

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

50th Legislative Day

April 25, 1997

Speaker Madigan: "The House shall come to order. The House shall come to order, the Members shall be in their chairs. We shall be led in prayer today by Reverend Richard Hynes from the St. John of the Cross in Western Springs. Reverend Hynes is the guest of Representative Eileen Lyons. The guests in the Gallery may wish to rise and join us in the invocation."

Reverend Hynes: "All mighty God, You have gifted the State of Illinois with Abraham Lincoln, a giant of a civil servant. He taught us, that divided we fell, united we serve. He taught us that men and women govern only with the consents of the governed. He taught us that elected officials must be found worthy of the esteem of the voters. Almighty God, bless the work of the House today, April 26, 1997. May their deliberations today, deepen and broaden the unity of our state. May their deliberations today, be bold and courageous resonating in the consent of the governed. May their deliberations today enhance their personal integrity. May these men and women deepen their conviction that character manifests itself in doing the right thing, when no one is looking. Almighty God, we entrust the work of the House, this day into Your hands. And, at the end of the day, may these elected officials turn toward You in gratitude and humility for any accomplishment granted. Amen."

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

Hartke: " - 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."

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

50th Legislative Day

April 25, 1997

Hannig: "Yes, thank you, Mr. Speaker. Will the record reflect that Representative Tom Dart is excused today?"

Speaker Madigan: "Let the record reflect that excused absence. Mr. Cross."

Cross: "Obviously, our side is broken up about the excused absence of Representative Dart. We are all here today, Mr. Speaker. Thank you."

Speaker Madigan: "Have all voted who wish? Have all voted who wish? The Clerk shall take the Record. There being 117 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Bolin: "Committee Reports. Representative Giles, Chairman from the Committee on State Government Administration, to which the following Bills and Resolutions and Amendments were referred, action taken on April 24, 1997, reported the same back with the following recommendation/s: 'be adopted' House Joint Resolution 18. Floor Amendment #2 to House Bill 1437. Representative Novak, Chairman from the Committee on Environment and Energy, to which the following Bills and Resolutions and Amendments were referred, action taken on April 25, 1997, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #2 to House Bill 1122.

Clerk Rossi: "The House Rules Committee will meet today at 9:30 a.m. in the Speaker's Conference Room. Rules Committee 9:30, Speaker's Conference Room."

Speaker Madigan: "Mr. Clerk. For what purpose does Mr. Brunsvold seek recognition?"

Brunsvold: "Mr. Speaker, I would like to waive the posting requirements for Senate Bill 999. I have checked with the Chairman, Representative Jones and the Spokesman on the Committee, Mr. Ackerman and they are okay on the proposal

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

50th Legislative Day

April 25, 1997

to allow the Senate Bill 999 to be heard next week in Public Utilities."

Speaker Madigan: "Mr. Black."

Black: "Thank you, Mr. Speaker. I'm confused. The Gentleman, first of all, said House Bill 999, which I think is on the Calendar, Order of Reconsideration, then he said Senate Bill 999."

Brunsvold: "I misspoke, Mr Black. It is Senate Bill 999."

Black: "What does that Bill do?"

Brunsvold: "It is a Bill that deals with cable industry and franchises with cities."

Black: "And, you want to waive the posting requirements for that?"

Brunsvold: "There has been an agreement."

Black: "Okay."

Speaker Madigan: "Mr. Black, thank you for joining us this morning, Mr. Black. Nice to see your smiling face. Gentleman moves to suspend the posting requirements. Those in favor say 'aye'; those opposed say... For what purpose does Mr. Stephens seek recognition?"

Stephens: "I move to adjourn."

Speaker Madigan: "Mr. Black there is some competition. Back on the Motion to suspend the posting requirements. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted. The posting requirements are suspended."

Clerk Rossi: "Committee Reports. Representative Burke, Chairman from the Committee on Executive, to which the following Amendments were referred, action taken on April 25, 1997, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #1 to House Bill 1761, and Floor Amendment #4 to House Bill 1824."

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

50th Legislative Day

April 25, 1997

Clerk Rossi: "The Rules Committee is meeting immediately in the Speaker's Conference Room. Rules Committee Speaker's Conference Room."

Speaker Madigan: "Mr. Black."

Black: "Yes, thank you, very much, Mr. Speaker. I rise for a Point of Personal Privilege. And, I would like the Members, I would like the Members of this august Body to join me in wishing a happy birthday to one of the Governor's staffers, Mrs. Mona Bass, celebrating her 28th birthday today."

Speaker Madigan: "Mr. Clerk, House Bill 1136, by Mr. McAuliffe. What is the status of this Bill?"

Clerk Rossi: "House Bill 1136, has been read a second time previously. No Committee Amendments. Floor Amendment #1 has been adopted to the Bill. No Motions have been filed."

Speaker Madigan: "Place this Bill on the Order of Third Reading. Has the 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 1136, a Bill for an Act in relation to burial benefits for firefighters and police officers killed in the line of duty and health care benefits for their surviving spouses. Third Reading of this House Bill."

Speaker Madigan: "Mr. McAuliffe."

McAuliffe: "Yes, I would like to have the Floor Amendment #1, it gives health benefits for certain surviving spouses and dependent children."

Speaker Madigan: "Mr. McAuliffe, Floor Amendment #1 has been adopted to the Bill and is now part of the Bill. And, we are on, we are now considering the Bill on Third Reading. So, you may wish to move for the passage of the Bill."

McAuliffe: "Okay. House Bill 1136 amends the language which

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

50th Legislative Day

April 25, 1997

would give health benefits to surviving spouse and dependent children of a law enforcement officer or firefighter, whose death arises out or in the course of employment. And, I would ask for a favorable vote."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. 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? The Clerk shall take the record. On this question, there are 117 'ayes'; 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2191, Mr. Bradford. Mr. Clerk read, what is the status of the Bill?"

Clerk Rossi: "House Bill 2191, has been read a second time previously. No Committee Amendments. Floor Amendment #1..."

Speaker Madigan: "Take this Bill out of the record. Mr. Bradford, we are waiting for action of the Rules Committee, before we will call the Bill."

Clerk Rossi: "Committee Reports. Representative Currie, Chairman from the Committee on Rules, to which the following Amendments were referred, action taken on April 25, 1997, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #1 to House Bill 331, Floor Amendment #2 to House Bill 410, Floor Amendment #5 to House Bill 626, Floor Amendment #1 to House Bill 903, Floor Amendment #6 to House Bill 1061, Floor Amendment #3 to House Bill 1089, and Floor Amendment #2 to House Bill 2191"

Speaker Madigan: "Mr. Clerk, let's go back to 2191, House Bill 2191. What is the status of that Bill?"

Clerk Rossi: "House Bill 2191, has been read a second time previously. No Committee Amendments. Floor Amendment #1

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

50th Legislative Day

April 25, 1997

offered by Representative Bradford has been approved for consideration."

Speaker Madigan: "On Floor Amendment #1, the Chair recognizes Mr. Bradford."

Bradford: "Mr. Speaker, I would withdraw Floor Amendment #1."

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

Speaker Madigan: "Mr. Bradford, withdraws Amendment #1 and now..."

Bradford: "I'm sorry, Mr. Speaker. I would prefer to table. I need to withdraw it. Withdrawed from Motion #1."

Speaker Madigan: "Floor Amendment #1, shall be withdrawn. We are now on Amendment #2. Mr. Bradford."

Bradford: "Thank you, Mr. Speaker. Amendment #2 becomes the Bill, 2191 (sic-House Bill) is a Shell Bill. So, Amendment #2 becomes the Bill. Amendment #2 is a directive to the Director of Revenue, regarding the reciprocating agreements with the adjoining states on the issue of income tax collection of out-of-state workers or Illinois residents working in other states. This Bill comes to the Floor on the basis that there is a perceived inequity in regard to the reciprocating agreements between the adjoining states that is costing the State of Illinois approximately, \$45 million per year in revenue tax collected. I urge the adoption of Amendment #2."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "The Sponsors yields."

Black: "Yeah, Representative, I believe, Floor Amendment #2 makes this procedure somewhat permissive. Would you agree with that?"

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

50th Legislative Day

April 25, 1997

Bradford: "This is an Amendment that has been worked out at the request of the Department of Revenue to give them time to research it and to determine whether or not, in reality, the reciprocating agreements are actually reducing the amount that Illinois receives in income tax."

Black: "I'm familiar with the recent press on the Wisconsin article. My concern is, I live right on the border with Indiana. Many of my constituents work in Indiana, and I just want to make sure that it is just asking the department to look at this, because my first reaction, was I think my district would probably lose, if we just cut the reciprocal agreement altogether. But, that is not what this Amendment does. It says, 'Hey, Department of Revenue take a look at this.'"

Bradford: "That is not the intent of the agreement. Although, I will tell you, Representative Black, the differential between Illinois and Missouri, and Indiana at this point in time is 4/10%. It is 3.4 in Indiana, three in Illinois depending on further action of the House this time. Actually, your constituents may win, if the reciprocating agreement is withdrawn."

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

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 Rossi: "No further Floor Amendments. No Motions have been filed."

Speaker Madigan: "Third Reading. Read the Bill a third time."

Clerk Rossi: "House Bill 2191, a Bill for an Act amending the Illinois Income Tax Act. Third Reading of this House Bill."

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

50th Legislative Day

April 25, 1997

Speaker Madigan: "Mr. Bradford."

Bradford: "Thank you, Mr. Speaker. As indicated in previously, the Amendment has become the Bill. The Amendment is permissive, a directive to the Department of Revenue to report back to the House by January 1st of 1999 in regard to reciprocating agreements. This is a potential Bill to enhance the revenues of the State of Illinois. And, I urge its adoption."

Speaker Madigan: "Those in favor of the passage of the Bill, vote 'aye'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 116 'ayes' and 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1407, Mr. Brosnahan. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 1407, has been read a second time previously. Amendment #1 was adopted in committee."

Speaker Madigan: "Mr. Clerk. Mr. Clerk. Mr. Brosnahan, do you not wish to call the Bill? Take the Bill out of the record. For what purpose does Representative Crotty seek recognition? Crotty."

Crotty: "On 2191 (sic-House Bill), I would have voted 'yes'."

Speaker Madigan: "Let the record reflect that request. House Bill 1271. Mr. Clerk, what is the status of that Bill?"

Clerk Rossi: "House Bill 1271, is on the Order of House Bills-Third Reading."

Speaker Madigan: "Has the 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 1271, a Bill for an Act to create the

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

50th Legislative Day

April 25, 1997

Dry Cleaner Environmental Response Trust Fund Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. Smith."

Smith: "Thank you, Mr. Speaker and Ladies and Gentleman of the House. This is important legislation that comes to us from the Dry Cleaning Industry of the state. Some of you may be aware that dry cleaners throughout the state and throughout the nation are experiencing serious environmental concerns due to the chemicals used in the dry cleaning process. Many of them have had a hard time getting insurance coverage for their business, extending leases or selling their businesses. They have come forward after many years of deliberation and investigation with a program to clean up the industry themselves. This Bill enacts that work on behalf of the dry cleaners of the State, would create an Environmental Response Trust Fund and Insurance Fund to be administered by a seven member council appointed by the Governor. There is some work that is yet to be done on this legislation, which will be taken care of in the Senate. An Amendment on behalf of the administration to address some of their concerns with the administration of the program. This is important pro-environment, pro-business legislation. And, I would be happy to answer any questions."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. On that question, there is no discussion. 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? Please record yourselves. The Clerk, shall take the record. On this question, there are 60 'ayes'; 56 'noes'. This Bill,

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

50th Legislative Day

April 25, 1997

having received a Constitutional Majority, is hereby declared passed. House Bill 1699, Mr. John Jones. Mr. Clerk, what is the status of that Bill?"

Clerk Rossi: "House Bill 1699, is on the Order of House Bills Second Reading. And has been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Jones, has been approved for consideration."

Speaker Madigan: "The Chair recognizes Mr. Jones on the Amendment."

Jones, John: "I would like to withdraw Amendment #1."

Speaker Madigan: "Amendment #1 shall be withdrawn and then Mr. Jones on Amendment #2."

Jones, John: "Withdraw that Amendment also, Mr. Speaker."

Speaker Madigan: "Withdraw Amendment #2. Are there any further Amendments?"

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

Speaker Madigan: "Mr. Jones. Mr. Jones."

Jones, John: "Thank you, Mr. Speaker. Amendment #3, actually, becomes the Bill. Now, we've had some disagreements with the Medical Society and the Trial Lawyers Association. We have tried to come to an agreement with them. And, not being able to do that, we've downsized the Bill, really, to where the only thing we are addressing now, is the fees in it. Where if someone sends a check to the Department of Public Health, the Department may have the discretion to downsize that check in the amount of \$50, but no more than \$50, if it's written in error. And that's all the Bill does now. I would just ask for a favorable vote on the Amendment."

Speaker Madigan: "The Gentleman moves for the adoption of the

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

50th Legislative Day

April 25, 1997

Amendment. Those in favor say 'aye'; 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. Has the Bill been read a third time?"

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

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

Clerk Rossi: "House Bill 1699, a Bill for an Act in relation to the Operations of the Department of Public Health. Third Reading of this House Bill."

Speaker Madigan: "Mr. Jones."

Jones, John: "Thank you, Mr. Speaker. As, I said, Amendment #3 now becomes the Bill. The Department of Public Health is the second largest licensing agency in this state. This will allow the department, that if someone applies for a license or registration to titles or permits that requires a fee payment and the check is written in the wrong amount and is written for too much, then they may downsize that amount of that check by \$50 or less. If it is not written for enough, then the check would have to be sent back to the person that wrote the check and a correct check sent back. And, I would just ask for a favorable vote. Thank you."

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 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 823, Mr. Scully. Mr. Clerk, read the Bill."

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

50th Legislative Day

April 25, 1997

Clerk Rossi: "House Bill 823, a Bill for an Act concerning unbleached and non-chlorine bleached paper. Third Reading of this House Bill."

Speaker Madigan: "Mr. Scully."

Scully: "It's an environmental Bill. It's designed primarily to create a preference in the purchasing of paper, by the State of Illinois, for paper that is not bleached with chlorine bleach. The problems caused by chlorine bleach, the long-term adverse effects on our environment, are staggering. The paper industry is doing an admirable job by trying to clean up this problem. But I think it's important for the State of Illinois to make a public policy statement, and to support the production of unbleached paper. We're asking in this Bill that the state be given the ability to consider chlorine-free paper, unbleached paper to be equivalent to fully bleached paper, if it is within 15% of the price of the bleached paper. This is an important issue of public policy. It is an important issue for our environment. And I ask for affirmative votes. Thank you."

Speaker Madigan: "The Gentleman moves for the passage of the Bill, and 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, there appears to be a drafting error in your Bill. If you'd look on page 3 of the Bill, it starts on line 10, it's section H. It says, 'The department shall prepare and submit to the Governor and General Assembly, a written report on, or before each fifth consecutive March 1.' How many fifth consecutive March 1 has there been in

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

50th Legislative Day

April 25, 1997

the last few years?"

Scully: "Mr. Black, what we're referring to is for each of five years."

Black: "Each of the last five years."

Scully: "Every March 1, for five years."

Black: "Well, okay. Let's go on to other questions. That language is a little confusing, but, whatever. How many distributors of chlorine-free paper are there in the State of Illinois?"

Scully: "I don't have that number."

Black: "I don't think there are any. How many distributors of chlorine-free paper are there in the United States?"

Scully: "I've been in contact with two from Wisconsin."

Black: "There are very few in the United States. How many paper mills are there in the State of Illinois, currently?"

Scully: "I don't have that number, Mr. Black."

Black: "There are none. So, you see, where my fear is that this Bill flies in the face and is a conflict with the Buy Illinois, Buy American Bill. Since we don't have any paper mills in Illinois, and there are no distributors of chlorine-free paper in the State of Illinois, we have a problem. But, let me continue, because I think there are other problems with this Bill. Our staff indicates that, perhaps, chlorine-free manufacturing actually uses more trees to make pulp and paper. Could you comment on that?"

Scully: "I have no comment on your staff's analysis of the possibility that chlorine-free paper would use more trees. I guess it would be appropriate for your staff to bring those issues up directly to me so we could we could discuss them."

Black: "Representative, one of the things you'll learn down here if you stick around for awhile, staff isn't very partisan."

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

50th Legislative Day

April 25, 1997

Okay? It isn't our staff and your staff. It's General Assembly staff. And they're very good people, and they work very hard. And it's their job to point out flaws in legislation. And I think what they've done is to point out that, in fact, chlorine-free manufacturing uses more trees to make pulp and paper. How many times can chlorine-free paper be recycled?"

Scully: "Many times, Mr. Black."

Black: "Can it be recycled more than paper made with chlorine dioxide?"

Scully: "I don't know whether it can be recycled more. But it can be recycled without producing dioxins."

Black: "In fact, hasn't the industry met with you to discuss this?"

Scully: "To discuss the recycling?"

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

Scully: "Mr. Black, you asked if the industry has met with me to discuss this. And I don't know what you're referring to when you said this."

Black: "This Bill."

Scully: "This Bill. Yes."

Black: "And, perhaps, did they tell you that paper made with chlorine dioxide can be recycled far, far more times than paper made without?"

Scully: "They did not."

Black: "Oh. What is the difference in cost between chlorine paper and non-chlorine paper?"

Scully: "There's a variety of speculation on what that difference is. One expert in the field of purchasing paper suggested that it would be 60%. What we are asking for in this Bill is a 15% price preference. And it's up to the industry to decide whether, the chlorine-free paper industry, to decide

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

50th Legislative Day

April 25, 1997

whether they can compete at that level."

Black: "Would you agree with the statement, at the present time, chlorine... non-chlorine paper would be more costly than chlorine paper?"

Scully: "Yes."

Black: "Okay. Would you agree with the statement that the United States EPA has said chlorine dioxide can virtually eliminate all dioxin discharges to river, and other surface waters?"

Scully: "I don't agree that that statement has been made, because I've never heard it made before."

Black: "All right. Are you aware that the United States EPA has proposed rules designating chlorine dioxide bleaching as a best available technology?"

Scully: "No."

Black: "Well, they did. Thank you very much, Representative, for answering the questions. Mr. Speaker and Ladies and Gentlemen of the House, to the Bill. And I know others will speak on it. Here we have a concept that may be good, but whose time may not yet have arrived. There is considerably more expense to do this. The EPA is taking an opposite position of what this Bill is attempting to do. And I dare say that the Sponsor of the Bill only indicated he knew of two plants in the entire country that can manufacture this paper. For that, and other reasons, at this particular time, I intend to vote 'no'."

Speaker Madigan: "Representative Schakowsky for five minutes."

Schakowsky: "Thank you, Mr. Speaker. I rise in support of this legislation. We spent a lot of time talking about cost here. I want to talk about another kind of cost. It has been proven that these kind of chlorines, organo chlorines, are a major threat to women's health. That in terms of

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

50th Legislative Day

April 25, 1997

triggering cancers, this is one of the most important environmental causes. This is not a matter of speculation, this is a matter of science. This Bill would enable the State of Illinois to take a first step in removing this important carcinogen from our environment. And I would certainly, for that reason, stand in strong support of this legislation."

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

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

Speaker Madigan: "The Sponsor yields."

Parke: "Representative, it's my understanding, and you can correct me if I'm wrong, that CMS estimates that this will cost the taxpayers of Illinois \$2.4 million. Do you understand that to be true?"

Scully: "Yes."

Parke: "Okay. So, to shift over to this it's going to cost the taxpayers of Illinois over \$2 million more a year. What's going to happen to the soybean industry that is now being used to produce these papers, that is produced in Illinois? You know, we're the number one producer of soybeans in this state. What is going to happen to the soybean industry when we shift from this type of paper away from soybean ink paper, and soybean paper?"

Scully: "Mr. Parke, we don't produce soybean paper, we produce soybean ink. And I think the soybean industry will continue to produce soybean ink to be printed onto unbleached paper."

Parke: "Well, my understanding is that that part's true. But can you use soybean ink on this kind of paper? That's my point."

Scully: "I have no indication that we can't."

Parke: "CMS says that it's going to be very difficult. It's not

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

50th Legislative Day

April 25, 1997

the right texture to be using soybean inks on this kind of paper. So, this is a problem, Representative. It is, that's what we've been told. Mr. Speaker, to the Bill. Ladies and Gentlemen, we understand the Sponsor of this Bill is trying to do something that he believes is right. But in fact, it is shown that this is not a good idea at this time. It is going to cost the taxpayers \$2.4 million on the low side. It is paper that uses more wood fiber, therefore, we have to use more trees. It is a... Just overall, just not a good idea. And I would ask the Body to vote 'no'. And, Mr. Speaker, if this gets the required number of votes I would ask a Verification of Roll Call."

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

Biggins: "Well, thank you, Mr. Speaker. I don't need five minutes to just remind everybody what we just heard so far in the debate. The Bill is... For those of you that have vacation homes in Wisconsin, you might benefit from this Bill. But if you're an Illinois resident that cares about your district, it's anti-environment, it's anti-Illinois, it's pro-Wisconsin. And if we're going to do Bills on this, I think we should start thinking about education again. Maybe we could come up with a funding plan. If everybody that's concerned about chlorine, on the other side of the aisle, can get together and come up with a plan for education, the state might be better off. So, I'm going to urge a 'no' vote."

Speaker Madigan: "Mr. Scully to close."

Scully: "Thank you, Mr. Speaker. Various people have raised the issues of the expense. Let's talk about the expense to our environment. The expense of cleaning up our environment after we've poisoned it with dioxins. That's a real expense that CMS can't give us a figure on. I ask for your

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

50th Legislative Day

April 25, 1997

support for this Bill. 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? The Clerk shall take the record. On this question, there are 25 'ayes'; 83 'noes'. The Bill fails. House Bill 644, Mr. Giles. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 644, a Bill for an Act amending the Election Code. Third Reading of this House Bill."

Speaker Madigan: "Mr. Giles."

Giles: "Thank you, Mr. Speaker and Ladies and Gentleman of the House. House Bill 644, what it does is amend the electronic voting system article of the Election Code. What this Bill does is allow a voting by a system using electronic ballot. What this Bill will do, is will allow the State of Illinois to be a pioneer. It will allow us to go into the 21st Century. What this Bill is trying to do will allow individuals to vote by using a electronic ballot. And, they must apply with the current standards of the State Board of Elections. This Bill does not mandate any jurisdiction to use this system or to try this system. It simply it does not require any election jurisdiction to adopt the voting system. Some of the benefits of this Bill, is the quickness of the voting tabulation, lowering printing costs and saving monies. This is, I believe this is a good Bill. Many of you have seen the demonstration. I think what this Bill does is takes us into the 21st Century. It does not Mandate. It is only permissive language to use this system. And, I ask for a favorable vote."

Speaker Madigan: "Mr. Saviano."

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

50th Legislative Day

April 25, 1997

Saviano: "Thank you, Mr. Speaker and Members of House. House Bill 644, is a Bill that will bring us, as a state, into the 21st Century, when it comes to the way we vote. It is simply enabling legislation for us to go ahead and take a look at these other options in the advanced technology of conducting elections across our state. I commend Representative Giles in bringing this innovative concept to the Floor. And, I would ask for a favorable vote. Thank you."

Speaker Madigan: "Mr. Fritchey."

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

Speaker Madigan: "Sponsor yields."

Fritchey: "I rise in support of this Bill. I think it is a tremendous opportunity for us, as the Sponsor and the previous speaker indicated, to be on the forefront of what is going on. It used to be that computers were somewhat intimidating to people, but now as with all of us have laptops at our desk and our children are all learning on computers, you are going to get to the point that computers are going to make it more friendly rather than less friendly for somebody that is coming to the voting booth. This is going to be an opportunity for to ultimately, allow municipalities and entities to streamline the voting process, to lower their costs, to have more accurate reporting and to be on the forefront as I said, other direction that this is inevitably going to go. There is no question that voting and voting technology is going to go to computers. It is a question of when. This permissive legislation that allows Illinois to be at the forefront of this. So we can start to do this now and allow for this technology. It does not require anything. It does not cost anything. It allows the option for those areas that

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

50th Legislative Day

April 25, 1997

want to do this and want to use this technology and want to be at the front of this issue. I think it is a tremendous Bill. And I commend the Sponsor for bringing it forward."

Speaker Madigan: "Representative Cross for five minutes."

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

Speaker Madigan: "The Sponsor yields."

Cross: "Representative Giles, I know that this was debated rather lengthy in committee. What other states have adopted this type of legislation, if you know?"

Giles: "Representative, as of now, there is no states that have adopted this measure."

Cross: "If I recall the company that offered this is from Canada. Is that correct?"

Giles: "That is correct, Representative."

Cross: "I guess one of the greater fears or concerns, I don't know if fear is the correct term, but concern is. What do you do to avoid the vote fraud issue from people being able to break into computers, the hacker concern? How do you avoid that? My, I have very limited knowledge of computers, but I understand that someone with good computer skills and knowledge can break into just about any computer software or computer program that exists."

Giles: "Representative, the system is not going to be networked. They would have to, if someone wants to break into the system, they would have to break into the system in front of the election judges. I think that one of the measures, which is sort of save proof."

Cross: "I'm sorry, I didn't follow that answer. What keeps someone from breaking into the system?"

Giles: "You can't dial in on an outside phone line. The only way that someone could tamper with the system, they would have to do it in front of a election judge. That is the only

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

50th Legislative Day

April 25, 1997

way."

Cross: "How do we, if there is an election contest, what is the mechanism for having a recount? First of all, how do you tabulate or accumulate the votes and count them? And in the event of a contest, what do we do mechanically? And, how would the General Assembly do a recount?"

Giles: "Representative, first of all, the system really is a 100% accurate. As data is inputted into the system, it is accurately accounted. So, therefore, you simply would not have to have, you know, any ballots or anything that will allow you to have a recount."

Cross: "So, we..."

Giles: "But, if you needed one, you could print out each individual ballot. You could print out. The system will have a backup, in which, you can print out some data, which will give you a print out each and every ballot."

Cross: "With all due respect, I don't know any system that is 100% fail proof. Are we just going to eliminate election contests, as a result of this? I mean, are we going to suggest that no problems exists, no fraud exists and that we will never have a problem?"

Giles: "Representative, of course not. I think, what this does is simply, it will store the electronic ballots in a different context. I think, what this system will do, is bring us more accuracy to the process. I think the system is fail proof, in the sense that, as an individual come into vote, that information is stored. It is immediately processed. So, there will be no tampering to a mainframe. It is immediately stored."

Cross: "Would election judges have access to the computer? Would there be a computer set up at every election booth and at every election site?"

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

50th Legislative Day

April 25, 1997

Giles: "There will be terminals. Yes, there will. There will be terminals."

Cross: "What would prevent an election judge, if he or she wanted to get into the computer? What would keep election judges from tampering with results? And, once again, I'm not, no that I'm giving you a hard time. I think that I voted in committee. I just want to make sure that we're not..."

Giles: "Sure, Representative, I understand. But, however, it is the same format as if we have today. But, as you entered the election booth, you have a terminal there, your ballot would be input. You will actually, vote according to the various parties that you want. And, there is a guideline that you would follow on the terminal, language that you would follow to vote. And, after that, your vote is cast and stored. The election judge can not tamper with that."

Cross: "Well, Representative, I'm out of time, so I'm not going to be able to ask any more questions, unfortunately. I just think this Bill, it may be a good a idea, but I'm not sure that there may not be some flaws with it."

Giles: "Once again, Representative, it's permissive. It's not mandate."

Cross: "Thank you."

Speaker Madigan: "Mr. John Turner, for five minutes."

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

Speaker Madigan: "Sponsor yields."

Turner, John: "Representative, how does a person get into the system to vote? Is there some kind of identification process? The voter."

Giles: "It is as we have today. The election judge have to activate the terminal and to begin with the process."

Turner, John: "Well, when the terminal is activated, is there some kind of identification process to show that the

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

50th Legislative Day

April 25, 1997

person, who is actually going to be casting the vote, is indeed qualified to vote?"

Giles: "Representative, once again, that is determined as we have today. Before an individual comes into vote, a judge will, of course, make sure that that individual is properly registered to vote and qualified to vote before that individual can use the terminal."

Turner, John: "So, we are not eliminating the whole process of using the election judges. They still would play a big part, big role in this process. Well, do you envision if these terminals are used that at a particular polling place, that only the terminal will be utilized for voting or will there be other methods for voting as well? We intend to preserve the current system or will the transformation be clearly, or only to, I should say, the computer terminal."

Giles: "Representative, for those election jurisdiction, that decides to use this system, it will be only by using those terminals."

Turner, John: "I guess, I have a question about privacy. I know computers store information. I also, know from the limited use I have had here on the Floor with this, supposedly, the way to delete information, but I'm told that, once you delete it, it is not necessarily deleted, somebody can always get it back up. Is there going to be a question of privacy? Are we going to be able to go back in the computer and find out how someone has voted?"

Giles: "Right now just, Representative, the computer must be certified by the State Board of Election and the FEC. So therefore, they will follow those guidelines and so the issue of privacy for every voter will stand under those limitations of the FEC."

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

50th Legislative Day

April 25, 1997

Turner, John: "You don't have any concern then about somebody who actually understands the computer process? Will they be able to go back in and figure out how an individual has voted?"

Giles: "The system has safeguards for that, Representative."

Turner, John: "Following up what Representative Cross was getting at, with possibility of fraud. Is there any way or do you know, if perhaps someone, who understands the system could go in and, actually vote several hundred times or several thousand times?"

Giles: "Representative, once again, before any voter can vote, the process that we have now, they would have to come before the election judges and present their identification to be able to cast the ballot. The same process still holds. So, an individual can not come in three and four and 50 times to cast a vote to use these terminals."

Turner, John: "Yeah, I understand that. I meant the individual goes in and in using the terminal, somehow is able to feed information into it, so as to be able to cast more than one vote, himself or herself. They simply go in and they know how to use the mechanism and actually cast a 100 votes instead of casting one vote."

Giles: "No, Representative, as you come into vote, you will, there will be a scroll on the terminal as you vote one party, it will scroll to the next particular party that you would want to vote to, until it gets to the end of the actual ballot and then there will be choices, of course, to end the ballot or to go back and review or to make changes. But, you cannot vote over and over and over again."

Turner, John: "Alright, to the Bill. Frankly, following up again on what Representative Cross said, I don't know if it is a good idea or not. I don't know enough about computers. I

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

50th Legislative Day

April 25, 1997

have learned that it seems like there are a lot of flaws in the computers. I know that we have flaws here with the terminals we have had back in the county where I used to work and at home. It seems like flaws are always arising. And, I do have a concern about whether or or not we are ready for this yet. And, I'm a little hesitant to support at this time. Thank you, Representative."

Speaker Madigan: "Representative Clayton for five minutes."

Clayton: "I rise in support of this Bill. I think if Members had had the opportunity to go and view the demonstration program, that a lot of their concerns and questions would be answered. This gives County Clerks the option, another type of option for elections. It still has to be certified by the State Board of Election before any county would take this on as their kind. I think it's a good Bill. A good type of election procedure, and would urge a 'yes' vote."

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

Skinner: "Well, the previous speaker answered the first question that I had and that makes me more afraid of this Bill than I was before. Do you know what State Board of Elections certification of a computer program means? It doesn't mean anything. It means that they counted them right once. They don't check the programs each time there is an election. Nobody checks the programs really, because they are proprietary information. You can't get a copy of the program to check it to see after 400 votes run through, then they start stealing a tenth of a vote for every 10 votes. They steal one vote from you every time the other guy gets 10 votes or something like that. With all due respect to the Sponsor, this is the United States, not Canada. Canada has Mounties, we have the mafia. I would like to suggest that there is very little, there is very

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

50th Legislative Day

April 25, 1997

little protection from election fraud in any centralized counting system in the State of Illinois. Now, I presume that this is a centralized counting system. In the City of Chicago, in the County of Cook, they do not have centralized counting system. So, you have less of an opportunity for fraud. There is a computer card reader in every precinct that counts the precinct. You can see the actual cards, you can count them if you want to. A recount is possible. There is no recount possible currently with an electronic system, such as being described that cannot be manipulated by a hacker or by someone who is paid to write a sub-program to put into the mix on election night. In my county there are rumors that are fairly well substantiated, that in one election a sub-program was written. And, how did this sub-program kick in? It kicked in when the computer doing the counting went down. And, how was it extracted from the program? It was extracted the next time the computer shut down. Our county has more shut downs than you can possibly believe in a night in a centralized counting system. Your personalized computers don't get shut down. Do they? I mean when was the last time that you saw your personal computer go down? During a electrical storm, perhaps? That happens to me. When there is no electrical storm, why should computers go down in a counting system? I think that we are, well I think that we are making a big mistake, if we take this leap into technology, into cyberspace, if you will. The last election, I was confident that there was a good count in, was 1966, which was the year before McHenry County had electronic counting. I had watchers in about 70% of the precincts and they could actually see the paper ballots. The person, who came in second, sued for a recount. I had

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

50th Legislative Day

April 25, 1997

more evidence of problems than he did. Under this system, there won't be any evidence of problems that anybody out in the precincts can have. I really think if we are interested, I mean, I think, we ought to be able to agree that we want an honest count. Although, I'm confident that there have been attempts to tamper with elections in the State of Illinois. Basically, if the public does not believe that there is an honest count, then the entire system, the entire political system ends up falling down. I don't think this a step in the right direction. Frankly, I would be in favor of going back to paper ballots, mandatorily."

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

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

Speaker Madigan: "Sponsor yields."

Lang: "Thank you. Representative, you know I voted for this in committee and I had some concerns then. I, frankly, told you that I think, I could be for this, but the basic problem I have is that this is untried. This has never been done anywhere in America, that we know. I know that there was a company here that brought down their hardware and their software and showed it to us. Have you considered making this a pilot project, where we would have just one or two smaller Counties in the State of Illinois try this out for one election to see how well it works?"

Giles: "Representative, that is a good idea. But, however, I truly believe, that once again this is only permissive by jurisdiction to try this. And, I'm sure before there is a election on the line, I'm sure, there will be a some sort of a 'mock' type of a situation to try this. Once again, I think, we are talking about, you know, computers here. Computer tends to yield less error in most cases. And, so,

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

50th Legislative Day

April 25, 1997

I understand your concern, but however, I don't think that this system will be used fully unless it is tested and tested. Of course, it must meet the State Board of Elections recommendation and of course, it must meet the Federal Election Commission."

Lang: "You may have answered this question already, Representative. How do you handle absentee ballots under this system?"

Giles: "There's several ways to address the absentee ballot situation. But, however, that is solely based on the jurisdiction in which, whatever they choose. Of course, they can use the regular format in casting electronic ballots and to process them as they would any regular ballot. But, I think the other way is to preprogram at the central county station just as if an individual would actually go to their town hall or county hall and actually cast a vote prior to election day."

Lang: "Of course, there would still have to be some provision for students and people, who are out of town. Obviously, you can't send them a computer terminal."

Giles: "That is very true. So, once again, based by each jurisdiction, they will amend those as they need it."

Lang: "I intend to vote for your Bill today. And, I would encourage other Members to do it. But, I think, some consideration should be given in your Bill to the issue of absentee ballots. And, I also think, when the Bill goes to the Senate, if you are so lucky to get it out of here, I think you might want to consider amending it to require that there be a pilot project for one election at least in a couple of smaller counties that choose to do it permissively. And, in those counties there should be a backup system. The backup system would be the current

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

50th Legislative Day

April 25, 1997

system. So, in those smaller counties, they would have actually two. I don't know exactly how that would work, but I think, you should give some consideration to that. Previously,... we passed a Bill, I think, during the Veto Session, that called for a pilot project in Chicago. That certainly made no sense. You don't take the largest jurisdiction and turn that into a pilot project. So, I think, we should give this some thought. If you did that, there might be more Members willing to vote for this on the theory that, 'Well, we don't know how this will work statewide. But if we narrow it down and try it once, even though, they are going to test the system before they use it and all that, we all know that there is glitches in computer programs.' I think that might help you. But, I'm going to vote for your Bill. Thank you."

Giles: "Thank you, Representative."

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

Black: "Yes, thank you, very much, Mr. Speaker. I lost six seconds, because I wasn't quick enough on my feet."

Speaker Madigan: "Well, your a fair man, we will give it back to you."

Black: "Thank you. Thank you, so much. Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Black: "Yes, Representative, are there any American companies that make the hardware that would make this a reality?"

Giles: "Representative. I'm sure, Representative, that there are. I don't know of any personally."

Black: "Okay. I used the wrong term, it is actually the software. I'm sorry. It shows what a real computer genius I am. Again, staff informs us that the only one, the only company that they can find that does this software

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

50th Legislative Day

April 25, 1997

is a Canadian company. Now, that doesn't particularly bother me, but again it kind of flies in the face of a earlier Bill, that Buy American, Buy Illinois. I guess, the question that I have is, what would prevent me, if I were computer literate enough, why couldn't I just plug in my PC to the computer at the polls and vote from my home? Would there be anything to stop me from doing that?"

Giles: "Representative, the Amendment, the First Amendment that is on this legislation, prohibits anyone from doing that. There are safeguards from that. You can not get on the phone or on your personal computer and hook into and vote. You cannot do that."

Black: "Okay. So, you would have to physically be present at the polling place?"

Giles: "You would have to go to the polling place and present your credentials to the judges to be able to use the terminals."

Black: "Okay. Then piggybacking on what the Gentleman from Cook just said, if I heard him correctly. How would absentee voting be handled?"

Giles: "Okay. As I stated before, there's two ways that a jurisdiction can do this. One way of course, is to, is to have the paper ballots and to continue the same process as we have now, so to speak. And the other way, is to have the electronic ballots available at the, say for instance, your county hall or..."

Black: "Okay. Thank you, very much, Representative. I appreciate your answers. You know, I, we talked earlier and I have no doubt that this is going to occur. You know, it is, those of us, who were born before World War II, we may not like to way we're going, but we know it is going to happen. This little marvel on my desk is taking me some

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

50th Legislative Day

April 25, 1997

time to get used to and I'm still not very good on it. I guess the concern that I have, and I think the Gentleman from Cook, raised a very legitimate concern, that maybe this should be a pilot program. I know in my district, when we converted over from the paper ballot to the punch card system, many of our older citizens, just simply were not comfortable with that at all. And, it took us several election cycles to actually, get them to be willing to come to the polls. They just were kind of intimidated by the new system. It wasn't what they grew up with. And, as a result for a number of election cycles, our participation was dramatically impacted by fewer people coming to the polls. And, I think, as we move toward this computer generation, that we all know is coming, my fear is, that in some districts, some counties, we will again encounter that resistance to this new technology. And, I'm sure that is not your intent. And, I know it isn't your intent. But, there are some concerns. And as you work towards this, maybe you can address a pilot program, so that we are able to fully orient and train people on how this new technology will work. And, I commend you for thinking ahead, but when you get to be as old as I am, you find that you look more towards the past and try to remember how good things were, rather than being able to look towards the next century, when all of this technology tends to overwhelm me. So, I commend you for what you are trying to do, though."

Giles: "Thank you, Representative. You may have a few years on me, but as far as the literacy level of computers, we are about the same."

Speaker Madigan: "Mr. Capparelli. Capparelli."

Capparelli: "Mr. Speaker, I Move the Previous Question."

Speaker Madigan: "The Gentleman has Moved the Previous Question."

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

50th Legislative Day

April 25, 1997

Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Previous Question is Moved. Mr. Giles, to close."

Giles: "Thank you, Mr. Speaker. Once again, this, what this Bill does is gives various jurisdiction, the permission to use this system, to try this system. Representative Lang, brought out a good point, in which, he felt that we should have some sort of pilot situation. I think, if this Bill gets out of the House, I'm sure, we will be able to work towards that to try to address that situation. However, I think, this brings us into the 21st Century. I think Illinois can be a pioneer here. This system as we know it right now, I'm sure there there are some flaws, but there is some good points, as far as accuracy. It has to meet the State Board of Election, the Federal Election Commission, before we move on this. So, I urge you to come into the 21st Century with me. And, I ask for a 'aye' vote."

Speaker Madigan: "Those in favor of the passage of the Bill, vote 'aye'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 79 'ayes'; 34 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on the Order of Second Reading, there appears House Bill 1147. I understand that the Bill had been Sponsored by Mr. Kubik but is now Sponsored by Representative Shirley Jones. Is that the case?"

Clerk Rossi: "That is correct. The Bill is Sponsored by Representative Kubik."

Speaker Madigan: "What is the status of the Bill?"

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

50th Legislative Day

April 25, 1997

Clerk Rossi: "The Bill is on the Order of Third Reading."

Speaker Madigan: "Third Reading?"

Clerk Rossi: "Yes."

Speaker Madigan: "Has the 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 1147, a Bill for an Act relating to competition in the telecommunications industry. Third Reading of this House Bill."

Speaker Madigan: "Representative Shirley Jones."

Jones, Shirley: "Thank you, Mr. Speaker. On House Bill 1147, this is a Shell Bill. Ameritech, MCI, AT&T and others would like to have a vehicle available in case agreements are reached on telecommunication by the end of the Session. I would like a favorable vote. Thank you."

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 112 'ayes'; 5 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2224. Mr. Clerk, what is the status of that Bill?"

Clerk Rossi: "House Bill 2224, is on the Order of House Bills-Second Reading. The Bill has been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Meyer, has been approved for consideration."

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

Meyer: "Thank you, Mr. Speaker, Ladies and Gentleman of the House. Amendment #1 guts the Bill and makes in effect, makes this Bill a Vehicle Bill. The purpose of doing that

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

50th Legislative Day

April 25, 1997

is so that we can send the Bill over to the Senate and continue on with some discussions that are being held currently. I would be happy to, well perhaps it's best that I go into the reason for this at this point instead of covering it when the Bill is discussed. The Federal Government is, has pushed the licensure of veterans facilities down to the state level. And, this Bill will be a Vehicle Bill to put together licensure procedures for the State of Illinois. There are discussions that are currently being held with the Governor's Office, Department of Public Health, Department of Veteran's Affairs, Members of the Veteran's Affairs Committee, AFSCME has been a part of those discussions and they are going along well, but we just don't have a final product at this point to put forward to you. I appreciate a 'yes' vote on it."

Speaker Madigan: "Mr. Steve Davis."

Davis, S.: "Thank you, Speaker, Ladies and Gentleman of the House. I rise in support of this Bill. It's a bipartisan Shell Bill. We continue to work on the problems of the nursing homes and the veterans homes. So, I'd appreciate your support on this side of the aisle. Thank you."

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

Clerk Rossi: "No further Floor Amendments."

Speaker Madigan: "Third Reading. And, read the Bill for a third time."

Clerk Rossi: "House Bill 2224, a Bill for an Act in relation to Nursing Home Facilities. Third Reading of this House Bill."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those

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

50th Legislative Day

April 25, 1997

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 109 'ayes'; 8 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. Is Mr. Santiago in the Chamber? Mr. Santiago. Mr. Clerk, call House Bill 1918 on the Order of Second Reading. Mr. Fritchey. Mr. Fritchey."

Clerk Rossi: "House Bill 1918."

Speaker Madigan: "What is the status of the Bill? The Gentleman indicates he does not wish to call the Bill. House Bill 1089. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 1089 is on the Order of House Bills Second Reading. The Bill has been read a second time previously. Floor Amendment #2 has been adopted to the Bill. Floor Amendment #3, offered by Representative Gash, has been approved for consideration."

Speaker Madigan: "Representative Gash on Amendment #2."

Gash: "On Amendment what?"

Speaker Madigan: "Two. Amendment #2."

Gash: "I think, we are withdrawing Amendment #2..."

Speaker Madigan: "The Clerk, just... Representative Gash, one second. I'm sorry, Mr. Clerk. Give us the status of the Bill. Is there an Amendment #1?"

Clerk Rossi: "Amendment #1, Floor Amendment #1 was tabled. Floor Amendment #2 has been adopted to the Bill. Floor Amendment #3 has been approved for consideration."

Speaker Madigan: "Amendment #3, Representative Gash."

Gash: "Amendment #3 takes out downstate from this Bill in response to concerns from some of the downstate Members."

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

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

50th Legislative Day

April 25, 1997

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

Speaker Madigan: "Sponsor yields."

Black: "Yes, now, Representative, as amended, the only counties that can divert road fund money to build parking lots and curbs and statutes of famous, I'm sorry that isn't in there, parking lots and curbs and bicycle trails and bird sanctuaries..."

Gash: "No."

Black: "No, not bird sanctuaries, I'm sorry. I'm having a hard time reading my language."

Gash: "And, various things that are related to the roads. And would cut down on the use of the roads, therefore, obviating the need for some of the expenditure of funds for the road."

Black: "So, those would be called appurtenances, right?"

Gash: "I suppose that you could call them that. Bird sanctuaries are certainly not in that."

Black: "Yes, so, now have you taken Cook out of the mix? They are not in this."

Gash: "Cook was not in."

Black: "Oh, they weren't in it anyway, were they? That is right, because they can already do this. So, you are really only making this apply to the collar counties: Lake, McHenry, Kane, DuPage and Will. Right?"

Gash: "And that is where the desire seems to be to do this."

Black: "None, of the rest of us are impacted in any way, shape or form, other than the precedent we may be setting."

Gash: "The downstate counties are not impacted."

Black: "Yes, we're not impacted at all. And has IDOT talked to you about this Bill at all? Do they have any problems with this, possible road fund diversion?"

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

50th Legislative Day

April 25, 1997

Gash: "Not, that I'm aware of. No."

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

Gash: "Thank you for your question."

Speaker Madigan: "Representative Andrea Moore."

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

Gash: "Yes."

Speaker Madigan: "The Sponsor yields."

Moore, A.: "Representative, could you just clarify a really important point for me? Does this Bill in anyway change the amount of money that Lake County will be getting?"

Gash: "An excellent point. One that needs to be made again and again. It certainly does not."

Moore, A.: "So, they will be getting the same amount of money? There is just a slight bit of flexibility in how they are going to spend that money, is all they are really asking for."

Gash: "That is absolutely correct. So, there is no reason for anyone to be concerned that any of their monies would be diverted anywhere else."

Moore, A.: "And, these monies are required by law to be spent on transportation issues. Right?"

Gash: "Yes."

Moore, A.: "I mean, they have to be on expenditure that relate to transportation?"

Gash: "Yes."

Moore, A.: "Thank you, and to the Bill. Ladies and Gentleman of the House, I think it is time we recognized that from time to time, we have great diversity in this State, as far as, our needs in transportation dollars. This does not change the amount of money that Lake County is asking for or getting under the law. It gives the needed flexibility for the expenditure. But, the law still requires that these

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

50th Legislative Day

April 25, 1997

monies be spent on transportation issues. I would ask your support of this Bill."

Speaker Madigan: "Mr. Biggins."

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

Speaker Madigan: "Sponsor yields."

Biggins: "Does this Bill affect DuPage County?"

Gash: "Yes. But, I want to clarify, that not only is the Bill permissive, but we have added in a sentence to show, expressly that the Bill is permissive."

Biggins: "Is only Cook County excluded from the Bill?"

Gash: "Excuse me."

Biggins: "Is only Cook County excluded from the Bill?"

Gash: "Cook County and downstate counties, outside of the collar counties."

Biggins: "What do they currently have to use their Motor Fuel Funds for?"

Gash: "Road purposes."

Biggins: "And that means?"

Gash: "This clarifies that there are certain, what I believe, to be road purposes that will be expressly allowed in Lake County and in the collar counties. Again, that is only if they want to be able to do that with these monies. The counties that we now have in the Bill are the counties that, we feel, have the interest in this particular ability."

Biggins: "Will this Bill hurt any downstate counties that are not included in the collars?"

Gash: "Not only would this Bill not hurt downstate counties, but if we had left them in, they would not hurt downstate, it would not hurt downstate counties."

Biggins: "So, it benefits the collar counties, does not hurt Cook County, does not hurt the downstate counties?"

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

50th Legislative Day

April 25, 1997

Gash: "That is correct."

Biggins: "I think, I like this Bill."

Gash: "It is a good Bill."

Biggins: "Thank you."

Gash: "You're welcome."

Speaker Madigan: "The Lady 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 Rossi: "No further Floor Amendments."

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

Clerk Rossi: "House Bill 1089 has been read a third time previously. And, is on the Order of Postponed Consideration."

Speaker Madigan: "Representative Gash."

Gash: "I would ask for your 'aye' vote."

Speaker Madigan: "Those in favor of the passage of the Bill vote 'aye'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take... Have all voted who wish? Have all voted who wish? The Clerk, shall take the record. On this question, there are 79 'ayes'; 36 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. I have been advised that there is an agreement between Representative Terry Parke and Representative Schakowsky regarding two Bills. House Bill 310 and House Bill 932. Mr. Clerk, House Bill 310. What is the status of the Bill?"

Clerk Bolin: "House Bill 310 is on the Order of House Bills-Third Reading."

Speaker Madigan: "The Chair recognizes Mr. Parke. Mr. Clerk,

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

50th Legislative Day

April 25, 1997

read the Bill."

Clerk Bolin: "House Bill 310, a Bill for an Act to amend the Unemployment Insurance Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. Parke."

Parke: "Thank you, Mr. Speaker. 310 (sic-House Bill) is the Unemployment Insurance vehicle that if we can get an agreement between the Senate's colleagues and labor and business and ultimately, we decide, the decision will be whether or not we will move the speed bumps. Which speed bumps are the artificial way of forcing labor and business to sit down to negotiate on unemployment insurance. If we do not move the speed bumps at the end of 1997, this year, labor and business will both take a 100 million whack and we don't know if that is what we want to do. What we want to do is force them to come to the table and to continue the negotiation. This Bill is the vehicle that we'll use to continue that negotiation."

Speaker Madigan: "Representative Schakowsky."

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

Speaker Madigan: "Sponsor yields."

Schakowsky: "For the record, Representative, I wanted to know if it is your intention that this Bill will be used only for the purposes that you stated, unless there is some agreement among all parties to do otherwise?"

Parke: "Yes, Representative. Under the agreed Bill process in which, you have stated that this issue, as well as, worker's comp., will be used that... it is only the intention of this Bill to be used for that vehicle. And that would have to be an Agreed Bill process, in which your side and our side both agreed. Otherwise, we would not move the Bill."

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

50th Legislative Day

April 25, 1997

Schakowsky: "To the Bill. We need to take action on this issue. Otherwise, unemployment insurance rates will go up and benefits to workers will go down. So, we must have a vehicle out there. And, I would urge an 'aye' vote on this one."

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... The Clerk shall take the Record. On this question, there are 109 'ayes'; 8 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 932. Mr. Clerk, what is the status of that Bill?"

Clerk Bolin: "House Bill 932, is on the Order of House Bills-Third Reading."

Speaker Madigan: "Read the Bill."

Clerk Bolin: "House Bill 932, a Bill for an Act to amend the Workers Compensation Act. Third Reading of this House Bill."

Speaker Madigan: "Representative Schakowsky."

Schakowsky: "If we could hold this Bill for just a minute, I would appreciate it."

Speaker Madigan: "The Chair recognizes Representative Currie for the purpose of an announcement. Mr. Clerk, for the purpose of an announcement."

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

Speaker Madigan: "Mr. Clerk, take House Bill 932, out of the record. And, call House Bill 409, Mr. Santiago. What is the status of 409 (sic-House Bill)?"

Clerk Bolin: "House Bill 409 is on the Order of House Bills-Third

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

50th Legislative Day

April 25, 1997

Reading."

Speaker Madigan: "Read the Bill."

Clerk Bolin: "House Bill 409, a Bill for an Act to amend the Illinois Pension Code and State Mandate's Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. Santiago."

Santiago: "Thank you, Mr. Speaker and Members of the General Assembly. House Bill 409 amends the Chicago Teacher Article of the Pension Code, which will clarify that pensioners may return to temporary teaching in the city for up to a 100 days currently, they are at 75 days without loss of pension benefits and makes a provision retroactive to August 23, 1999 (sic-1989). I ask for your favorable consideration."

Speaker Madigan: "Mr. Hoeft."

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

Speaker Madigan: "Sponsor yields."

Hoeft: "Did I hear you say, it makes it retroactive to 1999?"

Santiago: "What, what this does is clarifies what has been done already in the books."

Hoeft: "So, it takes it back to 1989?"

Santiago: "Yes, Sir."

Hoeft: "We agreed upon this in committee. I would like for the record, though, to reemphasize, these individuals coming back for the 100 days, will be substitutes and not full-time teaching. They are taking full-time teaching positions."

Santiago: "Yes. These aren't substitutes."

Hoeft: "They would not be receiving a pension and a full-time teaching salary at the same time?"

Santiago: "No."

Hoeft: "Chicago Public Schools, like all of the other school

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

50th Legislative Day

April 25, 1997

districts in the State of Illinois have a very difficult time finding substitutes. Anytime, we can get a qualified, certified substitute in the classroom, is the benefit of the children. I would ask all Members to please vote with this Bill."

Santiago: "Thank you, Mr. Hoeft."

Speaker Madigan: "Those in favor of the passage of the Bill, vote 'aye'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there 105 'ayes'; 12 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 372, Mr. Capparelli. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 372, is on the Order of House Bills-Third Reading."

Speaker Madigan: "Read the Bill."

Clerk Bolin: "House Bill 372, a Bill for an Act to amend the Illinois Pension Code and State Mandates Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. Capparelli."

Capparelli: "Thank you, Mr. Speaker. These are housekeeping changes proposed by the Board of Education. It amends the Chicago Teachers Pension Code. And deletes the obsolete limitation on investments by the funds stocked. Provides for the investment of the fund, shall be valued at market value, rather than book value. We passed this for municipal employees last week. It requires filing a Federal Industrial Commission, before applying for disability benefit and restores full payment for retirement annuities and certain persons, who elected revisionary annuities. This, there is no fiscal impact and it has been

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

50th Legislative Day

April 25, 1997

agreed by all parties. And, I ask for a favorable Roll Call."

Speaker Madigan: "Mr. Hoeft."

Hoeft: "Thank you, Mr. Speaker. The Bill has no fiscal impact. It has passed through. It is technical in nature. It is necessary to have this system come into compliance with federal and state, other laws. So, this is a good Bill. And, I would ask for a positive vote."

Capparelli: "Thank you."

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 116 'ayes'; 0 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Bost, House Bill 1321. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 1321 is on the Order of House Bills-Third Reading."

Speaker Madigan: "Read the Bill."

Clerk Bolin: "House Bill 1321, a Bill for an Act to amend the Uniform Peace Officers' Disciplinary Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker, Members of the House. House Bill 1321 is a ongoing Bill that we're wanting to send on over to the Senate. I've been working with Representative Phil Novak. I would like to, if he is in the Chamber, I'd like to refer any questions to him. Right now the Federal (sic-Fraternal) Order of Police, the Sheriffs' Association, and the Illinois Police Chiefs are meeting in Moline to try

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

50th Legislative Day

April 25, 1997

to work on some other language working with this. Basically, what it does is it does not allow disciplinary action to be taken on noncriminal actions, unless it has three days notice. And they're working on this language now. We want to move it over to the Senate so it can continue to be worked on."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. And on that question, the Chair recognizes Mr. Scott."

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

Speaker Madigan: "The Sponsor yields."

Scott: "Mike, we haven't shelled this, then?"

Bost: "No. No, we have not shelled this. And that needs to be clarified. It is not shelled. And as far as the questions and everything, I was hoping that Representative Novak would be in the Chambers. He's been working with them on this. We've agreed that we can move it. And it is agreed with the police chiefs and the sheriffs, and I did check that, that we can go ahead and move it, with the agreement it would be held over there until they come up with this language."

Scott: "Representative Novak's in the dereg meeting. It's just a little problematic to vote for something like this. When Representative Novak presented this in committee he did it saying, you know, 'look, we're not going move this unless we've go an agreement on the language.' I understand if they don't care we pass it out. But there's... For a lot of the Members to vote on the Bill in the form that it's in, there's some problems with that."

Bost: "I understand those concerns. I did want to let everyone know, you know, that all three groups came to us and requested that we go ahead and move it on. The language

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

50th Legislative Day

April 25, 1997

right now, you know, they're arguing back and forth, and I will admit to that. But it is the intent, it is the intent of this language to only make it to where that someone is, does not face a disciplinary action until they've had three days notice."

Scott: "Well, but again, that's part of the problem, and that's why there's negotiations going on with the Chief's Association. Because, you know, having been an attorney you handled a lot of those things for 10 years. The three days can be problematic because what that results in, a lot of times, is a feeling that you're not getting necessarily totally accurate recount. And that the best recount you get of incidents, many times to the favor of the officer, only happens... or happens best when it happens quickly. And giving three days is fairly problematic, which is why the negotiations are ongoing. So, all I would do, Mike, and there may be some of us who vote against it just because, you know, we thought this thing either wouldn't move, or would move as a shell. And, so I would just ask the Members to take a look at it. And you may end up with some people voting against it because in its current form the language is problematic."

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? The Clerk shall take the record. On this question, there are 112 'ayes'; 1 person voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1460, Mr. Phelps. Mr. Clerk, what is the status of that Bill?"

Clerk Bolin: "House Bill 1460. The Bill's been read a second

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

50th Legislative Day

April 25, 1997

time previously. Floor Amendment #1, offered by Representative Phelps, has been approved for consideration."

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

Stephens: "Mr. Speaker, it was clear to me the other day that the Conceal and Carry Bill did not pass this General Assembly. Representative Black just came up the aisle, see you can't even see it now. Conceal and carry is not the law in Illinois, or on this House Floor. We have several witnesses. Representative Tenhouse is wiping the water away from his face as we speak. It's an outrage. Representative Poe. Representative Cross is going to file a lawsuit."

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

Kenner: "Thank you, Mr. Speaker. I would like to announce that the Black Caucus is having our annual conference, statewide conference this weekend. And we would like to invite, and even encourage, any Members that will be here this weekend, or tomorrow or Sunday, to stop by this afternoon. And if you're interested I have some brochures over here on my desk that you can pick up. Thank you. That would be at the Crown Plaza Hotel."

Speaker Madigan: "All right. Back on the Bill. House Bill 1460, Mr. Phelps, there's an Amendment. What is the Amendment, Mr. Clerk, what number?"

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

Speaker Madigan: "Mr. Phelps, on Amendment #1."

Phelps: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment 1 actually becomes the Bill. It is

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

50th Legislative Day

April 25, 1997

intended to insure that work-fare type programs do not become a means of displacing current workers from their jobs of eliminating real jobs that pay living wages in favor or work-fare slots. I appreciate your support."

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

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

Speaker Madigan: "The Sponsor yields."

Black: "Thank you very much. Representative, the Floor Amendment becomes the Bill. That's correct, right?"

Phelps: "Yes."

Black: "And, but it really doesn't make it a Shell Bill, does it?"

Phelps: "I'm sorry."

Black: "It's still a substantive Bill?"

Phelps: "Yeah. The original Bill dealt with a different matter, a Public Aid matter. And this was germane. And we changed... took all that language out and replaced it with this."

Black: "All right. Representative, staff informs me, the concern with the Amendment is that it seems to make it, would make it more difficult to implement President Clinton's Welfare Reform Bill. Is that a false assumption?"

Phelps: "Yes. In my interpretation it's a false assumption because I believe the, we're trying to follow in this Bill what the Federal Law requires, in putting in place a grievance procedure that is not really asking the Legislature to supplant a union contract. In fact, I think in point, the Federal Law itself, requires that the states establish a grievance procedure for workers who might believe that they've been displaced by a work-fare

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

50th Legislative Day

April 25, 1997

participation."

Black: "Well, you see, I'm concerned that we may be going down a path that would put you in conflict with President Clinton. And that would not be good for you in light of your recent announcement. So, I just thought I might give you an opportunity to take this out of the record. But I don't think you want to do that."

Phelps: "No, I'll try to pass it. Thank you."

Black: "Well, all right, Representative. But remember 18 months from now, I tried to get you to do this."

Phelps: "Hillary says it's okay."

Black: "Oh, all right. Well that's okay then."

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 other Amendments?"

Clerk Bolin: "Floor Amendment #2, offered by Representative Phelps."

Speaker Madigan: "Mr. Phelps."

Phelps: "Thank you, Mr. Speaker. Very quickly, it just replaces some language in line 6, puts in that participants shall at least have 15 days prior to utilizing the process."

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

Clerk Bolin: "No further Amendments. A Fiscal Note has been requested on the Bill as amended, and has not been submitted."

Speaker Madigan: "Mr. Phelps, did you hear that? There was a request for a Fiscal Note as amended. The Note has not been filed. So the Bill shall be left on the Order of Second Reading. For what purpose does Representative

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

50th Legislative Day

April 25, 1997

Younge seek recognition?"

Younge: "Thank you, Mr. Speaker. Jackie Grimshaw, the Center for Neighborhood Technology is visiting the House floor. Let's welcome her."

Speaker Madigan: "House Bill 504, Mr. Schoenberg. Mr. Clerk, what is the status of that Bill?"

Clerk Bolin: "House Bill 504 has been read a second time previously. Floor Amendment #2, offered by Representative Schoenberg, has been approved for consideration."

Speaker Madigan: "Mr. Schoenberg on the Amendment."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #2, which was approved by the House Aging Committee, addresses issues which were raised by Committee Members, and accommodates all Member requests so that there was near unanimity on the Bill. It includes deleting a portion. Deleting a portion of the Bill, which referred to a superfluous study. It also included adding a portion to the categories of elder care, which could be for which these bond proceeds could be used for assisted living, that was to accommodate a request by Representative Wood. And I urge the House adoption of Floor Amendment #2."

Speaker Madigan: "Mr. Lawfer."

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

Speaker Madigan: "The Sponsor yields."

Lawfer: "Does this Bill have Amendment #1? (sic-Amendment) #1 has been adopted. Is that correct?"

Speaker Madigan: "Mr. Clerk. The Clerk indicates that Amendment #1 has been adopted."

Lawfer: "Okay. (sic-Amendment) #2 then, Representative, does what?"

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

50th Legislative Day

April 25, 1997

Speaker Madigan: "Representative Schoenberg."

Schoenberg: "Amendment #2 adds the provision that I just alluded to. It was a request by Representative Wood to add assisted living establishments to the roster of elder care options, for which the proceeds for the Elder Care Savings Bond could be applied. I want to use this opportunity to indicate to the Members that on the concept of assisted living, there are several assisted living Bills which are currently under consideration and being discussed. And there is an agreement not to move forward on the final passage of the assisted living provision until there has been some consensus achieved. But in the interest of fulfilling our deadlines, we have met Representative Wood's request by including this Section in the Amendment #2."

Lawfer: "This would be the first time that State Statute would be addressing the subject of assisted living. Is that correct?"

Schoenberg: "As I indicated, Sir, there are several other legislative proposals. I believe Representative Wood is the Sponsor of one of them. Senator Parker is the Sponsor of another one. Actually, the assisted living concept has been formally addressed by the Legislature. But as I indicated to you, Sir, privately, as well as publicly, in committee, and here on the House Floor, until there is some consensus on the definition of assisted living there will be no final inclusion of that provision in the Bill when it returns from the Senate. So, with that commitment, I'm asking, Sir, for your support on this Amendment. The Amendment also addresses some technical financial matters to ensure that the provisions of the Elder Care Savings Bond Act would be in compliance with our current bond authorization. And I believe there's a subsequent

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

50th Legislative Day

April 25, 1997

Amendment, which provides further clarity to that, as well."

Lawfer: "Thank you very much, Representative. I'll continue, if this moves forward, why we'll continue our discussion. Thank you."

Schoenberg: "Thank you."

Speaker Madigan: "Mr. Acevedo."

Acevedo: "Mr. Speaker, for the record, I was just notified on House Bill 372, my vote was recorded. I would like to go on record as a 'yes'."

Speaker Madigan: "Let the record reflect that request. On the Amendment, those in favor of the Amendment say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "Floor Amendment #3, offered by Representative Schoenberg."

Speaker Madigan: "Mr. Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #3 references something which I alluded to earlier, making sure that the authorization for the Elder Care Savings Bond Act is within our current bond authorization, and clarifies that so that there's no mistaking that we are not seeking to add an additional margin to the bond authorization, but merely enable the sales of these instruments within our current authorization. It's a technical matter. It was raised in committee. And I urge your adoption."

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. No Motions filed."

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

50th Legislative Day

April 25, 1997

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

Clerk Bolin: "House Bill 504, a Bill for an Act concerning long-term health care. Third Reading of this House Bill."

Speaker Madigan: "Mr. Schoenberg on Third Reading."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 504 creates the Elder Care Savings Bond Act. It is a concept that was spawned by those individuals who were instrumental in creating the College Savings Bond Act, and many of us are very supportive of that. And I hope you'll be equally supportive of the Elder Care Savings Bond Act. The concept is similar. What we're asking people to do is, particularly within the Baby Boom Generation, to make certain that they are providing adequate savings over a period of time to address their elder care needs when they reach that stage in their lives. Because we recognize that there is a broad range of options available for appropriate care within elder care, the Bill provides for a number of provisions that range anywhere from using the proceeds for nursing home care, to hospice care, to providing for respite care, or custodial care. Essentially providing for flexibility to apply the proceeds of the bond after the bond has matured towards the best..."

Speaker Madigan: "Mr. Schoenberg, please bring your remarks to a close."

Schoenberg: "Thank you."

Speaker Madigan: "And, Mr. Lawfer, did you wish to speak to the Bill on Third Reading? Mr. Lawfer."

Lawfer: "Yes, would the... question?"

Speaker Madigan: "The Sponsor yields."

Lawfer: "As you described those bonds, what would be the advantage for an individual to take these bonds out, versus

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

50th Legislative Day

April 25, 1997

say, using another type of savings instrument?"

Schoenberg: "The advantage of using these bonds similar to the College Savings Bond Program is that the maturation of the instrument, there's a modest grant subject to General Assembly Appropriation, which would be applied towards the appropriate form of elder care. As we know, over 25% of the people who buy college savings bonds do so because they're a good investment. I believe, these too, will be a good investment, and provide a means of encouraging people to save for this important stage in their lives."

Lawfer: "Representative, if I bought a 15 year certificate and, of course, needed this funds for health care service prior to the maturing of that 15 years, would there be any advantage to me in that regard? And would I be able to access my funds."

Schoenberg: "If you would seek to access your funds prior to the maturation of your Elder Care Savings Bonds it would be treated similar to how we treat the College Savings Bonds. You wouldn't be able to receive the stipend which comes at the end of the... you wouldn't be able to receive the stipend which comes at the maturation of the instrument. And at the time that you purchase the bond, if it is indeed a good investment, then, relative to other investments, I would certainly encourage people to make it. As I said before, we've seen how the College Savings Bond Program has really been an excellent investment vehicle for people who are not only encouraging people to... not only seeking to save for their children's college years, but for many people who do not have children who are going, preparing to go off to college, but who do so because they think it's a good investment."

Lawfer: "Representative, in regards to the assisted living

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

50th Legislative Day

April 25, 1997

definition and so on, are you aware of anybody that is in opposition to this definition?"

Schoenberg: "Those parties who have expressed their concern over the other assisted living legislation, who were hoping to resolve it through consensus, have also indicated to me that they understand that I'm making this inclusion at the request of Representative Wood in order to meet a time deadline, and that we're not going to proceed further on the assisted living provision without any consensus on the matter."

Lawfer: "Mr. Speaker, to the Bill. The Representative has pointed out that these are medical savings bonds, and pointed out the advantage that we already have on the education bonds. But on the other hand, there is a difference, I feel, because on education we know, or have a pretty good idea when somebody will need to access those funds for educational purposes. I think that this is completely different in regards to medical needs. I'm not sure that any of us can forecast our needs for funds for medical uses in the future. And, there again, I don't see any advantage for this, particularly over other instruments of savings that are already in place for existing financial institutions. So, I think it's a well conceived idea. But it's going to be kind of hard to implement in modern day life. Thank you."

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 117 'ayes'; 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1451, Mr. Burke. Mr. Clerk,

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

50th Legislative Day

April 25, 1997

what is the status of this Bill?"

Clerk Bolin: "House Bill 1451, a Bill for an Act to amend the Metropolitan Water Reclamation District. Third Reading of this House Bill."

Speaker Madigan: "Mr. Burke."

Burke: "Thank you, Mr. Speaker, Members of the House. This Bill was discussed yesterday afternoon. I believe that we have an agreement at this stage, it's the bonding authority for the Water Reclamation District. It would extend it for the next 10 years. I'm available for any questions."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. And on that question, the Chair recognizes Representative Clayton."

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

Speaker Madigan: "The Sponsor yields."

Clayton: "Okay. Representative, I will be voting for this Bill. But I do have some questions. In it it lists that the communities that benefit, and it does list Buffalo Grove, which I'm very familiar with. And the project that was done with the, then MSD, was done in the mid 70's, and I'm sure that it is paid for by this time. I was just curious if there are other projects, or what was involved in this?"

Burke: "This bonding, this new bonding, or the extension of the authority for the bonding would include the tunnel and reservoir in the Chicago Underflow Programs, that would provide flood relief. This would include flood retention reservoirs in suburban Cook County, and also the Des Plaines River Floor Water Plan, which is a series of reservoirs and levies extending 50 miles from 59th street, in Cook County, to the Wisconsin border. So there are a number of projects that this bonding authority would permit and continue to be undertaken."

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

50th Legislative Day

April 25, 1997

Clayton: "I guess I was just curious, you know because as I said, I would be quite certain that project would be paid for by now, but that perhaps the authority is going to refinance their bonds. Is that what they had in mind?"

Burke: "I don't know that, Representative."

Clayton: "Okay. Okay, well..."

Burke: "We'll get an answer for you from the lobbyist."

Clayton: "Okay, thank you. As I said, I will be voting for the Bill because I know, you know, first hand that that project has been very effective, and very helpful to that area, as far as preventing floods, when, you know, in recent years there really has been no flooding in that area. And I think this is certainly a major part of the reason. So, if the other projects are as good, of course I would want us to be able to continue on with that in Cook County. But I just wanted to, really was curious if there was another project involved. Thank you."

Burke: "We'll get that answer for you."

Speaker Madigan: "Representative John Turner."

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

Speaker Madigan: "The Sponsor yields."

Turner, J.: "Representative, is there currently any authority of the issuance for bonds in the statute?"

Burke: "Yes."

Turner, J.: "And what is that current authority? How does this expand upon it?"

Burke: "This would not expire... The current authority would not expand until the end of 2001."

Turner, J.: "I'm sorry, I didn't hear what you said. It would not what?"

Burke: "The current authority would extend to the year 2001."

Turner, J.: "And your Bill?"

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

50th Legislative Day

April 25, 1997

Burke: "It would add 10 years."

Turner, J.: "All right. What are the limitations on the issuance of bonds?"

Burke: "What do you mean?"

Turner, J.: "Well, is there an amount limit on the number of bonds, or the total monetary obligation that can be issued? Is there no limitation whatsoever?"

Burke: "I'm certain that there would be a limitation but I don't have that at my disposal right now."

Turner, J.: "Does it have anything to do with the Equalized Assessed Evaluation?"

Burke: "No."

Turner, J.: "How are the bonds sold? Does the statute have a provision for that?"

Burke: "I don't have the answer to that either."

Turner, J.: "You're not certain on that?"

Burke: "I don't have the answer to that."

Turner, J.: "Do you know if the statute does have a provision concerning that? I understand you don't know what it is. But do you know if there is anything in the statute?"

Burke: "Yes, I know that there is a statute that governs that. Just a minute, Representative, I want to see if I can find something on that."

Turner, J.: "I'm sorry Representative, were you looking for that?"

Burke: "There is a limitation on the dollar value of the bonds that they can issue. There is a limitation on the monetary amount of the bonds that can be issued."

Turner, J.: "All right. Finally, what project, is this for a specific project, or for a number of projects, or exactly why the bonds?"

Burke: "This if for a number of projects. This is their general

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

50th Legislative Day

April 25, 1997

bonding authority for all of the projects that are undertaken by the district."

Turner, J.: "Okay. Thank you, Representative, I appreciate it."

Burke: "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 59 'ayes'; and 57 'noes'. Mr. Clerk, Poll the Absentees."

Clerk Rossi: "Poll of those not voting. Representative Parke."

Speaker Madigan: "On this question, there are 59 'ayes', and 57 'noes'. Mr. Burke, what is your pleasure?"

Burke: "I think Representative Gash wanted to be acknowledged."

Speaker Madigan: "Well, she can be acknowledged, but she can't change her vote."

Burke: "Has the vote been announced?"

Speaker Madigan: "Yes. The Clerk took the record."

Burke: "Put it on Postponed. Another DOA."

Speaker Madigan: "Postponed Consideration. House Bill 1809, Representative Deuchler. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 1809 is on the Order of House Bills-Second Reading, and has been read a second time previously. There were no Committee Amendments. Floor Amendment #1, offered by Representative Deuchler, has been approved for consideration."

Speaker Madigan: "Mr. Clerk, who is the Sponsor of the Amendment?"

Clerk Rossi: "Representative Deuchler."

Speaker Madigan: "Representative Deuchler on the Amendment."

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

50th Legislative Day

April 25, 1997

Deuchler: "Mr. Speaker, Ladies and Gentlemen of the House, in committee we adopted the Family Violence Option for Illinois. And this allows Illinois increased flexibility in applying the requirements of the TANF Program to families. It would waive for as long as necessary pursuant to a determination of good cause, any program requirements for the victims of domestic violence who would be enrolled in the TANF Program. And I would be glad to answer any questions."

Speaker Madigan: "The Lady 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 Rossi: "No further Amendments. A Fiscal Note has been requested on the Bill as amended, and has not been filed."

Speaker Madigan: "Representative Deuchler, did you hear that? There has been a request for a Fiscal Note as amended. And that has not yet been filed. So the Bill shall be taken out of the record. House Bill 118. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 118, a Bill for an Act amending the Hospital Licensing Act. Third Reading of this House Bill."

Speaker Madigan: "Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I think many of you are familiar with this piece of legislation. Because a woman named Myra Rosenbloom, who is standing in the Gallery right now, has been talking to many of you, many of us, about this legislation, which would simply require that hospitals that have more than 250 beds have a doctor on duty at all times for those patients, in addition to the emergency room physician. Myra, who the Reader's Digest calls a hero for

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

50th Legislative Day

April 25, 1997

today, lost her husband Jack, who was in the intensive care unit in the hospital waiting for his doctor to come, and before his doctor arrived, Jack died. Myra, on her own, 72 years old, did research and found out that there is no requirement that a doctor be in a hospital. Now, I've told that to many people when Myra brought it to me, and they have all been literally shocked. They all thought, if I'm in a hospital, of course there's going to be a doctor there at any hour, of any day. We amended the Bill in committee to say that, instead of the original Bill, requiring a doctor for every 1 hundred beds, to 250 beds, which is an awful lot of beds. We're talking about hundreds of people, very sick people, people who are sicker than ever, because hospitals don't keep people who aren't real sick any more. Two hundred and fifty beds or more, we want a doctor there. Now there can be all kinds of complicating questions asked about it. But let's be clear. You want to be able to tell your constituents that when they go to a large hospital there's going to be a doctor there. So, I would urge your support. And I would be happy to answer any of your questions."

Speaker Madigan: "Representative Andrea Moore."

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

Speaker Madigan: "The Sponsor yields."

Moore, A.: "Representative, in your Bill, what kind of physician would you suggest be assigned as the extra physician?"

Schakowsky: "Well, Representative, we leave that basically to the hospital to decide. The intent of the Bill is clear, that there be a doctor there. I would think it would be someone who's in general practice of some sort, emergency physician, but we don't specify that in the Bill, we leave it to the hospital to decide what kind of doctor would be

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

50th Legislative Day

April 25, 1997

there."

Moore, A.: "So, if we had an orthopedic surgeon assigned and the individual had an aneurysm, that would be all right? There would be a doctor on staff waiting and available."

Schakowsky: "Well I would think that the hospital would want to be sure that there was an appropriate doctor. But let's be clear, there are some procedures, like intubation, or a balloon pump, or some things that only a doctor can prescribe, which are fairly routine in emergency situations, that any physician could order and a nurse could not order. And so, you know, we can get into, oh, we're going to have inappropriate doctors. I am certain that all hospitals would make sure that that physician was an appropriate one."

Moore, A.: "The point is, under that kind of scenario, there would be a physician in the hospital that would be available, but it would be the wrong physician, and they would have to call the right physician to the hospital, under the guidelines that are currently established by the hospital licensing rules and the joint commission. There's no evidence that these procedures are not working. Hospitals that are teaching hospitals already have additional physicians that are available. And the hospital licensing rules state that at least one physician shall be in the emergency department at all times. And that provides for basic emergency treatment services. The Governing Board is also required to ensure competent and qualified personnel are on hand. There are very strict on call procedures for ensuring that doctors are available for nonemergency room patients. There is a doctor in the emergency room to handle the emergency situation. And this is an additional physician that would only increase costs

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

50th Legislative Day

April 25, 1997

and not, and this is really the most important part, this will not answer what seems to be the need that you are expressing. Having the right physician to treat an emergency is really critical. And those issues are taken care of by the licensing rules. In structuring the medical staff, the hospital has to provide that one or more physicians are available at all times for emergencies. That's part of the highest hospital licensing rules. There's absolutely no evidence that that is not current, that there's a problem with the way these rules are being administered. I think, I have great sympathy for Ms. Rosenbloom. I think that she suffered a very serious loss, and that loss was in Indiana. And I think that this kind of change in Illinois Law is reaching way too far, and is over burdensome. And I would urge a 'no' vote."

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

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

Speaker Madigan: "The Sponsor yields."

Cross: "Representative, why are you making a distinction based on the size of the hospitals, or the number of beds? Isn't this more of an issue of quality of care?"

Schakowsky: "The, well, the Hospital and Health Care Association said that they thought that this would be particularly burdensome for hospitals under 250 beds. In an effort to accommodate that objection, and in an effort to get started on this program, we decided that a reasonable cut-off point, then, would be 250 beds. Currently in Illinois, there are 79 hospitals. That's about two-thirds of the hospital beds in Illinois do fall under that category. Some are teaching hospitals, but about 39 hospitals are not teaching hospitals. So, we felt that it was a good place to start, Representative."

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

50th Legislative Day

April 25, 1997

Cross: "My understanding is we have a set of hospital licensing rules in Illinois right now. Are you familiar with those?"

Schakowsky: "If you're referring to the emergency doctors. Is that the rule that you're looking at?"

Cross: "Well, just the whole hospital licensing rules that deal with physician staffing in hospitals. My understanding is that, I'm sure since you Sponsored this Bill you're familiar with them, that we already... these are covered and provided for in their rules. Are you familiar with them?"

Schakowsky: "I feel that this in not, having looked at those, not adequately covered. And if you look at the policy of the College of Emergency Physicians, they view that it is the responsibility of the hospital administration, and the organized medical staff to assure adequate medical care for those emergency situations that occur in other hospital departments and areas. The emergency doctors don't want to be responsible for the hundreds of other patients throughout the hospital."

Cross: "Maybe Representative Moore asked this, and if she did I apologize, but maybe she didn't. What type... who's making the distinction, or the determination on the type of physician that you're requiring over and above the emergency room physician or the hospital?"

Schakowsky: "My Bill does not make that requirement. We leave that to the care givers. That is to the hospital itself to make that determination."

Cross: "Well, how can you, I mean, if I understand this, we want to make sure we're taking care of an emergency situation that comes up that's unexpected. Isn't that what an emergency room physician does best? I mean, I understand the need for an emergency room physician, and that's one

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

50th Legislative Day

April 25, 1997

thing. But if we have an internal medicine person at the hospital, and we have a heart attack, what good is the internal medicine person? How does that address your concern?"

Schakowsky: "Oh, I would completely disagree with you. Because a doctor familiar with internal medicine, which is many different expertise, that doctor could order an emergency procedure, like intubation, which would start someone breathing again, even though... Because a nurse cannot require those kinds of emergency things."

Cross: "Can't an emergency physician do the exact same thing?"

Schakowsky: "Not if the emergency room physician is in the emergency room dealing with emergencies. And that's why the emergency physicians don't want responsibility for the 3 hundred, or 4 hundred people upstairs. Their job is downstairs. And as you well know, people are often waiting for hours in an emergency room. It's not like they're sitting around twiddling their thumbs, waiting for something to happen upstairs. They're busy with their job. This is not their job. They say quite explicitly in their resolutions that this is not their job."

Cross: "The emergency room physicians are supporting this Bill?"

Schakowsky: "The emergency room physicians are neutral on this Bill. But they did supply me with their policy summaries that say that they are not responsible for the care in the rest of the hospital."

Cross: "So, Representative, I'm now staffed at this hospital because your Bill passes and I'm a pediatrician, and a patient has an aneurysm. Am I going to be exposed to some liability because I mistreat this patient?"

Schakowsky: "Representative, the hospital will make decisions about who would be available on an emergency... who would

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

50th Legislative Day

April 25, 1997

be available..."

Cross: "Don't they do that right now? Don't they make it a determination under hospital rules which physicians we should have on call, which physicians we should have in emergency room, whether there's a need for a neurologist, or cardiologist, an orthopedic surgeon, at least having access to them, or having them on call, or having them there? Isn't that the determination that a hospital should be making, instead of the Members of the General Assembly."

Schakowsky: "Look, Representative, this Bill, you can make it as complicated as you want. But I think it's pretty hard to argue that a hospital with 350, 4 hundred beds, doesn't have to have a doctor there, a doctor available to treat emergencies for its patients. You know, you can raise all kinds of little nitpicky questions. But we're leaving this to the hospital to say what doctors should be on call."

Cross: "Not on call, on duty. Yes, there's a distinction."

Schakowsky: "Yes. On duty in the hospital, not on call. Ingalls Hospital, which has a full time doctor there, says that, they have reduced their liability, they have reduced their mortality. The hospital patients are getting better care because there is a doctor on duty. That's all this Bill does."

Cross: "So we're already doing what you're trying to mandate. Hospitals in this state are already doing what you're mandating."

Schakowsky: "No. Some are, and that's the point. Some are with good results. There is no... Representative, should we not, when you tell people, you try it, you tell people that Illinois hospitals don't have to have a doctor there, they're shocked. They're absolutely shocked. They think when they're there that there's going to be a doctor in the

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

50th Legislative Day

April 25, 1997

hospital if something happens. We think there should be."

Cross: "Well, Representative, thanks for answering my questions. I'm sure my five minutes is up."

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

Skinner: "Are you telling us that every hospital in the state doesn't have a doctor on duty 24 hours a day?"

Schakowsky: "That is correct."

Skinner: "How many hospitals..."

Schakowsky: "No. Let me clarify that. For nonemergency room patients."

Skinner: "Well, I want you to answer the question as I asked it."

Schakowsky: "That is correct."

Skinner: "Including emergency room doctors as a doctor, because they are. How many hospitals in the state don't have one doctor on duty 24 hours a day?"

Schakowsky: "If they have an emergency room. I think they all do have emergency rooms."

Skinner: "Well, Representative Flowers indicated that that might or might not be the case in her Bill. At least in the analysis that we received after her Bill."

Schakowsky: "All I know is there is no requirement for nonemergency doctors."

Skinner: "Well, why don't you think an emergency doctor, emergency room doctor is enough? I mean, if somebody codes in the hospital, where would you take them?"

Schakowsky: "The reason for that is, we're talking about very large hospitals with a lot of beds. These hospitals that have emergency rooms are dealing with emergency patients. Once again, I refer to the statement of the emergency physicians themselves. They say that hospital medical emergency response plans and teams should be organized in a manner, listen to this part, 'that is not reliant on an

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

50th Legislative Day

April 25, 1997

emergency physician'."

Skinner: "Do you want to tell us how many hospitals over 250 don't have a nonemergency room doctor?"

Schakowsky: "We know that at least 39... let me tell you how many teaching hospitals there are."

Skinner: "Well, look, I'm not interested in teaching hospitals, because they've got people on duty 24 hours a day."

Schakowsky: "I know, that's what I'm saying, who are non. Let me... hold on one second, I have that information for you. There are 79 hospitals in Illinois that have more than 250 beds. Of those, 17 are teaching hospitals, and 33 with teaching programs, so they already have doctors. So we're figuring about 39 hospitals, big hospitals..."

Skinner: "Could you read the names of some of them?"

Schakowsky: "That don't have?"

Skinner: "Yes."

Schakowsky: "I know that Highland Park Hospital does not, 277 beds; Holy Cross Hospital, 318 beds. I know that they are not teaching hospitals. They are not required to have any doctors. I'm not sure if they do or not."

Skinner: "Now, when you say over 250 beds, are you talking about beds in use, or beds that are licensed?"

Schakowsky: "The only way, we can't do a daily census, so we're talking about licensed beds."

Skinner: "But you can talk about a wing that isn't open, or a floor that isn't open. You're talking about licensed beds."

Schakowsky: "That was the only logical way we could do it."

Skinner: "So in essence you're taking the... it's much smaller hospitals than 250 bed hospitals. I mean, if they have licensed beds and they're not using them, and they're no beds in the rooms, but they still have a license, this Bill

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

50th Legislative Day

April 25, 1997

would apply."

Schakowsky: "Yes. But if they have a whole wing that they are not using, I'm sure they're not going to continue to be licensed. Look, the idea is to get at big hospitals. The idea is to get at big hospitals, Representative."

Skinner: "Well, you're telling us that, I mean, the two hospitals you name were suburban hospitals. Name me some downstate hospitals that don't have a doctor on duty besides an emergency room doctor."

Schakowsky: "I don't know."

Skinner: "So we're just talking the Chicago Metropolitan area?"

Schakowsky: "No, I don't know. I'm sure that I could tell you what large hospitals are downstate."

Skinner: "Well, but, it seems to me that you have to show there's a problem. And I'm not sure you've done that yet."

Schakowsky: "I don't know why we have to show there's a problem to state a state policy. And I'll tell you a problem that I personally had in a hospital where my aunt died waiting for her doctor, who knew that there was a blockage, and her intestine exploded. She should have been brought to surgery immediately. There was no doctor there to advise that."

Skinner: "What hospital was that?"

Schakowsky: "That was Skokie Valley before it became part of the Rush System."

Skinner: "And how many beds did it have?"

Schakowsky: "It's a large hospital."

Skinner: "Well, over 250 beds?"

Schakowsky: "I don't know."

Skinner: "Did they have an emergency room physician on duty?"

Schakowsky: "What is the point?"

Speaker Madigan: "Mr. Skinner, could you bring your remarks to a

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

50th Legislative Day

April 25, 1997

close?"

Skinner: "In 35 seconds. Was there an emergency room doctor on duty?"

Schakowsky: "Yes."

Skinner: "And the doctor didn't service your aunt?"

Schakowsky: "No."

Skinner: "And what reason did they give you for not?"

Schakowsky: "Her doctor, they were calling him. He just got there after her intestine exploded. He was on call. He did finally arrive. They went into surgery, she had total infection and she died."

Skinner: "Well, thank you for enlightening us. Thank you."

Speaker Madigan: "Mr. Capparelli."

Capparelli: "Mr. Speaker, I Move the Previous Question."

Speaker Madigan: "The Gentleman has moved for the previous question. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The previous question is moved. The question is, 'Shall this 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 24 'ayes'; 81 'noes'. This Bill, having failed to receive a Constitutional Majority, is hereby declared lost. Mr. Clerk for the purpose of an announcement."

Clerk Rossi: "Committee Reports. Representative Currie, Chairman from the Committee on Rules, to which the following Resolution was referred, action taken on April 25, 1997, reported the same back with the following recommendation/s: 'be adopted' House Resolution 134."

Speaker Madigan: "For what purpose does Mr. Tenhouse seek

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

50th Legislative Day

April 25, 1997

recognition?"

Tenhouse: "Thank you, Mr. Speaker. The Republicans would request a Conference in Room 118, for one hour."

Speaker Madigan: "Mr. Daniels, can we adopt the Amendment and the Rules for the Heiple matter? So, let's defer that for maybe a few seconds. Representative Currie, on the report from the Rules Committee."

Currie: "Thank you, Speaker and Members of the House. I move that we adopt House Resolution 134. This Resolution amends our Rules, to provide that in addition to the opportunity for the Rules Committee, itself, to meet while the House is in Session, so will the special committee investigating the question of impeachment with respect to Justice Heiple. I'd appreciate your support for the Rules change."

Speaker Madigan: "The Lady moves for the adoption of the Resolution. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Resolution is adopted. There will be a Republican Caucus for one hour. Democrats can go to lunch. So we shall come back at 1:00. Thank you. Mr. Clerk, on the matter of the Adjournment Resolution."

Clerk Rossi: "Senate Joint Resolution 29, offered by Representative Currie."

SENATE JOINT RESOLUTION NO. 29

RESOLVED, BY THE SENATE OF THE NINETIETH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the two Houses adjourn on Friday, April 25, 1997, the Senate stands adjourned until Tuesday, April 29, 1997, at 12:00 o'clock noon; and the House of Representatives stands adjourned until Tuesday, April 29, 1997, at 12:30 p.m."

Speaker Madigan: "You've all heard the Adjournment Resolution."

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

50th Legislative Day

April 25, 1997

The Motion is that it be adopted. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Adjournment Resolution is adopted. Representative Wojcik, would you want to do House Bill 705? Mr. Clerk, House Bill 705, what is the status of the Bill?"

Clerk Rossi: "House Bill 705, a Bill for an Act concerning children's health insurance coverage. Third Reading of this House Bill."

Speaker Madigan: "Representative Wojcik."

Wojcik: "Thank you, Mr. Speaker and Members of the House. This is not a new issue, this is an issue that's been around us for quite a few years. And this is an issue that is very dear to my heart. It's insurance coverage for children from zero through six. I think we all are familiar with the recent epidemics that we've had in measles outbreaks. We've had a mumps outbreak in 1986 to 81 (sic-91), measles in 1989 to 91. This is a Bill that's going to protect our children. I think that what we're hearing is that mothers and fathers are working very hard today, and it's very hard for them to get their children out to these clinics to get them inoculated. And if they had insurance coverage they would not have the problems that they're facing, and they would have a healthy family and healthy children. This is not an issue of a mandate, this is just called prevention and preventative medicine. If you have a healthy child, you're going to have a healthy family, you'll have a healthy employee also. They're not going to be home and you're not going to have to pay all the sick benefits to them. One of these issues is if you have a child and you're covering the immunization factor, and the child is being cared for, you're also going to have a healthy family and the child will be able to continue without having any

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

50th Legislative Day

April 25, 1997

possible deformities in his life. The actual cost to the family, if the family so chose to pay this, would be \$7.54. If the company covers it, that's the cost it would be, \$7.54. And that's what we're talking about for the safety of the child. I think we've debated this Bill. It's an issue that's dear to my heart. And I would just ask for its favorable passage."

Speaker Madigan: "The Lady moves for the passage of the Bill. There being no discussion, the question is, 'Shall the Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 96 'ayes'; 21 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Hassert, did you wish to do House Bill 1122? Mr. Clerk, what is the status of House Bill 1122?"

Clerk Rossi: "House Bill 1122 is on the Order of House Bills-Second Reading, and it has been read a second time previously. There are no Committee Amendments. Floor Amendment #1, offered by Representative Hassert, has been approved for consideration."

Speaker Madigan: "Mr. Hassert."

Hassert: "Mr. Speaker, I'd like to withdraw Amendment #1 and go to Amendment #2."

Speaker Madigan: "Withdraw Amendment #1. Mr. Clerk, are there any further Amendments?"

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

Speaker Madigan: "Mr. Hassert."

Hassert: "Thank you, Mr. Speaker. Amendment #2, is basically

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

50th Legislative Day

April 25, 1997

sets a new definition for what is special waste. And it clarifies some problems with the different parties that were involved in this. With agreement, we have the City of Chicago, the IEPA, the Chamber, the waste haulers are all in agreement on this Amendment. I move for its adoption."

Speaker Madigan: "Those in favor of the Amendment say 'aye'; 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. Read the Bill for a third time."

Clerk Rossi: "House Bill 1122, a Bill for an Act amending the Environmental Protection Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. Hassert."

Hassert: "Thank you, Mr. Speaker. Again, the Amendment basically clarifies the Bill. This is dealing with specification for special waste. I'd like to just refer to matter of record, read in a couple of paragraphs from the Chamber. The Bill further places the onus on the generator to certify that their waste stream is a nonspecial waste. The certification must be signed and retained by the generator. The certification is available for review by the IEPA or the waste disposer on demand. Also, the nature of the certification is very important. In almost all cases the generator will know, either through personal knowledge of the waste through the trade association work, or through information supplied by manufacturer that the waste does not contain constituents, which would make the waste a special waste. In such a case the certification will take the form of a simple signed letter to the filing, stating that the generator believes testing was unnecessary due to

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

50th Legislative Day

April 25, 1997

personal acquired knowledge of the waste. In such cases testing will not require as part of the certification. However, testing may be conducted as part of certification, or if required by the agency if they have any reason to believe that the waste was mischaracterized. I'll be happy to answer any questions."

Speaker Madigan: "Mr. Novak."

Novak: "Yes, Mr. Speaker, thank you. I just rise in support of this Bill. We did cover this subject matter. The definition was drawn down in a very specific manner. And it's been agreed to by all pertinent parties involved. And I simply ask my colleagues on my side of the aisle to support this Bill. Thank you."

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 114 'ayes'; 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1261, Mr. Novak. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 1261 is on the Order of House Bills Second Reading, and has been read a second time previously. Floor Amendment #1 has been adopted to the Bill. No Motions have been filed. Floor Amendment #2, offered by Representative Novak, has been approved for consideration."

Speaker Madigan: "Mr. Novak."

Novak: "Thank you, Mr. Speaker. Floor Amendment #2 simply is language that was agreed on conveyance of 10 acres of land from the Department of Mental Health and Developmental Disabilities to the County of Kankakee, contingent upon the successful vote of a referendum this fall for a county

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

50th Legislative Day

April 25, 1997

jail."

Speaker Madigan: "On the Amendment, the Chair recognizes Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, has there been any conveyance study? What's the land worth, et cetera?"

Novak: "Yes, Representative. The relevant appraisals and the legal description are accompanying this. Yes. The appraisal is somewhere between 8 and \$10 thousand an acre."

Black: "How many acres did you say?"

Novak: "Ten."

Black: "Is this a really good deal?"

Novak: "Well, if the referendum passes. We need a new jail, desperately."

Black: "If the referendum doesn't pass, is there any reverter clause in your Amendment?"

Novak: "Yes, Representative, it's right in there."

Black: "Okay. So it goes back to the state then?"

Novak: "Correct."

Black: "All right, thank you."

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

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "House Bill 1261, a Bill for an Act concerning state land. Third Reading of this House Bill."

Speaker Madigan: "Mr. Novak."

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

50th Legislative Day

April 25, 1997

Novak: "Thank you, Mr. Speaker. I simply ask my colleagues to support us in this measure. We're in dire need of a new jail in Kankakee County. Thank you."

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 114 'ayes'; 3 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 903, Mr. Capparelli. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 903 has been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Capparelli, has been approved for consideration."

Speaker Madigan: "Mr. Capparelli."

Capparelli: "Amendment #1 strikes everything out of the Bill and makes it the vehicle."

Speaker Madigan: "Mr. Mautino."

Mautino: "I just rise in support of Amendment #1. There's an agreement that's pending, they're going to finish it in the Senate."

Speaker Madigan: "Mr. Black."

Black: "Yes, thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I believe that the respective Chiefs of Staff of both sides of the aisle have agreed to this Bill. It needs to be worked on in the Senate. I would urge my colleagues on this side to vote 'aye'."

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

Clerk Rossi: "No further Amendments."

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

50th Legislative Day

April 25, 1997

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

Clerk Rossi: "House Bill 903, a Bill for an Act amending the Liquor Control Act of 1934. Third Reading of this House Bill."

Speaker Madigan: "Those in favor of the passage of the Bill vote 'aye'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 116 'ayes'; 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Saviano, House Bill 1214. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 1214 has been read a second time previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Saviano, has been approved for consideration."

Speaker Madigan: "Mr. Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. Floor Amendment #2 strikes everything out of the Bill, makes it a Vehicle Bill to accommodate an agreement, which has been reached between the Illinois Realtors Association and the Appraisers. And we just haven't been able to get the Amendment completed out of LRB. It is an agreed Amendment. And I would ask that it be adopted."

Speaker Madigan: "Those in favor of the Amendment say 'aye'; those opposed say 'no'. For what purpose does Mr. Cross seek recognition? Those in favor of the Amendment say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

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

50th Legislative Day

April 25, 1997

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

Clerk Rossi: "House Bill 1214, a Bill for an Act to create the Real Estate Appraiser Licensing Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. Cross."

Cross: "Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

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

Saviano: "No."

Cross: "Who suggested this Bill?"

Saviano: "It's suggested by the Illinois Appraisers. This Bill was filed, there was some problems with it. They have come to an agreement. The Amendment which we just adopted made this Bill a Vehicle Bill. And we will have Amendment #2, which will be attached in the Senate. And that's a result of negotiations and the agreement they've reached."

Cross: "Representative, do you anticipate it coming back in, then, to the House?"

Saviano: "Yes."

Cross: "Do you believe the Senate will be able to resolve your disagreements?"

Saviano: "Yes."

Cross: "Thank you."

Speaker Madigan: "Those in favor of the passage of the Bill vote 'aye'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 95 'ayes'; 19 'noes'. This Bill, having received a Constitutional Majority, is hereby

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

50th Legislative Day

April 25, 1997

declared passed. For what purpose does Mr. Mitchell seek recognition?"

Mitchell: "Thank you, Mr. Speaker, On a Point of Personal Privilege."

Speaker Madigan: "Proceed."

Mitchell: "Ladies and Gentlemen of the House, I'd like to introduce to you, Mrs. Chase, Mrs. Reynolds and Mrs. Roberts, and about a hundred fifth graders and their sponsors from Reagon Middle School in Dixon Illinois. They are in the Speaker's Gallery."

Speaker Madigan: "House Bill 932, Representative Schakowsky. What is the status of this Bill?"

Clerk Rossi: "House Bill 932, a Bill for an Act amending the Workers' Compensation Act. Third Reading of this House Bill."

Speaker Madigan: "Representative Schakowsky."

Schakowsky: "House Bill 932 is the other half of those two Shell Bills that were agreed to by Representative Parke and myself, in terms of workers... his was on in... unemployment insurance. This is a Shell Bill on Workers' Compensation. There is an Agreed Bill process underway. There is a possibility of agreed language. And we need a Vehicle on which to put it. This is the House Vehicle. I urge passage."

Speaker Madigan: "Mr. Parke."

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

Speaker Madigan: "The Sponsor yields."

Parke: "Thank you, Representative, again, for the information of the Body. This Bill is a Vehicle Bill. It will only be moved if there's agreement between the four leaders on this legislation. Is that correct?"

Schakowsky: "That is correct."

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

50th Legislative Day

April 25, 1997

Parke: "Thank you. I rise in support of this."

Speaker Madigan: "Those in favor of the passage of the Bill vote 'aye'; those opposed voted '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'; 32 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1824, Mr. Stroger. Mr. Clerk, what is the status of this Bill?"

Clerk Rossi: "House Bill 1824 has been read a second time previously. No Committee Amendments. Floor Amendment #4, offered by Representative Stroger, has been approved for consideration."

Speaker Madigan: "Mr. Stroger on the Amendment."

Stroger: "I'd like to withdraw Floor Amendment #4."

Speaker Madigan: "Withdraw Floor Amendment #4. Are there any further Amendments?"

Clerk Rossi: "No further Amendments have been approved for consideration."

Speaker Madigan: "Mr. Clerk, is Amendment #1 and Amendment #2 on the Bill?"

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

Speaker Madigan: "No Amendments have been adopted to this Bill. Place this Bill on the Order of Third Reading. And read this Bill for a third time."

Clerk Rossi: "House Bill 1824, a Bill for an Act amending the Metropolitan Water Reclamation District Act. Third Reading of this House Bill."

Speaker Madigan: "On the Order of Third Reading, the Chair recognizes Mr. Black."

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

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

50th Legislative Day

April 25, 1997

yield? Representative, is Amendment #4... I get a sense of deja vu. I think I've seen this Amendment #4 on this Bill before. In fact, wasn't it identical to Floor Amendment #3 that was defeated in Executive Committee?"

Speaker Madigan: "Mr. Black, there are no Amendments on this Bill."

Black: "Why did he do that? I mean, it was just up there."

Speaker Madigan: "Trying to make your life easy."

Black: "He just had Floor Amendment up there. You just did that to confuse me. It isn't hard."

Speaker Madigan: "This could be an admission be careful."

Black: "Excuse me. Mr. Speaker, will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Black: "We'll start over. Representative, what happened to Floor Amendment #4?"

Stroger: "I withdrew that Amendment, it didn't seem like it had enough energy."

Black: "So, the Bill is not... you have no Amendments on the Bill now, right?"

Stroger: "Right."

Black: "Well, what does the plain ole Bill do?"

Stroger: "The Bill permits signatures on contracts or purchase orders involving amounts in excess of \$10 thousand to be signed electronically for the Water Reclamation District."

Black: "Now, what is an electronic signature, exactly? Is it like an auto pen? You mean you don't have to be there to sign it?"

Stroger: "It's like an auto pen. You put your password in."

Black: "My, my, my, and you want us to let the Metropolitan Water Reclamation District sign contracts in excess of \$10 thousand with some kind of magic pen?"

Stroger: "I don't believe it's magic. But that's close."

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

50th Legislative Day

April 25, 1997

Black: "Well how is this pen... Who controls the pen? Is it under lock and key?"

Stroger: "Well, you would only be able to access the contracts through a password."

Black: "A password? What might the password be, like 'open genie'? You mean there's a password to get into the room where this electronic pen is?"

Stroger: "Well, this would be done, I believe, this would be done through a computer setup. So you'd have to have your password to sign you on and let you into..."

Black: "Now, this is a very interesting concept. I don't think this scenario would ever happen, but I've read stories in other cities like New York, I don't know if I've ever read it about Chicago, but that some of these contracts are, how do we say it, maybe shady. And as a result of executing a contract that may be outside the parameters of existing law, then sometimes the signatories of the contract might be indicted. Now in your case, who do we indict, the magic electronic pen?"

Stroger: "The purpose of this is for the four people who have to sign contracts for the district. They would be able to sign on, give their password, sign onto the contract that they believe is a good contract. And those four people would be the people who would be responsible."

Black: "Well, Representative, thank you very much. Mr. Speaker and Ladies and Gentlemen of the House, to the Bill. You know, I always believed that if you had the belief that a contract was a sound document, you would be proud to sign that contract. Your signature would be your bond on that contract. If you don't want to sign that contract why should we give that authority to some electronic signing device. I submit to you, and I'm just a downstater, and we

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

50th Legislative Day

April 25, 1997

don't have many contracts to sign, we wish we did. But I'll tell you, my government officials would tell me, and I'm sure they would tell you, be proud to sign that contract. Put your name on that document. Your name is your bond. And here we have before us today a Bill that would say, oh no, you don't have to sign the contract, a magic computerized pen will sign the contract. I dare say, even in this age of technology, this is not good public policy. If you're not willing to sign the contract, even if it's in triplicate, or quadruplicate, then the contract may not be worth signing. Let us not give our elected authority away to a computer, or an automatic pen. This is bad public policy, may come back to haunt you. Vote 'no'."

Speaker Madigan: "Mr. Meyer."

Meyer: "Thank you, Mr. Speaker. Would the Representative yield for a question?"

Speaker Madigan: "The Sponsor yields."

Meyer: "Representative, is there a limited... Is this an unlimited amount of money that you can sign for? Is it anything over \$10 thousand? Or is there a maximum amount that you can... Or is there a point where you have to have an individual sign and look at it?"

Stroger: "Representative, right now, in the district, contracts that are \$10 thousand, or in excess of that, have to be signed by four people. So this would allow any contract 10 thousand or above to be signed electronically by four people."

Meyer: "Let me rephrase the question, maybe, a little bit. Would a contract that is \$10 million, would you be allowed to sign with electronic pen?"

Stroger: "Yes."

Meyer: "How many contracts do you have that are over \$10 thousand

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

50th Legislative Day

April 25, 1997

on an annual basis, any idea?"

Stroger: "I can't answer that."

Meyer: "I guess the reason for my question is if there are 50 or 60 of them, that's one thing. If there are 5 thousand or 6 thousand, that's quite another. Don't you feel that there should be a limit, a threshold that, okay between \$10 thousand and \$30 thousand, maybe you can sign with the automatic pen, and after that you need to actually have these four people involved to make that decision as well as they sign it? Kind of as a check and balance."

Stroger: "Well, I don't think this Bill takes away any of the responsibility of the people who sign the contracts. No one but the four people who have to sign contracts would be able to access the system."

Meyer: "Is the Metropolitan Water Reclamation District audited?"

Stroger: "Yes."

Meyer: "And who is that auditor?"

Stroger: "I'm sure they have an outside auditor, but I couldn't tell you who that is."

Meyer: "Okay, and I can accept that. I guess the thrust of my question is, has anyone in proposing this legislation, and you Sponsoring, has anyone approached that auditor and said, is this a good business practice that would not be frowned upon in an audit, for an unlimited amount to be able to be signed by an automatic pen?"

Stroger: "I don't know if anyone talked to the auditor. And no one has stepped forth."

Meyer: "Okay. Thank you, Representative. My concern in supporting your Bill, Representative, is the fact that we have an unlimited amount of money that can be signed for a contract with an automatic pen. If somebody happens to get a password, or if that password is shared by staff members,

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

50th Legislative Day

April 25, 1997

in order to just consummate the normal practice of business in the office. Those are concerns. And I, as a public official, will not be able to support your measure because I don't feel that it is good public policy to set this up in this direction, and have this Legislature say that this is a good business practice. Thank you."

Speaker Madigan: "Mr. Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Durkin: "Representative, is there any other precedent which has been set with any governmental entity, which has allowed this type of authorization, this electronic signing of contracts?"

Stroger: "I'm told that a lot of government agencies allow the electronic transfer of funds through this method."

Durkin: "Well, that's not what we're talking about. It's about signing a contract. You can transfer funds. I'm not sure if Mr. Scully told you that. But do you know of any other where the signature can be used through by punching a button. I mean, that is what we're getting at, right? Is this going to be electronic signature? Is there any other government agency in Illinois which currently uses this type of process?"

Stroger: "Not that I know of."

Durkin: "Well, how is this going to be proved? My question is, often contracts are later questioned at one point, lawsuits are brought, and something that's very important to the integrity of the contract is the person who signed... is the signature which is affixed to the contract. Now, how is this going to help the parties decide whether or not the true intent in the contract was met through an electronic signature?"

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

50th Legislative Day

April 25, 1997

Stroger: "Representative, I think you could, an analogy would be how a lot of agencies use rubber stamps to sign contracts. I think this would be similar to that."

Durkin: "Well, we're talking about contracts which are in excess of \$10 thousand. Correct?"

Stroger: "Yes."

Durkin: "So, also, with the MWRD, they enter into very large contracts on a weekly basis. Some are probably in excess of a million dollars. We're going to allow these to be signed by the principals of the Metropolitan Water Reclamation District to do it through an electronic signature?"

Stroger: "I missed the question."

Durkin: "What I'm saying is that the Water Reclamation District is not a small government entity. It's a very large entity which will sign contracts on a daily basis. Some of them for hundreds of thousands of dollars, and perhaps millions of dollars. And we're going to allow that the principals of that entity to only have to authorize... all they have to do is just hit a button so their signature hits the contract? That's it?"

Stroger: "I do believe they'll read that contract. I don't think it's going to be quite as simple as you try to make it seem."

Durkin: "Well, my only concern is that I've served on a school board, and I've signed every contract with my pen. And I don't know of too many other entities that allow this type of practice. But I think it's going to cause some type of confusion if there is a question, or if there is a breach of contract suit, which is brought against the Water Reclamation District at a later point. I believe that this is just going to create confusion as to... and it may give

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

50th Legislative Day

April 25, 1997

somebody an opt out at a later point saying, I did not authorize this electronic signature, this is not my writing, I have nothing to do with this. So, even though I know it's a matter of convenience, I believe that we're probably moving in the wrong direction with this. Mr. Speaker, if this vote does reach the 60 threshold I would seek a verification."

Speaker Madigan: "Mr. Capparelli."

Capparelli: "Mr. Speaker, I Move the Previous Question."

Speaker Madigan: "The Gentleman has Moved the Previous Question. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The previous question is moved. Those in favor of the passage of the Bill vote 'aye'; those opposed voted '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 43 'ayes'; 71 'noes'. This Bill, having failed to receive a Constitutional Majority, is hereby declared lost. House Bill 1061. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 1061 has been read a second time previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #4, offered by Representative Deering, has been approved for consideration."

Speaker Madigan: "Mr. Deering."

Deering: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #4 becomes the Bill, it's the Concealed Carry Bill, to House Bill 1061. This Bill was identical to House Bill 1557 that we debated the other day. I would like to try to answer any questions on this Amendment."

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

50th Legislative Day

April 25, 1997

Speaker Madigan: "Mr. Daniels."

Daniels: "Mr. Speaker, we need a Republican Caucus immediately."

Speaker Madigan: "There's a request for a Republican Caucus. How long do you think you'll be?"

Daniels: "Half an hour."

Speaker Madigan: "All right, so the Republicans will go to Caucus and return at 2:30. Democrats will stand at ease. The House shall come to order. The Members shall be in their chairs. Mr. Clerk, what is the Order of Business? Mr. Clerk, what is the Order of Business?"

Clerk Rossi: "House Bill 1061. The Bill has been read a second time previously. Amendment #1 was adopted in Committee. No Motions were filed. Floor Amendment #4, offered by Representative Deering, had been approved for consideration."

Speaker Madigan: "Mr. Deering on the Amendment."

Deering: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #4 becomes the Bill. Provides for the policies and the regulations on how a person can apply and receive a permit to carry a concealed firearm, concealed handgun. It has various stipulations laid out in it. I would be happy to try and answer any questions."

Speaker Madigan: "Mr. Black."

Black: "Yes, thank you very much, Mr. Speaker. I have an Inquiry of the Chair. The underlying Bill amends the Wildlife Code. The Amendment has to do with carrying guns. Now, some may say they're related. The underlying Bill has to do with the designation of state game farms. Some may say the Amendment is related. I don't think it is, I would question the germaneness of the Amendment to the underlying Bill."

Speaker Madigan: "Mr. Black?"

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

50th Legislative Day

April 25, 1997

Black: "Yes, Sir."

Speaker Madigan: "The Parliamentarian is prepared to respond to your inquiry."

Black: "Thank you."

Parliamentarian Casper: "Representative Black, the Bill as it is in it's current status is amended by House Amendment #1, which was adopted in Committee. The Amendment #1 and Amendment #4 are substantially related and are simply a rewrite of Amendment #1, I understand, and because Amendment #1 was adopted in Committee, then Amendment #4 is certainly germane to the Bill as it appears before us."

Black: "So we could say it's vertically germane and horizontally germane."

Parliamentarian Casper: "I don't believe our Rules have any distinction between..."

Black: "I understand that, but I was told that once a few years ago by another Parliamentarian."

Parliamentarian Casper: "Well, if that was more than two years ago, I'd certainly concur."

Black: "Yes is was."

Speaker Madigan: "Mr. Black."

Black: "Yes. Mr. Speaker, I was so taken aback by that ruling that I'm shocked and appalled, quite frankly, and I would move that we Overrule the Chair."

Speaker Madigan: "The Gentleman has moved to Overrule the Chair. The question is, 'Shall the Chair be sustained?' If you wish to vote to support the Chair you vote 'yes'; if you wish to vote against the Chair you vote 'no'. The Clerk shall take the record. Have all voted who wish? Have all voted who wish? Those supporting the Chair vote 'yes'. Have all voted who wish? The Clerk shall take the record. On this question, there are 55 'yeses'; 58 'noes'. The

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

50th Legislative Day

April 25, 1997

Motion fails. Mr. Deering, on the Amendment, 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 Rossi: "Floor Amendment #6, offered by Representative Deering."

Speaker Madigan: "Mr. Deering on Amendment #6."

Deering: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #6 attempts to clarify the language dealing with the preemption language that was in the Bill. It removes it from the Amendment #4, which had just now we adopted that becomes the Bill. It just says that Home Rule will not be preempted. It's in an effort to address a question that was on a similar Bill last week, House Bill 1557."

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

Black: "Yes. Thank you very much, Mr. Speaker. In all sincerity, this is substantially the same Amendment that was adjudicated to need 71 votes just a few days ago. Virtually the same Amendment. His Amendment removes the preemption of Home Rule, Mr. Weaver's Amendment removed the preemption of Home Rule. That was ruled to take 71 votes. My Inquiry of the Chair is that there isn't a dime's worth of difference in the two Amendments. I would ask you to rule the same now as you did then. This should require 71 votes."

Speaker Madigan: "Mr. Black, I believe that we're on the Order of Second Reading, and the question is the Amendment, and I believe that the vote requirement would be more 'ayes' than 'nays' on the Amendment. And then on the Order of Third Reading, we would get to the question of the number of

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

50th Legislative Day

April 25, 1997

votes for the Bill to pass. Do you have anything further, Mr. Black?"

Black: "I'm in stunned silence, I'm thinking of my next move."

Speaker Madigan: "While you're thinking, the Chair recognizes Mr. Roskam."

Roskam: "Thank you, Mr. Speaker. On the Amendment, will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields?"

Roskam: "Representative Deering, what's the position of the NRA on Floor Amendment #6?"

Deering: "It's my understanding, the NRA is opposed to Amendment #6."

Roskam: "Thank you. No further questions."

Speaker Madigan: "Mr. John Turner."

Turner, J.: "Thank you, Mr. Speaker. A Parliamentary Inquiry."

Speaker Madigan: "State your inquiry."

Turner, J.: "Did this Bill come through Committee? Excuse me, not the Bill, did the Floor Amendment come through the Committee process?"

Speaker Madigan: "No."

Turner, J.: "Is this not a substantive Amendment, and should it not go through Committee?"

Speaker Madigan: "I have not read the Amendment."

Turner, J.: "I'm sorry?"

Speaker Madigan: "I have not read the Amendment. Representative Mulligan. Mulligan. Mr. Turner."

Turner, J.: "I would suggest that the Amendment is out of order."

Speaker Madigan: "Did you wish to amplify that?"

Turner, J.: "Yes, just give me a second. Move to table the Amendment, Mr. Speaker."

Speaker Madigan: "The Gentleman moves to table the Amendment. Those in favor say 'aye'; those opposed say 'no'. The

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

50th Legislative Day

April 25, 1997

Motion fails. Mr. Deering on the Amendment. Those in favor of the Amendment say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments have been approved for consideration. Various Notes have been requested on the Bill as amended."

Speaker Madigan: "Mr. Deering, did you hear the Clerk state that there are Note requests filed?"

Deering: "Mr. Speaker, I move that the Note requests are inapplicable."

Speaker Madigan: "Mr. Black."

Black: "Mr. Speaker, we've been working shoulder to shoulder with you now for some weeks and long hours. This is the very first time in this Session that a Note has been asked to be found inapplicable. The very first time. I find it somewhat, well in fact, I am more than shocked and appalled that it comes from your side of the aisle. So, what I would ask is a division of the question, if in fact we're going to vote on this, and I do request a Roll Call Vote on whether the Notes are applicable, and furthermore, I would ask for a Roll Call Vote on each Note, because it is outrageous to me that we would rule that some of these Notes are inapplicable. So, I want a division of the question. We want to vote a Roll Call Vote, and on each Note."

Speaker Madigan: "Mr. Stephens. Withdraws. Alright, there's a request for a Roll Call. There is a request from Mr. Black that the questions be divided. What would be the first Note request, Mr. Clerk? We're going to proceed to the Motion. The Gentleman has requested a division of the question, he's within his rights. The first Motion will

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

50th Legislative Day

April 25, 1997

be, 'Shall the request for a Fiscal Note on Amendment #4 and Amendment #6 be deemed inapplicable.' That is the Motion. Now on the Motion, Mr. Cross."

Cross: "Thank you, Mr. Speaker. In the event this gets the requisite number of votes, or required votes, we request a verification."

Speaker Madigan: "This requires 60 votes. So, first Motion is on the request for the Fiscal Note. Those in favor of the Motion that the request is inapplicable, 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 19 'ayes' and 95 'noes', and that Motion fails. Mr. Deering, did you wish to offer further Motions?"

Deering: "Mr. Speaker, take the Bill out of the record."

Speaker Madigan: "Take this Bill out of the record. The next Bill will be House Bill 626. Representative Flowers, what is the status of the Bill?"

Clerk Rossi: "House Bill 626 is on the Order of House Bills Second Reading, and has been read a second time previously. Amendments 1 and 2 were adopted in committee; no Motions have been filed; Floor Amendment #3, offered by Representative Flowers, has been approved for consideration."

Speaker Madigan: "Representative Flowers on Amendment #3. Mr. Black. Mr. Black"

Black: "Thank you very much, Mr. Speaker. In light of all that's happened, tempers are short, I move we adjourn."

Speaker Madigan: "You're not recognized for that Motion, Mr. Black. Representative Hughes. Hughes."

Hughes: "Yes, thank you. I wanted to speak to the Amendment."

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

50th Legislative Day

April 25, 1997

Speaker Madigan: "May I suggest that Representative Flowers speak first? Representative Flowers, on the Amendment."

Flowers: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move for the adoption of Amendment #3 to House Bill 626."

Speaker Madigan: "The Lady moves for the adoption of the Amendment. And on that question, the Chair recognizes Representative Hughes. On the Amendment."

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

Speaker Madigan: "The Sponsor yields."

Hughes: "This is a lengthy Amendment. And I have several questions that I think would help clarify it for our Members. First of all, what entities are covered in Amendment #3?"

Flowers: "Representative Hughes, we did not change the definition of managed care. So, what was the definition in the original Bill is still the same."

Hughes: "Does it apply to self-employed, or self-insured plans?"

Flowers: "Representative, the law does not allow us to preempt ERISA at this point."

Hughes: "Under the definition of managed care plan, it says, 'Including, but not necessarily limited to an employer organization, or an employee organization.' Would that not mean self-insured?"

Flowers: "Representative, once again, we are not allowed to preempt ERISA. Now, I understand that there are court rulings, or there is court cases that anticipate being ruled upon. But as you and I speak, at this time, and this date, that does not apply."

Hughes: "Okay, thank you. Does this apply to PPO's, or any plans other than those which use primary care physicians?"

Flowers: "On page 4, line 9, the purpose of this definition,

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

50th Legislative Day

April 25, 1997

managed care plan, shall not include the following: The strict indemnity health insurance policies, or plans, issued by, or insurers, that does not require approval of a primary care provider, or other similar coordinators to access health care services."

Hughes: "So, then the answer is, yes, it does apply only to those that use primary care providers as gatekeepers."

Flowers: "That's what the Bill says."

Hughes: "Thank you. Do the provisions of this Bill replace existing laws and regulations regarding HMO's, or are they cumulative?"

Flowers: "Representative, to the extent where there is a conflict, yes it does replace."

Hughes: "Can you tell us who the gatekeeper is? Is it a family practice physician, an internist, an obstetrician or gynecologist? Or can it be a specialty practice physician?"

Flowers: "Representative, the intent of this Bill is not to micromanage the managed care. It is whomever the HMO so chooses."

Hughes: "Do I understand correctly then that it could be a speciality practice physician that is the gatekeeper?"

Flowers: "It is whomever the HMO so chooses."

Hughes: "Thank you. Under the utilization review provisions are the health care professionals involved required to be licensed in Illinois?"

Flowers: "They are required to be licensed health care professionals, but not in the State of Illinois."

Hughes: "In Amendment #3?"

Flowers: "Representative, there are other Amendments."

Hughes: "Okay, but as the Amendment stands, they would be required to be licensed in Illinois."

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

50th Legislative Day

April 25, 1997

Flowers: "It would be clarified in Amendment #5, if you allow me to get to that point."

Hughes: "Okay. What is the reason for requiring due process for termination or nonrenewal of contracts when that is an item that can and rightfully should be part of contract negotiations? How does this improve patient care?"

Flowers: "So doctors can advocate on behalf of their patients. And to enforce all the prohibitions in the Bill."

Hughes: "I'm sorry, I didn't hear the last."

Flowers: "Representative, the Bill bars gag clauses. And it also bars financial incentives for doctors who are prohibited for advancing on behalf of their patients. And the only way that we can enforce those prohibitions is by giving the doctors due process."

Hughes: "Okay. The portion I'm referring to is the due process for termination and nonrenewal."

Flowers: "What page is..."

Hughes: "Twenty-two through 26, Section 45."

Flowers: "Representative, if we've said that you can't fire a doctor, on behalf that he's advocating on behalf of his patient, this again will allow the doctor to be protected. And to make sure that he's not being fired for protecting his patient."

Hughes: "Why must an HMO, under this Bill, wait to report to appropriate disciplinary review boards, even possible misconduct or impairment of patient safety, until after a hearing is held, where the hearing body is peers of the physician?"

Flowers: "Representative, first of all, if there is, we have to have due process. You just can't say that a doctor has made an error without the doctor having due process."

Hughes: "Isn't that the function of the disciplinary review

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

50th Legislative Day

April 25, 1997

board, to determine whether there is, in fact, physical impairment or misconduct? And are we not requiring then, that this be done twice?"

Flowers: "First of all, we don't want doctors to have to be harassed, again, on advocating on behalf of their patients."

Hughes: "Is this same protection afforded to physicians in PPO Plans?"

Flowers: "Representative, if the PPO Plans fall up under this Bill, it would be applicable to them, as well."

Hughes: "Would the Ombudsman Program, called for in this Bill, apply to all health benefit organizations?"

Flowers: "Any managed care plan, Representative, that falls up under this Bill."

Hughes: "So, again, this would apply, not to PPO's, only to managed care entities using primary care physicians."

Flowers: "I will repeat, if it falls up under 626, yes."

Hughes: "And why are the managed care plans, facilities and services, under the purview of the Ombudsman Program, but not the providers?"

Flowers: "Pardon me?"

Hughes: "Why are the managed care plans, the facilities and the services, under purview, but not the providers?"

Flowers: "Representative, the purpose of the Ombudsman Program is to help the enrollees better understand their rights and what they are entitled to. It's a good consumer part of the Bill."

Hughes: "What will the proposed Consumer Satisfaction Survey include, relative to satisfaction, will it include, also, satisfaction of providers' service, as well as satisfaction with facilities services and the plan organization itself?"

Flowers: "Would you please repeat that, Representative."

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

50th Legislative Day

April 25, 1997

Hughes: "Under the Consumer Satisfaction Survey that is proposed as a requirement in this Bill, will providers' satisfaction be a part of the survey?"

Flowers: "Representative, that will be up to the director. The Bill does not require that. And if the director so choose to, he may do that."

Hughes: "Are there not provisions for complaints to be filed with the departments, and for annual reports to be issued, regarding the complaints against managed care entities, as well as others? Not necessarily in this Bill, but in current regulations?"

Flowers: "There are, Representative."

Hughes: "I have one more question on this Amendment. What will it cost for full implementation of this Bill, including the Ombudsman Program, and the Consumer Satisfaction Survey, and all of the other reports that are required?"

Flowers: "Representative, according to the impact that we got from the Department of Public Health, they said about 2 million."

Hughes: "Two million to the department, or 2 million to the consumers?"

Flowers: "Two million to the department."

Hughes: "Thank you for your questions. I'll comment on the Bill later. Thank you for your patience."

Speaker Madigan: "Representative Krause."

Krause: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I rise in strong support of Floor Amendment #3 to House Bill 626. As the Minority Spokesperson of the Health Care Accessibility and Access Committee, I, along with the other Members, during the past several number of months, had the opportunity to hear testimony from a number of witnesses on the importance of legislation to address the

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

50th Legislative Day

April 25, 1997

changing areas of HMO. The legislation that is before us today comes about because of the concerns expressed by my constituents, as well as many other constituents, of the concerns that they have over managed care and HMO's. They have raised to me the concerns as they relate to the delays in the industry, the constant, so-called, busy that they run into on their phones, that there are difficulties in getting to specialists, the lack of emergency room access, and extremely poor grievance procedures, lack of knowledge concerning the health plans, and many other concerns. A majority of HMO's today are now for-profit corporations. Not-for-profit corporations, indeed, still cling to a more mission about service, rather than to a spreadsheet. Not-for-profit corporations spend 15% more of their premiums dollars on medical care, than for-profit companies do. For-profit companies spend a great deal of their funds on advertising, 40 to \$50 million a year, excessive funds on salaries. The physicians in my district who have met with me have raised their concerns, in the fact that they urge passage of a strong managed care legislation. The physicians have given me examples of concerns that they have, where they have ordered procedures that then, in fact, were declared unnecessary by the HMO's, that their contracts had been canceled. This legislation is a proconsumer and strong consumer legislation. There are no mandates in this legislation. The legislation does not talk about times of stay, or mandates procedures. But, in fact, the legislation requires description of all benefits, including limitations that would be included, requires the plan to give a detailed disclosure of all providers, has a patient grievance procedure, disclosure of which drugs are covered by a drug formulary. It does get into the area of

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

50th Legislative Day

April 25, 1997

emergency room access. It provides for confidentiality of records. It has a grievance procedure that expedites it to 48 hours, where a health is in jeopardy, and there's already been an adverse determination. There's a sound utilization review. And this information must be included in either a handbook, or in the plan itself. But there are other reasons to support this legislation. In today's health care world women's health is a priority, and that is not going to change. Women are the primary consumers of health care services and women take the responsibilities of health care for their families, their spouse, their children, and their parents. This legislation specifically adopts a number of the Women in Government proposals that were put forth by this organization earlier this year, and that are incorporated in Floor Amendment #3. Very briefly, it provides that there must be an outreach to underserved areas, that they do provide for the prudent lay person definition. That it incorporates patients with special needs may request the appropriate specialists as their primary care. This legislation provides for disclosure concerning clinical trials, that it must state the procedures used in making decisions about experimental investigational nature of individual drugs, medical devices or treatment, such as a bone-marrow treatment for advanced breast cancer. It does not mandate the procedure, but requires disclosure. Requires a 24 hour, seven day per week phone for emergency appeals. And it provides that if a woman is in her second trimester of pregnancy, she can continue with her OB-GYN, if he leaves the plan up to postpartum care, but the out-of-plan provider must agree to continue on with the provisions of the plan. This legislation is sound. And it provides for satisfaction and

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

50th Legislative Day

April 25, 1997

quality of care. After extensive review by the committee, many hearings, this Bill is the time for Illinois to move forward as to a sound managed care plan. And I urge the support for Amendment #3. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, Amendment #3 becomes the Bill. Is that correct?"

Flowers: "Yes."

Black: "All right. Let me focus, if you would, on page 4. And it can begin at the top on line 1, it goes down through line 6. Because the words 'employer', or 'employee organization', appear in that language, in the opinion of our staff and everybody I have talked to, including the Department of Insurance, this Bill then impacts self-insured plans regulated by ERISA. You do not agree?"

Flowers: "No, I don't, Sir."

Black: "Representative, if the Department of Insurance tells me, that because of the language, or 'employer', or 'employee organization', appears on line 5 and 6, it clearly impacts self-insured plans regulated by ERISA. Let me ask you this, has any state, to your knowledge, ever passed a law that regulates an ERISA Plan, as you are proposing to do?"

Flowers: "Representative, there's always that possibility that the law may change, the Federal Law may change. And as a result, this Bill would be applicable to whatever the Federal Law may be."

Black: "Well I'm not sure that answers the question. I just asked if you were familiar with any state that has passed a law that regulates an ERISA Plan?"

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

50th Legislative Day

April 25, 1997

Flowers: "Representative, states cannot regulate ERISA Plans."

Black: "Exactly. That's why I think you need to change the Amendment and take out the words 'employer', or 'employee organization'. Because, in the opinion of the Department of insurance, it clearly, then, regulates plans covered by ERISA."

Flowers: "There's a possibility that tomorrow that this may be applicable. But right now today, it's not. Because of the case law that's pending."

Black: "Well, then, is it your intent that the State of Illinois and the taxpayers, thereof, bear the burden for paying for such a lawsuit to determine whether or not this regulates an ERISA Plan?"

Flowers: "Representative, the state's not going to bring a challenge."

Black: "I'm sorry, Representative, I couldn't hear you."

Flowers: "I said, the state is not going to bring a challenge."

Black: "How would that happen? If we pass a state law, we won't be challenged?"

Flowers: "Anything is possible, Representative."

Black: "Yes, yes it is. Do all of the physicians in the State of Illinois agree with this Amendment, Representative?"

Flowers: "Your question again?"

Black: "Yes. As far as you know, are all of the physicians in the State of Illinois in favor of this Amendment?"

Flowers: "I haven't heard from all of them. The State Medical Society supports it."

Black: "Well, let me just clarify what most of us have in writing. Many Illinois physicians strongly disagree with the State Medical Society on this issue, particularly the 4 thousand members of the Illinois Academy of Family Physicians, who, and I quote, 'cannot support House Bill

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

50th Legislative Day

April 25, 1997

626, Amendment 3.' And they go on to say what they do support in another Bill. The concept of the other Bill, that it appears won't even be called, that the Academy of Family Physicians urge us to support, and that was House Bill 1042, was endorsed by the State Chamber of Commerce, the Illinois Association of HMO's, the Employment Law Counsel of Illinois, the Chicago Tribune, Crain's Chicago Business, and the Rockford Register Star."

Flowers: "Excuse me, Representative."

Black: "Yes, you're excused."

Flowers: "Is that, well wait, is that germane to this Amendment?"

Black: "Oh, I think very definitely. I'm speaking to your Amendment. There are people in abject opposition to your Amendment."

Flowers: "Well, let me just say this to you, Sir. When we began the negotiations around this legislation, everyone was invited to the table. Now, mind you, you must understand that this was a negotiated piece of legislation. It was never intended to satisfy any one particular group. It is for that reason, Sir, that we went to New York and we picked up their version. We came back to the State of Illinois. We invited all the doctors from across the state. We invited the businesses, the consumers, and everyone else, to come and sit at the table, not what was best for one particular group, but for the consumers or the enrollees of the State of Illinois. That is the only someone that I'm trying to please in this piece of legislation."

Black: "Thank you."

Flowers: "And I'm sorry that I can't be all things to all. But what's more important to me is the life of the enrollees that has to participate in these HMO's."

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

50th Legislative Day

April 25, 1997

Black: "Representative, are you a member of an HMO?"

Flowers: "Yes, I am."

Black: "So am I. I wasn't invited to the meeting."

Flowers: "Well, Sir, you are a Member of this Body. You know when the committee met. You knew the purpose of the committee. So, if you were not, there was other Members from your side of the aisle who sat in on the meetings."

Black: "Well, maybe they were notified, I wasn't. Representative, it is obvious that no Bill will satisfy everyone. And that certainly none of us in this Chamber, least of all me, can be all things to all people. I simply am rising to point out to you that there is considerable opposition to Amendment #3, which we are debating."

Flowers: "I venture to say to you, Sir, there is considerable oppositions to a lot of things that we do down here."

Black: "Oh, absolutely. It goes without saying."

Flowers: "And there is also, mind you, let me say to you, who support me, in regards to this. There's AARP, they have been here night and day working on behalf of the people of Illinois. There's the other consumer groups that has been here night and day working on the Citizens' Action Group, supports this legislation. Wait a minute, I just have a few more names. The Illinois Med. Society, I read you that. The Campaign for Better Health Care, that's another citizens group. The Nurses Association, they support me. The Coalition Citizens with Disability, they support this legislation. The Illinois Social Service Employees, they support the legislation. AFSCME Council 31, they support this legislation, Sir."

Black: "Well, that's wonderful."

Flowers: "Thank you."

Black: "That's, I mean, that's just amazing. And I'll bet all

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

50th Legislative Day

April 25, 1997

the members of those groups are members of HMO's, aren't they?"

Flowers: "I did not ask that question."

Black: "I don't doubt that. Representative, can you give me any idea how much my premiums are going to increase, should your Amendment be adopted? I'm in an HMO. And I'd like to know how many dollars are you going to increase my premium with the advent of this Amendment?"

Flowers: "Well, Representative, let me just read to you, it's from a book, and the book is called Health Against Wealth, by a Wall Street Journal reporter. And he says in his book, 'A similar Bill, that's pending in Texas, would raise premium,' Now get ready for this one because you're going to have to hold onto your hat. 'One to 1 1/2%.' And this number here comes from the Texas Business Group."

Black: "So you quote from a book that says, a law passed in Texas, is only going to raise my premiums 1 1/2%. Well, that's great if I move to Texas, but I'm not planning to do that. How much does it raise my premiums? I live in Illinois."

Flowers: "Well, I am... The things that we do down here, usually, we compare to other states. So, I went to the State of Texas to give you that comparison rate. And, Representative, I can also tell..."

Black: "Representative, in all due respect to you, I don't really care what somebody who wrote a book says about the State of Texas. I don't live in the State of Texas. Now I can quote figures that tell me, business organizations have told me it's a minimum 12% increase in my premium. And I resent that kind of increase."

Flowers: "How have the numbers been validated, Sir? Yeah, tell me how, if the Bill has not existed yet, how can you

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

50th Legislative Day

April 25, 1997

validate that?"

Black: "The very people who currently pay the premiums have run computer models of what this kind of Amendment will do. And that's what validates the numbers in the State of Illinois."

Flowers: "Representative, California, Arizona, Texas, and other states have passed similar legislation more stringent than..."

Black: "I don't care. I don't care about those states."

Flowers: "I know you don't care. But the problem is, Sir, I do care."

Black: "I want to know what it does to me in Illinois."

Flowers: "I do care. And I know what the HMO's have done to the people of Illinois. And for that, I do care..."

Black: "Well, if that's true, why are you in an HMO?..."

Flowers: "I care."

Black: "Well then, why are you?"

Flowers: "I care, and that's why. And you..."

Black: "No, you don't understand the question. If HMO's are so terrible, why are you in one?"

Flowers: "I answered you."

Black: "Why are you in an HMO?"

Flowers: "I answered you, Sir."

Black: "You haven't answered anything yet."

Flowers: "I answered you."

Black: "You haven't answered a question yet. If HMO's are so terrible, why are you a member? Answer that question."

Flowers: "Do you know why? I will tell you why, Sir. Believe it or not, this is still America, this is a free country, and I, this black woman, can choose. That's why."

Black: "Oh, for crying out loud. Oh, for crying out loud. Well let me tell you something. This man named Black, chooses

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

50th Legislative Day

April 25, 1997

to be an HMO."

Flowers: "This woman is black. This woman that is."

Black: "You know, rather than answer a question you want to go back to race."

Flowers: "Sir, Sir, Sir, I answered your question."

Black: "No, you didn't answer my question."

Flowers: "I answered your question. Now you can make that determination, your decision, if you want to, to say that I didn't. But I did."

Black: "Well, Representative, I got in an HMO because the premiums were cheaper. And why were they cheaper? Because it was a new kind of program that emphasized prevention, rather than sticking me in the hospital after I was sick, and letting expensive specialists do their magic on me. That's why I got into an HMO. But with your Amendment it isn't going to work that way. Because, rather than deal with my primary care physician, and be on prevention medicine, now I'm going to have to let specialists weave their magic on me again. The very reason I got into an HMO, your going to destroy."

Flowers: "Representative, you know what, to be quite frank with you, I just wanted to say to you, that a lot of people have lost their lives because of the errors that HMO's have made. But let me back up a little bit, Sir, because I want to say to you, quite frankly, that HMO's have done a wonderful job in this country. They have brought the cost containment of medicine under control. Because, the traditional fee for service, as we once knew it, put a lot of us out of reach of medical services. And I also want to say on behalf of the HMO's, because they brought all the services, Sir, up under one umbrella, that a lot of people are healthier today, because they're not walking around

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

50th Legislative Day

April 25, 1997

with a pill from this doctor on that corner, a pill from this doctor on this other corner, and a pill from someplace else. Because of the HMO's they've been able to have their bodies holistically taken care of. But now, on the other side, there's no perfect doctors, and there's no perfect HMO's. And if there was such, all of the other previous legislation that we have passed, that's more stringent than this, in this Session, on behalf of HMO's, would not have passed. We would have never had to address the drive-by deliveries, or the drive-through mastectomies, if everything was okay."

Speaker Madigan: "Representative Flowers, could you bring your remarks to a close, please? Representative Flowers. Mr. Black, you have 21 seconds left. Mr. Black."

Black: "Thank you very much, Mr. Speaker. The Representative and I finally agree on one thing, HMO's have been good for a number of reasons. We agree on that. All I am concerned about is what it's going to cost me in premiums. CMS recognizes, or says \$37 million in increased premiums, if we continue to go down the road we're going. So, Representative, in much of our discussions, or in the heat of battle, you know how I feel about you. And we've worked together on a lot of legislation. But I submit to you, I am a member of an HMO because I chose to be, as you chose to be. I'm happy with it. And I know this will make some of you very unhappy, but I would not be alive today were it not for my HMO. Very kind that I received good wishes and cards from many of you in 1991. And I would submit to you that by my primary care provider, and by the gatekeeper who made sure I got to the hospital in the right amount of time and spent two weeks in intensive care, I would not be alive today were it not for my HMO. And I simply feel strongly,

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

50th Legislative Day

April 25, 1997

I don't want that destroyed. I don't want us to throw the baby out with the bath water. But I am glad we can end this discussion on the fact that we do agree that HMO's have done good things. I would like a Roll Call on the Amendment, Mr. Speaker."

Speaker Madigan: "Mr. Parke."

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

Speaker Madigan: "The Sponsor yields."

Parke: "Thank you. Representative, I have some questions. How many new fees are presented in this legislation?"

Flowers: "I don't know, Representative Parke. Why don't you show me specifically where you see that in the Bill, and maybe I can address it?"

Parke: "Page 52, line 20. And I'll read it to the Body."

Flowers: "Please do."

Parke: "The department shall provide adequate funding for MCOP's, by assessing each Manage Care Plan an amount to be determined by the department.' Very simply put, there is fee increases in this legislation. Those fee increases are going to cost the people more money, Representative. That means that it will raise the cost of health care in the state. Mr. Speaker, to the Bill."

Speaker Madigan: "Proceed."

Parke: "Ladies and Gentlemen, I want to point out to you that it's estimated that it will be a 12% increase to the business community who pays the freight on health insurance. It will be included in the ERISA Plans, the self-insured plans will be part of this also. This affects, not only the big corporations in this state, but it affects the ma and pa corporations that are struggling to pay health insurance premiums for their employees. They want to provide health insurance. They know how important

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

50th Legislative Day

April 25, 1997

it is. What you are doing is counterproductive. In the long run what you're going to do is to try and help some people, particularly poor, or low-income families. You're going to raise the cost of doing businesses in this state. And on the other part, on those people that are carrying insurance, that are trying to do what's right for their employees, when the bottom line comes down to whether they're going to keep the doors open, or pay the premiums on health insurance, they are going to choose to keep the doors open. That means they're going to drop their health insurance because it's going to be too costly. I have pointed out before that I am the Co-Chair of the Economic and Fiscal Commission. We, last month, reviewed the state's HMO and PPO Plans. The state plans rose about 4%, less than 4% the cost of the health care programs for the state. Now we want to talk about raising those to maybe 6-7% in addition, on top of all the other legislation that has increased the mandates on the small businesses, and all businesses. This does not make sense. I know what you're trying to achieve. But what you're doing is counterproductive. I might respectfully point out to you that every major business committee in the State of Illinois is opposed to this legislation. All of them are opposed, because they know their members will not like this. I would hope that the business community, if this does not pass, will contact all the members and have those ma and pa companies contact you and tell you what this kind of legislation, plus all the other legislation that we have passed out of this Chamber in the last two months, what kind of a negative impact it's going to have on our business. Ladies and Gentlemen, well intended as this legislation is, this is counterproductive, it does not

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

50th Legislative Day

April 25, 1997

solve the problem, it increases the problem. I would ask that you defeat this Amendment."

Speaker Madigan: "Mr. Black."

Black: "Yes, thank you very much, Mr. Speaker. With leave of the Body, I withdraw my request for a Roll Call on this Amendment."

Speaker Madigan: "Representative Mulligan."

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

Speaker Madigan: "The Sponsor yields."

Mulligan: "Representative, I'd like to comment on a few things. Rather than to just speak to the Bill, I'll give you the opportunity to respond. I tend to be in support of this Amendment. And I will explain to you why I think there are some things in here that, in the discussion, are incorrect. But before I point that out, I want to point to you, on the last page of the Amendment, section 175, 'severability'. In my estimation, 'severability' means that any section of this law that is found not to be correct will not take the whole law down, it would just take that section out."

Flowers: "That's correct, Representative."

Mulligan: "So, the discussions that we're having, particularly the ERISA discussions, are basically moot, because whatever happens, happens because they can be divided out from this Amendment if it's found for them not to be in conformation with the law."

Flowers: "You're absolutely right."

Mulligan: "All right. I will go back to page 4, in the discussion of the ERISA Law. At the top of the page, line 1, that the Bill reads, 'A licensed insurance company, hospital, or medical service plan, health maintenance organization, limited health service organization, preferred provider organization, third party administrator,

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

50th Legislative Day

April 25, 1997

independent practice association or employer, or employee organization.' I would suggest to you that, perhaps, because you picked up some of the language from the New York Bill, the way they break out how they address different plans is different how we would in Illinois. But basically, that would cover the same types of things that I have covered in a law that has passed and been signed in Illinois that does challenge ERISA, and is included in and is the Bill that I passed last year, that would allow women to choose an OB-GYN as their primary care provider. And in that law we did challenge the ERISA Law. And in another statement... and whether that holds up or not, we still have the severability. But I would suggest to you that that phrase, which I think Representative Black referred to, and the way we do it, which is different because we break it out section by section for the Illinois law to cover everything, basically means the same thing. What you're trying to do is include all plans under this, which would cover self-insureds, as well, and not leave it just to be public or private insurance plans. It would be all plans in Illinois. But, also, in doing research on the OB-GYN Bill and the Mastectomy Bill, I have some testimony from a lawyer that was testifying before the American Medical Association, that says, 'The seminal U.S Supreme Court decision in 1995, provided that states must retain the authority to enact health reform, and to protect the health and welfare of their citizens, regardless of ERISA. The Employee Retirement Income Security Act, which often preempted state laws aimed at regulating health. Current legal trends, while still emerging, show that states will be more active than ever before, now that the ERISA shield has eroded. Moreover, under new ERISA rulings, health

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

50th Legislative Day

April 25, 1997

plans may no longer be able to avoid liability for their negligence by hiding behind the ERISA shield. This trend will empower the states in ways never before possible, to ensure that health plans adhere to standards of quality and accountability. The State of Illinois has the opportunity to do this under a Managed Care Rights Patient Act.' So, what I would suggest to you, is that although the changes may be coming at the Federal Law, we already have one outlaw in Illinois, a law that the Governor signed last year that challenges this, a law that is going to be challenged on the Federal level. And that I think that you are within your rights to challenge in this Bill. But, which, if found to be not challengeable could be separated out."

Flowers: "According to the legislation it's already in existence."

Mulligan: "All right. And to the Bill. There is no mandates in this Bill. Whenever we have passed any of the legislation that we have passed, it has always come under the plan. The plan is put together by the company. If there is any increase in premium, I think the business community should stand firm and say that they don't believe there should be an increase. We have other Representatives that are willing to talk about the costs and HMO's, and what people are paid under the HMO's, particularly the CEO's. But quite frankly, I don't see why the business community isn't standing with us to challenge what the cost should be. HMO's are good in one way; they're very good for prevention. When you are sick, unfortunately, sometimes they are not. And what happens is, they try to regulate the spending, that is not always to the benefit of good health care. And if they do have good plans that take care

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

50th Legislative Day

April 25, 1997

of the sick, they tend not to advertise that because they're afraid that a lot of people will use them. Because where they make the money is if you are well, and where they're good is that we get people in prevention. The fact of the matter is, that in some instances some of the things that are happening, which we consider to be abuses, are the way they are manipulating people in order to hang onto funds longer. And that's where it causes problems. And that's why we have the abuses that people are bringing to us now. So, I think that insurance, #1) is a benefit that employers give to their employees, and in many ways you pay for that. You pay for that by not getting an equal raise. You pay for it by participating by paying part of the premiums. In policies where there are deductibles or co-insurers, you pay for that, because that goes up. And HMO's, where they try to cover more, it's better for preventive. If business organizations would stand firm and make health care organizations that are also big business, tell them why there is an increase, there would not be such a large increase. And, if it takes 1 1/2% of your premium to go up in order to have adequate health care if you are ill, then it's well worth it. Because, what good is a benefit that employees get from an employer, if it does not cover you when you're sick. I will tell you, I have been at Chamber of Commerce meetings where the individuals, excuse me..."

Speaker Madigan: "Are you finished, Representative Mulligan?"

Mulligan: "No, I'm not. If we didn't smoke in here so much, your throat wouldn't go. Quite frankly, I have been at individual meetings with business owners through the Chamber of Commerce, where they sit there and will tell you how their plan has let them down personally. I don't think

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

50th Legislative Day

April 25, 1997

those are the people that are telling us not to pass these laws. I think what they would like is reasonable things. And I think what the business people ought to do is stand together and demand that this is a reasonable law, and that the premium increases should not be what they're suggesting that they are."

Speaker Madigan: "Representative Klingler, five minutes."

Klingler: "Thank you very much, Mr. Speaker. I rise in support of this Bill. As a member of the Health Care Access Committee, I heard testimony from a great number of people, with their concerns about what happened with their access to HMO providers. But, I'm rising primarily to address the issue that's been raised by two speakers, regarding whether, if we enact regulation that this is going to dramatically increase the cost in the HMO, increase the premiums to the consumer. Consumer magazines have written about their concern that savings and HMO's are being made on the backs of consumers, and that the money is diverted to executives. Now, we were all given a copy, a laminated copy of support for this Bill from the business community. But I'm afraid that some of these owners, especially the small business owners, may have had the wool pulled over their eyes from the managed care companies. Just last week in April 10, 1997 Business Week magazine, talked about the fact of executive salaries being out of control, and especially in the health care area, especially in the managed care area, where salaries for the executives are 62% higher than businesses of comparable size. For an example, Aetna Incorporation, their CEO earns, and I hope you all listen to this, \$5,813,270 a year, \$5,800 thousand a year. And Members of the General Assembly, that's a company that signed this. Certainly, they don't want to

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

50th Legislative Day

April 25, 1997

have regulation. That money can go to their CEO's. I'd like to give you some other examples from the Business Week survey, which was just last week. Oxford Health Plan, the CEO, \$1,700 thousand. Health South, \$11,380 thousand was paid to Richard Sprosbey, Columbia HCA Health Corp., paid to Richard Scott, \$1,630 thousand. Another study, Graes Crystal Study gave the salary for the Humana executive of 2.3 million. And Humana is one of the companies that was on this form that you were given today. Oxford, 2.3 million to their chief. Mid-Atlantic, 4.8 million. Foundation Health Corp., 13 million. And Health Source 14.3 million. Now, Members of the General Assembly, I would maintain that these companies are paying salaries of 10 to \$14 million to one person, that they can offer access to health care, that these companies do need regulation so that you get the care you want. We cannot be paying \$14 million salaries, and sending women home within 23 hours of delivery, or telling a woman that breast cancer is out-patient surgery. I think that's outrageous. I think we have to step in as Representatives of the people that we represent. Our constituents are crying for it. The disabled community is saying they need help, the retired citizens. This Bill is a Bill that is well needed, and I urge you all to support it."

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

Wojcik: "Thank you, Mr. Speaker and Members of the House. First of all, I'd like to compliment Representative Flowers and Representative Krause for the long hours that they've put in getting this Bill to come to a head. I'd also like to tell you that it's been a pleasure to be able to stand side by side and come to our understanding and ideas regarding these issues. You know, it's no secret that I have not

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

50th Legislative Day

April 25, 1997

been an advocate of HMO's. And there's been many experiences that I've personally had, not only within my own family but within my constituencies' families. And I'll give you a classic case. You sit here and you listen about the business people, you hear about cost and you hear about this. Well what about the health and welfare? If people would start looking and realizing that if you take care of the individual, and if you truly work with prevention, you'd have them on the job and your cost wouldn't end up escalating the way it is. One case in point is a set of twins born prematurely under an HMO plan, at the Rockford Memorial Hospital. What happened? One baby's born with a stroke. What did the doctor say? 'Oh, some of the coverage is not in our plan.' Now you have a traumatized mother who is kicked out of the hospital before three days, because she had a Cesarean section, and now you've got a child with a stroke. And the doctors are telling you that the child cannot be cared for. Ladies and Gentlemen, that's why I'm here, and that's why I want to see this Bill get passed. Because that little child is my granddaughter."

Speaker Madigan: "Representative Flowers 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 further Amendments?"

Clerk Rossi: "Floor Amendment #4, offered by Representative Flowers."

Speaker Madigan: "Representative Flowers on Amendment #4."

Flowers: "Withdraw."

Speaker Madigan: "Withdraw Amendment #4. Are there further Amendments?"

Clerk Rossi: "Floor Amendment #5, offered by Representative

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

50th Legislative Day

April 25, 1997

Flowers."

Speaker Madigan: "Representative Flowers on Amendment #5."

Flowers: "Mr. Speaker, Ladies and Gentlemen of the House, Amendment #5 is a technical cleanup Amendment. And I move for its adoption."

Speaker Madigan: "The Lady moves for the adoption of the Amendment. On that question, Mr. Black, on the Amendment, withdraws. Representative Cross, on the Amendment."

Cross: "Well, Mr. Speaker, it appears you have a new Parliamentarian. Can we ask a few questions now?"

Speaker Madigan: "Right, sure. On the Amendment, those in favor say 'yes'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there further Amendments?"

Clerk Rossi: "No further Amendments have been approved for consideration. A Fiscal Note, a State Mandates Note, a Home Rule Note, and a Judicial Note, as amended by Floor Amendment #5, has been requested. And they have not been filed."

Speaker Madigan: "Representative Flowers."

Flowers: "Mr. Speaker, I move that those Notes are nonapplicable."

Speaker Madigan: "The Lady moves that these Notes are not applicable. The Chair recognizes Mr. Black."

Black: "Yes, Mr. Speaker, I would move to divide the question on each note. To say that this has no fiscal impact is an absolute travesty."

Speaker Madigan: "First Motion will be on the request for a Fiscal Note. And Representative Flowers."

Flowers: "I would just like to say that the Fiscal Note only applied to Amendment #3, and that Note had already been filed."

Speaker Madigan: "But, Representative, there are now, there is

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

50th Legislative Day

April 25, 1997

now a request for several Notes relative to the Bill as amended by Amendment #5. So, Notes were filed relative to Amendment #3. But now there's a request for several notes relative to Amendment #5. And there will be a division of the question. And the Chair recognizes Mr. Parke."

Parke: "Thank you, Mr. Speaker. If this Bill gets the required number of votes on that Motion, I would like a Verified Roll Call."

Speaker Madigan: "Okay. The Motion is that the request for the Fiscal Note is inapplicable. Those in favor of the Motion vote 'aye'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 62 'ayes'; and 50 'noes'. There's a request for a verification. The Clerk shall read the names of those voting in the affirmative. The Gentleman withdraws the request. The next Motion will be on the State Mandates Note. Those in favor of the Motion that this note is inapplicable will vote 'aye'; those opposed will 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 63 'ayes'; and 48 'noes'. And the Motion is adopted. The next Motion will be on the Home Rule Note. The Motion is that the request for the Home Rule Note is inapplicable. The Chair recognizes Mr. Black."

Black: "Yes, thank you very much, Mr. Speaker. Normally we get to state our point on the Notes. I apologize for not hitting my speak button on the others. I would just simply indicate that the Home Rule Impact Note is filed on this

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

50th Legislative Day

April 25, 1997

Bill, as amended by Amendment #3, by the Department of Commerce and Community Affairs. And I quote, 'House Bill 626 as amended by Amendment 3, contains an expressed denial and limitation under Article 7, Section 6, Subsection H of the Illinois Constitution, and therefore preempts Home Rule Authority.' I think the Note is in order. I think it clearly preempts Home Rule Authority. I would ask the Chair to so rule. And if so, would not the, instead of a majority of those voting on a Home Rule Impact, would not this require 71 votes to preempt Home Rule Authority?"

Speaker Madigan: "Mr. Black, am I correct in thinking that you are asking the Chair to Rule on the number of votes needed to pass the Bill on the Order of Third Reading?"

Black: "Yes. I'm sorry, Mr. Speaker. You were on the Fiscal Note. I'm sorry, you got me when I put the last of my blood pressure medicine in. And it's a rather large pill. It's a rather large problem. I would withdraw that. I will ask you that on Third Reading. On the Home Rule Note, I just simply wanted to let people know, we're not making this Note out of some... or this request for a Home Rule Note out of some, being dilatory. We have in writing that it does, and that you can vote your conscience. And I'll bring up the Parliamentary Inquiry on Third Reading."

Speaker Madigan: "Okay. Back on the Motion that the request for a Home Rule Note is inapplicable. Those in favor of the Motion 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 66 'ayes'; 48 'noes'. The Motion is adopted. The next Motion will be on the Judicial Note. The question is, rather the Motion is, that the request for a Judicial Note is inapplicable. Those in

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

50th Legislative Day

April 25, 1997

favor 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 69 'ayes'; 45 'noes'. The Motion is adopted. Mr. Clerk, anything further?"

Clerk Rossi: "Nothing further."

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

Clerk Rossi: "House Bill 626, a Bill for an Act relating to the delivery of health care services. Third Reading of this House Bill."

Speaker Madigan: "Mr. Black, the Parliamentarian is prepared to Rule on your inquiry."

Parliamentarian Casper: "On behalf of Speaker Madigan and Representative Black, this Bill will require 60 votes. It is a preemption of Home Rule powers under Subsection H of the Constitution, which requires a simple majority vote."

Speaker Madigan: "Representative Flowers on final passage."

Flowers: "Mr. Speaker, Ladies and Gentlemen of the House, I have debated the Bill through the Amendments. If you have any questions I'll be more than happy to answer them. But I urge an 'aye' vote on House Bill 626."

Speaker Madigan: "Mr. Parke."

Parke: "Thank you, Mr. Speaker. One last time, to the Bill. This will be counterproductive to what the Sponsor and the supporters of this Bill will do. Ultimately this will force more people to lose their health insurance, than they are trying to solve at the other end. When you start raising the cost of health insurance to small businesses and businesses as whole, they have the choice of either paying increased premiums or dropping their health insurance. I implore you, do not be caught up in the zeal

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

50th Legislative Day

April 25, 1997

of trying to do something that may be just your idea. This actually is counterproductive. It is not going to solve what they want it to. It will increase the cost of doing business in this state, and make us less competitive with surrounding states. I would ask that you vote 'no' on this Bill."

Speaker Madigan: "The Chair would suggest that this matter was debated for close to an hour on the Order of Second Reading, and that we simply proceed with Third Reading Roll Call at this time. Those in favor of the Bill vote 'aye'; those opposed vote 'no'. For what purpose does Mr. Brady seek recognition?"

Brady: "Should this receive the requisite number of votes, I ask for verification."

Speaker Madigan: "Very good. Thank you. We are on a Third Reading Roll Call. Third Reading Roll Call. Those in favor in 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 73 'ayes'; 37 'noes'. Mr. Brady withdraws his request for a verification. The Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, House Bill 1776. What is the status of the Bill?"

Clerk Rossi: "House Bill 1776, a Bill for an Act concerning Public Records. Third Reading of this House Bill."

Speaker Madigan: "Mr. Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentleman of the House. House Bill 1776 as amended would amend the Freedom of Information Act. And, would provide that public bodies, if a public body has records on electronic devices that a person, who makes a freedom of information request, may

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

50th Legislative Day

April 25, 1997

request that that electronic form be used for that freedom of information request. There was some concern about, that Representative Lang raised, with regard to reasonable dispatch. We have taken that out of the Bill, so that it makes it a better Bill. This is a Bill that will allow people, who are interested in public information in a electronic form to get information in that format. I would be happy to respond to questions. And, I would appreciate your support."

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? Record, Mr. Granberg as 'aye'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 114 'ayes'; 1 person voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 19. Mr. Clerk, what is the status of this Bill?"

Clerk Rossi: "House Bill 19, a Bill for an Act amending the Bingo License and Tax Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. Novak."

Novak: "Thank you, Mr. Speaker, Ladies and Gentleman of the House. House Bill 19, increases the daily maximum prize from \$2,250 to \$3,250 statewide. It is the last time, when the bingo license was reformed legislation was instituted in Illinois, 1982. The reason, why I sponsor this legislation, is basically, in areas, such as my district, Kankakee, and Iroquois, and Will Counties border the State of Indiana. The State of Indiana has a much larger payout. The State of Wisconsin has a larger payout. The State of Missouri has a larger payout. I think it is time we

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

50th Legislative Day

April 25, 1997

revisit this Bingo Bill and bring our cash payouts up at least a \$1000 more, so we can sort of play on a more level playing field. Organizations, such as the Knights of Columbus, private, religious and educational charitable organizations all are in support of this legislation. I would be more than happy to answer any questions."

Speaker Madigan: "Mr. Black."

Black: "Thank you, very much, Mr. Speaker and Ladies and Gentleman of the House. To the Bill. I tried to amend this Bill in committee, but quite frankly, the Amendment was so poorly drafted, because I couldn't get my point across to LRU. It wasn't their fault. It was my fault. I had to withdraw the Amendment, because it really was confused. But, by that Amendment, what I was attempting to do, was to express the concerns given to me by many of the small bingo operators in my district. And, we had this Bill before, Ladies and Gentleman. A year ago, I think it was a Senator from Lake County had it and it was only for Lake County. It only got 3 'yes' votes. Now, the good Representative from Kankakee, has changed the Bill. But, I think again, this is a vote that you better know your district. I have many small fraternal, religious, labor organizations, whose hall isn't big enough to get people in there. And, so they can't build, they can't get the bigger pot. And, so they won't be able to compete with a larger organization within the community, who can afford the bigger pot. And, therefore, you are going to put them out of business. So, I intend to vote 'no', for the simple reason, that an 'aye' vote on this, increasing the pot for bingo, simply is a vote for the big gambling interests. And, a 'no' vote is a good vote for the little gambling interests. So, I intend to vote 'no'."

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

50th Legislative Day

April 25, 1997

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 43 'ayes'; 71 'noes'. And this Bill, having failed to receive a Constitutional Majority, is hereby declared lost. House Bill 2201, Mr. Black. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 2201, 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 Madigan: "Mr. Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. The language in this Amendment, this becomes the Bill. It simply clarifies the language on the manufacturers credit, dealing with the servicemen, when they pay their tax on the equipment for manufacturers and printers. The servicemen, then can either pay the tax up front or behind when they sell the item. And, there was some confusion on that. And, this clarifies that point. And, I would ask for the adoption of Amendment #1."

Speaker Madigan: "Mr. Black."

Black: "I agree 100% with Representative Brunsvold."

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

Clerk Rossi: "No further Amendments."

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

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

50th Legislative Day

April 25, 1997

Phelps: "Mr. Speaker, I was just wondering if it would be appropriate to file a Fiscal Note request, like Representative Black did, on my Bill earlier, that Public Aid has refused to even file on the request? Do you think it would be appropriate at this late hour, when we are getting ready to leave?"

Speaker Madigan: "Well, you know, in our continuing spirit of cooperation and goodwill, it would probably not be a good idea."

Phelps: "Bless you, Mr. Black."

Speaker Madigan: "Any further Amendments?"

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "House Bill 2201, a Bill for an Act amending the Service Occupation Tax Act. Third Reading of this House Bill."

Speaker Madigan: "Those in favor of the passage of the Bill, vote 'aye'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk, shall take the record. On this question, there are 115 'ayes'; 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1437, Representative Younge. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 1437, has been read a second time previously. Floor Amendment #1 has been adopted to the Bill. No Motions have been filed. Floor Amendment #2, offered by Representative Younge, has been Approved for Consideration."

Speaker Madigan: "Representative Younge on the Amendment."

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

50th Legislative Day

April 25, 1997

Younge: "This Amendment was drafted by the Department of Human Services. And it amends the Illinois Guaranteed Job Opportunity Act. And it gives the Director or the Secretary of the Department of Human Services, the power to administer this Act. I move for the adoption of the Amendment."

Speaker Madigan: "Those in favor of the Amendment, say 'aye'; 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. Read the Bill for a third time."

Clerk Rossi: "House Bill 1437, a Bill for an Act amending the Illinois Guaranteed Job Opportunity Act. Third Reading of this House Bill."

Speaker Madigan: "Representative Younge on the Bill."

Younge: "Thank you, Mr. Speaker. The Amendment is the Bill. And, it gives the Department of Human Services the power to administer this Illinois Job Opportunity Act. It was drafted by the, at the secretary's request. And, I Move for the passage of the Bill."

Speaker Madigan: "Those in favor of the passage of the Bill, vote 'aye'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 94 'ayes'; 21 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1116, Mr. Moffitt. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 1116, a Bill for an Act in relation to taxes. Third Reading of this House Bill."

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

50th Legislative Day

April 25, 1997

Speaker Madigan: "Mr. Moffitt."

Moffitt: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1116 offers a tax credit to businesses that use two different materials that have not been in use, but, we'd like to encourage use of. First, is a new product to replace Styrofoam packing peanuts, that is totally bio-degradable made from corn and manufactured in Illinois. Second, product is one called Environ, which is made from soybean flour and recycled newsprint. Any of you, who have been around recycling, know that there is little or no demand for newsprint. This would encourage that development. The company that makes Environ, is looking at building five new plants in the next five years, 150 jobs per plant. It is good for the environment. It is good for Illinois, good for Illinois farm products. 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 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 106 'ayes'; 9 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 916. Mr. Clerk, what is the status of that Bill? 916 (sic- House Bill)."

Clerk Rossi: "House Bill 916, is on the Order of House Bills-Second Reading. The Bill has been read a Second time previously. Amendment #1 and Amendment #2 have been adopted to the Bill. No Motions have been filed. No Floor Amendments."

Speaker Madigan: "Mr. Clerk, take that Bill out of the record and

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

50th Legislative Day

April 25, 1997

call 1916 (sic-House Bill). What is the status of House Bill 1916."

Clerk Rossi: "House Bill 1916..."

Speaker Madigan: "Mr. Clerk, Mr. Clerk, take this Bill out of the record. The next Bill will be House Bill 2107. Mr. Clerk, what is the status of that Bill?"

Clerk Rossi: "House Bill 2107, a Bill for an Act in relation to economic development. Third Reading of this House Bill."

Speaker Madigan: "All right. So, Mr. Phelps."

Phelps: "Thank you, Mr. Speaker. This is a Bill similar to several others that has passed, I think, Representative Stephens and Representative Holbrook had something similar. It creates some incentives. Tax credits for the rural areas to track industry. It has qualifications to be eligible for these tax credits, for a company to spend more than \$500 thousand in investment. Also, that the unemployment rate must be the statewide, higher than the statewide rate for the last five years to be eligible for these tax incentives. This is very important to downstate to be able to compete with the surrounding states of Kentucky, Indiana, Missouri. We need your help. Thank you."

Speaker Madigan: "Mr. Skinner."

Skinner: "Is this the successor to the chicken plucking plant, subsidy Bill?"

Phelps: "You might say that."

Skinner: "And, now you have broadened it from one chicken plucking plant to all of the areas of the state that have below-average employment, unemployment?"

Phelps: "Right. We have narrowed the Bill quite a bit even, since that particular instance, to make it more acceptable for all of us."

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

50th Legislative Day

April 25, 1997

Skinner: "So, this would mean, that if a area had employment that was... unemployment below the average they wouldn't get it."

Phelps: "The unemployment rate must be higher than the statewide rate for at least the last five years to be eligible for, to buy from these credits through DCCA."

Skinner: "If they were blipped for one month, where for example, everybody was hired to put sand bags against the river. That would disqualify the area?"

Phelps: "No, not really. Because, that particular example you give would not be in a case of no one was hired to do that in my area. I don't know if you have another example. But, those were disaster agency responses and volunteers from the work camps of prison, that did that."

Skinner: "Well, frankly, this sounds better than the other Bill. I still don't like it, but..."

Phelps: "It is a rate for a calendar year, Representative Skinner."

Skinner: "I'm sorry."

Phelps: "The rate for a calendar year, is the measure."

Skinner: "Okay. So, the average for the year."

Phelps: "Right."

Skinner: "As, I said, this sounds better than the previous Bill of this gender."

Phelps: "It's quite an improvement. Thanks for your help."

Skinner: "But, it still strikes me as, we are sort of standing there on the corner, pathetically, holding out our hat saying, 'please come, take our tax money'. Thank you, very much."

Phelps: "We are not giving away anything that we don't have now."

Speaker Madigan: "Mr. Stephens. Stephens."

Stephens: "Thank you, Mr. Speaker. I will remind Representative

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

50th Legislative Day

April 25, 1997

from McHenry County, that you, this is not just a chicken plucking Bill. And, I don't appreciate the fact, that he thinks that this Bill that he calls a chicken plucking Bill is worse than what he characterized as my chicken plucking Bill from yesterday. This is serious legislation. You can't give away what you don't have. It is as simple as that. This is a mechanism, by which we can attract business to Southern and Southwestern Illinois. I rise in support of the Gentleman's Motion, understanding that you cannot give away that, which is not in your possession. And, that refers to the revenues that, some people think, we are losing by giving these sort of tax breaks. Thank you."

Speaker Madigan: "Mr. John Jones. John Jones."

Jones, John: "Thank you, Mr. Speaker. I stand in strong support of this Bill. I would ask the Clerk, though, to check and see, I'm supposed to be a Cosponsor of this Bill, hyphenated Cosponsor. So, if the Clerk would check to make sure of that. This is good Bill, not only for downstate Illinois, where we have lost a lot of coal mine jobs. And anything that we can attract to Southern Illinois, especially. And, it is very good for the economy of the whole state. I have a coal mine in my district that has just announced they're closing and we are going to lose 550 jobs there. I know, Representative Phelps has had this same thing occur in his district and Representative Woolard. And, I just think, it is an excellent Bill. And, I would just ask for a 'aye' vote on this great piece of legislation that Representative Phelps has."

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. I rise in support of this Bill. Just to echo a few things that a few of the colleagues have

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

50th Legislative Day

April 25, 1997

said. You know, many people complain about all of the things we send that you have to send downstate. You say, you are spending the money. All we are asking for is an opportunity to bring industry into our areas that are suffering, so that we can, so that we can grow our communities and have that income that you all enjoy so much. And, I would encourage an 'aye' vote."

Speaker Madigan: "Those in favor of the passage of the Bill vote 'aye'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 95 'ayes'; 20 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. The Chair has been advised there is a House Bill 113, which is a Vehicle Bill. Mr. Clerk, what is the status of that Bill?"

Clerk Rossi: "House Bill 113, a Bill for an Act amending the Illinois Enterprise Zone Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. Novak."

Novak: "Thank you, Mr. Speaker. I would like to pass this Bill to keep the negotiations going with the Governor's Office and the potential developers dealing with a large retail mall development in the northern end of my district, on Route 57 in Monee-Manhattan Road. Senator Bill Peterson from the Gurnee area has agreed to pick up the Bill, so we can continue negotiations with the Governor's Office. I appreciate your 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

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

50th Legislative Day

April 25, 1997

all voted who wish? The Clerk shall take the record. On this question there are 84 'ayes'; 31 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1916. Mr. Clerk, what is the status of that Bill?"

Clerk Rossi: "House Bill 1916, a Bill for an Act amending the Local Records Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. Burke."

Burke: "Thank you, Mr. Speaker. This Bill as amended would permit the City of Chicago to deduct amounts owed to the city for water bills, city stickers, parking tickets, et cetera from the paychecks of employees of the Chicago Park District, the CTA, the Chicago Public Schools and city colleges. The maximum that could be deducted for a single paycheck is 25% of the net pay. This has been recommended by the City of Chicago to help collect debt payments. The Bill was considered in committee and got a unanimous vote to consider on the House Floor. I would be happy to answer any questions."

Speaker Madigan: "Mr. Cross."

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

Speaker Madigan: "The Sponsor yields."

Cross: "Representative Burke, does this prior to the wage deduction, allow for or provide for any court action or any notice to the person, who owes the money prior to the deduction or does it just automatically occur?"

Burke: "Representative, I'm sorry, I couldn't hear your question."

Cross: "Most wage deduction, most wage deductions that, I'm aware of, require a judgement to be entered first, with some exceptions. Does this require court action or can there or will there be automatic wage deduction without any notice

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

50th Legislative Day

April 25, 1997

to the person, who owes the money without any due process, without any notification?"

Burke: "There would be notice to the employee that the debt was owed."

Cross: "What would be the time frame on the notice? Would there just be a notice sent out and say we are going to deduct or would the employee have a opportunity to contest? I mean, what if the employee had an legitimate beef with the amount that he or she owed?"

Burke: "They indeed would have a opportunity to discuss the matter and rectify it. Currently, what the city has done, was threaten termination. And, they have gotten a good, a good result using that technique. And, at this stage of the game, it is for the hard-core individuals, that refuse to owe. It doesn't change current law, with respect to one's opportunity to seek recourse in the courts. And, proper notice would have to be given to the employee."

Cross: "Well, in most cases, with which I'm familiar, Representative, you file a complaint against someone, you get a judgement and then you have the ability to file a wage deduction process. Under this Bill, there is no requirement that a court enter an Order of Judgement indicating or showing that the money was due or owing. Where, what we are doing, from what I'm reading correctly, the park district or the school district or the Metropolitan Transit Authority District, all they have to do is say, 'you owe the money'. You send notice to the defendant or debtor and you start collecting. I don't know that, that is a very fair process. Is there something we are missing?"

Burke: "Yes. Every individual, that would be subject to this wage garnishment, would have to be advised and the matter

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

50th Legislative Day

April 25, 1997

time previously. Floor Amendment #1 has been adopted to the Bill. No Motions have been filed. Floor Amendment #2, offered by Representative Gash, has been approved for consideration."

Speaker Madigan: "Representative Gash."

Gash: "This is a Bill that will... Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a Bill that will increase safety in schools. And Amendment #2 removes universities from the Bill, and colleges."

Speaker Madigan: "The Lady moves for the adoption of the Amendment. The Chair recognizes Mr. John Turner."

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

Speaker Madigan: "The Sponsor yields."

Turner, J.: "Representative, you said that there's only one word difference in the Amendment from the underlying Bill. Could you tell me what that does?"

Gash: "Excuse me. I don't understand your question. What is your question?"

Turner, J.: "My question was, what does the Amendment do to the original Bill?"

Gash: "The original Bill deals with schools in general, including universities and colleges. And this limits the Bill to elementary and secondary schools."

Turner, J.: "Well, when you say 'deals with schools', what do you mean?"

Gash: "The original Bill requires, we discussed this at length, actually, the other day. The original Bill, the Bill deals with the reporting of crimes that occur in schools. Juvenile crime is seriously on the rise. There was a time that juvenile crime meant that a kid stole a candy bar from the corner store. That's not what it means anymore. We're trying to do something to make our schools safer. We have

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

50th Legislative Day

April 25, 1997

found that better communication between schools, police departments and social service agencies, is critical if we're going to achieve that safety. We need that information. We need to be able to obtain that information, as I'm sure you would agree."

Turner, J.: "What if there is a lack of follow-up on the school principal or superintendent, in other words, they don't do what they're suppose to do under this legislation? What's the penalty?"

Gash: "There has to be a knowing violation for there to be a liability here."

Turner, J.: "Okay, and if there is a knowing violation is there a penalty?"

Gash: "There is a \$5 hundred fine. Your question is directed at...?"

Turner, J.: "If there is a penalty for failure to report, and to whom?"

Gash: "I was just interested in knowing if you question was directed at the Amendment."

Turner, J.: "What was that again?"

Gash: "Is your question directed to the Amendment?"

Turner, J.: "Yes, the Amendment and the Bill. How does the Amendment change the Bill, is what I'm trying to get at?"

Gash: "I assume you're asking me how the Amendment changes the Bill. So I will tell you. I think this might be the third time, but I'm happy to oblige. The Amendment takes out of the Bill the requirement that administrators at universities and colleges must report the crimes that are required to be reported in the elementary and secondary schools."

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

Gash: "You may be interested to know that Federal Law does

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

50th Legislative Day

April 25, 1997

address this already, with respect to universities."

Turner, J.: "Thank you."

Speaker Madigan: "Mr. Hoeft."

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

Speaker Madigan: "The Sponsor yields."

Hoeft: "The staff analysis we have says this applies to private schools. This is the case?"

Gash: "Are you dealing with Amendment #3, not Amendment #2?"

Hoeft: "Sorry, I'm talking about the Bill itself. I will ask the question later."

Speaker Madigan: "The Lady 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 Rossi: "Floor Amendment #3, offered by Representative Gash."

Speaker Madigan: "Representative Gash on Floor Amendment #3. Representative Gash."

Gash: "House Amendment #3 includes nonpublic elementary and secondary schools, and requires the reporting."

Speaker Madigan: "Those in favor of the Amendment say 'aye'; 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. Read the Bill for a third time."

Clerk Rossi: "House Bill 1090, a Bill for an Act to require administrators of certain educational institutions to report certain criminal offenses. Third Reading of this House Bill."

Speaker Madigan: "Representative Gash."

Gash: "Crimes in schools should be reported. This is an

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

50th Legislative Day

April 25, 1997

initiative of, many different groups have come to me talking to be about this, including the Illinois State Crime Commission. And I urge your 'aye' vote."

Speaker Madigan: "Those in favor of the passage of the Bill vote 'aye'... excuse me. Mr. Black."

Black: "The hour grows very late, Mr. Speaker. I appreciate you calling on me. To the Bill. You know, I'd much rather have a report about who can read and who can't read and what we can do to accommodate that, rather than if somebody picked a pocket on the corner of the local school docket. This is a silly Bill for this late in the day. I'm going to vote 'no' just on general principles because you wouldn't accept my Amendment to adjourn."

Speaker Madigan: "Let's all maintain our good humor here. 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? Have all voted who wish? The Clerk shall take the record. On this question, there are 81 'ayes'; 31 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1619. Mr. Clerk, what is the status of the Bill? Excuse me, Mr. Clerk, 1696. Mr. Black has me off focus here."

Clerk Rossi: "House Bill 1696, a Bill for an Act concerning taxes. Third Reading of this House Bill."

Speaker Madigan: "Mr. Kubik."

Kubik: "Thank you, Mr. Speaker. This Bill, House Bill 1696, would provide an income tax credit for taxpayers that receive a certificate of eligibility from the Department of Transportation in the amount of 50% of the amount's expended by taxpayers on soundproofing, a building, around O'Hare Airport or Midway Airport. I'd be happy to respond

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

50th Legislative Day

April 25, 1997

to questions, and would appreciate your support."

Speaker Madigan: "Representative Mulligan."

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

Speaker Madigan: "The Sponsor yields."

Mulligan: "Representative, who would this benefit? People within five miles?"

Kubik: "People within five miles of both, O'Hare and Midway Airport."

Mulligan: "So that would certainly impact my community, who is only getting a minimal amount of soundproofing from the city."

Kubik: "I would imagine that it would."

Mulligan: "So, if they chose to do this themselves they could get a little bit of a credit here for trying to take care of a problem that many people have that are about the airport?"

Kubik: "That is correct."

Mulligan: "The majority of my... To the Bill. The majority of my communities in Park Ridge and Des Plaines, many of them were there before the airport became busy. The soundproofing that the city has offered is only on a minimal amount. It's inadequate. Many people would like to help themselves with their homes. And I would like to remind some of the Representatives, particularly those from downstate, that we have voted to help you today, to do things for your home communities. So I would hope that you would remember that those of us who have the airplanes that come right over the homes in our communities would like to have a little bit of relief and try and have an ability to soundproof our homes, and get a little bit of a credit for it. So, if you could support this I would certainly appreciate it. And I would urge a strong 'aye' vote for this."

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

50th Legislative Day

April 25, 1997

Speaker Madigan: "The Speaker would like to declare that his home is within seven blocks of Midway Airport in Chicago. And, therefore, I may have a potential conflict of interest on this Bill, and will vote 'present'. Those in favor of the passage of the Bill vote 'aye'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. Poll of the Absentees."

Clerk Rossi: "Poll of those not voting. Representative Shirley Jones."

Speaker Madigan: "There are 59 'ayes', and 51 'noes'. And this Bill, having failed to receive a Constitutional Majority, is hereby declared lost. House Bill 142, Mr. Davis. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 142. The Bill has been read a second time previously. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments."

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

Clerk Rossi: "House Bill 142, a Bill for an Act amending the Illinois Income Tax Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. Steve Davis."

Davis, S.: "Thank you, Speaker, Ladies and Gentlemen of the House. House Bill 142 establishes a limited credit for individual taxpayers for the cost of child care. First effective for tax year 1997, and it has an immediate effective date. And I'd be glad to answer any questions on the Bill."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Those in favor signifying by voting 'aye'; those

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

50th Legislative Day

April 25, 1997

opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 114 'ayes'; 1 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. There was a Motion filed relative to House Bill 999. The Motion is by Mr. Phelps. And the Motion would provide that having voted on the prevailing side, the Gentleman moves to reconsider the vote. Mr. Phelps."

Phelps: "Thank you, Mr. Speaker. This issue clearly is contrast to what I would have voted if I was inadvertently voted wrong. I was absent at that time. So I would appreciate to have a clearance and ask for the vote."

Speaker Madigan: "Mr. McCarthy. Mr. McCarthy."

McCarthy: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I don't want to cast aspersions on my colleagues, but I think this is a thing where the game's been played. The game is over. They had a chance to stand up, record the fact that their vote was wrong, as many other people did on many different occasions, so far here, as Jack McGuire did that night that say he was changing his vote to an absent to a 'yes'. So their Motion here wouldn't have made any difference that night. And they know that. It would have taken away two and added one, and I still would have been at 60. The Bill was debated extensively on Wednesday night, the vote was recorded. Opening up the matter to another vote will do nothing for the democratic process in our state. We did this already. It doesn't need to be debated again. We talked the other night for 30 minutes. I would ask you to please stand up for what's right. These men have had a chance to put their vote on the record. We know they're not for it. That's great.

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

50th Legislative Day

April 25, 1997

Just like Mr. McGuire did, he's for it. That's great. We don't need to open things up again. We don't need to stay here and debate for another 45 minutes, things we've already debated for 45 minutes. I'd be happy to do it, and I'd be happy to stand up for the credit again. But I ask you to please set the board on fire and vote red on this Motion."

Speaker Madigan: "Mr. Skinner."

Skinner: "How many votes does this Motion take?"

Speaker Madigan: "The Motion requires 60 votes."

Skinner: "Should it require 60 I would ask for a verification."

Speaker Madigan: "If it receives 60?"

Skinner: "Yes."

Speaker Madigan: "All right. You've all heard the Motion. Those in favor of the Motion vote 'aye'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 52 'ayes'; and 57 'noes'. And the Motion fails. House Bill 2225. House Bill 2251. Mr. Clerk, what's the status of that Bill?"

Clerk Bolin: "House Bill 2251. The Bill has been read a second time previously. Floor Amendment #2, offered by Representative Gash, has been approved for consideration."

Speaker Madigan: "The Sponsor indicates she does not want to call the Bill. The Chair recognizes Mr. Stephens for a Motion. Mr. Stephens. I'm sorry. Mr. John Turner. John Turner rises to offer a Motion to reconsider the vote on House Bill 1696. So those in favor of that Motion to reconsider the vote on 1696, vote 'aye'; those opposed vote 'no'. Those for the Motion vote 'aye'. Have all voted who wish?"

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

50th Legislative Day

April 25, 1997

Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 63 'aye' and 50 'noes'. And the voted has been reconsidered. And we will now go back to another Third Reading vote on House Bill 1696. On that Bill, Mr. Kubik moves for 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 64 'ayes', and 45 'noes'. This Bill having received a Constitutional Majority is hereby declared passed. The Chair is prepared to adjourn. Mr. Clerk, anything further?"

Clerk Bolin: "Noting further, Mr. Speaker."

Speaker Madigan: "Representative Currie moves that the House does stand adjourned until Tuesday at 12:30. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted.(sic- House Adjourned)"