

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

49th Legislative Day

April 24, 1997

Speaker Madigan: "The House shall come to order. The House shall come to order. Members shall be in their chairs. We shall be led in prayer today by the Reverend William Russell. Reverend Russell is with the First Presbyterian Church in Deerfield, and he is the guest of Representative Lauren Beth Gash. The guests in the Gallery may wish to rise and join us in the invocation."

Reverend Russell: "Let us pray. Oh Lord, we pray. And bless those who serve within it, along with their daughters on this Daughters to Work Day. May all that is said here today bespeak Your grace and Your truth. May all that is done here today reflect Your providence and Your will. May all that is left undone here today await Your further guidance and Your greater wisdom. Creator God and Sovereign Spirit, our particular prayers this morning are for each person who works in every level of government across these United States. Heavy are the burdens, perplexing are the problems, long are the hours, many are the temptations. With power from on high, share each task, inspire every solution, renew all flagging energies, strengthen any wavering consciences so that what is good and true and right and just may be the issue of this day's business. Be with those who wield power that they may heed the ancient prophets' warning to do justice, to love mercy, to walk humbly with their God. Be even more with those who feel powerless in the face of flood or fire, vice or violence, poverty or prejudice, crisis or calamity, that they may sense in whatever situation frightens or frustrates or fails them, the uplifting embrace of Your everlasting arms. Wherein, we all hope to find rest and solace, comfort and joy, and peace that passes understanding this day and always. Amen."

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

Lyons - 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."

Hannig: "Yes, thank you, Mr. Speaker. Let the record reflect that there are no excused absences on our side of the aisle."

Speaker Madigan: "Thank you, Mr. Hannig. Mr. John Turner."

Turner: "Thank you, Mr. Speaker. All the Republicans are here today."

Speaker Madigan: "Thank you. Mr. Clerk, take the record. There being 118 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative Woolard, Chairman from the Committee on Agriculture and Conservation, to which the following Amendment was referred, action taken on April 23, 1997, reported the same back with the following recommendations: 'be adopted' Floor Amendment #1 to House Bill 602. Representative Novak, Chairman from the Committee on Environment and Energy, to which the following Amendment was referred, action taken on April 23, 1997, reported the same back with the following recommendations: 'be adopted' Floor Amendment 1 to House Bill 1493. Representative Dart, Chairman from the Committee on Judiciary I, Civil Law, to which the following Amendments were referred, action taken on April 23, 1997, reported the same back with the following recommendations: 'be adopted' Floor Amendment 3 to House Bill 164 and Floor Amendment 1 to House Bill 165.

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Representative Eugene Moore, Chairman from the Committee on Revenue, to which the following Amendment was referred, action taken on April 23, 1997, reported the same back with the following recommendation: 'be adopted' Floor Amendment 1 to House Bill 2191."

Speaker Madigan: "Mr. Durkin. Mr. Durkin, on Page 18 of the Calendar there's a House Bill 1268 where you are the Sponsor. Would you like to call that Bill? Mr. Clerk, read the Bill, 1268."

Clerk Rossi: "House Bill 1268, a Bill for an Act to revise the law by combining multiple enactments and making technical corrections. Third Reading of this House Bill."

Speaker Madigan: "Mr. Durkin."

Durkin: "Thank you, Mr. Speaker. (sic-House Bill) 1268 is a Revisory Act. This is a Legislative Reference Bureau Bill, which is basically their enabling legislation which allows them to go back in and make technical changes to Bills from the previous session. This is not a Substantive Bill, but this is a Bill which needs to be enacted on a yearly basis for LRB. I'm willing to answer any questions."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. The Chair recognizes Mr. Black. Mr. Black. Is Mr. Black in the Chamber? Mr. Churchill, have you seen Mr. Black? The place is not the same, is it? 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? Mr. Kasper? 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 118 'ayes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House

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Bill 1513. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1513. A Bill for an Act amending the Property Tax Code. Third Reading of this House Bill."

Speaker Madigan: "Mr. Holbrook."

Holbrook: "Thank you, Mr. Speaker. Mr. Speaker, this is an initiative of the Sinclair County Board of Review on how they're currently handling their property tax. I know of no opposition to this Bill. It's on the senior citizen exemption, and I'd appreciate an 'aye' vote. Thank you."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. The Chair recognizes, Mr. John Turner."

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

Speaker Madigan: "Sponsor yields."

Turner John: "Representative, I have to confess that went by me so fast, I did not hear the explanation. Could you start all over?"

Speaker Madigan: "Mr. Holbrook."

Holbrook: "This is an initiative from the Sinclair County Board of Review on how they'd like to handle their senior citizen property tax exemption. They've upgraded their computer system to be able, they feel, to handle the program in this manner. I know of no opposition."

Turner John: "This is legislation especially designed for one county?"

Holbrook: "Well, I would have did it for the whole state, but only my county asked for it. So, yes, it only affects Sinclair County. Representative Stephens is a Cosponsor with me on it, and supports it also."

Turner John: "I'm sorry, you said Representative Stephens is a... oh, I see on the Board?"

Holbrook: "He's the Joint Sponsor and he's supportive of it also."

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Speaker Madigan: "Mr. Turner. Anything further?"

Turner John: "No thank you, Mr. Speaker."

Speaker Madigan: "Mr. Holbrook 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? The Clerk shall take the record. On this question, there are 118 'ayes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1269, Mr. Durkin. Mr. Clerk, what is the status of this Bill?"

Clerk Rossi: "House Bill 1269 has been read a second time, previously. No Committee Amendments, no Floor Amendments, no Motions filed."

Speaker Madigan: "Place the Bill on the Order of Third Reading, and read the Bill for a third time."

Clerk Rossi: "House Bill 1269, a Bill for an Act to revise the law by combining multiple enactments and making technical corrections. Third Reading of this House Bill."

Speaker Madigan: "Mr. Durkin."

Durkin: "Thank you, Mr. Speaker. This again is another Revisory Bill for the Legislative Reference Bureau. This is dealing with... for the Veto Session the upcoming Fall. As I said, this tape (sic-Bill) makes technical changes within the compiled statutes, and allows them to make grammatical changes without having to come back to the General Assembly. There are no substantive changes in this Bill for prior enactments."

Speaker Madigan: "Mr. Granberg."

Granberg: "Thank you, thank you, Mr. Durkin. Is this a vehicle, a Shell Bill, Representative Durkin? Is it a Shell Bill, Jim?"

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Durkin: "I don't believe it is a Shell Bill, Kurt. No. No, this is not a Shell Bill."

Granberg: "Is this the technical revisory?"

Durkin: "This is the Technical Revisory Bill, correct."

Granberg: "Okay, can you read it for us?"

Durkin: "If you've got about three hours."

Speaker Madigan: "Mr. Black. Is Mr. Black in the Chamber?" Mr. Ryder, have you seen Mr. Black? Mr. Durkin 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 118 'ayes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 788, Mr. Stroger. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 788, a Bill for an Act to amend the School Code. Third Reading of this House Bill."

Speaker Madigan: "Mr. Stroger."

Stroger: "Thank you, Mr. Speaker. House Bill 788 amends the School Code to eliminate the provision that tuberculosis skin tests screening be included as a required part of school health examination, and it gives the doctor the authority to give the test if he believes the child is at risk for TB. And I'd ask for its passage."

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

Cross: "Thank you, Mr. Speaker. Will the Sponsor yield? Representative Stroger, I'm trying to determine what Amendments are on and what aren't on. Is it just Amendment 1?"

Stroger: "Yeah, there's just Amendment 1."

Cross: "If I'm reading this correctly, if the area's not

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tuberculosis prone, you don't need the test?"

Stroger: "Well, this Bill came from the Illinois Department of Health, and they say that children are not at high risk for TB. The carriers of TB are adults. So they think that doctors should have the ability not to give the test if they don't think that the area is a high risk area."

Cross: "Who deter... who makes the determination if areas are high risk and right now what areas are high risk?"

Stroger: "Right now, the law states that every child would be tested. And the department believes that most children aren't at risk, so most children shouldn't be tested."

Cross: "Well do we know, Todd, what areas right now are... do we require every child in the State of Illinois to get the skin tests right now, that's in school?"

Stroger: "Yes, that's required as part of the school health examination."

Cross: "When did we... how long have we required the tests... skin tests?"

Stroger: "Tom, I can't answer that."

Cross: "Our understanding or my understanding is that, right now there are Chicago Schools that aren't even doing this. Do you know? Is that accurate?"

Stroger: "There probably are some schools that aren't doing this. No one enforces this."

Cross: "So I... if I... my kid ends up going to school without a tuberculosis skin test, he or she's going to get in?"

Stroger: "I believe so."

Cross: "Why don't we just eliminate it all together?"

Stroger: "That was my... that was what the Bill said at first, but there were some concerns with some of the Legislators that the doctors ought to have the power to decide if it was needed or not."

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Cross: "And Todd... I'm not trying to give you a hard time on the Bill as much as I'm trying to figure it out. Is there... I mean, is there a medical... does the medical community say that kids need the skin tests at a certain age, or is it... are we past that stage of needing TB skin tests right now? Does anyone... has anyone... did anyone testify in Committee as to the need?"

Stroger: "Well, the Med Society who gave me the Bill, says that children get TB from adults, so they screen adults for TB, then if anyone in the family has it, then they'll screen the whole family. But, generally, children aren't the carriers, so it's not like a child will get TB and pass it along to all the other children. If that does happen, they immediately go to the family to find out what adult had it, and where he's been. So, they say that it's not needed for children and that we should eliminate it, and we'll just keep testing the adults."

Cross: "Is there any opposition that you know of on this Bill?"

Stroger: "No opposition."

Cross: "What prompted this Bill, Todd?"

Stroger: "The Department of Health."

Cross: "The State Department of Health?"

Stroger: "Yes. The Department of Public Health."

Cross: "What... has anyone been able to determine the cost savings if we eliminate... did the public schools pay for this for some kids, do you know?"

Speaker Madigan: "Mr. Cross, anything further?"

Cross: "Yeah, I'm trying... I'm sorry I..

Stroger: "From the... my Fiscal Note... it says that there will be a time savings, and the cost savings cannot be calculated when varied from year to year depending on the number of students and their compliance with the



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requirements of giving the tests."

Cross: "All right, I don't have any other questions. Thanks."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. On that question, those in favor 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 92 'ayes', 25 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1805, Representative Biggert. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1805, a Bill for an Act concerning mental health and developmental disabilities. Third Reading of this House Bill."

Speaker Madigan: "For what purpose does Mr. Black seek recognition."

Black: "Yes, thank you very much, Mr. Speaker. I appreciate your inquiries as to my well being. I'm sorry I was late. I seldom am, but I was talking with various dairies in the Springfield area. Rumor was that you were missing last night and we were trying to get your picture on milk cartons so that we could help find you, but we don't need to now. You are here and we are very pleased that you are."

Speaker Madigan: "Mr. Black, you should know that we all felt that the Chamber was not the same without you. So, Representative Biggert, on the Bill."

Biggert: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1805 amends the Department of Mental Health and Disabilities... Developmental Disabilities Act requiring the Department of Children and Family Services

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and the Department of Human Services, to jointly plan for the appropriate continuation of services for DCFS wards with developmental disabilities, who upon reaching the age of 21, will not be able to live independently, and will need adult services and a guardian. 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? The Clerk shall take the record. On this question, there are 118 'ayes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. And the Chair recognizes Mr. Hartke. Mr. Hartke."

Hartke: "Thank you very much, Mr. Speaker. It is my pleasure today, to introduce to the General Assembly, a Member of Parliament from the Country of Poland. His name is Mr. Dion Burley, and his interpreter, is Elinor Fort. Mr. Dion."

Mr. Burley: "Mr. Speaker and Members of the House of Representatives. I am very honored to be in your Chambers today. I'm here for three weeks at the invitation of U.S.I.A., a Washington Agency. I'm here to learn about your laws, about your farmers, and agricultural problems, about your social problems; about the problems of cleaning up the air, about American problems. I've had a lot of meetings with people who are in the government, people who are in offices, and also with members of the American public. I'm very proud to be in Illinois, because there are a lot of Polish-Americans in Illinois. I want very

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much to learn about American problems and issues while I'm here. But I also want to tell the American people what we're doing in Poland, and the problems that we face. And if I can bring Poland and America a little closer together, that's my aim. Please let me... please let me give you the very best wishes from Poland, from our Parliament, from the Polish people. All the best, and thank you very much."

Speaker Madigan: "House Bill 989, Mr. McGuire. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 989, a Bill for an Act amending the Radiation Protection Act of 1990. Third Reading of this House Bill."

Speaker Madigan: "Mr. McGuire."

McGuire: "Thank you, Mr. Speaker. This Bill is supported and approved by the Department, and all parties considered, including Commonwealth Edison and other parties. What it has to do with the storage of radioactive material in small towns or municipalities, or any town or municipality, without the notice given to the governing fathers, whether it be village board, county board, or whatever it may be. And that's basically what the Bill is. And I'll try to answer any questions you may have, and I'd ask for your support."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative I appreciate the Amendment. I think it gets to the heart of the issue, just a question or two. I... I really like the idea that the Department of Nuclear Safety shall give constructive notice if a radioactive storage facility is going to be located in my area, or your

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area. But, what I don't understand, in the Bill, what... what rights do we have after that notice? Will we be able to mount some kind of campaign or study to say we don't want it here?"

McGuire: "Well, first of all, Representative Black, the municipality or the governing body could request hearings. They're not mandatory. But the genesis of the Bill, is that a business moved into a village in my district, and the local fathers didn't even know about it. I think, at least... at the very least, the Department should notify the governing fathers or village fathers, or whatever it may be, so that they know that such a plant or warehouse, or whatever it may be, is in their district, or in their city. The hearings are not mandatory. And by the way, the hearings, if there are to be hearings, the figure that was originally given by the Department, was slightly in error. It's changed from \$150,000 to \$1,000. So it's a dramatic change in the number... the dollars."

Black: "So they don't have to have a hearing."

McGuire: "No."

Black: "But any municipality or county, in the case of an incorporated area, could request a hearing..."

McGuire: "Request the hearings?"

Black: "...then at least we would have an opportunity to make our case and..."

McGuire: "Now who are we when we speak of?"

Black: "The municipality or the county could say that this is not a good site, we're in opposition, and maybe convince the Department that we don't want it here."

McGuire: "That's correct."

Black: "What?"

McGuire: "That's correct."

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Black: "I think this is a great idea. I commend you..."

McGuire: "Thank you."

Black: "...on it and I can't imagine why anybody would vote 'no' on this."

McGuire: "I can't either. Thank you very much, Mr. Black."

Speaker Madigan: "Mr. Skinner."

Skinner: "Yes, I wonder if the Gentleman can tell us whether this has anything to do with x-rays in dentists' offices?"

McGuire: "With what, Sir?"

Skinner: "X-rays in dentists' offices?"

McGuire: "No. No Sir."

Skinner: "Thank you."

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? The Clerk shall take the record. On this question, there are 118 'ayes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 168, Representative Mulligan. Mr. Clerk, what is the status of this Bill?"

Clerk Rossi: "House Bill 168 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Is Representative Mulligan in the Chamber? Mr. Clerk, place this Bill on the Order of Third Reading, and read the Bill for a third time."

Clerk Rossi: "House Bill 168, a Bill for an Act amending the Mental Health and Developmental Disabilities Code. Third Reading of this House Bill."

Speaker Madigan: "Representative Mulligan."

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Mulligan: "Thank you, Mr. Speaker. Actually, I picked this Bill up for Representative Lang, and I moved it back to Second, but I'm willing to move it up to Third today. As a Shell Bill, we are going to use it, hopefully, it's my intention and Representative Lang's stated intention, to use the Bill for the report from the Mental Health Task Force. So... and that's the only stated use that I'm willing to accept. So, if the Body would so favor us with a favorable vote, even though it is a Shell Bill, I would appreciate that. I'd like to move it up and out."

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? Have all voted who wish? The Clerk shall take the record. On this question, there are 63 'ayes', 55 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. Is Mr. Turner in the Chamber? Mr. Clerk, House Bill 601. Read the Bill."

Clerk Rossi: "House Bill 601. This Bill has been read a second time, previously. Floor Amendments 2 and 3 have been adopted to the Bill. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Place the Bill on the Order of Third Reading, and read the Bill for a third time."

Clerk Rossi: "House Bill 601. A Bill for an Act in relation to taxation of auto leases. Third Reading of this House Bill."

Speaker Madigan: "Mr. Turner."

Turner, A.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. I rise in support of House Bill 601. It's a new Act creating the Automobile Leasing Occupation and Use

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Tax. What this does, specifically, is it establishes a new tax rate of 6.25% of gross receipts on leases of automobiles, motor home, recreational vehicles, and small vans. It also exempts the lessor to these motor vehicles from retail or occupation and use tax. The Act covers leases that... of automobiles that are more than one year old. It... in layman's terms, what it does, is it eliminates the double taxation that we often refer to when individuals le... when individuals lease automobiles. And what we're doing with this legislation, is we're eliminating that double tax hit, and we've also protected local units of government, both small units and the City of Chicago, with Amendment #3, that was introduced by Representative Moore. And I move for the favorable adoption of House Bill 601."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of the Gentleman's Bill. If I could, I'd like to just quote from an article that appeared in a March 30th edition, I believe this is the Bloomington Pantagraph. I just... I just want to share with you what's going on in this lease car market in the State of Illinois. Now, I live on the Indiana border, and I can tell you that most of my car dealers would like for us to straighten this out. Listen to what happens. Illinois is a... one of a handful of states that knows how to get the most out of a tax dollar. It collects it twice. Now, here's how it works. Say you lease a car for 24 months, with a capitalized cost equal to the purchase price. If buying the car of \$20 thousand, the sales tax on the \$20 thousand would be divided by 24, and that amount rolled into your monthly lease payments. Now worse yet,

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under Illinois law, when your \$20 thousand car has a residual value of \$10 thousand, at the end of the 24-month lease, if you opt to buy the car, you're required to pay sales tax on the \$10 thousand.' Now this... I know the Department of Revenue is opposed to this Bill. I don't think the Governor likes the Bill, but I'm telling you as I... I had a leased car not long ago, this is silly. I don't understand why we, as a state, put up with this. We are one of the handful of states that has a double taxation on a transaction like this. I don't think it's fair. I think it's a matter of equity. I applaud the Gentleman for sponsoring the Bill, and I intend to vote 'aye'. And I would urge all of you to do the same."

Speaker Madigan: "Representative Barbara Currie."

Currie: "Thank you, Speaker, and Members of the House. I know this Bill will fly out of here, but I think it is worth noting for the record, the cost to state revenues were this Bill to become law. The Department of Revenue projects that over a three-year period, the cost to state government will be \$288 million. That's a lot of money. A lot of money, when we're talking about trying to do a better job of funding our schools. Now if the proponents of this measure believe the malarkey that suggests that in the long run this is a revenue producer, I wonder why they thought it was important to exempt out local governments from the provisions of this Bill? We think there's a risk, so we're going to say that Schaumburg, and Buffalo Grove, and Champaign, they don't have to run the risks, it's only the state that should. Well, I would suggest, Speaker, and Members of this House, that if there's a risk for our local governments, we ought to be particularly concerned about the risk to the state revenue chest. The argument is made



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that we're new at the leasing tax. That's not true. Illinois is one of the few states that has consistently had a leasing tax. The proponents of this Bill were offered the opportunity, at little cost to the state, to say that someone who leases a car for three years and then wants to buy it, shall pay a tax on a lower rate, taking into account the taxes already paid. The proponents didn't buy that argument. They didn't buy that proposition, because the real issue is that the dealers want to make more money. It's not at all clear that the lease prices will go down to reflect the loss in sales tax that this Bill would propose. The real point is that you, the consumer, will be encouraged to lease even more expensive cars than you can afford, if this Bill becomes law. So I don't think you'll see a savings in the pocketbooks of your individual consumers. I do think you will see a substantial debt in state revenues. A substantial loss, even as we all came here this session saying that funding public education, making sure that our kids have a chance to learn, is our high priority. So remember your rhetoric when you vote on 601. If you really believe there is no risk, then you oughtn't to have voted for the Amendments that took out local governments. As I say, I'm sure this Bill will fly, but each and every one of you ought to go home and talk to your school advocates, and explain why you thought this sales tax issue was more important for the folks back home, than doing a job for our school kids.

Speaker Madigan: "Representative Pankau."

Pankau: "Thank you, Mr. Speaker. I rise to clarify something on this Bill. I'm sure many of you, like I, got numerous letters in opposition to this, particularly from the municipalities, and also from certain counties, home rule

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areas that were basically threatened by the amount of income that they would be losing in the initial first years. With Amendment 3, they are now neutral on this Bill. However, I'm not standing to support it. I think everybody should vote their own district on this one depending on if you have dealers or not, if you're leasing or not. This is a district vote. But I wanted to clarify that the municipalities, particularly mine in Schaumburg, are now neutral on this Bill."

Speaker Madigan: "Mr. Turner to close."

Turner, A.: "Thank you, Mr. Speaker, and Ladies and Gentlemen. I can't say that I disagree with some of the remarks that we heard earlier, especially in regard to educational funding. I too believe that, that should be our priority, but I also believe that we should not be discriminating and unfairly taxing certain classes of people in this state, when we know it's not the right thing. This is a double taxation that we place upon individuals who lease automobiles in this state. It is an unfair tax, and it is one that should be corrected. I think that this does not take away from the issue of educational funding. I might conclude by saying that all units of government, both big and small, park districts, transit districts, are all taken out of this legislation, so the sales tax that they currently collect, they will continue to collect. And so I ask for the favorable adoption of House Bill 601."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. And on that question. For what purpose does the... for what purpose does Representative Stephens seek recognition?"

Stephens: "Mr. Speaker, thank you for the courtesy. I had some information that... Representative Turner, I thought we

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were going to hold this Bill for a little bit further discussion? Is that your impression?"

Turner, A: "Representative, I thought that we've reached all the discussion that can be reached at this particular point. We've taken care of the... satisfied the needs for local government and local municipalities. I don't think that we'd ever be able to reach a total agreement with the Department of Revenue. But, regarding the concerns of what impact this Bill would have on small government, we did resolve those with Amendment #3, as introduced by Representative Moore."

Stephens: "Would you mind taking the Bill Out of the Record while representatives from the Governor's office, discuss this with you just one more time?"

Turner, A.: "Representative I do mind. The hours are drawing very late. I'm not happy... I have no uncertainty that this Bill will be called again. It was my plan, because these Amendments were drafted last week, we were ready to go then. At this point, we're ready to go with the Roll Call."

Stephens: "Okay, I appreciate you at least listening to the request. Thank you, Representative."

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? The Clerk shall take the record. On this question, there are 115 'ayes', 1 person voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 602, Mr. Ryder. 602. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 602 has been read a second time,

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previously. No Committee Amendments. Floor Amendment #1, offered by Representative Ryder, has been approved for consideration."

Speaker Madigan: "Mr. Ryder, on the Amendment."

Ryder: "Thank you, Mr. Speaker. This represents the agreement between the Department of Agriculture, the fertilizer and other organizations. All of which have agreed to the Amendment, including the Illinois Farm Bureau. I'd be happy to answer any questions."

Speaker Madigan: "Mr. Woolard."

Woolard: "I'd like to encourage everyone on this side of the aisle to join with Representative Ryder in this Agreed Bill. I think this is something that is good and positive for the farmers and the outdoorsmen of this state."

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

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Place this Bill on the Order of Third Reading, and read the Bill for a third time."

Clerk Rossi: "House Bill 602. A Bill for an Act amending the Illinois Fertilizer Act of 1961. Third Reading of this House Bill."

Speaker Madigan: "Mr. Ryder."

Ryder: "Thank you, Mr. Speaker. This reflects agreement of all the parties of which I have knowledge, which calls for use of funds in the Pesticide Control Fund for the training, testing, certification, and licensure of individuals engaged in the sale and application of pesticides, to ensure the safe handling and application of pesticide

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products. Rather than immediately instituting fee increases at phases of man over four... four phases up to and including the year 2007. I would be happy to answer any questions."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. There being no discussion, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye'; all 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 87 'ayes', 31 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1089, Representative Gash. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1089."

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

Clerk Rossi: "House Bill 1089 is On the Order of House Bills  
Third Reading."

Speaker Madigan: "Has this Bill been read a third time?"

Clerk Rossi: "The Bill has not been read a third time."

Speaker Madigan: "Read the Bill."

Clerk Rossi: "House Bill 1089, a Bill for an Act amending the  
Illinois Highway Code. Third Reading of this House Bill."

Speaker Madigan: "Mr. Clerk, place this Bill on the Order of  
Second Reading. Are there any Amendments?"

Clerk Rossi: "Floor Amendment #1, or Floor Amendment #2, offered  
by Representative Gash, has been approved for  
consideration."

Speaker Madigan: "Representative Gash."

Gash: "At the request of those who asked me to sponsor this Bill.  
Floor Amendment #2 merely reiterates the fact that this  
Bill is permissive in nature which it already was."

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Speaker Madigan: "The Lady moves for the adoption of the Amendment. On that question, the Chair recognizes Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, have you tabled Floor Amendment #1?"

Gash: "Mr. Clerk, can you check the status of that?"

Clerk Rossi: "Floor Amendment #1 has not been tabled."

Gash: "I would be happy to table that Amendment. Can we do that? Although... I don't know that it's necessary."

Black: "Representative, our staff indicates that if... unless you table Amendment #1, that Amendment #2 is not in order, because of the way it's drafted."

Speaker Madigan: "Mr. Clerk, tell me how many Amendments have been adopted to this Bill?"

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

Speaker Madigan: "All right. What Amendment is currently under consideration?"

Clerk Rossi: "Floor Amendment #2 is under consideration."

Speaker Madigan: "Representative Gash, do you wish to remove Amendment #1 from the Bill?"

Gash: "That's fine, although again, I don't know that that's necessary."

Speaker Madigan: "All right, the Lady moves to table Amendment #1 and Mr. Black supports that Motion. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. Amendment #1 is tabled. We are now considering Amendment #2. Representative Gash has moved for the adoption of Amendment #2 and the Chair recognizes Mr. Black."

Black: "Thank you very much, Mr. Speaker. Is there a reason why

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you are exempting Cook County from the provisions of your Bill?"

Gash: "Yes. Cook County requested exemption from the Bill."

Black: "They requested exemption. That's very unlike..."

Gash: "I know...."

Black: "That's very unlike them."

Gash: "I... I concur."

Black: "I mean they usually want to participate in everything we do here, but they don't want to participate in this Bill?"

Gash: "It... I find it very odd, considering the Bill is permissive, but...."

Black: "Well, all right, I don't... I think the Amendment's fine. I'm not sure about the Bill, but the Amendment's in pretty good shape, so. Thank you, Representative."

Gash: "Thank you for your support."

Speaker Madigan: "The Lady moves for the adoption of the Amendment. Those in favor say 'yes'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. The Bill has been read a third time. Representative Gash, on the Bill, on the Order of Final Passage."

Gash: "This Bill, again, this Bill is permissive. It authorizes counties to categorize construction and maintenance of sidewalk loading and unloading areas, off street parking facilities, and related appurtenances, as road purposes, if they so choose. The effect of the Bill is to enable counties to use funds earmarked for county highways, to pay for constructing and maintaining items related to those highways. I'd be happy to answer any questions."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, if I understand your Bill as amended, you will allow every county in the state, except Cook, to use motor fuel tax revenue for the construction and maintenance of sidewalks, public transportation loading and unloading areas, off street parking, and any related appurtenances upon or adjacent to a county highway. Can you tell me what the position of the Department of Transportation is on this Bill?"

Gash: "To the best of my knowledge, I have not heard from them. And I'm not aware of a position. Are you?"

Black: "So you... you haven't heard from them?"

Gash: "No."

Black: "Okay. Would you...."

Gash: "This does not increase the amount of motor fuel tax that would go anywhere...."

Black: "...right, no, I understand that...."

Gash: "...this just allows them to use it...."

Black: "But would it be... would it be a fair assumption to say that it allows... the word diversion may not be the right word. But it would allow an expansion of what motor fuel tax monies could be spent for?"

Gash: "It allows for the local control decision-making of what those monies can be used for that are directly related to the highways. What this does is encourage public transportation, by allowing for parking lots, those types of parking lots next to public transportation."

Black: "Okay."

Gash: "It obviously would have to be consistent with the purposes."



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Black: "Okay. Well, thank you very much, Representative. Mr. Speaker, and Ladies and Gentlemen of the House. To the Bill. I think the Sponsor's very well intentioned with this Bill, but I think you need to take a very long look at what the Bill does. One of the reasons Cook County is exempted, or wanted to be exempt from this Bill, they have wide leeway in using their motor fuel tax revenue. In fact, they... according to staff, they can construct and maintain bicycle trails. They can even get into some office space construction, and I think that is a tremendous expansion of what motor fuel tax monies are supposed to be used for. I don't quarrel with the Sponsor's assertion that the locals would make this decision, but I think when you're looking at a backlog of \$2.5 billion of road repair and bridge repair, to allow a county the means to build sidewalks or off-street parking, is a tremendous expansion of what motor fuel tax money is supposed to be used for, and it's for that purpose, that I rise in opposition. Again, as somebody said earlier, I think this is a district vote. You should look very carefully at what your locals... weather they want this or whether the people in your district will consider this to be a diversion of road fund monies for non-road maintenance and bridge maintenance. And I would suggest you need to be very cognizant of how the people in your district will view this Bill. I think my district would want me to vote 'no', and that's what I intend to do."

Gash: "Representative Black, I should point out that such things as bus route signing, bicycle storage facilities, may be very related, by the fact that it cuts down on the use, or the necessary use, of highways which does directly benefit people who are using the highways, and the cost of the

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highways. And, of course as we said, this Bill is permissive, it doesn't require anybody to do anything."

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

Hartke: "Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Hartke: "Representative Gash, can you tell us... inform the Body where the township officials and the township highway commissioners are on this Bill?"

Gash: "I have received no notification that they're opposed to it."

Hartke: "I do believe that the Township Officials of Illinois are opposed to this expansion of the use of motor fuel tax in counties... in townships."

Gash: "They did not file a witness slip to that effect."

Hartke: "Okay. Thank you."

Gash: "And I'm not sure why they would be."

Speaker Madigan: "Representative Ann Hughes."

Hughes: "Thank you, Mr. Speaker. To the Bill. This is one of several Bills that were discussed in Local Government that would erode dollars from road construction, and I would urge your caution. Again, we have diminishing federal dollars. We have tremendous pressure at the state level for increased taxes for road purposes. And in many of our areas, the demands for hard pavement far exceed revenues. So I would urge caution on this Bill. Thank you."

Speaker Madigan: "Representative Deering."

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

Speaker Madigan: "Sponsor yields."

Deering: "Representative, in other areas of the state less populated and less wealthier areas, local governments have the authority to levy taxes to pay for sidewalk

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construction, other amenities not directly associated with road construction. Now, why can't you do that in Lake County?"

Gash: "Lake County doesn't have that."

Deering: "Lake County doesn't levy local taxes in the communities to build sidewalks and other supportive infrastructure for their residential needs?"

Gash: "They don't have a gas tax. Lake County does not have a gas tax."

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

Gash: "Lake County does not have a gas tax."

Deering: "Lake County does not have a what? Lake County does not have a what? Speak into the microphone, Representative. I can hear you better."

Gash: "Exactly what I said. Lake County does not have that gas tax."

Deering: "I'm not talking about a gas tax. I'm talking about a property tax levy. A general fund levy like every other of the small communities throughout the state have to utilize. Why can't the metropolitan areas, the suburban areas of Lake County and the other counties, utilize the same thing that the poorer districts and poorer communities do?"

Gash: "What we're doing is county-wide. I should point out, this is a relatively minor change that allows for certain things to be added that are directly related to the highways, and also can cut down on the use of the highways, which helps. It cuts down on the need for costs for building and repairing, et cetera."

Deering: "Are there any guidelines in here, or limitations, saying that as far as sidewalk construction,... say you get a new subdivision adjacent to a city street and there's going to be a one residence located in this subdivision for

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a period of five or six years that anyone knows of, and it's going to take a pretty substantial amount of money to construct a sidewalk. Now are you just going to use... allow everybody to use revenues to construct a sidewalk to service one entity at the expense of maintaining the road system?"

Gash: "This has to be near the county highway. This has to be related to the county highway."

Deering: "Do your communities... do your communities have an excess fund balance in their general accounts?"

Gash: "Lake County has requested this because they do feel the need for it."

Deering: "That's not the answer. Does Lake County have excess funds in their accounts? Are they operating in a deficit, or do they... are they in the black, and do they have money in the bank?"

Gash: "Well, Lake County at this point is facing a backlog on road projects. That is the concern. I am not familiar with every single..."

Deering: "So they're facing a backlog of road projects and you want to build sidewalks instead of roads? Don't make much sense."

Gash: "They are perceiving this as an addition to what they need for their road project. These are perceived as road projects and they just want this specific authorization to do this."

Deering: "Okay, back to the prior question. Does Lake County have a fund balance, or are they operating in the red?"

Gash: "Is Representative Beaubien here?"

Deering: "To the Bill, Mr. Speaker. Apparently..."

Gash: "He's a former county board member who may better be able to address this from Lake County..."

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Deering: "To the Bill, Mr. Speaker. Apparently if Lake County, by the Sponsor's own remarks, is behind in road projects, maybe they should take another look at this and put the money in the right priorities. Construct roads or construct the necessary repairs that we need. We are looking at problems with the road fund. I can see it happening now. They'll build sidewalks and they'll build parking lots for mass transit and then they'll be coming down here to Springfield wanting more money because, 'Oh, we're poor, we need more road expansion, more money.' So any downstater, any downstater that votes for this Bill, be prepared to lose possible revenues in your districts, where we can't build those roads, the township officials, those county roads that can't be built that are falling apart, we can't build them because we've got to build sidewalks in the suburban areas. So I recommend a 'no' vote on this Bill."

Gash: "With all due respect to the last speaker, I think you're completely missing the point of the Bill, which actually encourages people to use public transportation, which would alleviate traffic congestion in these areas."

Speaker Madigan: "Representative Erwin. Erwin."

Erwin: "Thank you, Speaker. I really hadn't intended on talking on this Bill but I would just... I know it's still a little early and we were here late last night, but for any Members here that represent a district in a collar county, a suburb of Cook County, or indeed the City of Chicago, I think this is a very important Bill in terms of reducing the amount of congestion and traffic in the central business district of Chicago, but also, in encouraging alternative uses of transportation besides our highway system in the Chicago Metropolitan area, whether you are in

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DuPage County, in McHenry County, wherever you are. Can we at least once, look at our transportation system in its entirety? Representative Black, I would argue very strongly that we pay in Chicago and Cook County, a significant amount of money to the Illinois Road Fund. When I go to buy gas down the street from where I live, gas is a \$1.51 a gallon. A lot of that money is going to pay... from our constituents are paying for roads in downstate Illinois. So I encourage you to view this as promoting the use of alternative uses of transportation. If someone in Lake County, or DuPage County, wants to ride their bike to the Metro Station, to then come downtown, this is the type of thing, believe it or not, other states are being very forward thinking about. So let's please not roll back the clock. We all pay gas taxes in this state, and I would argue to anyone in the metropolitan area, that I'm sorry to say that Cook County is not in this Bill. I think this is the sort of thing we need to be encouraging and please vote 'aye'."

Speaker Madigan: "Mr. Black."

Black: "Yes, thank you very much, Mr. Speaker. My name was used in debate and I appreciate it."

Speaker Madigan: "Representative Gash to close."

Gash: "I think the points have been made. Some of the comments obviously missed the point, in my opinion, this is... again this is a permissive Bill. This doesn't take money away from any county. This allows counties to make their own determinations about what the appropriate use of their money would be, and something that we should be doing, something that counties would want. I don't know of any opposition to this Bill, and I would urge your support."

Speaker Madigan: "Those in favor of the passage of the Bill vote

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'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? The Clerk shall take the record. On this question, there are 49 'ayes', 60 'noes'. The Chair recognizes Representative Gash."

Gash: "I'd like to ask for Postponed Consideration."

Speaker Madigan: "Place this Bill on the Order of Postponed Consideration. House Bill 891, Representative Zickus. Mr. Clerk, what is the status of this Bill?"

Clerk Bolin: "House Bill 891. The Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Place this Bill on the Order of Third Reading, and read the Bill for a third time."

Clerk Bolin: "House Bill 891. A Bill for an Act to amend the Illinois Certified Shorthand Reporters' Act of 1984. Third Reading of this House Bill."

Speaker Madigan: "Representative Zickus."

Zickus: "Thank you, Mr. Speaker, and Members of the House. This Bill authorizes a shorthand reporter to hold an attorney, firm, or other entity, personally responsible for payment of shorthand reporting services provided at the request of the attorney firm, or other entity. Current law has them collecting... holding the client responsible. I know of no opposition to this Bill. The Bar Association has remove... my understanding, has removed their opposition and I would ask for an 'aye' vote."

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

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voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 116 'ayes', 1 person voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2060. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2060. A Bill for an Act to amend the Illinois Municipal Code. Third Reading of this House Bill."

Speaker Madigan: "Representative Currie."

Representative Currie: "Thank you, Speaker, and Members of the House. This is a proposal to extend from 23 to 35 years, the period of time during which a certain TIF may be expanded in order to pay off bond of debt. We have done this several times over the last few years in several different parts of the state. The idea is that a TIF which is not yet able to pay off its bonds, ought to have the opportunity to do so over this longer period. I know of no opposition and I'd be happy to answer your questions."

Speaker Madigan: "The Lady has moved for the passage of the Bill. There being no discussion, the question is, 'Shall the Bill pass?' All 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 102 'ayes', 16 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1493, Mr. Ryder. Is Mr. Ryder in the Chamber? Take this Bill out of the record. House Bill 1018, Mr. Saviano. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1018. A Bill for an Act to amend the



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Counties Code. Third Reading of this House Bill."

Speaker Madigan: "Mr. Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. House Bill 1018, is a good government Bill. It allows counties in our state to access or adopt the Illinois Purchasing Act. It is permissive legislation and I would ask for a 'aye' vote. Thank you."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. There being no discussion, the question is, 'Shall this Bill pass?' All those in favor signify, by voting 'aye'; all 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 115 'ayes', 2 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1443, Mr. Scully. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1443, a Bill for an Act to amend the Illinois Solid Waste Management Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. Scully."

Scully: "Thank you, Mr. Speaker. House Bill 1443 amends the Solid Waste Management Act, to require the Department of Central Management Services, to implement aluminum can recycling programs in all state buildings. The Bill directs CMS, in coordination with the Department of Commerce and Community Affairs, to implement the recycling program in office buildings within 180 days. There originally was opposition to this Bill from CMS, and we've resolved those differences. I'd ask for a favorable vote."

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

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, I'm not aware of any opposition of the Bill. Has anybody expressed any concern to you?"

Scully: "I'm sorry, Mr. Black."

Black: "Has anyone expressed any concerns about this legislation to you?"

Scully: "No, they haven't, Mr. Black."

Black: "Okay. Let me just ask you a couple of questions. I assume that the State Capitol would be included in this?"

Scully: "That's correct."

Black: "And we would have receptacles here... I mean we go through a lot of aluminum cans here on any given day, so we'll have those receptacles too. It's been my experience with this, that they get a little raunchy on occasion. You know, there's residue in the can, and it attracts bugs and wasps and hornets. I don't suppose there's anything we can do about that though, is there?"

Scully: "Well, what we can do is entrust Central Management Services to properly manage this program to avoid those sorts of problems that you bring up."

Black: "Could we put those aluminum can receptacles back there in the corner where people go back and smoke things, so that they couldn't gather back there?"

Scully: "We certainly could do that, Mr. Black. But more importantly, we should not be micro managing the state through this House. Rather we should entrust... we should set good public policy in this House and then trust the proper management of those procedural technicalities toward agencies like Central Management Services."

Black: "Absolutely. I agree that we should set the standard."

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Maybe we should amend this Bill on its face. That we try this in this Chamber only, and if it works successfully, then we could expand it. But, that's another issue that we'll have to visit. But, I would like to work with you on the placement of these receptacles for aluminum cans. I've got a couple of ideas where they should go. But, I think you're on the right track. And as long as the General Assembly takes the lead... could we make it a Class A Misdemeanor for any Legislator who throws a can in their wastebasket, or worse yet, throws it on the floor?"

Scully: "Well, Mr. Black, if we're going to go to that, we should also really seriously be talking about some zero tolerance policies that we should load in there, also."

Black: "Ah, that's another issue too. Representative, I don't see anything wrong with the idea, and CMS seems to think they can implement it. So, I intend to vote for it. And I look forward to working with you to deposit our cans in the proper receptacles."

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 113 'ayes', 3 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1493, Mr. Ryder. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1493. The Bill's been read a second time, previously. Floor Amendment #1, offered by Representative Ryder, has been approved for consideration."

Speaker Madigan: "Mr. Ryder, on the Amendment."

Ryder: "Thank you, Mr. Speaker. This is a Bill that some of your dentists have talked to you about. And I'm pleased to say

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that the Amendment that I'm presenting removes the Dental Society opposition to the Bill here in the House. It maintains existing statutory fees from now through July 1st in the year 2000. I'd be happy to answer any questions on the Amendment."

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. Are there any further Amendments?"

Clerk Bolin: "No further Amendments."

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

Clerk Bolin: "No."

Speaker Madigan: "Read the Bill for a third time."

Clerk Bolin: "House Bill 1493. A Bill for an Act concerning radiation protection and installation. Third Reading of this House Bill."

Speaker Madigan: "Mr. Ryder."

Ryder: "Thank you, Mr. Speaker. The Amendment that we just passed, was with the agreement of the veterinarians. Other interest groups have cooperated in this process and we are scheduled to meet on May 1st, to address any and all concerns, that other groups including veterinarians and those large utility users that are regulated by the Department of Nuclear Safety. This Bill is... continues to be under discussion. The pur... and the Amendment removes the objection of the Dental Society. And I would be happy to answer any questions."

Speaker Madigan: "Mr. Skinner."

Skinner: "How about chiropractors?"

Ryder: "Representative Skinner, chiropractors didn't approach me on this. If they have a problem and they wish to be part

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of the May 1st conversation, I'm giving you notice and they are... I've just been informed that they are invited and will be participating on the May 1st discussion."

Skinner: "Thank you."

Ryder: "You're welcome."

Speaker Madigan: "Representative Kosel."

Kosel: "Thank you, Mr. Speaker. I spoke with many of you about this Bill. The concerns that I addressed with you have been answered. And I would encourage your support. Thank you."

Speaker Madigan: "Mr. Ryder to close."

Ryder: "I'd appreciate your affirmative vote. Thank you for the statements of support."

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? The Clerk shall take the record. On this question, there are 85 'ayes', 30 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1587, Mr. Pugh. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1587, a Bill for an Act to amend the Department of Human Services Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. Pugh."

Pugh: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1587 is a simple piece of legislation designed to create a Welfare Reform Oversight Committee. A committee that's designed to monitor and make recommendations relative to the new TANF plan (Temporary Assistance to Needy Families) and I'll answer any

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questions."

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? The Clerk shall take the record. On this question, there are 116 'ayes', 2 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 920, Representative Zickus. Mr. Clerk, what is the status of this Bill?"

Clerk Bolin: "House Bill 920 has been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments have been approved for consideration. No Motions filed."

Speaker Madigan: "Mr. Clerk, did you say there is an Amendment to be considered?"

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

Speaker Madigan: "Are there any Motions?"

Clerk Bolin: "No Motions filed."

Speaker Madigan: "Place this Bill on the Order of Third Reading. Has the Bill been read for a third time?"

Clerk Bolin: "The Bill has not been read a third time."

Speaker Madigan: "Read the Bill for a third time."

Clerk Bolin: "House Bill 920, a Bill for an Act concerning license plates. Third Reading of this House Bill."

Speaker Madigan: "Representative Zickus."

Zickus: "Thank you, Mr. Speaker, but there was an Amendment... Amendment #1, to this House Bill."

Speaker Madigan: "The Clerk advises me that the Amendment has been adopted to the Bill."

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Zickus: "Okay. Then I have to take it out of the record. I need the Amendment, because this will become a Shell Bill for special license plate for the I & M Canal's 150th anniversary next year."

Speaker Madigan: "The Chair recognizes, Mr. Black."

Black: "Yes, thank you very much, Mr. Speaker. Inquiry of the Chair? I believe..."

Speaker Madigan: "State your inquiry."

Black: "I believe the Sponsor is referring to Committee Amendment #1, that was adopted in Committee, that does what she wants it to do. Would you ask the Clerk to check on that?"

Speaker Madigan: "Mr. Clerk, was Committee Amendment #1 adopted?"

Clerk Bolin: "Committee Amendment #1 was adopted to the Bill."

Speaker Madigan: "And, Mr. Black, your file indicates that, that Amendment would shell the Bill?"

Black: "That is what we indicate."

Speaker Madigan: "So, Representative Zickus, I think you're ready to go."

Zickus: "Thank you, Mr. Speaker."

Speaker Madigan: "Did you want to thank Mr. Black?"

Zickus: "Thank you, Mr. Black. I don't have my file here."

Speaker Madigan: "He feels better now."

Zickus: "Thank you. Amendment #1 makes this a Shell Bill. On next April, 1998, the I & M Canal National Heritage Corridor will be celebrating their 150th anniversary. And they have asked to have a special license plate. I just don't have the language for it. The I & M Canal Corridor extends from Chicago down to the LaSalle-Peru area, so there are a number of us in this Chamber, who will be involved in these celebrations, and I invite everyone to join as sponsorships on this Bill. I would appreciate your approval to send it over to the Senate, so we can work on

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the language, to see what type of a license plate they would want."

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? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 89 'ayes', 27 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1746, Mr. Acevedo. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1746. A Bill for an Act to amend the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Madigan: "Mr. Acevedo."

Acevedo: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This legislation would permit municipalities statewide to utilize an automated red light enforcement system to enforce red light violations, which result in or involved a motor vehicle accident. Over 300 persons died last year in Chicago due to traffic accidents. The city identified 100 intersections where the highest number of accidents occurred. Under the system, cameras will be attached to traffic control signal devices for purposes of photographing of vehicles response to red light. The registered owner of the vehicle would be liable for the violation, except in cases where the vehicle was stolen or leased at the time of violation, or where the State's Attorney makes determination that the photograph evidence does not support liability on the part of the registered owner. And I ask for your support."

Speaker Madigan: "Mr. Black."

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



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yield?"

Speaker Madigan: "The Sponsor yields."

Black: "Representative, let me make sure I... this Bill has been amended. Excuse me, I want to make sure that we, on our side of the aisle, know what this does. Basically, this sets up a procedure where the City of Chicago, and it only, it only gives this authority to the City of Chicago. Correct?"

Acevedo: "Yes, it does."

Black: "Does not include Cook County, just the city?"

Acevedo: "Just the city."

Black: "Okay. It sets up a camera at various intersections to take pictures of automobiles who may go through a red light. Right?"

Acevedo: "There would only be 100 intersections... the most dangerous ones."

Black: "...okay..."

Acevedo: "And that's only that... when it involves traffic accidents or hit-and-run."

Black: "That was part of the Amendment?"

Acevedo: "Yes, it was."

Black: "And then you can be prosecuted on the basis of this picture, is that correct?"

Acevedo: "Yes, it can."

Black: "Now, I'm somewhat familiar with the Chicago parking ticket system. A lot of those seem to end up in my district. And that allows for an administrative hearing. And so my constituents don't have due process in a court. Does this do the same, or would it have to go to court?"

Acevedo: "You'd have to go to court."

Black: "Okay. So there isn't going to be any administrative hearing on these people who are... have been caught by this

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cop in the box or whatever we're going to call it."

Acevedo: "This would be considered moving violation and it would be used by the prosecutor's discretion."

Black: "All right. That's where we're confused, because staff indicates to me that there is still a provision in the underlying Bill that allows for administrative adjudication and that's where the Secretary of State has expressed some concern."

Acevedo: "That's been eliminated."

Black: "Can you give us just a quick minute to look through our notes? If you'd have your staff look on Page 6, of the underlying Bill, Line 30, where it references 625 ILCS."

Acevedo: "Amendment #1, you said?"

Black: "No. In the underlying Bill, we don't find that the language has been stricken. Page 6, of the underlying Bill, line 30 on that page where it talks about administrative adjudication."

Acevedo: "Representative Black, if you look at Amendment #1, Line 7, where it says deleting Pages 2, 3, 4 and 5."

Black: "All right. But this language appears on Page 6, of the Bill, Lin... begins at Line 30."

Acevedo: "Okay. The concerns the Secretary of State had was on Page 5 from what I understand."

Black: "I'll tell you what... I'll tell you what. Would you be willing to take the Bill out of the record and let staff get together and take a look at this? We're not trying to kill your Bill, we just want to make sure we're on the same page."

Acevedo: "Okay."

Black: "Okay. Thank you."

Speaker Madigan: "Take this Bill out of the record. House Bill 2047, Mr. Murphy. Mr. Clerk, what is the status of this

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Bill?"

Clerk Bolin: "House Bill 2047. The Bill has been read a second time, previously. Floor Amendment #1, offered by Representative Murphy, has been approved for consideration."

Speaker Madigan: "Mr. Murphy, on the Amendment. Mr. Murphy. Take this Bill out of the record. For what purpose does Mr. Parke seek recognition? Mr... Thank you. House Bill 1374, Mr. Capparelli. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1374. The Bill for an Act to amend the Metropolitan Reclamation District Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. Capparelli."

Capparelli: "Thank you, Mr. Speaker. Amends the Water Reclamation Act. The Bill clarifies that the Director of Personnel may establish lines of promotion, so that service in various lower classifications will allow the incumbent to be eligible to compete for promotions, where the experience in the lower classification may tend to qualify him to perform the duties of a higher classification. There's no fiscal impact. I understand there's no problem with this and I ask for a favorable roll call."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. There being no discussion, the question is 'Shall this Bill pass?' All those in favor, signify by voting 'aye'; all 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 106 'ayes', 11 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1513, Mr. Holbrook. Mr.

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Clerk, read the Bill."

Clerk Bolin: "House Bill 1513."

Speaker Madigan: "The Clerk advises that this Bill has already been passed. For what purpose... Representative Younge, do you wish to call your House Bill 1708? Mr. Clerk, read the Bill, 1708."

Clerk Bolin: "House Bill 1708. The Bill for an Act to amend the Historic Preservation Agency Act. Third Reading of this House Bill."

Speaker Madigan: "Representative Younge."

Younge: "Thank you, Mr. Speaker. House Bill 1708, requests the State Historical Preservation Soci... Agency to do a study in reference to the historical significance of Parks College in Cahokia, Illinois. Parks College, is an aeronautical engineering school that holds the number one approval for... federal approval for flight training. And this site is... the school is being moved to St. Louis, Missouri. And the site, itself, has great historical significance. Most of the pilots in World War II were trained at this site. There are buildings that should be preserved and should be state historical sites. Amendment #1 changes the wording of the Bill from state park, to state historical sites. I move for the passage of the Bill."

Speaker Madigan: "Mr. Stephens."

Stephens: "Thank you, Mr. Speaker. Will the Lady yield for questions?"

Speaker Madigan: "Sponsor yields."

Stephens: "Representative Younge, is it the normal process for the Illinois Legislature to designate historic sites?"

Younge: "The intent here, Representative, is not to designate a state historical site. The intent is to have the

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Historical Preservation Agency to study this sight as a possible state historical site designation. My intent is not to have this Body do that, but to have the agency that is designated to do those kinds of things, look at it. This is a very significant, historical place, Representative."

Stephens: "Well, thank you, Representative. I'm aware of the significance of the area. I wonder... I know that you have the best of intentions here, but when you direct an agency of the state to pay particular attention to a particular site that would normally be considered, based on merit, whether it were the top site, or the next, or the second tier or not, should be a consideration of the agency. I don't think it's the place of the Illinois Legislature to direct the attention of this agency to this site, for their determination for any reason other than the historic significance of the site, and for that reason, I would have to stand in opposition to your legislation. Let the agency consider this, if they wish, as a historic site. They will do that. They are much more aware of historic significance relative to other sites in Illinois, than we would be. You are right, there is much significance. There's also much economic significance to the site and it would behoove us to just let the agencies do their thing as it were. And they will act appropriately. And if they ask that this be designated an historic site, I would support that. But, I would not try to lead them into that belief. So, I would have to stand in opposition to 1708."

Younge: "Representative, I think that that is the very point that this is a situation which calls for leadership. Within nine or ten days that site is going to be vacated as a place of teaching aeronautical engineering, and it is going

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into a different phase. We cannot... this site is within a 1000 feet of the Jarrot Mansion. It's... within a 50... 500 feet of the Cahokia Court House, which is a state historical site. This site is the place where Cahokia began, and has grown up around. And I think the people there are in a state of shock, thinking that maybe it will not ever get on the historical preservation rolls, and I think that it is incumbent upon us, as Legislators, when we see an emergency, to act. And so, the emergency that I'm attempting to bring to the attention of the General Assembly... of the House is that we ought to have our Historical Preservation Agency conduct a study as to the historical significance of this college that has made a major contribution to aviation in our country. I believe that Oliver Parks is a great hero, and I think that it is incumbent upon us to lead in reference to this particular subject matter."

Speaker Madigan: "Mr. Holbrook. Representative Hannig in the Chair."

Holbrook: "Thank you, Speaker. I'll be voting 'present' on this due to a conflict of interest. Thank you."

Speaker Hannig: "Representative Bradford. Representative Bradford."

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

Speaker Hannig: "She indicates she will."

Bradford: "If I may ask the Sponsor a question? This is permissive is it not, Representative? It merely requests and requires that the agency take a look at the circumstances that exists in regard to Parks College?"

Younge: "The Bill would require the agency to take a... make the study."

Bradford: "Make the study and then make a recommendation. It

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does not require the agency to make any decision other than to take a look and find out whether or not..."

Younge: "...that's correct"

Bradford: "...it should be considered. To the Bill, Mr. Speaker."

Speaker Hannig: "To the Bill."

Bradford: "In regard to the circumstances of Parks College in our area, of the State of Illinois, this is a... this has been a vital institution in regard to the state, and the students that it has taught there. And it has some very vital and historic relationship to the area, and to the State of Illinois, and to the United States of America. In regard to what the Representative is requesting here, this is a matter of urgency on the basis that the college itself is moving its college facilities to St. Louis, Missouri. And that the buildings are to be abandoned in the very near future. We've had this circumstance before in regard to historical sites. Where there has not been quick action taken to preserve those sites, and the actual costs subsequent to that has been excessive. This is an opportunity that merely requests the state agency that's responsible for the determination of historic sites to take a timely look at the circumstance that exists in regard to the Parks College area and make its recommendation. I urge the Representatives to vote favorably on the Bill."

Speaker Hannig: "Representative Parke."

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

Speaker Hannig: "She indicates she will."

Parke: "Representative, can you tell the Body who owns Parks College?"

Younge: "At this time, St. Louis University owns Parks College. It is up for sale though, and the State of Illinois is

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looking at that. But, the ownership is in St. Louis University."

Parke: "Representative, it's... a Fiscal Note was filed on this. Can you tell the Body how much money your study is estimated to cost the taxpayers of the State of Illinois?"

Younge: "The agency indicated that it would perhaps cost \$70 thousand. But I think that, because it will be done in conjunction with the Department of Commerce and Community Affairs and the Higher Education Board, I don't think it will cost that much."

Parke: "Well, to the Bill. Ladies and Gentlemen of the House, again, this Representative has an idea that will probably help her district. She's trying the best she can to try and bring in money and institutions into her district, but the fact of the matter is, the study is estimated to cost the taxpayers of this state \$75 thousand. If, in fact, the state were to take this over and operate it, it is an estimated cost on the down side to the taxpayers, annually, of \$400 thousand a year to operate this. In addition, it is my understanding that the Illinois Historic Preservation Agency says that this institution would not fall under their responsibility, that this ought not to be placed with them. In asking who would assume the responsibility, it was told to me by staff that DCCA has a study and is working on looking at this and a matter of fact, they're going to be meeting within the next couple of months to look at this. This Bill is not appropriate at this time. It is costly and not necessary. Once some decisions are made by DCCA, looking at this, I'm sure the Sponsor will come back to the Body and explain to us where they're at. But at this time with all the pressing needs that the state has, to formally allocate the 70 to \$75 thousand is



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inappropriate and I would ask the Body to vote 'no'."

Speaker Hannig: "Representative Skinner."

Skinner: "Representative, no one yet has said why this college is of historic significance. Could you please tell us?"

Younge: "It is of historic significance because it is the place where most of the pilots in World War II were trained in aviation. It is of historic significance because Amelia Earhart and also Lindbergh and the great aviators of the century flew out of there. It is historic because it holds the number one approval, license number one from the United States Department of Commerce as a federally approved college to train pilots. And for those reasons it has historical significance."

Skinner: "How many acres is the site?"

Younge: "The site is 114 acres. There are individual buildings. I believe that there are individual buildings that are... that go back to 1929 that would qualify as historical sites. There will be participation and economic development by the Department of Commerce and also the Higher Education Board. But I believe that the site is of such historical significance that the Historical Preservation Agency should be a part of the team that is studying the alternative use and designation of this site."

Skinner: "Representative Stephens indicated there might be alternative uses for the site. Could you tell us what those are?"

Younge: "One alternative use would be for it to continue as an educational institution. The Chicago Teachers' Academy of Math and Science is an example of an agency that wishes to branch to this site. Also, it should be used and a part of... as a research park. A technology research park. And those things are being developed. But my point is that the

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site itself and individual buildings on the site all to be studied at this time for their historical significance."

Skinner: "Well, is there a possibility that this site might bring jobs if it were not a historical site? I mean, nongovernment jobs? I mean, real jobs?"

Younge: "I think that the jobs would come through its economic development potential plus its educational potential, but also as a result of its historical significance. It would be a place that would be, for example, on the national register and people from all around the world. I don't think that we ought to downplay the great contribution that this site and Oliver Parks made to aviation. That was made right here in Illinois and I think that we ought to honor the work and the sacrifice that they... that he gave in training the pilots in World War II. I think that that's an awfully important place for that reason and we should proceed at this time to make sure that those designations, at least the studies, begin, Representative."

Skinner: "Well, has an application been made to the Federal Government for the National Historic Sites Registry?"

Younge: "An application has not been made at this time. I believe the agency will pursue that as an alternative too, but at this time that application has not been made and I think that that is part of the significance of the Bill. I think the... if the House of Representatives and if the General Assembly will offer directions and leadership to this agency, it will see that the important thing is not to stand by but to lead, to go ahead and make sure that these appropriate designations come into being."

Skinner: "If your ultimate goal is for the state to purchase this 114 acre site, how much would that cost?"

Younge: "The a..."

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Skinner: "What is the fair market value per acre?"

Younge: "The fair market value is probably someplace between \$5 and \$10 million. There are 34 buildings on this 114 acre site. There are dormitories, there are avionics, there are machine shops, there is cafeterias, there is general purpose buildings."

Skinner: "Thank you. Thank you very much."

Speaker Hannig: "Representative Deuchler."

Deuchler: "Will the Sponsor yield for a question?"

Speaker Hannig: "She indicates she will."

Deuchler: "Representative Younge, I'm wondering. You mentioned the Math Science Academy site. Are you saying that these alternative or additional uses on the field would be compatible with some kind of historic designation?"

Younge: "Yes, I believe that. I believe that some of the buildings because of their age are appropriate for historical designation, but in addition to that, there should be active use in reference to as a professional training site for teachers in the metropolitan area."

Deuchler: "To the Bill."

Speaker Hannig: "To the Bill."

Deuchler: "Representative Younge, I do stand in very strong support of what you're trying to do. I think, for example, the Dana Thomas House that we were, in the General Assembly early in the 1980's, foresighted enough to preserve for the country and for Illinois. And these historic sites are so rare and here you have a site that was in the inception of aviation and World War II connotations. Certainly, in England, these kinds of airfields are being preserved for the history of aviation and I think we need to assist you in this endeavor."

Younge: "Thank you."

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Speaker Hannig: "Representative Younge to close."

Younge: "Well, I appreciate Representative Deuchler's comments and I think that that is very... the very point. When we were at war this site was the place where the pilots were trained. And I think that the pioneering spirit of Oliver Parks should be recognized and that the site that he built and the college that he built should be historic... state historic site and I ask for your support based on those beliefs."

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 66 voting 'yes', 46 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 762."

Clerk Bolin: "House Bill 762. The Bill has been read a second time, previously. Floor Amendment #1, offered by Representative Saviano, has been approved for consideration."

Speaker Hannig: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. Floor Amendment #1 is an agreed Amendment which makes the... which makes this Bill an agreed Bill. When we took this out of committee, made a commitment to the committee that we'd take it out of committee and leave it on Second until we have an agreement. We now have an agreement and that's what this Amendment represents, and I'd ask that it'd be adopted."

Speaker Hannig: "Is there any discussion? Seeing none, all in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Any further

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Amendments?"

Clerk Bolin: "No further Amendments."

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

Clerk Bolin: "House Bill 762, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker and Members of the House. House Bill 762 is a Bill that, if you recall, a couple of years ago, we had House Bill 1124 which addressed a litany of issues regarding the towing industry here in the State of Illinois. House Bill 762 represents additional cleanup to that House Bill 1124 which was signed into law. I ask that we approve this measure. It's a Bill that was initiated by the towing industry. We've worked with the Illinois Sheriffs' Association, the Illinois State Police, Illinois Police Chiefs. We've dealt with all the agencies that had concerns about the Bill and at this point, it's an agreed Bill and I ask that it be approved. Thank you."

Speaker Hannig: "Is there any discussion? The Lady from Cook, Representative Erwin."

Erwin: "Yes, will the Sponsor yield?"

Speaker Hannig: "He indicates he will."

Erwin: "Representative Saviano, I apologize. I would like to know how this impacts or if it does at all, say the local gas station, that you might call when your car becomes disabled and you're calling to get a tow to have your car fixed?"

Saviano: "Representative, I appreciate your question because that was one of your concerns back when we had House Bill 1124. We're in the same position. It really doesn't affect that small gas station owner."

Erwin: "Could you... would you mind just walking through with me

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how it doesn't affect them. And I mean, I'm really thinking in terms of the average constituent here, average person, who has a disabled car and calls their... you know, wherever they usually get their car fixed to get a tow. The fear was that many of these gas stations and body shop type places felt that they would no longer be able to afford to tow, and so the answer to the disabled motorist would be, I'm sorry, we don't provide towing service anymore. Maybe you can just help me understand this better."

Saviano: "Representative, what this really addresses is like the Amendment itself addresses that tow trucks shall use the amber oscillating lights at the scene of an accident. If the tow truck is not a flat bed, a tow truck shall use oscillating lights on a highway at night. If the truck is a flat bed, the amber oscillating lights will not be necessary when on the highway. This is the kind of stuff that's in this Bill. This has no effect, really, regarding the... how they acquire their business or how a customer, or consumer, would notify a local towing company."

Erwin: "So, Representative, the... there's nothing about a new licensure or... I remember one of the old versions had everybody that towed a car would have to be under the Illinois Commerce Commission. It would have required new standards. None of that is in this Bill? Is that what you're saying?"

Saviano: "That is correct."

Erwin: "Are... and did you mention the State Police's position?"

Saviano: "Yes, they are now neutral on the Bill leaning towards being in favor because of the safety features that we put into the Bill."

Erwin: "Okay. So just... Finally, let me say, if we all vote

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'aye' on this, which I clearly want to be able to do, our constituents aren't going to complain that when their car gets disabled they can't get a tow from the local gas station. Is that correct? Because of this Bill, not..."

Saviano: "That's correct."

Erwin: "Okay, thank you."

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

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

Speaker Hannig: "He indicates he will."

Turner, J.: "Representative, I received several letters on this piece of legislation from county highway departments who had expressed their opposition to the Bill. Can you tell me what their opposition was and whether or not, since you say it's an agreed Bill, they now are in favor of your proposal?"

Saviano: "Their opposition was the previous section which allowed heavier trucks on the roads and now that has been taken out of the Bill."

Turner, J.: "So to your knowledge, then, the highway departments, county highway departments are no longer in opposition?"

Saviano: "That is correct."

Turner, J.: "Because the provision regarding the no load limit has been taken out by your Amendment?"

Saviano: "That is correct."

Turner, J.: "And the Municipal League, what is their position on your Bill now, as amended?"

Saviano: "They don't have a position. They never did."

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

Saviano: "Thank you."

Speaker Hannig: "Representative Saviano to close."

Saviano: "Again, this is a Bill that addresses some cleanup

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language. Everybody is in agreement. I ask that this Body approve it. 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 99 voting 'yes', 18 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Committee Reports."

Clerk Rossi: "Representative Pugh, Chairman from the Committee on Human Services, to which the following Amendments were referred, action taken on April 24th, 1997, reported the same back with the following recommendations: 'Be adopted', Floor Amendment 3 to House Bill 1699 and Floor Amendment 1 to House Bill 1809. Representative Gash, Chairman from the Committee on Judiciary II - Criminal Law, to which the following Amendments were referred, action taken on April 24th, 1997, reported the same back with the following recommendation: 'Be adopted', Floor Amendment 1 to House Bill 2256."

Speaker Hannig: "Mr. Clerk, read House Bill 729."

Clerk Rossi: "House Bill 729, a Bill for an Act amending the Election Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Feigenholtz."

Feigenholtz: "Thank you, Mr. Speaker. House Bill 729 is a legislative initiative that came out of the State Board of Elections. It has four components to it. It requires newly created committees to organize within 10 business days, currently it's 30 days. It requires newly created committees to organize within five business days if created within 30 days before an election. It requires committees



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to disclose their assets as well as fund balance upon dissolution and requires the State Board of Elections to render a final decision of a complaint within 60 days of receipt. It's now 42 days. There's also some obsolete language that we all are looking at every time we do our D-1's. It kind of cleans that up too. It passed out of committee 13-zip and I would ask for a favorable vote."

Speaker Hannig: "Is there any discussion? Seeing none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 118 voting 'yes' and none voting 'no', and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 2047."

Clerk Rossi: "House Bill 2047. The Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Murphy, has been approved for consideration."

Speaker Hannig: "Representative Murphy."

Murphy: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #1 would increase the amount from 500 thousand to 3 million. This Amendment was agreed to bipartisan and also the County of Cook."

Speaker Hannig: "Is there any discussion? Seeing none... Representative Black, the Gentleman from Vermilion, is recognized on this ques... on this point."

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

Speaker Hannig: "He indicates he will."

Black: "Representative, there... Amendment #1 incorporates several Bills into this Amendment; House Bill 68, House

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Bill 199, House Bill 929. I think there's one or two others. I guess, basically, what I'm asking you is, one, it only affects pension law in the County of Cook and the City of Chicago. Is that correct?"

Murphy: "That's correct."

Black: "And is there a... Do you have an overall accrued liability in the Bill?"

Murphy: "Yes, both parties... Cook County agreed on the Bill and all the liabilities. They have total responsibility."

Black: "Okay. Staff indicates that this will add more than \$600 million to the accrued liability of the funds in Cook County. A considerable amount of money. Representative, did all of these provisions been approved by the Pension Laws Committee?"

Murphy: "Yes."

Black: "Okay."

Murphy: "They were approved by the Pension Laws Committee and they were approved by the Committee of Personnel and Pensions in the House, and we agreed bipartisan on it."

Black: "Okay. Representative, just one last question. The provisions of Representative Scott's Bill, House Bill 199, has been incorporated into this and that amends the IMRF. Now, is the IMRF, this is an early retirement program for municipalities and it appears to our staff that this would apply statewide, not just to Cook and the City of Chicago. Is that correct?"

Murphy: "Yes, that's correct."

Black: "Okay. So this is an early retirement option for IMRF, for anybody covered under that pension regardless of where they live. Correct?"

Murphy: "That's right."

Black: "And has IMRF agreed to that language?"

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Murphy: "They strongly support it, Representative, and not only that, the small mayors around the State of Illinois also approved it."

Black: "The small mayors? Well, my mayor is 5'8". Does he qualify as a small mayor?"

Murphy: "He's qualified as a... Municipal League and civic managers."

Black: "Is Representative Scott in the Chamber? He might... I..."

Speaker Hannig: "The Gentleman's in the center aisle."

Black: "Representative, is this the IMRF early retirement plan that they have been working on for two or three years?"

Scott: "Yes. You might remember that when we passed it for every other unit of local government two years ago we left out municipalities. This adds in municipalities and not only is IMRF supportive of it, but the language is agreed to by both AFSCME and the Municipal League, as well."

Black: "Now would it only impact municipal employees? What about county employees that might be covered?"

Scott: "They're already in, Representative."

Black: "So they're already in?"

Scott: "Because we did that two years ago. This just adds municipalities back in. We didn't add them two years ago because the Municipal League and AFSCME couldn't agree on language. We finally got them together and they've agreed on language now."

Black: "Is the city... is the state's second largest city included in this?"

Scott: "Absolutely."

Black: "Are you going to have anybody left?"

Scott: "Oh, yeah."

Black: "Okay."

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Scott: "But they're supportive of it, as well."

Black: "Okay. Thank you, Representative."

Scott: "Thank you."

Speaker Hannig: "Representative Skinner."

Skinner: "Will this cost state government anything?"

Murphy: "No. No impact."

Skinner: "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 Bolin: "Floor Amendment #2, offered by Representative Hoeft, has been approved for consideration."

Speaker Hannig: "Representative Hoeft."

Hoeft: "Thank you, Mr. Speaker. House Bill 2047 really is the Pension Committee's Omnibus Bill. We have folded a number of Bills into it. Amendment #2 is an Amendment for six individual Resolutions or Bills, four of which were Democrats, two Republicans. I will be pleased to answer any questions that I can, or specifically what the Sponsors can. But this is agreed upon straight on through the process. It's part of the Consent Calendar."

Speaker Hannig: "On that question, Representative Skinner is recognized."

Skinner: "Is there anything in this Amendment, or the previous Amendment, or the original Bill, that concerns the General Assembly Retirement Fund?"

Hoeft: "The Amendment... Excuse me. What was originally House Bill 510, Representative Deering's Bill, would increase the unfunded liability by \$72 thousand, according to the Fiscal Note."

Skinner: "For the General Assembly Retirement Fund?"

Hoeft: "No."

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Skinner: "Well, I guess I'm getting an ambiguous answer or at least one I don't understand. Is there any language in here for the General Assembly Retirement Fund?"

Hoelt: "I'm sorry, I thought you said pensions statewide."

Skinner: "No, General Assembly Retirement Fund."

Hoelt: "No, none."

Skinner: "There's no language in the entire Bill?"

Hoelt: "None that I know of."

Skinner: "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 Bolin: "No further Amendments."

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

Clerk Bolin: "House Bill 2047, a Bill for an Act to amend the Illinois Pension Code. Third Reading of this House Bill."

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

Murphy: "Yes. This total Bill, 2047, almost has no impact on the State of Illinois. All the Bills included was agreed by the commission and also the committee, again, with bipartisan support. So we would urge the adoption of House Bill 2047."

Speaker Hannig: "And on that question, the Gentleman from Cook, Representative Parke."

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

Speaker Hannig: "He indicates he will."

Parke: "Thank you. Representative, this shows a unfunded accrued liability of hundreds of millions of dollars. Has every entity that's affected signed off on this Bill?"

Murphy: "Yes, Representative, that's the City of Chicago and the County of Cook and they both have signed off on the Bill."

Parke: "Is there anybody in opposition to the Bill as presented

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to the Body?"

Murphy: "None that I know of, Sir."

Parke: "Thank you, Representative."

Speaker Hannig: "Representative Hoeft."

Hoeft: "Again, Representative Murphy has done an excellent job at scripting a Bill that contains the proposals of a number of us on this floor. We have worked on this in the Pension Laws Commission, we have worked on it in the committee. The City of Chicago has negotiated a \$630 million liability to their pension fund, but it's their pension fund. It is not the state's fund. The only unfunded liability that I know of is the \$72 thousand which goes to the beneficiaries of firefighters and police fighters. I think that we've worked hard and I would support from both sides of the aisle the passage of this Bill."

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 114 voting 'yes' and 0 voting 'no'; and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1668."

Clerk Bolin: "House Bill 1668, a Bill for an Act to amend the School Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Steve Davis, the Gentleman from Madison, is recognized on this question."

Davis, S.: "Yes, thank you, Speaker, Ladies and Gentlemen of the House. House Bill 1668 addresses a... addresses a problem we had at the local level. This was a Shell Bill and the Amendment became the Bill; and it authorizes the Bethalto Community Unit School District #8 in Wood River Township in Madison County to quitclaim school property to the

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Community Hope Center Incorporated, a not-for-profit corporation. The purpose for codifying the transfer is to circumvent the bidding process and the Act takes effect upon becoming law. I'd be glad to answer any questions."

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

Black: "Thank you very much, Mr. Speaker. First of all, we have an Inquiry of the Chair. A Parliamentary Inquiry."

Speaker Hannig: "State your point."

Black: "In the opinion of our staff and they are an outstanding group of people as staff is on both sides of the aisle; our staff says the Amendment is not germane to the underlying Bill which impacted the School Code and therefore the Amendment should be ruled out of order. And I would ask the Chair to look at that on the question of germaneness and so rule."

Speaker Hannig: "Representative Black, this Bill is on Third Reading. The time to challenge the germaneness was on Second Reading."

Black: "Oh. Well, why didn't you tell me that. Evidently, we lost that argument on Second Reading, too, and I think it was a good one. Okay. Will the Sponsor yield?"

Speaker Hannig: "He indicates he will."

Black: "Representative, I trust you'll get this corrected in the Senate on the issue of whether or not it's germane since I seem to have been asleep at the switch?"

Davis, S.: "Well, that's the first I ever heard of the question of germaneness because..."

Black: "That's actually the first time I ever heard it, too."

Davis, S.: "We amended this Bill twice the first time it came up, Representative."

Black: "Okay. Well, let me just ask you some questions about

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this Bill. I'm going to get into trouble here for practicing law without a license if I'm not careful. I... Has there been a land conveyance Note prepared? I mean, do we have any idea what this property is worth?"

Davis, S.: "Representative, I am told by the Superintendent of the Bethalto Community Unit School District that it... if they put it out for bid, it's worth approximately 40... it would get... bring approximately \$40 thousand."

Black: "All right. And is there anything in the Bill... This conveyance is going to be to a community based organization. If they go out of operation or something, does this land go back to the school?"

Davis, S.: "Yes, Representative. We amended the Bill to take care of the concerns that were brought out in committee on that issue and I believe that the Amendment states that if the Community Hope Center were to sell or lease or rent the property, that the proceeds would go back to the school district."

Black: "Okay. It appears that the State Board of Education has given some legal opinions on such a transfer, and it's their opinion that the school district will be held liable for any problems with the property such as underground storage tanks, asbestos, et cetera, et cetera. Is the local school district willing to take that liability?"

Davis, S.: "Representative, it's my understanding that by the school district selling the property for \$1, that they... they are not going to be liable for anything when it comes to the property."

Black: "Well, that's an interesting point. And then, I guess, my... the last concern that I have is why wouldn't the school district sell the property? You've mentioned a \$40 thousand appraisal and all school districts are struggling



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today to pay their bills and try to get ready to go into the next century. I just don't understand why they wouldn't sell the property for at least the appraised value. Is there a reason that I'm not seeing here?"

Davis, S.: "Well, Representative, I think that the school district thought this was a good chance for them to do something for the community in the Forest Homes/Cottage Hills area. It's a depressed area of the school district. The Community Hope Center is a not-for-profit corporation and what they do is give out clothing and food to the underprivileged and those less fortunate than the rest of us, and they run some programs for the kids out in that area. They do a wonderful job in their community. They are an all volunteer organization and I think that the school district felt that by giving this to... by selling this for \$1 to the Community Hope Center, that they would be actually helping the community by doing this."

Black: "Yes. Well, thank you very much, Representative. As always, I appreciate your forthright answers to questions. Mr. Speaker, if I might, to the Bill."

Speaker Hannig: "To the Bill."

Black: "Ladies and Gentlemen of the House, there's no question in my mind that what the speaker... or what the Sponsor of this Bill is attempting to do, it probably reflects the desires of a school district and a community based organization in his home district. I simply rise with a caveat that this sets a very strange precedent in a time when schools are hoping, and I think many of us are hoping on this Floor, that we can address the inequities of what we are able to spend for students throughout the State of Illinois. Here we have a school district giving land with an appraised value in excess of \$40 thousand to a community

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based organization for \$1, and this community based organization, as I understand it, is a non-profit organization. So not only do you sell the property for \$1, but the agency that then occupies the property doesn't pay property taxes. It just doesn't seem to make good sense to me in a time when school funding seems to be the predominant issue that we would allow a precedent for a school to literally give away land and property that they own, and particularly give it to a non-profit entity that will pay no property taxes on the land that they would... the land and the appurtenances that they would then occupy. I can appreciate the Gentleman is trying to represent his district. He does it very well. But my fear is the precedent that this sets and I cannot, in good conscience, vote for it until after we address the greater issue of school funding. I intend to vote 'no' on the legislation. I would ask my colleagues to look very carefully at the precedent this Bill may set."

Speaker Hannig: "Representative Stephens."

Stephens: "Thank you, Mr. Speaker. To the Bill. Representative Black, one of the best kept secrets on the House Floor is that Representative Steve Davis and I actually share the community of Bethalto at Prairie Lane, I believe it is, or Prairie Street in Bethalto. Everything east of there is in the 110th Legislative District, everything west is in Representative Davis's district. And as to the issue of whether the school district is giving away land that would produce property tax so that the school owns the land now is not producing property tax. It won't produce property tax when it's given to the Community Hope Center. The arguments that the school district is losing revenue at a time when revenues are much sought after is a false

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argument. I rise in support of the Gentleman's amended Bill and ask that Republicans vote 'yes' on 1668."

Speaker Hannig: "Representative Davis to close."

Davis, S.: "Thank you, Speaker, Ladies and Gentlemen of the House. This is not precedent setting legislation. Public bodies have given away properties to not-for-profit corporations and things that help children in their communities all over the State of Illinois. This is an opportunity for the Bethalto School District. The entire school board voted unanimously to give this property to the Community Hope Center and I would appreciate your 'aye' vote on this very pressing matter."

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 87 voting 'yes' and 28 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 910."

Clerk Bolin: "House Bill 910, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Hannig: "Representative Clayton."

Clayton: "Thank you, Speaker. House Bill 910 amends the State Comptroller's Act. As you know, the Local Government Affairs Division of the Comptroller's Office gathers, analyzes and reports financial data from all units of local government in the state and this is a proposed change in that. There are several changes; one, is that it provides that of the 15 public members of the advisory committee, at least one shall be a representative of the Illinois Municipal League and at least one, a representative of the

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Township Officials of Illinois. These members have been advising the committee for a number of years, but this will formalize their role. It also provides that the Comptroller shall establish and maintain a registry of units of local government and requires county clerks to notify the Comptroller upon learning of the creation or dissolution of any unit of local government. It also amends the Governmental Account Audit Act to exempt any unit of local government appropriating less than \$5 thousand for any fiscal year from filing an annual financial report with the Comptroller. It also allows the Comptroller to decline to order an audit and financial report for units of local government that for reasons outside of their control cannot produce adequate records. This would apply to situations where a past administration has failed to report, leaving a current administration in delinquent status. It will also apply to situations where books and records are deemed inadequate or unavailable due to a natural disaster."

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

Burke: "Thank you, Speaker. I rise to support House Bill 910. This is a fully agreed upon Bill. We have negotiated with the county and the City of Chicago. Everyone is in agreement and I would ask for the Body's favorable consideration."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority,

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is hereby declared passed. Mr. Clerk, read House Bill 1194."

Clerk Bolin: "House Bill 1194, a Bill for an Act to amend the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Hannig: "Representative Gash."

Gash: "This Bill has been amended to be the same as a similar Senate Bill which came out of the Senate with no 'no' votes... This Bill removes references to metal and replaces the word metal with armor, so that armor piercing bullets become the term. It exempts soft material ammunition such as lead that are designed for sporting purposes. This is basically a cop-killer bullet ban. This came out of the Senate 56 to nothing. Proponents include Winchester Manufacturing Corporation, Illinois Citizens for Handgun Control, City of Chicago, Illinois State Crime Commission, Chiefs of Police, Sheriffs' Association, Schwab Rehabilitation Hospital, and the State Rifle Association is no longer an opponent to the Bill... of the Bill."

Speaker Hannig: "The Lady has moved for passage of House Bill 1194 and on that question, Representative Mulligan is recognized."

Mulligan: "Thank you, Mr. Speaker. I'm not commenting on this Bill. I just wanted to reflect on the last Bill, House Bill 910. My switch did not work and I would have voted 'aye' if it had."

Speaker Hannig: "The record will reflect your intentions. Representative Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Hannig: "She indicates she will."

Durkin: "Representative, there was a lot of work done on this Bill and I believe the Bill, in it's initial form, had... some concerns was raised from the NRA and the Illinois

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State Rifle Association."

Gash: "Yes."

Durkin: "Have they taken a position on this Bill in its present form?"

Gash: "They have no position that I'm aware of on this Bill. They have removed their opposition, although they may be supporting the Bill. I'm not sure."

Durkin: "Okay. And this language does track the current federal language which prohibits cop-killing bullets. Correct?"

Gash: "Yes."

Durkin: "Okay. Thank you very much."

Speaker Hannig: "Representative Black."

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

Speaker Hannig: "She indicates she will."

Black: "Yes, Representative, you indicated this Bill came out of the Senate 56 to nothing, and since it's a House Bill, I just wonder how it did that?"

Gash: "I said this Bill was the same as a Bill that came out of the Senate."

Black: "Oh, the same as. What Bill was that?"

Gash: "I believe it's 107."

Black: "It was what?"

Gash: "As I said, I believe it's 107 and in fact it is 107. Senate Bill 107."

Black: "Senate Bill 107. Okay. How does this differ from the law that we already have on the books about prohibiting metal piercing bullets?"

Gash: "This prohibits armor piercing bullets instead of metal piercing bullets. It deletes the references to the metal piercing bullets. This is a result of new tech..."

Black: "Oh, okay. Armor piercing. You mean suits like the

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knights use to wear? That kind of armor?"

Gash: "Any type of body armor that may be.."

Black: "Well, the reason I was being a little factitious, does your Bill define body armor?"

Gash: "It defines armor piercing bullets as a handgun bullet or handgun ammunition with projectiles or projectile cores constructed entirely, but for the presence of traces of other substances..."

Black: "But the Bill really doesn't define what armor is, does it?"

Gash: "I think that within reason, that's sort of assumed what armor does."

Black: "Well, I have a relative that has a plate in his head."

Gash: "I beg your pardon."

Black: "If it... I have a relative that has a plate in his head and I don't know whether this would pierce the plate in his head. So I... you know, I'm trying to maintain a reasonable sense of humor which is very difficult."

Gash: "I understand what you're saying."

Black: "But the Bill does not define armor."

Gash: "But because it does define what an armor piercing bullet does, which is what is banned in the Bill, it certainly isn't unclear."

Black: "So it defines..."

Gash: "There is new technology. The Bill is... the Bill is in part a response to the fact that there is new technology since that law and there are now non-metallic bullets like the black rhino which is able to pierce body armor that is worn by law enforcement officials for protection, for instance. This Bill would outlaw any bullets which are capable of piercing body armor and it addresses that type of hard plastic which is not metal, which was the metal

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type bullet that was banned before. This goes a little bit further to address the new technology."

Black: "Is there a definition in federal law as to what an armor piercing bullet might be?"

Gash: "Yes, this tracks that."

Black: "So you're tracking the federal definition. Right?"

Gash: "Yes."

Black: "And what is the penalty for the possession of an armor piercing bullet in your Bill?"

Gash: "It's a Class III Felony, two to five years, \$10 thousand."

Black: "Is there any penalty provision on the person who sold the armor piercing bullet?"

Gash: "Yes, there is. That's a Class IV Felony, one to three years, \$10 thousand."

Black: "Is there any penalty for the person who manufactured the armor piercing bullet?"

Gash: "Yes, there is. That's the same as for the selling of or transferring of."

Black: "Well, selling it. But what about the ultimate villain in this case, if I may use that word, would be the manufacturer. So, is there a penalty on those who manufacture armor piercing bullets?"

Gash: "Yes. Yes, there is."

Black: "And what is that penalty?"

Gash: "That is a Class IV Felony, one to three years, \$10 thousand."

Black: "Wouldn't it have been easier just to say it would be illegal to manufacture?"

Gash: "In lieu of this Bill?"

Black: "No. If you're going to say if you manufacture the armor piercing bullet you're a felon, why wouldn't we just amend the Bill and say, if you manufacture an armor piercing



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bullet which we are saying is against the law, the full force of the law will come down on the manufacturer."

Gash: "As opposed... Are you suggesting that it should not be also a ban on the unlawful use of these bullets?"

Black: "Well, no."

Gash: "Well, that's..."

Black: "I'm trying to get at the heart of the issue. If it's..."

Gash: "We want to prevent the unlawful use. The manufacture, the selling, the transferring, the unlawful discharge..."

Black: "Okay, fine. Now that's what I want to concentrate on. Then if I understand your Bill, you are out, in effect, you are outlawing the manufacture of armor piercing bullets. Correct?"

Gash: "Yes."

Black: "So that no one in the chain of evidence, shall we say, will be legally operating. The manufacturer is not suppose to do it, the distributor is not suppose to distribute it, the seller is not suppose to sell it, and the user is definitely not suppose to use it. Correct?"

Gash: "That is my understanding."

Black: "Okay. Well, then I think if we've covered everything from the beginning of the process to the end user, then it appears you've got a fairly workable Bill. But it doesn't have any... And there are no exemptions in this Bill. Is that correct? I mean, this is the law of the land? What about... I guess what I'm asking you, would it be possible for a police department..."

Gash: "I want to check something cause I believe the answer to that is, in fact..."

Black: "Okay."

Gash: "...that there are certain exemptions."

Black: "Mr. Speaker, could you play the Jeopardy theme song, or

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something, while we're waiting?"

Speaker Hannig: "Maybe the Clerk could hum for us."

Black: "Maybe Representative Phelps could sing."

Gash: "The exemptions are peace officers, wardens, superintendents and keepers of prisons, members of the armed services..."

Black: "Okay."

Gash: "...federal officials who are required to carry firearms. Representative Black..."

Black: "Yes, and what we were trying..."

Gash: "Are you listening?"

Black: "...what we were trying to work on is, see, there are exemptions. So, somebody can legally possess a bullet that is illegal to make. Now it doesn't make any sense to me."

Gash: "One of the exemptions, also, is persons licensed under federal law to manufacture, import or sell firearms and firearm ammunition and actually engaged in any such business, but, only with respect to activities which are within the lawful scope of such business..."

Black: "Okay."

Gash: "...such as the manufacture, transportation or testing of such bul... I understand your concern."

Black: "Now we're on the same wavelength and, see, sometimes we have to go through the south forty to get to the pasture land, but we're there. And I don't see..."

Gash: "Is that a sports reference?"

Black: "I don't see any problems with this Bill. In fact, I believe the NRA has taken a neutral position on the Bill. Have they not?"

Gash: "That is correct and, in fact, I was given the beeper number for the gentleman from the Illinois State Rifle Association. He mentioned he would come right over as soon

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as we were going to do this Bill and stand in the gallery and give a thumbs up to anyone who might be concerned. Although, I didn't have a chance to call him."

Black: "I was going to say, you forgot to beep him. He is not going to be happy with you. You forgot to beep him?"

Gash: "Apparently, we did beep him. But, yes, I forgot to beep him."

Black: "All right."

Gash: "Someone did, though."

Black: "Okay. I appreciate the work you've put into this. You've done a good job on this. I don't think anybody on this Floor wants to vote against this Bill that would allow some unscrupulous manufacturer and some ne'er-do-well, which is the kindest thing I can call them, to load up on this stuff and go out and be able to rip apart a police officer's body armor. That's just ridiculous. It's outside any reasonable range of public policy. I commend you on the job you've done on this Bill. This is much better than your curb and parking lot Bill, so I intend to vote for this Bill."

Gash: "I appreciate that."

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

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

Speaker Hannig: "The Lady will yield."

Weaver: "Representative, will this grandfather in current owners of armor piercing shells?"

Gash: "No, Representative, it's my understanding that it does not."

Weaver: "Okay. What, in your perception or your intention, what would the current owners of armor piercing shells do should

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this pass into law? Should they turn them in? Should they bury them? Should they... what would they do with them? Are there any provisions in the Bill that they should..."

Gash: "I understand your concern. I don't know that there's any reason why they would need them any longer."

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

Gash: "I don't know why they would need them any longer. So I think that it would be..."

Weaver: "No, but what do they need to do with them if they already own them, to avoid prosecution for a felony."

Gash: "They need to make sure... They could turn them over to law enforcement. We need to make sure they are in compliance with this law."

Weaver: "Yeah, I don't disagree. As a matter of fact, I'm probably going to support your Bill, now that you're finally in the NRA camp, it's nice to know. Mr. Speaker, to the Bill."

Speaker Hannig: "To the Bill."

Gash: "I'd also like to point out that the Rifle Association, Representative, is now here."

Weaver: "Yes. This is the NRA language. What the Sponsor didn't tell us is they were very helpful in getting this drafted in such a way that it clears up some problems. It simply mirrors the federal law prohibiting certain types of anti-cop bullets; however, I don't think, in reference to a previous questioner, that we want to go after the manufacturer simply because of a recent experience in Los Angeles where some bank robbers were actually wearing bullet proof vests. And if we go after the manufacturers of these types of shells, then the police and the law enforcement officials, they won't have access to them either. So I would ask that the Body support this Bill."

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It's a good anti-crime measure and is something that has the full support of the National Rifle Association."

Speaker Hannig: "Representative Gash to close."

Gash: "And I would actually echo that the State Rifle Association has been helpful in determining a better way to do this Bill and I'm glad that they're on board with this very reasonable change in the law. It's an appropriate thing for them to do and I hope that they continue in that direction."

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 116 voting 'yes', 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1088."

Clerk Rossi: "House Bill 1088, a Bill for an Act regarding support for unemployed persons. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Schakowsky, has been approved for consideration."

Speaker Hannig: "Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Essentially, what Amendment #1 does is remove everything from the Bill except for the title and the purpose of the Bill. It states clearly that the... what the purpose of the Bill is, but in terms of the details and the enactment of it, all of that is left out. So, essentially, Amendment #1 creates a shell because it's a, really a work in progress and I would urge support of Floor Amendment #1."

Speaker Hannig: "The Lady has moved for the adoption of the

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Amendment. Is there any discussion? All in favor of the Amendment say 'aye'; opposed 'nay'. 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 1088, a Bill for an Act regarding support for unemployed persons. Third Reading of this House Bill."

Speaker Hannig: "Representative Schakowsky."

Schakowsky: "Thank you. House Bill 1088, as it was originally drafted, is a Bill aimed at keeping low wage workers out of the welfare system when they temporarily lose their jobs. It's a creative concept that was developed by the Poverty Law Project and right now we're in discussions with Secretary Peters and the Department of Employment Security, hoping that we may be able to develop a language that could be agreed upon by all. This... The whole idea was really made possible by the flexibility that's in the new Welfare Bill and the concept is to create a re-employment program that's administered by the Department of Employment Security for these low wage workers who don't qualify for unemployment insurance benefits. The reason is that often the job... the work... the earnings requirements are too high for them to qualify for unemployment insurance. So this is an idea that we will be able to treat some people who would normally go onto welfare, out of the welfare system, treat them like workers and not welfare recipients. It's revenue neutral for the state, but we've taken out all of the details so that we can work them out in a way that would be acceptable to all and I would ask that we be able to pass this over, with only the intent in place, so that we can continue work on this legislation."

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

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

Speaker Hannig: "She indicates she will."

Biggert: "Thank you. Representative, we've discussed this Bill a lot, I know, and it... and I would agree, it does seem to have some real creative and innovative possibilities. But I have a couple questions that I'd like to ask you about it. Can you assure this Body that... that this Bill would be used only for the purpose that's stated in the Amendment?"

Schakowsky: "Only for this purpose. That's why we left the intent so there was enough language there to make it clear what it's about and only for that purpose."

Biggert: "Okay. Secondly, would you agree not to proceed with the Bill unless an agreement is reached with the Department of Human Services and the Governor?"

Schakowsky: "Yes."

Biggert: "All right. And have you received any direction from the Department of Human Services as to whether the state expenditures for the Re-employment Support Program would qualify under TANF's maintenance of payments requirements?"

Schakowsky: "I think there's not a question whether it would qualify, but the secretary did raise some non-fiscal questions that we're still resolving, but that wasn't one of the questions."

Biggert: "Okay. And that would also mean whether the... we would receive federal funds. Isn't that correct?"

Schakowsky: "Well, whether this would qualify under maintenance of effort, we would be using state funds that we have to use to match federal dollars. Yes."

Biggert: "Okay. Well, then if that agreement is reached, would

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you agree to a provision in the Act that would state that any payments made under the Re-Employment Support Program would proportionately reduce any future TANF payments? I think you probably would agree that we certainly don't want participants in the Re-employment Support Program to take advantage of the... in order to extend what they would receive, their welfare benefits that they would receive. So that would be an additional 26 months. In other... this would be in place of any TANF payments."

Schakowsky: "Well, I would certainly consider that. I would need to go back and talk to the people who brought the legislation. It's certainly something that I would be willing to consider and obviously if it's a condition of the Bill passing, I'd think about it even more seriously."

Biggert: "Well, I think that is an important consideration because as I understood it when we discussed it, it was to be something that would be used in place of TANF rather than to extend the payments."

Schakowsky: "If you're asking whether... I mean, you're not saying that they could receive TANF at the same time, are you?"

Biggert: "Well, either that they not..."

Schakowsky: "They certainly would not be able to be part of both programs."

Biggert: "But they could receive this program and then go on TANF so that they would then receive an extra 26 months... I mean, 26 weeks."

Schakowsky: "Well, this Bill. If you're saying, would the 13 weeks on this count against the overall time limit, if that's the question, as I say, I would certainly consider that. I can't make that commitment now, but, again, if it's part of the reason that we could pass it, I certainly



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would."

Biggert: "Okay. And this Bill will then come back here so that we will..."

Schakowsky: "Right."

Biggert: "All right. Thank you."

Speaker Hannig: "Representative Mulligan."

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

Speaker Hannig: "She indicates she will."

Mulligan: "Representative Schakowsky, who do you envision as being part of the negotiating team on this?"

Schakowsky: "We've been talking directly with Howard Peters and with Jim Nelson at the Department of Employment Security and then John Bowman from the Poverty Law Project has been the one who has really drafted the idea."

Mulligan: "And so you're going to send this to the Senate with the concept, not being specific with hopes, that the negotiations will prove fruitful and come back to us with something that's reasonable."

Schakowsky: "That's correct. They're working on new drafts as we speak to accommodate some of the concerns that have been raised."

Mulligan: "All right... Do you have, and you don't have to tell me who, but do you have a Senate Sponsor who is committed to seeing that this gets done over there? As you know, we're sending them many Bills and I don't feel that they're going to pick up a lot of them, but I think that the concept behind this is an important one. Although I wasn't totally happy with the way the Bill was before, these are all things that we have to address to improve. If we're going to change, we want to make the change an improvement and helpful to people. So have you got someone that's committed over there to working on this?"

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Schakowsky: "We're, at this time, looking for appropriate Senate Sponsors that will work with us. We feel confident that we'll find some."

Mulligan: "All right. Well, if you do, that would be good and if you don't, it's not going to mean anything, so..."

Schakowsky: "Right. Right."

Mulligan: "Okay. Thank you."

Speaker Hannig: "Representative Schakowsky to close."

Schakowsky: "Thank you. I would appreciate the opportunity to have this innovative welfare reform concept to keep low wage workers out of the welfare system, to keep that discussion going and I would urge your support of House Bill 1088."

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 74 voting 'yes' and 44 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 724."

Clerk Rossi: "House Bill 724 has been read a second time, previously. No Committee Amendments. Floor Amendments 1, 2 and 3 have been adopted to the Bill. No Motions have been filed."

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

Clerk Rossi: "House Bill 724, a Bill for an Act to amend the Prevailing Wage Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Mautino."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I present today House Bill 724, which makes the Prevailing Act... Prevailing Wage Act applicable to certain

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private contracts entered into between public utility companies and outside contractors. To be covered under this Bill, a utility construction project must include all of the following: Utility installation, right-of-way, mainline, tap and feeder projects, laying and distribution of pipes, line, cable for station, main and service work. It also applies to line locators, as amended, and this would be set up as established by the Illinois Department of Labor when contracting for public improvements. Ladies and Gentlemen of the House, this Bill has been... it is bipartisan and it has been brought forward with both labor and management. It... What we're looking at in this is to enhance public safety and that is enhanced when highly skilled employees install these complex and hazardous utility systems. Also, the prevailing wage jobs provide a greater stability in a highly competitive arena. Ladies and Gentlemen, this Bill has the support of the Illinois Construction Industry Committee, the Associated General Contractors, Central Illinois Builders, Contractors' Association, Fox Valley Contractors, Greater Peoria Contractors, the Illinois Valley Contractors' Association and numerous other organizations. I think that this is a long needed addition to protect the public health and safety. I would ask for your 'aye' votes and be happy to answer any questions regarding this legislation."

Speaker Hannig: "The Gentleman has moved for passage of House Bill 724, and on that question, the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I rise in opposition to the Bill. I know the Sponsor has worked very hard. He's amended the Bill several times, but let's just look at what the Bill does."

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If I am a telecommunication company, and that is a very competitive business today, and I want a contract with a company that just strings wire, that's all they're going to do is they're going to string wire from the back of a truck on a huge spool from pole to pole to pole. They aren't going to connect it. My crews are going to do that. But I just hire a contractor so that I can do other work such as hookups or putting in fiber optic cable or doing all of the things you've got to do today to remain competitive. I have to pay prevailing wage on that contract. I'm not sure, but this Bill may even cover those people I contract with to go cut limbs down that might be in the way of utility power lines, transmission lines. This Bill is an extreme expansion of the Prevailing Wage Act and who pays for that? The ultimate consumer has to pay the bill. It will be passed on. These utility companies will go to the Commerce Commission, build this cost of doing business into it's rate base and the ultimate person who will be responsible for these higher costs will be the consumer, the person who lives in your district. I would submit to you that this expansion is not a good idea. You are simply passing the cost on to the people who live in your district and in the case of telephone bills and utility bills, they're already high enough. We don't need to pass on any more expanded costs to the consumer and that's exactly what this Bill will do if you vote for it. I would urge a 'no' vote."

Speaker Hannig: "Representative Parke."

Parke: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I rise in opposition to this Bill also. If people want to have a job site that pays prevailing wage, let them collectively bargain for it. They don't need to supersede

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it by coming to the Legislature to do this. This Bill is ill-advised. Every... all the union guys say they don't want to have unfair competition. Well, I tell you what, if you pass this legislation, people are going to seek contractors from Indiana, Wisconsin, from other states. You're going to tell the small business people, the subcontractors who work on these projects, that they have to pay prevailing wage. The cost of doing business is going to skyrocket. This is an insane idea. This Bill ought not to. Let me tell you, the Sponsor of the Bill tells you all the groups that are for this Bill. Let me tell you who's opposed to it. The Employment Law Council, the Illinois State Chamber of Commerce, the Illinois Manufacturers, the National Federation of Independent Businesses. The four top business groups oppose this Bill. Central Illinois Public Service, People's Gas, Nye Gas, Illinois Lumber and Material Dealers, Midwest Truckers, the GTE, the Illinois Nurserymen's Association oppose this Bill. It's just bad public policy. The cost of doing business is going to skyrocket. This is supposed to be kept out of the private sector. Out of the private sector. And labor now wants to get into the private sector so that they can increase the cost of doing business in this state. This Bill, if you vote for this Bill, it is going to cost Illinois workers jobs. Why we come up with an insane idea like this is beyond me. I would ask the Body to vote 'no' on this Bill."

Speaker Hannig: "Representative Cross."

Cross: "Thank you, Mr. Speaker. I rise in support of this Bill and let me tell you, you don't always see me on Bills with Representative Mautino. But we often try to work together on issues and I support, in this case, Representative

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Mautino's idea. And now let me tell you why. I come from an area that not only is in Kendall County, but also parts of Will and Kane County. A good friend of mine from high school is active in the union... union world so to speak, and he came to see me a couple of months ago and he said, 'Tom, we really need to address this issue.' I said, 'Joe, I'm not sure that I want to get involved with prevailing wage.' He said, 'Let me tell you what's going on in our area in Kane and Kendall and Will Counties.' He said, 'People... contractors are hiring out of state employees. They're coming from Missouri, they're coming from Oklahoma, they're coming from Ohio to work in the State of Illinois to work in the Fox Valley. They're taking away jobs from our people, the people in our districts that have home mortgages, that have car loans, that have kids in our schools and they are not getting the jobs that out-of-state people are getting and that's not right.' Not only is it a job issue, and that probably is the biggest reason to vote for this Bill, but it's also a public safety issue. When the union people are working on jobs that we're talking about, they're highly skilled employees. And we're talking about installing complex and hazardous utility systems. With deregulation right around the corner, it's even more important to have skilled employees from our area working on the projects that deregulation will bring for us. Employee safety is also a crucial ingredient. When you're talking about the types of jobs that we're talking about under this Bill, I mean, it's important that there are union people working on this Bill. Union groups comply with OSHA standards, they make sure their employees do that, and if we're going to talk about employee safety, we ought to be supporting this Bill. Also, the union

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employees that are covered under Prevailing Wage are covered under medical and pension systems that their unions provide, therefore, we don't have costs that we will bear as state employees or as a state. Also, prevailing wage jobs provide greater stability to our area. This is a good vote. We talk about jobs on a daily basis around here and as Legislators we say we're for jobs, we're for jobs, we're for jobs. Well, if you're for local jobs and you're for local people, then this is a Bill you ought to be voting for. I applaud Representative Mautino on his hard work on this Bill and I would ask for a 'yes' vote."

Speaker Hannig: "Representative Parke, you have spoken in debate. For what purpose do you rise?"

Parke: "If this receives the required number of votes I would like a Verification of the Roll Call."

Speaker Hannig: "You're acknowledged for that purpose, Representative Parke. Representative Lang."

Lang: "Thank you, Mr. Speaker. Ladies and Gentlemen, I rise in support of this excellent Bill. Despite some of the hysteria that we've heard against this Bill, the fact is that this is about working men and women being able to compete fairly and to get jobs and to get a living wage. We have spent a good deal of time the previous two years prior to this January, attempting systematically to dismantle piece by piece the rights and privileges of working men and women in the State of Illinois. We've gone after their collective bargaining rights, we've gone after their job safety, we've gone after their benefits, we've systematically tried to take away things that they have earned over the years. Ladies and Gentlemen, this is a Bill that we can move forward to say to working men and women, we're still with you. We have not abandoned you

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completely in Springfield. We still care that you make a living wage. We still care that you have jobs, that you can support your family with and have job security and health care and be able to send your kids to college. We still care about you working men and women.' And I think, because of the nature of the previous two years, some of the things that we have done to working men and women say to us that we must once in a while step forward and do something for working men and women. To say that we still know here in the Illinois General Assembly that they're out there, we still know that they have a valuable place in our society and we know that they deserve a living wage, a wage that will enable them to take care of their families, and so, Ladies and Gentlemen, House Bill 724 is an excellent proposal. It's an important proposal and it says to everyone in Illinois that we care about the people that are the backbone of society, the people that work everyday, the people that work hard to support their families. This is the kind of measure that says, we're still with you. Vote 'aye'."

Speaker Hannig: "Representative Stephens."

Stephens: "Thank you, Mr. Speaker. To the Bill. I suppose everyone has a different philosophy as to whether this is good legislation or not, but I would take exception with the remarks that this is the only way that, and a necessary way, to help working men and women in Illinois. You know, working men and women in Illinois are working because someone provides the environment for a job and every time we challenge that environment and make it just a little bit tougher to attract out of state business, a little bit tougher for businesses to survive here in Illinois, every negative message we send is a message that says there goes



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another job. Working men and women are quite capable, under the Collective Bargaining Act, to make sure that their benefits are indeed benefits that provide a livable wage, the sort of benefits that provide insurance for families, the sort of benefits that provide for a family to set aside some money for an education and for retirement. Every time we chase another job out of Illinois we take all of the above away. So, don't tell us that with a 'no' vote that we're anti-working men and women because those of us on this side of the aisle and in the last two years what we did with some of our actions that you were so critical of, was we brought jobs to Illinois. We stopped the exodus of jobs across the state line to Indiana and Missouri and Iowa and Wisconsin and other states and said to Illinois employers, you have a reason to stay here, and if you stay here you will provide jobs and we will get a fair working wage from you. Our employees will be able to negotiate and deserve and get from you a livable wage, a wage that will provide all of the benefits that every family needs. But you can't have any of the above if you don't have the job, so think carefully before you demagogue on this issue about the job that you may be chasing away. It's great to have wonderful benefits, but if there's no job to provide those benefits, you have lost and your working men and women have lost. That should be clear before you vote."

Speaker Hannig: "Representative O'Brien."

O'Brien: "Thank you, Mr. Speaker. I would Move the Previous Question."

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

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Mautino: "Thank you, Ladies and Gentlemen of the House. (sic-House Bill) 724 deals with a lot of the issues that have been brought forth in the debate today. I've heard it mentioned that we're chasing jobs out of Illinois. Well, in fact, the reason that we're doing this is the jobs right now are being given to contractors who are coming in from outside of Illinois. We are not chasing those jobs out. What we're trying to do is say to the people here in the State of Illinois who pay the taxes, who fund the schools, that we are going to provide a prevailing wage when you're spending your tax dollars and we're looking to provide stability and solid service and safety to the communities. The people in your district who expect this. We're looking at an area of deregulation and the biggest argument that you hear right now is reliability of service. That's something that's, in fact, holding us up. That goes to the heart of this question. Who will be responsible for it? We want a well qualified solid work force doing the work to protect the safety of the people of the State of Illinois. I simply ask for an 'aye' vote."

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 68 voting 'yes' and 49 voting 'no'. Representative Parke has requested a verification. Representative Parke, do you persist. The Gentleman withdraws his request for a verification; and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 922."

Clerk Rossi: "House Bill 922. The Bill has been read a second time, previously. No Committee Amendments. No Floor

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Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Acevedo, for what purpose do you rise?"

Acevedo: "Mr. Speaker, I rise... I'd like to welcome a group from the City of Chicago over 200 strong. The Pilsen... Little Village Community. UNO, United Neighborhood Organization, and I'd like to acknowledge their presence."

Speaker Hannig: "Welcome to Springfield. Mr. Clerk, read House Bill 922."

Clerk Rossi: "House Bill 922, a Bill for an Act amending the Title Insurance Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Hassert."

Hassert: "Thank you, Mr. Speaker. (sic-House Bill) 922 is a vehicle Bill dealing with the Title Insurance Act. There's some ongoing negotiations. We want to send this over to the Senate to continue the negotiations. It's my understanding it's agreed to on both sides to move this out as a Vehicle Bill. Thank you."

Speaker Hannig: "Representative Bugielski."

Bugielski: "Thank you, Mr. Speaker. Just to reiterate the previous speaker, the negotiations are still going on on this, and since we're running out of time here, we're just asking to move this vehicle over and negotiations will continue in the Senate with this Bill. So we ask for your 'aye' 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 97 voting 'yes' and 16 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill

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228."

Clerk Rossi: "House Bill 228. The Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Brunsvold, has been approved for consideration."

Speaker Hannig: "Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Amendment makes this a Shell Bill. The business and labor community are in negotiations now to try to come up with an agreed Bill dealing with balanced billing. So, I would ask for the adoption of Floor Amendment #1."

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

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

Speaker Hannig: "He indicates he will."

Black: "Representative, I'm really disappointed that you have to make this a Shell Bill because I join with you in saying this balanced billing procedure, we're one of the few states left that does it. Do you have any assurances that this is going to come back and we can finally address this problem?"

Brunsvold: "I think it looks better right now, Representative Black, than it has in a long time. I think they are agreed that the balanced billing issue needs to be addressed and we need to solve that problem."

Black: "Well, I certainly hope we do and I hope we can do it in this Session, but, Representative, I need you to say on the record that this will not be used for any other substantive change in Worker's Comp Law other than the balanced billing issue."

Brunsvold: "Well, they are working with two or three different

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items and if they come to an agreement on those two or three different items, Representative, you know, it'd be an agreed Bill process."

Black: "Okay."

Brunsvold: "I'm not opposed to that."

Black: "All right. That's fine. 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 228, a Bill for an Act to amend the Workers' Compensation Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Brunsvold."

Brunsvold: "Thank you. And this is a... the Amendment becomes... makes this a Shell Bill and I'd ask for your support."

Speaker Hannig: "Is there any discussion? Seeing none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'yes' and 3 voting 'no'; and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 566."

Clerk Rossi: "House Bill 566, a Bill for an Act amending the Election Code. Third Reading of this House Bill."

Speaker Hannig: "The Gentleman from Cook, Representative Giles, is recognized."

Giles: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 566 does four things. First, the initiative for House Bill 566, what it would do is to

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simply to change the number from 35 days prior to election day in which an individual can register to vote, to 28 days, which will give about seven more days for an individual to register to vote prior to election day. The second provision of House Bill 566 is the filing period which will move up the filing date seven days prior to filing nominating petitions or objections for general elections. The next provision is the notice of election for non-partisan elections or for a referendum question shall be published between five to 30 days. Currently, it is no more than 30 days before the election. And so what this Bill will... gives notice to be published simultaneously with the sample ballot. The other initiative is the fourth initiative is the judicial retention ballot which allows for judicial retention to be printed on the same page as the other offices in the ballot book. This is a State Board of Election initiative. This Bill has no fiscal impact. There's no opponents to the Bill and I ask for its passage of the Bill."

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

Deering: "Thank you, Mr. Speaker. Inquiry of the Clerk."

Speaker Hannig: "State your inquiry."

Deering: "Mr. Clerk when was it... This Bill has been amended, has it not?"

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

Deering: "What date?"

Clerk Rossi: "March 21."

Deering: "Thank you. Mr. Speaker, our computers show that there is no caucus analysis available for this document. You would think that the Amendment had been adopted in a timely

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fashion. It's a 35 page Bill or Amendment or whatever, that we surely could have had an analysis in our computer system by this time."

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, I'm particularly interested in the... one part of the Bill that deals with judicial retention. Under current law judges running for retention must appear on a separate page. No other candidates or offices can be on that page and the page must be green and it's clearly, clearly on the... You know, I think the intent was that judges running for retention should be on their own page so that everybody would know what was going on. This Bill then says that a judicial retention candidate can be on the same page with House Members, aldermanic candidates, but just the retention area would be outlined in green. Why that change? That's a substantive change."

Giles: "Representative, that's a good question. The reason why it has been changed, for the simple fact that the State Board of Elections have noticed that for some reason the judicial candidates get left out. There has been a trend of which when members get to the last page of the ballot, for some reason they do not cast a vote for the judicial candidate. And so what the State Board of Elections is trying to do is to try to make the judicial candidates blend in with the rest of the offices to be elected upon. And so, and also that they must be printed in green with the same portion of the other offices."

Black: "Well, I can appreciate that, but it would appear to me in

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light of recent events in the judiciary, why would we want to make judicial retention candidates blend in on the ballot. I think public opinion right now would probably tell us we want them kept on a separate page and a separate color, and instead, we're blending them in with all of the other candidates. And in light of what's going on today, I don't... you think that's a really good idea?"

Giles: "Representative, I think for a better choice of the word, not necessarily to blend but to make it more appealing for the individual when they get to that last page to actually vote for those candidates. It's to enhance voter's participation on those pages for those judges. It's not to take away. And right now, the trend, according to the State Board of Election, by it being on a separate piece of paper and a different color, it appears that most candidates, most judicial candidates are not voted upon."

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

Giles: "Thank you, Mr. Speaker (sic-Representative Black)."

Black: "I appreciate it."

Giles: "Thank you. Thank you, Representative."

Speaker Hannig: "Representative Giles to close."

Giles: "Mr. Speaker, what this Bill simply does is to somehow... the benefits of the Bill is to create quickness of... It simply just makes some changes in which some obsolete language is in the Bill and the State Board of Elections has drafted, I believe, a good Bill and has addressed some of the problems and I ask for 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



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question, there are 52 voting 'yes' and 66 voting 'no'.

Representative Giles, do you wish Postponed Consideration?

Representative Giles, do you wish Postponed Consideration?"

Giles: "Thank you, Mr. Speaker. I ask for a Postponed Consideration."

Speaker Hannig: "The Gentleman asks for Postponed. It's so ordered. Mr. Clerk, read House Bill 1543."

Clerk Rossi: "House Bill 1543. The Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

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

Clerk Rossi: "House Bill 1543, a Bill for an Act amending the Public Community College Act. Third Reading of this House Bill."

Speaker Hannig: "The Lady from Cook, Representative Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. House Bill 1543 is a Bill that gives the city colleges in the City of Chicago the opportunity to have day care facilities wherever they are needed and it states that the city college has the right to contract out to provide those services for students that attend the college at that particular location or students that attend college at another location. We think it's a very timely piece of legislation because we will find many people in the work force or the training for the work force who will need child care services. Currently, some colleges do this and others don't, so we're merely providing an opportunity for all city colleges to give their students an opportunity to attend classes while their children are in day care. And I would appreciate support. I'm available for questions."

Speaker Hannig: "The Lady has moved for passage of House Bill

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1543, 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: "Thank you. Representative, I'm just curious as to why your Bill only applies to the city colleges of Chicago?"

Davis, M.: "Because Representative Black, I just wasn't familiar enough with the colleges around the rest of the state nor did I wish to, you know, suggest to them that this may be something they need when they may not have wanted it. Of course, I have no... I agree if you would like we can amend it in the Senate and place it there for all colleges across the state."

Black: "So, it's my understanding then the city colleges will go out for bids seeking a contractor to offer child care services?"

Davis, M.: "Representative Black, they really don't have to go out for bid according to my Bill. It just says that they may provide... they may allow an outside person to come in and contract to provide this services. Some of the colleges in the city, they already hire people to do this work themselves. Now other colleges may say we prefer not to hire people, we prefer to let this work force do it and come in and take care of this situation."

Black: "So that's a little different then what our staff is indicating. So they really wouldn't have to bid this service then?"

Davis, M.: "No."

Black: "Okay, and I assume that the facilities would be on the campus and provided by the city colleges?"

Davis, M.: "Yes Sir. We would like to be sure we use the city

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college's facilities."

Black: "And then the staff indicates that you do have an Appropriation Bill appropriating \$2 million to defray the cost?"

Davis, M.: "Yes we do."

Black: "Okay. Thank you, Representative."

Speaker Hannig: "Representative Skinner."

Skinner: "Representative, I'm astounded. Didn't you... are you sponsoring a privatization Bill?"

Davis, M.: "A what?"

Skinner: "A privatization Bill."

Davis, M.: "I believe that private industry provides a great deal of service to the State of Illinois and many times they should not be shut out. Certainly."

Skinner: "You mean they can do work that's good as government workers?"

Davis, M.: "Many times they do almost as good as government workers, and when their services can be used, I think the we should certainly use them."

Skinner: "Did I hear almost as good as government workers?"

Davis, M.: "Well, sometimes they're good as. You know, government workers usually put in a full day. Government workers work very, very hard. Many times government workers are working for no profit."

Skinner: "Well, I would hope they would be working for no profit. Thank you."

Speaker Hannig: "Representative Davis to close."

Davis, M.: "Thank you, Mr. Speaker. I think all of the real significant questions have been asked and answered. We find that our children will be in need of day care services and where these services are not provided, this Bill will make sure that those services are available to those

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students. We ask for a favorable 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 63 voting 'yes' and 55 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 289."

Clerk Rossi: "House Bill 289, a Bill for an Act amending the Illinois Insurance Code. Third Reading of this House Bill."

Speaker Hannig: "Out of the record. Mr. Clerk, read House Bill 1627."

Clerk Rossi: "House Bill 1627, the Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Holbrook, has been approved for consideration."

Speaker Hannig: "Representative Holbrook on the Amendment."

Holbrook: "Can we pull this from the record just a moment?"

Speaker Hannig: "Representative Stephens, would you like to speak to the Amendment?"

Stephens: "A question of the Clerk."

Speaker Hannig: "Yes, what's your inquiry?"

Stephens: "Floor Amendment #1 has passed out of committee, is that correct?"

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

Stephens: "Thank you, Mr. Clerk. Mr. Speaker, Floor Amendment 1, and I want to make sure I don't misspeak, it becomes the Bill. And (sic-House Bill) 1627 is an economic development incentive package providing tax credits for businesses

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looking to develop in Illinois. It is to be administered by DCCA. All industries will be eligible providing they are a new business in the State of Illinois or an existing business looking to expand. In either case, the legislation in essence is intended to create jobs for working men and women in Illinois. In fact, the legislation specifies that an applicant for this incentive must create a minimum of 100 full-time jobs. There's other language in the Amendment. I would move its adoption. I'd be glad to respond to any questions."

Speaker Hannig: "Representative Parke."

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

Speaker Hannig: "He indicates he will."

Parke: "Representative, you stated this Amendment now becomes the Bill. It looks to me like your Amendment has scaled back the original Bill in many ways. Is that your perception of this Bill?"

Stephens: "Yes."

Parke: "And now as it's amended, does anyone stand in opposition to this Bill?"

Stephens: "I'm not aware of all the proponents and opponents. It was my understanding that the Governor's office has some questions about this legislation. We have been negotiating through the Regional Commerce and Growth Association in southwestern Illinois with the Governor's office. We want to make sure... it is our intent to work with the Governor, but it is also our intent to make clear that we believe that a program of this nature is extremely important to working men and women in Illinois, because we are losing out on a variety of major developers that are siting in other states and Illinois just seems to be finishing second, third, or fourth in the running time after time."

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And when interviewing those developers they have cited many of the economic development points that are made in this legislation. I think it's fair to characterize the Governor's position, currently is in opposition, but they are speaking with us and hopefully we can work some agreement that doesn't cost revenue out of the general revenue stream, which is the Governor's office contention, but does provide us with enough incentives that we can provide major employers these sort of benefits."

Parke: "Doesn't this Bill affect Representative Holbrook's and Representative... your legislative district in the southwestern St. Louis area?"

Stephens: "Representative Holbrook and I had met with the Regional Commerce and Growth Association several months ago, and there were two major pieces of legislation that they had asked us to consider. The first was... had to do with Brownfields. That was the piece of legislation that I handled in the House. (sic-House Bill) 1627 is a series of economic development incentives that Representative Holbrook was handling. I have... because we both had a major interest in this, and it doesn't just affect southwestern Illinois, it affects the entire state and is applied there too. But it is certainly in an area like southwestern Illinois that has to compete with the State of Missouri an issue of utmost importance to Representative Holbrook and to me."

Parke: "Well, my understanding is that Revenue and the Governor's office will probably still be opposed to this Bill. When the Bill comes up I may discuss more when it becomes the Bill."

Speaker Hannig: "Representative Black is recognized on the Amendment."

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Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of the Amendment. I commend the Sponsor on both sides of the aisle for doing this. My district borders the State of Indiana. And let me tell you, Indiana has had a program for about five years called the EDGE Program, Economic Development for a Growing Economy. And when we go head to head with Indiana, they blow us out of the water. Now I understand the Governor's concerns with this Bill and I understand the Department of Revenue's concerns, but I'm glad that the Sponsor said discussions are ongoing. You can't go hunting bear with no ammunition today. And I want something to be able to compete. I want something to be able to compete for jobs that are out there but we cannot unilaterally disarm ourselves and say that Illinois won't participate. Now if you can get Indiana and Missouri and Wisconsin to join with you, I'm all for that. But in the meantime, this gives Illinois some ammunition if you will, to go out and compete with other states for jobs and manufacturing facilities that this state desperately needs. Great Amendment, good Bill. Vote 'aye'."

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 1627, a Bill for an Act in relation to economic development. Third Reading of this House Bill."

Speaker Hannig: "Representative Stephens."

Stephens: "Thank you, Mr. Speaker. Representative Black, when you're in a mood like that, you can indeed, Sir, hunt bear with a switch. But when you're not in a mood like that you

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might need a Bill like this. Sixteen twenty seven is to be administered by DCCA. It affects all industries are eligible except for retail. Eligible industries must be a new business in the state or an existing business that creates new jobs. They must create a minimum of 100 full-time jobs. Tax credits may be awarded in the amount up to 100% of the state income taxes, currently 3% that are withheld on new employees. Tax credits are applied against any employee... any Illinois corporation income tax liability. If the tax credits exceed the company's liability any excess amount is returned in the form of a rebate. The use of funds may be for the following: capital development, including but not limited to equipment, buildings, land, et cetera, infrastructure, debt service, research development, job training, lease cost and relocation costs. The maximum incentive is up to... term is 15 years. The company must commit to maintain operations equal to the term of the incentives. Further, a company must verify that a competitive disparity, including incentives, exist between the Illinois location and the site being considered in at least one other state, addressing the concerns of Representative Black, so eloquently pointed out. And the host community is also providing incentives such as tax abatement and tax increment financing. Other selection criteria that may be used in determining whether tax credits will be offered and to what level and duration are the number of new jobs created, wages of the jobs created, and the overall economic benefit to the state. And the claw back provision, if a company is out complying... is not complying with the requirements of the agreement and all of the provisions of the Act, the Director of DCCA may order



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the Department of Revenue to issue a notice of deficiency for an amount up to the total of all the tax credits received by the taxpayer. So, we have built in protections so that no one, developer or corporation, can abuse the Act. We're not talking about affecting the current revenue stream in Illinois. So those arguments are moot. The fact is, we're talking about bringing in new jobs that would otherwise go to Indiana, Missouri, Kentucky or some other state. This is a pretty clear issue. I agree with the Governor that we have to fine tune this and we want to make sure that we have the proper incentives and the proper balance, but folks, we have to accept reality. We are losing jobs to Indiana and Missouri and other states if we don't move forward with language like this or very similar to this. And so, I would be glad to respond to any questions that I can. I move its favorable adoption of (sic-House Bill) 1627."

Speaker Hannig: "Representative Holbrook."

Holbrook: "Thank you, Speaker. Fabulous Bill, fabulous Amendment. I urge everyone to vote for it. We're surrounded by states that have these same programs and as Representative Black so eloquently put, you can't go out hunting bear with switches. We've got to have this if we are going to survive. Let's move this over to the Senate. We'll continue negotiating with the Governor. Let's get this done for the State of Illinois and make our jobs. Thank you."

Speaker Hannig: "Representative Skinner."

Skinner: "Yes. I wonder if the Sponsor could tell us if this is part of the Governor's tax increase plan?"

Stephens: "Representative Skinner, I can only respond by telling you that a program that brings jobs to Illinois will bring

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increased revenue to the State of Illinois and by offering some simple incentives they... it should no way be interpreted as a tax increase. I resent the implications that this is and would stand in defense of the Governor's position that he wants to work with us in providing a proper level of incentives to bring further development to Illinois."

Skinner: "Well, thank you. If I might address the Bill. What's the use of having businesses in the State of Illinois if they're not going to pay taxes? I mean, this turns everything upside down. This started in southern Illinois with a chicken plucking plant. The Representative came forward and said we couldn't have this chicken plucking plant because Kentucky was going to rebate the income taxes that the firm was going to have, and if we couldn't compete with Kentucky then the Representative couldn't have a chicken plucking plant in his district. One of the arguments I'm going to make about the income tax increase the Governor is proposing, is that it will be a disincentive to business moving to Illinois. Well, maybe the Representative has stumbled onto a program which will make... which will be a countervailing influence of that. What he is saying is, if you want to move to the State of Illinois and you can find any other state where you might conceivably locate that would allow you not to pay any income taxes, then the State of Illinois will allow you not to pay any income taxes. He said there's a safeguard. He says the company has to agree to stay as long as it would take to pay back the money. That the taxes that would be foregone. What he doesn't tell you is that when you go into bankruptcy court, you can't drag any money out of the company if it goes bankrupt before that period of time

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ends. This is one of a long line of economic incentive giveaways that various states are doing and it seems to me it's time for us to say 'no'. If you don't want to locate in the State of Illinois for the advantages which we have, which is a train or trainable labor force, a great location, and low income taxes, you shouldn't come here. Go someplace else. I just... I really think this is going down the wrong road. Certainly there's no competition in northern Illinois. Wisconsin doesn't give away income taxes. Michigan doesn't give away income taxes. Well, maybe that's why my county's the fastest growing county in the state for the last three decades. We don't give everything away. And there's something there that people want to come for."

Speaker Hannig: "Representative Pugh."

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

Speaker Hannig: "He indicates he will."

Pugh: "Representative, what historical data can you point to that reflects that offering tax incentives to businesses are going to create jobs?"

Stephens: "I would direct your attention to any of the state's multiple tax increment financing districts or to any enterprise zone in Illinois."

Pugh: "Well, Sir, I respectfully submit to you that the jury is still out on the empowerment zone. The empowerment zone, the actual monies for the empowerment zone are just being allocated to the various districts. I further submit to you, Sir, that the targeted job tax credit, TJTC, JTPA, all of these programs that were designed to offer tax incentives for large corporations have proved not to be successful in creating new jobs. As a matter of fact, most

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of the corporations that are involved with these programs, see them as a disincentive, and they are trying to create new mechanisms whereby they can create jobs, but currently offering tax incentives to businesses or large corporations has served as a deterrent and is not creating any new jobs, and you can look, I think the records that the Department of Commerce and Community Affairs, the records that they have will verify my statements. Further Sir, could you answer me, how does offering \$15 million worth of tax incentives from the Department of Commerce and Community Affairs to create jobs, differ from the \$50 thousand, the mere \$50 thousand that Representative Younge requested to create jobs in her community?"

Stephens: "I don't think you understood Representative Younge's Bill. And I will tell you, Sir, you have a job. And that's great and I'm glad that you do.

But if you're one of the people who didn't get a job because Toyota just went to Indiana because of a package very similar to this that Indiana offered, or maybe if you lost a job to Ohio, or you know, Representative Skinner talks about chicken pluckers, it's a little more important than chicken plucking. But I noticed when Representative... any Representative on this House Floor is the benefactor of somebody offering us a dinner here that happens to be chicken, you don't mind the fact that it was plucked. I think I'll have feathers in your chicken next time you have it on the Floor."

Pugh: "Is that the answer to my question, Sir?"

Stephens: "The answer to your question was, I don't think you correctly interpreted Representative Younge's Bill. The \$15 million that you refer to if you would have read the... if you read the Amendment you'll notice it is not

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included."

Pugh: "Sir, can you tell me what kind of mechanisms, what kind of strategies will be employed that would allow a corporation or a group of corporations to create 500 new office jobs over this per... through this project?"

Stephens: "Representative Pugh, why don't we discuss the Bill that's before us."

Pugh: "That's what it says here."

Stephens: "You're wrong."

Pugh: "The analysis says..."

Stephens: "Your analysis is wrong."

Pugh: "This business must plan to create at least 500 new jobs with employees working at least 35 hours a week."

Stephens: "Representative, why don't you get an updated analysis and then we'll continue the discussion."

Pugh: "Sir, this analysis is dated March 18th."

Stephens: "Well, that makes my point pretty clear."

Pugh: "A Fiscal Note was attached. A Fiscal Note was attached which is dated April 8th. In this Fiscal Note, the summary and effective date says that industry that invests 15 million or 10 million for an office industry that creates at least 100 new jobs or at least 500 jobs for an office industry in this state may apply for incentives. What kind of strategies does this business plan to employ, Sir, to create 500 new jobs?"

Stephens: "Well..."

Pugh: "And this is an updated..."

Stephens: "Despite the fact that you're referring..."

Pugh: "And this is an updated analysis, Sir."

Stephens: "Well, it may be updated Sir, but you know, Representative Black made a comment earlier that you don't want to chase a bear unarmed..."

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Pugh: "Wait, wait..."

Stephens: "...and I would think that..."

Pugh: "Representative, Representative, the questions are directed to you..."

Stephens: "...part of being unarmed is having the wrong information."

Pugh: "The question is being directed to you, not Representative Skinner or Representative Black. This is a conversation between yourself and me."

Stephens: "Well, let me tell you directly. You have the wrong information. I don't... I can't make it any more clearer that your analysis is about language that was in the Bill before. If you would like to look at our updated analysis, Representative Holbrook and I would be glad to share it with you."

Pugh: "Sir..."

Stephens: "I would tell you..."

Pugh: "Sir, what's the date on your updated analysis, Sir?"

Stephens: "The information I am giving you is from me today. And I'm telling you that if you look at the Amendment and read the original Bill, you will clearly understand that some of your comments are out of order. As to a strategy, though, that would create 500 jobs? Let me tell you that, the kind of strategy that would create 500 jobs is the... some of the things that would be considered, was do we have the work force? Do we have a well-educated, well-trained work force? Yes. In Illinois you have that. Do we have investors that are willing to commit to a risk to make an investment that would possibly see some profit in the future? The answer is 'yes'. Those people are in Illinois and around Illinois and in this nation and are willing to invest in Illinois. Further strategy that would be

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included... ask the question, is there a reason that we should choose one state or one location over another? And when you're talking about 500 jobs, you're talking about 500 working families and all the benefits that come with those jobs. And the strategy that you ask about that would be considered, is there a reason to be in one state as opposed to another? And I can tell you that the answer to that question unfortunately today, is that in Illinois, we might not have the same incentive as we would have in Indiana or Missouri or Kentucky. Now, if you support jobs and employment in Indiana and Missouri and Kentucky, you should vote 'no'."

Pugh: "Well, Sir, I humbly submit to you that I admire your effort and the zeal in which that you're presenting this piece of legislation. The attempt is admirable. The attempt to shift from using businesses as an economic development generator as opposed to prisons, I admire that and I commend you on that, Sir, but I further submit to you that this piece of legislation smacks at subterfuge. We're talking about 500... creating 500 new jobs at the tune of \$50 million. We're talking about subsidizing... we're talking about corporate welfare. We're talking about pinstripe patronage. That's what we're talking about here. We're talking about the Department of Commerce and Community Affairs giving over \$25 million. What mechanism will be put in place, not only, Sir, to create these new office industry... 500 new office industry jobs, but what mechanism will be put in place to monitor to make sure that these tax dollars that we are spending are going toward the creation of these tax... of these jobs?"

Stephens: "Representative Pugh, I appreciate your remarks and I appreciate your comments about my enthusiasm and I tend to

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be overly enthusiastic frequently. I stand guilty as charged. I will have to tell you that it's frustrating for me to respond to your questions when you keep referring to information that was in the original legislation, that this number 500 jobs, if Representative Holbrook... your assistant staff person there is trying to help you understand that this is about 100 jobs that are provided. We hope there are 500 jobs. As to the comments about subterfuge, I... that's an interesting spin on this, but..."

Pugh: "Okay, I submit..."

Stephens: "Some of the people over here thought you said centerfuge."

Pugh: "If we're talking about 100 jobs, Sir, then subterfuge is not the proper analogy or the proper termination. But we're talking about \$15 million worth, at least \$15 million worth of tax credits for a 100 jobs, so what does that come out to? If we're talking about \$15 million... \$15 thousand per job, is that what we're taking about? Creating... so we're not talking about subterfuge, we're talking about something else..."

Stephens: "Representative..."

Pugh: "...and that something else I don't have a word for."

Stephens: "Well..."

Pugh: "But it's not good government."

Stephens: "Maybe I can help you with the word. I can't state more clearly, my frustration with your lack of understanding, refusal to understand the Amendment and the Bill as it is amended. You continually refer to the \$15 million. If you would just look at the Amendment, Sir, you have a copy, it is on your system, you will notice that that language is stricken. We're not talking about buying



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jobs for \$15 million. We're not talking about spending one red cent. We are talking about spending energy that will attract industry and developers to Illinois that would otherwise have to choose a different state in which to locate. The evidence in recent history is clear. Three major developments have chosen not to locate in Illinois and when interviewed, the people in charge of the decision-making process in those developments, continue to tell us that they loved our work force, they loved our state, they loved our Governor, they loved you, but they didn't like the difference in the sort of incentive package that we were able to offer, and so they were forced to choose to take jobs that would otherwise be in your state, Sir, to another state. This is clear. You can differ in the philosophy behind the Bill, but this comes down to an issue of; are you for Illinois jobs, or not?"

Speaker Hannig: "Representative Pugh..."

Stephens: "If you're not, just vote 'no'."

Speaker Hannig: "Could you bring your remarks to a close please."

Pugh: "Yes. To the Bill."

Speaker Hannig: "To the Bill."

Pugh: "Mr. Speaker."

Speaker Hannig: "To the Bill, Representative Pugh."

Pugh: "This is an updated Fiscal Note. This Fiscal Note states that the Bill authorizes the Illinois Development Fi... and I might have misspoke, we might have been talking... I might have said 15 million. This Bill authorizes the Illinois Development Finance Authority, in cooperation with the department, to issue 35 million, not 15, 35 million in bonds to finance the economic development projects. I need not say any more. We're talking about the tune of \$35 thousand per job in tax incentives. That's bad math,

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that's bad government, and if we're going to be in the business of creating jobs at the tune of \$35 thousand per job, then let them go to Indiana, Let them go to Milwaukee. This is a bad piece of legislation and I urge a 'no' vote."

Speaker Hannig: "Representative Mautino."

Mautino: "Thank you. In the interest of economic development, 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 Representative Stephens to close."

Stephens: "Well, I didn't know it, but this turned into a debate about education in Illinois. And I think that we're going to have to look at our math programs around the state and make sure that everybody who graduates from a Illinois public school and has gone through a mathematics program understands the basic rules of mathematics, multiplication, division, addition and subtraction, but if you're for Illinois jobs, I believe that you should embrace this Bill. If you believe that we should not compete with bordering states, if we should just put our head in the sand and not realize that bordering states are making very attractive offers to a variety of developers and those who provide long-term jobs and long-term employment to Illinois families. Well, you can do that, but the families that you represent will suffer. I rise in support of (sic-House Bill) 1627, understanding that the details of the Bill may be changed in the future, but I think that this sends a major message to Illinois voters. And one last closing comment. Senator O'Daniel wanted me to tell this Body that you say it best when you say that, 'You ain't giving away

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anything that you don't have.' So, on behalf of Senator O'Daniel, my bipartisan friend from downstate, I ask your favorable consideration of (sic-House Bill) 1627."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 64 voting 'yes', 46 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 61."

Clerk Rossi: "House Bill 61, a Bill for an Act amending the Code of Civil Procedure. Third Reading of this House Bill."

Speaker Hannig: "Representative Lawfer, for what reason do you rise? On the Bill. We're waiting for a group that Representative Burke is going to introduce before we proceed to House Bill 61."

Burke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the Body. We have a distinct pleasure today. There's a group from the Speaker's district. The Lords High School chorus and they were just down in the rotunda performing, and I thought, what a treat it would be for the Members to appreciate this fine talent on the south side of Chicago, and they've consented to do a number for us this afternoon. So, let's have a hand for the Lords High School chorus."

Speaker Hannig: "We thank you very much and hope you have a good stay here in Springfield. Representative Dart on House Bill 61."

Dart: "Thank you, Mr. Speaker, Members of the House. House Bill 61 is the Electrician Licensing Act. It's a comprehensive Bill that is based on the Plumbers Licensing Act which has been in operation in the state for quite a few years now. What it is, is an attempt to bring some safety measures to

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the State of Illinois in the area of licensing. I don't think I need to go through all the list of the things we presently license whether it's hairdressers and barbers, I mean all the way through. I mean, this is an area though that I find it honestly to be something that long ago we should have licensed. It sets up a process for how an individual will get a license. It has numerous exemptions. The Farm Bureau is exempted out of the Bill. Locksmiths are exempted out of the Bill. Retail merchants have put an exemption in for themselves. The manufacturers have an exemption in the Bill, as well. I'm trying to think of some of the other ones. We have a grandfather clause in for individuals who are practicing right now. It's a Bill that has been well worked, it's been around before, and it provides the safeguards that I think we, in this state, need. I personally can tell you of my experience just a couple of months ago of when I thought I was going to be doing minor remodeling in my house and we ended up having to gut the entire place because it turns out the person who was in there before decided to have somebody who didn't know anything about electrical work do it, and we had a fire in the house. The statistics on fires in the house as a result of electrical malfunctionings, they are about 20% at least, and it is due to the fact there's people that are playing with literally fire in this instance. This is an effort to try to make sure that individuals who have their houses worked on have people who are competent and people who know what they're doing and it is purely a safety measure. I would urge your support of this and I welcome any questions."

Speaker Hannig: "The Gentleman has moved for passage of House Bill 61, and on that question, the Gentleman from Logan,

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Representative Turner."

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

Speaker Hannig: "He indicates he will."

Turner, J.: "Representative, is there any opposition to this Bill?"

Dart: "My understanding is, that the opposition presently comes from the realtors and the home builders. There may be more that I am not aware of, but I know those two."

Turner, J.: "How about the Retail Merchants' Association?"

Dart: "No. They gave me an Amendment which was Amendment number, I think 4 or 5, to the Bill, which was their language which took them out of it."

Turner, J.: "Do you know if the National Federation of Independent Businesses oppose?"

Dart: "I'm unaware of their position."

Turner, J.: "How about the position of the Department of Public Health?"

Dart: "They originally were opposed, I believe. I don't know of their present position now. We reworked the fee structure to allow for... their opposition initially was the fact that there was not going to be any... they weren't going to have the money in which to do inspections and like. We changed the wording of inspection so inspections aren't mandatory now and we also changed it so there's a fee structure to pay for this. So, I'm unaware. I don't know. Because that was the heart of their opposition and that's been changed, so I'm unaware."

Turner, J.: "Our analysis indicates that they are. Is the Municipal League also opposed?"

Dart: "You tell me."

Turner, J.: "According to my analysis, but I don't know based upon any subsequent Amendments that may have been filed

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after the analysis."

Dart: "Yeah, John, there's been six Amendments put on this, so there were numerous people opposed at the beginning. Certain people have fallen off. Which ones are still on, as I said, the two I mentioned I know still are. Other ones could very well could be, but I'm unaware of that though."

Turner, J.: "You spoke several times about a fee."

Dart: "Yeah."

Turner, J.: "What is the fee collected for? For what purpose?"

Dart: "The fee is so that you can pay for the inspections and for the testing, so this isn't an unfunded mandate."

Turner, J.: "And once this fee is collected then what happens to it?"

Dart: "It's utilized so that the department can conduct the testing and for inspections."

Turner, J.: "Is there a particular fund that it goes into?"

Dart: "If you could, hold on one second, John? Yeah, John, I'm not sure it goes in an actual fund, but it is the department that gets the money."

Turner, J.: "Don't you think that the legislation needs to create some type of fund for it to be deposited in?"

Dart: "No, I feel..."

Turner, J.: "...and that this..."

Dart: "Honestly, this is based on the Plumbers' Licensing Act which works very well right now and they haven't had any problems with that. So, I mean, this is something where I don't know if there is any need for it, and frankly it's... if there's a particular fund that we need to put together, that's something that very easily could be handled in the Senate. So, it's not something that I see as any particular problem at all."

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Turner, J." "Well, I think it is a problem. I mean, the money has to go someplace. It has to be directed someplace, and it has to be spent in some fashion and I can't see where the Bill takes care of any of those problems."

Dart: "Well, as I mentioned before to you, John, I mean, this has been based on a statute that they've had no problems with and the fact of the matter is, is that if it is required that you have a particular fund, that we make up the name of a fund so this money is deposited in that, that's something I'd be very amenable to doing. I have no opposition to doing that and it would be something that we can do rather easily. So I... I mean, you could term it as a major problem. I think that you're looking for a problem there."

Turner, J.: "My analysis indicates that if this legislation were to pass, it would delay construction and increase significantly the cost of housing. Do you agree with that?"

Dart: "Well, it possibly could. It could, but as I say to you, John, I mean, we do this around here all the time, trying to put price tags on the life of a person. I mean seriously, I mean, go through any newspaper on a weekly basis, you can get numerous articles of where electrical fires broke out and people died. Most times you are going to find out that occurred because individuals were not licensed. They had no idea what they were doing. They wired the stuff together themselves. As I said, I normally would be sitting just presenting this Bill as someone who knows it's the right thing to do, but is unaware of it. But my personal experience in the last month, I've had two electricians that have come in and have told me that it's absolutely amazing the whole house didn't go up in flames

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because we had wires that people just used duct tape to tape together. And these are routine things that are done that are in people's houses where they live. I mean, this isn't as if we're talking about some structure away from someone's abode. This is in the house where the children are, the whole family's at, and if there's anything we ought to be darn sure that these people are qualified, this is it."

Turner, J.: "Well, I think you would agree just because a person has a license doesn't mean that there's not going to be any electrical problems with regards to... when the work is done. I mean this does not necessarily solve the problem."

Dart: "Oh yeah, but please come on. I mean, the thing is, I mean, it would be very difficult to say that somebody that goes through all the testing, goes through the licensing requirements, we're going to have a lot of those slip through there unqualified as opposed to people who just read a book or watched a TV show, grabbed some duct tape and decided to wire their neighbors house for them. Is someone going to slip through maybe after the licensing is in effect? Sure, just like the plumbers, sure, just like everybody else we license. There's going to be problems, and that's why the department is there is to monitor this stuff. We'll have records of these people so if we do have someone who is a bad electrician, we'll now be able to track that person down and we'll have records of that. Right now, we don't know that. This would solve that problem."

Turner, J.: "Can a person obtain a license if they're not a member of the International Brotherhood of Electrical Workers?"

Dart: "Absolutely. Presently, right now, the different



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apprenticeship programs that are out there, over 80% of them are nonunion. So, different companies right now an individual can go to obtain these... the different requirements here, the vast majority are nonunion. Most of them are not."

Turner, J.: "Getting back to the question I asked you a few moments ago, I think you acknowledged that if we pass this, construction can be delayed and there will be an increase in cost of housing. I know you said that the cost increase is not the only focus here, and I agree, it's not the only focus, but can you give us some idea... do you have any estimates of what the increased cost might be?"

Dart: "The increased cost would be minor, if best. The increased cost would come from the licensing fee which would be up front, a hundred bucks and then an annual basis gets to be \$25. So, I mean, you're looking at it because people would have to hire qualified people which I don't think is a bad idea, frankly."

Turner, J.: "Representative, my analysis also indicates that the Independent Electrical Contractors Association is opposed to this."

Dart: "John, as I mentioned before, that's possible. I... the opponents... the realtors and the home builders were in committee and were opposed to it and I talked to them at that point. I personally have not heard from these other people and I'm not going to sit here and lie to you, that means there's no opposition. That could be the case. I just am unaware of that."

Turner, J.: "Who's exempt? What are the exemptions under your Bill?"

Dart: "The exemptions are quite a few. There's the architects. There's one that's for the manufacturers that we have in

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the original Bill and it was the one they negotiated two years ago. The farmers, the Farm Bureau is out. Retail merchants, locksmiths, architects, those people are exempt. Owners of homes who want to work on their own homes, those people are exempt. And as I mentioned before, there's a grandfather clause, so you could say in a sense they're exempt too, as well."

Turner, J.: "You made some designations and I guess these are part of the profession, master electrician, journeyman electrician, residential electrician. Why those separate designations and how are those separate designations applicable to your proposal?"

Dart: "Those are the types of designations that exist now in the structure of how individuals are graded by their experience level. So, the reason for those distinctions is because, depending on where you fit in the category, you're able to do more because you have more experience, more knowledge in a certain area and it's like virtually any other profession in that regard that you'd want to know if you're going to have somebody operating on you if this is your first operation or if you're the expert in the field. If you're having somebody construct your house, is this somebody who's done this for years or is this somebody who watched a movie about it. This is... it just... it puts the classifications that they presently have now and we have them in the statute now."

Speaker Hannig: "Representative Turner, could I ask you to bring your remarks to a close, please?"

Turner, J.: "That's all the questions I have, Mr. Speaker."

Speaker Hannig: "Representative Black."

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

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Speaker Hannig: "He indicates he will."

Black: "Representative, I have several members of my family who are licensed electricians. How did they get licensed in the absence of this Bill?"

Dart: "In the absence of this Bill?"

Black: "Yeah, how did they get licensed?"

Dart: "I'm unaware of them... there's no Licensing Act for electricians right now."

Black: "Would I suggest to you that some cities take care of that?"

Dart: "Well, some cities are able to issue their own through ordinances. They are and they are still allowed to do that under this Bill."

Black: "The City of Chicago is one of those cities isn't it?"

Dart: "The City of Chicago does have their own licensing requirements."

Black: "I think most cities do."

Dart: "I'm not aware of the numbers."

Black: "Trust me."

Dart: "I will trust you."

Black: "As well you should. You know, this Bill has been around longer then you have, Representative. I think..."

Dart: "Excuse me."

Black: "...this Bill's been around longer then you have."

Dart: "I'm sure it has been."

Black: "I think it goes back about 9 or 10 years. Let me ask you a few questions about this. You're creating a new category, are you not, in the Bill called a master electrician? I don't think that currently exists in the electrical industry."

Dart: "Well, that category I think is a new one."

Black: "That's a new one, isn't it? What are the requirements in

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your Bill to become a master electrician?"

Dart: "A person having the necessary qualifications, training, experience and technical knowledge to install, maintain, repair and properly complete, organize and supervise the installation of wiring apparatus and equipment for electrical light, heat, and power who is licensed as a master electrician by the department."

Black: "It's a... I believe in past debate, master electrician is a union designation that currently doesn't exist. Your Bill says if you have a Bachelors Degree in electrical engineering, you qualify. Is that correct?"

Dart: "I believe so."

Black: "Or if you have one year's experience as a journeyman, you'd also qualify to be a master electrician. Is that correct?"

Dart: "Yeah, if you had at least one year experience acceptable, the director as licensed journeyman."

Black: "Okay."

Dart: "Or had a least five years of experience..."

Black: "As I understand this Bill in the past, if I'm doing work and I'm a licensed electrician under the ordinances of the city in which I live or the county in which I work and I'm continuing to do my job as a licensed electrician that I've been doing for 40 years, I believe this Bill requires my work must be supervised by a master electrician. Is that still in the Bill?"

Dart: "There's a grandfather clause in this Bill that allows people to continue to operate if they... prior to the Licensing Act."

Black: "Okay, if I work for a small municipality in the sewage treatment plant, and I've worked there for 25 years and my job is to repair the electric motors, make sure the relays

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work, make sure the three phase power is in sync, can I continue to do that work or do I have to be supervised by a master electrician?"

Dart: "You can still do that work and as long as the requirements of the city ordinance are the same as this Act here, that would govern, the ordinance would govern then."

Black: "In other words, you're creating a layer of inspection in many small plants, municipalities or whatever. All of a sudden, I've got to have a master electrician check my work, correct?"

Dart: "If that's what the ordinance said or what the statute would say, yes."

Black: "That's what the statute says. What if I don't have a master electrician in my area?"

Dart: "The ordinance could... as I say, it depends on which one would govern. Whether it's the ordinance or the statute on that one."

Black: "Alright. Thank you very much, Representative. Mr. Speaker, if I might, to the Bill."

Speaker Hannig: "To the Bill, Representative."

Black: "Ladies and Gentlemen of the House. This Bill has been around for about the last ten years. Like wine, this does not improve with age. You know, at some point, if you look at this Bill very carefully, and you just simply read the language, let me tell you what it would cost to have a... if I wanted to replace a duplex outlet in my house, and I can do that, I can do it very well, this Bill would require I call the Department of Public Health and have that inspected, and it would cost me a hundred bucks. I can go to Lowes and buy all the material I need for less than fifteen bucks. I could put in a duplex outlet and you're going to charge me a \$100 to inspect my work. This is

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ludicrous. You know, at some point, my late Senator used to sit here year after year and he said, 'You know, at some point, Bill, what we're going to do is, we're going to license everybody.' And he said, 'What we ought to do is, we ought to catch on, we ought to license Legislators and then there would only be one license, and I'd give it to me.' Better yet, he was a farmer and he said, 'You know, we should license farmers and there should only be one license, and I'll have it,' You know, this Bill attempts to address nothing, absolutely nothing. Oh the fires and the loss of life. That's pure demagoguery. All this does is to create a layer. This is the full employment for the IBEW union. That's all it is. That's all its ever been. That's all it ever will be. Just stay out of my affairs. We've been registering electrical contractors for years in most cities. There isn't a master electrician anywhere in my district and there won't be tomorrow if the Bill passes. And you know, nothing has happened. Things work, motors start, thermostats run, the blower motor on my furnace works, the air-conditioning condenser motor works. Holy cow. So, what are we doing? This is a union Bill, pure and simple. It hasn't passed in 10 years. It may this year. Its got a good Sponsor. I intend to vote 'no', and should the Representative get the required number of votes, I will seek a verification."

Speaker Hannig: "You're acknowledged on that request, Representative. Representative Lang."

Lang: "Thank you. I rise in support of this good Bill. Thank you, I know you're shocked and appalled. I don't understand some of the things I've been hearing from some of the opponents. You know, today in Illinois we license collection agents, we license nail technicians, we license

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naprapaths, we have a whole list of people we license, and for many of you all those seem to be okay. I seem to recall the Nail Technician Bill getting 95 or 100 votes. I seem to recall the Naprapath Bill getting over a 100 votes... 118. Thank you, Representative. I seem to recall the Collection Agency Licensing Bill getting over a 100 votes. And yet for some when we talk about licensing people who have our safety in their hands, it seems that we're not all that interested anymore. Representative Dart laid out a good fact scenario in his own home. It happens to all of our constituents consistently. People come to their home and they repair their home and we find out they haven't done a very good job. Now this Bill doesn't go directly to that very good job, but what it says is, that when a electrician comes to our home, when a electrician comes to our constituents' places of business, they have a responsibility to do their job well because if they don't, fires occur. Things blow up. Now, if we want to be about the business of the General Assembly of licensing people like nail technicians and collection agents who don't necessarily have a real serious relationship with us in terms of our safety, but then we want to go ahead and say that we should not license people who come into our homes that could cause fires or could cause them to blow up, then I think we have a real serious public policy problem in the State of Illinois. Frankly, I do not see how anybody can be opposed to this Bill. Certainly, I do not see how anybody, who could be opposed to this Bill, who has voted for any of those other licenses that I just named. Some of you weren't here, previously. Some of you don't know that we went through that and we had a long discussion about whether nail technicians should be licensed. And it was

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debated and it was amended and it was amended and it was debated and finally, 118 votes. My goodness. How could we license nail technicians and not license people who could cause fires in our homes? If we don't vote for this Bill, our constituents should come to our offices in large numbers to wonder what we are thinking about. What kind of consistency we're involved in on the Floor of this House. Someone mentioned the unions. Of course the unions are for this, but that's not why we should be for this. We should be for this because it involves safety, it involves proper work being done in the homes, our homes and our constituents' homes, and it involves these areas because they should. Because we have a responsibility here when we talk about the speed of trains, when we talk about seat belts in cars, when we talk about all these things, we're talking about the safety of the people who live in the State of Illinois. This is no different. This is a very critical issue, so that we can be sure that when people come into our constituent's homes, they don't do the kind of damage that could cause certain and serious injury to our neighbors and our friends and our constituents. Accordingly, for all these reasons, you cannot vote against this Bill. Certainly if we're going to have any kind of public policy debate in the State of Illinois that will make any sense to our constituents, you cannot license the kinds of people I've talked to you about, collection agents and nail technicians and not license electricians. So, I would recommend an 'aye' vote."

Speaker Hannig: "Representative Steve Davis."

Davis, Steve: "Yes, thank you, Speaker. I Move the Previous Question."

Speaker Hannig: "The Gentleman Moves the Previous Question. The



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question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. Representative Dart to close."

Dart: "Thank you, Mr. Speaker. This Bill has been debated and well debated. As I say, this is different than nails, this is different than hair. This deals with people's homes, where people live, their family. There are fires. There has been illusions to demagoguery. Frankly, I could have gone on at greater length and mentioned names and all the different fires where people have died, but that isn't the point. The point is, it's a very real thing that can and will happen when you have people dealing with something as dangerous as that in people's homes. Fires do occur, people do die as a result of faulty wiring. This is an effort to make things safer. Right now, we do not have any cities that license anybody. I was corrected on that. We don't have any cities, we have contractors that are licensed but no individuals. This would allow for individuals to be licensed. And so that when people are in their homes, when people are having a home constructed, they can feel confident that what is being done is being done properly and they will not have to worry about waking up, smelling smoke one night and all of a sudden finding out, yes, it wasn't done right. This is something that should be licensed. It should have been licensed 9 years ago, and it wasn't. It's time to do it and I'd 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 64 voting 'yes' and 50 voting 'no'.

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Representative Black requested a verification.

Representative Black, do you persist?"

Black: "Yes."

Speaker Hannig: "Okay. Mr. Clerk, read the names of those voting in the affirmative."

Clerk Bolin: "A poll of those voting in the affirmative. Acevedo. Boland. Bradford. Bradley. Brosnahan. Brunsvold. Bugielski. Burke. Capparelli. Cross. Crotty. Currie. Curry. Dart. Davis, Monique. Davis, Steve. Deering. Deuchler. Durkin. Erwin. Fantin. Feigenholtz. Flowers. Fritchey. Gash. Giglio. Giles. Granberg. Hannig. Hartke. Holbrook. Howard. Jones, Lou. Kenner. Lang. Lopez. Lyons, Joseph. Mautino. McAuliffe. McCarthy. McGuire. McKeon. Moffitt. Moore, Eugene. Murphy, Harold. Novak. O'Brien. Phelps. Pugh. Ronen. Santiago. Saviano. Schakowsky. Schoenberg. Scott. Scully. Silva. Slone. Smith. Stroger. Turner, Arthur. Woolard. Younge, and Mr. Speaker."

Speaker Hannig: "Representative Black, do you have questions on those voting in the affirmative?"

Black: "I have several but I suppose you want me just to do the verification? Okay."

Speaker Hannig: "Yes, please proceed."

Black: "Thank you so much. Is Representative Lopez in the Chamber?"

Speaker Hannig: "Representative Lopez. Is the Gentleman in the Chamber? Did you say Lopez?"

Black: "Yes."

Speaker Hannig: "Is the Gentleman in the Chamber? Okay. He's in the back. In back of the Chamber, Representative."

Black: "Yes, yes he is. Representative Murphy."

Speaker Hannig: "Representative Harold Murphy. Is the Gentleman

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in the Chamber? The Gentleman is not in the Chamber. Mr. Clerk, how is he recorded?"

Clerk Bolin: "He is recorded as voting 'yes'."

Speaker Hannig: "Remove him."

Black: "Yes, is Representative Davis in the Chamber?"

Speaker Hannig: "Representative Steve Davis is in the rear."

Black: "No, I'm sorry. Monique. Representative Monique Davis."

Speaker Hannig: "Oh, I'm sorry. Representative Monique Davis. Is the Lady in the Chamber? The Lady is not in the Chamber. Mr. Clerk, how is she recorded?"

Clerk Bolin: "She is recorded in the affirmative."

Speaker Hannig: "Remove her. Representative Capparelli, are you seeking leave?"

Black: "Absolutely. The Dean of the House deserves leave."

Speaker Hannig: "And Representative Saviano, was you seeking leave?"

Black: "He's very close to the Dean of the House, so he should be verified."

Speaker Hannig: "Representative McAuliffe is seeking leave."

Black: "Who?"

Speaker Hannig: "Representative McAuliffe is seeking leave."

Black: "Looks to me like the Chicago area caucus is meeting, but okay."

Speaker Hannig: "And Representative Slone is seeking leave."

Black: "Well, she doesn't live in Chicago."

Speaker Hannig: "Well, she's seeking leave, Representative."

Black: "Well, the Illinois River Caucus is going to meet. Okay."

Speaker Hannig: "And Representative Silva is seeking leave as well."

Black: "Yes, I saw her down front just a while ago."

Speaker Hannig: "Okay. Do you have any other questions of those voting in the affirmative?"

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Black: "Well, you've excused so many, now I'm lost. Let me see.  
Representative..."

Speaker Hannig: "Better get out those binoculars."

Black: "Representative Deering."

Speaker Hannig: "Representative Terry Deering. Is the Gentleman  
in the Chamber? The Gentleman in the Chamber? He's in the  
back and we will bring him out shortly. There he is."

Black: "There he is."

Speaker Hannig: "The 'Big Cat's' with us."

Black: "You can't miss him. Representative Phelps."

Speaker Hannig: "Representative David Phelps. Is the Gentleman  
in the Chamber? Is the Gentleman in the Chamber?  
Representative Schakowsky is seeking leave, Representative  
Black."

Black: "Yes, by all means."

Speaker Hannig: "And Representative Phelps is not in the Chamber.  
Mr. Clerk, how is he recorded?"

Clerk Bolin: "He is recorded in the affirmative."

Speaker Hannig: "Remove him."

Black: "Representative Constance Howard."

Speaker Hannig: "Representative Connie Howard. Is the Lady in  
the Chamber? Is the Lady in the Chamber? The Lady is not  
in the Chamber. Mr. Clerk, how is she recorded?"

Clerk Bolin: "She is recorded in the affirmative."

Speaker Hannig: "Remove her. Representative Steve Davis is  
looking for leave. I think he already has been verified."

Black: "By all means, yes."

Speaker Hannig: "Oh, maybe he has not. That was Monique Davis."

Black: "Yes, yes."

Speaker Hannig: "You give leave to Representative Steve Davis?"

Black: "Absolutely."

Speaker Hannig: "Representative Phelps has returned to the

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Chamber, Mr. Clerk."

Black: "Well, bless his little heart."

Speaker Hannig: "Return him to the Roll Call."

Black: "Representative, I don't want to call anybody that's on the Electric Dereg Committee, so if I do, just remind me. I have trouble remembering who's all there. I think it's Representative Novak, Representative Granberg, Representative Leitch."

Speaker Hannig: "Yes, and Representative Persico."

Black: "And Representative Persico. Okay, alright. Is Representative Lou Jones in the Chamber?"

Speaker Hannig: "Representative Lou Jones. She's in the rear of the Chamber."

Black: "Okay. Well close, but the proverbial no cigar, Mr. Speaker. I have nothing further."

Speaker Hannig: "Thank you, Representative Black. And on that question, there are 61 voting 'yes', 50 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 2152."

Clerk Bolin: "House Bill 2152, a Bill for an Act regarding enforcement of child support orders. Third Reading of this House Bill."

Speaker Hannig: "Representative Feigenholtz."

Feigenholtz: "Thank you, Mr. Speaker. House Bill 2152 is one of many Bills that we have seen this legislative Session concerning deadbeat parents. This is obviously a problem that is costing the taxpayers a great deal of money and given custodial parents in need of aid a great deal of frustration. This Bill is designed to put more teeth into the current discovery rules for custodial parents to aid them in efforts to obtain owed monies from abled but unwilling non-custodial parents. The ultimate purpose of

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the legislation is to insure the children are not unjustly deprived of child support which they are due. The Bill is intended to be a discovery tool to assist custodial parents against deadbeat non-custodial parents borrowed partly from the Business Corporation Act and the Uniform Fraudulent Transfers Act, House Bill 2152 is modeled to give the court discretion to make assets presently discover protected discoverable by courts. It passed out of committee overwhelmingly and I encourage your support."

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

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

Speaker Hannig: "She indicates she will."

Cross: "Representative, what does this Bill do different than what the law already provides? You know, my understanding is in a divorce case... not my understanding, I know in a divorce case now, with the respect to the issue of child support of even past due child support there's nothing that prohibits me, as a lawyer, on behalf of the custodial parent from examining all financial records of a non-custodial parent. What's the difference?"

Feigenholtz: "It actually, Representative Cross, it codifies what the courts are already doing under the Uniform Fraudulent Transfers Act. And number two, it creates a new term, 'piercing the ownership veil'."

Cross: "I'm not... Sara, I'm not trying to give you a hard time. but my concern is and I don't know if it's a concern, but I think we can do all of what you want to do now. Is there anything that you're suggesting, maybe you..."

Feigenholtz: "Sure..."

Cross: "...control there that we can't do right now. As an attorney, I have the right to look at a tax return. I have

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a right to look at deeds. I have a right to look at bank statements, checking accounts, savings accounts, income statements. I can look at W-2's."

Feigenholtz: "Representative Cross, this does go a little bit deeper. It is a little bit broader, and I'll give you a hypothetical case. If the absent parent and his girlfriend, for example, live in a nice condominium that's in her name, does she maintain all the records on the condo separately? What about the mailing addresses for both of them? How are the bills addressed? So, actually this does allow for and also the mortgage, it allows for broader discovery."

Cross: "And once again, I'm not trying to give you a hard time. There's nothing that prohibits me from taking a discovery deposition and asking the same questions of a non-custodial parent. Tell me about the town house, tell me about the condo, who makes the payments? Let me see your mail. Let me see your bank statements. Are you really paying for this to avoid getting out of child support, et cetera. I don't know that anyone is going to oppose this Bill. I know Representative Lang just did a Bill last week, (sic-House Bill) 962, and I see him right behind you, I don't if this is similar to (sic-House Bill) 962 and I guess more importantly..."

Feigenholtz: "It actually adds to Representative Lang's Bill."

Cross: "Your Bill is better than Representative Lang's Bill?"

Feigenholtz: "It's broader."

Cross: "It sounds like it's a lot better Bill, more thoughtful, one that will actually do something, and for that reason, it sounds like perhaps we should support your Bill. It may be too late to make a Motion. I was on the prevailing side probably on Lang's Bill, but we should reconsider it sounds

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like. It's too bad we're voting on yours after Representative Lang's."

Feigenholtz: "I agree."

Cross: "With all... actually, Sara, just to end this, and maybe we can talk later. I know you are well-intentioned on this and that's an overused term, but I'm not so sure that we gain much by this even though it is better than Representative Lang's Bill. Maybe I can talk to you more about it later. Thank you."

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

Lang: "Thank you. I think my name may have been used in debate."

Speaker Hannig: "Once or twice."

Lang: "Yeah, I hope so, too. Representative, I thank you for all those fine comments. It's a good thing I have a sense of humor. This Bill takes my Bill one step further. It's something that could have been added to my Bill. What this Bill does is say, just as when a lawyer sues somebody for a debt and the person says, 'No, I don't have to pay it, it's a corporate debt it's not my personal debt, it's a corporate debt.' And then lawyers go through a technique called piercing the corporate veil. It says that in some cases, the individual and the corporation are so entwined, that they are really not separate, that they're are really one. And that's what Representative Feigenholtz is going after in this piece of legislation. It says that corporate assets cannot be used to hide assets that could be used to pay child support. And where someone wishes to hide behind that corporate shield of those assets, this Bill would allow a court to help the parties proceed to investigate as to whether the non-custodial parent was hiding assets within that corporation. And so, while some of this might possibly be done under today's law, the fact



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is that this will codify it and this will give the judge and the parties, the custodial parent, very specific tools to go after hidden assets so that the non-custodial parent cannot keep the ability to get those assets for the benefit of the children, which is what these Bills are all about. So, I would recommend strong support of this Bill."

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

Durkin: "Will the Sponsor yield?"

Speaker Hannig: "She indicates she will."

Durkin: "Representative, on page 5 of your Bill, you refer to 'piercing the ownership veil of persons... person, persons or business entity'. Could you clarify what you mean by business entity?"

Feigenholtz: "Representative Durkin, person, persons or business entities, corporations, partnerships, limited liability companies, sole proprietorships, any vehicle that is used."

Durkin: "Are you limiting this business entity to those previous corporate structures or business structures?"

Feigenholtz: "No."

Durkin: "Including like subchapter S, corporations, all..."

Feigenholtz: "No, that would be included. The language should be as broad as possible."

Durkin: "Okay, if it's other than a sole proprietorship, do you find it might be... difficulty somehow if you have partnerships, corporations, you have comingling... I mean co-sharing of assets and property. Now, how do you anticipate to pierce the, so to speak, corporate veil, to attach those assets to the person seeking these types of relief?"

Feigenholtz: "Actually... what it does, Representative, is if it shows a unity of interest or enjoyment of the property or assets from the corporation. So, it actually goes a little

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bit farther than current law and Representative Lang's law."

Durkin: "It still seems just kind of vague to me. You said a unity of interest. Could you explain to me what is unity of interest? Is that 50% plus 1 or is that... I mean, I'm just trying to get a feel for what you're talking about when you talk about unity of interest."

Feigenholtz: "Well, actually the court has the discretion to decide and in this Bill there are four things that are pointed out. It says the non-custodial parent and the person, persons or business entity who maintain the records together, the non-custodial parent and person, persons or business entity, fail to maintain an arms length relationship between themselves with regard to any assets, the non-custodial parent transfers assets to the person, persons or business entity with the intent to perpetrate fraud on the custodial parent."

Durkin: "Alright. Well, so you're saying we're going to leave this up to the judge to make a determination..."

Feigenholtz: "I can't hear you."

Durkin: "You're going to leave it up to the judge to make a determination of whether or not..."

Feigenholtz: "Exactly."

Durkin: "What is a unity of interest based on, whatever facts are presented to him in the courtroom, correct?"

Feigenholtz: "That is correct."

Durkin: "I think your intent is to help... keep people from fraudulently hiding assets in these types of situations. Now, presently, wouldn't somebody be in contempt of court if they were doing that under the law right now?"

Feigenholtz: "Only if you can discover it."

Durkin: "Well, I'm saying if somebody is fraudulently, you know,

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hiding assets..."

Feigenholtz: "If it's discoverable."

Durkin: "Well, no, I'm just saying, is there... presently isn't that contempt of court which is presently on our books? Is that... do you feel that that's not sufficient enough or there's not enough teeth in that statute to..."

Feigenholtz: "That is correct. I believe that there is not enough teeth in that statute."

Durkin: "Okay. Well, I appreciate your sincerity and I know you've done some hard work on this. Thank you very much."

Speaker Hannig: "Representative John Turner."

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

Speaker Hannig: "She indicates she will."

Turner, John: "Representative, I'm concerned about the privacy of the person or business that is... has a relationship with the non-custodial spouse. What provisions do you have in your Bill to make sure that the privacy concerns of that person or business are taken care of?"

Feigenholtz: "The same provisions that are already existing in the Uniform Fraudulent Transfers Act, which is what we're trying to codify into this law."

Turner, John: "Well, I don't..."

Feigenholtz: "They'll receive notice just like they have been."

Turner, John: "I don't know what the provisions of the Act you just cited are. Could you tell me what the protections are? I think this is a very important matter."

Feigenholtz: "Could you be more specific about the privacy concern?"

Turner, John: "Well, sure. You're talking about piercing a veil. You're talking about piercing a veil of a business between a non-custodial spouse and perhaps a business partner or perhaps, as I understand it, the board of directors of a

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corporation or maybe just the shareholders or maybe just the other owners. I'm asking as to the partner or the other persons in the corporation. What protection of their privacy do you have in this Bill? Aren't we concerned about a court coming in and piercing a veil, looking at all these records of this individual who has nothing whatsoever to do with the litigation on the child support. What can we do to make sure that their personal, private, business matters don't become a part of the public record?"

Feigenholtz: "Actually, Representative, if somebody could prove that somebody has a share in those assets, there is no privacy."

Turner, John: "Well..."

Feigenholtz: "That makes it..."

Turner, John: "Surely you're not suggesting that because you may be a partner of someone who gets a divorce and becomes a non-custodial parent, that your private concerns with that individual, and you have nothing obviously to do with the disillusion, are not in any way protected? And if your private concerns aren't protected, what's to prevent the court from piercing the veil and getting assets from this other person?"

Feigenholtz: "You know, in regular collection cases, partnership, records are all brought into court and..."

Turner, John: "In what kind of cases?"

Feigenholtz: "It's no different then what's already happening right now."

Turner, John: "Well, then how's it happening right now? Representative Lang earlier said that this Bill gives a court the tools to pierce a veil. What tools does this Bill give a court. I can't find them in here. I'm trying to find out what these tools are and how this piercing

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takes place."

Feigenholtz: "This codifies, Representative, and creates new language of what already exists in the uniform and the courts have been using the Uniform Fraudulent Transfers Act on marriage and dissolution cases. What we're trying to do is bring that into the law and codify it."

Turner, John: "All right, I've already indicated that I haven't read the Act to which you refer, so by you citing that doesn't really help me as far as trying to get answers to the questions I think are very important ones that I have. If I've followed it so far though, you've indicated that there's absolutely no privacy, whatsoever, for a partner or a co-owner in a business, whether it be a corporation or partnership, so there's no privacy. My question then is, if there is no privacy, what at least is in your Bill to make sure that we don't attach some of the assets or tie up some of the assets in court pursuant to a stay or perhaps a court order of this innocent individual who happens to be a partner with a non-custodial spouse?"

Feigenholtz: "There is none. If he's innocent, the court will find him innocent."

Turner, John: "All right, say that again now."

Feigenholtz: "There is none."

Turner, John: "There is no protection, whatsoever?"

Feigenholtz: "If she's..."

Turner, John: "So that an innocent person..."

Feigenholtz: "Representative..."

Turner, John: "So an innocent person can have their assets attached?"

Feigenholtz: "That's not the issue in the Bill. If you want to make a change like that, you need to go into the Uniform Fraudulent Transfers Act, but this Bill codifies it and

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expands it into the Marriage and Dissolution Act, and its discovery aspects."

Turner, John: "Well..."

Feigenholtz: "It does go a little bit farther..."

Turner, John: "If I want to make that change, I would do so, but what I'm trying to do... all I'm trying to do is make sure that we're not passing something here that is going to infringe upon the private concerns and rights of individuals who have nothing to do with litigation. You've already assured me that we are going to be able to do that anyway. We are going to infringe upon the privacy, now my more important question is, what'll we do about making sure that assets of this individual, who has nothing to do with litigation, are not either seized or at least in some fashion put in by court order, held so that they can't be utilized by that individual who otherwise could've utilized them at their own discretion?"

Feigenholtz: "Could you repeat the question?"

Turner, John: "Yes. I can repeat it. A person is in partnership with a non-custodial spouse. That person has no privacy rights, as I understand it, because we're going to be able, under this Bill, to go into court and as you call it 'pierce the veil', and therefore, bring in all partnership records. All right. The more important question is, if there is no privacy, is there at least some assurance that you can give me in this Bill that we're not going to attach the assets of the innocent person, partner or put a stay on his or her use of those assets?"

Feigenholtz: "They will be able to appear in court and they will be served notice to appear in court and the court will have to determine whether or not there is no financial separation between a non-custodial parent and that other

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person."

Turner, John: "So, you're telling me now this individual is going to become a litigate in the proceedings. He or she is going to subpoenaed into court or be given a notice. If they fail to appear..."

Feigenholtz: "That's possible, yes."

Turner, J.: "...they're going to be defaulted."

Feigenholtz: "Yes, that is possible, and that's what we're trying to do here. We're trying to improve the child support system in Illinois, Representative, and there..."

Turner, John: "Well, certainly. I'm all for that, but why would you want to concern..."

Feigenholtz: "Well, actually..."

Turner, John: "...or bring into court an innocent individual who has absolutely nothing to do with the ligation. Do they become a party defendant?"

Feigenholtz: "It's happening everyday in every other collection case in the State of Illinois, Representative."

Turner, John: "It's happening in every single collection case? Well, I've got a few collection cases that I've been working on..."

Feigenholtz: "No, I said everyday."

Turner, John: "...it's not happening in any of those."

Feigenholtz: "I said, every day in other collection cases in the State of Illinois."

Turner, John: "What is happening? That's what I'm trying to get. What is happening?"

Feigenholtz: "Business records are brought into court for discovery."

Turner, John: "Okay, I understand you said..."

Feigenholtz: "This is a Bill designed to punish people who are hiding assets, Representative. Not innocent people."

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Turner, John: "I'm all for you. Let's punish the people that are hiding the assets. I'm not, however, in favor of punishing individuals who have nothing to do with the litigation who aren't hiding anything and who happen just to be in the unfortunate circumstance of being a partner to the non-custodial spouse or parent, excuse me."

Feigenholtz: "Representative, there's four things around corporations that this legislation does."

Turner, John: "All right, what are they?"

Feigenholtz: "There are tests in corporate law. Whether the corporation maintains its records adequately; whether the corporation complies with corporate formalities; whether the corporation co-mingles assets; whether there exists a disregard of legal similarities and the failure to maintain an arms length relationship among the related entities; whether the corporation was adequately capitalized at the time of the injury. So, it allows the courts to ask deeper questions about joint assets."

Turner, John: "Okay. Suppose the partner is drawn into court, becomes a litigant, I guess, it's later shown that that party in order to defend his or her assets, had to, I would presume, undergo court costs or if not court costs, at least attorney fees, are they going to be compensated in any fashion? Is there any way to..."

Feigenholtz: "Not under this Bill, no."

Turner, John: "...make the innocent person who becomes unwillfully a part of the litigation made whole?"

Feigenholtz: "I don't believe that their court costs are compensated."

Turner, John: "Well, how about attorney fees?"

Feigenholtz: "No."

Turner, J. "Most people if they get drawn into court are probably



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going to go see a lawyer."

Feigenholtz: "Correct."

Turner, John: "Now, if they're going to have to spend several hundred dollars or a \$1 thousand in attorney fees, they're completely innocent, the court in fact finds that, are we going to compensate them, remunerate them for their loss in having to pay these attorney fees?"

Feigenholtz: "If the courts have decided that mailing addresses are maintained together and that they're receiving bills together, then they're probably not innocent, Representative."

Speaker Hannig: "Representative Turner, could you bring your remarks to a close please."

Turner, John: "Representative, your Bill I understand is designed to collect support and I know that's every important. I support you wholeheartedly in that, it's to get to those who are hiding assets and I support that, as well. I think your Bill needs a lot of work. I'm not prepared to vote against it or recommend any of my colleagues to vote against a Bill that assists in collection of child support. I only suggest to you that I think that there's a lot of work still to be done in this and I hope you'll at least consider doing that over in the other Chamber assuming it does pass here today. Thank you."

Speaker Hannig: "Representative Feigenholtz to close."

Feigenholtz: "I'd be glad to look into that with you and discuss this with you later, Representative Turner. Ladies and Gentlemen, this is a great Bill. It does go a little broader and a little deeper to help us deal with a major problem that we have in this state in collection of child support. It is an initiative that was brought forth by the State's Attorney as well as the Clerk of the Circuit Court,

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and I would ask you for 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 114 voting 'yes' and 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 289. Representative Brunsvold in the Chair."

Clerk Bolin: "House Bill 289, a Bill for an Act to amend the Illinois Insurance Code. Third Reading of this House Bill."

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

Scott: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 289 is an initiative of the State Bar Association that would bring the rules of evidence used in Supreme Court mandatory arbitration proceedings to the on or under insured motorist claims. What it really does, the bottom line for this is, it speeds up and makes less costly the arbitration procedures. It's something that actually should help both sides, both the plaintiffs and the defendants in these issues. There were some concerns originally expressed by some of the major insurance companies. The Bar Association and those companies have worked those out. That's what resulted in Amendment #2 and I would ask for support of the Bill."

Speaker Brunsvold: "On that question, is there any discussion? The Gentleman from Cook, Representative Durkin."

Durkin: "Would the Sponsor yield?"

Scott: "Yes."

Speaker Brunsvold: "He indicates he will."

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Durkin: "Representative, could you explain to me what are the current rules of procedure and evidence in mandatory arbitration proceedings?"

Scott: "Well, in these particular cases, what's being used right now are the regular circuit court rules, so very detailed rules. The Supreme Court Rule 90 is what governs other arbitration cases. It allows for a lot of documents to be submitted without testimony and allows for some other evidence to be put in without testimony. I can go through that if you want me to, Jim."

Durkin: "Could you go over... What types of documents are referred to which, well, can be introduced without any type of foundation?"

Scott: "Sure. Bills, records... bills, records, reports of hospitals, doctors, dentists, registered nurses, et cetera, bills for drugs, property repair bills or estimates, when they're itemized and identified, setting forth the changes for labor and material, report of the rate of earnings for time lost from work or lost compensation prepared by an employer, the written report of an expert, deposition of a witness, the statement of a witness, which the witness would be allowed to express if testifying in person, if it's made by affidavit or by certification as provided in other rules. So basically, what you're... what you're doing is taking a lot of things that would ordinarily come in, you'd have to bring a witness in, probably pay the cost of having them in, have them go through testimony. This allows them to be able to do it at a lot less cost to both sides."

Durkin: "Presently, the traditional rules of evidence of procedure are applying to these types of situations though, correct?"

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Scott: "Right."

Durkin: "Do you have any concern about... if we're not going to require any type of foundational requirements to these documents, what types of safeguards are there within this law to show the authenticity of these documents and that they are free of any type of tampering or doctoring?"

Scott: "Well, we've got a couple of responses to that. One was, that was the major concern of the insurers when they first came on to testify about the Bill, and some of those things were worked out in the Amendment, and let me tell you what we did. I gave 60 days, rather than 30 days notice to opposing parties of the intent to offer these documents into evidence. So, in other words, it gave them more for people to check out the truth or veracity of these documents. It expanded the list that you can apply the subpoena power to. You can ask the arbitrator to issue subpoenas on certain documents that you think aren't legitimate and it expanded that list that you can ask for the subpoena on. It also increased to 60 days from 30, the number of days notice, which must be given to opposing parties if the opinion witnesses are intended to be called. So, what it's really doing is it's taking those particular concerns that we would have and being able to give more notice and ask for more subpoenas where you think something's bogus."

Durkin: "Is there any provision within this Bill which will allow a party to object to the introduction of any one of these pieces of evidence into the hearing?"

Scott: "Sure, you can object like you can with any other piece of evidence and you're also given... now you're given 60 days instead of 30 days notice to be able to do that, so you can object to evidence that's facially wrong and having other

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problems as well. I mean, they still have to lay a foundation that this is a document. You'll have business record exception kind of thing, you still have to... would still have to go through that."

Durkin: "I think the business record... I don't think these are really traditionally business records. A lot of these documents which you're referring to are ones that are prepared in anticipation of litigation, which is not a business record exception, does not apply to those situations. Now, can't the parties..."

Scott: "Yeah, you can still object. I'm sorry, but the answer to your questions is 'yes'."

Durkin: "Okay. But if they do object, but however, they're still allowed into evidence, correct? I mean, the way I read it, that these Bills are going to be unilaterally. They'll be admitted into evidence by either party, even... even though there's an objection made? Is there... I'm not quite sure if there's..."

Scott: "Yeah, that would create a..."

Durkin: "...any type of... any mechanism within this law which would bar any... one of these documents from being used if the party says, 'You know what, I don't believe that the integrity of these documents in question. I don't believe it should be admitted.' Can the arbitrator... Is there something in this Amendment which will force an arbitrator to make a determination of whether... as to the credibility of that document for it's subsequent use at the arbitration hearing?"

Scott: "No, but what you would do is, if I'm an advocate and I think there's a problem with it I get the document 60 days in advance and I think there's a problem with it... First of all, there's several steps that you can do as a

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litigator up until that 60 day time. What I would do then, is try to present the evidence that I have that this document is not legitimate and why. Also... go ahead."

Durkin: "My only concern is that this type of practice is basically going to lead to trial by affidavit at some point, where I think that's... I know you'll have a response to that, but I... a year ago, I passed a Bill which would allow certain types of hearsay statements to come in without cross examination and I know there's all sorts of sixth Amendment issues involved in that but, if you can... Cross examination generally is not... It's important. It goes to the fact-finding and the truth-seeking, but if you could establish that there is a independent degrees of reliability ingenuous, it'll come in without that type of... without having cross examination. However, I'm not quite sure if I can... the way I read it, it shows... It just seems to me like anybody can prepare any type of documents, it's going to be able to be brought into evidence and basically, we're going to argue it's weight in front of each one of the arbitrators, correct?"

Scott: "Right, except the only response I would have to you, Jim, is that we already use these in all kinds of cases right now. We already use these rules in all kinds of cases and I don't... You know, maybe it's different where you come from, but where I do, there's not a tremendous difficulty here. I think if there were, I think the insurance companies wouldn't have been willing to go along with it with the changes that we made."

Durkin: "But I think a lot of those documents are ones that are traditionally are self-authenticating documents which, I mean, which we all went through and I don't know if these are the types of things which we're..."

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Scott: "No, what I'm saying is, we're using these Supreme Court Rules in many types of arbitration cases right now. All we're doing here is expanding it to the uninsured and underinsured motorists claims, so this is something that's widely being done right now and I'm, you know, I'm certainly not been made aware that there's a tremendous amount of fraud problems."

Durkin: "Thank you, very much."

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

Roskam: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this Bill. It makes tremendously good sense. Supreme Court Rule 90-C is currently in practice, in civil practice in 102 counties all across the State. It has greatly expedited the introduction of non-controversial evidence. Saves a lot of time, saves a lot of expense and helps for a quick resolution of cases. There's no evidence that there's been any type of problem in terms of fraudulent introduction of evidence. The type of evidence has been well enumerated and I rise in support and urge an 'aye' vote on the Gentleman's Bill."

Speaker Brunsvold: "Seeing no further discussion, Mr. Scott to close."

Scott: "I want to thank Mr. Durkin for his questions and Mr. Roskam for his support. I think it's a good Bill. I think it helps both sides in these cases to hold down the litigation cost, which is something that I think that we all support and I'd ask for a favorable vote."

Speaker Brunsvold: "The question is, 'Shall House Bill 289 pass?' All in favor vote 'aye', all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who

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wish? Have all voted who wish? Mr. Clerk, take the record, and on that question, there are 110 voting 'yes', 0 voting 'no'; and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 1228."

Clerk Bolin: "House Bill 1228. A Bill for an Act concerning housing. Third Reading of this House Bill."

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

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This is a piece of legislation that had really excellent discussion in the Aging Committee and is part of the package of Bills, 'There's no place like home'. The idea of this legislation is to allow senior citizens to age in place. To be able to get old in their own homes and to provide accessibility to persons with disabilities at a minimal cost. Here's what the Bill does, the legislation would provide basic accessibility features in newly built spec housing so that we would do a little prevention when it comes to accessibility in homes and we would build homes with four basic access features. One would be 32 inch clear minimum interior doors; two, reinforced bathroom walls to accommodate grab bars if needed later by the resident. They don't have to be installed, there just has to be reinforced bathroom walls; three, all electrical outlets at reachable heights between 15 and 48 inches from the floor and; one (sic-four), no step exterior entrance, which could be anywhere, at the front or the side or the back of the dwelling. This is legislation that is supported by the disability community, by the aging community and also, there are developers who are supporting this and I have letters in my hands of a developer and a



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general contractor who believes that it would be a good idea to build originally accessible housing. The cost to building houses that can be easily made accessible is 0 to \$200. In other words, if we build it already with the doorways wider, there's no extra cost to that but it sure saves people a lot of money. One of the main reasons that people end up in nursing homes is they can't afford to convert their homes. If they're built originally that way, then people can stay in their homes or if there's some accident that occurs, they're able to easily adapt their home. So, I would urge a favorable vote on (sic-House Bill) 1228 and welcome any questions."

Speaker Brunsvold: "The Gentleman from Jo Daviess, Representative Lawfer."

Lawfer: "Thank you, Mr. Chairman. Will the Sponsor yield for some question?"

Speaker Brunsvold: "She indicates she will."

Lawfer: "Representative, this sets up a new Act, is that correct?"

Schakowsky: "Correct."

Lawfer: "And provides that all spec homes would have to meet the qualifications that you just referred to, is that correct?"

Schakowsky: "That's correct."

Lawfer: "Does this refer to manufactured housing?"

Schakowsky: "It does not."

Lawfer: "So, it refers only to what type of building, then?"

Schakowsky: "This would be if you have a developer who is building homes without a specific buyer in mind, just building a track of homes. Those homes would have these four basic features in them."

Lawfer: "One of the basic features calls for a 32 inch minimum width, is that correct?"

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Schakowsky: "Yes, that is correct."

Lawfer: "On all doors?"

Schakowsky: "That is correct."

Lawfer: "I think..."

Schakowsky: "All interior passage doors, so that might not mean a closet, or et cetera but, interior passage doors."

Lawfer: "Okay, I think one of the standard doors is like a two/eight, six/eight door, but on the other hand, you have a half inch door stop that goes in on each side resulting in about a 31 inch clearance. Would that be in violation of this?"

Schakowsky: "Well, it says, 'Shall allow at least 32 inches of clearance in width.'"

Lawfer: "So, that may take a little more than a standard two/eight door then because the door has a door stop on it?"

Schakowsky: "I guess it would."

Lawfer: "Okay. Does this provide that the Department of Human Rights will enforce this?"

Schakowsky: "That is correct."

Lawfer: "What would be a penalty for an individual that constructed a house that did not meet these requirements?"

Schakowsky: "Well, whatever the administrative act of the department already would require, but it says they will receive and review complaints alleging violations of this Act. So, we're not creating any new penalties."

Lawfer: "I know we had quite a discussion on this in the Aging Committee but... Let's see, in there, does this preempt home rule?"

Schakowsky: "It would, Representative."

Lawfer: "Question to the Parliamentarian, then. Would this require 71 votes for passage?"

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Speaker Brunsvold: "Mr. Lawfer, we'll check on that."

Lawfer: "Okay. You mentioned several people that were in favor of this. Do you know of anybody in opposition to this?"

Schakowsky: "You know, Representative, I have not been contacted by opponents of this legislation and I'll look on my analysis here and see if their list is... I didn't... No one filed a slip in committee in opposition to the Bill."

Lawfer: "What would the additional cost be for this? You may have mentioned that earlier. I may not have heard you."

Schakowsky: "Yeah, the estimation is 0 to \$200 because we're talking about newly built. There's no, you know, making the doors wider or raising the electric outlets. You're doing it as you build it, so we don't estimate... and that's based on estimates from builders, any additional cost."

Lawfer: "Mr. Chairman, to the Bill."

Speaker Brunsvold: "To the Bill, Mr. Lawfer."

Lawfer: "I have been approached by some builders in this regard and my information shows that this could cost as high as \$3 thousand per residence to meet some of these requirements on an average 2 thousand square foot home. I do believe that in the time when we do need affordable housing, we need to, of course, keep people that need these facilities install them in those homes, but to require these in all the homes preempting home rule, as well as local building codes, I believe that this just unnecessarily increases the cost of housing and I would urge a 'no' vote on this. Thank you."

Schakowsky: "If I could respond to the cost question that was raised?"

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

Crotty: "Thank you, Mr. Speaker. To the Bill."

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Speaker Brunsvold: "Proceed."

Crotty: "Thanks. When this came into committee, Ladies and Gentlemen on the Floor, I've worked with persons with disabilities since 1984 and I stated in committee, I was embarrassed that I wouldn't of thought of a Bill that could make things so much easier for persons with disabilities as this. I commend Jan for coming up with a Bill that really does make a difference to persons with a disability and many of us today that can walk around this Floor, on the way home may in fact have an accident that would then make us one of those persons with a disability. In working with persons with disabilities, I find many times that young teenagers that have had auto accidents, young children who have had pool accidents and spinal cord injuries, their parents have to come up with so much money, not only for their medical expenses and purchasing a wheelchair, that a minimum cost would be \$10 thousand but then, to adapt their home is just astronomical and it's a very large hardship to the families. If starting in January of 1998, we would have just these small features put in our homes, many of us that, as we age, may need those grip bars in the bathrooms if we have arthritis. Many of us may have family members that are in a wheelchair and would like to come over for the holidays, we make one entrance accessible. A young lady in our committee that was in a wheel chair said, 'We would like to visit our friends, even coming in the garage and into the home.' So, I encourage each and every single one of us to please support this Bill for the quality of life for persons that do have disabilities. I also want to mention that this Bill made such an impact on me in committee, that I went home and I did talk to my builders and they said that it does open up a whole new world for

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persons with disabilities to come into model homes and choose a home that they would like to live in. So again, I encourage all of you to support this Bill. Thank you."

Speaker Brunsvold: "Mr. Lawfer, the Parliamentarian indicates this is under Subsection I of the Cons... of Section 6 of the Constitution is a concurrent exercise and will require only 60 votes for passage. The Gentlemen from Cook, Representative Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Brunsvold: "She indicates she will."

Durkin: "Representative, I have not been around here for a long time, but could you give me a definition of 'spec housing'? Could you elaborate as to what types of homes we're talking about?"

Schakowsky: "Yes, Representative. Spec home means a private single family residence constructed by a builder or individual for sale on the open market and not built for an individual for immediate occupancy. In other words, if you choose to build your own custom home, it would not be covered, but if you're a developer putting up a development that would, with no particular buyer in mind, that would be spec housing."

Durkin: "So basically, we're talking about the majority of them would be town homes, correct?"

Schakowsky: "We're talking..."

Durkin: "The majority of spec houses were... probably would be town houses?"

Schakowsky: "Private, single family residence."

Durkin: "Right."

Schakowsky: "We're talking about individually built homes."

Durkin: "But, that would include town homes, right? Because, I mean if you watch, particularly in my area in the western

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suburbs, there are a number of smaller associations which are building..."

Schakowsky: "We were envisioning not town homes, individually built homes, single family homes."

Durkin: "Well, single family homes even though they're attached, but the fact is, a number of these things are built on this speculation theory that they're built and that some day they'll be able to attract people to live within the homes."

Schakowsky: "Well, this particular legislation refers to free standing, individual homes, single family homes."

Durkin: "Well, which are town homes, aren't they?"

Schakowsky: "Well, we're talking... I think I've answered your question, Representative. I'm not referring to town homes."

Durkin: "Well, no. I'm just trying to think, I mean, I'm trying to ask whether or not, you're not referring to town homes but under... Why wouldn't not... why would this not apply to town homes? I don't understand your definition of why this does not fit."

Schakowsky: "Because we are talking about a limited definition to start dealing with these kinds of spec homes. We could talk about manufactured homes. We could talk about all kinds of homes. In this instance, we are talking about individual homes."

Durkin: "Okay. Our analysis indicates that we're talking approximately in the next year, this would deal with 13 thousand new homes. Why don't you leave it up to the local municipality or the individual home buyer to make that decision if whether or not they want to put a ramp into their front door or their back door, or to make these other types of modifications within their home? Why don't you

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leave it up to the individual buyer who's going to live in that home?"

Schakowsky: "You know, we've set all kinds of standards for housing. The notion here is that one of the chief barriers to people remaining in their own home, is the lack of ability to make that resident-accessible. We, as policy makers, have a stake in that because what happens is, people are forced into nursing homes often because they can't make their homes accessible. The notion here is that we're not changing a design of a house. We're not making major decisions about how a house will look. We're saying, basic access features should be there as a prevention measure and this is good public policy to require that."

Durkin: "Well, I'm sorry but you say we're not changing the design of the house but you're requiring in this Bill that each one of the spec homes must include first of all, a ramp, all interior doors must allow at least 32 inches clearance, all electrical outlets shall be at least 15 inches up from the finished floor and no light switch shall be more than 48 inches up from the finished floor. You're telling people how they have to design their house. I don't... I mean, I differ with you on that analysis."

Schakowsky: "You also... The wall needs to be reinforced in the bathroom. Certainly, that's not going to make a difference to you. You're all... All houses are going to require outlets. I would guess that when you are building a house that you don't sit down and say, 'And, I want those outlets this far from the floor.' I doubt that there are many people for whom that would make a difference except if you happen to be a person with a disability. And so, the notion here is that on featured... or, or... I don't think you probably say, 'I want my doors to be exactly this

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wide.' What we're saying is, let's make them when we build it wider so that a person that becomes disabled like, God forbid, you would be able to have a wheel chair go through."

Durkin: "Well, the difference between me and you is that I will make that choice on my own, within my house of whether or not I want to have a ramp or I want to make some other modifications with inside my home. But the fact is, if I'm a family, I'm starting out and the only thing I can afford would be a spec housing but the fact is, I'm going to have to live inside a... some type of a home which is contrary to what I believe in. You're forcing people to... these standards on people in which they may not want. The fact is, why don't you leave that just up to the individual buyer of the home? Leave it up to the people who are developing a home. Let them make that decision. We should be staying out of it."

Schakowsky: "All I'm saying is that we, as policy makers, have a stake because failure to do this costs us money down the road and so it is appropriate for the state to say these items, which I don't believe are intrusive in any way, should be included so we don't end up with unnecessary nursing home costs."

Durkin: "Are you familiar with the Fair Housing Act?"

Schakowsky: "Yes."

Durkin: "All right, are you aware that under the Fair Housing Act that builders and developers are required to provide accessible housing at the request of the buyer prior to completion of the home? What's the problem... what's the problem with that?"

Schakowsky: "We're not talking about accessible housing here. We're talking about basic access features that could



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possibly make the house accessible in the future. I can't imagine what an objection would be to anybody for a wider door or a reinforced wall."

Durkin: "Well, the objection I did was just talking to my brother-in-law last week and he said if I was to live in a home like this with his five year old sons and daughters, it gives them another reason to go flying out of the house in these ramps out in the streets when they don't want it and they're forced to have that in their home, whether they're on skate boards or roller blades. I mean, that the concern which a lot of people are having. That's just one example but the fact is, I'm going to speak to the Bill right now. I know that the Sponsor is well-intentioned with this but I believe that this is government intrusion. We're going way too far. Let the buyers make that decision. Let the home builders make that decision. It is not our province, it is not our responsibility to tell people how they have to build their homes. Vote 'no'."

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

Scully: "Thank you, Mr. Speaker. To the Bill."

Speaker Brunsvold: "Proceed."

Scully: "For the last eight years, the United States has been dealing with a new law called The Americans with Disabilities Act. Under that law we've had to make very, very expensive modifications to commercial buildings but one of the primary objections to The Americans with Disabilities Act was the high cost of making modifications to commercial buildings and through that entire period, the builders, the building owners told us that the cost of putting these accessibility features into new construction would be nominal. Their big complaint was the very heavy

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cost of making modifications to existing structures. This Bill addresses that very issue. The cost of building these reinforcements, designing the electricity so it's accessible to someone in a wheelchair, all of these features are nominal costs at the construction phase. We are now at a point where we as the people of the State of Illinois have an opportunity to set public policy that the new construction in the State of Illinois will have these features and by using this law as the vehicle will build new homes that are fully accessible, much more accessible to people with disabilities at a nominal additional cost. Regarding that comment earlier about the Fair Housing Act and the statement in the Fair Housing Act that housing has to be accessible. The Fair Housing Act refers to financial accessibility. This law deals with physical accessibility. We need this law for the State of Illinois and I ask for your support."

Speaker Brunsvold: "The Lady from Cook, Representative Mulligan. The Chair has turned the timers on, Ladies and Gentlemen. Proceed, Representative."

Mulligan: "Thank you, Mr. Speaker. Ladies and Gentlemen, I have very mixed emotions about this Bill. On the other hand, I think it's an excellent idea and I certainly applaud the Sponsor for bringing it because of the fact that this seems like a real logical, easy thing to do. On the hand, I'm against mandating to business owners, such as general contractors, or how they run their business and what they do and so, I don't feel that I can support the Bill the way it is. But on the other hand, I think it's a good Bill for them to take a look at that perhaps, they should be doing this voluntarily. I think it's good business. I think it's a selling point for a home. My mother was a polio

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victim and she went to special schools although she was not disabled so she had to be in a wheel chair, many of her friends were and when we were young, we went to their house to visit because they couldn't always come to our house because it wasn't outfitted in that way, their house was. People are living longer. Unfortunately, they're not totally physically able. They may be in a wheelchair. They may have arthritis. I think this is a logical thing to do. I'm not open to mandating it, but I think the Bill brings the issue out that we need to discuss and I think contractors would be smart to do this as a selling point and I think that what Representative Schakowsky has done here is certainly highlighted that issue. So, I think what she's asking is minimum and although I might not support it this year, I think contractors ought to take this to heart and take a good look at doing it because I think it's only a matter of time before we would be willing to support something like this."

Speaker Brunsvold: "The Lady from McHenry, Representative Hughes."

Hughes: "Thank you, Mr. Speaker. To the Bill."

Speaker Brunsvold: "Proceed."

Hughes: "I rise in opposition to House Bill 1228. Yes, this is a very well-intentioned Bill, but there are other ways to increase accessibility within the housing market. A huge concern for, I think, every one of us in our districts, is affordable housing. The standard door used in a house with the door jam in place and stop in place is not a 32 inch clearance. That means a more expensive door into every room in the home. It may mean wider hallway space and less living space for the square foot construction cost in a home. The main problem here is we're mandating one answer

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for everything. We should be encouraging a variety of options in the housing market. Some of these would be very easy to implement and probably with no cost. Others will be costly and make housing less affordable for many, many of our families. The intentions are excellent, but to mandate specific standards on every spec house, and only on single family houses not other types of housing, I think is not the appropriate way to approach this. Thank you."

Speaker Brunsvold: "The Gentleman from Washington, Representative Deering... does not wish to speak. The Gentleman from Kendall, Representative Cross. Mr. Cross, please. Your mike is not on. Move next door would you, Representative Cross, your mike is not working."

Cross: "Hello."

Speaker Brunsvold: "Hello."

Cross: "Hello. Has anyone seen the Speaker? Just a couple..."

Speaker Brunsvold: "Proceed, Mr. Cross."

Cross: "Mr. Speaker, real quick before I ask if the Sponsor will yield, in the event this gets the requisite number of votes, we request a verification."

Brunsvold: "That is acknowledged."

Cross: "And will the Sponsor yield?"

Brunsvold: "She indicates she will."

Cross: "Representative, we've been advised on our side of the aisle from committee members that there was an acknowledgement in committee by you that perhaps this Bill was too broad and needed some Amendments to narrow some of the areas of concern. Do you recall that commitment or conversation in committee?"

Schakowsky: "There were a number of questions raised, but I don't remember a acknowledgment that we would amend the Bill. I talked to the people who brought it to us from the

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disability community and there didn't seem to be specifics that were brought to me about changing it."

Cross: "Well, I'm not... We don't have time to go get the record, the tape from the committee but it's our understanding you made a commitment to clean this Bill up and as I said, narrow it. I would request on behalf of those committee members that you take this Bill out of the record and try to clean it up. I'm sure there are some people that want to support your Bill but given the broad scope of it, it's going to be impossible, entirely impossible to support this Bill, and not because people don't care about this issue but because it's so broad, it's going to be impossible to handle and I would hope you would... I would request that if this is an important issue that you take it out of the record now and try to work on narrowing it down. Will you do that?"

Schakowsky: "Well, Representative, I will, but I do want to tell you that whatever happens to this Bill, whether it goes to the Senate, which of course I hope, or it doesn't, I don't think the dialogue is over on this legislation but I do have to tell you that not one person, Legislator or interest group, came to me with a particular recommendation. I didn't hear from anyone about changes to be made in this Bill. There were no suggestions made to me about what should be changed after that... after that hearing and there was no one filing against it in committee."

Cross: "Well, apparently there was some conversation in committee that as a result of the conversation, you acknowledged the broadness and were willing to reduce it or narrow it and if you don't recall it, that happens. I would encourage the people on our side of the aisle and actually for that

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matter, the people on your side of the aisle to vote 'no' on this Bill if you're not willing to work on it. It's too broad....,"

Schakowsky: "That's not what I ..."

Cross: "...it's too scope. It's too broad in its scope and this Bill at this point, deserves a 'no' vote. Thank you."

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

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

Speaker Brunsvold: "She indicates she will."

Zickus: "Representative, would you tell me again, what you have estimated the increased costs to be?"

Schakowsky: "Let me... a couple hundred dollars and let me read to you from Maple Court Development, Inc. in Naperville, Illinois. This is a builder, 'As you know, I am a developer and general contractor with experience in building accessible housing. In my opinion and in conferring with my subcontractors, the cost implications of the proposed legislation are extremely minimal to no cost and are very easy to implement in the field. The electrical outlets located at reachable heights has no additional costs. The reinforced bathroom walls to accommodate grab bars are very minor. The 32 inch clear minimum for interior doors would have a slight increase due to door size. The utilization of 32 inch gold legacy brand door, which is commonly used, would increase the individual door by one dollar, from \$28 to \$29. The one no step exterior entrance would require some grading and a small incline or ramp, but the step would be eliminated resulting in some exchange of costs.' We... do in the Bill say if there is excessive grading, that they can add that... then they can be exempt from that."

Zickus: "The builders that I've talked to are estimating costs

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between 15 hundred to \$25 hundred and nobody can understand where this dollar a door came from because, when you're putting in the frames and the whole package, you're talking about at least \$50 or more increase. If you take an average three bedroom home, you're probably going to have at least five or six doors in there. So, you're raising the cost just on that part by a minimum of \$500. But, I have a..."

Schakowsky: "Well, that's not what I have. That's not the information that was given to me."

Zickus: "But, that's... that's real life if you go out there and you look at homes."

Schakowsky: "Well, I'm quoting from a developer. This is not my... this is not my language. I'm quoting from a developer, as well."

Zickus: "But, the buyers, who this cost is going to be passed on to, whether they need it or not, are going to be paying the real life prices not what it..."

Schakowsky: "Well, if the developer raises what is a \$1 cost to a \$500 cost, then that's not my problem."

Zickus: "Representative, just go to any home or building store and see if you can find a door with a frame and everything for that price, but I have another question. We're talking about doing this on all new spec homes, so what... how high would the light switches be?"

Schakowsky: "The requirement in the legislation is that all electrical outlets be at reachable heights between 15 and 48 inches from the finished floor."

Zickus: "So, that's probably also reachable by a little toddler that likes to play with them, too."

Schakowsky: "Well actually, they're lower now. There are certainly reachable by a little toddler now. They're much

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lower now."

Zickus: "The light switches?"

Schakowsky: "No, the outlets."

Zickus: "I'm talking about switches."

Schakowsky: "We're talking about... the Bill talks about outlets, Representative."

Zickus: "Doesn't the Bill talk about the switches, too?"

Schakowsky: "I don't believe so. No, you're right, you're right, sorry. 'And no light switch shall be more than 48 inches from the finished floor.' "

Zickus: "So, if the young family with young children doesn't want their children playing with the light switches, do they have to have it moved up or wouldn't it be better for a person if they're buying new construction to have those modifications made when they're purchasing the home instead of mandating that everybody must have it. So, you buy a home when you... you're first home, an average person moves every five to seven years. Chances are, they're not going to be in that home when they're older."

Schakowsky: "Representative, do you have lobbyists with you on the floor?"

Zickus: "No, I'm a realtor. I've been in the business for 30 years so I know..."

Schakowsky: "And the individuals around you are legislative staff?"

Zickus: "No, they're guests of Representative Kosel. They're constituents."

Schakowsky: "Can I ask the Speaker if it's appropriate that the Representative has members of... that have a special interest in this Bill around her?"

Speaker Brunsvold: "There are no lobbyists allowed, registered lobbyists allowed on the Floor. If they are here, they



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should remove themselves from the Floor. Other than that, Representative, I think all Legislators have been bringing friends on the Floor."

Zickus: "They're constituents of Representative Kosel."

Speaker Brunsvold: "They should not interfere with the process on the Floor, however, the Chair is very strong in that opinion. Let the Legislators do their debating. Representative Schakowsky. (sic-Zickus)"

Zickus: "I guess my comment is, if remarks were made that this is a terrific idea, that the builders really like it. Then if they do, and they think that it's going to increase their sales, they have every right, right now to go ahead and do it without the Government mandating that they must do it. Let's... You know, we're telling people how to live their lives and now we're telling them where to put their switches and other things in spec homes. That isn't right and I urge a 'no' vote on this."

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

Turner, J.: "Thank you, Mr. Speaker. Parliamentary inquiry."

Speaker Brunsvold: "State you inquiry."

Turner, J.: "Mr. Speaker, if I heard you earlier, you indicated that Subsection I under Section 6 under the Constitution of the State of Illinois was applicable in this particular matter and therefore, the required requisite number of votes would only be 60, was that the ruling of the Chair?"

Speaker Brunsvold: "That's the Parliamentary's ruling, yes, it concurrence with..."

Turner, J.: "I was wondering if your Parliamentarian..."

Speaker Brunsvold: "...with home rule units."

Turner, J.: "...would specify how it is that Subsection I applies in this particular case, especially as compared with the

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ruling made a couple of days ago with regard to the Concealed Carry Bill? It's not my reading of the Constitution."

Speaker Brunsvold: "Representative Turner, the concurrent exercise means they can enact stricter regulations and... then the State Law indicates they have to meet a minimum requirement, Representative Turner."

Turner, J.: "And I... Are you reading that in the context the same way you would read Subsection G?"

Speaker Brunsvold: "I'm not aware of that, Representative. Parliamentary hasn't spoken on that issue."

Turner, J.: "Okay, thank you."

Speaker Brunsvold: "The Lady from Cook to close."

Schakowsky: "Ladies and Gentlemen of the House, this Bill was brought to me by members of the Disability Community who did an excellent job in committee describing the basic need for a little prevention so that we can make sure that if anybody in a family becomes disabled, if somebody wants to go visit somebody in their home, or a person needs to age in place. My 91 year old father lives with me. He has recently been diagnosed with a serious illness. We're going to do everything we can to keep him at home with us. It's harder because of the lack of accessibility features in our home. If homes were built originally that way, it would help everyone. So, I would plead with you on behalf of persons with disabilities and senior citizens and tax payers, who will save money from nursing home cost, to give this Bill a chance. We can work on it in the Senate. It's a worthy idea, as many of you have said. Let's get it out of here so we can continue to work on this great Bill. I urge an 'aye' vote. Thank you."

Speaker Brunsvold: "The question is, 'Shall House Bill 1228

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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? There has been a verification requested on this Bill. Have all voted who wish? Mr. Clerk, take the record. On that Bill... On this question, there's 33 voting 'yes', 76 voting 'no', 8 voting 'present'. Mr. Cross does not request his verification anymore. This Bill, having not received the Constitutional Majority, is hereby declared lost. Mr. Clerk, read House Bill 165. What's the status of that Bill, Mr. Clerk?"

Clerk Bolin: "House Bill 165. The Bill's been read a second time previously. Floor Amendment #1, offered by Representative Dart, has been approved for consideration."

Speaker Brunsvold: "The Gentleman from Champaign, Mr. Winkel, for what reason do you rise?"

Winkel: "I thank you, Mr. Speaker. I'd like to ask everybody to join in welcoming the juniors and seniors from the Government Class at Juda-Christian School from Champaign."

Speaker Brunsvold: "The Gentleman from Cook, Representative Dart on Floor Amendment #1."

Dart: "Thank you, Mr. Speaker. Floor Amendment 1 becomes the Bill. This is a combination of measures that the Department of Children and Family Services, the Governor's office and myself have been working on for the course of the last three months and the thrust of it is to... it we went through in committee last night, is to expedite cases so that we can get children put in permanent settings quicker and I'd move for it's adoption."

Speaker Brunsvold: "And on that question, is there any discussion? Mr. Cross, at Mr. Turner's desk."

Cross: "I think this ones electricity's working, thanks. Will the Sponsor yield?"

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Dart: "Yes."

Speaker Brunsvold: "He indicates he will?"

Cross: "Representative, I'm trying to take a look at our analysis here. It looks like, if I'm reading this correctly, you've put together about 7 or 8, maybe even as many as 10 different Bills into one into this Amendment."

Dart: "I think... You know, Tom, I think it's probably about 4 or 5 different Bills, but there's other ideas that the Governor's office had been working on that had not been in Bills yet. Some of the actual Bills that we're talking about were ones that you and I had worked on 3, 4 years ago. Those are there and then as I said, there's some additional measures that the Governor's office had asked to be put in there and then, the Department wanted, as well."

Cross: "And I... Are you planning on going right to Third on this?"

Dart: "I'd like to. The Governor's office and I, we've got this into pretty good form now. It's been worked on and a lot of people have been working with us on it and they are... want to get it over to the Senate and if there are some technical cleanups, and they feel that we can do it over there, but the Governor's office was adamant about trying to move this today."

Cross: "Is there... The Governor's office supports this Amendment, I take it?"

Dart: "This is their Amendment."

Cross: "And so, that also includes DCFS, I take it?"

Dart: "This is their Amendment, as well. As a matter of fact, you're going to see something very strange when we put this on Third Reading. I'll have the legislative person from DCFS next to me."

Cross: "I'm real anxious to see that. Any opposition at all to

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this Amendment?"

Dart: "We didn't have any in committee, Tom, and as I say, we've been working on this for awhile. There could be some groups, I'm not sure where the Legal Assistance Foundation or the ACLU are on this, but the different child care organizations, Catholic Charities, the Child Care Association, Foster Parents Association, the Adoptive Parent Networks are all proponents of the Bill."

Cross: "And, just to add to that, I see Cook County Public Guardian, Justice Sallures, who I know we've worked with in the presiding judges of juvenile division, they are all on board?"

Dart: "Yeah, they're all in favor of this."

Cross: "Tom, somewhere, and I don't have it right in front of me on this Bill, there's some reference to Federal Statutory sections, can you tell us where they are or what they refer to?"

Dart: "I'm sorry, Tom, the reference is to?"

Cross: "There's some reference in this Amendment to some Federal Statute. Do you know what Federal Statute you're talking about, or we'll be talking about?"

Dart: "Yeah, it's in regards to new Federal Legislation that was just enacted in regards to expediting terminations. What it is, is that there's a big move on the federal level right now in the area of adoptions and trying to push for adoptions, and what we've done is we've tried to take some of the language that they have and some of the initiatives that they're talking about and roll this into here so that we are in step with them and in certain extent, we're anticipating what they're working on."

Cross: "The Federal Government's attempting to determine termination times?"

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Dart: "Well, in a bigger picture, they're trying to move the cases into more permanent settings such as adoptions, in a quicker fashion and in an effort to do that, they're trying to expedite terminations on cases where there's no reason to delay these cases."

Cross: "Has that passed at the federal level, do you know?"

Dart: "Is it... Yes."

Cross: "It doesn't look like at this point there's a... at least a problem with the Amendment. Maybe, when we get to Third Reading, we can go through the specifics..."

Dart: "Absolutely."

Cross: "...on a brief basis? Thank you very much."

Speaker Brunsvold: "Further discussion? Seeing none, the Gentleman moves for the adoption of Floor Amendment #1. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment's been adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Brunsvold: "Third Reading. Representative Silva, you had your light on, previously. Okay, thank you. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 165, a Bill for an Act to amend the Adoption Act. Third Reading of this House Bill."

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

Dart: "Thank you, Mr. Speaker. As I mentioned before, this Bill is a combination of numerous initiatives with the heart of the Bill being an effort to move cases along through the system in an expedited fashion when it's appropriate. What it's doing is, it's taking cases that are right now languishing the system and children, basically, who are being stockpiled right now. There are almost 60 thousand children in our system and it's trying to take them, put

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them into a more permanent setting. It's been a... about two month long project that we've been working on in collaboration with the different groups that we laid out a minute ago which covers pretty much most of the gambit, and in addition to working with the Governor's office on this, as well. I'd be happy to answer any questions at this time."

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

Cross: "Tom, I don't want to spend too much time on it, though it is a rath... as you know, a rather elaborate Bill, and just so people on our side of the aisle know, the Governor's office is very much behind this and is very supportive of it. One of the sections you have, Representative, deals with... provides that counsel appointed for the minor and indigent party shall appear at all stages of the trial proceedings. What's the rationale behind that?"

Dart: "The rationale behind... is it behind the guardian appearing... Tom, can you make reference to the section for me, please?"

Cross: "I'm not sure you have our staff analysis."

Dart: "No."

Cross: "I'm sorry we didn't get you one. You know, Tom, and maybe one of the things we've talked ... well, go ahead. You know, one of the problems that..."

Dart: "Tom, what it is, is in some of the downstate counties there's problems because a lot of the attorneys for the children are excused from the proceedings and so they aren't there for the permanency hearing. And if we're trying to expedite things to get there, it's going to be required that they're involved with it."

Cross: "If I re... I remember one of the complaints I heard, was

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that we were constantly continuing cases because you had different players there..."

Dart: "Exactly."

Cross: "...and you couldn't get anything accomplished. And if I'm not mistaken, it was happening in Cook, as well."

Dart: "Yeah."

Cross: "...and I just... so I'm glad to see that. I know that was a real problem."

Dart: "Yeah, Tom, when you look through this thing, and I understand it's a lengthy one, you're going to find a lot of the things that we had come across three or four years ago are right in here."

Cross: "All right, Tom, I know you've spent a lot of time on this and I don't know that anyone really wants to go through it but, just again, on our side, the Governor's office is fully supportive of it. If you guys could wait right there so we could get a photograph of you along with someone from DCFS. Yeah, there we go. I haven't seen that in the last two years, three years..."

Dart: "Four years."

Cross: "...maybe four years. Thank you."

Speaker Brunsvold: "Any further discussion? Seeing none, the Gentleman from Cook to close. Representative Dart."

Dart: "Thank you very much, Mr. Speaker, and I'd like to... I'll be brief. There's a lot of work that's been put into this. The Governor's office has put countless hours into this, as well as our staff, Republican staff and all these different groups we have named. It's a comprehensive approach to try to deal with what we know is the real problems out there in the system. It's been a real team effort working on this and it will make a dramatic impact in the lives of a lot of our kids out there and I'd move for a positive vote."



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Speaker Brunsvold: "The question is, 'Shall House Bill 165 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. And on that question, there are 117 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 62."

Clerk Bolin: "House Bill 62. A Bill for an Act to amend the Children and Family Services Act. Third Reading of this House Bill."

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

Flowers: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a part of the kids initiative package for 1997 and this Amendment revamps the way that the DCFS administer foster and adoptive placement in the Child Welfare Agencies. It provides for recruitment of foster families, adoptive families and the placement of children in a timely fashion, and there's incentive there for... This Bill also creates a statewide listing of available adoptive placement centers and the Bill also provides for the recruitment and the retention of foster families. It allows the agency must have a written recruitment plan for adoptive and foster families. The Bill creates a three tier reimbursement rate for adoptive services who enhance adoption as opposed to holding children in the system and it is asked that DCFS report back July 1, 1998, in regards to the establishment of the automated child foster care and adoptive care network, in order to maintain a current and accurate listing of all substitute care living arrangements and all adoptive placements listed in Illinois, and I'll be more than happy to answer any questions that you have in

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regards to this Bill."

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

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

Speaker Brunsvold: "She indicates she will."

Cross: "Representative, first of all, it's kind of hard to hear anything you said in your presentation. This may not seem like a big Bill, but we're dealing with adoption. I know you think it's important. One of my first questions is, what's the difference in your Bill and what we just did in the previous Bill of Representative Dart's? Because there are many... there are some on our side that believe it does the exact same thing. Can you tell us the differences?"

Flowers: "What my Bill does is... and I'm sorry I wasn't paying attention to the discussion with Representative Dart's."

Cross: "I didn't... I didn't hear your answer."

Flowers: "I said, I'm sorry, I wasn't paying attention to the debate with Representative Dart and..."

Cross: "So, you can't tell us the difference between your Bill and his?"

Flowers: "I said, I'm sorry, I didn't... I wasn't listening to the debate in regards... Mine deals with recruitment of foster parents and adoptive families and placing children in the timely fashion."

Cross: "What can you tell us then in that area what your Bill specifically does versus the current law? How does it improve the current law?"

Flowers: "Well, first of all, current law, when children come into the system, there is not a group of foster parents waiting or adoptive parents waiting to adopt these children. There are 59 thousand children lingering in the

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system and the reason why, because we've not done an accurate recruitment for these families or we haven't... we have not placed the necessary preservation programs in place to maintain the stability of the family. And so, what I'm trying to do with this Bill is to eliminate children coming into the system in the first place, number one. Number two, if they have to come into this system, let them not linger in the institutions and let's find homes for these children."

Cross: "So, what are you proposing in this Amendment to solve the recruitment problem?"

Flowers: "Stating that DCFS provides for the recruitment of foster and... foster families and adoptive families and the timely placement of children and there will also be incentives for the agencies to move the children out of this system as opposed to holding them in. So, for the agencies that find foster families and adoptive families for these children, they will be given more dollars."

Cross: "Why would Catholic Charities be opposed to your Amendment? Do you know what their opposition is?"

Flowers: "I have no idea because Catholic Charities have not made it known to me that they were in opposition."

Cross: "For some reason they've made it known to us, but you've heard absol... You haven't heard from them at all?"

Flowers: "No."

Cross: "So, you've got a better recruitment place in process, how are we going to... what's the solution or your recommendation on this Amendment to deal with placement?"

Flowers: "By recruiting more foster parents and adoptive parents."

Cross: "How are we going to... You talked about incentives a minute ago, how are we going get... We recruit and now we

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want to place. What are you doing in this Bill? I know Representative Dart spent a lot of time on expediting the process, determining the best interest, et cetera. What are you doing in this Bill different, or what are you doing in this Bill? Let's not worry about Representative Dart's. I know you didn't hear the debate. What are you doing? What kind of incentives are you offering to get these kids placed? What's in your Bill?"

Flowers: "First of all, it follows the... there's a law in Michigan that has set forth a three tier reimbursement rate for adoptive services and it's a national motto and it enhance rates to the agencies that places children within six months. A standard rate for agencies that places a child after six months, and a premium rate plan to agencies that place a child registered on the Illinois Adoption Information Exchange."

Cross: "Are we running a risk, Representative, by offering these incentives of rushing kids into adoption that maybe don't belong in those particular homes?"

Flowers: "Well, Representative, when you take in consideration that a life is not a trial run and you only get one time at it, and when you think about the children, there's 59 thousand lingering in the system indefinitely, indefinitely, children are lingering in the system. So, I think it's better that a child is placed in a loving home as opposed to lingering in an institution."

Cross: "So, at the risk of improperly placing kids, we're going to go ahead and push this?"

Flowers: "Well, you said 'improperly'. Now, I would assume that DCFS would do a thorough job of investigating, doing the background check, doing the recruitment and see, that's the problem now, Sir, I believe that we're running a risk of

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placing children in dangerous situations because there's not a thorough job being done in regards to the investigation and the recruitment and the licensing of these homes. So, if we go forth as opposed to having the children to wait until DCFS license these homes, we will already have the parents waiting for the children. The homes will be licensed and the adoption certification would already have been taken care of and it will be perfectly fine."

Cross: "Well, Representative, to the Bill. I..."

Speaker Brunsvold: "Proceed."

Cross: "...and with truly all due respect, I... I'm not going to support this Bill because I have absolutely no idea what's in this Bill, and it may be good, it may not be good but we've been unable to get an explanation of what's specifically in this Bill. It may be... I'm sure it's well-intended. It may even be an attempt to solve some problems. I think Representative Dart's was a pretty all-encompassing Bill, but until we get a better explanation and alleviate or eliminate the opposition of Catholic Charities, I don't know why we would want to vote for this Bill. I mean, if there's a better way to explain what's in it to people who that succeed me in asking questions, then I may change my mind, but at this point, I see no choice but to vote 'no'. Thank you."

Speaker Brunsvold: "Further discussion? Seeing none, the Lady from Cook to close."

Flowers: "Mr. Speaker, Ladies and Gentlemen of the House, this Bill address timeliness. There are 59 thousand children lingering in the system of DCFS. This Bill is a right of passage for a child to be removed from a prison that they've never even had their day in court for. This Bill

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will give a child a right to a family as opposed to always being a number. I would appreciate your 'aye' vote on House Bill 62."

Speaker Brunsvold: "The question is, 'Shall House Bill 62 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 86 voting 'yes', 29 voting 'no'; 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 1246. Mr. Clerk, read House Bill 164."

Clerk Bolin: "House Bill 164. The Bill's been read a second time, previously. Floor Amendment #3, offered by Representative Flowers, has been approved for consideration."

Speaker Brunsvold: "Representative Flowers on Floor Amendment #3."

Flowers: "Amendment #3 is a technical Amendment to correct the terms in the Bill that talks about drug testing and changing to drug assessment and I move of the adoption for Amendment #3."

Speaker Brunsvold: "Is there any discussion on the Amendment? Mr. Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Brunsvold: "She indicates she will."

Durkin: "Representative, could you kind of give me a summary of what this Amendment does? I just... You said it just talks about drug screening. Could you elaborate a little bit on that?"

Flowers: "This particular Amendment, as I just stated, it's a technical Amendment and it changes the term from drug

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testing to drug assessment."

Durkin: "And, why are you doing that?"

Flowers: "And also, Amendment #3 becomes the Bill, with some... the Bill... Why are we changing the language? That was at the Department's request. So, it's just... it's, it's... It was a technical change at DCFS's request."

Durkin: "Well, what's the... If it's a question of drug testing and assessment, why do we need... what's the purpose of having to come here to the General Assembly to... If there's no substantive change to what they're doing, what they're presently doing, what's the... why do we have to come in and change one word to another? What's... Is there something that requires them under federal law to have to... change this... the language in the statute?"

Flowers: "Representative, testing... the word testing would be just a urine test and the word assessment would be assessing the whole condition of the situation to assess the house where the child is at."

Durkin: "Okay, is there any... will this Amendment have any type of fiscal impact on DCFS?"

Flowers: "Yes, it will. Yes."

Durkin: "Would it also apply to Alcohol and Substance Abuse, DASA, would they also be..."

Flowers: "Yes. ...impacted by this."

Durkin: "Could you kind of give me a ball park figure of what this is going to cost both of those agencies?"

Flowers: "Oh, it could go from 0 to 10 million."

Durkin: "Zero to 10 million?"

Flowers: "Yeah, it depends on ..."

Durkin: "For... per agency, or is that for both agencies? Is it 0 to 10 million for each agency?"

Flowers: "The bulk of the fiscal impact would be to DASA."

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Durkin: "All right. Is this an initiative of the Department of Children and Family Services?"

Flowers: "Yes, it is."

Durkin: "All right, thank you."

Speaker Brunsvold: "Further discussion? Further discussion? Seeing none, the Lady from Cook to close. Representative Flowers."

Flowers: "Mr. Speaker, I just move for the adoption of Amendment #3 to House Bill 164."

Speaker Brunsvold: "The Lady has moved for the adoption of Amendment #3. All in favor say 'aye'; opposed say 'nay'. The 'ayes' have it. The Amendment's been adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "House Bill 164. A Bill for Act concerning neglected or abused children. Third Reading of this House Bill."

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

Flowers: "Thank you, Mr. Speaker. House Bill 164 combines three Bills into one. House Bill 59, House Bill 90, and House Bill 164 to evaluate family preservation programs, to establish parental educational courses and to require evidence that a child's home has been evaluated as safe and to require evidence of drug assessment to be provided to the juvenile court, and I'll be more than happy to answer any questions you may have in regards to the Bill."

Speaker Brunsvold: "Is there any discussion? Seeing none, the question is, 'Shall House Bill 164 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? Please record yourself. Mr. Clerk,



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take the record. On that question, there are 105 voting 'yes', 10 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what's the status of House Bill 1730?"

Clerk Rossi: "House Bill..."

Speaker Brunsvold: "Excuse me, Mr. Clerk. Representative Coulson, for what reason do you rise?"

Coulson: "I would like to be recorded as a 'yes' on the last Bill. I missed my button."

Speaker Brunsvold: "It will be so recorded. Thank you. Mr. Clerk... Representative Jones, Representative Lou Jones."

Jones, L.: "Thank you, Mr. Speaker. Would you register me as 'aye' on that last vote, House Bill 164, please? Thank you."

Speaker Brunsvold: "It will so indicate. Mr. Clerk, status of the House Bill 1730."

Clerk Rossi: "House Bill 1730 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Eugene Moore, has been approved for consideration."

Speaker Brunsvold: "Representative Moore on Floor Amendment #1."

Moore, E.: "Yes, on Floor Amendment #1, we'd like to withdraw Floor Amendment #1 and also, Floor Amendment #2 when you get to that."

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

Moore, E.: "On Floor Amendment #2, we also would like to withdraw Floor Amendment #2 to the House Bill 1730, please."

Speaker Brunsvold: "The Gentleman withdraws Floor Amendment #2."

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

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Moore, E.: "Okay, on Floor Amendment #3, the Amendment becomes the Bill and the Amendment only applies to Cook County and the Collar Counties. It authorizes the governing body of a school district, school board or board of education in these counties to operate evening programs for students at school. So, I offer the Amendment #3 to become the Bill. You can move it, if you like."

Speaker Brunsvold: "The Gentlemen has offered Amendment #3. Is there any discussion? The Gentleman from Kendall, Mr. Cross."

Cross: "Thank you, Mr. Speaker. Will the Sponsor yield? Representative, does the Amendment... does Amendment #3 become the Bill?"

Moore, E.: "Yes, it does, Representative Cross."

Cross: "And, what's the difference between Amendment #3 and the original Bill?"

Moore, E.: "Well, the original Bill was a Shell Bill. That was the Bill, originally, but what we have done with Amendment #1 and #2, we have removed the condition as far as having the certified teachers on the Bill. So therefore, we removed the certification of teachers from the Bill. I talked with Representative Heeft (sic-Hoeft) as well as Representative Cowlshaw, and they agreed to that information. Hoeft, Doug Hoeft."

Cross: "So, Amendment #3, if I'm reading it right, is just a two paragraph Amendment. What prohibits the school board from doing what you're attempting to do in Floor Amendment #3?"

Moore, E.: "Well actually, basically, the school board has that prerogative now to do that, but in my community they're actually, they're not really doing that. So, that's why the Bill is actually needed. I spoke with Representative Heeft (sic-Hoeft) on that, as well as Cowlshaw at which,

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in their communities, these things are already being implemented in their communities, but in my communities, they are not. So, that's why we need the Bill to open up the schools so therefore, we can have these types of programs dealing with enrichments as well as tutoring and things of that nature to keep our kids off the streets. This is a very good Amendment. It will open up the doors for our schools for safe programs. So, that's why we're looking at this Amendment to become the Bill."

Cross: "Will your Amendment, if adopted, passed both in the House and the Senate and signed by the Governor, require the use of any more or any additional school aid money to your local school districts?"

Moore, E.: "No."

Cross: "How will you fund the programs that you're suggesting?"

Moore, E.: "Well, this program will basically be funded like it is in your community. You know, by volunteers. I understand that in your community, as well as the others there in your area, in Dupage County, that those schools are open, it doesn't cost any additional funds. It's ran by volunteers in those communities, so that's why we removed the certification from the Bill."

Cross: "Your Amendment, if I'm reading it correctly, only applies to counties with a population of over 2 million. Is that correct?"

Moore, E.: "Correct."

Cross: "What about the cost... Are we talking about using the facilities at the school?"

Moore, E.: "We're talking about the facilities in the school, exactly. The same facilities that the students use currently can be used for those programs in the evenings. And we're talking about the programs dealing with

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educational enrichment programs, recreational and physical exercise programs, tutorial, or even peer assistant programs to help tutoring our youth in the community. We're also talking in regards to dealing with reading programs, to bring our reading levels up. So, therefore, rather than sending the kids out to jail and paying \$30 thousand, we want to send them to Yale, and this will be a process of helping these kids get into those types of enrichment programs, increasing their GPA's. Also, dealing with their ACT scores and as well as the SAT. So, this is an excellent program on making sure our youth in our community have a way to go that's safe to deal with their educational process. Also, I thought about this particular Bill because here in Springfield, they also using this particular program, which is being paid by the justice department, but we're not asking the justice department just yet to intervene in this situation. All we're doing now is just opening up our schools for our youth for volunteers."

Cross: "Representative, and I'm not trying to be nit picky but you're talking about an evening program, would evening begin immediately after school, any time subsequent to the closing of school? Is that what you mean by evening?"

Moore, E.: "That's certainly a great possibility, yes."

Cross: "Have you considered, or is there need in this Amendment to consider the liability issue of volunteers on school property? Are we setting schools up for law suits?"

Moore, E.: "I don't believe so."

Cross: "Well..."

Moore, E.: "If we're doing that, we've already done that with the other programs that's operating in the State."

Cross: "Do we need to have some language in here that says,

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'Volunteer A, if someone gets hurt while you're volunteering, you're not going to be liable if you're the monitor of the, whatever program we're talking about'? If someone falls and breaks a leg, is the school board liable, is the school district liable, are the volunteers liable? I think... I'm just..."

Moore, E.: "Well, Representative Cross, I believe that language is probably already there because you're already doing it now, across the state in other school districts. So therefore, I don't see that, that would be a problem with this particular Bill, because in other communities, you're already doing that."

Cross: "Representative, is there a reason why we're excluding every other county, in essence, besides Cook? Why are we limiting this to counties over 2 million people?"

Moore, E.: "I didn't hear you, Representative. I apologize, I really couldn't hear you."

Cross: "Why are we... why are we limiting this to counties over 2 million in population?"

Moore, E.: "Because basically, we're only dealing with Cook County and the Collar Counties. The other areas, the other counties presently already have this. They're already doing it. They're doing it now in Dupage County. The schools are open in the evenings as well as early in the morning. So... and they're using other staff to deal with it. So, it's not a process that we're trying to eliminate them. If they want to be included, we can also include the other counties in the state."

Cross: "Thank you, Representative. To the Bill. I..."

Speaker Brunsvold: "Proceed."

Cross: "At least in my reading of the Bill, Representative, and my understanding of the law, there's nothing that prohibits

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the school district from doing this right now. I don't see any... certainly don't see any faults in it and people can make their own decision how they want to vote but, I would really... I seriously would question the need for this, even though it doesn't appear to do any harm. But, I would encourage you to look at the liability issue if this Bill gets over to the Senate. Thank you."

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

Holbrook: "Thank you, Speaker. On the last Bill, House Bill 164, I was down as 'yes', my light went out, I want to be recorded as voting in the affirmative."

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

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

Speaker Brunsvold: "Indicates he will."

Mitchell: "Representative Moore, I'm trying to understand this Bill, as well. From my understanding, and I heard your whole reason for this Bill in Committee and I know you've gone back and worked on it some more. Is it your intent for you and other Representatives to send a message to the State Board of Education in Chicago so that you can open dialogue with them on the possibility of opening the schools to your community?"

Moore, E.: "I can't hear the Representative, Mr. Speaker."

Mitchell: "Hello."

Moore, E.: "Mr. Speaker, I can't hear the Representative."

Speaker Brunsvold: "Speak up, Representative Mitchell."

Mitchell: "Was that a 'short' joke, Sir?"

Speaker Brunsvold: "Stand on your chair if you have to speak a little louder."

Mitchell: "Representative, what I'm trying to do is understand

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the reason for your Bill."

Moore, E.: "I appreciate that."

Mitchell: "And, in what I see in this particular piece of legislation and in discussion with you during committee is that your intent with this legislation, to send a message to the State Board of Education so that you and other Representatives may open dialogue with them in order to open your schools for students to have a safe place to play, to work, to maybe bring up their academic average so they may become eligible to play in sports and other types of activities?"

Moore, E.: "Yes, Representative, that's exactly what we're trying to do here."

Cross: "And, although you have in legislation now, the opportunity to do that, you think that this Bill may open some eyes that don't seem to be open right now?"

Moore, E.: "Correct, Representative."

Mitchell: "Thank you. Mr. Speaker, to the Bill."

Speaker Brunsvold: "Proceed."

Mitchell: "I see no problem with this particular Bill. To me, it's one way we have as Legislators to sometimes get folks attention and sit down at the table and talk to us and I think that is the intent at this point. We have a program very similar to this in Rock Falls called 'Teen Time'. We happen to have an armory in our district that we use for this program, I visited and it was absolutely excellent. It was a place where kids could come, play, study and not fear that somebody's going to start a fight or bring in drugs or guns or anything else so, I think this is a good Bill for what the Representative's trying to do with it and I urge an 'aye' vote. Thank you."

Moore, E.: "Thank you, Representative."

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Speaker Brunsvold: "The Gentleman from Kane, Representative Hoeft."

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

Moore, E.: "Yes."

Speaker Brunsvold: "Indicates he will."

Hoeft: "Real quick, we went through this in committee, this does nothing to do with certified teachers, right?"

Moore, E.: "Exactly, nothing to do with certified teachers."

Hoeft: "Emphasis of this is just to point out to the Chicago Board of Education, 'Hey, we need business about getting programs for our children and we want to make sure that this is emphasized through this Bill."

Moore, E.: "Not only the City of Chicago that I'm talking about. I'm talking about in the West Suburban and the Collar Counties."

Hoeft: "Apologize, that's correct. I apologize. Cook County School Districts."

Moore, E.: "Right, exactly."

Hoeft: "With your corrections which we asked you to make, I think this is a good emphasis Bill and I think that most all in the education community would support this Bill. Thank you."

Moore, E.: "Thank you, Representative."

Speaker Brunsvold: "The Lady from Dupage, Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker. I would like to ask my colleagues to endorse this Amendment as well as the Amended Bill. Representative Moore was very sensitive to the questions and issues that were raised in the committee. He has worked with Members on both sides of the aisle to get this Amendment into a condition that is excellent and that achieves the goal that he has set for himself, for his



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district, and for the young people who live there. It is a very, very worthy goal. We ought to be in favor of this Bill. Thank you, Mr. Speaker."

Speaker Brunsvold: "The Lady from Will, Representative Kosel."

Kosel: "I would also like to thank the Representative for his work to bring this Bill into line so that existing programs can stay as they are. I appreciate your effort. Thank you, very much."

Moore, E.: "Thank you very much, Representative."

Brunsvold: "The Gentleman from Cook, Representative Moore to close on the Amendment."

Moore, E.: "Yes, I just hope that we can go ahead and support this Amendment and I move for adoption of the Amendment #3."

Speaker Brunsvold: "The Gentleman asked for adoption of Amendment... House Floor Amendment #3. All in favor say 'aye'; all opposed 'nay'. The 'ayes' have it and the Amendment's been adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "House Bill 1730. A Bill for an Act amending the School Code. Third Reading of this House Bill."

Speaker Brunsvold: "Representative Lopez. Representative Moore."

Moore, E.: "I'll take the Bill. This is a Shell Bill that Edgar Lopez recommended that I have, too. For this particular procedure as far as opening up our schools in our district in our Collar Counties. I know that we've had much debate on this particular Bill and I hope that we can all support this Bill and send a message for our community and vote 'aye' on this Bill. And, I'd appreciate an 'aye' vote."

Speaker Brunsvold: "Any discussion on the legislation? Seeing

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none, the question is, 'Shall House Bill 1730 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. And on this question, there are 97 voting 'yes', 21 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 1746."

Clerk Rossi: "House Bill 1746. A Bill for an Act amending the Illinois Vehicle Code. Third Reading of this House Bill."

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

Acevedo: "Yeah, Mr. Speaker, Ladies and Gentlemen of the House, House Bill 1946 (sic-1746) was pulled from the record earlier due to some concerns by Representative Black. This Bill has to deal with the automated red light enforcement system for the City of Chicago. I have spoken to Representative Black, and we agreed that the concerns he had would be taken care of and amended when it was turned over to the Senate and I strongly ask for your support."

Speaker Brunsvold: "Discussion on the... The Gentleman from Cook, Representative Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Brunsvold: "Indicates he will."

Durkin: "Representative, if this mechanism is put into place, is there anything that this device will do to ensure that the person who is registered as the owner of the car, is the driver of the automobile?"

Acevedo: "That would be put up to the prosecutors discretion. That would be up to the prosecutor's discretion. A photo would have to be taken of the driver, if it's clear, it wouldn't be held against him."

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Durkin: "Well, I think... Could you explain to me a little bit how this process is going to work if there's going to be some type of mechanism which is going to... Get the drivers... the license plate of the cars which are going through stop signs? How does this work? Could you detail the mechanism how this device works?"

Acevedo: "I really can't even hear what you're saying."

Durkin: "You can't hear it? Could you explain to me how this mechanism works?"

Acevedo: "Well, there's a camera attached to the light, when the light turns red, if need be, if there's a traffic accident or a hit and run, then they would go take the film from that box."

Durkin: "How soon after... this... are these things going to be replaced on a daily basis, let's say the film which is inside these cameras?"

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

Durkin: "I'm saying, is the film in these cameras, are they replaced on a daily basis or maybe an hourly basis or..."

Acevedo: "It's a tape that continuously runs, yes."

Durkin: "Let me... The question I have is you know, if we're going to be taking photographs of these cars that are going through the red lights, and if they're done and let's say the film was developed on every two weeks, and if the city sees that this one car is... a series of cars have gone through the light improperly, are they going to be issued citations based on these photographs?"

Acevedo: "Yes, at the prosecutors discretion."

Durkin: "Well, I think both of us... we both know our backgrounds, but there are inherent problems with that. If... there's no way to really prove identification, that the person behind the wheel is the one who's... is actually

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the registered owner of that car. I'll tell you my example is that, when I was a teenager, I used to take my parents car downtown all the time. We'd park it illegally and my parents would get tens of hundreds of parking tickets. But the fact is, I was the one who was responsible for it, my father was the one who was getting tagged by the City of Chicago and when I'm away at college, he's the one that doesn't understand why he's getting these tickets. I see the same type of problems which will result from this type of enforcement. Do you see some of the inherent problems with this?"

Acevedo: "Okay, if the photograph evidence does not support the liability of the part of the registered owner, he won't be charged with it."

Durkin: "I know, but do we... is it necessary to make them go through these hoops if there's really no way... if they're going to have to come in and say, 'You know, I've been out of town for the past three weeks. My son may have driven my car at that location at that time. But it's my burden to go in and say that it really wasn't me behind the wheel?'"

Acevedo: "Obviously, if these hundred intersections have had all these accidents, someone has to be held responsible for the accident that was caused or the hit and run that was caused here."

Durkin: "Oh, absolutely, I don't think that's... there's no doubt about that but the problem is, if we're going to start summarily issuing citations to people based on a car which is registered to them has made a traffic infraction, I think that there's certain due process problems which we have in it and I think you also have a very substantial proof problem in court to try to establish that the person

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who is behind the wheel, I mean the person whose car... whose name is registered to the car, is the person who is actually behind the wheel."

Acevedo: "That's why we're leaving it up to the prosecutor's discretion. I talked to Representative Black about that and like I said, if the photograph evidence doesn't support... you know, the owner's not going to be held liable."

Durkin: "Yeah. I just have concerns about it if it's going to be left up to the State's Attorneys over in traffic court, which their dockets, they probably have on a daily basis, 200 to 250 cases a day and they're going to be forced to review film at certain intersections and for them to decide whether or not they are going to issue citations to the owners of these cars when the owners of the cars may not have ever been driving the... behind the wheel, so."

Acevedo: "I think it would be worthwhile at these other intersections where 300 deaths occurred and I think that shouldn't be no problem for the State's Attorneys for just that reason alone."

Durkin: "Well, I think it could probably be used as a very good tool by putting cameras up at that section but I think for the city to start, as I said, summarily issuing citations for traffic violations, I think it's... I have a little bit of a problem with it and I have no further questions."

Speaker Brunsvold: "Further questions? No further questions, the Gentleman from Cook to close."

Acevedo: "Mr. Speaker, the placing of these cameras at traffic control signals act as a deterrent to red light violations and therefore, increase traffic safety and I ask for your strong support."

Speaker Brunsvold: "The question is, 'Shall House Bill 1746

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pass?' All in favor vote 'aye'; all opposed vote 'nay'.  
The voting is open. Have all voted who wish? Have all  
voted who wish? Have all voted who wish? Have all voted  
who wish? Mr. Clerk, take the record. On that question,  
there are 59 voting 'yes', 59 voting 'no', 0 voting  
'present'. Mr. Acevedo..."

Acevedo: "I Postpone Consideration?"

Speaker Brunsvold: "The Bill shall be placed on Postponed  
Consideration. Mr. Clerk, please read 1613."

Clerk Rossi: "House Bill 1613. A Bill for an Act amending the  
Illinois Domestic Violence Act of 1986. Third Reading of  
this House Bill."

Speaker Brunsvold: "Representative Andrea Moore. The Lady from  
Lake."

Moore, A.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the  
House. House Bill 1613... Are we on Amendment #1?"

Speaker Brunsvold: "Representative Moore, do you have an  
Amendment for this Bill?"

Moore, A.: "Yes, there is an Amendment to this."

Speaker Brunsvold: "Mr. Clerk, place this Bill on Second  
Reading."

Clerk Rossi: "Floor Amendment #1, offered by Representative  
Ronen."

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

Ronen: "Thank you, Speaker, Members of the House. Amendment 1  
was added to this Bill at the request of Attorney General  
Ryan's Office. It deals with the issue of domestic  
violence, and it adds a new section that says that if a  
person interferes with the reporting of a domestic  
violence, when after having committed an act of domestic  
violence, he or she prevents or attempts to prevent the

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victim or a witness of domestic violence from calling 911 or obtaining any kind of help or medical assistance, then this person commits the offense of interfering with the reporting of domestic violence. I would move 'do adopt'. I know of no opposition to this Amendment."

Speaker Brunsvold: "Any discussion on the Amendment? Seeing... The Gentleman from Logan, Representative Turner."

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

Speaker Brunsvold: "She indicates she will."

Turner, J.: "Representative, just a question or two. What do you mean by interfering?"

Ronen: "Interfering would be if the... a person who after having committed an act of domestic violence then, and somehow impedes somebody from reporting that act by calling 911, or stops them from obtaining any kind of medical assistance, that's how we would define interfering."

Turner, J. "So, you're saying impeding basically is what you would mean to... mean"

Ronen: "Right. This is... yes. Anything that stops them from getting due help and puts up any kind of barriers to their receiving help or assistance."

Turner, J.: "Just wondering if it may not be prudent to have a definition of interfering, just to make sure that we're on solid legal ground. Do you have any... an opinion on that?"

Ronen: "Well, I think... The language now, I think tries to define it. If you look at Section 12-6.3a.a, well actually .b I should say. Well, no, I'll stick with a, because it, what it says is that a person does commit the offense of interfering with the reporting of a domestic violence when, and we're listing several things here: that he or she attempts to prevent or prevents the victim or a witness of

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the act of domestic violence from calling 911, prevents them from obtaining medical assistance or prevents them from making a report to any law enforcement official. So I think that's the definition that we have set in the Bill, Representative."

Turner, J. "Okay, I'm trying to follow you. Where is that? Is that in the Amendment or is that in the Bill itself?"

Ronen: "No, that's the.... that's Amendment 1. It's a separate Amendment that we added to this Bill at the request of the Attorney General's Office."

Turner, J.: "Would that include if you just suggest, and I guess verbally, please don't call, wish you wouldn't call or... Would it include that kind of conduct?"

Ronen: "I don't believe that would constitute interference. This interference would mean actually stopping somebody from making that effort or making that attempt."

Turner, J.: "Well, you're on the Amendment stage. I do have some other questions. We'll save them for later. Thank you."

Ronen: "Thank you."

Speaker Brunsvold: "Further discussion? The Gentleman from Kendall, Representative Cross."

Cross: "Representative... Will the Sponsor yield?"

Speaker Brunsvold: "Indicates she will."

Cross: "Representative, I want to just follow up a little bit on what Representative Turner, and I only do it... do so because I spend a good deal of time in the State's Attorney Office on these cases. It's not uncommon, right or wrong, well, I'm not so sure. People... It could be up to people to decide right or wrong for some form of a domestic violence act to occur and there be debate between both parties as to whether or not there should be a phone call."

Ronen: "I don't think that's true."



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Cross: "Well..."

Ronen: "I think a person who's been a victim of a crime should be able to decide whether they need help, Representative, and I think you'd agree with that."

Cross: "Well, I don't know that I disagree with that, but I also know that when I was in the State's Attorney's Office, you would see probably seven times out of ten or six times out of ten, the following morning people would come in and say I want to dismiss the case, which I think we've changed that policy for good reasons. But I'm just concerned about the situation where the spouse or the boyfriend says, 'Wait a minute, can we talk about it or will I... I don't want... Will you not make a call yet?' And that turns into interfering with reporting domestic violence. Is that what we're... Maybe that's what you're trying to do."

Ronen: "If a person who has been victimized by a crime wishes to call 911 or wishes to obtain medical assistance, and that person is somehow stopped from doing that, that's what we intend to eliminate."

Cross: "I... but you know, that makes sense, but, 'Will you please not make a phone call. Can we talk about it?' Is that attempts to prevent the victim of a witness... victim or a witness to the act of domestic violence from calling 911? 'Can you just... Can you hold off and not call?'"

Ronen: "I don't think that's interfering. And I think I answered that question before. We're talking about real interference, and I think this was brought forth by the Attorney General's Office because there were problems in this regard. We're talking about real life problems and real life crimes, which I think you're talking about different situations."

Cross: "Well, we're all... I know we're talking about real life

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problems, and I... If someone harms someone, and they should be prosecuted, and they... the phone call should be made to 911. But I know in divorce cases, they get volatile. There's sometimes question about what's domestic violence and there's also some question of, I think, under this Bill, about whether someone prevents or attempts to prevent the victim. And I think... I just follow Representative Turner, I guess, in saying we need to be a little more specific about what interference is. No one's suggesting that if an abused human being gets... is hurt, that they shouldn't be able to call."

Ronen: "I'd be happy would we... if this Bill passes the House to work in the Senate to tighten up the language, because I think we're both of the same opinion here that we want to prevent true interference in a crime, and that we truly do want to protect persons who are victims of crime. So I'd be happy to work with the Attorney General's Office in the Senate and tighten up this language and put in a better definition."

Cross: "Okay. Thank you."

Speaker Brunsvold: "Further discussion? The Gentleman from McHenry, Representative Skinner."

Skinner: "Could the Lady tell us what the penalty is?"

Speaker Brunsvold: "She will yield."

Ronen: "It's interfering with the reporting of domestic violence is a Class A Misdemeanor."

Skinner: "Is that the same penalty for interference with visitation?"

Ronen: "I'm afraid I don't know the answer to that."

Skinner: "Would you think it logical that it should be the same penalty?"

Ronen: "No."

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Skinner: "Why not?"

Ronen: "You know, I really... It's... I don't know how to answer that, because I'm not sure what they... what that specific offense is and what the penalty is, Representative."

Skinner: "Well, it's pretty similar to what I just heard you describing. If someone has legal visitations..."

Ronen: "No, no, no, no. This is in a... We're talking about in acts of domestic violence, when somebody has been a victim of domestic violence. This is the only time that this clicks in, only in those cases. We're not talking about parental visits and things like that. This is domestic violence."

Skinner: "I understand."

Ronen: "...where a crime has occurred."

Skinner: "The... You're creating a new crime, and the title is so similar to the crime of visitation interference, that I..."

Ronen: "I'd be happy to work on the language of the offense, too, in the Senate. I think both of those things are..."

Skinner: "What is the penalty for a Class A Misdemeanor? Is there a criminal lawyer in the House? One year and a thousand bucks, Representative Scott offers."

Ronen: "Thank you. Thank you, Representative Scott."

Skinner: "Thank you, Representative Scott. That sounds like an appropriate penalty."

Ronen: "Thank you."

Skinner: "Thank you."

Ronen: "Thank you, Mr. Skinner."

Speaker Brunsvold: "Further discussion? Representative Ronen, to close."

Ronen: "I move 'do adopt' on this Amendment. I would appreciate the support, and we will work in the Senate to tighten up language. Thank you."

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Speaker Brunsvold: "The Lady's moved the adoption of Amendment...  
Floor Amendment #1. All in favor say 'aye'; opposed 'nay'.  
The 'ayes' have it, and the Amendment's been adopted.  
Further Amendments?"

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "House Bill 1613, a Bill for an Act amending the  
Illinois Domestic Violence Act of 1986. Third Reading of  
this House Bill."

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

Moore, A.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the  
House. House Bill 1613 establishes a... expands the Acts  
under which establishing the father and child relationship  
may occur. And I'd be happy to answer any questions."

Speaker Brunsvold: "Any discussion? Seeing none, the question  
is, 'Shall House Bill 1613 pass?' All in favor vote 'aye';  
all opposed vote 'no'. The voting is open. Have all voted  
who wish? Have all voted who wish? Have all voted who  
wish? Mr. Clerk, take the record. And on that question,  
there are 116 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 1087. Or what's the status of House Bill  
1087?"

Clerk Bolin: "House Bill 1087, the Bill's been read a second  
time, previously."

Floor Amendment #1, offered by Representative Gash, has been  
approved for consideration."

Speaker Brunsvold: "The Lady from Lake, Representative Gash, on  
Floor Amendment #1."

Gash: "This Amendment... Oh, we're on the Amendment, okay. This

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Amendment requires the Lottery to report concerning prohibitions against sales to minors. The Department shall report to the Speaker of the House, the President of the Senate, the Minority Leaders of both Houses regarding current enforcement of prohibitions against the sale of lottery tickets to minors. I'd be happy to answer any questions."

Speaker Brunsvold: "Any discussion on the Amendment? The Gentleman from Kendall, Representative Cross."

Cross: "Why are we doing this, Representative?"

Speaker Brunsvold: "She will yield."

Gash: "I'm glad you asked that."

Cross: "That's why I asked."

Gash: "Are you asking that about the Amendment or the underlying Bill?"

Gash: "Let's talk about your Amendment. Well, does this become the Bill?"

Gash: "The Amendment becomes the Bill, and the Amendment merely requires the Department of Lottery to try to determine a way... to try to determine a plan to prevent the sale of lottery tickets to minors. The underlying Bill, before the Amendment, would've actually prohibited sales, unless they were in direct face to face exchanges. They could not... Lottery tickets would no longer have been able to be sold through machines."

Cross: "All right, let's talk about the original Bill then. Is the original Bill still a vehicle Bill? Or not?"

Gash: "This Amendment becomes the Bill, so I guess the answer would be, no."

Cross: "So, is there a problem with minors buying lottery tickets? I know I haven't had anyone come to my office about the run on minors in our area going in and buying

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lottery tickets."

Gash: "In fact, there is a problem with minors buying lottery tickets. And the Illinois State Crime Commission did a sting last summer in which a 12 year old and a 14 year old were sent out to buy lottery tickets. Out of 20 possible tries, they were able to buy lottery tickets, which are not allowed to be sold to minors, 20 times. In fact, in many cases, not only did the adults who were working there not stop the children from buying lottery tickets and from the machines, but they actually aided them and told them how they could use the machines."

Cross: "How... What about the machines that we have out there? How are we going to... Does this include a report on the minors that are buying lottery tickets on the machines?"

Gash: "Well, the original Bill would have prevented the sale through the machines because kids were using them. As of August, lottery tickets will be the only item that is available through machines that is not allowed to be sold to children. Cigarettes will no longer be available through machines. However, it should be pointed out that the Floor Amendment removes what I would have liked the Bill to do completely and merely requires the Department to address this problem and report on what they would suggest to make sure that kids don't buy lottery tickets. It weakens the Bill significantly, because of the opposition we received and the concerns that were... that occurred during committee. But it's certainly better than nothing. I would love to see the Department come up with some plan on their own, and then I would be happy not to pursue this further after that. But something needs to be done..."

Cross: "Have you asked the Department to come up with a plan to report back to you directly?"

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Gash: "Excuse me, that..."

Cross: "Have you said to the Department, 'Department, I'd like to know what you're doing about sales of min... sale of lottery tickets to minors?'"

Gash: "Well, what the Department has done is they did back a Bill that does not allow children to buy lottery tickets. If that were enough, then there would be no need for this type of Bill. But that's not enough. All that does is prevent the stings."

Cross: "Have you asked them though... Has anyone asked them what they're going to do?"

Gash: "I did talk to them in committee about this. And I asked them what they would suggest, and that I would be willing to work with them, and they did not have anything to say to me about that."

Cross: "Well, I'm just... If there was a problem, if there's a problem, why aren't we just saying to them, we've got a problem. Let's solve it. Are they opposed to this Bill?"

Gash: "We did say that. I... They did not... They did not oppose this Bill, that I am aware of in committee. There... There... Right, there was no slips filed. They were opposed to the original Bill."

Cross: "You don't know if they're opposed to the Amendment?"

Gash: "They did not file any slip, and I am not aware of any opposition."

Cross: "All right, thank you."

Gash: "I will reiterate. I would've liked this Bill to be stronger. This is sort of a compromise position."

Cross: "The Amendment or the vehicle Bill? The Amendment is?"

Gash: "I would've liked this... the entire Bill as I would like it to be amended. I would have liked it to be amended, to be a stronger Bill."

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Cross: "Incidentally, Representative, do we outlaw the sale of, at this point in our statutes, lottery tickets to minors?"

Gash: "We do. The stings that occurred with the 12 and 14 year olds last summer, in which out of 20 possible tries, 20 purchased successes, 20 times they were able to buy tickets occurred in spite of the fact that it's not allowed... they're not allowed to be sold to minors."

Cross: "Were those tickets winning tickets, do you know?"

Gash: "They were not."

Cross: "Well, no wonder they were upset. It's all I wanted to know. Thank you."

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

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

Speaker Brunsvold: "Indicates she will."

Turner, J.: "Representative, how are you defining 'minor'?"

Gash: "Under 18."

Turner, J.: "Anyone under 18?"

Gash: "Yes."

Turner, J.: "Is there any particular reason why you didn't include the Governor?"

Gash: "Excuse me?"

Turner, J.: "Is there any particular reason you didn't include the Governor as one of the parties to whom the report is made?"

Gash: "I would be happy to make this report available to the Governor."

Turner, J.: "Well, don't you think it should be? I mean maybe I'm off base here, but generally when there's a report made to the President of the Senate and the Speaker and the Minority Leaders of both Houses, that the report is also made to the Governor."



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Gash: "I understand... Right. We did it to the... We required the report to be made available to the Legislature, because that is where laws are made, as you know, originated."

Turner, J.: "Once this report is made, then what's going to happen?"

Gash: "Well, I hope that the report will have suggestions where the Department will have addressed my concerns. And I hope they're your concerns, too. So ideally, the answer to that would be, we would be satisfied with the report that the Lottery is concerned about this and addressing it themselves."

Turner, J.: "You know, Representative, I can't see that this Bill does a lot. It's almost like a vehicle Bill. Do you consider this a vehicle Bill?"

Gash: "This Bill is not a vehicle Bill. This Bill requires a report. But as I said, I would've liked the Bill to be stronger. This is a compromise. There were some people who were concerned that adults would be unable, with the original Amendment, to buy lottery tickets through machines. In deference to many of the concerns of members of the committee and the Department of the Lottery, I am now trying to do something that is far less significant than I would have liked, and yet, also does something to address this problem, which does need to be addressed."

Turner, J.: "Can this not be done by Rule? Does the Legislature need to be involved in this?"

Gash: "I can't imagine why the Department of Lottery cannot... could not do something about this themselves. And for that matter, I can't imagine why they haven't, and yet they haven't. So, I think that this legislation is necessary."

Turner, J.: "You speak of the current enforcement of prohibitions against the sale of lottery tickets. What is the..."

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Gash: "Can you repeat that? Representative, can you repeat that?"

Turner, J.: "What is the current enforcement of prohibitions? What's being done as far as prohibiting these sales?"

Gash: "Can you repeat that?"

Turner, J.: "Yeah, in your language you speak of the enforcement of prohibitions against the sale of the lottery tickets to minors. What is the current enforcement of prohibitions? What is that entail?"

Gash: "Right... Well, what I'm trying to say is that because the Department did not want to go along with my original Amendment, I would like them to make suggestions as to what they consider something that can be done to strengthen enforcement of the prohibition against the sale of lottery tickets to minors. I don't know that they're doing anything for that matter, and I would like to... I would like them to do something. I want them to take this seriously."

Turner, J.: "Did you consider going to JCAR?"

Gash: "The reason I'm asking for a report is because I had an original Bill that would have been much stronger that I am not pursuing, in lieu of letting them try to address this on their own, but I would like that report to be available to us."

Turner, J.: "Okay, Representative, thank you."

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

Clerk Bolin: "No further Amendments."

Speaker Brunsvold: "Third Reading. Read the Bill."

Clerk Bolin: "House Bill 1087, a Bill for an Act to amend the

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Illinois Lottery Law. Third Reading of this House Bill."

Speaker Brunsvold: "The Lady from Lake, Representative Gash."

Gash: "I think we just addressed the Bill by via the Amendment, which had become the Bill. And this is an initiative of the Illinois State Crime Commission. There have been numerous articles in the Sun Times and other newspapers about the availability of lottery tickets to children. And I urge your 'aye' vote. I would be happy to answer any questions."

Speaker Brunsvold: "Is there any discussion? Seeing none, the question is, 'Shall House Bill 1087 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 112 voting 'yes', 4 voting 'no', 0 voting 'present' and the Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 1915."

Clerk Bolin: "House Bill 1915. The Bill's been read a second time, previously. Floor Amendment #2, offered by Representative Ronen, has been approved for consideration."

Speaker Brunsvold: "The Lady from Cook, Representative Ronen, on Floor Amendment #2."

Ronen: "Thank you, Speaker. I would like to table Floor Amendment 2."

Speaker Brunsvold: "Would like to withdraw the Amendment, Representative?"

Ronen: "That's what I meant to say. I would like to withdraw Amendment #2."

Speaker Brunsvold: "The Lady withdraws Amendment #2. Further Amendments?"

Clerk Bolin: "Amendment #3, offered by Representative Ronen, has

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been approved for consideration."

Speaker Brunsvold: "Representative Ronen."

Ronen: "I would like to withdraw Amendment #3, as well."

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

Clerk Bolin: "No further Amendments."

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

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

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

Kubik: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. As it is now constituted, House Bill 1915 is a Vehicle Bill. It is an attempt to... We'd like to move it to the Senate to continue the discussions on these issues. Representative Ronen and I have agreed to move it to the Senate. All of the parties, the... who are in the discussions are agreeable to this. I certainly would be happy to respond to questions and would appreciate your support of House Bill 1915."

Speaker Brunsvold: "On the question, is there any discussion? The Gentleman from Logan, Representative Turner."

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

Speaker Brunsvold: "Indicates he will."

Turner, J.: "Representative, I wasn't clear. Did you say this is a Vehicle Bill now?"

Kubik: "Yes."

Turner, J.: "What's your intentions if we pass the Vehicle Bill, Representative?"

Kubik: "I beg your pardon?"

Turner, J.: "What do you intend to do with the Bill if it's

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passed out of here as a vehicle?"

Kubik: "This, Representative Turner, is going to be utilized for discussions with telecom, the telecom companies, and I believe the City of Chicago. You know what, Representative Turner? Perhaps Representative Ronen can better answer that question, and why don't you direct your question to Representative Ronen."

Turner, J.: "Okay."

Speaker Brunsvold: "Representative Ronen, to address the question by Mr. Turner."

Ronen: "Well, what we hope this Bill will do, upon agreement of all parties, is create a uniform collection and distribution system for the fees that are associated with the maintenance and use of public rights of way by the various telecommunications carriers."

Turner, J.: "Okay, I think people on this side of the aisle are concerned that we see, when we look on the board, fee, and you just mentioned fees, and it's a Vehicle Bill. And so my question is, what fees are going to be increased and how much?"

Ronen: "This would be replacing an existing tax, so it's not really any new fee. It's a new way of... a more uniform way of establishing the current fee."

Turner, J.: "You say it's going to be replacing an existing tax. It sounds like you've almost got the details already worked out. Why don't we, instead of passing a vehicle, why don't we just put it around the table right now so we can examine it and determine whether there's any new tax on it?"

Ronen: "Because we don't have all the details worked out."

Turner, J.: "All right... What tax then is it going to replace?"

Ronen: "The capital investment tax for telecommunications carriers."

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Turner, J.: "And when you say replace it, is it just a different entity that it gets the tax dollars? Is that what we're talking about here?"

Ronen: "No, we're not. It's the same entity. It's just a different way of... Yeah, I mean what we're trying to do is many of these fees were developed in different years and at different times, and we're trying to make sure that we're doing it in a uniform way in treating all carriers alike. That's what this is about. Nothing new, just a more uniform and a better way of doing things. Telecommunications systems, as you can understand, the state of the art changes has changed so drastically over the years. We're just trying to catch up with that and make sure that we're dealing with all the carriers in a uniform way."

Turner, J.: "Okay, whose idea was this then?"

Ronen: "Well, I think the idea behind this is the various telecom companies, the City of Chicago has been active. I mean, I think most of the major telecom players have been active in this."

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

Speaker Brunsvold: "Further discussion? Seeing none, Mr. Kubik, to close."

Kubik: "Just urge the adoption of the Vehicle Bill."

Speaker Brunsvold: "The question is, 'Shall House Bill 15... 1915 pass?' All in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question, there are 58 'yes', 53 'no', 5 voting 'present'. Postponed consideration? Mr. Kubik, postponed consideration? It shall be so placed. Mr. Clerk, read House Bill 957."

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Clerk Rossi: "House Bill 957. The Bill's been read a second time, previously.

No Committee Amendments. Floor Amendment #3, offered by Representative Giles, has been approved for consideration."

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

Giles: "Thank you, Mr. Speaker and Ladies and Gentlemen. Once again, I rise to adopt the Amendment. Amendment #3 actually becomes the Bill. Let me give you a little bit of history about the Bill before we ask to adopt the Amendment. This is called the 'Life Saver Amendment'. And what the Life Saver Amendment does is addresses some light on the homelessness issues that we have across the State of Illinois. And, the last time that we talked about this Amendment, one of the Representatives asked a question about the Depart... DCCA and the Department of Public Aid what... that they say that this Life Saver Amendment costs too much to the taxpayers of Illinois. But let me just give you a little bit of what true cost really is if we don't adopt this Amendment. Let's look at the cost to the community dealing with health care. The average cost of a hospital visit is about \$2 thousand. Without health care insurance, families will inundate emergency rooms, causing costs to sky rocket. Homeless families will suffer from exposure to all kinds of weather. They are also vulnerable to physical violence, treatable minor illness, and become major health issues. Someone will have to pay for these medical costs. So let's look at the food section. The average cost of the emergency food is estimated at \$4 per person. And if, without food stamps, the family will suffer malnutrition and related health problems, and may

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resort to illegal means to obtaining food. Let's look at the safety issue, what it would cost if we don't adopt this Amendment. The average cost of a police call is about \$200 per occurrence, bound to increase as more people hit the streets. The life on the streets, especially for families, put them at risk of physical violence. This puts a strain on our police department budgets, and we know what the police departments budget is. It's an extremely high budget. Let's look at the education problem if we don't adopt this Amendment. Truant officers and other staff may try to locate homeless families at a cost of cover... over \$20 per hour if they try to locate individuals that are homeless within the family. When a child loses access to education or educational experiences, which are fragmented and interrupted, the child's ability to become a productive and viable individual is jeopardized. And that truly costs a lot and put a truly great budget on our state. When we talk about homeless families, or individual, we're just not talking about just the individual. We're talking about children. Children become homeless as well. This is the type of a Bill in which, this Amendment does not mandate anything. What it does is put life, out... sheds some light on the issue. It allows these various departments to address the issue of homelessness, giving them some priority. Is the... throughout the Amendment, the language says, 'shall'. And so, that's what this Amendment is trying to do, and I truly ask for your adoption of this Amendment."

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

Durkin: "Will the Sponsor yield?"

Speaker Brunsvold: "Indicates he will."



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Durkin: "Representative, I'm not sure if you had covered this in your... in the preamble but, how is this program going to be funded?"

Giles: "Representative, under the new super department that will be put together starting July the first, the department, the super department, will take under the... consideration of addressing the homelessness issue. There's not a cut out budget to address the issue. It will work within the various departments under that umbrella."

Durkin: "Well, do you have a ball park figure as to what the dollar amount this will cost this super agency the State of Illinois?"

Giles: "Representative, we do not have an exact number. Statistics has given that this will affect over 200 thousand individuals. We do not know the exact number. However, I am sure, that is the given statistics, if you look at the problems that the individuals in our community that are homeless, that has put a burden on the various budgets that we have now, I'm sure that will supersede what has been projected as a cost."

Durkin: "Well, Representative, my question right now is, do you think it's prudent to move ahead with this Bill if we're... say we're talking approximately 200 thousand people, which we are going to be continuing funding for. I think it probably be in the best interests of the people of this House to know exactly what's going to be the fiscal impact on the State of Illinois when we're juggling not only, which I think is going to be rather substantial, but not only we're going to be juggling this, and we... with... which is the question of the day is how we're going to be able to provide adequate funding for education. I mean these are multi, multimillion dollar propositions, which I

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believe that we're acting on. Would you hold off on this Bill until we can get a better, get some type of fiscal analysis of what this is going to have on the State of Illinois?"

Giles: "Representative, there is a Fiscal Note that was filed by the Department of Public Aid, if you have that, and what it gives is that it says the Bill would encompass close to 200 thousand individuals at a cost of 100 millions of dollars, which I truly... And I gave that figure because I believe that figure is truly, you know, is a balloon, but however, due to the rising problems that we have with individuals being homeless, that number will be totally minimal, if we don't address this issue dealing with some of the factors that I just listed. And, Representative, let me add that all, if you look at the language, all the language says 'shall'. It's permissible. Shall."

Durkin: "I understand this Bill is going to create a position of the ad... Is it creating the position of Advocate General?"

Giles: "Representative, that is... that is somewhat correct. The previous Representative the other day made mention to the General Advocate. But what that person actually... I've gotten some clarity since then. It does not create a whole another person or another office for the General Advocate. What it does it allows someone that's already established within the facility, within the office, to work on those issues."

Durkin: "Well, if we're going to be talking of probably about 200 thousand people on an annual basis, give or take a few hundred, don't you believe that this is going to require additional staff within the Department of Public Aid to be able to implement this program?"

Giles: "Representative, already the department is dealing with

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the homelessness issue. What this does is basically give a priority."

Durkin: "As I look through the Bill under Amendment 3, it states that the Office of Life Saver Advocate General shall maintain an office in each Department of Human Services Regional Office in the state. Do you know how many regional offices we have in the State of Illinois?"

Giles: "Representative, at this time we don't know any... exactly how many offices there are, but once again, as I stated, I got some clarity of the issue, and it's not to create an office. It's to simply just to have what's already established within the office to adr... for those individuals that are there, that's already on staff to address the issue. And I wouldn't know exactly how many offices will actually be under the consolidation."

Durkin: "Well, that's... I think that's part of the problems that we're having. I think I'm still having... It's rather vague, first of all, on the fiscal side, but also when I see language which is... requires, the Advocate General shall maintain an office in every regional office throughout the state. So we're not only... We're talking about administering the... implementing this program, which is going to be multimillions of dollars of just providing the relief, but also the administrative costs, I think, are going to be extremely high if we are, under the language that you currently have, if we're going to be forcing everyone... By forcing we are mandating that every Department of Human Service Regional Office, which I'm sure that there's lots and lots through our state to have, you know, some type of representative from the Advocate General's Office."

Giles: "Representative, I understand if this was a mandate, but

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however, it's not a mandate. The language clearly states, 'shall'. It's permissive and so, what we're trying to do is truly highlight some issue on this problem and to give us some priority."

Durkin: "Representative, with all due respect, 'shall' is mandatory; 'may' is permissive."

Giles: "Pardon me, Representative?"

Durkin: "With all due respect, 'shall' is mandatory; 'may' is permissive. That's... How is this going to affect the TANF exemptions?"

Giles: "Representative, at this time, we truly do not know."

Durkin: "Okay, all right. Well, I'll save questions for a little bit later. Thank you."

Giles: "Thank you, Representative."

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

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

Speaker Brunsvold: "Indicates he will."

Parke: "Let me just clarify for the Body. This mandates a Life Saver Advocate General to be established in every Department of Health, in every DHS Regional Office. Do you know how many regional offices there are?"

Giles: "Representative, at this point we do not know how many offices there are."

Parke: "Well, it's our estimate there's at least 15. That means 15 more people will be hired at taxpayers' expense."

Giles: "Representative, is that... Are those numbers that include in the consolidation of the department starting July the first?"

Parke: "I'll get you your answer. It's our understanding that the Public Aid Offices will become the DHS Offices in the consolidation. So it should stand that that would be about

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the same amount."

Giles: "Once again, Representative, what this language does, it do not create another office. What it does is, if you look at the language, you see the word, 'offices'. There's a small... starting... beginning with a small 'o' which will... What that does allow individual that's already established in that department to work with this language."

Parke: "Okay. Thank you. To the Bill. Mr. Speaker..."

Speaker Brunsvold: "Proceed."

Parke: "Members of the General Assembly, we understand the Sponsor's well-intended. We understand what he's trying to achieve. He's trying to help people who are homeless and helpless to some degree themselves. But, in fact, this is overkill. What this Bill is going to cost a lot of money. You're going to be voting for a Bill that will provide probably more money than if we gave direct subsidy to all the homeless there is. This establishes an extra Advisory Council. It establishes that those that are homeless or those that may be homeless under the... by the Federal Welfare Program says that these people could not be taken off of this national welfare reform, that they must be continued under this legislation. In addition, it sets up a... an individual in every DHS Regional Office, estimations between 10 and 15. It says that the Advocate General is to enjoin the Department from imposing any sanctions on these clients if they're uncooperative. That means that these homeless people who may choose, in a small percentage of them, to choose to stay homeless, because that's the lifestyle they wish, and the Department says though if you're going to collect the money, you've got to do it this way. If the Department tries to enforce that, then this Advocate General will intercede and say, 'No, you

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can't do that. You just have to give these people the money.' They don't have to do anything for it. It's just a corporate welfare. Ladies and Gentlemen, all this is, is big government interfering in the state's rights to make decisions for people who have needs. I would ask that if this Bill... if this Amendment receives the required... Mr. Speaker, if this Amendment receives the required number, I would like a verification. And I would ask the Body to reconsider voting for this Amendment."

Speaker Brunsvold: "Are you requesting, Representative, a Roll Call vote on this Amendment? Any further discussion on the Amendment? Seeing none, the Gentleman from Cook, to close, Representative Giles, on Amendment #3."

Giles: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, what this Bill is trying to do is address the individuals that may be in jeopardy of being cut from the rolls. And that number is not projected properly in the Fiscal Note. That could be anywhere from 10% to 15%. I think the speaker, I think the previous speaker sort of misspoke when he said that this is... I mean, you know, a blatant example of putting more people on the welfare rolls and that this Bill would just totally just cost too much towards the taxpayer. I tend to disagree. This Bill is to address the homelessness issue, the individual that may be in jeopardy and to give some priority to this issue. This is an issue that's been in this Chamber long as probably before I got here, and it will be addressed once I leave. And so, that's what we're trying to do here, is to shine some light on this issue. And, Mr. Speaker, I urge for an 'aye' vote."

Speaker Brunsvold: "The Gentleman has moved for the adoption of Floor Amendment #3. All in favor vote 'aye'; all opposed

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vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? This is a vote on the Amendment, Amendment #3. Have all voted who wish? Mr. Clerk, take the record. And on this Amendment, there are 66 voting 'yes', 50 voting 'no', 1 voting 'present' and this Amendment has been adopted. Mr. Parke, verification, no, you request on the Amendment. Further Amendments?"

Clerk Bolin: "No further Amendments, but a State Mandates Note and a Fiscal Note have been requested on the Bill, as amended."

Speaker Brunsvold: "Hold the Bill on Second Reading. The Gentleman from Madison, Representative Stephens."

Stephens: "Thank you, Mr. Speaker. I..."

Speaker Brunsvold: "Why do you rise, Sir?"

Stephens: "I rise on a Point of Personal Privilege. I do not..."

Speaker Brunsvold: "Proceed."

Stephens: "...want the Parliamentarian to rule on this. But if she rules, I hope that she'll consider a long-standing tradition in the Illinois General Assembly, one that started just after World War II when the Illinois House of Representatives won consecutive games in softball with the other Chamber for almost 50 years, and then we lost! And we lost again, and we lost again last year. It's a Cub's influence; it's a Cub's virus that's stricken Springfield. But I'm here to tell you, there's good news. We were not happy losing elections on this side of the aisle last year, especially Miss (sic - Mr.) Jack O'Connor who could hit a softball just about anywhere you directed him. But we've gotten some good news. I was just over on your side of the aisle, and there's some of those folks over there that hang around Chicago a lot and know a lot about Chicago softball, and that's the only kind of ball we play down here. And so

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we've got great news. We've got good freshmen Members, and I want to remind them and our old grizzled veterans from this side of the aisle, that Tuesday is the game. It's sponsored by the St. Louis Regional Commerce and Growth Association. The tickets say they cost a dollar, but House Members are expected to donate \$5, which goes to local Springfield charities. The game is at 5:30, I believe, on April 29th. That's next Tuesday, so bring your stuff with you when you come home after the weekend. It's going to be at diamond #1 at Lincoln Park. Coach Speaker Brunsvold will be in charge of the game for the House Members. He's going to bring us back to victory. We have several Members who want to come out and help us, help cheer us on to victory. I ask Speaker Madigan and Leader Daniels to join us. The Regional Commerce and Growth Association will provide refreshments for all. Adeline Geo-Karis will be there announcing the game, and she's prejudiced. I'm telling you, we've got to put an end to that prejudice. We want favorable things said about House Members, and we can accomplish that if all of our good softball Members come out to play. So if you think you can play, and you can, please come and join us. If you think you can play, and you can't, come out and join us anyway. We'll get you in the game. Mr. Speaker, thank you. And, Miss Parliamentarian, what's the score going to be?"

Speaker Brunsvold: "Six-zero, the Parliamentarian 6-0. The...

Mr. Clerk, please read House Bill 1422."

Clerk Bolin: "House Bill 1422, a Bill for an Act concerning the right of publicity. 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



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the Assembly. How apropos that this Bill be called right after Representative Stephens announced about the House/Senate softball game. And for those rising stars here in the Legislature, I'm certain that this legislation they will find certainly applies to them, or could very well apply to them. I bring to you House Bill 1422, which was an initiative that was introduced to me by the Chicago Bar Association. We call it the Illinois Rights of Publicity Legislation, and what this legislation does is it codifies the common law right of publicity in Illinois. The right of publicity protects an individual against the unauthorized advertising and commercial exploitation of her, his or her identity. Their likeness, their voice, et cetera. This legislation will help protect entertainers, celebrities such as Michael Jordan, as well as other ordinary people like Ron Stephens, people who do not wish to have their identities used in the commercial manner without their consent. This legislation extends protection to individuals during their lifetime and for 50 years after their death. It also allows for the assignment and licensing of these identity rights with protections against the forced transfer by creditors. The remedies in this legislation are consistent with those of other states, and it provides for an effective deterrent against infringement and adequate compensation to victims. Why do we need this legislation? It's important because it clarifies the common law, which is sparse and has been subject to inconsistencies. Both business and individuals will be served by clear guidelines on the scope of rights involved. It is timely because of the increase in merchandising and product endorsements as sources of income for people and the consequential rise of infringes attempting to protect

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from this trend. The legislation includes exceptions that will protect the First Amendment interest of individuals, such as artists and reporters. And I bring to you House Bill 1422, and I'm prepared to answer any questions that may be asked."

Speaker Brunsvold: "Is there any discussion? On the question, the Gentleman from Logan, Representative Turner."

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

Speaker Brunsvold: "He indicates he will."

Turner, J.: "Representative, will this legislation protect famous Legislators, such as Tom Cross?"

Turner, A.: "Representative, it certainly will. It will take care of Tom Cross, Chuck Hartke, Bill Black, Dave Leitch, Weaver, Mike Smith, Larry Woolard."

Turner, J.: "How about Raymond Poe?"

Turner, A.: "Raymond Poe, absolutely. Whether he fries fried chicken or not."

Turner, J.: "You did a good job explaining it, but I couldn't hear everything you said. What kind of protection will this give to Raymond Poe, now that he's a famous Legislator?"

Turner, A.: "It would prevent his likeness from not being used without his consent. So if someone wants to use Raymond Poe's likeness, they would have to have his consent in order to do so. In order to sell something."

Turner, J.: "Well, in all seriousness, then are you talking about that they couldn't use Raymond's name. For example, if a business wanted to sell tennis shoes, because Raymond's a track star or whatever the case may be, they couldn't use his name without his permission to sell those shoes. Is that what you're getting at?"

Turner, A.: "Absolutely. And, in fact, if something should

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happen to Raymond, heaven forbid, and we know that's where he's headed, it would also prevent someone from using Raymond's name and his family would be able to receive any financial benefits from the use of his name."

Turner, J.: "I take it then when you say it would prohibit the use of his name or, I guess if he were, God forbid as you said, gone, that his name would be protected for 50 years. What is the protection? How does it prohibit it? There must be some kind of sanction in the Bill, a right to sue or something in here. If you could direct my attention to that, please."

Turner, A.: "It allows for a right to sue on the part of the individual or his estate."

Turner, J.: "And what kind of damages would Raymond be allowed to recover if someone inappropriately used his name?"

Turner, A.: "It would either be the profits that they gain from using his name or \$1 thousand or attorney's fees. Now which of those are the greater? It depends upon how much that lawyer charge per hour. Plus attorney's fees, I should say."

Turner, J.: "All right, so you're basically then looking at a... an entity that used a famous person's name, and if they did so and a lawsuit was brought, the person whose name was used would bring the suit. They would have to prove what the profits gained were to the entity that misappropriated the name."

Turner, A.: "That's correct. I'll give you the example of one of the commercials you may have seen just recently. Fred Astaire dancing with a vacuum cleaner. In this case, the vacuum cleaner company would have to pay Fred Astaire's family for the use of Fred's likeness in that vacuum cleaner commercial."

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Turner, J.: "Well..."

Turner, A.: "Nice commercial, but Fred's family would be compensated as a result of using his likeness."

Turner, J.: "Does this apply to people that live in the State of Illinois or is it limited to Illinois residents? Does it go beyond that to extend protection? For example, some movie star in California."

Turner, A.: "I think it would be for any person, and it would be for the use of that person's image here in Illinois. So that person's image that is used in Illinois, it would allow them. So if they're not from Illinois or they don't live here, if their likeness or their image is used here in this state, they would then have grounds for it. Right now this legislation would keep pace with our sister state, Indiana, which recently adopted the publicity legislation, as well as other commercially significant states, such as New York and California. To date, 15 states have now passed this legislation."

Turner, J.: "Well, in all seriousness, I'm wondering about the correctness of protecting residents or, I should say non-residents of this state, people who don't live here, with a statute that we are promulgating under Illinois. I mean why do we want to extend protection for someone from California or New York or Florida, or wherever the case may be? Why do we want to give them a cause of action in the State of Illinois? I mean how does that help the people of the State of Illinois?"

Turner, A.: "Because where they live today, we don't want to hold that against them. In essence, what we're really protecting is that person's likeness. Now that person could have very well been born in Illinois and moved to another state, and because they become famous and does not

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live in Illinois, we don't think that we ought to punish them. So, what we're protecting is that person's image, and if they happen to be someone violates or misuses that person's inherent right for his or her likeness and his name, here in Illinois we think that they ought to be provided some protection."

Turner, J.: "You mention that we were essentially going to be codifying what is already in the common law. I'm not familiar with the cause of action in the common law. I don't know if you or your assistant there is, but if you could, tell me what is that common law cause of action, and if it exists, why do we really need to codify it? Why can't we just allow the harmed individual to utilize the common law that's already been developed?"

Turner, A.: "Common law, as you know, Representative, tends to be rather broad in its interpretation, and this would sort of help solidify or take, at least narrow the scope in terms of the specific question that we're bringing before us. So it would... It's just a way of zeroing right in and saying in... if there's any question about this use of an individual's likeness, we've spelled it out in this legislation. So that's the intent."

Turner, J.: "Well, I think I have some colleagues that want to ask some questions as well, but I did have one more. I was kind of joking earlier when I mentioned State Legislators, but I'm wondering if we should include public officials. Perhaps, if this is a good idea, that a public official such as a Legislator shouldn't get the preferential treatment under this statute. After all, it's a matter of public service if they do gain some notoriety. It doesn't seem like to me that that's something that needs to be protected. If someone is silly enough to try to use a

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politician to sell a product."

Turner, A.: "Well, if you would just think about the great state and what goes on here in this great City of Springfield. We refer to it as the Land of Lincoln, and I don't think that me carrying my Lincoln coin or my Lincoln key chain or the Lincoln broom that I bought or the Lincoln calendar, I don't believe that that's exploiting a famous individual in particular. But..."

Turner, J.: "So you don't think we should exclude public officials?"

Turner, A.: "We are not excluding or limiting the use of a public official's likeness. In fact, on page 4 of the Act, we list what the exemptions are. So this does not exclude the ability of newspapers and public affairs and sports broadcasts to use public officials or the identity of those types of individuals for non-commercial purposes. But this is in the case of commercial purposes, where they're using it to make money, that we're trying to protect that right."

Turner, J.: "So it is strictly for commercial purposes. This is my last question. Is the cause of action limited against a business or could it be made against an individual? In other words, it isn't necessarily a business, but an individual who is trying to exploit some idea or perhaps a product, whatever the case may be. Could that individual be sued or is this only limited to suing businesses or business entities?"

Turner, A.: "If an individual uses that likeness for commercial purposes, then that would be grounds for cause of action. But if an individual is just using, you know, for his own, for whatever reason he wants to be... political purposes, political campaign or something of that nature, then, no. But if it's for commercial purposes, then, yes, we would

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have the right to sue that individual."

Turner, J.: "I'm going to yield to a famous colleague at this point. Thank you, Representative."

Turner, A.: "You want to yield or would you like to give him his own five minutes? Because if you yield, time's running out on him."

Turner, J.: "Whatever the Speaker says."

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

Skinner: "There's been a lot of talk about the misuse of material in campaigns. Let's assume that one of our colleagues were... Let's assume one of our colleagues broke his glasses, and he ended up on the House Floor with sunglasses on. And a House Democratic photographer took a picture of that person, and this picture ended up on a campaign... piece of campaign literature with the innuendo being that he were a constant drunk. Would that be prohibited under this Bill since the person owns his image?"

Turner, A.: "Only if the campaign literature was being sold to people. In other words, if I'm saying here, 'Would you like to buy this campaign literature?' Then that would be a violation or a misuse of that individual's rights. But because campaign material is the kind of stuff that you have a hard time giving away, I don't see where there would be any violation of law in this particular case."

Skinner: "So this would never... This Bill never would have been called under the Order of Business of Campaign Reform?"

Turner, A.: "No, I don't think that this fits into that same category."

Skinner: "Okay, our analysis says the Chicago Bar Association intends to let this Bill die on Second Reading. Why are we on Third Reading?"

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Turner, A.: "I didn't hear you. What did you say?"

Skinner: "The Chicago Bar Association intends this Bill to die on Second Reading according to our analysis. Why are we on Third Reading?"

Turner, A.: "You ought to fire that staff person, because they're way off base."

Skinner: "Thank you."

Turner, A.: "In fact, I would not use his likeness or her likeness."

Speaker Brunsvold: "The Gentleman from Will, Representative Meyer."

Meyer: "Thank you, Mr. Speaker. Would the Sponsor yield?"

Speaker Brunsvold: "Indicates he will."

Meyer: "Representative, perhaps I missed some of this dialogue as you were discussing it, but is it your intention that this Bill would forbid, say a comedian from doing a impersonation of an official here in the state or a sports personality or an actor? Because what we, as a society, for years have allowed our comedians to make a fair living off of characterizations of those that are in the public eye."

Turner, A.: "Representative, again, on page 4 of the Bill, the exemptions and the things that are excluded, one of those, and I'll read, says that the Act does not apply for the use of an individual's identity in an attempt to portray, describe, imitate, simulate or impersonate that individual in a live performance. A single and original work of fine art, play, book, article, musical work, film, radio, television or any other audiovisual program provided that the performance, work, or program does not constitute in itself a commercial advertisement for a particular product, merchandise, goods or services. So in the case where we



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are being mimicked or imitated or impersonated, they would not... the comedian or the individual who thought they were funny would not be held liable or cannot be sued under this Act."

Meyer: "Well, what about the individual that might have a very... good similarity to Mike Ditka? And even though Mike Ditka doesn't make his living on the golf course, certainly he's been known to hang around a golf course somewhat. And what if that individual that has that likeness in his mannerisms and his features would be selling Nike gloves, golf gloves. Would that be against the Bill that you're introducing here?"

Turner, A.: "It will be illegal if the impression that was left by the individual trying to imitate Mike Ditka left the impression that this was Mike Ditka selling those golf balls or golf clubs. Then it would be illegal."

Meyer: "So in other words, that individual better stay clear of any movie cameras or any type of footage that might portray him on a golf course, because possibly that could be misconstrued. How about..."

Turner, A.: "The guy that makes the movie, if he decides to do something with the movie, he would be the person who's held liable, not the individual who they made the movie of. So if someone takes me, you know, and my look-a-like of... Who's a real good looking actor? Denzel Washington. Well, someone says I look like Denzel Washington, and they take this movie, and I don't look like Denzel, but if for reason they did, then I'm okay as long as... No, it's the guy who makes the movie of me and who then goes out and tries to sell Art Turner looking like Denzel, who would then be held liable."

Meyer: "Well, I understand you were being asked for autographs

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the other night, and I just wasn't sure why, but now you shed some light on that. What about if you're a painter who likes to do caricatures or if, for instance, a... possibly a public event where a movie star was and you make a painting and you want to sell that painting. Would that be in violation?"

Turner, A.: "The Act would not apply for a single, original work of fine art. So in that case, if an artist, they would not... this Act would not... would not apply to them."

Meyer: "Well, one last question and I'll bring my questioning to a close. We used to have a press corps that was very inventive. Now they're inventive in other ways perhaps, but they used to do a roast of the Legislature each year and they used to sell tickets for that. And in it, they would do characterizations of different Members here in the Legislature. Would that be covered?"

Turner, A.: "They would also be covered, because a live performance that impersonates an individual does not come under this Act. So..."

Meyer: "Perhaps then, Representative, you could pass that message on to the press corps. Maybe they would rejuvenate their efforts at that. I always enjoy going to them and watching some of their portraits of us."

Turner, A.: "Representative, I don't know when you were, when you last attended a grid iron, and that's the event that you're speaking of, but they're only funny if you're not part of the act. So, I'm not going to urge the press corps to come back. And certainly we know that the grid iron was held for a good cause, and we all have been very supportive of it, but it was only funny if you got in and out and you weren't one of the acts. So, we'll let the press do their own work on that one."

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Meyer: "I was always one of those laughing, yes."

Turner, A.: "Okay."

Speaker Brunsvold: "The Gentleman from Fulton, Representative Smith."

Smith: "Thank you, Mr. Speaker. I Move the Previous Question."

Speaker Brunsvold: "The Gentleman has Moved the Previous Question. All in favor say 'aye'; opposed say 'nay'. The Motion carries and the previous question has been moved. Mr. Turner, to close."

Turner, A.: "Ladies and Gentlemen, you may not be able to play basketball like Michael Jordan. You may not be a Tom Arnold in terms of theatrics. Your golf game may still need improving, and although you attend my annual duffers outing, one day you may be, who knows? But as a politician, even there, there may be that great speech. You know this town is often referred to as the Land of Lincoln. It could be the Land of Poe or the Land of Hartke or the Land of Leitch or the Land of Woolard. And for that reason, we know that you ought to support... or the Land of Jones. And it's for that reason that we ask that you support (sic-House Bill) 1422. It could be that you benefit now, and it could be that your children would benefit later. I ask that we all vote for House Bill 1422, and may your likeness ever live on."

Speaker Brunsvold: "The question is, 'Shall House Bill 1422 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 117 voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please call House... please

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read House Bill 1241."

Clerk Rossi: "House Bill 1241..."

Speaker Brunsvold: "Just a minute, Mr. Clerk. Mr. Cross, for what reason do you rise?"

Cross: "Mr. Speaker, before we get to the rest of these Bills, I think, you know, we've been working with the other side of the aisle all day today. We've attempted to communicate, to work with you in the Chair, but you have promised us in the last, over the last few weeks, that we're going to have 50% Republican Bills called and 50% Democrat Bills called. As of today, we've only had 14 Republican Bills and 32 Democrat Bills. Now if we're going to keep with our word, if you're going to keep with your word as a Speaker, how are we going to make up this difference?"

Speaker Brunsvold: "You got some Bills you'd like called, Representative Cross?"

Cross: "I think we have a good number of Bills we'd like to be called, and we'd like them called today. We're at about two and a half times below the number right now. And when can we expect those called?"

Speaker Brunsvold: "I'll check into that, Mr. Cross."

Cross: "Well, when will we get an answer back on that?"

Speaker Brunsvold: "I would hope shortly."

Cross: "Thank you."

Speaker Brunsvold: "Mr. Clerk, please read House Bill 1241."

Clerk Rossi: "House Bill 1241, a Bill for an Act amending the Illinois Human Rights Act. Third Reading of this House Bill."

Speaker Brunsvold: "Mr. Stephens, you had your light on. For what reason do you rise? You've had your light on from the last Bill."

Stephens: "On a Point of Personal Privilege."

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Speaker Brunsvold: "State your point."

Stephens: "Representative Turner stood on the House Floor. I've been called a lot of things, but I've never been called ordinary. And I just wanted to know if he would like to rephrase his remarks? Ordinary, Representative."

Speaker Brunsvold: "Mr. Turner, would you like to respond to that?"

Turner, A.: "I was trying to be complimentary to him. I thought that that was... you know and I wanted him to understand the fact when Mr. Cross just spoke a minute ago, and he talked about the idea of Democrats and Republicans, I actually thought that was a Bill that was both Democrat and Republican. So when he starts counting the numbers, we ought to take a look at the substance of the Bills, and we'd find out that I think we're pretty much running 50/50 here."

Speaker Brunsvold: "Yes, Mr. Stephens, I think we all think you are extraordinary."

Stephens: "And I feel the same about you."

Speaker Brunsvold: "Okay, the Gentleman from Cook, Mr. McKeon."

McKeon: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1241 amends the Illinois Human Rights Act to prohibit in certain circumstances discrimination against a person because of his or her sexual orientation, whether they be heterosexual, gay, or lesbian. In 1993 this Bill passed the House and did not survive in the Senate. And as of this date, the Bill has 37 Cosponsors, including Speaker Madigan, and I thank you for that support. This Bill makes clear that it is not to be construed as requiring an employer, employment agency, or labor union to give preferential treatment or other affirmative action based on sexual orientation whether that

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person is heterosexual, lesbian, or gay. The language is designed to preempt the argument that opponents have put forth in the past that the Bill establishes special rights. It does not do that. The Bill amends the Human Rights Act declaration of policy to add sexual orientation, whether someone is heterosexual, lesbian, or gay in its definition of unlawful discrimination based on employment, housing, public accommodation and credit and bonding. It's supported by the Illinois Department of Human Rights. It's supported by all major Protestant denominations, major labor organizations, civil rights groups, and a number of major corporations in the State of Illinois. Among them are the Lutheran, Methodist, and Episcopal Bishops of Chicago. The AFL-CIO, the Chicago Board of Rabbis, the National Coalition of American Nuns, Miller Brewing Company, NAACP, Operation PUSH, Sisters of St. Dominican of St. Catherine, the Union of American Hebrew Congregations, the National Federation of Priest Council, AFSCME, just to name a few. Mr. Speaker, I will gladly answer any questions posed by Members of the House, not only regarding my experience as a gay man, but also my experience over the last five years as a director at the Chicago Commission on Human Relations, where I handled numerous calls, numerous reports of discrimination outside of Chicago and Cook County based on sexual orientation, including a person's being heterosexual, lesbian, or gay. Thank you."

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

Schakowsky: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. It is with great pride that I rise in support of House Bill 1241 because it's not every day that an individual has an opportunity to extend basic human rights

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to our fellow human beings, to our brothers and sisters and neighbors and friends and children and loved ones and mere acquaintances. It's really a privilege, I think, as elected officials that we have in a fairly rare privilege, and so I would urge all of us to take this great opportunity today. In 1241, as Representative McKeon said, we're not talking about any special rights, we're talking about equal rights when it comes to three areas only: housing, employment, and accommodations. And how shameful it is that today in Illinois, a person can be fired from a job simply because of his or her sexual orientation. It's time that we put an end to that kind of discrimination and this is the moment to do it. I urge all of you to accept the challenge that this Bill offers, to do the right thing for all of our residents, our citizens in Illinois and to vote 'aye' on House Bill 1241."

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

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

Speaker Brunsvold: "He indicates he will."

Turner, J.: "Just a couple questions, Representative. As I understand it, the Bill would provide protection in an employment situation so that an employer would not be able to discharge for sexual orientation. Is that correct?"

McKeon: "That is correct."

Turner, J.: "The area of concern that I have with regard to that is an employer who might have a particular dress code, and an employer might require for his or her business in order to conduct it the way it needs to be conducted, whatever it may be, a certain dress code. And my question would be is, if the dress code did not meet the standards or perhaps could be interpreted, if enforced, to be a prohibition of

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the sexual orientation provision of your Bill, what would... what could an employer do and could it affect that kind of situation?"

McKeon: "No."

Turner, J.: "I don't know if I articulated that well or not but do you see what I'm trying to get at here?"

McKeon: "I see... if an employer has a reasonable dress code, this Bill has no impact on that. It's neither the intent of the Bill. A dress code that's appropriate for that business, for that industry, is certainly within the purview of that employer."

Turner, J.: "And so a person who may not dress in accordance with what the employer requires, and that person then would suggest to the employer that they are doing so because of their sexual orientation, what would prevail in that circumstance? The person who is suggesting that they are dressing in such a way because of their sexual orientation or would the employer dress code. Is there any kind of conflict there?"

McKeon: "The issue here is the reasonableness of the dress code for that business and the uniformity of its enforcement across all employees within the business. I don't see that this Bill would have a deleterious impact on a reasonable dress code standard."

Turner, J.: "So, as sexual orientation then is defined, at least for your intent, it would not include a person's own decision-making process in what they're going to wear to work. It would still be the employer who would dictate that."

McKeon: "Yes, I think a more important distinction that you're making about appearance, which relates to discrimination. Let me give you an example. A woman who has or chooses to



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wear her hair short, maybe to wear slacks rather than a skirt, to wear comfortable shoes, may be perceived, for totally inappropriate reasons, to be lesbian. Are these unreasonable appearances on the part of the employee or a dress code? I think what you're really dealing with is the bias that is inherent. If an employer has a reasonable dress code, and that dress code is applied uniformly for all people, I don't see that that has any relationship to what we're doing with House Bill 1241."

Turner, J.: "Okay, thank you."

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

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

Speaker Brunsvold: "He indicates he will."

Ronen: "Mr. McKeon, you spoke before about your experiences as a director of the Commission on Human Relations and how you've seen cases of discrimination and the fact that we really need a venue to discuss those cases. Can you speak a little more specifically about that? And maybe before we get into that, let me just ask you another question. This Bill is not at all about dress codes? We're not changing any dress code. This Bill is about equal rights, right?"

McKeon: "Absolutely."

Ronen: "Okay."

McKeon: "And my experience in the last five years, having been appointed by Mayor Daley as a director at the Chicago Commission on Human Relations, is that on a weekly basis, I would receive phone calls from areas outside of Chicago and Cook County, from both gay men, lesbian, and heterosexuals that have been discriminated against because of the perception or the reality of their sexual orientation. And in spite of the belief that we're all protected by the Constitution of the United States and the Constitution of

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Illinois, the only recourse that I have and the only recourse of any of you in this House, outside of Cook County and Chicago, is to tell them that they have no recourse. And that's a very painful, difficult thing to tell someone who has lost a job, lost an apartment, or have been refused to rent an apartment, denied credit, or denied a service, particularly around the issues of health care. And what the difficulty that I had and sometimes quite painful is to tell someone that you have no recourse, there is no venue. Whether you've been discriminated against because someone perceived you to be gay or lesbian or..."

Ronen: "So this Bill would address that and give everybody throughout the state a venue."

McKeon: "Absolutely."

Ronen: "Thank you. To the Bill. You know this Bill should really be easy. It's very simple. It's not about dress codes. All of those things are red herrings trying to divert our attention from what's important, and what's important is that this Bill is about basic human rights, and this Bill gives us a chance to reaffirm basic principles upon which this government was developed. I mean, over 200 years ago, Thomas Jefferson in the Declaration of Independence, I think stated it well, and he gave the basis upon which our society really has been established since that point. And he said very simply, 'We hold these truths to be self-evident that all men are created equal and endowed by their creator with certain inalienable rights and among them is life, liberty and the pursuit of happiness.' And what we've done in this country from the time of the Declaration of Independence is try to reach that dream. We established the Constitution to create fairness and equality. We later adopted the Bill of

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Rights. Later on, Abraham Lincoln with the Emancipation Proclamation, a series of Civil Rights Amendments, an Amendment to allow women to vote. That's been the history of our country. Today we're just taking another step in that process of making sure that everybody has equal rights. This isn't a politically risky thing to do. Polls show, overwhelmingly, that people support this. People everywhere in this state and in this country get that we don't support discrimination. We don't think people should be denied opportunities based on sexual orientation, based on race, based on religion, based on gender. That's what we're all about in this country, and all we're saying in this Bill is taking the next step to prohibit discrimination based on sexual orientation. It's very, very simple. We shouldn't make it any more complex. We shouldn't make it politically risky. It's something that I think polls have consistently shown people support. More importantly, if we are going to continue as a country based on these principles and the Declaration of Independence, based on the Constitution, based on the Bill of Rights, we have to realize that no one has freedom unless everyone has freedom. If we help to deny somebody freedom, we're denying that to ourselves. So I would urge all of my colleagues to listen very carefully and realize that this should be a simple vote. It's just about the basic principles upon which America was established and the principles upon which we choose to live. Please vote 'yes'."

Speaker Brunsvold: "The Chair has put the timer on. Everyone has five minutes. The Gentleman from Cook, Mr. Parke."

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

Speaker Brunsvold: "He indicates he will."

Parke: "Representative, aren't most of the provisions of this

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Bill already in the Federal Anti-Hate Crime Law? And why do we need to spell out in state law what already exists in the Federal Law?"

McKeon: "None of the provisions of this Bill are spelled out in Federal Law. What we're talking about is discrimination in the workplace, discrimination with respect to housing, public accommodation, and credit, which does not deal with the Federal Hate Crime Law or hate crimes at all."

Parke: "You know, it seems to me that the Constitution ought to apply to all people and that we ought not to be passing legislation that gives certain people in our society extra provisions in the law. It seems to me that any man or woman, regardless of color, sexual preference, ought to be protected under the Constitution of the United States. Why is your Bill necessary to exclude your preference over and above anyone else's sexual preference? Why do we need to do this?"

McKeon: "It doesn't do that. In fact, Representative Parke, this Bill protects your sexual orientation, just as it would protect mine. And the fact of the matter is, the United States Constitution states that all men and women are created equal. But it's not until people like you and people like myself, in State Legislatures and Congress give meaning to that by the passage of legislation which provides those protections. And if you look at this Bill, there are 11 categories that this General Assembly has included, including some of the categories that you mentioned. When it mentions race, it doesn't single out any particular group. It says, 'race', whether your skin is white, brown or black. When it mentions gender, it doesn't single out any particular group that's defined as being a man or a woman. When it mentions religious belief,

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it does not single out any particular religious belief, but provides protection for anyone's religious belief, including the absence of a particular religious commitment. And you go through the list of areas that are currently the 11 areas that are currently included. No one is given special status, special protection. What it's stating is that whatever your race, your color, your religious belief, your gender, national origin, age, ancestry, it's a level playing field. It doesn't single out old people or young people, men or women, blacks versus whites. This is whatever your race, whatever your gender, whatever your ethnicity is, and we all have those characteristics. In the case of this Amendment, your sexual orientation and my sexual orientation is equated on the same level playing field. We're not selecting out any group for favored treatment. We're just saying that with respect to employment, with respect to housing, with respect to public accommodation, and services, and credit and bonding, the only criterion is merit, the only criterion is need, the ability to pay."

Parke: "Representative, will House Bill 1241 be used to force Boys Scouts, the Girl Scouts, 4-H, et cetera, to accept homosexuals and transgenders as members, staff and volunteers as lawsuits have tried to do in the past for homosexuals in the Boy Scouts? Will House Bill 1241 be a tool to win this right?"

McKeon: "There's litigation in that area, in other jurisdictions. I don't see any reason why this Bill is going to be used to further that litigation."

Parke: "Though it could be used to force these institutions, depending on the court's interpretation of this law, to have to accept homosexuals in Boy Scouts and Girl Scouts

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and other youth service organizations."

McKeon: "No."

Parke: "Why?"

McKeon: "That's not what the law says."

Parke: "Well, I contend that I think it could be used that way.  
Mr. Speaker, Mr. Speaker."

Speaker Brunsvold: "Yes, Mr. Parke."

Parke: "To the Bill."

Speaker Brunsvold: "Proceed."

Parke: "It is my presumption that the Constitution of the United States protects all people. It is there to protect you and me. It's there to protect the Sponsor of this Bill, protect me, protect every citizen. We ought not to be passing any additional laws to give any one group more a definition one way or the other. I don't think this legislation is necessary and I would like a ruling from the Chair, Mr. Speaker. I'd like to know if this preempts Home Rule and if it did, how many votes would it need to pass?"

Speaker Brunsvold: "The Parliamentarian is checking into that right now. We will be back to you shortly."

Parke: "Thank you very much."

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

Feigenholtz: "Thank you, Mr. Speaker. In 101 of 102 counties in the State of Illinois it is legal to fire a person based on their sexual orientation. If I walk into a restaurant and the owner of the restaurant says to me, 'You're a woman, we don't serve your kind in this restaurant.' I can go to the Illinois Department of Human Rights and file a complaint. If I walk into an apartment building and I want to rent an apartment and somebody says to me, 'We don't rent to your kind in this building, you're a Jew.' I can go to the

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Illinois Department of Human Rights and file a complaint. If I am a lesbian, or perceived to be a lesbian in the State of Illinois, I have no grounds to stand on. There are two simple words up on this board, 'Sexual Orientation'. What we are doing is asking everybody in this Chamber to put those two words into statute so that people in the State of Illinois who are gay and lesbian have equal protection, Representative Parke, not extra protection. This is about leveling the playing field. I am honored to stand in this Chamber for the first time with Larry McKeon. We should all stand tall and affirm our support for him and vote 'yes' on this Bill."

Speaker Brunsvold: "The Gentleman from DuPage, Mr. Biggins."

Biggins: "Thank you, Mr. Speaker. I'm going to vote 'no' on this Bill and I'd like to give you the reasons why. The categories that we currently have in statute for which discrimination is not permitted all include verifiable identities. If it's a woman, we can tell usually that it's a woman. Race is provable, color. National origin we can verify. Ancestry, the age, the gender, marital status, family status, any handicapped person, they are physically identifiable. Gay activity is a behavior. You cannot verify the activity, therefore you cannot make a special law for it because it's not something that's identifiable or provable or physical. Therefore, I urge a 'no' vote."

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

Howard: "Thank you, Mr. Speaker. Not many of you know that prior to my coming to be a Member of the General Assembly, I was an investigator with the Illinois Department of Human Rights for five years. As such, on a regular basis, in the charge processing department it was my responsibility to take charges of discrimination for people who came for all

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kinds of reasons. That they'd been fired from their jobs, that they'd been mistreated on their jobs, and various other kinds of things. On a regular basis individuals came who, in fact, were gay, and as they sat and told me their story, my heart broke each time, because I knew that, while as a black woman who is over 40 years of age, I had three bases of discrimination that I could use, I knew that those individuals had no recourse at all. I am now a Member of the General Assembly, and I have an opportunity, as you do, to rectify this wrong. I am going to vote 'yes', and I am hopeful that the others of you will do the same. Thank you."

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

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

Speaker Brunsvold: "Indicates he will."

Mulligan: "Representative McKeon, does Governor Edgar have a policy that is nondiscriminatory against gays and lesbians?"

McKeon: "Yes, he does."

Mulligan: "Do Republican Constitutional Officers George Ryan, Loleta Didrickson, and Judy Baar Topinka have such a policy?"

McKeon: "Yes, they all do."

Mulligan: "Would a heterosexual that was discriminated against and accused of being a gay or a lesbian have the ability to be protected under this law, if it was perceived that they were even if they weren't?"

McKeon: "Under the current law, they have absolutely no protection. There is no venue whatsoever outside of Cook County that they have recourse to, and that's the typical kind of call that I got as director of the Commission on Human Relation."



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Mulligan: "Would a heterosexual discriminated by a gay or lesbian business owner or rental property owner be protected under this current law?"

McKeon: "Under the current law they have no protection whatsoever."

Mulligan: "But under your law they would be protected?"

McKeon: "Absolutely."

Mulligan: "To the Bill."

Speaker Brunsvold: "Proceed."

Mulligan: "Republicans that are prominent, such as Barry Goldwater, New Jersey Governor Christie Whitman, New York Mayor Rudy Giuliani, Massachusetts Governor William Weld, Wisconsin Congressman Steve Gunderson have all indicated that they support the policy such as being presented here. The following Republican Governors have signed, enforced, or indicated a willingness to sign into law statewide legislation to prohibit discrimination on the basis of sexual orientation: Pete Wilson, Tommy Thompson, John Rouland, Christine Todd Whitman, William Weld, Lincoln Alman, Arnie Carlson, and Jim Edgar have all indicated that they would support this. I also have a list, which I won't go into because time is short, of 23 Republican U.S. Senators who have indicated that they support such policies. I think that if you do not know anyone that is gay, or you think that you have no one in your community that is, it's because you have not either opened your eyes and looked around or they've been afraid to identify themselves to you. I think the time has come for us to look at these issues and not be intimidated by people who lobby on such things as they're going to cross dress, they're going to be pedophiles, which by the way are heterosexual people, they're going to do things that are

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going to scare you. I think that, actually, this is very straightforward, it's are we going to support rights for all people? I think that you do not know who your friends and neighbors are. People have said, 'Oh how could you do this from a Republican suburban community?' If you seem to be open and talk to someone, you will find that they are your neighbors, they are the people that support you. They are parents and friends and sisters and brothers, who are either have other relatives that are, and who support these rights. I have a friend who, in her family of four children, has a lesbian daughter. Every time there is a hate crime or something apparent, she fears for her daughter. Her daughter is an award winning journalist, she's a good sister, a good friend, a good aunt, a good daughter to her family, a respected member of the community, someone that grew up in my Republican suburban community, whose teachers are proud of the accomplishments she's had in journalism. But yet her parents fear for her safety sometimes and fear for her rights. I think there is a point here where we can put aside fear of winning elections again and doing what's right. I think if you're a Republican, there's plenty of Republicans out there that support this and certainly have the ability to stand with other people across the country who believe that we should not discriminate and that we should vote for something like this, and I would urge 'aye' votes on our side of the aisle as well as the other."

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

Fritchey: "Mr. Speaker, will the Sponsor yield?"

Speaker Brunsvold: "Indicates he will."

Fritchey: "I'd like to use the short time I have to address some

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observations that were made by previous speakers and then deal with this Bill itself. An earlier speaker had said so much as to, basically, indicate that this Bill would confer special rights upon homosexuals or based upon orientation, and they're not entitled to special rights. They're no different than you or I. With that part of his statement he was absolutely correct, there's no difference nor should they be treated any different. In Colorado, the state tried to do away with legislation such as this by saying to the Supreme Court of the United States, 'Court, this gives homosexuals special rights, they don't deserve special rights.' Less than a year ago the Supreme Court came down with its decision. Justice Kennedy, writing for the Supreme Court, paraphrased the state's argument and said, 'So the state says that the measure does no more than deny homosexuals special rights.' The court's response to that statement, the court's response to the previous speaker's statement is easy, this reading of the Amendment's language is implausible, it does not confer special rights. It gives everybody the guarantees. It gives everybody the protections, and the court said it very eloquently, let me just say what they said, 'These are protections taken for granted by most people either because they already have them or do not need them. These are protections against exclusion from an almost limitless number of transactions and endeavors that constitute ordinary civic life in a free society.' All you're doing here is trying to ensure that people can go through, day to day, do the things that each and every one of us do every day, without worrying about it. They're not going to be turned away from a job, they're not going to lose a job where they could be the best employee because of their sexual orientation. They're

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not going to be denied housing because of their sexual orientation. The court went on to say, 'Central, both to the idea of the rule of law and to our own Constitution's guarantee of equal protection is the principle that government and each of its parts remain open on impartial terms to all who seek its assistance.' That's what we're trying to assure here, an open society, a free society. You don't want discrimination, then let's do away with it. I had somebody tell me minutes ago, 'John, you can't fire somebody right now just because they're gay, can you?' You're damn right you can. You can, and they do it all the time. Another comment was made here, 'Well, you can't give special rights to homosexuals. You can't tell somebody's gay just by looking at him.' People, take a look at the Act. Right now, we prohibit somebody from being discriminated on based on their military service or their military status or their marital status. My father's an Air Force veteran. You can't tell by looking at him what his military status is, but he's protected in this Bill. Somebody single or married, you can't tell that by looking at them, they're protected by this Bill. The fact that you're saying that I can't tell if somebody's gay by looking at them, that's nonsense. They need this protection, they've shown that there's been violations of their rights. This should be, and it's kind of distressing that it's not, it should be a simple, simple question here. This is the right thing to do. It's kind of distressing here, I don't know if any votes are going to be swayed by what's said on this Floor. Most people have made up their mind either for political safe haven, or, hopefully, based on conscientiousness and doing what they feel is right. They know how they're going to vote, whether they're going

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to hit the red or the green button. If there's votes that can be swayed here, people, this is the right thing to do. It's very easy, there's not going to be political repercussions. If they are, they're going to be ill-founded. This is a matter of giving equal protection, not special protection. Equal rights, not special rights. A simple standard of living to do the things that you do everyday. Don't deny this to these people. Don't deny this, and it's not just to homosexuals, it's to heterosexuals as well. As was brought up in the debate, somebody could just as soon who's heterosexual be perceived to be a homosexual and they're going to suffer, and they don't have the protections. It's not a gay Bill. It's an equal rights and an equal protection Bill. It's for everybody. If you're going to give it to military status, you're going to give it to marital status, you're going to give it to handicapped, to ancestry, national origin, my God, there's no reason not to give it based on sexual discrimination, or sexual orientation as well. Do the right thing, vote 'yes' on this Bill. I commend Representative McKeon. I hope that people understand the importance and the significance of Larry being here. Larry being the one to present this Bill, Larry being here as an openly gay Representative. That was unheard of not a long time ago. Realize the significance of this, realize the symbolism of this, do the right thing. Thank you, Mr. Speaker."

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

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

Speaker Brunsvold: "Indicates he will."

Roskam: "Representative, last week you and I spoke about this

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Bill, and you mentioned to me that you, at least at that point, had intended to return the Bill to Second Reading and put an Amendment on to exempt religious organizations from the requirement in terms of hiring. Can you just share with me, and others, what your perspective is on that? Whether you think a religious organization would have an obligation under House Bill 1241, to hire someone?"

McKeon: "Yes. Just to clarify our conversation, Representative Roskam, what I indicated to you, that I would look at language that had been drafted in other jurisdictions, including Cook County and the City of Chicago. And if, as we pass this Bill over to the Senate, that I would work with you and see if that's something that we would want to do. I personally believe though, Representative Roskam, that this is not necessary. Because, even under the existing Act, there is no mandate under the 11 categories that would force a religious organization, carrying out its basic mission, its basic commitment to its ministry, to fall under the provisions of this Act. This Body of law is very clear. And if a complaint were filed before the State Commission on Human Rights now, because of a religious organization refused to hire someone who did not adhere to their basic religious tenets, that complaint would not go forward. So that mechanism already exists. And it's already been carried out within the Department on Human Rights. It's being carried out in other jurisdictions that do not have an exclusion. I'd certainly be willing to look at amending this Bill in the Senate, to do that. But my position is, you know, and I'll pursue that with you, I don't believe that it's necessary. Because with the current law and the 11 areas that are covered now, that issue has already been dealt with, and it's being dealt

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with on a daily basis by the Illinois Commission on Human Rights."

Roskam: "Okay. I misunderstood our conversation. And I appreciate your explanation. As I read the Bill, Representative, I come to a different conclusion. Because there's a, on page 7 of the Bill, letter E, has a religious organization exemption, which has been put into the Bill. And under the religious organization exemption it says that religious organizations are exempt from the sale, rental, or occupancy of dwellings, in which it operates... owns or operates, for other than a commercial purpose, to persons of the same religion, or from giving such preference to such persons, et cetera. But it doesn't say specifically, in terms of hiring. And my concern, and it's the one that I shared with you, is that, under this Bill, as it's drafted, because it speaks to so many other places, and there is so many other exemptions carved out. But since it doesn't specifically say that a religious organization would be exempt from that obligation, that, in fact, 1241 as drafted, would put the obligation on a religious organization to hire someone that they don't want to hire for those reasons set forth. And, you know, you know where I'm coming from. I'm not trying to give you a hard time. But I do think, in my opinion, based on my understanding of the Constitution is that this would be, this has a serious First Amendment problem. Because it's creating an obligation, it's having the state involved in a religious organization that enjoys First Amendment protections. So I rise in opposition to the Bill, which is no surprise to you. But I'll be happy to continue a dialogue with you. But I think it has a serious drafting error. And I think it's unintended by you. But, nevertheless, a reading of

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the language that you're sponsoring today, in my opinion, would require a religious organization to take on someone that they may philosophically, and based on their ministry, be opposed to. Thank you for yielding to my questions."

McKeon: "Thank you. Representative Roskam, I'd just like you to help me clarify here. The section that you read from is not from my Amendment. The section that you read from is from the existing Bill. Is that correct?"

Roskam: "That's right. And that's my point. The existing Bill and the changes that you made, Representative, which are obviously the underlying changes, create sexual orientation, and so forth, in all the places that you're trying to do that. But it doesn't create an exemption, there's no exemption for religious organizations."

McKeon: "Representative Roskam, you have my personal commitment that as we move this Bill out of this House, that I will work on that language and consult with you, and also with some additional legal input. I still have some doubts but I'm willing... that it's necessary. Because even now under the existing language when it talks about discrimination based on religion, if one religious denomination and their hiring practices, and so forth, chose not to hire someone who has a different religious belief, that they are protected under existing Federal Law."

Roskam: "I understand that scenario. But what if someone says, I am of your religious belief, and yet it's maybe a new interpretation, and we see that all the time happening, and a particular faith based group says, we don't agree with that interpretation. They would still be in some ways of that particular religion. Representative, my only point is, I think that this Bill as drafted, although not intended, really pushes the outer edge of the envelope, and



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frankly, gets involved in areas where, historically, the First Amendment had said, these states shall not get involved in that area. I appreciate your responses."

McKeon: "Now, you have my commitment, as I stated before, Mr. Roskam, when we move this Bill to the Senate, that I'll work on that language. Thank you."

Speaker Brunsvold: "Thank you, Mr. Roskam. Mr. Clerk, announcements."

Clerk Rossi: "The Rules Committee is meeting immediately in the Speaker's Conference Room. The Rules Committee immediately in the Speaker's Conference Room."

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

Jones, L.: "Thank you, Mr. Speaker. I rise in support of this legislation, cause we have a saying that 'we've been there and done that.' I, myself, have been a victim of a discrimination. Discrimination in housing. Discrimination in jobs. And a number of other things. I have fought all my entire life for my civil rights, and also my human rights. Three-fourths of the Members in this room, excuse me, may I have your attention please. Three-fourths of the Members in this room have never witnessed discrimination. You don't know how it hurts. You don't know how it is to be turned away, with small children, because your skin is black. You don't know how it is to be denied a job, that you're qualified for, because your skin is black. That's discrimination. Nobody in this Chamber has a right to play God. Nobody in this Chamber has a right to treat another individual, because of their sexual orientation, or the color of their skin, or their religion. This is suppose to be America. And for the Gentleman that spoke earlier that said, that lesbian and gays was a behavior, you're not God,

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you don't know that. You haven't been there. You don't know what they've been through. You don't know what discrimination feels like. It's a horrible thing to be born and raised in a country like America, the good old USA, and there's places you cannot go, there's jobs that you can't have, apartments you can't rent, houses you can't buy. You've never witnessed that. So you can sit up here and say, well we shouldn't do that, somebody else is doing that already. You don't know how it feels. I've sat here for the last five days, and I've witnessed discrimination in this Chamber. I witnessed discrimination in this Chamber. Discrimination against Robbins and discrimination against Ford Heights. It's alive, well and kicking in this Chambers. To do another colleague that went through the same process that you did to get here, and go and deny him his rights. You are wrong, and you're not God. And but for the grace of God, it could be you."

Speaker Brunsvold: "The Gentleman from Cook, Representative Lang. This, Ladies and Gentlemen, is the last speaker."

Lang: "Thank you, Mr. Speaker. Ladies and Gentlemen, I rise in strong support of House Bill 1241. As the last Legislator that had this Bill, and having it be the first, and only time it ever passed this Chamber. Those of you who were here at that time know how difficult it was. And those of you who were here at that time know how important it was. Let me say at the outset that, I am proud to serve in a Chamber with Representative Larry McKeon. And I am proud that he has this legislation today. Because, you know firsthand from him what this Bill is all about, and what it means to his friends and his constituents to move this along. To those who spoke about creating a special class, this Bill doesn't do that, I suggest you read the Bill. It

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says that, no person is any different than any other person, whether you're black, or Jewish, or disabled, or gay, or tall, or short, or come from a foreign country or wherever you're from. People that live in this state and in this country should be free to be judged on who they are, not what category you choose to put them in. This Bill is for justice and human rights for all people. And what categories does the Bill talk about? It talks about jobs, and housing, and credit, and being able to go into a restaurant. My goodness, should somebody be denied the right to go into a restaurant because they're gay, because the owner doesn't like that person? What about if we don't let people into restaurants because they're Republicans or Democrats, or because they're bald, or because they're short, or because they're Jewish? None of you would accept any of that. But some of you are willing to accept discrimination against people on account of their sexual orientation. And not only their actual sexual orientation, but your perception of it. You say, oh I think he's gay, look at the way he walks. He may be gay, maybe I shouldn't let him rent an apartment here. That's what this is all about. Everything else that the opponents of this Bill have talked about today, everything else is a red herring. It has no basis in fact. These are excuses and rationalizations, my friends, for not doing the right thing. And those of you who have said it, know it too. You know it to the bottom of your toes that you are just rationalizing and coming up with excuses for not doing the right thing. And why? Because of your fear of political retribution. And why are you afraid of that? You're afraid of that because in every district in Illinois there are still people that hate, they hate, they hate blacks, they

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hate Jews, they hate gay people, they hate short people, they hate Democrats, they hate liberals, they hate conservatives. This Body should not be about hate. This Body should be about bringing people together. This Body should be about making sure that all people that live in this state have dignity and human rights, and the ability to live their lives without some other person telling them where they can live, telling them where they can eat, or telling them where they can work. My friends, I read a quote in the newspaper today, it was about another person, but it's a good quote. It says, 'Leadership is not a popularity contest.' And that's correct. And we're here to be leaders, not to be popular, but to do the right thing. So, Ladies and Gentlemen, leadership requires courage to fight off the hate and prejudice that still exists in the State of Illinois. It requires honesty, that we be true to our own convictions, and not come up with all sorts of rationalizations that keep us from doing the right thing. And it requires integrity, integrity. Every week most of us go to church or synagogue, and we talk about integrity to ourselves and to our God. Integrity is what's required to be leaders on the Floor of this House. This is what we're all about. And so, for many that talk about some biblical scripture about sexual orientation, let me give you another biblical scripture, it's an important one, it's a short one, but before you vote on this Bill you should remember these three words, the words are, 'Love thy neighbor.' That's what we're all about in this Chamber. And anyone that fails to recognize that, fails their Constitutional Oath. Join Representative McKeon, in doing the right thing, vote for this Bill."

Speaker Brunsvold: "Mr. McKeon will close. But before that, the

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Parliamentarian will give a ruling on the number of votes required."

Parliamentarian Casper: "On behalf of Speaker Madigan, this Bill will require 60 votes. And although this Bill implicates Home Rule units to the same extent, Representative Parke, that it implicates every other local government. This does not preempt the Home Rule units Home Rule powers, which are, the Constitution provides are, the power to tax and the power to license. So, although there is an implication for Home Rule units, it's not a limitation on their Home Rule powers that provide for the Constitution accordingly. A simply majority is all that is required."

Speaker Brunsvold: "Mr. McKeon to close."

McKeon: "Thank you, Mr. Speaker. Ladies and Gentlemen of this House, I thank you for your attention. But, I want to share with you an experience that I had here in Springfield after being elected on November 5th, with all of you in this House. I came down here for freshman training, which made me armed and dangerous after three short days, having learned the legislative process, but I proceeded to go out and look for a place to live here in Springfield, for an apartment to share with a colleague here. That same week, in a local newspaper there was a major story about people involved in the AIDS Drug Reimbursement Funding Bill that was coming up before the Veto Session, my picture was taken with some of those people who were here. Being a person who's living with HIV, I chose to be here and assist them in the passage of that Bill. When I went out to look at an apartment, looked at several places, with a fear, not living in my home City of Chicago, not living in my home County of Cook where I am protected from discrimination in housing. But I went out, going to one apartment after

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another, within a few blocks here of the Capitol, looking for a place to live. But with a fear that the people I encountered maybe read that article about, not only being a gay man, but also a person living with HIV, that I would have difficulty renting an apartment. Why should anyone have to live with that fear, and to carry that fear around with them, day after day, month after month, year after year? For 12 years of my life I was a police officer. I was the youngest sergeant, the youngest lieutenant, one of the youngest commanders. I was the honor graduate from the Police Training Academy. And at that time the mere perception, the rumor, the hateful rumors that I was a gay man would have cost me my job. I was shot at. I had my sternum broken, ribs broken, teeth knocked out in an urban riot, knives pulled on me. No one cared that I was a gay man. Yet, if my employer knew that, I would have been fired. If my employer knew that, regardless of my outstanding service, regardless of the distinction with which I served, if they had known that mere fact about my life, I would have been fired from my job. In Cook County in Chicago, the elected Representatives in the city and the county, demonstrated the courage to set aside their own beliefs, the courage to face the potential criticism, the courage to stand tall and do the right thing. Many of you here, because I have talked to you privately, have brothers, sisters, children who are gay and lesbian. These are your children. These are your family. Do the right thing. Have the courage to stand tall and do the right thing. And when a constituent comes to you and asks for your help because they were heterosexual, but someone perceived them to be gay or lesbian and they lost their job. When a gay man or a lesbian comes to you and say, Mr.

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Representative, Ms. Representative, I live in your district and I lost my job, or they refuse to rent me an apartment. I can't get a mortgage loan. I was refused medical treatment. Can you look that person in the face and stand tall and say, yes, you do have recourse, you do have a venue? I stood up for you in the face of criticism. I stood up for you and I did the right thing. I ask you, for your family, for your brothers and sisters, your nephews, your nieces, your aunts, your uncles, your friends, your colleagues, and most importantly, your constituents, to join me, to have the courage to stand tall and do the right thing. Thank you, Mr. Speaker."

Speaker Brunsvold: "The question is, 'Shall House Bill 1241 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? Please record yourself, Ladies and Gentlemen. Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 50 voting 'yes', 61 voting 'no', 4 voting 'present'. Mr. McKeon."

McKeon: "Yes, may I put this on Postponed Consideration?"

Speaker Brunsvold: "You may do that. This Bill will be placed on Consideration Postponed. The Chair intends to move some Bills from Third Reading to Second Reading. Mr. Clerk, what's the status of House Bill 916?"

Clerk Rossi: "House Bill 916 is on the Order of House Bills Third Reading."

Speaker Brunsvold: "Please move that Bill back to Second Reading, Mr. Clerk. Mr. Clerk, what's the status of House Bill 906?"

Clerk Rossi: "House Bill 906 is on the Order of House Bills Third Reading."

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Speaker Brunsvold: "Place that Bill on Second Reading, Mr. Clerk.

What's the status of House Bill 2255?"

Clerk Rossi: "House Bill 2255 is on the Order of House Bills  
Third Reading."

Speaker Brunsvold: "Please place that Bill on Second Reading.  
Mr. Clerk, status of House Bill 331?"

Clerk Rossi: "House Bill 331 is on the Order of House Bills Third  
Reading."

Speaker Brunsvold: "Please place that Bill on Second Reading, Mr.  
Clerk. Mr. Clerk, what's the status of House Bill 1089?"

Clerk Rossi: "House Bill 1089 is on the Order of House Bills  
Third Reading."

Speaker Brunsvold: "Please place that Bill on Second Reading, Mr.  
Clerk. Representative Hartke."

Hartke: "Thank you, Mr. Speaker. The Democrats request a  
Democratic Caucus in Room 114 immediately."

Speaker Brunsvold: "The Democrats have requested a Conference in  
Room 114 for one hour, returning at the hour of 6:30 p.m.  
The Democrats... Representative Tenhouse."

Tenhouse: "We would request a Conference, as well, in Room 118."

Speaker Brunsvold: "Both Caucuses, the Republicans and the  
Democrats, will go to Conference right now, at this time,  
and will return at 6:30 p.m. Democrats in Room 114,  
Republicans in Room 118. The House now stands at ease  
until 6:30 p.m."

TAPE MALFUNCTION

Clerk Bolin: "...referred, action taken on April 24th, 1997,  
reported the same back with the following recommendations:  
'Be adopted', Floor Amendments #2 and 3 to House Bill 1090;  
'be adopted', Floor Amendments #3 and 4 to House Bill 1262;  
'be adopted', Floor Amendment #2 to House Bill 1460; and  
'be adopted', Floor Amendment #1 to House Bill 2224."



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Speaker Hannig: "Mr. Clerk, what is the status of House Bill 903?"

Clerk Bolin: "House Bill 903 is on the Order of House Bills Third Reading."

Speaker Hannig: "Move that Bill to Second Reading. Mr. Clerk, read House Bill 1415."

Clerk Bolin: "House Bill 1415, a Bill for an Act in relation to taxes. Third Reading of this House Bill."

Speaker Hannig: "The Gentleman from Cook, Representative Gene Moore. Representative Moore on House Bill 1415."

Moore, E.: "Yes, Mr. Speaker and Ladies and Gentlemen of the Assembly, I rise to present to you House Bill 1415. It reduces the tax rate paid by the charitable organizations which donate their proceeds primarily for the education of children. Under the Bill, the tax rate for pull-tabs and jar games will be reduced from 5% to 2.5%. For bingo, from 5% to 2.5 and for charitable games, from 3% to 1.5%. At a time when we are considering how to help fund education, it is important to remember the education of our children is entrusted in many different organizations. Charitable organizations which help educate children are often excluded from the discussions we are having about education funding. This proposed change, which is limited only to those organizations which educate children, provide some extra help from a source other than government to help educate our children. On that particular Bill, is there any questions? I will ask for passage, otherwise, we can go from there. I will take questions if necessary."

Speaker Hannig: "The Gentleman from Cook has moved for the passage of House Bill 1415; and on that question, the Gentleman from Vermilion, Representative Black."

Black: "Excuse me, Mr. Speaker. Will the Sponsor yield?"

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Speaker Hannig: "He indicates he will."

Black: "Representative, I'm not sure that I know exactly why you're reducing the taxes here. You're going to reduce the taxes on those charitable games that give the proceeds primarily to education. Is that... that's what you're after?"

Moore, E.: "Yes. Yes."

Black: "Okay. And that would be public schools, private schools, altogether..."

Moore, E.: "No, this is basically for parochial and private schools."

Black: "Okay. The Fiscal Note on this Bill indicates about a \$7 million loss in state revenue which would translate to about a three and a half million dollar loss to the public Common School Fund. Is... You know, I'll defer to your judgment. I'm not sure that's a real good idea in this year, but you've obviously looked into this and I assume this is going to mostly impact Chicago parochial schools. Would that be a fair assumption?"

Moore, E.: "Parochial schools we are referring to, Representative Black."

Black: "So then I would assume that these charitable games are put on by a diocese or a church group. If it's going to go mostly to parochial schools, then these games would be run by like a parish organization or something? That's the idea?"

Moore, E.: "Yes, that's... Yes, primarily, but not exclusively."

Black: "Okay. In the underlying Bill do you define the education of children?"

Moore, E.: "Whatever the Department of Revenue would actually audit it as."

Black: "I'm sorry, Representative, I was talking to staff and I

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didn't hear your answer."

Moore, E.: "Whatever the Department of Revenue would actually audit it as."

Black: "Well, are we leaving the definition of education of children up to the Department of Revenue?"

Moore, E.: "Yes, in this particular case."

Black: "Okay. Staff informed me that the Department of Revenue says, literally anything would have meet the definition. A DARE program, maybe a scout troop or anybody that does anything for children. A boys and girls club."

Moore, E.: "Yes."

Black: "So you're not going to just limit this to schools? It could be quite a bit beyond what we would know as a K-12 school. Right?"

Moore, E.: "Yes, you're correct, Representative Black."

Black: "Okay. Well, thank you very much, Representative. I appreciate your answers."

Moore, E.: "Okay, thank you."

Speaker Hannig: "Just an announcement. There's been a change in our schedule. The House will, if all goes well, adjourn at 8 o'clock tonight. The Gentleman from Kane, Representative Hoeft, is recognized."

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

Speaker Hannig: "He indicates he will."

Hoeft: "Last night we passed House Bill 999 which the fiscal impact could not even be estimated, but maybe in the vicinity of \$200 million in order to give a tax relief to the parochial school parent. We're removing \$5 million or such from the state coffers with this Bill. We're looking for trying to create a technology initiative for the parochial schools so they get technology, the T-lines, the computers. We have the parochial schools asking for

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greater inclusion in the textbook loan program.

Representative, where are we going to get the money?"

Moore, E.: "Representative, basically what we are doing here, is we're cutting taxes. That's what we are actually doing. For organizations that deserve some type of relief for education and this is a way that they can actually get the relief, by having these types of games. So, therefore, that's why we're doing it in this particular area. We're not asking the state in this particular situation to give us any funds. All we're asking here, in this case here, to allow us to continue to have these types of games and then we took a cut from that particular situation. More funds will be going for those types of charitable organizations that will be help funding education."

Hoefl: "You're asking for a reduction in the revenue flow to the state. Correct?"

Moore, E.: "Yes."

Hoefl: "How are we going to replace that because we need so much more money because of the programs we have done already to aid these schools? We can't go both ways. We got to have to ask the question, where are we going to get the money?"

Moore, E.: "Well, hopefully not off the backs of these wonderful organizations that are trying to fund education privately."

Hoefl: "I want to reemphasize, we're passing promises, folks, and the promises are empty unless we're real sincere about finding revenue sources. And everyone that does this has got to look in their gut and say, will they have the ability or the courage to then find the resources to pay the public schools, private schools and the parochial schools? This is another enhancement by reducing taxes. It's another problem that we're going to have when we get down to the end and try and create education funding

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reform. Think about it. We can't continue to reduce resources. We can't continue to increase the flow of money out without substantial tax increase. Think about it."

Speaker Hannig: "Just a further announcement. I'm informed that the firefighters will be providing us with food about 7:30 and that will be over in the east hallway. So our friends at the firefighters will have some food here at 7:30, quarter till 8:00 in the east hallway. Representative Biggins is recognized."

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

Speaker Hannig: "He indicates he will."

Biggins: "Representative, I supported this measure in Revenue Committee, but I got a question that's come up and I hope you can answer it for me. The proceeds from this type of gambling, my understanding is that they currently go to the Common School Fund and Mental Health Programs. Is that your understanding as well?"

Moore, E.: "Yes."

Biggins: "So, if we vote for this..."

Moore, E.: "I understand it goes to the Common School Fund and then basically the other fund, the Bingo Fund, goes to the Common School Fund and 50% goes to the Mental Health Fund, as well."

Biggins: "So if we vote for the Bill, we're voting to remove monies from those two funds. Decrease their revenues."

Moore, E.: "I believe it certainly does reduce some of their funds, but they still go for the same purpose, educating our children."

Biggins: "Yeah, but there will be less monies for those purposes. All right, you've answered my question. Thank you."

Speaker Hannig: "Is there any further discussion? Seeing none, the Gentleman from Cook, Representative Moore, to close."

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Moore, E.: "You know, basically, the organizations currently... You know, we're already paying taxes for these. All we're doing is asking for a little bit more funds to go to these charitable organizations so they can help fund their schools. And in this particular case I certainly hope that we can support this idea, so, therefore, more of our children can go to schools, we won't be closing down the schools and I hope for an 'aye' vote if you possibly can. I thank you for this opportunity to deal with that. Thank you, Ladies and Gentlemen."

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 41 voting 'yes' and 76 voting 'no'. And this Bill, having failed to receive a Constitutional Majority, is hereby declared lost. Mr. Clerk, read House Bill 2256."

Clerk Bolin: "House Bill 2256. The Bill has been read a second time, previously. Floor Amendment #1, offered by Representative Erwin, has been approved for consideration."

Speaker Hannig: "Representative Erwin."

Erwin: "Thank you, Speaker. House Amendment #1 to House Bill 2256 attempts to address some issues raised on another Bill, House Bill 395. House Bill 395, which we debated last week, is the product of the Attorney General's Task Force on Violence Prevention of which Representative Tom Johnson was a member. Representatives Turner and Brunsvold raised a couple of issues and the Attorney General's Office and the Sponsors have worked since last week to attempt to address those questions at which I would like to go through with you. Number one, if you recall the Bill deals with

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trying to prevent access to handguns to minors at home. So the goal here is to try and help parents or help motivate parents to at least keep handguns in a safe place at home when they are not present. The issue was raised as to a minor who might, because he or she hunts with a parent, have a FOID Card, and so, we have changed in this Amendment the definition of a 'child' which I'd like to read for you. The new definition is that a child means 'a person under 18 years of age, other than a person holding a valid firearm owners identification card, or a person under 21 years of age who has been convicted or adjudicated delinquent for a violation of a FOID Card Act.' So we are presuming here now that if a parent has approved a minor having a FOID card, that that minor has indeed gone through gun safety training. The second change deals with what the definition of is in terms of what a secured storage would be. I think Representative Brunsvold raised the issue that we had delineated very specific storage requirements and that, in fact, maybe a parent might have a safer place in the home to make a handgun inaccessible, but not one of the three delineated procedures. And so, we have changed that so that, and I will redo the language, that a parent would violate this by knowingly leaves a handgun on the premises that is not stored in a secure manner so as to make the handgun inaccessible to a child or rendered inoperable. For purposes of this Section, stored in a secure manner includes but is not limited to storage in a locked box, storage in a safe or storing with a cable lock. I ask for your approval for this Amendment and I think we have, as best we can, attempted to address those concerns. Thank you."

Speaker Hannig: "And on the Amendment the Representative from

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Vermilion, Representative Black."

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

Speaker Hannig: "State your inquiry."

Black: "This Amendment, we've seen this Amendment before on House Bill 395 and it hasn't changed a great deal, and that Amendment and Bill was put on Postponed Consideration. Here we are, 50 minutes from adjournment, at least I hope so, and we're... this is a very strange way to circumvent the Postponed Consideration Calendar. Now here we are in a... what is suppose to be 50/50 proposition. You've called 35 Bills today of Democrats, 14 Republicans, and now I have to sit here and listen to an Amendment that's been defeated once already. Now that isn't right. Now, my Inquiry of the Chair is, did this Amendment pop out of Rules and come directly to the Floor cause it's already been beaten once?"

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

Erwin: "I actually can answer that if the Clerk is not..."

Speaker Hannig: "Let the Clerk answer that question, Representative."

Erwin: "Okay."

Black: "Excuse me. What happened to the Clerk's voice? Are you alright, Mr. Clerk?"

Clerk Bolin: "The Amendment was approved by the Judiciary Committee."

Black: "Is approved by what?"

Clerk Bolin: "The House Judiciary II Committee."

Black: "Oh, so it did go to committee?"

Erwin: "And, Representative Black, the..."

Black: "Wait a minute! Wait a minute! I have the Floor here!"



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Speaker Hannig: "Yes, let Representative Black..."

Black: "Wait a minute!"

Speaker Hannig: "Representative Black."

Black: "Like, what is this, we're in a moot court here or something?"

Speaker Hannig: "No. Representative Black, would you state your point?"

Black: "My point is, this Amendment, there isn't one dime's worth of difference in a Bill that's already been defeated. This is a sneaky, backhanded, underhanded way to circumvent Postponed Consideration. Now I've got a Bill that you won't even call. It hasn't even been called on Third Reading and I have to sit here and make the same arguments on this Amendment that I made a week ago. That's not right. It isn't fair. Now, this should be taken out of the record. Let's get to some Republican Bills that haven't even been called. This is not right. I am shocked and appalled at this underhanded means to circumvent the Calendar. Now, Mr. Speaker, where's the fairness? Where is the 50/50? Now come on, let's get out of here. That's right. This isn't right."

Speaker Hannig: "Mr. Black."

Black: "What? No!"

Speaker Hannig: "Representative Black, the Lady is within her rights to ask for the adoption of this Amendment and you would be within your rights to oppose it."

Black: "We're not talking about rights here, we're talking the General Assembly."

Speaker Hannig: "Representative, we're talking about the Rules of the House and the Lady is within the Rules of the House..."

Black: "Well..."

Speaker Hannig: "...to offer this Amendment."

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Black: "Now that you put it that way, you're right. It's within the Rules of the House, so she's going to pursue with this Amendment?"

Speaker Hannig: "And you have the opportunity, within the Rules of the House, to oppose this Amendment."

Black: "And I will hold you to that. I will hold you to that because I intend to use the Rules of the House so I can speak against this Amendment."

Speaker Hannig: "Absolutely. And, and for that purpose you're recognized, Representative Black..."

Black: "All right."

Speaker Hannig: "...on this Amendment."

Black: "And this time will not be used against me?"

Speaker Hannig: "Absolutely. Speak on this matter, Representative Black. Representative Black, on the Amendment."

Black: "This Amendment is almost identical to one that was killed earlier on in the Session. Some of us have Bills we can't even get called on Third Reading. Absolutely. Listen to those people on the other side of the aisle, they're positively brilliant. They want to vote on my Open Primary Bill. I know they do. Ladies and Gentlemen of the House, you know, I hold the Sponsor of this Amendment in the very highest regard. Truly I do. An absolute brilliant Representative. But at some point in the process, could the General Assembly get out of my house? Will you let me run my family? Will you let other parents run their families? If you honestly think government can do all of these things and triumph and prevail, where have you been for the last 50 years? When somebody gets in trouble or an accident happens, how many times does somebody say, oh, my God, call a Legislator? Don't call 9-1-1, call a

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Legislator. Better yet, quick, run out and get a statute book cause I think we just violated the law. Can we just get serious? Responsible adults must take responsibility for their actions, the things they keep in the home. What's next? What's next, a bleach bottle? I think there should be a lock on bleach bottles. I know, I know for a fact people have been poisoned by drinking bleach. I know a story of a youngster who fell into a washing machine. It was a terrible, terrible thing. The spin/dry cycle darn near killed the kid. We should have locks on washing machine lids. My own son, my lack of responsibility, I didn't lock my car one night when I got home from work. Little rascal got in the car, this was before the interlock, put it in neutral, ran the car down the drive, across the street and into my neighbor's car. It cost me a lot of money, but that's my responsibility. I don't need government telling me what to do, when to do it, how to do it, and how they're going to punish me if I don't do it. Stand up for the rights of the American parent, the American family. Vote 'no'!"

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

Weaver: "Thank you, Mr. Speaker. Ladies and Gentlemen, this is a decidedly anti-gun, anti-family Bill. As the previous speaker has just indicated, the only way you're going to see enforcement of this Bill is if you have police powers walking into your house to determine whether or not you're in violation of the law. The NRA is decidedly down on this Bill. It is an anti-gun vote and you need to vote 'no'."

Speaker Hannig: "Representative John Turner."

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

Speaker Hannig: "She indicates she will."

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Turner, J.: "Representative, I think Representative Black made an awfully good point. It appears that you've amended a different Bill with the same intent as a prior measure that had failed. Why is that?"

Erwin: "Frankly, Representative Turner, it was a suggestion that another proponent had made. We were attempting to address concerns that you raised and Representative Brunsvold raised. The Attorney General's Office has worked on this language and in each instance I took Attorney General Jim Ryan's Office's language and asked Representative Tom Johnson to review it. And I will share with you that one of the reasons it's taken so long, is that Representative Johnson and I did not believe, did not believe that we had been doing as good a job in addressing the concerns you raised, which is why... which I explained in committee this morning."

Turner, J.: "Well, Representative, my question was you had a prior Bill. You could have just as easily amended that and it appears, frankly, that Representative Black is correct, that this is nothing but a subterfuge in order to call a Bill a second time without having to go to the Order of Postponed Consideration. What was the prior Bill? What was the prior Bill number that failed in this House?"

Erwin: "Representative, I stated that in my opening. I stated that we had discussed this Bill on the Floor and debated House Bill 395. It is, indeed, on Postponed Consideration. It, frankly, was a suggestion of a Member of your party that we look for another Vehicle Bill and try and see if we could find some language which would address the concerns that you and other opponents raised. And I must tell you that the reason it's taken a week, is that Representative Tom Johnson and I demanded of your Attorney General that

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they try and address your concerns in a way that we felt would address them. So..."

Turner, J.: "Representative, it's been a pleasure and honor to work with you for the last three years and I know that you are always very, very fair. And I would think that you'd want to be fair on this issue, as well, because Representative Black has hit the nail on the head. Clearly, what we've done here is amend a Shell Bill in order to rerun another Bill without going to Postponed Consideration. Now in fairness to the Republicans on this side of the aisle and you're always trying to be fair to us, don't you think you ought to pull this out of the record? Let some of the Republican Bills be called before we proceed to what is the equivalent of Postponed Consideration?"

Erwin: "Representative. Representative, you know, you are free to vote 'yea' or 'nay' on this Amendment as you did in committee. I have tried to be as straightforward on this piece of legislation. As I've said, I have been representing the Attorney General's Office on this as best I can. We have attempted to address the concerns that you raised. Rather than go through Postponed Consideration, the suggestion was made that we look for a Vehicle Bill and start with some clean language that might address your concerns."

Turner, J.: "I appreciate that, but my..."

Erwin: "I certainly meant not to circumvent this process, which I have a great deal of respect for."

Turner, J.: "My query is, in the sense of fairness, don't you want to be fair to this side of the aisle? Why do you want to run a Bill again? It's the equivalent of Postponed Consideration. Why don't you take it out of the record and

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why don't we call some Republican Bills? This is totally unfair to the Republicans in this Chamber to call this Bill again when it's already been run once. My question is one of fairness. We haven't even got to the Bill yet."

Erwin: "Representative, we've looked for every Republican Bill we possibly can. If there's a Republican who would like to Sponsor this Bill, I would be happy to give them the lead sponsorship if they can pass it."

Turner, J.: "Representative, is the answer to my question 'no'? Then you're not going to take this out of the record?"

Erwin: "The answer is 'no', but you know I'm always fair, Representative Turner. I will not take..."

Turner, J.: "My confidence has been shaken."

Speaker Hannig: "Representative Tom Johnson."

Johnson, Tom: "The price of friendship gets steeper every day. Now Representative Erwin has used my name, I think three or four times, and very loudly. I want my side of the aisle to know, first of all, it was not me who suggested she find a Vehicle Bill to put this Amendment on. Now, so somebody on my side of the aisle was negotiating with her. Now I want to know who that was? Was it Representative Black? At any rate, so we got that clear. Secondly, I believe that Representative Erwin and the Attorney General's Office did a very, very good job in basically watering this Bill down quite substantially, but still covering the issue at hand, and that is the issue of leaving handguns in very conspicuous spots in your house where a young child can pick that up or tell his friend to come over after school and let's play with a gun. Now, Representative Weaver indicated that this was very anti-family and that NRA was very, very opposed to this. I suggest that that's not the case, that NRA did not take a position on this in committee

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today, nor did they take a strong position on it when it was in its other form. I think that this is a good Amendment. I disagree with the Sponsor of this Amendment in terms of trying to go around the whole Postponed Consideration thing, when, in fact, there are Bills that this side of the aisle would like to have had called and heard and, in fact, today that's not the case. But if, in fact, she is going to persist on this Bill and not take it out of the record, I'm going to support this Amendment and I'd urge my colleagues in the House to do likewise. I think this is very sane. This is not inviting the government into your house or anything else. This is a matter of pure common sense when it comes to our children and handguns, and especially in the urban areas where it impacts many, many lives very unfairly."

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

Stephens: "Well, thank you, Mr. Speaker. I had to be off the Floor for just a minute and I came back in and Representative Black was having a heart attack and I couldn't understand why he was getting so upset. I thought we'd gone back to the Order of Postponed Consideration. That would cause us to be upset. But it's just as bad. Gone back to the Bills that are on Postponed Consideration, wrap them up in an Amendment, call them something else, find a vehicle, have that Amendment called directly on the House Floor or by committee. I don't know if this went to committee or not, but I would suggest that whatever you call it, it should be characterized as unfair. There... you know, we can start to discuss each of these Bills at length. We can start to require procedural matters be handled in other matter... manner. We have enough Members on our side of the aisle that if we wish to call for oral

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verification for a voting, we can do that. I don't want to get into that. We are wasting our time. The only purpose of getting into those particular procedural maneuvers is to accentuate how your leadership is wasting the state's time and the state's money by continuing to keep us here to do little or nothing for 13 hour days. Now, we're willing to stay here as long as you are, but maybe to help you understand that I'd like to ask for a verification should this Amendment get the requisite number of votes."

Speaker Hannig: "You'll be recognized for that purpose."

Stephens: "And I will... excuse me... And I require... Excuse me. I request of the Speaker a Roll Call vote on the Amendment."

Speaker Hannig: "Yes, both of those requests will be granted, Representative. Representative Deering."

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

Speaker Hannig: "She indicates she will."

Deering: "Well, Representative, what happens in a situation where my son or daughter is under the age of 18, I live on a farm in a rural area of the state, somewhere other than the City of Chicago and they want to go hunting. They have a valid FOID card. Can they do that legally?"

Erwin: "Yes, Representative. As I explained, what this Amendment does is redefine the term 'child' for the purposes of this Act, and a 'child' means other than a person holding a valid firearm owner's identification card."

Deering: "Representative, my analysis tells me the same analysis that I'm sure you have, that a safe storage violation occurs when a parent or guardian leaves a child, as defined above, on the premises without supervision by a person at least 21 years old. Now, that tells me that if my son or daughter's hunting on my property and I'm not with them and



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or someone over the age of 21 isn't with them, that they are in violation of this language."

Erwin: "No, Representative, and our staff person is handing you the Amendment and I apologize. I walked through the changes with Representative Brunsvold. The example that you're using is not pertinent to this. We're only talking about handguns in a home and in the possible negligent storage of a handgun. This doesn't have anything to do with hunting and it frankly, now, omits a minor who is in possession of a FOID card."

Deering: "Well, doesn't it... The way I read the language, it doesn't distinguish anything between hunting or storage."

Erwin: "Representative, the section is, you'll notice on line 11 of the Amendment, it is the 'unlawful storage of a handgun'. This section may be cited as the safe storage law. This has nothing to do with hunting. It has nothing to do with guns that are used routinely in hunting. We are speaking only of handguns in a home and we have now deleted minors who are in possession of a FOID card."

Deering: "I beg to disagree with your answer because it's not the way I read the Amendment or the analysis, so I guess we'll have to see what the votes are."

Speaker Hannig: "Representative Myers."

Myers: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think what we're seeing right now is a breakdown of the structure of how we're operating in this House. We started out at the first of this Session with a pledge from the other side of the aisle that we were going to have fair treatment for the Republican side of the aisle. We were going to call Democratic Bills, we were going to call Republican Bills. They were going to be equal. Everyone was going to have a fair shot at their legislation. We

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have seen an erosion from one day to the next day, to the next day, to the point where right now we're, for today's record, we have passed two to one Democratic Bills over Republican Bills. We have heard two to one and that is unfair. All that we're asking for is fairness. Representative, I have supported your Bill in the past, I plan to support it now, but in all fairness there are Republican Bills that could have been called. This was not a burning issue that you should step around the process. Your Bill was on Postponed Consideration. I was willing to support voting for it again. However, I think that what you're doing is unfair. You're circumventing the... you're circumventing the process and I think we should get back to fairness. I have a Republican Bill I'd like to have called. I know there are other Members here that would like to, too."

Speaker Hannig: "Representative Erwin to close."

Erwin: "I ask for your support. Thank you."

Speaker Hannig: "The question is, 'Shall the Amendment be adopted?' 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 43 voting 'yes', 72 voting 'no' and the Amendment fails. Any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hannig: "Representative Gash, do you wish to move the Bill to Third? Mr. Clerk, hold the Bill on Second Reading. Mr. Clerk, read House Bill 2188. Representative Kubik."

Clerk Rossi: "House Bill 2188, a Bill for an Act in relation to taxes. Third Reading of this House Bill."

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

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1776."

Clerk Rossi: "House Bill 1776, a Bill for an Act concerning public records. Third Reading of this House Bill."

Speaker Hannig: "Out of the record. Representative Lang, for what purpose do you rise?"

Lang: "Well, thank you, Mr. Speaker. Perhaps Mr. Kubik would like to transfer the sponsorship of some of his Bills to Democrats."

Speaker Hannig: "Mr. Clerk, read House Bill 1622."

Clerk Rossi: "House Bill 1622, a Bill for an Act amending the School Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Phelps."

Phelps: "I guess. Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. 1622 amends the School Code. It authorizes a certain elementary school district in Johnson County, has met the specified criteria to issue bonds of construction of a new elementary expansion onto the present facility, and they have met their maximum capacity and excluding existing indebtedness, have not exceeded 18 percent of the EAV of taxable property of the district. And we are asking that we give authorization for the voters to go to the polls to pass bonds so that they can expand the facility to meet the overcrowding needs of this elementary school district in Johnson County. Be glad to answer any questions."

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

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

Speaker Hannig: "He indicates he will."

Black: "Representative, this is for a specific school in your district, is it not?"

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Phelps: "Yes, it is, Representative."

Black: "And as I recall, and, you know, and I have schools in my district that are equally in dire straights, but do you really think it's a good idea to allow a bonded indebtedness to go as high as you're asking for in this Bill? You know, you're asking that they bond themselves into debt at almost 20% of their total EAV."

Phelps: "I know, it's a shame isn't it, that we've come to that? That we can't provide even the resources and the tools for local school districts to help themselves even if they're willing. But what this doesn't do, Representative Black, and I know you're not meaning to say that it doesn't, but this gives authorization for the voters to say if they want to. However, the School Bonding Construction Bill that I believe you supported, that I passed out of here, 487, addresses this very problem and says that the very worst schools that would get attention from us in the way of authorizing school GO bonds would be those that have reached this capacity. And it is ridiculous that they have to go beyond this 18%, but we're asking it to be a front door referendum and the voters decide."

Black: "Well, thank you, Representative. Mr. Speaker and Ladies and Gentlemen of the House, there's no question in my mind that the Gentleman is sincere and wants to help his district. And I think he's done that by passing out the bond issue that is over in the Senate, and I hope, meeting with a warm reception. But if you just look at what this Bill does, even though there's a referenda, up front referenda provision in it, you're allowing a taxing body to bond themselves into debt at a rate of 18% of their total EAV. And even though they may be in such dire straights, they would pass the referendum. That is a tremendous debt

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load which I would fear the district may not ever be able to get out from under. I don't think any of you would accept a loan under these conditions. I don't think you would make it. I don't think it's sound economic policy. I did stand with the Gentleman on his Bond Bill, but even though I have no doubt that the district needs to do this, this is an extremely high debt to asset ratio. I don't think it's good public policy. A 'no' vote may very well be in order."

Speaker Hannig: "Representative Biggins."

Biggins: "Thank you, Mr. Speaker. I've had my light on several minutes and I'd like to speak on a Point of Personal Privilege on a very important subject, the Teacher's..."

Speaker Hannig: "On a Point of Personal Privilege, yes."

Biggins: "The Teacher's Retirement System, from today's paper, may have taken as much as a \$266 million loss, it verified, and if we had created a public investor task force we could have been able to prevent this in the future for these systems and other... those investing government funds. So I would ask the Chair before you call anymore Bills that don't pass on their second try, to look at a Republican Bill, House Joint Resolution 8, that creates the Public Investor Task Force so we can get about the task force created get their work done and they save funds like the Teacher's Retirement System from further huge losses, Sir. Would the Chair please consider that?"

Speaker Hannig: "Yes, we'll take that under advisement, Representative. Thank you. Representative Cross."

Cross: "Thank you, Mr. Speaker. In the event this Bill gets the requisite number of votes we request a verification."

Speaker Hannig: "Yes. Representative Deering is recognized."

Deering: "Thank you, Mr. Speaker. To the Bill. I know the

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previous speaker requested a verification and on behalf of the Bill, I want the people on that side of the aisle to remember we did the very same thing for a school district in my district-mate's district this past year and it flew out of here just almost unanimously. So keep that in mind when you vote on this Bill."

Speaker Hannig: "Representative Phelps to close."

Phelps: "Thank you, Mr. Speaker. Real quickly. Representative Deering brought to your attention this very type of thing was done last year for another district. Representative Woolard's had it up before you. Representative Brunsvold has had something similar to this. If not recently, a couple of three years ago. This is only asking for the voters to have a chance to see if they want to go into this type of indebtedness, and right now, folks, we haven't given them any choice. We build prisons free, but we ask them to pay this kind of price to expand the schools for the kids. Need your help."

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 47 voting 'yes' and 64 voting 'no'. Does the Gentleman request Postponed? The Gentleman requests Postponed. So ordered. Representative Biggins. Representative Biggins is recognized. Representative Biggins, on your last request could you point out to the Chair where that is on the Calendar?"

Biggins: "It's listed as House Joint Resolution 8. Page 28, Sir."

Speaker Hannig: "Mr. Clerk, read House Bill... Mr. Clerk, House Bill... Joint Resolution 8. Representative Biggins."

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Clerk Rossi: "House Joint Resolution #8, offered by Representative Biggins. Floor Amendment #2, offered by Representative Biggins, has been recommended for adoption."

Speaker Hannig: "On the Amendment, Representative Biggins."

Biggins: "Thank you, Mr. Speaker. The Amendment changes a few words which references to certain pages and on page 1 on line 7, by replacing one word 'but' with another word 'but the General Assembly Members of the task force'. It involves the fact that the General Assembly Members would not be paid for serving on the task force. I would urge the adoption of the Amendment."

Speaker Hannig: "Is there any discussion? 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: "Representative Biggins is recognized on the Resolution."

Biggins: "Thank you, again, Mr. Speaker. House Joint Resolution 8 is bipartisan supported, as you can see up on the board, was suggested by our State Treasurer and we introduced a measure. Subsequent to that, within days Mercury Finance Company took a terrific loss in their stock portfolio and those funds were public funds heavily invested in that fund. So right now there is no standard for investing in public funds throughout our state. This Bill creates a task force that would be under the supervisory of the State Treasurer of our state and would seek to find an established policy so that the public can find out where their funds are being invested. It's not to direct the management of those funds, but as we saw today, with the loss to the Teacher's Retirement System, a lack of formal state policies and guidelines can continue to create

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investors who may or may not be very sophisticated in the way they manage these funds. Now we'll still learn more about the Teacher's Retirement System today, we'll learn more in the future as to how it happened, but the point is to grant a task force created, get it working, get a report back to the General Assembly by the end of this calendar year and create standards by which public investing funds, public funds can be invested. Right now, additionally, last year we passed a Bill that would allow our public funds to be invested internationally. Before that, they could not be. Now you could just imagine what the investors in charge of these funds, that these funds could be invested in anything at all. And I'll make a specific reference, but things that the public might not know that they would be investing in. Things that the public might not wish that their tax monies would be used for investment. So I would be glad to answer any questions from any Members on the Resolution."

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

Skinner: "Yes, I wonder if the Sponsor is aware that Joseph Spagnolo is a member of the Teacher's Retirement Fund Board and oversaw this loss of money for retired teachers in the State of Illinois?"

Biggins: "I'm aware of that and I hope to meet with the Superintendent this Monday when he appears at the Legislative Audit Commission."

Skinner: "Do you think that he was unable to provide sufficient oversight because he was too busy hiding printouts of the school aid formula changes that he's done for the Governor's Office?"

Biggins: "I'm not aware of that. I'll have to find out when I



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talk to him."

Skinner: "But refuses to give to us... I mean, we're only ordinary Members of the General Assembly whose vote that he needs and the Governor needs to pass this school aid formula change. Could you inquire of him, if he has time, perhaps, to give us each a copy of the printout that was given to the so-called gang of eight this morning?"

Biggins: "I'll be happy to ask him that Monday."

Skinner: "Well, perhaps he's heard it over the radio."

Speaker Hannig: "The question is, 'Shall the adoption... shall the Resolution be adopted?' 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' and 0 voting 'no' and the Resolution is adopted. We will now go to the Order of Second Readings. Mr. Clerk. Mr. Clerk, read House Bill 19."

Clerk Rossi: "House Bill 19, a Bill for an Act... This Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Representative Novak, are you indicating to move the Bill? Move the Bill, Mr. Clerk. Third Reading. Representative Dart on House Bill 43. Do you wish to move that Bill? (sic-House Bill) 63? Do you wish to move that Bill, Representative Dart? (sic-House Bill) 64? Mr. Lang on House Bill 169. Do you wish to move the Bill? He does not. Representative Saviano on (sic-House Bill) 171. Is the Gentleman in the Chamber? He is not. Representative... Representative Black, for what reason do you rise?"

Black: "Now, Mr. Speaker, in all due respect to you in the Chair, you've just called five Democrat Bills that they either

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weren't on the Floor or they aren't going to move to one Republican Bill. And he, evidently, didn't want to run his Bill either. I really think what you're doing, you're having a hard time finding anything to call and you've done yeoman work, Mr. Speaker. You've run more Bills in the last two weeks than I ever thought possible. Now you're just really digging deep to find Bills and nobody even wants to call what you come up with. Come on, let's just go home. Come on, the firefighters are here. The firefighters are here. There's a little bit of daylight out there. We're all tired. We're all tired. We need to go home. Nobody wants to call any Bills tonight. If my colleagues on the other side of the aisle will just join with me and show a little solidarity, we could get out of here."

Speaker Hannig: "Representative Black."

Black: "Let's go home."

Speaker Hannig: "Representative Black, the Chair intends to go down the Calendar, try to move Bills from Second to Third till the hour of 8:00, at which time we will adjourn. Representative Dart indicates he wants to move House Bill 64. Representative... Mr. Clerk, call the Bill."

Clerk Rossi: "House Bill 64 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Dart, has been approved for consideration."

Speaker Hannig: "Representative Dart."

Dart: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #1 deals with the records in cases when children have been killed in the custody of the Department of Children and Family Services. We've attempted to work out language here which would allow for the access of the

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information so that it does not become bottlenecked, so that people can access information when a child's been killed in custody. And that's the thrust of this Amendment. I would appreciate a favorable vote."

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

Black: "Thank you very much, Mr. Speaker. Inquiry of the Chair. The Amendment is not on the technological marvel and I don't have a paper copy. I have no idea what this Amendment does."

Speaker Hannig: "Mr. Clerk."

Black: "Can somebody at least give me a copy?"

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

Black: "Turn the clock off. It's up to... the Clerk's wasting my time."

Clerk Rossi: "The Floor Amendment is on the... Representative Black's technological wonder, there."

Black: "Wait just a moment. I'm getting a little help here. Ah, there it is. Will the Sponsor yield?"

Speaker Hannig: "He indicates he will."

Black: "With my platitudes to the Chief Clerk of the House. Yes, Representative Dart... I'm sorry, was this... did he say this was your 64th Bill or Bill #64?"

Dart: "No, it's House Bill 64. It's not my 64th... I did have a little catching up to do after the two years where I was 0 for... let's see, 1996 and 0 for 1995. So I had a little catching up to do here."

Black: "Well, Representative, we tried to help you. Your friends on that side of the aisle wouldn't vote for any of your Bills. We did our best to help you, but that's past

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history."

Dart: "No, no, no, no, no. I had a lot of friends on this side last year."

Black: "No, I don't remember that. But anyway, what... what does this Amendment do? Does this Amendment become the Bill?"

Dart: "Yes, the Amendment becomes the Bill. And what it is, is that in cases where children are killed who are in the care of the Department of Children and Family Services, there's investigations that are done. Unfortunately, right now, a lot of that information is not being disseminated to the proper authority so that they can do something about what killed the child. And so this is an effort to try to open those records up so that individuals who may have had involvement with the death of the child can change the course of conduct that led to it."

Black: "Okay. I'm just curious as to... your Amendment says that no later than six months after the date of the death and that's always a tragedy, seriously, that DCFS shall complete it's report and then give a copy to the President of the Senate and the Speaker of the House. Why not the Minority Leaders? I mean, were they just left out?"

Dart: "Yes, that was brought up in committee and the department and myself agreed that this is something that if... we can change this in the Senate."

Black: "Is DCFS in agreement with your Amendment?"

Dart: "Yeah, there was one other... We both agreed that we can have the reports sent to the Minority Members as well. That was an oversight in the drafting that they said that we can take care of in the Senate. And then there was one other concern about the opening of the unfounded reports, that we were going to tighten that somewhat. But we were still negotiating that and they felt that we could handle

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that over in the Senate."

Black: "Okay."

Dart: "But they are supportive of it, though."

Black: "Okay. Well, I know as hard I worked to help you pass Bills in the last two years, this is a good Amendment."

Speaker Hannig: "Representative..."

Dart: "Thank you as always."

Speaker Hannig: "Representative Stephens. Representative Stephens."

Stephens: "Well, thank you, Mr. Speaker. Inquiry of the Chair."

Speaker Hannig: "Yes, state your inquiry."

Stephens: "I wonder when we'll be going to Motions in writing. I know Representative Black's a little upset tonight and, you know, I think to calm his nerves... Motions in writing include Motions by folks who have voted on the prevailing side, mostly of winning issues. For instance, House Bill 720. Passed out of here unanimously and yet a Motion was filed by the prevailing side to reconsider the vote by which this Bill passed. I concur with that Motion. These are..."

Speaker Hannig: "Representative..."

Stephens: "...bipartisan Motions that could let us leave here tonight in a spirit of cooperation. Warm, fuzzy, lovey-dovey kind of stuff."

Speaker Hannig: "And I thank you..."

Stephens: "So why don't we go to that Motion?"

Speaker Hannig: "We will probably take that up tomorrow."

Stephens: "Tomorrow's not a good lovey-dovey day."

Speaker Hannig: "It could be. On the Amendment all in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

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Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 425. Representative Cross? Out of the record. Representative Deering on 484. Representative Deering, do you wish to move (sic-House Bill) 484? Out of the record. Mr. Clerk, read House Bill 1451."

Clerk Rossi: "House Bill 1451. The Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Burke, has been approved for consideration."

Speaker Hannig: "Representative Burke."

Burke: "Thank you, Speaker. This Bill will continue the water reclamation district statutory non-referendum bonding authority beyond the present expiration date of December 31st, 2001 for 10 years. And that's what the Amendment did, it changed the authority from an unlimited term to a 10 year term. This legislation is crucial to the continuation of the water reclamation district's mission to protect residents by providing clean water and eliminating sewage, predominately in the City of Chicago and Cook County. This legislation would affect 550thousand home owners in the greater Chicago area and I would ask for the Body's favorable consideration."

Speaker Hannig: "And on the Amendment, Representative Black."

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

Speaker Hannig: "He will."

Black: "Representative, the current sunset date of these bonds is a number of years away. It's 2001. Why so many years out are we advancing... or moving the sunset debt... Yeah, I'll get it in a minute. Why are we moving the sunset date so far in the future, when the current sunset date is four and a half years away?"

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Burke: "You might know better than I, Representative, but I believe that it would require this advance action to ensure their ability to sell the bonds."

Black: "Well, it's very hard to hear in here, Representative, and I'm not sure what we're doing. Are you really sure what we're doing here?"

Burke: "I am sure that I'm trying to protect 550 thousand people in the greater Chicagoland area from having their basements flooded."

Black: "How much is this going to cost those 550 thousand people? Don't they have to pay taxes on this for a lot more years now?"

Burke: "The district's non-referendum debt limit is 3.35% of the equalized assessed valuation and it gives a debt limit of 2.3 billion."

Black: "That is an extremely large amount of money. Is there a particular reason why... I'm not sure I understand this."

Burke: "Maybe, let me tell you what communities this legislation would affect, Representative."

Black: "Yes. Yes, please."

Burke: "The Popular Creek Watershed, The upper Salt Creek Watershed, the Buffalo Creek Reservoir Expansion, the Buffalo/Wheeling Diversion Channel, the Lateral Storage Area Ten. This is the entire greater Chicagoland metropolitan area. As I said several times, there are 550 thousand citizens of the State of Illinois that would be affected by this continuing operation of the water reclamation district. This legislation is crucial to the continuation of the water reclamation district's mission."

Black: "And you said this takes care of the Buffalo Creek Project?"

Burke: "Yes. Yes."

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Black: "And the..."

Burke: "Buffalo Creek Reservoir Expansion."

Black: "And you said the Salt Creek?"

Burke: "Yes, Sir."

Black: "Well, I feel a little better knowing that those two are in there, but my fear is, Representative, that should your Bill pass, the sun may never set on the bonded indebtedness of the metropolitan water reclamation district."

Burke: "Well, it would set, Representative. It'll set 10 years as the legislation asks for."

Black: "Ten years from the time it passes?"

Burke: "It'll be 2011. The year 2011."

Black: "So it's extending it 10 years from the current sunset date of 2001. Right?"

Burke: "That is... that is correct."

Black: "Yes, and since the sun is obviously set today and we can't go out and do anything, I suppose we might as well run this Amendment. I'm very concerned about it. I'll tell you right now, if the Buffalo Creek thing wasn't in there, no way would it get my support. But since Buffalo Creek is in there, which I think protects Buffalo Grove, I stand convinced. This is a... I wouldn't go so far as to say it's a wonderful Amendment, it still doesn't make any sense to me. But anybody from the City of Chicago who wants to protect Buffalo Grove is okay with me."

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. We have some announcements before we adjourn tonight at 8:00 a.m... 8:00 p.m. The Energy and Environment... no, excuse me. The State



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Government Committee will meet in Room 122B and tomorrow morning at 8:00 a.m. the Energy and Environment Committee will meet at Room C-1. At 8:30 the Transportation Committee will meet in Room C-1. At 8:45 the Agriculture Committee will meet in Room 122B and at 8:45 the Executive Committee will also meet in Room 118. Representative Currie now moves that allowing Perfunctory time for the Clerk, that the House stand adjourned until tomorrow, Friday, April 25th at the hour of 9:00 a.m. All in favor of the Motion say 'aye'; opposed 'nay'. The 'ayes' have it and the House stands adjourned."

Clerk Rossi: "House Perfunctory Session will come to order. Introduction and First Reading of Senate Bills. Senate Bill 373, offered by Representative Lindner, a Bill for an Act concerning local government referenda. First Reading of this Senate Bill. Introduction of Resolutions. House Resolution 126, offered by Representative Gash; House Resolution 127, offered by Brosnahan; House Resolution 129, offered by Representative Ryder; House Resolution 130, offered by Representative Gash; House Resolution 131, offered by Representative Giglio; House Joint Resolution 21, offered by Representative Capparelli. There being no further business the House Perfunctory Session will stand adjourned."