to use grant funds for community services to
persons with mental illnesses and developmental
disabilities in order to provide home based support
services to those persons with the disabilities who leave
the special ed programs because of their age. Basic
educational services are often not available to those
students who age out of special education. And the
implementation of the grants would be by the discretion of
the department. I would be pleased to answer any
questions."

Speaker Hannig: "Is there any discussion? The Lady from Cook,
Representative Jones."

Jones, S.: "Yes, Mr. Speaker, I asked you a question. Now, the
last two Bills he did not vote on. Did he go home or what
happened? I don't know."

Speaker Hannig: "Representative, the Chair has been instructed to
not to vote Speaker Madigan, and so the Chair did not vote
Speaker Madigan. So, returning to this order of business.
House Bill 2109, is there any discussion? Seeing none, the
question is, 'Shall this Bill pass?' All in favor vote

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'aye'; opposed vote '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 116 voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1574."

Clerk Bolin: "House Bill 1574, a Bill for and Act to amend the Civil Administrative Code of Illinois. Third Reading of this House Bill."

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

Turner, A.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Yeah, we'd appreciate an 'aye' vote. House Bill 1574 is part of a package that I got from the Chicago Association of Neighborhood Development Organizations. Better known as CANDO and the Chicago Job Council. And their primary focus this Session has been dealing with linking job training and economic development demonstration projects, especially as we look at this whole issue of welfare reform. In particular House Bill 1574. What it does is it creates a strategic development fund. And that is a DCCA Grant Program for CANDO to organize groups of businesses to work together on a corporative development project that will equally benefit all participants by providing matching funds to industrial and/or regional business groups for the purpose of addressing common needs such as job training, marketing and exporting projects. And I move for the adoption of House Bill 1574."

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 indicates he will."

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Black: "Representative, with House Amendment #1 the Bill becomes permissive in nature. Is that correct?"

Turner, A.: "That's correct, Representative."

Black: "And as such there's no Fiscal Note on the Bill and I believe the department has no objection to the Bill in this form?"

Turner, A.: "None that I'm aware of, Representative."

Black: "Thank you."

Speaker Hannig: "Is there any further discussion? Seeing none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote '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 'aye', 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. We're going to move some Bills from Second Reading to Third. Mr. Clerk, what is the status of House Bill 2060? Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2060, a Bill for an Act to amend the Illinois Municipal Code. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments have been approved for consideration. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 1271."

Clerk Bolin: "House Bill 1271, a Bill for an Act to create the Dry cleaner Environmental Response Trust Fund Act. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 957."

Clerk Bolin: "House Bill 957. The Bill has been read a second time, previously. Floor Amendment #2, offered by

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Representative Giles, has been approved for consideration."

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

Giles: "Yes, Mr. Speaker, I believe Amendment #2 is to be taken off. I think there's a third Amendment."

Speaker Hannig: "The Amendment is withdrawn. Any further Amendments?"

Clerk Bolin: "Floor Amendment #3, offered by Representative Giles, has been approved for consideration."

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

Giles: "Thank you, Mr. Speaker. Amendment #3 to House Bill 957, basically is technical language which sort of defines certain terminologies, imminent risk, and also what the Bill, the Amendment does is require at least five to seven members of the Lifesaver Advisory Council to be personally involved in the... providing services to the homeless family. This is a homeless initiative, a lifesaver initiative and I would ask for the adoption of this Amendment."

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

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

Speaker Hannig: "He indicates he will."

Black: "Representative, you initially portrayed House Amendment #3 as technical, then I think you changed it. It's a substantive Amendment wouldn't you agree? It does a number of things."

Giles: "That's correct, I'm sorry. I meant to say the Amendment #3 will become the Bill."

Black: "Let me just ask you, basically, what our staff has indicated the Amendment does. The Amendment establishes the lifesaver program, correct?"

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Giles: "That's correct."

Black: "And what it does is to require that welfare benefits be continued for those who are homeless due to welfare reform, basically."

Giles: "That's part of it."

Black: "Okay. Now, how are we proposing this would be paid for?"

Giles: "Well, if you read the entire legislation this is permissive legislation. I know that the Department of Public Aid has some concerns about the impact of the Amendment, but at this time they surely do not know what the impact will be. The Department of DCCA, this will be minimal impact on the Department of DCCA. I think right now they do not know what the impact will be, but it will be minimal."

Black: "There's a procedure in the Amendment that says, we create the Lifesaver Advocate General and there's an Advocate General will be placed in every Department of Human Services local office. I thought that was supposed to be regional office. Because there's only seven of those, but there's about 150 local offices. Am I looking at the wrong information or..."

Giles: "Representative, I believe so. I think it just place local generals just within the seven offices, I believe."

Black: "All right. Thank you very much, Representative. Mr. Speaker, to the Amendment if I could. We would like to request a Roll Call on Amendment #3 to House Bill 957. The Sponsor is certainly well-intended and none of us as we stand here know just exactly what federal welfare reform is going to do to the states. I... you know, I was a little surprised when President Clinton signed it, but he did so and we'll have to move forward to implement the Democrat Party Welfare Reform Package. So we're going to do the

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best we can. But this Bill has, or this Amendment, excuse me, creates an Advocate General that I think the Sponsor intends to go into every regional office and this individual can enjoin the Department of Public Aid from imposing any sanction on a recipient who refuses to cooperate. And that basic lack of cooperation is what the Federal Government says, you have to move toward employment. So, if you have a person who says, 'I don't want to do that, I can't do that, I don't feel like doing that, or I don't want to work at X, Y, or Z,' then that Advocate General could enjoin the department from imposing any sanction on that individual. Now that makes the Federal Welfare Reform Package somewhat moot at that point, because if one person can be excused through the actions of this Advocate General, my guess is that several others will say 'Hey, I don't want to do it either.' So, I don't think I have any intention of complying. I think while the Sponsor is very well-intended and what he is attempting to do, is to make sure we have a safety net, I think this goes far beyond the concept of a safety net. I would urge my colleagues on both sides of the aisle, to look at this very very carefully. It has implications that I'm not sure we can even meet under the Federal Welfare Reform Law. Again, Mr. Speaker, I would urge a 'no' vote and would ask that if the Amendment receives the requisite number, even though it would only be a majority of those voting, I reserve the right to ask for verification. Thank you."

Speaker Hannig: "You're within your rights and you will be honored, Representative Black. Representative Giles."

Giles: "Yes, Thank you, Mr. Speaker. What this Amendment actually does, what the real intent is to prevent the perpetuation of homelessness throughout the State of

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Illinois. And what this Amendment also does is to bring light on this issue. That's basically what it is. It's not a mandate, it's permissive language throughout the Bill, throughout all sections of the Bill. And on that note, Mr. Speaker, because the Sponsor, I hope he doesn't have anything against homelessness persons throughout the State of Illinois and with that, Mr. Speaker, I would take the Bill out of the record."

Speaker Hannig: "Thank you, Representative. Mr. Clerk, read House Bill 1746."

Clerk Rossi: "House Bill 1746, a Bill for Act to amend the Illinois Vehicle Code. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Acevedo, has been approved for consideration."

Speaker Hannig: "Representative Acevedo."

Acevedo: "Mr. Speaker and Ladies and Gentlemen of the House. I ask that... this Amendment is in response to a request from Republican Committee Members. One, limiting this program to the City of Chicago. Two, this program would only be used in the result involving a motor vehicle accident, leaving the scene of a motor vehicle accident or reckless driving that results in bodily harm. I ask that this Amendment be adopted."

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

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

Speaker Hannig: "He indicates he will."

Black: "Representative, Amendment #1 makes this Bill only enforceable in the City of Chicago. Correct?"

Acevedo: "Yes."

Black: "All right. And just very briefly, this has to do with a

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camera taking pictures of a vehicle that would go through a red light."

Acevedo: "Yes. Only in the cases of a traffic accident."

Black: "Okay. And do you intend to add Amendment #2, as well?"

Acevedo: "Yes, I will."

Black: "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: "Floor Amendment #2, offered by Representative Acevedo."

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

Acevedo: "Yes, Mr. Speaker. Amendment #2, adds into a request by Representative Black that this program would be only by the prosecutor's discretion. And I ask that this Amendment be adopted."

Speaker Hannig: "Is there any discussion? The Gentleman from Cook, Representative Bugielski. 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. Mr. Clerk, read House Bill 62. (House Bill) 62."

Clerk Rossi: "House Bill 62. 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 Flowers, has been approved for consideration."

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

Flowers: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #2 becomes the Bill and it makes

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some changes. Amendment #2 creates a statewide listing of available adoptive placement and substitute care throughout the state, and it provides for the recruitment of foster parents and adoptive families. And I will be more than happy to answer any questions that you may have in regards to Amendment #2."

Speaker Hannig: "Is there any discussion? The Gentleman from Vermilion is recognized."

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

Speaker Hannig: "She indicates she will."

Black: "Representative, Amendment #2 becomes the Bill, correct?"

Flowers: "Yes."

Black: "Would it be your intention to adopt the Amendment tonight, run the Bill maybe tomorrow?"

Flowers: "Yes."

Black: "We'd just like a little time to look at the Amendment, that's all."

Flowers: "Sure. Not a problem."

Black: "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. Mr. Clerk, what is the status of House Bill 1460?"

Clerk Rossi: "House Bill 1460 is on the Order of House Bills - Third Reading."

Speaker Hannig: "Return that Bill to Second Reading. Mr. Clerk, what is the status of House Bill 1122?"

Clerk Rossi: "House Bill 1122 is on the Order of House Bills - Third Reading."

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Speaker Hannig: "Mr. Clerk, return that Bill to Second Reading.

Mr. Clerk, what is the status of House Bill 826?"

Clerk Rossi: "House Bill 826 is on the Order of House Bills -
Third Reading."

Speaker Hannig: "Return that Bill to the Order of House Bills,
Second Reading. Mr. Clerk, read House Bill 61."

Clerk Rossi: "House Bill 61..."

Speaker Hannig: "Mr. Clerk, return this Bill to Second Reading.
Mr. Clerk, are there any Amendments pending on this Bill?"

Clerk Rossi: "Floor Amendment #6, offered by Representative Dart
has been approved for consideration."

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

Dart: "Thank you, Mr. Speaker. Amendment #6 is a technical
Amendment that the Farm Bureau asked that we put on and I
move for its adoption."

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

Black: "I'm sorry, Mr. Speaker. We would all like to get out of
here but it is very hard to hear. Would the Gentleman just
again tell me what Amendment #6 does."

Dart: "Sure. Amendment #6, was recommended by the Farm Bureau,
is a technical Amendment to get them out of the Bill..."

Black: "Sir... Sir, if it is recommended by the Farm Bureau, to
me it's never a technical Amendment. You've said all you
need to say."

Speaker Hannig: "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. House Bill 1268."

Clerk Rossi: "House Bill 1268, a Bill for an Act to revise the
law by combining multiple enactments and making technical

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corrections. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Announcements. Representative Bugielski is recognized."

Bugielski: "Thank you, Mr. Speaker, Members of the House. Just to inform all the Members of House Financial Institutions Committee, the committee will be cancelled for tomorrow morning. So, you can sleep for an extra half hour."

Speaker Hannig: "Representative Mautino."

Mautino: "Tomorrow morning between the hours of 8:00 and 9:00 in 212, the Lieutenant Governor is going to be having a meeting to discuss the progress on the Illinois River Project which affects 99 Members of this House and 51 Members of the Senate. It's open to all Members, please come in. Appreciate your suggestions on it. Room 212."

Speaker Hannig: "Representative Flowers. Representative Flowers."

Flowers: "The Committee on Health Care is cancelled for tonight and the Women Caucus meeting for tomorrow morning is also cancelled. Thank you."

Speaker Hannig: "Representative Woolard."

Woolard: "The House Ag Committee will convene immediately on adjournment here on the House Floor. House Floor for the House Ag Committee."

Speaker Hannig: "Representative Phelps."

Phelps: "Thank you, Mr. Speaker. The House Committee... excuse me. Secondary, Elementary Education is cancelled also. We will not meet, period."

Speaker Hannig: "Representative Ronen."

Ronen: "Thank you, Speaker. The Committee on Children and Youth tonight is cancelled."

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Speaker Hannig: "Representative Gash."

Gash: "The Judiciary II Committee will meet tomorrow morning in D-1, the regular meeting room, at 8:30."

Speaker Hannig: "Representative Younge. Representative Younge."

Younge: "The House Appropriations Committee will meet at 8:00 a.m. in Room 118 tomorrow morning."

Speaker Hannig: "Representative Eugene Moore."

Moore, E.: "Yes, the Revenue Committee will certainly convene right after the adjournment in Room 122-B."

Speaker Hannig: "Representative Novak. Representative Novak."

Novak: "Yes, Mr. Speaker. The Energy and Environment Committee will meet right after adjournment in Room 118."

Speaker Hannig: "Representative Stephens."

Stephens: "American Legislative Leaders meeting is cancelled in the morning."

Speaker Hannig: "Thank you, Representative. Now, allowing for perfunctory time, Representative Currie moves... that allowing for Perfunctory time that the House stand adjourned until Thursday, April 24, at the hour of 9:00. All in favor of the Motion say 'aye'; opposed 'nay'. The 'ayes' have it and the House stands adjourned."

Speaker Hannig: "Those Members of the House Ag Committee why don't we come down in front and let's make this quick."

Clerk Rossi: "Introduction and First Reading of House Bills. House Bill 2291, offered by Representative Schakowsky, a Bill for an Act to amend the Criminal Code of 1961. Introduction and First Reading of Resolutions. House Resolution 122, offered by Representative (Sic-Daniels) Flowers. House Joint Resolution 20, offered by Representative Tom Ryder. House Resolution 123, offered by Representative Giglio. House Resolution 124, offered by Representative Noland. House Resolution 125, offered by

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Representative Daniels. House Resolution 20 (sic-Joint), offered by Representative Tom Ryder. Resolutions are assigned to the Rules Committee. House Bills on the Order of Second Reading are going to be read a second time and held on the Order of Second Reading. House Bill 1, a Bill for an Act to create a fair and equitable funding formula for schools. House Bill 19, a Bill for an Act to amend the Bingo License and Tax Act. House Bill 142, a Bill for an Act to amend the Illinois Income Tax Act. House Bill 171, a Bill for an Act amending the Code of Civil Procedure. House Bill 305, a Bill for an Act amending the Illinois Municipal Code. House Bill 378, a Bill for an Act amending the Metropolitan Transit Authority Act. House Bill 504, a Bill for an Act concerning long term health care. House Bill 603, a Bill for an Act to create the Managed Care Patient Rights Act. House Bill 626, a Bill for an Act relating to the delivery of health care services. House Bill 865, a Bill for an Act concerning access to telecommunications services. House Bill 891, a Bill for an Act amending the Illinois Certified Shorthand Reporters Act of 1984. House Bill 901, a Bill for an Act amending the Election Code. House Bill 902, a Bill for an Act amending the Election Code. House Bill 920, a Bill for an Act concerning license plates. House Bill 1012, a Bill for an Act amending the Illinois Pull Tabs and Jar Games Act. House Bill 1020, a Bill for an Act amending the Illinois Lottery Law. House Bill 1021, a Bill for an Act concerning child safety. House Bill 1040, a Bill for an Act amending the Hotel Operators' Occupation Tax Act. House Bill 1092, a Bill for an Act amending the Criminal Code of 1961. House Bill 1137, a Bill for an Act concerning a land conveyance. House Bill 1175, a Bill for an Act in relation

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to elections. House Bill 1269, a Bill for an Act to revise the law by combining multiple enactments and making technical corrections. House Bill 1292, a Bill for an Act in relation to affirmative action apprentice programs. House Bill 1424, a Bill for an Act to amend the Sex Offender Registration Act. House Bill 1501, a Bill for an Act amending the Illinois Vehicle Code. House Bill 1516, a Bill for an Act to amend the Illinois Income Tax Act. House Bill 1598, a Bill for an Act amending the Consumer Fraud and Deceptive Business Practices Act. House Bill 1604, a Bill for an Act to amend the Counties Code. House Bill 1605, a Bill for an Act amending the Counties Code. House Bill 1627, a Bill for an Act in relation to economic development. House Bill 1646, a Bill for an Act to amend the Civil Administration Code of Illinois. House Bill 1671, a Bill for an Act amending the Counties Code. House Bill 1679, a Bill for an Act to amend the Wildlife Code. House Bill 1685, a Bill for an Act amending the School Code. House Bill 1706, a Bill for an Act to amend the Illinois Public Aid Code. House Bill 1718, a Bill for an Act amending the State Mandates Act. House Bill 1748, a Bill for an Act amending the Illinois Income Tax Act. House Bill 1755, a Bill for an Act amending the Civil Administrative Code. House Bill 1822, a Bill for an Act concerning juveniles, which may be referred to as the Juvenile Court Reform Amendments of 1997. House Bill 2123, a Bill for an Act in relation to electronic fingerprinting. House Bill 2149, a Bill for an Act amending the Juvenile Court Act of 1987. House Bill 2197, a Bill for an Act Amending the Property Tax Code. Second Reading of these House Bills. Representative Currie moves the House stand adjourned until Thursday, April 24, 1997, at the hour of

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9:00 a.m. House adjourned."