

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

123rd Legislative Day

May 13, 1998

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 Pastor Dan Schwick of the Lutheran Social Services of Illinois. Pastor Schwick is the guest of Representative Monique Davis. The guests in the gallery may wish to rise and join us in the invocation."

Pastor Schwick: "Let us pray. God of all, source of wisdom, justice, and compassion, fill this place and all the people who work here with Your presence, give wisdom to our lawmakers as they exercise stewardship of the peoples' business. Help them fashion laws which uphold the dignity of all people. Amidst the competing claims for attention, and especially at this time for appropriations, help Legislatures... Legislators listen especially carefully to the voices of the poor, the chronically ill, and children at risk. May our state become an example of the responsible and compassionate care for our neediest neighbors. May your peace, your shalom, dwell upon us. Amen."

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

Curry, Julie 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. Representative Currie."

Currie: "Thank you, Speaker. Please let the record show that we have no excused absences among House Democrats."

Speaker Madigan: "Mr. Cross."

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

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Speaker Madigan: "This is the Attendance Roll Call. This is the Attendance Roll Call. Mr... Pat Lindner indicated that she will not be here at the beginning. Mr. Clerk, take the record. There being 117 Members responding to the Attendance Roll Call, there is a quorum present. For what purpose does Representative Curry seek recognition?"

Curry: "Thank you Mr. Speaker, I rise at a point of personal privilege. I'd just like to remind the Members today that it's Decatur Day at the State Capitol and that we have an exhibit of all the businesses in Decatur down in the south hall. I hope you'll take the opportunity to go down there and visit and see some of the things that we have in Decatur, Illinois and Macon County. Also, lunch will be provided between 11:30 and I believe 12:00 for all the Members in the House, so don't get lunch and please go downstairs. They have some gifts for you and I think you'll enjoy what we have to offer. Thank you."

Speaker Madigan: "Mr. Noland."

Noland: "Thank you, Mr. Speaker. Let me just add to Representative Curry. Lunch will be provided courtesy of Decatur Day, and thank you for visiting with the wonderful citizens of that area, as you can better understand that we are the... Decatur is the agribusiness center of Illinois and whereas we showcase some of our strengths today. So thank you for your cooperation."

Speaker Madigan: "Mr. Black."

Black: "Yes, Mr. Speaker, point of personal privilege. Since we're honored today by getting lunch from the City of Decatur, and they're visiting the City of Decatur and it's 10:00 and not all of us are here, I would think maybe we could just stand in recess until noon and all of us could drive to Decatur and just kind of visit. I know they have

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a zoo there, and a number of sights that Representative Curry and Representative Noland could maybe just kind of show us around the City of Decatur, and we'd all learn something, Mr. Speaker, especially our Chicago colleagues to come downstate and visit one of our great cities, Decatur. So I'm sure we can stand in recess and just drive to Decatur and have a very good morn... beautiful day for a drive and see the sights of Decatur and then maybe next week we could do it to Teutopolis. I know you've been there, but many of us haven't had that opportunity. So let's just all go to Decatur. Okay? All right."

Speaker Madigan: "Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative David Phelps, Chairperson from the Committee on Elementary and Secondary Education, to which the following Amendments were referred, action taken on May 12, 1998, reported the same back with the following recommendation: 'be approved for consideration' Floor Amendments 3, and Floor... 3 and 4 to Senate Bill 1599. Representative Dan Burke, Chairperson from the Committee on Executive, to which the following Amendments were referred, action taken on May 12, 1998, reported the same back, with the following recommendation: 'be approved for consideration' Floor Amendments 7 and 8 to Senate Bill 1701. Representative Tom Dart, Chairperson from the Committee on Judiciary I-Civil Law, to which the following Amendment was referred, action taken on May 12, 1998, reported the same back with the following recommendation: 'be approved for consideration' Floor Amendment #3 to Senate Bill 1328. Representative Todd Stroger, Chairperson from the Committee on Local Government, to which the following Amendment was referred, action taken on May 12, 1998, reported the same back with

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the following recommendation: 'be approved for consideration' Floor Amendment #1 to Senate Bill 1203. The House Rules Committee will meet at 10:15 in the Speaker's Conference Room. The Rules Committee will meet at 10:15 in the Speaker's Conference Room."

Speaker Madigan: "On the Order of Senate Bills-Second Reading, there appears Senate Bill 445. Representative Silva. Is Representative Silva in the chamber? You wish to move your Bill 445? You wish to leave the Bill on Second Reading? Leave the Bill on the Order of Second Reading. Senate Bill 499. What is the status of the Bill, Mr. Clerk?"

Clerk Rossi: "Senate Bill 499, a Bill for an Act amending the Illinois Pension Code. Second Reading of this Senate Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Currie, has been approved for consideration."

Speaker Madigan: "Representative Currie. Representative Currie, we are on Senate Bill 499. There is an Amendment. Senate Bill 499. Mr. Clerk, is there an Amendment?"

Clerk Rossi: "Floor Amendment #1, offered by Representative Currie."

Speaker Madigan: "Representative Currie."

Currie: "We have an additional Amendment to offer to this Bill that will be reported to the floor. So I'm happy to present this Amendment now, but it might be more efficient if we wait until the other Amendment comes before us."

Speaker Madigan: "Take the Bill out of the record. Senate Bill 1195. Mr. Clerk, what is the status of that Bill?"

Clerk Rossi: "Senate Bill 1195, a Bill for an Act to amend the Wildlife Code. Second Reading of this Senate Bill. Amendments 1 and 2 and 3 have been adopted to the Bill. No Motions have been filed, no Floor Amendments approved for

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consideration. Various notes have been requested on the Bill that have not been filed."

Speaker Madigan: "Representative Currie, do you wish to withdraw your request for notes on Senate Bill 1195? The Lady wishes to withdraw the requests for the notes, Mr. Clerk, so the Bill shall be placed on the Order of Third Reading. Mr. Noland, do you wish to call the Bill on Third Reading? Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1195, a Bill for an Act amending the Wildlife Code. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Noland"

Noland: "Thank you, Mr. Speaker. Senate Bill 1195 makes many changes in... for the Department of Natural Resources. The underlying Bill would allow the department to issue permits to handicapped persons to hunt with a crossbow. Currently, they are limited just to... limited to the permit of taking with a deer. Now that will open that up so handicapped people can hunt with a crossbow for all different animal species. Also, the Bill provides for a resident that is over 65 years old. They can now buy a combination sportsman's license at half price. It will be a half price combination sportsman's fee at discount. The Bill will also create a new one day, 24 hour fishing license and the Bill also changes the value of the taking of animals illegally. It will create the offense of a Class IV felony and I would like to, if I may, Representative Brunsvold may wish to add some more comments to this Bill."

Speaker Madigan: "Chair recognizes Mr. Brunsvold. Mr. Brunsvold."

Brunsvold: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. The first portion of this Bill which was actually Amendment #1, original Amendment #1, dealt with a setting up of higher fees or higher fines for taking game

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illegally, especially deer heads, deer horns, those things. Also, Representative Mary K. O'Brien and Representative John Turner worked on some language for probation for first-time offenders. And those two Reps put the language together and we've looked it over and met with the Department of Natural Resources. They are okay with the provisions and Amendment 2 then, which was added, was as Mr. Noland has said, supported some new fishing licenses, 24 hours, some senior combination licenses et cetera, so I stand in strong support of Senate Bill 1195."

Speaker Madigan: "There being no further discussion, 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 people voting 'aye', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Representative Zickus on Senate Bill 1286. Do you wish to move your Bill? Not yet? Okay. Leave the Bill on the Order of Second Reading. Senate Bill 1372, Mr. Ryder. Is Mr. Ryder in the chamber? Senate Bill 1280. Representative Clayton, do you wish to move your Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1280 has been read a second time previously. Amendments 1 and 2 were adopted in committee. No Motions have been filed. No Floor Amendments have been approved for consideration."

Speaker Madigan: "Representative Clayton."

Clayton: "I understand there is another Amendment to be put on this Bill."

Speaker Madigan: "Okay. So we'll leave the Bill on the Order of

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Second Reading."

Clayton: "Thank you."

Speaker Madigan: "Is Mr. McAuliffe in the chamber? Mr. McAuliffe. Mr. Saviano. Is Mr. Saviano in the chamber? Mr. Holbrook, Senate Bill 1878. Do you wish to call your Bill? The Gentleman does not wish to call his Bill. Mr. Reitz. Is Mr. Reitz in the chamber? Senate Bill 1041, Representative Cowlshaw. Representative Cowlshaw. Representative... rather Senate Bill 499, Mr Clerk, is on the Order of Second Reading. What is the status of the Bill?"

Clerk Rossi: "Senate Bill 499, a Bill for an Act amending the Illinois Pension Code. Second Reading of this Senate Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Currie, has been approved for consideration."

Speaker Madigan: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. This is an agreed Amendment with the pension systems, the Bar Association, the American Academy of Matrimonial Lawyers, and AARP. What it does is to provide that for Illinois State Pension Systems, spouses who have property interest in pensions will be able to have their share of the pension check cut directly to them under this new law as you... "

Speaker Madigan: "The Lady moves for the adoption of the Amendment... and Mr. Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield? Representative, the Amendment becomes the Bill. Is that correct?"

Currie: "That is correct."

Black: "I thought I heard you earlier say there would be another Amendment?"

Currie: "I did say, but in fact I'm advised that I would be wise

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to withdraw the second Amendment."

Black: "All right, so what we're debating then is Floor Amendment #1 that becomes the Bill."

Currie: "That's correct."

Black: "Okay. The first question that I think we need to make sure everyone on the floor understands; there are no pension enhancements in your Amendment. Correct?"

Currie: "Not a single one."

Black: "In fact, it appears that what the Amendment does is to make one of our public pension payments, I'm not an attorney so bear with me, eligible for a division in case of a marital dissolution."

Currie: "And a court order that establishes the various property rights of the two parties; and of course since 1984, private pension plans covered under ERISA and federal pension plans, have provided for this direct cutting of the check opportunity. So the issue in this Amendment is not, does a spouse at the time of divorce have a property right in a pension, because the courts will make that determination on a case by case basis. The question is, how does the spouse with the property right access the dollars he or she is owed? And what this Amendment does is to provide that just as under federal pensions and ERISA covered private pensions that the spouse with that property right will have the opportunity for a check cut directly in his or her name."

Black: "Is there current case law... I guess I'm having a hard time understanding the necessity for the... for the Bill, the Amendment excuse me because I would assume that there is current case law that would say if I had a uh vested pension 30 years of service and there was a dissolution of marriage, could not the court order a portion of my pension



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to be paid to my spouse?"

Currie: "The court can and does and nothing about this Amendment changes that. What this Amendment would do, would be to make effective and efficient the arrival of the dollars to that former spouse. It's just a question of how do you accomplish it instead of my.. or your having to come to me and say Barbara, the court gave me 30% of your pension. Would you write me a check every month?"

Black: "Well, if you would agree to that, I would accept it. Thirty percent of your pension would be most appreciative."

Currie: "But that's only if the court says so, Representative."

Black: "Oh, I see. What I'm having trouble understanding, is, is there something in existing law if I didn't want to cooperate with the order, if I moved to Arizona and I instructed my pension board, send my pension check to such and such an address in Phoenix, Arizona, and furthermore, I don't want this divided. It's my pension. I want the check. I mean is there some way I can avoid a court order to send my ex-spouse a portion of my pension?"

Currie: "Under current law you have precisely stated the problem, because the Pension Board will send the check to Arizona and it may be difficult for the spouse, that the court has declared has a property interest, to capture that spouse's fair share of the dollars from you off there in the State of Arizona."

Black: "... Okay... "

Currie: "... This measure will make sure that when you go to Arizona, the Pension Board sends only your share of the pension check to your Arizona address."

Black: "All right, so that's what you are changing then by this Amendment."

Currie: "That's right."

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Black: "... We are then... "

Currie: "We're not changing... "

Black: "... All right... "

Currie: "... who has a property right or how much of a property right; all we're changing is the administration of a court order with respect to appropriate shares."

Black: "All right. So, we are empowering the various Pension Boards to divide the pension check and mail it to where the court says to, how it's to be divided and where it is sent. Correct?"

Currie: "Yes. For all employees who have come on board after the effective date of this Bill. And we're doing so, so as to make for an efficient administration of the system. As I say, the federal... all federal pensions have been treated this way since 1984 and all pensions under ERISA which are large numbers of pension plans, operate the same way."

Black: "Would either of the parties have the ability to go back to court to change the division of that pension check or..."

Currie: "Absolutely. This Bill does nothing to change current standards with respect to change orders."

Black: "Well let me..., Let me play devil's advocate for just a second because I have heard from a couple of people back in my district who don't like this idea and the scenario that they gave me is as follows: Let's say they are a firefighter and they put in 30 years as a firefighter. Late in their career they get married. They've been single up to this point. So after serving 33 years as a firefighter, the firefighter marries; is married for two years before his retirement and gets his full pension. Three years after that, they divorce. So now the spouse can claim... can they claim half the pension? In other words, this individual was

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saying this person was only a part of my working life for two years. I don't see why they should be entitled to 30 or 40% of my pension."

Currie: "It would be unusual for a court to provide that kind of... recompense. What we in Illinois do define through the courts is that pensions are marital property, so I would assume that a court would say that the late arriving spouse has essentially only a short term interest in that pension under the usual definition of marital property."

Black: "Okay. So now... and then one other question. Is there any safeguard when you... when you... and again, not being an attorney I'm not familiar with how these cases work. Is there any safeguard when you go into court for a dissolution of marriage, would it be possible for the spouse who has the pension to lose the entire pension? The judge says, no, you've been married 20 years and you're not a very nice individual and I'm awarding your entire pension check to your spouse."

Currie: "Under the marital property theory, I can't imagine how that could happen; because the marital property theory would be that both spouses contributed to the pension at the end of the day, both of them, and I can't imagine what circumstances would impel a court to say that the person who was in that work force is not entitled to a share of the proceeds."

Black: "All right, so in your opinion, Representative, there is sufficient due process so that this Bill would treat a member's pension fairly and equitably; and be it the female or the male in a divorce action, that they would have adequate due process to protect a portion of their pension rights depending on their marital situation, how long they had worked, et cetera, et cetera.."

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Currie: "Absolutely."

Black: "All right. Well, thank you very much, Representative.  
Thank you, Mr. Speaker."

Speaker Madigan: "Representative Cross."

Cross: "Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Cross. Mr. Cross, excuse me for one second.  
Mr. McGuire"

McGuire: "Mr. Speaker, I'd just like to take a point of personal  
privilege here and announce for those that didn't know my  
birthday was yesterday and I'm sure you do, we have fruit  
plate down here today instead of cake so enjoy yourself.  
Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Cross."

Cross: "Thank you, Mr. Speaker. Representative Currie, I think I  
understand what you are trying to do here, but I'm somewhat  
puzzled by the language in the Constitution of the State of  
Illinois that is very specific, that says benefits shall  
not be diminished or impaired. How can you, by this  
legis... aren't you going... avoiding the Constitution with  
your legislation? Or ignoring the Constitution?"

Currie: "This language specifically applies. The new procedure  
specifically applies only to people who join these pension  
systems after the effective date of this Bill. I, myself,  
don't believe that there would have been a constitutional  
impairment were we to have provided it to current employees  
and current pensioners because the courts already have  
determined that under marital property, the spouse is due a  
share of those proceeds. But in order to avoid even the  
appearance of the problem you raise, this new procedure  
will only apply to people who come into the system after  
the effective date of the Bill."

Cross: "Why can't... and I'm sorry, Representative, I can't

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hear... I didn't hear a thing you said, but... Did you just say that anyone divorcing prior to the passage of your Bill?"

Currie: "No, no, no. I said, 'anybody who comes into a state pension system after the effective date of the Bill, those will be the only people to whom the new procedure applies.'

Cross: "In spite of the language in the Constitution, it says...  
"

Currie: "Representative, first of all, that language in my view would not bar this procedural change for people who are current members of the work force or who are retirees; but in order to avoid that problem, the new cutting of checks will apply only to people who join these pension systems after the effective date of this Bill."

Cross: "If I divorce today and your Bill is not in effect, is my permission needed even if a judge orders it?"

Currie: "Today, your permission is not needed when a judge orders it. The difficulty is in getting you to cough up."

Cross: "Pardon me?"

Currie: "The difficulty is in enforcing the judge's order."

Cross: "I can't claim, under the Constitution, that you can order me to pay benefits?"

Currie: "This Bill does not deal with the theory of marital property in respect to whose entitled to what from a pension benefit after the dissolution of a marriage. All this Bill does is to say that when there has been a court order the pension system may cut the check, the monthly check, to the parties that have an interest in that check. This provision will bring us into the world of... that 40 other states have adopted and that the feds and private pension programs have used since 1984. But it will not

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apply to somebody who is currently a member of the state pension system. It will only apply to those people who sign on as workers with these pension benefits after the effective date of Senate Bill 499."

Cross: "There are those on this side of the aisle that believe that it does apply to current enrollees. Are you persistent that it does not? You, guys, are saying... "

Currie: "I'm insistent that it does not. As I say, I personally think it could have without a constitutional barrier since the liability already exists in terms of the court orders about marital property. But in order to avoid that problem, it doesn't."

Cross: "I'm a bit puzzled why the Illinois Education Association, the IEA, is opposed to this Bill and the Teachers Retirement System, and the Illinois Federation of Teachers. They are all three opposed to the Bill and the Amendment."

Currie:: "I don't know that they were not... I can't explain why they would be. It would seem to me that all this does is ensure that court orders are easily and efficiently enforced. All of the major public pension systems are either neutral or supportive of this change."

Cross: "Why would they be... why would they be neutral?"

Currie: "Pardon me?"

Cross: "Why would the major pension programs be neutral? Why wouldn't they want this, if it's easier for them to write a direct check."

Currie: "I think they originally complained that it would be an administrative hassle. As I say, since 40 other states do it the way we propose to operate under Senate Bill 499, and since the Federal Government and large, private pension programs operate this way, I don't think their arguments were what you'd call convincing."

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Cross: "I see the Bar Associations are support... suggested it. My understanding is, given the fact that this is a relatively substantive issue of importance, have both bar associations been spending a great deal of time working on this Bill?"

Currie: "They have worked closely with the proponents of the Bill from other areas, and they have worked closely with the pension systems."

Cross: "For the last couple of years?"

Currie: "Oh, I would say probably 10, 10, 12, 15 years something like that."

Cross: "So it's not uncommon to see both bar associations, when there is a big change in public policy, to spend a lot of time working on an issue. Is that... apparently that's the case in this Bill."

Currie: "Absolutely a fair statement."

Cross: "Certainly seems to be their mode of operation. Okay, Representative, thank you."

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 have been approved for consideration. Several notes have been requested on the Bill that have not been filed."

Speaker Madigan: "So the Bill shall remain on the Order of Second Reading."

Currie: "Withdraw Amendment 2. Did you withdraw Amendment 2?"

Speaker Madigan: "Mr. Clerk, is there an Amendment 2?"

Clerk Rossi: "Amendment 2 is pending in the Rules Committee and does not need to be withdrawn."

Currie: "Thank you."

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Speaker Madigan: "The Bill shall remain on the Order of Second Reading. Is Mr. McAuliffe in the chamber? Mr. McAuliffe. Is Mr. McAuliffe in the chamber? Mr. McAuliffe, do you wish to call your Senate Bill 1289? Mr. Clerk, 1289. Read the Bill for a third time."

Clerk Rossi: "Senate Bill 1289, a Bill for an... "

Speaker Madigan: "Mr. Clerk, Mr. Clerk, the Gentleman does not wish to call his Bill. On the Order of Senate Bills-Second Reading, there appears Senate Bill... Senate Bill 1208. Representative Andrea Moore. Do you wish to move your Bill? Senate Bill 1208. Leave the Bill on the Order of Second Reading. Senate Bill 1210. Mr. Wait. Is Mr. Wait in the chamber? Mr. Wait. Senate Bill 1267. Mr. McCarthy. Do you wish to move your Bill? Is Mr. McCarthy in the chamber? Senate Bill 1328. Mr. Dart. Take this Bill out of the record. Senate Bill 1372. Mr. Ryder. Is Mr. Ryder in the chamber? Mr. Saviano, you have two Bills on Third Reading. Do you wish to call either of them? There's a Senate Bill 1602, court reporters. Mr. Clerk, Senate Bill 1602. Read that Bill for a third time."

Clerk Rossi: "Senate Bill 1602, a Bill for an Act amending the Court Reporters Act. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. Senate Bill 1602, is amended, has a two fold... purpose. Number one, it takes the caps off the salaries of supervising court reporters and it only applies to three counties: Cook County, DuPage County, and Will County. This would enable the Chief Judge of the Circuit Court to properly compensate the people who are directly under him. Second of all, which was Committee Amendment #2, was the provisions that were originally in House Bill 3492, which provided for the state



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to pay the cost of providing free transcripts to indigent persons involuntary civil commitment proceedings, and I would ask for a favorable vote. Thank you."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. There being no discussion, the question is, 'Shall this Bill pass?' All those in favor, signify by voting 'aye'; 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 117 people voting 'aye', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Saviano, did you wish to call Senate Bill 1491? On the Order of Second Reading, Mr. Righter. Is Mr. Righter in the chamber? Mr. Clerk."

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

Speaker Madigan: "Mr. Winters, do you wish to call Senate Bill 1282? Mr. Clerk, Senate Bill 1282. Read the Bill."

Clerk Rossi: "Senate Bill 1282, a Bill for an Act amending the Sanitary District Act of 1917. Third Reading of this Senate Bill."

Winters: "Thank you, Mr. Speaker. Senate Bill 1282 allows sanitary districts that are formed under the District Act of 1972, to borrow from banks or other financial institutions up to \$25,000,000. It is now \$10,000,000. The only change the Bill makes is to increase the borrowing limit. Be happy to take questions."

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

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

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Speaker Madigan: "Sponsor yields."

Black: "Representative, this is a considerable jump in the indebtedness that a sanitary district may enter into with a bank or a financial institution. I assume that the bank would want some kind of protection and would not make the loan if it were not a sound business practice. But be that as it may, if the sanitary district goes to a bank and borrows \$25,000,000, what are they pledging as collateral? Are they pledging the ability to raise rates? I mean, I don't think anybody wants to buy the poop plant."

Winters: "No, what they are pledging is the hookup fees. The fees that are generated from new users of a sanitary district line. In other words, this is specifically brought to us by the Rockford what is now known as the Rock River Water Reclamation... District. They have some fairly large projects extending sewer mains out to major new developments. The pledge that they are making is that any of the hookup fees that those developers will pay back when they get access to the sewer would be used to pay off the borrowing. It is not... Their alternative is to actually go out and sell bonds which would tie up the taxes and their taxing ability. This is a way for them to secure private borrowing rather than actually putting it on the taxpayers of that district."

Black: "All right, but in fact, Representative, would not a bank or a financial institution want some kind of protection on a \$25,000,000 loan? Would not they ask the sanitary district at some point in the agreement to pledge the tax revenue from the district to pay back the bond in case hookup fees... usage fees aren't sufficient? My guess is that the financial institution would say, 'Well, the third position is you must pledge from your tax revenues that you

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will pay this off from your tax revenue.'"

Winters: "That would be up to the negotiations. My understanding is the sanitary district has never done that, that they have always been able to secure the financing based only on the existing streams of revenue and not from any... any bond which they would have to get approval from their taxpayers. So it doesn't change any bonding limits at all. It just... they are already up to that \$10,000,000 cap that we have right now. The banks that they are dealing with locally are willing to extend them a higher line of credit. They simply... they can't do it because it's a state statute, but the banks evidently are willing to accept their... their pledge of the user fee as you will."

Black: "Could an... could an argument be made that by greatly increasing the amount of borrowed indebtedness that a sanitary district could now obtain in the private markets, could an argument be made that that is a way to circumvent the taxpayers who may not want to approve a bond issue?"

Winters: "No, we're not circumventing the taxpayers at all. We're actually relieving them from the possibility that the sanitary district will ask to raise the revenues. That in fact, it is illegal to use tax revenues for this type of loan. They have no access to tax revenue to pay off this kind of borrowing. It's simply a commercial deal done based on the analysis that the district does of the enhanced income stream that they will get from the extension of sewers in the new watersheds and the new drainage basins. And in the Rockford area we have fast enough development that the district is trying to extend these sewer mains and they can't do it with the existing cap. So we're simply increasing the cap. They have no access to the bonding authority of the district to pledge against this."

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Black: "And I appreciate that answer. But where... where is the safety net for the rate payer in this? I can't imagine that the bank or the private lending institution would not somehow be able to attach the tax stream in case of default."

Winters: "My understanding is that is not the case, that even though it doesn't seem logical, that they have no right to go after the bonding authority of the sanitary district. This is simply a commercial loan that is secured by the stream of revenue. Just as a business doesn't have any taxing authority, they are simply going out and saying we intend to build a number of widgets. We have contracts in hand for those widgets, and we pledge the revenue stream from them to pay off the bank commercial loan, and that's the type of deal that we're putting together."

Black: "I'm just trying to figure out how the lender is going to protect the assets of their stockholders in case the projections fall short. Say the subdivision isn't built or up in your area Chrysler doesn't expand and so the projection that looked good on paper and generated the loan, doesn't happen for some reason or another. Now that Mercedes Benz and Chrysler have merged, maybe Chrysler begins to downsize. I hope not and I trust not, but what I'm getting at, if the projections don't come true, you don't get the increased revenue from usage fees and you don't get the tap on fees, how then is the bank protected in that position? I'm trying to figure out how they would write such a contract?"

Winters: "I can't answer that question. All I know is it's been done. The banks are willing to support this kind of size of loan given the revenue from throughout the district. I believe that the revenue streams from other ones other than

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just the hookups on those extensions. So they are accepting millions of dollars apiece throughout the district and they can pledge those which would, if for some reason the development slows down... "

Black: "Sure."

Winters: "... and they don't get their hookup fees from the new extension, they will be able to use the revenue from throughout.."

Black: "... Okay... "

Winters: "... the district and slow down. And then they wouldn't be able to do another sewer project five years down the road that they had planned on."

Black: "And nothing in this Bill should be construed as violating the Act of 1936, where their indebtedness is limited to a percentage of their total revenues?"

Winters: "Right. It does not change that. In fact, the Sanitary District Act of 1936 is not even covered. This only deals with sanitary districts that were formed under the Act of 1917."

Black: "... Okay. All right... "

Winters: "... It's a completely different class of districts in the 1936 Act."

Black: "Thank you, Representative, I appreciate your indulgence. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Scott."

Scott: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this particular piece of legislation. Representative Winters has listed a lot of the reasons why but for a couple of the questions that the last speaker had asked, I would... if he wants... you want to take a look at the Bill, you'll see that nothing in here changes the fact that the sanitary district is still

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limited to not borrowing any more than 5.75% of the total aggregate value of all the assessed valuation. So you're not changing that. What we're seeing is, though, that in communities like Rockford, the amount of projects that the sanitary district needs to do to expand and be good, has not kept up with the fact that the bonding authority spent 10,000,000 for a long, long period of time. So what happens is, the sanitary district will end up using tax revenue to go out and do projects, or they'll end up raising the property taxes to go out and do projects that if this Bill passes, it can go out and bond for and pledge not only the collateral of the facilities, but also the additional revenue that comes from the additional hookups and fees. So instead of being a property taxpayers' problem, this Bill actually solves property taxpayers problems, because it allows them to pay for this in a different way other than using property tax revenue. So it's really a property taxpayer friendly Bill. It's really good for the expansion of these particular districts like Rockford who are in this boat and I urge everyone to support this Bill. Thank you."

Speaker Madigan: "Mr. Skinner."

Skinner: "I wonder if the Sponsor would confirm to us that this money can't be borrowed without a referendum having passed?"

Speaker Madigan: "Mr. Winters."

Winters: "It does not call for a referendum. It is simply a commercial borrowing. They are not changing their bonding value at all. It has nothing to do with bonds, which is where we'd normally would go to referendum."

Skinner: "Well, in the Republican analysis it indicates that the districts are still subject to a referendum, so I don't understand. I guess I'll believe the Sponsor over the

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analysis."

Speaker Madigan: "Mr. Winters to close."

Winters: "Thank you for the questions. I think this is simply a straightforward way to relieve the burden on the taxpayers of the... potential that the district will come back to them at referendum and ask for a higher bonding limit. It allows the current users and future users of a sanitary district to pay off these notes from a commercial bank, and I urge 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? The Clerk shall take the record. On this question, there are 81 'ayes', 35 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Senate Bills-Second Reading, there appears Senate Bill 1203. Mr Saviano. Mr. Saviano. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1203 has been read a second time previously. No Committee Amendments. Floor Amendment #1 offered by Representative Saviano, has been approved for consideration."

Speaker Madigan: "Mr. Saviano."

Saviano: "Thank you Mr. Speaker, Members of the House. Senate Bill 1203, as amended with Floor Amendment #1, would offer a program enhancing the home equity guarantee fund; which is a program that residents subscribe to by paying a premium to ensure they get the amount of money their house was worth at least when they purchased it. Over the years, in the City of Chicago on the northwest side and the southwest side, we had situations where this fund has not

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been accessed much to the credit of the program, because no one has made a lot of claims on the fund; so we've built up some surpluses in these insurance funds. So what this Bill would do would allow the residents who subscribe to the program, to apply for home equity loans to improve their homes. The program would be administered by the financial institution who's holding the fund and would work just like any other home equity loan program. So I would ask that Floor Amendment #1 be adopted to Senate Bill 1203."

Speaker Madigan: "Mr. Hartke."

Hartke: "Will the sponsor yield? Mr. Saviano, last night when this through went (sic-went through) committee I had another appointment and couldn't make it and pardon me for... maybe these questions were answered in committee. But, did the home builders testify in support of this legislation?"

Saviano: "Last night the home builders and the realtors were both present at the hearing and did not send a slip in. There was no opponents, no proponents that appeared at the committee, but the home builders and the realtors were in the room."

Hartke: "Were they aware of the Amendment before it was heard in the committee?"

Saviano: "Merely by the fact that they were there, I'm sure that they were aware of the Amendment."

Hartke: "Did they have the language in their hand to discuss it?"

Saviano: "I couldn't tell you that."

Hartke: "I had a little conversation with them last night, and they were not aware of the language that was in the Amendment. They are not sure if they are for or against this Amendment and I know you want to put it in a position where you know, that we can discuss it on Third Reading."



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Would you do me a favor and ask the home builders and the realtors to take a good look at this piece of legislation? They also expressed concern that possibly some of the bankers may have an opinion on this Bill. Where do they stand?"

Saviano: "I have not spoke to the bankers."

Hartke: "Okay? Well, let's take our time with this just a little bit. We've got a couple weeks here or 10 days and let's take a look at it. Okay. Thank you."

Speaker Madigan: "Mr. Parke."

Parke: "Thank you, Mr. Speaker, Will the Sponsor yield? Representative Saviano, why do we need to do this at all? What are we going to accomplish by monkeying with these funds?"

Saviano: "I believe that this is a... this Amendment enhances the original program. The original program was a program that we needed to put in to our... in our communities. I'm only familiar with the northwest side of the City of Chicago, which my district borders, to ensure that the property values are maintained to make sure that the communities remain stable, and as a result it has worked, it has worked. Indirectly, it has worked. The... not only are the property values stabilized, but... but to our surprise and to our pleasure it is appreciated. As a result, we want to give something back to these people in the form of a opportunity that being that they are choosing to remain in their homes in their communities, that they could access this loan program to enhance and fix up their homes, to give them even further reason, number one, to stay in their community, and number two, to improve their property and improve their homes."

Parke: "Where is this money going to come from?"

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Saviano: "The money is already in the fund. These... the money has been accumulated by the residents who subscribe to this insurance program. They make their premium payment every year and as a result, this fund... some of these funds have built up to at least \$6,000,000 and this is where these funds would come from."

Parke: "And is there a geographic area that this money has been raised out of or is it all throughout the state or where is it?"

Saviano: "No, these are... these are local programs that are subscribed to by... the one that I'm familiar with by where my district is, it subscribed to by people who subscribe to the Galewood, Elmwood Park, Montclair Neighborhood Association."

Parke: "So, it's a geographic area?"

Saviano: "Correct."

Parke: "So there is specific boundaries?"

Saviano: "Absolutely."

Parke: "And who administers this? I mean who is the governing body of this?"

Saviano: "Well, the dollars are deposited with the financial institution who ultimately oversees any distributions from the fund."

Parke: "How many financial institutions?"

Saviano: "Well, it depends on which program. Each program you might want to have one on the northwest side, might want to have one on the north side, might want to have one on the southwest side. Each big... They vary and are tailored for that specific geographical location in the City of Chicago."

Parke: "Well, how many locations are we talking about?"

Saviano: "I could... we know of two now. I don't know... I'm only

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familiar with two."

Parke: "Are we establishing more or is this just affecting those two?"

Saviano: "This would just affect those two."

Parke: "And... and it's... So there's two financial institutions that these moneys are deposited in?"

Saviano: "Yeah, the way these programs work, is there is a home equity commission which is set up by referendum in these local communities. These Board of Commissioners administer the program in conjunction with the financial institution."

Parke: "So... so how many members are on this board?"

Saviano: "We're getting information, but this Amendment does not affect the original program. If you are asking questions regarding a program.. that's been in effect"

Parke: "Well yes, but what I'm trying to understand is, the Body ought to know that you have a group of citizens that are collecting money on behalf of other citizens that are in an account that they deposit in a bank. Now you want to take it one step further and allow homeowners to borrow against the equity of this fund. And I want to know, is, who's got the expertise to determine... I mean, you are taking a huge step now. One is just collecting fees, now you are going to allocate and invest those fees. Who's got the expertise to determine what is a good loan or who has that risk if you loan money to bad risks and all of a sudden you find that there are huge losses to the fund."

Saviano: "Representative, this program is being administered, pursuant to the Amendment, it's being administered by the financial institution. All the same current banking laws, everything applies. Well there is the same anti-discrimination, safeguards are put in, there is really nothing more to it than a regular home equity loan

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program. The only difference is, is that this is limited to the people who subscribe to the insurance program."

Parke: "All right, are you telling me that the financial institution with their own loan departments, will be making these loans?"

Saviano: "Yes."

Parke: "So the trustees of this account will have no say in it?"

Saviano: "The financial institution will be issuing these loans in conjunction with the Board of Commissioners of that Home Equity Board."

Parke: "What if the board says we want a loan this money and the bank says no, "It's a bad risk? Yet these are 4 or 5 or 10 people of the community says no, we don't care what you think, we're going to loan the money to them because they are nice people."

Saviano: "Well, ultimately, the Board of Commissioners are responsible for those funds."

Parke: "Are they insured, or they have fiduciary responsibilities for those funds and would the laws of, if they break the law, are there laws applied to them not making good loans to people?"

Saviano: "The original law did establish fiduciary duties for the commissioners, and they are properly bonded and just like any other governmental commissioner."

Parke: "Thank you, 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 Amendments."

Speaker Madigan: "Is the Bill prepared for Third Reading? Third Reading. Mr. Clerk."

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Clerk Rossi: "Committee Reports." Representative Currie, Chairperson from the Committee on Rules, to which the following item was referred, action taken on May 13, 1998, reported the same back with the following recommendation: 'to the floor for consideration,' House Amendment #5 to Senate Bill 1707."

Speaker Madigan: "On the Order of Senate Bills-Second Reading, there appears Senate Bill 1251. Mr. Saviano, do you wish to move your Bill? Mr... 1251. The Gentleman wants to leave the Bill on the Order of Second Reading. Senate Bill 1267, Mr McCarthy. Is Mr. McCarthy in the chamber? Mr. McCarthy. Senate Bill 1271, Mr. Saviano. Do you wish to move that Bill? Hold the Bill on the Order of Second Reading. Senate Bill 1272, Mr Saviano. Hold the Bill on the Order of Second Reading. Senate Bill 1291, Representative Andrea Moore. Is the Lady in the chamber? Is the Lady in the chamber? Senate Bill 1328, Mr. Dart. Do you wish to call your Bill? Mr. Clerk, what is the status of Senate Bill 1328?"

Clerk Rossi: "Senate Bill 1328 has been read a second time previously. No Committee Amendments. Floor Amendment #2, offered by Representative Dart, has been approved for consideration."

Speaker Madigan: "Mr. Dart."

Dart: "Thank you. I move to withdraw Amendment #2."

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

Clerk Rossi: "Floor Amendment #3 offered by Representative Dart has been approved for consideration."

Speaker Madigan: "Mr. Dart."

Dart: "Thank you Mr. Speaker, Members of the House. Amendment #3 was passed out of committee last night. It deals with stepparents' visitation rights and contains numerous

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technical corrections which were suggested by the other side of the aisle to address some concerns of theirs and I would move for its adoption."

Speaker Madigan: "Gentleman moves for the adoption of the Amendment. On that question, the Chair recognizes Mr. Cross."

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

Speaker Madigan: "Sponsor yields."

Cross: "Representative, maybe we could spend a little time on this because, I think it does more than just make some technical changes as you probably know... "

Dart: "I didn't say technical changes. I said it also made some technical changes that you guys suggested."

Cross: "Correct. But, it also deals more in the area of stepparent custody rights, creates a issue... creates a standing or the potential for standing with stepparents that we've never had before. Is that correct?"

Dart: "Correct. What it does is it attempts to give... what it would do is give standing to stepparents in the area of custody or visitation rights. Correct."

Cross: "And that is a concept that we've never had as long... as far as I know."

Dart: "In this state... in Wisconsin and a couple other states, have very similar provisions dealing with equitable rights for stepparents."

Cross: "Could you explain to us what the criteria would be that would allow a stepparent to have custody of a child or what would give them standing and to take that custody away from a natural parent?"

Dart: "Sure. What this would do to get standing, now, this is just to get standing in the court to do this. A stepparent would have to file a petition which would allege that the

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child is at least 12 years old, the custodial parent and stepparent were married for at least 5 years during which the child resided with the parent and stepparent. The custodial parent is deceased or is disabled and cannot perform the duties of a parent. The stepparent provided for the care, control, and welfare to the child prior to the initiation of the custody proceedings, the child wishes to live with the stepparent, and it is alleged to be in the best interest and welfare of the child to live with the stepparent."

Cross: "All six of those criteria need to be met is my understanding?"

Dart: "Correct. All of them."

Cross: "So if the child wishes to live with the stepparent but it's not in the best interest of the child."

Dart: "Correct."

Cross: "Does not fit.."

Dart: "Yeah Tom, it's got to hit all of the ones I just enumerated."

Cross: "We were in committee last night and it's my, think I'm characterizing this correctly, that neither bar association has had an opportunity to take a position on this. Is that correct?"

Dart: "Correct, Tom. They've had a split amongst their groups and so they have not come up on a position on this either way. There are different subgroups that deal with these particular issues, have people on both sides of the issue and they have not taken it for a full vote yet."

Cross: "In fact, if I remember correctly, one of them said acknowledged... or suggested that this is a pretty big step public policy wise in the area of custody. Is that correct?"

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Dart: "I'm sorry. Could you repeat the question?"

Cross: "If I remember correctly, one of the... those that testified on behalf of the Illinois State Bar Association, acknowledged that this was a pretty big step in the area of public policy for custody. Is that correct?"

Dart: "I... I... I honestly don't recall that. As I said, I know the one individual that testified said that this is no different than they have in the State of Wisconsin and one of the other states as well. I don't recall them saying this is a large step. I don't recall it, they could have though."

Cross: "What... some of the concerns I've had, as you know, Tom, deal... or surrounding the area of what happens in the event a stepparent actually ends up with custody. There is nothing in your Bill that addresses the issue of whether or not the natural parent still has an obligation to pay child support. Is that correct?"

Dart: "We don't address that. We leave it to the existing law and statutes in that respect."

Cross: "Nor do we address the issue of who's going to be responsible for the educational costs for college expenses."

Dart: "Once again, that would continue along the present existing laws right now that they have set up for those issues. We decided not to tamper with that at all. This was purely just to give standing for this individual to come forward in court, and then the court would make those determinations based on existing law."

Cross: "Though as I think we have pointed out in committee, and I don't think anyone has been able to show us otherwise, the areas of custody... or the areas of support, educational expenses and health care all speak in terms of mother and



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father or parents and not stepparents. How does your Bill address the issue of stepparents in the issue of... for instance, health care costs?"

Dart: "It... this Bill does not address that. Once again, this just goes to the issue of standing on it. It would proceed under the existing laws in the area of health care, education, and the other issues you've brought up."

Cross: "All right, to the Bill. Ladies and Gentlemen. I... I know it's little chaotic in here today, but I would encourage you to take a very strong look at this Amendment and this Bill; I don't know where you stand on the issue of custody or visitation, but this Bill does take a pretty big leap forward in that it gives stepparents standing to have a shot at custody which means a natural parent potentially stands the loss of custody of a child. I think philosophically, that's I know philosophically that's a big public policy change. I don't know for many of you if that's good or bad, but I think it's something you better take a strong look at. It is a pretty narrowly drafted Bill that also, or by drafting it narrowly excludes a bunch of potentially a good number of people to pursue the issue of stepparent visitation. I think there are some major problems in that area constitutionally from an equal protection standpoint. Second of all, there are a variety of sub-issues that in the event this passes, that have not been addressed. There is nothing in this Bill that addresses the issue of in the event a stepparent gets visitation, or gets custody, who is going to pay support? Whether or not the natural parent gets visitation. Who pays for educational expenses? Who pays for health care expenses? Whether or not the stepparent can leave the State of Illinois and the list goes on and on. This may be

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a Bill that you agree with, but there are so many sub issues that we have not dealt with in this Bill that this Bill needs to with all due respect to the Sponsor, I know he's trying to address this specific problem, it's not ready. The bar associations have not taken a position because quite frankly it's too controversial, and quite frankly they haven't had time to come up with a Bill that's well thought out. So, wherever you stand on this issue, I would encourage you and urge you to take a very, very strong look at it, because it potentially creates some significant problems for natural parents, and we are potentially going to take away the rights of natural parents. And I don't know that you have constituents that want that to happen. Thank you."

Speaker Madigan: "Mr. John Turner, could you limit your remarks to three minutes? Mr. Turner."

Turner, J.: "I'm sorry Mr. Speaker, did you say three minutes or five?"

Speaker Madigan: "Three. Three."

Turner, J.: "I'll try. Thank you, Mr. Speaker. Will the sponsor yield?"

Speaker Madigan: "Sponsor yields."

Turner, J.: "Representative, Representative Cross has just, I think, raised some valid considerations. So my first question would be: Since the Bar Association is split on this, my guess is that's because they haven't really had enough time to analyze it to the degree that they need to, would it not be more prudent to pull this from the record, let the Bar Association review it through the spring and the summer and then perhaps bring it back this fall? Would you be willing to do that so perhaps some of the questions that Representative Cross still has could be answered?"

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Dart: "Well, the thing is, is that some of the members of CBA that I talked to said this was a very good idea actually. And this is not unlike many other issues that come before the different bar associations, frankly, where it's not so much they haven't had time to look at it. This Bill's been and this issue has been floating around for about three months now. It's more... there's individuals on either side of it within their committees and so they can't come to a consensus. And when they can't come to a consensus, they don't have a position on it. So, if we had to wait every time that the bar associations didn't have a position on something, such efforts as like tort reform or judicial re-map probably wouldn't have ever passed."

Turner, J.: "Well, I don't disagree with that, that we should wait ad infinitum. I guess I kind of agree with Representative Cross though, that this issue just came up, it... maybe it's been 3rd or 60 or 90 days now, but it is a huge policy jump. The fact that the Bar Association is split upon it, I think, really begs for some more time so that it can be reviewed. But apparently you disagree with that, so let me ask you the next question I think is a follow-up. As to those members of the Bar Association that disagree with your piece of legislation, what complaints are they raising? What are the objections? Are they consistent with some of the questions that Representative Cross has raised?"

Dart: "To be honest with you, John, I don't know the dis... the problems that the different members have had with this. I have not been informed of that, what their concerns were."

Turner J.: "All right, and I think that's an honest answer, I'll take it as such. Again, that causes me concern. There are apparently, significant numbers of members of the Bar who

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see a problem with this legislation or at least a potential problem, and again I don't see the need to move this forward in such a dramatically quick fashion because it is such a big policy jump. To the Bill. To the members who are listening today, I actually think that it sounds like a good idea. As I read the legislation, it looks to me as though it's on the right track and indeed it may not need to be changed at all, but with the Bar Association at this point split, with the fact that the issue has just been one that has come up over the last several weeks, or perhaps maybe a couple of months, it doesn't seem right to me to move such a major policy switch forward in such a short order. It seems to be a more prudent approach to pull it out of the record and wait till this fall and perhaps vote on it at that time. I don't encourage anyone to vote 'no'. It may be good legislation. I'm just not in the position to vote 'yes' today, and I would think the proper vote would be a 'present' vote. Thank you."

Speaker Madigan: "Representative Biggert."

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

Speaker Madigan: "Sponsor yields."

Biggert: "Representative Dart, could you just explain what standing of a stepparent means?"

Dart: "What standing of the stepparent would mean, the stepparent would now have access to the court to actually get in front of the court and petition them as to why they should be given either a visitation or custody rights, which as I said, a lot of people talked about this being such a huge policy jump. I really don't see it. When you look at our history, just frankly in the last four or five years, of all the changes we've made in foster parents' rights, adoptive parents' rights to give them access to the courts,

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that's all we're doing here, in reality, is access to the courts, allowing them in front so the judge, not us, not the Legislator, but the judge, can sit there with all the facts in front of him saying this is what is best for this child. I don't see where our policy jump comes from when we are sitting here talking about doing what's best for the child. And that's truly, if you look at the legislation, best interest is written throughout the whole thing and I just have a hard time figuring out what is wrong with us doing what is best for the child. When we're just giving access, and once again when you were questioned about standing, we're just giving access. We are not in any stretch here dictating this is what the court should do, the court should do this, they should do this, they should do this. We are just saying let them in. Let the court decide what is best for the child. Let's us step away from this for a second. Let the courts decide that. Who has all the facts? They have the child in front of them."

Biggert: "If..., if this law was in place when the Baby Richard case came up, would that have any effect on that?"

Dart: "No, it wouldn't have had any effect in that situation because that was primarily a situation of adoption as opposed to a stepparent scenario. And that was also in regards to the validity of an actual adoption, whether or not it had gone forward or not. Whereas this does not deal with adoption, for starters, and that was more a question of validity."

Biggert: "Okay. One other question then. It was the decision to determine that they have standing if the child is at least 12 years old and that the custodial parent and the stepparent were married for at least five years. Was there any reason for limiting that to those two qualifications?"

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Dart: "The primary reason, frankly, was to keep this relatively narrow so that for those people who did have concerns that we were kicking doors wide open on given issues, that we could put their mind to rest saying this is very limited right now. We tried to pick an age and like everything else, whether we're talking about DUI'S or voting ages, frankly, they're all arbitrary ages. We pick those. Blood alcohol level... We pick arbitrary numbers. Twelve was sought out because we figured that was an age where the individual was of... an age where they can make some type of decision. Five years was sought out because we thought that was an age, a time period where there had been some indication given by the stepparent that they had concern, they were with... they lived in the family situation for awhile. Could it have been six years, could it have been four years? Yeah, it could have been."

Biggert: "Okay. Thank you. One other question: You've served on the Judiciary Committee for I think the past six years. To your recollection are there other Bills that come up where the Bar Association has not been able to reach a conclusion, or an opinion as to a Bill that we've gone ahead and passed?"

Dart: "Yeah, exactly. As a matter of fact, on the Baby Richard legislation, my recollection is they did not come down on either side of that either. Once again, having people on either side of that issue feeling strong with one or the other, and my understanding, I'm not a hundred percent sure how the different sub-committees of the Bar Association works, but my understanding is when they don't have a majority and I don't know if it has to be unanimous, they just won't take any position then. And I personally with my own Bills, have had numerous ones where they've been in

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that position."

Biggert: "Thank you very much. To the Bill, Mr. Speaker. I sat in a committee and listened to the debate over this issue and think that I really support the Bill. I think that the Sponsor has done a lot of work to bring this along. I know that there probably will be changes in the future, and the Bar Association will take further looks at it, but I think that we have to address the issue of stepparents and look to the times that we are in right now, and this is an issue of utmost importance in what is happening in the world today. And I think that we should pass this Bill to give stepparents the standing to go into court just to provide for the best interest of the child. 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, but various notes have been requested on the Bill that have not been filed."

Speaker Madigan: "So the Bill shall be left on the Order of Second Reading. Mr. Clerk, Senate Bill 1291. What is the status of that Bill?"

Clerk Rossi: "Senate Bill 1291, a Bill for an Act to amend the Illinois Income Tax Act. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed. The notes that were requested on the Bill have been withdrawn."

Speaker Madigan: "Mr. Clerk, was this Bill read for a second time previously?"

Clerk Rossi: "This Bill has not been read a second time previously."

Speaker Madigan: "So read the Bill for a second time."

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Clerk Rossi: "Senate Bill 1291, a Bill for an Act amending the Illinois Income Tax Act. Second Reading of this Senate Bill. Amendment #1 lost in committee. Floor Amendment #2 has been referred to the Rules Committee. No Motions have been filed."

Speaker Madigan: "All right, put the Bill on the Order of Third Reading. Senate Bill 1339, Mr. Dart. Do you wish to call the Bill? Mr. Dart. The Gentleman wants to leave the Bill on the Order of Second Reading. Senate Bill 1350. Mr. Black, do you wish to call the Bill? 1350. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1350, a Bill for an Act amending the Illinois Economic Opportunity Act. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Black, has been approved for consideration."

Speaker Madigan: "Mr. Black."

Black: "Yes, thank you very much, Mr. Speaker. The Amendment is so near and dear to my heart, I can't remember what it is. Yes, I have it here. House Amendment #2 is making work to welfare pay. What it does is amend the Illinois Literacy Act to authorize the Secretary of State to award grants to employers to provide basic skills and instruction to prospective employees as well as current employees. This would be effective upon becoming law. I think it compliments the underlying Bill quite nicely. I would be glad to answer any questions you have, would urge your favorable consideration of Floor Amendment #2."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. There being no discussion, the question is, 'Shall the Amendment be adopted?' Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. The Amendment



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is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments. A State Mandates Note and a Home Rule Note have been requested on the Bill, as amended, and those notes have not been filed."

Speaker Madigan: "Leave the Bill on the Order of Second Reading. Senate Bill 1420, Representative Monique Davis. Do you wish to move the Bill? Mr. Clerk, what is the status of 1420?"

Clerk Rossi: "Senate Bill 1420 has been read a second time previously. Amendment #1 was adopted in committee. Floor Amendment #2 has been adopted to the Bill. No Motions have been filed. No further Amendments have been approved for consideration. A Fiscal Note and a Judicial Note have been requested on the Bill, as amended, by Floor Amendment #2 and those notes have not been filed."

Speaker Madigan: "Representative, the notes have not been filed, so the Bill will have to remain on the Order of Second Reading. Representative Davis."

Davis, M.: "Mr. Speaker, is it possible to move it to third and when the Bills come in move it back to Second?"

Speaker Madigan: "No."

Davis, M.: "All right, thank you."

Speaker Madigan: "Thank you. Senate Bill 1424, Mr. McCarthy. Senate Bill 1475, Mr. Tom Johnson. Do you wish to move your Bill? The Gentleman wants to leave the Bill on the Order of Second Reading. Senate Bill 1568. Representative Andrea Moore. Representative Andrea Moore. Senate Bill 1585, Mr. Saviano. Is Mr. Saviano in the chamber? Senate Bill 1599, Mr. Winkel. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1599 has been read a second time, previously. Amendments 1 and 2 were adopted in committee."

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No Motions have been filed. Floor Amendment #3, offered by Representative Scully, has been approved for consideration."

Speaker Madigan: "Mr. Scully on Amendment #3."

Scully: "Thank you, Mr. Speaker. Amendment #3 changes the interest rate available to school districts who are financially distressed through the Emergency Financial Aid Program. Under present Illinois law, the interest rate that would be available to these school districts is 4%. In the current interest rate environment, that's not realistic. The school districts who are in healthy financial condition, are capable of borrowing at a 4% rate. Amendment #3 changes that interest rate to one-half of the one year Treasury Bill rate. It makes these emergency funding programs feasible and functional to accomplish their goal and I ask for favorable consideration. Thank you."

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

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, I think you answered the one question that I had. This would apply to all school districts in the state, not just one, correct?"

Scully: "It would apply to all schools who are eligible for the Emergency Financial Aid Program."

Black: "Do we know how... "

Scully: "... which are schools throughout the state."

Black: "Do we know how many of those schools are eligible? Do you have any idea?"

Scully: "I don't have that information right now,

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Representative."

Black: "Would it be fair to assume that they're representative throughout the state, or are they concentrated in one area of the state?"

Scully: "I think the financial... financially distressed schools are pretty well distributed throughout the state."

Black: "All right. So, what we're attempting to do, those schools on the financial watch list would then be able to access these loans at a lower interest rate based on the formula in your Amendment. Bring me up to speed on what kind of loans are we talking about? Loans from private lending institutions, loans from the state, what...?"

Scully: "This would be a loan from the state. Schools would have to apply for this loan to the State Board of Education and the application has to be approved. No school has immediate access to this money."

Black: "Right now I assume that your formula having it pegged to the discount rate on a one year Treasury Bill, obviously there's a better interest rate than the 4%. Now, what happens when that interest rate, and they generally fluctuate, if they start to go up. Is it your intent to change the law to go back to the flat 4 or do you want this to float for the next decade, whatever that interest rate may then be?"

Scully: "Right now the T-Bill rate is at approximately 5.12%. The Treasury Bill rate would have to climb above 8% before this new formula of 50% of the Treasury Bill rate would be less desirable than the 4% rate, and I'm very confident that hasn't happened in the past decade, possibly not in much longer period since that. Probably not since the extremely high interest rates of the early 1980's. I think it's a very functional interest rate and in the event that

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interest rates ever do climb to above 8%, we would have to give serious consideration. At that point, 4% would become an extremely attractive interest rate. I think it's much better to tie the interest rate to the market rates that exist out there and peg them at 50% of the Treasury Bill rate."

Black: "So, you don't see any advantage to putting a sunset clause in here so that, say five years from now, this would be re-examined; or are we to assume that if the interest rates were to start to creep up as they did in the early '80s, that a future General Assembly would obviously take note and change this? Would that be your correct assumption?"

Scully: "That is my intention and I think I would want to leave it up to that future General Assembly to decide what is approp... what is an appropriate interest rate in the event that the one year Treasury Bill rate were to climb above 8%."

Black: "Okay. Representative, I'm just asking staff, and I appreciate your indulgence, Mark tells me that there are 20 districts on the financial watch list that would be able to access this lower interest money, and he tells me that it is fairly evenly distributed, that these districts are not located say north of I-80 or all south of I-80, that in fact, there are some all around the state. And I think that's the important thing that I have to make sure of is that, that your Amendment isn't going to enable school districts located in, God forbid, just your district to access the money. It appears that it's a statewide problem and that it's an equitable solution, and I just... I want you on the record as saying that's absolutely your intent."

Scully: "That is absolutely my intent that this be available to

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all the schools throughout the State of Illinois... "

Black: "Okay."

Scully: "...who have these kinds of financial problems, and I also want to remind you that my entire district is south of Interstate 80."

Black: "Well, we're a little suspicious of some of those districts south of I-80. We used to call that downstate. We're not so sure anymore, but be that as it may... before Third Reading, do you think our staff and your staff could get us a list of the 20 districts that would qualify, so all of us would know where these things are, I mean, prior to Third Reading of the Bill?"

Scully: "I think that's a very appropriate request, Representative. I'll do everything I can to comply."

Black: "Okay. Thank you very much, Representative, I appreciate your indulgence. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Novak. Mr. Novak."

Novak: "Yes. Thank you, Mr. Speaker. I rise in support of this Amendment. As Representative Black indicated, this is not... the purpose of this Amendment, of course, is to help a school district that Representative Scully and I share in Will County, however, other school districts around the state will fall under the... fall under the guidelines of this Amendment with respect to the lower interest rate simply for the school district that we're concerned with back home. They'd be able to refinance some debt and buy down some of their interest, so it's going to help. It's not an answer to the situation. It is certainly not a handout and a bailout because I know that always raises a red flag, however, other school districts are eligible under the other language in the Bill dealing with being on the financial watch list. So I think this is a

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reasonable... reasonable approach a bipartisan approach, to a problem that not only occurs in our area, but in other school districts around the state and I ask my colleagues to support it. Thank you."

Speaker Madigan: "The question is, 'Shall the Amendment be adopted?' 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 #4, offered by Representative Winkel."

Speaker Madigan: "Mr. Winkel."

Winkel: "Mr. Speaker, this is actually Representative Phelp's Amendment. With leave, I'd like to have him present it."

Speaker Madigan: "David Phelps. Representative David Phelps."

Phelps: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I want to thank Representative Winkel for his cooperation in allowing me to piggyback an Amendment on this Bill. Amendment 4 actually just corrects a few words that we had in Amendment 1, that I responded as some of the regional superintendents wanted clarification... or the authority, of how an alternative school serving more than one educational service region, may now be operated under such terms as the regional superintendents of those regions agree. That was the original wording. Now all we did is just change it so those that might think our intent originally would have been to allow alternative schools to exempt themselves from the School Code was not our intent. So now we say alternative schools serving more than one educational service region, may be established by the regional superintendents of those educational service regions, and I appreciate your support for this Amendment."

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

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Amendment. There being no discussion, the question is, 'Shall the Amendment be adopted?' 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: "Place the Bill on the Order of Third Reading. And the Calendar indicates the Bill has been read a second time already, Mr. Clerk?"

Clerk Rossi: "That's correct, Mr. Speaker."

Speaker Madigan: "Mr. Winkel, do you wish to call the Bill on Third Reading? Read the... The Bill shall be placed on the Order of Third Reading. Mr. Rutherford."

Rutherford: "Thank you, Mr. Speaker. I'm going to make an introduction of someone that many of us knew back in the late 1970's. State Representative Dolly Hallstrom had served here in Springfield, and when I was a legislative assistant, I got to know her at that time and she is down here in the well area. Former State Representative Dolly Halstrom... sorry, former State Representative Dolly Hallstrom is with us."

Speaker Madigan: "On the Order of Senate Bills-Second Reading, there appears Senate Bill 1568. Mr. Clerk, what is the status of that Bill?"

Clerk Rossi: "Senate Bill 1568, a Bill for an Act amending the property tax. Second Reading of this Senate Bill. Amendments 1 and 2 were adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration. The notes that were requested on the Bill have been filed."

Speaker Madigan: "Third Reading. On the Order of Senate Bills-Third Reading, there appears Senate Bill 1904, Representative Flowers. Mr Clerk, read the Bill."

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Clerk Rossi: "Senate Bill 1904, a Bill for an Act concerning financial management of insurers. Third Reading of this Senate Bill."

Speaker Madigan: "Representative Flowers."

Flowers: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 1904, the Bill as it was sent over contains a number of minor changes to the Insurance Code, proposed by the Department of Insurance and there's no opposition to any provision of the underlining (sic-underlying) Bill. In regards to the Amendment, the purpose of the Amendment is to protect the rights of patients enrolled in HMO's and other managed care plans. The Bill seek to guarantee that patients receive proper care, access to medical specialists, full notice of coverage provisions, and the right to have grievances heard by impartial arbitrators. The Bill also allow patients to sue HMO's when they suffer harm because of a denial of needed medical treatment, or they receive improper treatment. The Amendment also provides the following: In regards to the disclosure requirements, HMO plans must inform their enrollees about coverage provisions, grievance procedures, and procedures for obtaining a referral to a medical specialist. It establish a three steps grievance procedures. At the first step, the patient can file a grievance by telephone and will receive a decision from the HMO within 24 hours. At the second step, the patient has the right to appear in person before the HMO and must receive a decision within 30 days. At the third step, the grievance will be decided by an independent reviewer. Due process for health care professionals. Before an HMO plan can terminate the contract of a health care professional, the professional has a right to a written explanation for



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the termination and the right to a hearing. Physicians may not be dismissed for advocating on behalf of their patients or appealing a decision of an HMO. It further goes on to talk about the 'gag' clauses. Gag clauses are prohibited in this Bill. Many HMO contracts with physicians now contain gag clauses prohibiting the physicians to discuss with the patients, the various treatment options that the plan considers too expensive. For example, the HMO may prohibit a physician from discussing the use of a high-priced medication, which is more effective than the medication approved by the HMO; and also, the HMO may prohibit the physician from discussing expensive medical tests, such as MRI's that are needed to accurately diagnose conditions. In regards to no prior approval is needed for emergency care. Many HMO's imposes the unreasonable requirement of obtaining prior approval from HMO's when there is a medical emergency. Utilization review must be more fair to the patients. It will require utilization review agents to be licensed or registered health care professions. Allow patients to challenge the decisions of utilization review agents through the plan's grievance procedures, and it prohibits HMO from harassing patients by reviewing claims more often than necessary. More importantly, this Bill allow patients to sue HMO following arbitration. The Amendments give patients a right to arbitrate cases involving medical malpractice by the HMO's. The arbitration procedure will be governed by the Illinois Uniform Arbitration Act. All arbitrations must be decided within 30 days. A patient may appeal the ruling of the arbitrator. It also creates the Health Care Consumer Assistance in the Department of Insurance. A new office will assist patients in obtaining their contractual rights

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in managed care plans, such as the right to a referral to a medical specialist. The office will also monitor complaints against HMO's, collect data on the success of the medical outcome in the different health plans, and the Ombudsman Office is created. The Ombudsman Office will create the interest of health care consumers. The Ombudsman will be a part of the Consumer Systems Office in the Department of Insurance, and I'll be more than happy to answer any questions you may have in regards to Senate Bill 1904."

Speaker Hartke: "Discussion on the Bill? The Chair recognizes the Gentleman from Vermilion, Representative Black."

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

Speaker Hartke: "State your inquiry."

Black: "Yes, could the Clerk inform us as to what Amendments are on the Bill?"

Speaker Hartke: "Mr. Clerk."

Clerk Rossi: "Committee Amendment #5 and Floor Amendment #6 have been adopted to the Bill."

Black: "All right. Thank you very much. That's Committee Amendment #5 and Floor Amendment #6, correct? Thank you. Mr. Speaker... Thank you, Mr. Clerk. Mr. Speaker, will the Sponsor yield?"

Speaker Hartke: "Indicates she will."

Black: "Representative, first let me say for the record, and I don't believe I have any conflict of interest, I am a member of a Health Maintenance Organization, and I think the last time a survey was done in this chamber, it was done by the News Gazette, a newspaper out of Champaign, Illinois. There were very few Members of the General Assembly that were in managed care entities, and I am one

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of those few, and I've been fairly happy with my HMO. And I... while I could join you in some of the aspects of your Bill on regulation and improvements, my concern is, is that your Bill makes so many changes to an HMO, and I got into the HMO, quite frankly, for two reasons: One, it was lower cost and two, it stressed preventive medicine. Now, if your Bill becomes law, do you have any estimate of what it will cost people like me in increased premiums?"

Flowers: "Representative Black, I, too, like you am in an HMO and in regards to the cost factor, you have to take into consideration that this Bill addresses what good HMO's are doing already. This Bill only is applicable to the HMO's who are not doing this."

Black: "Well, and I understand that."

Flowers: "In regards, in regards to the cost factor, Sir, there was a study done, commissioned by the Kaiser Family Foundation, and it says that the premiums would probably go up less than 1%, and I say to you, Sir, for the premiums to go up less than 1% for the quality and the care of people's lives, I think most of us, all of us would be more than happy to pay that less than 1%."

Black: "Well, thank you, Representative, and we all are very adept on the floor of using surveys if they're advantageous to our position. The same survey, the Kaiser Harvard Poll, said an overwhelming majority of people favored legislation to protect them in their HMO. But that support dropped off significantly when, if any regulation were to be passed that would increase their premium by \$1 a month, and then if it would go up to \$15 to \$20 a month, then only 28% of those surveyed said they would support that kind of legislation, and I think we can differ on what this will cost. I think your remark, earlier, if I heard you

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correctly, is the most telling remark of why we... why I think we need to compromise on this issue. Those HMO's that have had problems, those HMO's that have not been fair, those HMO's that have gotten the lion's share of the headlines, I would join with you in going after those HMO's, but your Bill impacts all HMO's, including the one that I am in, that I'm quite happy with. And I think that, while it may be difficult to estimate, there's some extreme price tags on your Bill. Wasn't there another Bill that we could have combined? Was House Bill 3445 even considered?"

Flowers: "Representative, again, I will ask you the question, 'How much is your life worth?' How much is your loved ones life worth? You are constantly talking about the cost increase and the regulations of HMO's. You know there are bad HMO's out there and if they could govern themselves, Sir, you and I would not be having this debate, nor would they be having this debate in Washington D.C., in other states across this country if they can govern themselves. But because they cannot, that is the purpose for you being where you are and I am where I am, so we can regulate and protect the people of the State of Illinois who can have no one to speak for them. When they need to call to complain about someone, there's no place that they can call, Sir. They cannot call you and nor can they call your HMO to talk about the bad HMO's, and sick people go to doctors because they are sick, not to go there to fight, not to go there to complain. I am... people are sick and they want to be cured from their illness, not further humiliated, Sir."

Black: "Mr. Speaker."

Speaker Hartke: "Yes."

Flowers: "And furthermore, Mr. Black, I would like to refer to you to certain other surveys that shows that HMO's have

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been increasing their premiums, Sir, especially since the last time you and I had this debate and we've had no new legislation to regulate them."

Black: "Mr. Speaker. Yeah, every time it gets close to the noon hour and we have visitors, the noise level in the House... the Lady obviously feels very strongly about this Bill."

Speaker Hartke: "Shhhhhhhhhhh. Let's give the speakers here some respect."

Black: "And in all due respect to all Members of the House, this is probably as important a Bill as we will discuss from now until we adjourn with the exception possibly of the budget. It is a very important Bill. It's a very complicated Bill, and Representative Flowers is very articulate in her desire to regulate HMO's. Let me just speak to the Bill."

Speaker Hartke: "To the Bill."

Black: "And I respectfully disagree and unlike last year, Representative, I'm going to disagree much more agreeably with you than we did last year. You feel very strongly about this Bill and it does have some good points and there are some bad HMO's out there, but there was a compromise Bill that wasn't even called in the committee. You asked me how much my life is worth, I don't know. Some days when I read my mail I think it's probably worth a nickel. On other days when I go home and my dog greets me and wags her tail, maybe my life is worth a great deal. But, I... I only know one thing for sure, I'm not going to get out of this world alive and neither are you. But, the issue is whether or not I can afford insurance and if we over-regulate, my opinion, if we over-regulate and over litigate health care plans, then insurance becomes less affordable and less accessible to each and everyone of us. So, if I'm worried about what my life is worth, I'm

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probably just as worried, if not more so, that I get priced out of the market and I can't afford insurance. Then I show up and I hope, I hope that they will expend the same amount of energy and resources saving my life, and as you know I've had some major health problems in my life, would not be here. Quite frankly, would have died long ago, had it not been for skillful surgeons and skillful doctors and I thank them every day that I've been given additional time. And the only disagreement I have with you is that I think this Bill goes a tad too far. I think it over-regulates an industry. It opens up new litigation to an industry, that those costs are going to be then passed on to me as the consumer and at some point it becomes a matter, and I don't like to say this because I tend to agree with you, I don't like to say it's a matter of economics or price. But, I don't know how to escape that. If the premiums go up to 3, 4, 5, \$700 a month, most of us are out of the market if we're no longer in a group plan. And that to me is a more serious problem than what we currently are faced with. I would join with you at some point, I trust, on a compromised piece of legislation that keeps health care affordable and accessible. And so, Mr. Speaker, while I have great respect for the Sponsor and I know that she is sincere about this, if you take a good look at this Bill, I think it goes a little too far. I am going to vote 'no' and would urge many of my colleagues to vote 'no' as well."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Cook, Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I would like to say to Representative Black that many of us do feel, Representative Black, and I mean

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this positively, that you are out of this world. I wanted to recall the debates that we've had in this Body about regulating HMO's. So far, our response has been to go body part by body part, happens to be in general, women's body parts. We have regulated the issue of mastectomies and how... who makes decisions about that. We've regulated dealing with drive-thru deliveries. These are questions that have been raised on who will decide how long people stay in the hospital. Will it be health care providers, or will it be bureaucrats from HMO's and insurance companies? What this legislation is attempting to do and we passed it out of the House, most of it already, is to say let's take a comprehensive view of the issue. Let's not go piecemeal body part by body part, but let's establish some ground rules that are based not on the bottom line income for HMO's but on your health. In fact, we've seen in the last year that HMO's have... the largest HMO's have raised their premiums higher than the medical rate of inflation. So, it is not as if we are in the last year in Illinois reaping economic benefits from managed care and from reduced care. In fact, they're profiting from the reduced care in many cases. The portion of the legislation that deals with liability, is simply saying that health care plans must exercise ordinary care when making health care coverage and treatment decisions. The HMO's, the HMO Association came before our committee and said that we don't make care decisions, we only make coverage decisions. Well, those of us who live in the real world understand that coverage is the same as care. We are not free to go out and buy our own bone marrow transplant. We often cannot go seek the specialty care that we may need to save our lives or a particular treatment or a particular medication. Coverage,

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is in fact, care and that is why HMO's must take responsibility for exercising ordinary and proper care, and that's what this liability section says. If you're like... like me, I receive many, many calls in my office dealing with HMO's and problems that my constituents are having with HMO's. It is time, it seems to me, for us to be able to say to our constituents that we're going to take some responsibility now. We're going make sure that they get the care they need. That they're not being denied the services, that they're not being asked to pay for emergency room care that they needed or that they certainly thought they needed. That they're not in danger of having their chronic illness exacerbated because they can't see a specialist. So, it seems to me that this legislation, which most of which we passed already out of this House, is an important statement that we can make to the vast majority of our constituents. That we care about their health care. That in this new managed care environment that we stand with our consumers, with our voters, with our constituents in protecting them in this reasonable way. I strongly urge an 'aye' vote."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Cook, Representative Krause."

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

Speaker Hartke: "Indicates she will."

Krause: "Representative, Amendment #5, which we are... which become... is attached to Senate Bill 1904, incorporates all of the provisions of what was commonly called House Bill 626. Is that right?"

Flowers: "You're right, Representative."

Krause: "And there's been no changes made in the language of what was 626, which passed out of here with 73 votes?"



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Flowers: "For Amendment #5?"

Krause: "Yeah. I mean, Amendment #5 has the same language on 626 that we adopted?"

Flowers: "With the liability section, yes."

Krause: "All right. But, that part that related to 626 has not changed?"

Flowers: "No. It has not changed."

Krause: "Addressing the issue of the liability. A major part of the liability section, and this is where I have concerns, was patterned after the Texas legislation. Is that correct?"

Flowers: "You're absolutely right."

Krause: "Okay. What troubles me is that in the Texas legislation, there are sections that provide for affirmative defenses, whereas in this Bill those have been removed and why were they removed?"

Flowers: "I'm sorry, Representative. I didn't hear your questions."

Speaker Hartke: "Shhhhhhh. Ladies and Gentleman, please let's give some attention to the speakers. Shhhhhhh."

Krause: "A major part of the liability part now, of this Bill, follows along with the Texas legislation. However, the Texas legislation provides for two types of affirmative defenses, which can be used and in this Bill they have been... they are not included. And why have they been excluded from this?"

Flowers: "Representative Krause, because what was applicable in the Texas law would not have been applicable here. So, what we tried to do was to craft the legislation similar to Texas, but not verbatim."

Krause: "Right. Would it not have been a benefit to, nevertheless, have provided those affirmative defenses

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which could have been provided?"

Flowers: "But... but, I think we do have what you call an affirmative defensive in this Bill, Representative. When you think about the part where we put the arbitration. When you talk about the utilization. When you talk about the grievance board."

Krause: "No. Let me just ask you... I will get to the arbitration... I will get to the arbitration. But, the affirmative defenses which were included in the Texas Bill have been removed, and I think they should have been included in this legislation. In addition, the Texas legislation specifically states that employers and pharmacies cannot be subject to this Act, and that provision was removed and do you know why that was removed?"

Flowers: "Well, Representative, Texas doesn't require that you go to arbitration first. Texas, you go straight to court."

Krause: "No, I am still on the provision that states that under the Texas law, they specifically state that there is no liability on the part of an employer, an employer group purchasing organization or a pharmacy. That paragraph is not included in here and I am asking why that was deleted. It seems to me it should have been included, so, in fact, pharmacies and employers would not be subject to this Act."

Flowers: "Representative, a self insured employers would be..."

Krause: "No, I'm just talk... I'm not talking about self-insured at this point. I'm just talking about employers and pharmacies. Following the Texas statute, which this one care... which the Illinois one carefully does, omits the paragraph which states that there's no liability on employers, purchasing groups or pharmacies. Let me ask it this way. Is it the intent of this legislation that

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pharmacies would be liable under this Act?"

Flowers: "No, it's not the intent of this legislation that pharmacists would be liable under this Act."

Krause: "Would be liable. All right. Okay. As well as employers and as well as purchasing groups, would also not be... would not be held liable under this Act?"

Flowers: "That is not the intent of this legislation."

Krause: "All right. This legislation states that Health Maintenance Organizations and others, cannot enter into indemnifications or hold harmless agreements. Can you tell me why that is put in there so that in fact they cannot enter into hold harmless agreements which are often permitted in contract relationships."

Speaker Hartke: "Shhhhh."

Flowers: "According to my source here, he's telling me that, that would force all the patients to enter into agreement, hold harmless agreement... "

Krause: "No. This is strictly a Section that says that Health Maintenance Organization... "

Flowers: "What Section are you referring to?"

Krause: "... or other managed care entities cannot enter into... "

Flowers: "What section are you specifically referring to, Representative?"

Krause: "I'm referring to Section (f) which is part of Section 105 subsection (f)."

Flowers: "Okay. It's been brought to my attention that we wouldn't want to have a hold harmless agreement in the Bill because that would undermine the whole... the whole purpose of the legislation."

Krause: "Aren't hold harmless often permitted in any type of contractual relationships? And this provides that section

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indemnification is void in an existing contract and my question is, 'Is... if an existing contract that's in existence now has a hold harmless agreement... "

Flowers: "There's a difference... "

Krause: "... does this go back... "

Flowers: "... there's a difference, Representative. This is not a normal type of contractual relationship. We're talking about the health and we're talking about peoples' lives here. So therefore, there's a big difference."

Krause: "All right. The language in here states that, 'Any such indemnification in an existing contract is declared void.' My question is, is if there is one in existence now, a hold harmless, does this go back retroactively and declare it void?"

Speaker Hartke: "Ladies and Gentlemen, it's very difficult for the speakers to understand each other. So, let's give them some attention, please."

Flowers: "Representative, the contracts are renewable, annually. So... "

Krause: "This would not... "

Flowers: "... we would expect for them to apply in the renewal part of it."

Krause: "All right, but it would not declare void. It says, 'Any such indemnification or hold harmless clause in an existing contract is hereby declared void.' But it is not the intent to declare void a hold harmless that may be in existence now because the contract, because this Bill is not in effect. So, is this prospectively to only affect those in the future?"

Flowers: "I would think it would be from this point forward, Representative, not from the past. From this point forward."

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Speaker Hartke: "Excuse me. For what reason does the Gentleman from Vermilion rise?"

Black: "Mr. Speaker, in all due respect to all Members of the Body and the Bill that we're on, I would appreciate it if pursuant to House Rule 51, if the Speaker would bring decorum to the House. Please have staff retire to the rear. Let's keep guests... Tell guests we'll be with them in, whenever this Bill is debated. There are more people wandering around this place than there are Representatives. I don't mean any disrespect to anybody, it's the people's House. But this is, as the Representative said, 'a people's Bill' and it's relatively complex and it's relatively complicated and it has friends and it has enemies. Now, for crying out loud, tell staff to hightail it to the rear. Tell the guests to wait outside and those who can't do either, tell them to go to the rest room. In other words, let's have some decorum in the chamber on a Bill of this magnitude, please."

Speaker Hartke: "Your point is well taken. Will the staff please retire to the rear of the chamber and will the guests please adjourn with them. Thank you. Representative Flowers, Representative Krause, please continue."

Flowers: "Representative, this would only be applicable for files claimed after the Act."

Krause: "Okay. The Section that I had referenced about the hold harmless, provides that Health Maintenance Organizations as such, cannot enter into a hold harmless with physician, hospital or pharmaceutical company. Why is the pharmaceutical company added in here, thereby implying that pharmacies, in fact, could be held liable under here?"

Flowers: "Representative, a lot of HMO's operate their own pharmacies."

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Krause: "No. Do you intend, though, to include pharmaceutical companies, regardless of how they are defined?"

Flowers: "They would not be a part of an HMO, Representative, so, this would not be applicable to that."

Krause: "But the leng... Okay. But the language here states, unfortunately, that a health care... health insurance carrier, Health Maintenance Organization cannot enter into a contract with a physician hospital, health care provider or pharmaceutical company. Now, does a... does this hold harmless also state that an HMO cannot have a hold harmless with an independent pharmaceutical company?"

Flowers: "But, are we talking specifically, Representative, about managed care? We're under the Act."

Krause: "I am referencing the Section (f), that talks about that a Health Maintenance Organization cannot enter into a hold harmless with a physician, hospital or pharmaceutical company. I merely want to put on the record on whether or not pharmaceutical companies also are barred from having hold harmless, since we have stated... "

Flowers: "No, it, it is not the intent of the legislation to do that. We are only, only with the respect to the participation that they have with the Managed Care Company."

Krause: "Okay."

Flowers: "That is the intent of the legislation."

Krause: "Of the legislation. So, that the hold harmless only applies for an HMO... is barred for a hold harmless if that pharmaceutical company, in fact, is part of an HMO, but if it were an independent one, this section does not apply?"

Flowers: "That is the intent of this legislation, Representative."

Krause: "We talk about the liability and we talk about a... about

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an employee that the HMO is responsible for the acts of the employee, the agent, and the ostensible agent. What type of conduct might be held responsible under this Act for those actions of an ostensible agent, not just an agent of an HMO, but to what degree might an ostensible agent also be held liable?"

Flowers: "With that, are you in reference to a utilization review person?"

Krause: "No, just in the dat... in the Section here that is before us on a health insurance carrier, Health Maintenance Organization is liable for damages that are caused by it's employees, by it agents, and then by it's ostensible agents. And I just want to know to what degree we are extending, not only the acts of an agent, but what are the acts and what type of medical decisions could be made by an ostensible agent that might also be held liable? Are there any examples that could be given or a definition?"

Flowers: "Representative, if they're acting on behalf of the HMO and they're calling your doctor."

Krause: "That is the action of an agent, but how far can this go beyond to also make it an ostensible agents acts that bind the HMO?"

Flowers: "I think, Representative, there is the agent that actually worked for the HMO and then there is the person who is acting on behalf of the HMO, but not employed by the HMO. And so, this kind of clarifies that this... that they would have the same power and authority on behalf of this HMO."

Krause: "They're not an employee and they're not an agent, but there is still a status in which they could take some steps that could create liability?"

Flowers: "Right. They could be contracted."

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Krause: "Independent contractors?"

Flowers: "On behalf of the HMO."

Krause: "Would an independent contractor's actions be held accountable under this Act?"

Flowers: "Did they follow the guidelines or at the behest of the HMO that caused harm, did that persons action, as a result of their action, as a result of the action that they were working on behalf of the HMO, cause a reaction for the patient?"

Krause: "I can see the liability for an agent, I can see the liability for an employee, but I would have a serious problem in seeing the liability for an independent contractor because the whole basis for an independent contractor is that there is not liability and I don't... Do you want to include independent contractors as liability?"

Flowers: "But, but, Representative Krause, there may not be an employee relationship there, but there is a relationship because of the contract. And as a result of the contract... "

Krause: "I guess my statement... "

Flowers: "... they're following the directions of the HMO. They're directing people away from the necessary tests... "

Krause: "But then I don't think you are using the term independent contractor because an HM... "

Flowers: "Well, I don't know how the term would be used. I don't know how an HMO would use it, use the term or that person."

Krause: "But I think the liability of an agent or an employee is because they have... the HMO has direct control over them. But on an independent contractor, you're not trying to say that that also is a liability that goes back... "

Flowers: "If that independent contractor violates the contract of



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the HMO, what would the HMO do to that independent contractor?"

Krause: "But the status of an independent contractor, and I will move on, is not... "

Flowers: "No, no, but let's talk about the status of the independent contractor... "

Krause: "Right."

Flowers: "If the status of that independent contractor violates the contract that he has with that HMO, what do you think that HMO will do to that independent contractor?"

Krause: "Because the whole theory of an independent contract, is that there is not control exercised by the party over... "

Flowers: "If, if that... If that independent contractor violates the contract of the HMO, what would that HMO do to them?"

Krause: "No, I think the question is, is it under the control or agency of the HMO?"

Flowers: "Is he? Did he sign a contract?"

Krause: "No, my... But the issue is, is looking at this legislation, is to determine to what extent it has been extended out beyond the agent and the employee because those are, in fact, under the control of the HMO. An independent contractor does not answer back to the HMO and is not under the control and has a separate contract. He does not respond."

Flowers: "If they don't answer back, Representative, if they do not answer back to the HMO... "

Krause: "Then they would not... "

Flowers: "... whom they have a contract with, are they in violation of the contract, or do they have a contract if they're not answerable for their contract?"

Krause: "Correct. That would be what an independent contractor is. They do not answer back, is what I am asking."

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Flowers: "Well, then they don't have a contract, then."

Krause: "No, their contract is independent of their relationship with the HMO. And I was just trying to tie down an ostensible agent."

Flowers: "I think, I think... Representative, I think that you and I are... the word 'independent', the word 'independent' is where we're getting lost here. Because an independent contractor verses a contractor means, that an independent contractor maybe work one hour a day or maybe one day a week."

Krause: "Correct."

Flowers: "But the fact of the matter is, that independent contractor has a contract with that HMO. He has a... there's rules, there's guidelines, there's something that he is answerable, there's somebody he must answer to. There's a contract in which someone else from that HMO signed on the dotted line with the both of them."

Krause: "Okay. Typically, or the standard of law is that the independent contractors would not be covered. You are not attempting to extend beyond, are you, what is currently the standing of an independent contract?"

Flowers: "Not going beyond the confines that's applicable to managed care."

Krause: "If I could, on the issue of the Uniform Arbitration Act. This provision... the provisions in here provide that the parties must go to the Uniform Arbitration Act, initially. Then the Act provides that the award must be made within 30 days after there's notice. The question I ask, and I've asked it before, is what occurs, if in fact, the arbitration cannot be completed within the 30 days?"

Flowers: "Representative, it's under the supervision of the court and it happens all the time that they don't meet the

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deadline. But, again we're talking about a life threatening situation here. A person that's dying from cancer doesn't have 30 days, 90 days, or a year to discuss this matter. So, as on, on behest of... at the request of one of my colleagues on your side of the aisle, she asked that I would put this language in. Now, you asked me earlier in regards to the Texas legislation. In Texas they only give them two weeks."

Krause: "Representative... "

Flowers: "Because of the difference that we have here with Texas and Illinois, I extended it to 30 days."

Krause: "Representative, in all sincerity, in reading the Texas statute, the 14 days... states that notice is given to the HMO within 14 days, and that then if they decline. But the 14 days does not cover an arbitration period under the Texas law. The concern I have under the arbitration section... "

Flowers: "The court can extend the time that... The court, as you and I both know that the court can extend the time."

Krause: "But the serious problem I have on the arbitration, is that under the Uniform Arbitration Act, it provides that if the parties cannot agree on selecting arbitrators, then the arbitration is terminated right there. Doesn't that in fact make, unfortunately, the arbitration Section just null and void?"

Flowers: "Well, you know, Representative, if the... again, I have to stay focused and my focus is on people's lives, and if the HMO is not serious about arbitrating the matter in the first place, it can go 30 days, 60 days, 90 days, or a year, you know. So, we can go on and on about this. But again, we can just go right to court, you know. But the purpose, again, of the arbitration is because people are

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not interested in suits. People are interested in becoming well-being so they can continue on with their daily lives."

Krause: "The problem, though, is... is that the arbitration Section in effect winds up having no benefit, because either party can say they can't agree on selecting an arbitrator and it closes at that time."

Flowers: "And you know what, Representative, this is America and, you know, I really was reluctant about putting that piece in because I really thought that it would, it really violates one's right. I'm taking away the rights of the people of the State of Illinois to go straight to court. Instead, what I've done was to... because of the request of one of my colleagues on your side of the aisle, I put the arbitration piece in, I didn't go with the two weeks, I went with the 30 days hoping that this would satisfy some of the ills, to let you know, again, that we're not trying to go straight... "

Krause: "I understand. But, what... I understand... "

Flowers: "... into court. That we want to, we really want the issue to work. We really want to, and this is not bashing HMO's. I understand that they are for profit. I understand that they are to make money, but they are also there to help the people. They are suppose to be for doctors and this would be a deterrent for people to file suits and different things like... "

Krause: "I understand. Representative, the part of the Bill that talks about the Managed Care Bill, is a sound comprehensive piece of legislation. It is... it has within it all of the requirements, I believe, on the reform that is needed. Because in Committee we had extensive discussions, many hearings. On this part on the liability Section, I believe that we should have had more discussion. We did not have

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the discussion. And we could have had discussion on whether or not current law, be it the... interference of contract, the breach of contract, deceptive trade practices, if all of those could, in and of themselves, give someone a cause of action. Under the Texas law, as you know, they also have in their law caps on damages, as far as punitive damages, they have capped it in Texas, that is not done in this state."

Flowers: "I think we tried that here and it was ruled unconstitutional."

Krause: "But, maybe the reason that Texas has therefore the balance, is because it has in one Section the caps and then on the other Section, I believe, legislation on liability, which I think is needed, but which has a better balance without, in this case, having some of these issues."

Flowers: "I beg to difference with you, Representative. In Texas, they were really appalled by the fact. They were expecting thousands and thousands of cases to come in, but instead of getting thousands, I think they may have gotten 100 and the biggest case, as a matter of fact, that really made the newspapers there, was the fact that the... is the HMO that has the... " that has the... "

Krause: "... Okay, okay."

Flowers: "... that's in court in regards to the language. But my whole point, again, Representative, is that you have to understand, people are not interested in suing HMO's. People go to their doctors to become well. They go there thinking that they're going to have a doctor-patient relationship. They think... But, it never dawned on them that their doctors are being paid a capitative fee to withhold information from them. It never dawned on them that doctors are withholding tests that could save their

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lives, Representative. And so, my whole point to you, if a person finds out that HMO, who is supposed to be the manager, is dictating to the doctor about the types of services in which a patient is entitled to. And you have to understand this, Representative, because we've had this discussion on numerous of occasions. What we're doing here is not mandating legislation. If the HMO does not offer these types of services, we're not saying that you got to give a patient anything that's not, that's not already offered. But if it's offered, they are entitled to it because their employers have paid for the services already. Not only have the employers paid for HMO's, but the HMO's have paid for doctors and the doctors haven't even seen the patients. And, you and I or those of us who are in HMO's are paying \$5 or \$30 a month to an HMO, to a doctor for services that we think that we're entitled to, that when we get there we're not entitled to because the bottom line is the dollar because some bureaucrat or some business person has said that if you go beyond this red line, here, that money is going to come out of your pocket. And when a doctor has to make the decision, is he going to give you your health, your happiness or either maintain his standard of living, who do you think he's going to choose? And I think the HMO's has pla... placed the people in the State of Illinois at a very precarious situation and that's the reason why, Representative, this debate is going on in this House, as well as the... in the... "

Krause: "I can't hear a word."

Flowers: "... in Washington, D.C. and all across this..."

Krause: "Can't hear a word."

Flowers: "... country, because peoples lives are..."

Speaker Hartke: "Shhhhhh."

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Flowers: "... in jeopardy here. We're talking about..."

Speaker Hartke: "Shhhhh."

Flowers: "... peoples lives, not just peoples businesses."

Krause: "I have just one last question before... to the Bill of the Chair. Does this require 60 votes?"

Speaker Hartke: "Excuse me. Can we keep a little order in this House? We're having a very difficult time hearing the speakers. Please."

Krause: "Just one last question and that is on the votes for the Bill. Does it require 60?"

Speaker Hartke: "We'll check with the Parliamentarian and get to you."

Krause: "Okay. To... Thank you. To the Bill. As stated, this Senate Bill 1904 incorporates what was commonly called House Bill 626, being the Managed Care Reform Patients Bill of Rights that passed out of this House with 73 votes. I believe that that legislation speaks very well to the need for compr... a comprehensive Managed Care Bill of Rights here in Illinois. That legislation, I strongly support and believe that Illinois does need a Managed Care Bill which incorporates the items that are in there. The concerns I have is on the language that was added, right at the end, as it relates to liability. I personally believe that if a managed care company does, in fact, engage in medical decisions, which medical decisions are directly attributable to the managed care firm and in turn they lead to the approximate cause of injury, then there should be a liability that extends that. I have raised concerns concerning this section of the liability that is incorporated because it does not follow, in a number of cases, what was done in Texas. It deleted, unfortunately, the affirmative defenses. It is in my judgment, gray on

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the area of the liability of pharmacies and there are concerns. We did not extend the time in committee to go over that issue. We did not have any type of extensive hearings and I think that we would have been better suited if, in fact, we could have had those hearings on that issue. Thank you."

Speaker Hartke: "Thank you. The Chair recognizes the Gentleman from Sangamon, Representative Poe."

Poe: "Mr. Speaker, I rise on point of personal privilege."

Speaker Hartke: "State your point."

Poe: "Yeah, I would like to introduce and have you welcome St. Joseph School and their teacher. They're in the gallery today and let's give them a big welcome."

Speaker Hartke: "Welcome to Springfield. Further discussion? The Chair recognizes the Gentleman from Cook, Representative Durkin. You have five minutes."

Durkin: "Will the Sponsor yield?"

Flowers: "Yes."

Durkin: "Representative, I'd like to draw your attention to the arbitration Section. Could you explain to me what is the purpose of bringing this... requiring or... First of all, requiring people who have claims for denial under this... through HMO's. Were you requiring them to go through some type of arbitration, at first?"

Flowers: "Representative, I would like to clarify what you just said. It's not for the denial... "

Durkin: "Representative, could you speak up?"

Flowers: "It is not for the denial of claims, Sir. It's for medical malpractice."

Durkin: "Well, it's for medical malpractice if you're saying this is for... We make... For every instance of medical malpractice there's going to have to be a mandatory



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arbitration. As I know right now that medical malpractice is already covered in the Circuit Court of Cook County and I believe that is already the law. Why do we have to change it then?"

Flowers: "Not with HMO's, Sir. It's not the law with HMO's."

Durkin: "Well, I'm looking at this Section, right here, it says that under Subsection (j), which states that there has to be 'an insured enrollee seeking damages has the right and duty to submit the claim to arbitration in accordance with the Uniform Arbitration Act. I read that to be as that is a requirement that for anybody to bring a claim must, first of all, go through arbitration. Is that... Is that an absolute duty which they must first take as to file a claim under the Ar... Uniform Arbitration Act?"

Flowers: "Yes, Sir."

Durkin: "Okay."

Flowers: "Only if it relates to HMO's."

Durkin: "I'm sorry. Only?"

Flowers: "Only if it relates to HMO's."

Durkin: "Thank you. Okay. Now, it also states that no agreement between the parties to submit to the claim to arbitration is necessary. Therefore, if I am... one party... both parties don't have to agree to go through arbitration, correct?"

Flowers: "Correct."

Durkin: "All right. Well, what if the... So, if a plaintiff, a person who believes they're injured, they do not want to go through arbitration. Are we stating that they can go to the Circuit Court of Cook County to seek some type of action in negligence against the HMO?"

Flowers: "Representative, against the HMO's they cannot bypass arbitration."

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Durkin: "They cannot bypass?"

Flowers: "No."

Durkin: "Well, it says here... "

Flowers: "Not against the HMO's."

Durkin: "Well, then, explain to me this... this sentence, 'that no agreement between the parties to submit the claims through arbitration is necessary.' There's no requirement, then, from either one of the parties. And one of the parties couldn't refuse arbitration, specifically the HMO."

Flowers: "You don't have to have a prior agreement in order to submit to arbitration. That's what that means."

Durkin: "All right. Now, if a decision is made from the arbitration... First of all, who's going to choose the... the members or the arbiters, the people who are going to be deciding this arbitration? Is this... Is there anything in the Act which will specify which party, either the plaintiff or the assumed defendant? Will they have the right to choose the arbitrator.. the individual arbitrators?"

Flowers: "That's... That's already in the Uniform Arbitration Act. It says 'appointed by the arbitrator.' If the arbitration agreement provides a method of appointment of arbitrators, this method shall be followed."

Durkin: "Okay. If I am a plaintiff and I am not satisfied with the decision, which was made through the arbitration, do I have a right to appeal that decision by the arbitrators?"

Flowers: "Under limited circumstances, Sir, yes, you do."

Durkin: "Could you speak up? You said, under limited circumstances?"

Flowers: "Under limited circumstances. Yes, you can."

Durkin: "What would be those limited circumstances?"

Flowers: "In Section 12 of the Act of vacating an award upon

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application of a party, the court shall vacate an award anywhere. The award has procured by corruption, fraud, unnamed means, and there was evident partially by an arbitrator appointed by a neutral or... corruption in any one of the arbitrators or misconduct prejudicing the rights of any party and the arbitrator exceeds their powers."

Durkin: "Well, all right. Maybe, I'll simplify it. If I'm not satisfied can I... do I have to go to the appellate court or to the circuit court of whatever county, which this is being addressed?"

Flowers: "If you go to Ser... Section 16 of the Act, Sir. It says, 'the term courts means any circuit court of this state.'"

Durkin: "Well, I'm looking under the ADR Section, which is the Alternative Dispute Resolution Section... "

Flowers: "So am I."

Speaker Hartke: "Mr. Durkin, bring your remarks to a close."

Durkin: "... appeals may be taken in the same manner and with like effect as in civil cases. And I assumed that's what you were referring to and I'd like for you to clarify for me what that means under this Section."

Flowers: "What Section are you on, Sir?"

Durkin: "I'm under Chapter 710 ILCS 5/18."

Flowers: "That's correct, and that's the reason why we appealed to the circuit court."

Durkin: "Well, I'm not clear. Under the existing law, it says that, 'appeals may be taken in the same manner and with the like effect as in civil cases.' Right now, if you file a claim under the Administrative Law Act, if you have a claim in front of an agency, you have a right to appeal to the circuit court of Cook County. But, however, under this Section, I'm not quite sure... Let's say, if it is in Cook

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County, but in this Section I'm not sure if this is the way I read the, the... As you have referenced this Section, whether or not the appeal can be taken to the circuit court or to the appellate court... "

Speaker Hartke: "Mr. Durkin, bring your remarks to a close."

Durkin: "Well, I'd like to know... I just want to know whether or not, under this Section, the appeals is going to be taken either at the circuit court level or the appeals got to be taken directly to the appellate court, for it's... for someone who is not satisfied with the decision of the arbitrator?"

Flowers: "Speaker... oh, to the circuit courts."

Durkin: "Okay. All right. Getting back to the arbitration Section. If I'm an HMO and I have a claim which is filed against me, and I feel in some way that the person who is submitting the claim was, in a sense, has contributed to the... to the damages. Do I have a right, as an HMO, to file a counterclaim or in a sense can the HMO, if they feel that the decision was made by a party, I decided this, whether or not they can third party in another group at the... at the arbitration portion... "

Speaker Hartke: "The Chair recognizes the Gentleman from Cook, Representative Parke."

Parke: "Thank you, Mr. Speaker. I'd like to yield my time to Representative Durkin."

Speaker Hartke: "Representative Durkin."

Durkin: "Thank you. The question which I had is, at this stage, at the... when someone files this complaint and I'm an HMO and I'm... and I feel that the person who's filed the claim, the plaintiff, in a sense has contributed in some way towards the negligence or to the damages, do they... does the HMO have a right to file a counterclaim at that

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administrative proceeding against the plaintiff?"

Flowers: "Representative, I believe that the arbitration is only the case against the HMO, and then, if they want to, they can counterclaim in court later."

Durkin: "Well, alright. Let's say that if the HMO is being sued and they feel that it wasn't exactly their decision which contributed to this harm, are they able to third party in another group at this... at this arbitration hearing and to seek contribution for whatever damages would possibly be assessed against them?"

Flowers: "They can't bring them in as a party, but they can subpoena them as witnesses."

Durkin: "Why wouldn't they be given the right to either to seek a third party action or a counterclaim against the plaintiff?"

Flowers: "Representative, that's not how arbitrations work."

Durkin: "Well, that's the common law that's been existing since our forefathers came over to... "

Flowers: "Representative... "

Durkin: "... this country. I mean, I don't know why we're changing something that's so embedded... "

Flowers: "Representative... "

Durkin: "... within our civil justice... "

Flowers: "Representative... "

Durkin: "... system and you're saying that... "

Flowers: "Representative... "

Durkin: "... they don't have this right to do it at this proceeding?"

Flowers: "Representative, arbitration is not common law. It's statutory."

Durkin: "All right, if you're saying... okay, then if you're not happy with what's happened at the arbitration hearing, you

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have to appeal it to the circuit court of whatever the sitting county is. Now, is that a true appeal or is it going to be... does it have to be another lawsuit?"

Flowers: "Well, you know, I have to say to you, Representative, that this is really what the HMOs and the hospitals really wanted in order to get rid of the frivolous suits. So, I would think that I'm doing them a favor."

Durkin: "Well, that's great, but could you answer the question? The question is when someone appeals the decision from the arbitrator, is the next step, is it going to be in the form of an appeal? Do they appeal to the, in the true sense of an appeal, to the circuit court or is the next step, is it filing a whole new civil lawsuit in the circuit court?"

Flowers: "It's an appeal, Sir, from the arbitrators decision."

Durkin: "If that's the situation, then there's no way in which the HMO would be able to bring a contribution action against a third party, or to seek a counterclaim if that is your... if you're stating that they cannot bring that at the arbitration Section, because you cannot bring in new parties at the appeals Section."

Flowers: "Representative, there could be a separate lawsuit in which the HMOs could sue the third party, if they so choose... "

Durkin: "Well, that's not the way I read it under the Act, but let me ask a few more questions. I need to get back into the whole issue of the liability and the agents. Why is... right now under the existing law, there is a concept that's been around for a number of years, it's called principle and agent liability. Why do we have to put this in a statute, which, if it already is a common law right to all parties?"

Flowers: "Representative, right now, what we're doing is creating

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a new statutory rights to sue HMOs, and that's the reason why."

Durkin: "It's a common law right, as far as I'm concerned, in which it overrides the statutory right, something that's been around for a long time and I just think this is duplicitous. I'm looking at about 10 different Sections of the Illinois Code, which we throw more and more meaningless language on every year, and I think we're just going to add to more. But let me get to another question."

Flowers: "It's... it's a new law, Representative, and we just want to make it expressly clear as to this purpose."

Durkin: "Could you give me an example of the distinction between a health care decision and a coverage decision?"

Flowers: "I would imagine, Sir, that a coverage decision would be something that was contracted with the HMO and the employer that said to the... HMO said to the employer, 'If you would come to my HMO, I will give your employees all of these different items,' and then, when that employee get ready to go to that HMO, number one, he has to wait six or seven months before he get his first appointment. Number two, the tests that he wants or he know he needs because the doctors told him that he needed, has been denied; but because it was never written down in the book, the doctor can just deny it or either not tell him that he needs it."

Durkin: "Well, I'm not quite sure if that's very responsive, but one last question. Why, in... into the Health Care Arbitration Act under the Illinois Code, Section 710 ILCS 15?"

Speaker Hartke: "Excuse me, Representative Meyer yields five minutes to Representative Durkin. We'll start the timer just as soon as Mr. Kasper, our Parliamentarian, makes a response to Representative Krause's question."

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Flowers: "Representative, the Health Care Arbitration Act is not relevant to... to this issue, and so that's the reason why we had to put it under the Uniform Arbitration Act."

Durkin: "Well, could you explain to me why it's not either germane to this Act because I would assume that anything Health Care Arbitration Act, I mean, it's exactly what we're dealing... is the denial of health care by an HMO. I'm not quite sure. Could you explain to me why, what's the distinction between the Health Care Arbitration Act, and why does this not fit into that... into this Section as opposed into the general Uniform Arbitration Act?"

Flowers: "I don't recall right now, Representative, what the difference was, but it was totally off point to this issue. So therefore, but maybe I'll have someone to look it up and I'll be more than happy to read it to you and then we can go from there."

Durkin: "Well, I have no further questions, but I do have some serious considerations just about the drafting of this Bill and I think that I've, with respect to the whole issue of whether or not a Health Maintenance Organization has the ability to seek at least... contribution to a third party action or to file a counterclaim. I don't think that's specifically addressed because it has been brought... that is not available at the appellate stage, and they are being precluded from bringing that type of action when there possibly is a legitimate cause that they need for contribution and also a counterclaim. I have no further questions."

Speaker Hartke: "The Parliamentarian will now give the answer to Representative Krause."

Parliamentarian Kasper: "Representative Krause, on behalf of Speaker Madigan, in response to your inquiry, this Bill



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will require 60 votes. It's a preemption of local government powers, under Subsection (h) of the local government Article of the Constitution which requires a simple majority."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Kendall, Representative Cross."

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

Speaker Hartke: "Indicates she will."

Cross: "Maybe I should have the Speaker answer the questions. Representative, I am... have been very supportive of Managed Care Bills and have, in fact, sponsored some of them, but I have some concerns about your liability section, as I think others have. I can't hear anything, Chuck, with all due respect."

Speaker Hartke: "Gentleman and Ladies, would we please give the speaker some respect. Let's quiet it down. Staff... take your guests, and Members, take your guests to the rear of the chamber. Representative Cross, I'm sorry. Proceed."

Cross: "Representative, it appears, or I certainly see nothing in your Bill or in the existing law that would prevent a patient, for instance, that had been, in his or her mind, wronged by an HMO to file a lawsuit under a theory such as breach of contract. Do you agree with that?"

Flowers: "Representative, are you addressing your question to me or are you addressing it to the Speaker? I need some clarification on that?"

Cross: "Well, I'll ask either one of you. If he can answer it, maybe I can get an answer, but I'd like you to answer it if you can."

Flowers: "Okay. Well, that's what I want to know, that you want me to answer because when you... "

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Cross: "All right, I'll ask you, Representative. Can I proceed under a breach of contract theory, right now, under existing law?"

Flowers: "Not for medical malpractice, no."

Cross: "I'm not talking about... "

Flowers: "That's a personal injury issue."

Cross: "Let's forget about medical malpractice a second. Let's talk about the fact that I have a contract with my HMO."

Flowers: "You have a contract with your HMO. Okay."

Cross: "Yeah, I think I have a contract with my HMO."

Flowers: "Okay."

Cross: "Either implied or an oral contract, or written by the very nature that I'm insured. And I think they've done something wrong and they haven't handled my case properly or I'm not happy with the ruling. Most people believe that you can sue the HMO under a breach of contract theory? Why are you suggesting you can't?"

Flowers: "That's... you can under breach of contract, but that's not the issue under this Bill."

Cross: "Well, alright. So, you can... "

Flowers: "And so there lies the difference. There's a difference. We're talking about what's in the Bill."

Cross: "No, no. Let me just... So, under existing law, even if your Bill never passed, I could file a lawsuit under a breach of contract theory? The answer is yes. Correct? Just yes or no."

Flowers: "This does not affect the Bill."

Cross: "Just yes or no. I can file a Bill, a lawsuit under a breach of contract theory."

Flowers: "I'm not going to answer that. I'm only going... I am... "

Cross: "Well, you haven't answered many questions today."

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Flowers: "... I am... "

Cross: "So, why don't we try to get this question answered. Yes or no?"

Flowers: "Yes, you can."

Cross: "Okay. Could I not, also, file a medical malpractice case against a physician under current law?"

Flowers: "Against the physician."

Cross: "Yes."

Flowers: "Against the physician, yes."

Cross: "Yes. Or the hospital, correct?"

Flowers: "Against the hospital, yes."

Cross: "What about a tortuous interference case under a contract theory? Could I file a case under that, Representative?"

Flowers: "What is that? What is that, Representative? I don't know. Tell me about it."

Cross: "Representative, this is your Bill... "

Flowers: "No, but that's not in my Bill, Representative. So, if you would stick with what's in my Bill, I'll be more than happy to accommodate you."

Cross: "Are you saying that you're here sponsoring a Bill on behalf of the Illinois Trial Lawyers... "

Flowers: "Excuse me, Sir... "

Cross: "... to increase the litigation of... "

Flowers: "Excuse me, excuse me. Not only were there trial lawyers invited to sit at the table, but the HMOs were invited to sit at the table, the consumers, the business people, were invited to sit at my table; but I cannot say the same thing for their legislation."

Cross: "Mr. Speaker... Mr. Speaker."

Flowers: "So, I'm not speaking on behalf... "

Speaker Hartke: "Yes, Representative Cross. Excuse me, Representative Flowers."

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Flowers: "... of the trial lawyers. I am speaking on behalf of the consumers of the State of Illinois and there lies the difference."

Cross: "Mr. Speaker."

Speaker Hartke: "Yes, Mr. Cross."

Flowers: "Don't you ever imply that with me again."

Cross: "In case you didn't hear, I think someone else asked, but in case we missed, we ask for a verification if this Bill gets the requisite number of votes. Now, Representative, to suggest that we have some questions on this side of the aisle on the liability issue and that we don't care about consumers is absurd and I resent that."

Flowers: "I never said that."

Cross: "Well, yeah, you did say that."

Flowers: "I never said that, Sir. You are the one that insinuated that there was a special issue going on."

Cross: "No, all I said was this was a Bill that you and the Trial Lawyers have worked on."

Flowers: "Excuse me. I... "

Speaker Hartke: "The Chair recognizes Representative Cross's request for a verification."

Flowers: "... I spoke with the business community. I spoke with the consumers, even tried to talk to you. Everyone, again, was invited to the table, and I resent the fact that you would tell me and the rest of this Body that I'm carrying legislation for anyone, specifically. And if I did, I will be more than proud to say that I would... I was doing it. Thank you."

Speaker Hartke: "The Chair recognizes Representative Cross's request for a verification. I've also had requests from both sides that we limit it to one speaker yet on each side. At this time, the Chair represent... recognizes

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Representative Lang. You have five minutes."

Lang: "Thank you, Mr. Speaker. I rise in support of Senate Bill 1904. In explaining this, I first want to commend the Sponsor. Representative Flowers has worked about as hard on this Bill and this proposal as any Legislator I have known in the time I've been here, on any issue; and she certainly deserves our admiration and respect for her efforts to deal with the problems of HMOs. We're all aware of the problems of utilization and review in HMOs, in fact, I've had several Bills over the years that are even stronger than this Bill on the issue. We're all aware of allegations by some of our constituents in managed care plans dealing with abuses, dealing with lack of due process, denial of claims, inability to see a gatekeeper so they can get permission to have some other procedure done by someone else. All of these issues are dealt with in some way, fashion, or form in this, but the most important portion is the due process portion, the appeals portion. The one that says to the patient or the policyholder, if you don't like the decision the HMO has made, you have recourse. You have, excuse me, appeal rights. You have the ability to have somewhere to go with your complaint. Today, with some HMOs, once you are denied or once you don't get what you want, there's nowhere to turn to. You don't know who to call. When you call, you get a menu of numbers to punch on your phone, you never get to talk to a human being. These are all important measures that Representative Flowers has dealt with, all important measures to protect our constituents and those in managed care plans. So, I strongly support this measure. Having said that, however, and I've already told the Sponsor that I'm going to be discussing this issue, I would have wished

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that she did not include the HMO liability provision on this Bill for several reasons. First, I think it'll make it more difficult to pass this Bill and the importance of the 'Bill of Rights' for people in HMOs, the due process, the appeal rights, the utilization review is so high that we must pass that portion. Second, I myself, filed the Bill, a stand alone Bill, similar to the HMO liability portion of this Amend... in what was Amendment #5 on this Bill. Shortly after I introduced that measure, I had a meeting with various groups; HMO groups, the Manufacturers' Association, and some business interests, and we looked at this and they convinced me that the language that I had was not clear on the issue of who was responsible. Was it the HMO? Was it, in the case of a self-insured, an employer? Would the employer ever be responsible for some utilization review decision that an insurance company made? These are all issues that were left open, and because they were left open and because they were serious issues, requiring significant debate and negotiation, I had agreed with my Bill to sit down with these folks after Session this year, to hold my Bill and to discuss it with business groups and others, even the HMOs who said, 'Well, perhaps you have a good idea here in some respects, but we need to have the language read the way that it's fair. To make sure if there is something going... in the law that will be akin to malpractice by insurance companies, that we limit it to that. And that we have arbitration, and that we go through various processes so that employers would not be saddled with the problems of mistakes by insurance companies.' So, I would have wished that this not be on the Bill today, because I looked forward to working with those groups this summer in earnest; to try to make sure that those who are

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injured or hurt or whose condition is made worse because HMOs wrongly refused treatment, would have some recourse. If this Bill fails, I will continue to work on that effort. But I hope this Bill passes today, but we can work on that later if we must. The important issues regarding the Bill of Rights for HMO consumers is critical. Vote 'aye'."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from McLean, Representative Brady."

Brady: "Would the Sponsor yield?"

Speaker Hartke: "Indicates she will."

Brady: "Representative, what is the estimated cost of this Bill?"

Flowers: "Well, Representative Brady, I'm glad you brought that up because I was looking at the legislation... Representative, according to the Fiscal Notes that has been filed, it... "

Brady: "You know, Representative, if this legislation passes and becomes law, what will this cost the people of Illinois who presently have HMO policies? How much are you increasing their cost?"

Flowers: "Well, Representative, as I quoted to Representative Black earlier, there was one estimate that would give less than 1%, but I want to say to you that the industry, Sir, they had a commission, they had a study done. And according to what the industry study said, they said, 'that it would probably cost a total estimated increase in premiums of \$5.49 per month.' And I would say to you, Sir, that I think each and every last one of us would be more than happy to pay what the industry said would be \$5.49 per month, which would break down to at least 73 cents per member."

Brady: "Representative... Representative... Representative, I think your facts are misstated."

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Flowers: "No, no, no. This... "

Brady: "In fact, I'm told by the industry... "

Flowers: "... these are not my facts, Sir."

Brady: "... Representative, that the price tag of this  
legislation..."

Flowers: "... these are not my facts."

Brady: "... will be in excess of \$4,000,000,000."

Flowers: "Excuse me. These... "

Brady: "Four billion dollars, Representative."

Flowers: "... these are not my facts. I will be more than happy  
to share with you..."

Brady: "... that is an estimated increase of 20%, not 1%..."

Flowers: "... I would be more than happy to share with you..."

Brady: "... you're trying to quote the industry,  
Representative..."

Flowers: "... what the industry said... what, this is the  
industry..."

Brady: "... that is in fact, what they're saying."

Flowers: "This is the industry letter."

Brady: "Representative, let me move on."

Flowers: "I'll be more than happy to share with the rest..."

Brady: "Using your 1%... "

Flowers: "73 cents per person, \$5.49... "

Brady: "Representative, please don't quote the industry... "

Flowers: "... per month."

Brady: "I don't think you're accurately quoting the industry,  
Representative."

Flowers: "Well, then you read it, Sir."

Brady: "Representative, I'm reading something... "

Flowers: "You know, and there's quite a few studies. The only  
studies that I've seen, I have some more over here that I  
can quote... "



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Brady: "My point being, Representative, I'm not sure you know what this is going to cost... "

Flowers: "And I... "

Brady: "... the people who pay these premiums... "

Flowers: "One thing for sure, one thing for sure. I can guarantee you, Sir, because it's not law yet, neither do you know what it's going to cost. What do you think about that one?"

Brady: "I couldn't hear you, Representative, but I happen to believe... "

Flowers: "Let me ask you this, let me ask you one more question... "

Speaker Hartke: "Excuse me, excuse me. Representative Brady, Representative Flowers... "

Flowers: "... one more question. In unnecessary health care, Sir, and in lost work days, Sir... "

Speaker Hartke: "Representative Flowers... Representative Flowers. Representative Brady, Representative Flowers, please only speak one at a time so that the Members can hear the discussion. Let's have a little order in here. Representative Brady."

Brady: "Thank you, Mr. Speaker, and is it possible that I could have a little more time, subject to that loss of time?"

Speaker Hartke: "Representative Brady, you have one minute and 26 seconds."

Brady: "I appreciate your generosity, Mr. Speaker. Representative, let me, let me just say that, in fact, the industry suggests this will cost \$4,000,000,000 to the people of Illinois who are struggling as hard as they can to provide health care coverage for themselves. There are things that we can do to help improve this industry as indicated in House Bill 3445, yet, I don't think your

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committee allowed that to be heard. But, let me explain to you that what the industry suggests is, that for every 1% increase, and by the way, that \$4,000,000,000 increase is a 20% increase. For every 1% increase, this will reduce by 200,000 people, the number of people in Illinois who can afford health care coverage. Representative, what this Bill is doing, is that it's making this program so expensive that no one's going to be able to afford it, eventually. I would argue to you, Representative, that maybe a proper analogy would be, and maybe this is the way you believe, that, in fact, we should not allow people to have anything less than the perfect solution. In other words, in the area of housing, of which I'm involved in that industry, it seems to me that an analogy would present itself, that you would believe that you should only allow people to have housing of 2000 square foot per inhabitant. Now, that would create a very large problem in terms of affordability... "

Speaker Hartke: "The Chair recognizes the Lady from Cook, Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. I will not ask the Sponsor any questions. The fact of the matter is, I've talked to the Sponsor, pretty much, in committee until I'm blue in the face over this issue. A number of us on this side of the aisle, when we were in the majority, supported a managed care 'Bill of Rights'. We then, last year, supported the Lady in her Bill, which was a pretty clean Bill as far as we think that something needs to be done for the consumer to regulate managed care. The issue of liability and tort reform is a whole separate issue. That is a whole big can of worms. The fact of the matter is, HMOs should have some liability; but to mix it into this

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Bill takes it beyond the realm of ever passing in the Senate, makes this vote totally a political vote, takes the consumer out of the ball park, no matter what she says, because for the bottom line is, what we're doing is we're trying to pass a Bill that puts something in it that doesn't allow them to just arbitrate their original health care, nothing to do with tort. What we wanted with the Managed Care 'Bill of Rights' to begin with, was a Bill that said managed care needs some regulation. People have a right to, you know, argue about whether they are receiving the care that they contracted for, that employers have purchased for them, and not put in tort liability, which is a whole other issue, which of course, does need to be discussed, but not mixed with this issue. And those of us that have put ourselves on the line for this issue, are really disturbed by the fact that this Bill has been combined to make it a volatile political issue, taken it away from being a good consumer-type Bill, and not voting for something that we think needs to be regulated. The fact of the matter is managed care is a necessity with the cost of health care. The fact of the matter is, it's not being given in a good manner, and that certain people still do have liability; doctors, hospitals, but not the entity that is making the decisions. The first thing a managed care 'Bill of Rights' should do is give us, as consumers, who choose managed care or whose employers are willing to still purchase that, give them the ability to discuss the decisions that the managed care entity is making before we ever get to the point where they're so grievously injured that they need to file a tort claim. Now, we need to go step by step. Some of us have been very successful in doing body part or individual. We don't care for that type

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of legislation. We would prefer an omnibus type of Bill. This Bill has gone beyond that. And we have asked the Lady repeatedly to go back to the original issue that those of us initiated in this Body when the Republicans were in control, and those of us who supported her when the Democrats were in control. But she's taken this Bill one step beyond that, and put those of us that want something good, in the position of voting for a Bill that will not do that, will not pass the Senate and is not a good Bill. This is extremely unfortunate, and why we have argued this in committee until we're blue in the face, we have asked her to go back to the original Bill, she will not do that. I do not think a vote for this Bill is one that says, those of us particularly who live in Cook County, who had a referendum where 75% of the public want some type of managed care reform. We're not against that, we're for that. We'd like to go back and support her original Bill. She knows that she's putting many of us in a position of not voting for this and she will not go step by step. She knows this will not pass in the Senate, so why are we going there and what are we doing here if it's not politics? I personally want to see a managed care reform, but I do not see this Bill as a Bill that's ever going to pass. I think a liability Bill should be a separate Bill and discussed separately. And a managed care Bill for patients and for better health care in Illinois is the way it should go and why she won't do this, I do not understand. But, she put many of us in a position neither voting for or against it. In committee we have repeatedly voted 'present', not to be on either side of the issue and not to go back where we were before we started this two years ago when we initiated it. I think this is not the kind of Bill that we wanted.

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I'm deeply disturbed by the fact that we can't come to some conclusion, which, obviously, the public wants and which the Sponsor does not care to go back to. So, I do not understand the... not civil in fact, two of the... a couple of the Sponsors that have argued with her have been the Chief Sponsors on our side of the aisle on this type of legislation and this discussion is no longer civil. And it's splitting hairs and it's putting apples and oranges together when we should be voting for one thing on one side and one thing on the other which we are... have told her repeatedly. I offered her one of my Bills in committee to gut. I've offered her on the House floor that she could go ahead and put the liability on that Bill and we could divide these issues and we could pass this this year and do this, but by doing this, it's not going to pass the Senate. It's not going to be a Bill that we're going to support consumers. We're deep-sixing the issue."

Speaker Hartke: "Representative Flowers to close."

Flowers: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I would like to take this opportunity to thank my colleagues last year, last Session for their support in our Bill. Six-twenty-six, Ladies and Gentlemen, was our Bill. We passed that Bill on behalf of the people of the State of Illinois. That was not a Mary Flowers Bill. That was the peoples Bill that we successfully passed out of here and guess what, Ladies and Gentlemen. That day I was told, too, that that Bill was not going to pass, and guess what, Ladies and Gentlemen, it did pass with all of our helps and it died in the Senate. And since then, since then, this industry has constantly, constantly, constantly, raised it's rates and since then people have died. Since then, people have passed by emergency rooms because the last time

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they went to the emergency room, they had indigestions and this time, they didn't want to be embarrassed and do it again, so they bypassed that emergency room and they died as a result of having a heart attack. Or, better yet, since then, people have died because an HMO, who's not a doctor, told a doctor what he could or could not do on behalf of that patient. Since then, the people of the State of Illinois has been hurt and they've been harmed and I say, if not now, then you tell me when. You tell me when the question should be divided. Furthermore, she spoke and said that this was putting the consumers out of the ball park. No, I beg the difference. It's putting the people in the ground. It's making them sicker. These are our constituents, not the HMO's constituents. This is not a... this is the only business. If you get in an airplane, Ladies and Gentlemen, if the airplane crashed, guess what? You can sue. If you harm yourself pushing your lawn mower, you push the lawn mower, if you harm yourself, you can sue and as the previous speaker just so stated, you can sue the doctors. You can sue the hospitals, but you cannot sue the HMOs who push you out of the hospital. You cannot sue the HMO who told the doctor to get you out of the hospital, or to withhold the information and guess what? I don't care how much money you got. See, if you don't know what you need, you cannot buy the services. If the doctors are withholding the information from you, you cannot buy the services. Ladies and Gentlemen, this is not my Bill. This is no political issue for me. Under no circumstances, this is an issue that the people across this country, across this country... I want you to take a look at Texas. I want you to take a look at the Republican Congressman from Texas and see what he did in regards to this Bill. But

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furthermore, I need to read to you what the Republican Governor in Texas did. It says, 'Governor George Bush allowed the Liability Bill to become law without his signature last May. At the time, he said, he was torn between protecting the patients and limiting lawsuits. I am concerned, he said, that this legislation has the potential to drive up health care costs, increase the number of lawsuits against doctors and other health care providers; however, he said, given the choice between doing nothing and doing something to address a significant problem that impacts the health of thousands of Texans, I have concluded, the potential good outweighs the bad.' But, wait a minute. I'm not through. Because through executive order, the President of the United States is going to allow one third of the people of this country to be protected. He said, 'You should know that the President recently announced that the Patient Bill of Rights protection that he referenced in the State of the Union will become law of the land, with respect to all federal employees by executive order,' Ladies and Gentlemen. 'We will assure that a third of all Americans,' this is what the President is saying, 'a third of all Americans are protected by the Patient's Bill of Rights.' Now that everyone on the Medicare, every person on Medicaid, including children and people with disabilities, all federal employees and their families that are covered, all of the military personnel, members of the biggest health care system in America, all veterans, all families, a third of America, Ladies and Gentlemen, will be covered by executive order and I say to you, if a third is good enough, what about the rest of us? What about the rest of us, Ladies and Gentlemen? Please, I'm not against

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businesses. I'm not into lawsuits. I'm for the people of the State of Illinois. They deserve our... they deserve what we do on behalf of them to protect them on behalf of unscrupulous business practices. That's all it is. Unscrupulous business practices, and I would urge for an 'aye' vote on Senate Bill 1904."

Speaker Hartke: "The question is, 'Shall Senate Bill 1904 pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. The voting is open. This is final passage. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1904 there were 60 Members voting 'yes', 34 Members voting 'no', 23 Members voting 'present', and there has been a request for a verification. Representative Johnson."

Johnson, Tim: "Leave to be verified."

Speaker Hartke: "Mr. Cross. Leave has been granted. Mr. Clerk, Poll the Affirmative."

Clerk Bolin: "A poll of those voting in the affirmative: Acevedo. Boland. Bradley. Brosnahan. Bugielski. Burke. Capparelli. Crotty. Barbara Currie. Julie Curry. Dart. Davis, Monique. Davis, Steve. Deuchler. Erwin. Fantin. Feigenholtz. Flowers. Fritchey. Gash. Giglio. Giles. Granberg. Hartke. Hoffman. Holbrook. Howard. Johnson, Tim. Jones, Lou. Jones, Shirley. Kenner. Klingler. Lang. Lopez. Lyons, Joseph. McCarthy. McGuire. McKeon. Morrow. Murphy. Novak. O'Brien. Phelps. Pugh. Reitz. Rodriguez. Ronen. Saviano. Schakowsky. Schoenberg. Scott. Scully. Silva. Slone. Smith. Stroger. Turner, Arthur. Woolard. Younge, and Mr. Speaker."

Speaker Hartke: "Questions of the affirmative? Representative McKeon asks to be verified. Proceed. Representative



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Fantin asks to be verified. Mr. Cross, Representative Fantin. Representative Younge asks to be verified. Representative Lyons."

Cross: "I think that's enough, but that's fine up to Lyons."

Speaker Hartke: "Yes, questions of the affirmative?"

Cross: "Representative Silva."

Speaker Hartke: "Representative Silva. She's in her chair."

Cross: "Representative Art Turner."

Speaker Hartke: "Representative Art Turner. Is Representative Turner in the chamber? Representative Art Turner? Mr. Clerk, remove Mr. Turner. Further questions?"

Cross: "Representative Howard. Connie Howard."

Speaker Hartke: "Representative Connie Howard is coming down the aisle."

Cross: "Representative Scully."

Speaker Hartke: "Representative Scully is in the back of the chamber. Mr. Cross, Mr. Schoenberg asks leave. Leave."

Cross: "Representative Fritchey."

Speaker Hartke: "Representative Fritchey. Mr. Cross, Representative Turner has returned. He's in the center aisle. Mr. Clerk, put Mr. Turner back on the Roll as an affirmative. Representative Fritchey. Representative Fritchey. Is Representative Fritchey in the chamber? Mr. Clerk, remove Mr. Fritchey from the Affirmative Roll."

Cross: "Representative Erwin."

Speaker Hartke: "Representative Erwin is in the aisle on the left hand side in the rear, standing next to Mr. Ryder."

Cross: "All right, I see her now. Thanks. Representative Novak."

Speaker Hartke: "Representative Phil Novak is standing in the aisle on the left hand side behind the speaker."

Cross: "Representative Schakowsky."

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Speaker Hartke: "Representative Jan Schakowsky is in her chair as always. Representative Scott seeks to be verified to leave. Leave."

Cross: "Representative Crotty."

Speaker Hartke: "Excuse me?"

Cross: "Crotty."

Speaker Hartke: "Representative Maggie Crotty. She is behind you here on the Republican side."

Cross: "Representative Slone. Ricca Slone."

Speaker Hartke: "Representative Ricca Slone. She's standing in the back aisle. Mr. Cross, Representative Fritchey has returned to the chamber. Mr. Clerk, return Representative Fritchey to the Roll. Representative Cross, any further questions?"

Cross: "Representative Davis, Steve Davis."

Speaker Hartke: "Representative Steve Davis is sitting in his chair, as always."

Cross: "Representative Rodriguez."

Speaker Hartke: "Representative Rodriguez is in her chair, as always. Anything further?"

Cross: "Representative Feigenholtz."

Speaker Hartke: "Representative Sara Feigenholtz is in her chair on the phone. Yes, Representative Lang."

Lang: "Mr. Speaker, I believe this is dilatory at this point. They've called just about everybody on our side of the aisle. If they wanted an Oral Verified Roll Call, they should have asked for one."

Cross: "Representative Lang."

Speaker Hartke: "Representative Lang is in his chair. That was the last one."

Cross: "I see him now. Representative Morrow."

Speaker Hartke: "Representative Charlie Morrow is in his chair."

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Cross: "Representative Deuchler."

Speaker Hartke: "Representative Deuchler. Representative Deuchler, Sue Deuchler? Back of the chamber."

Cross: "All right, thank you."

Speaker Hartke: "Senate Bill 1904, having received a Constitutional Majority of 60 votes, is hereby declared passed. Speaker Madigan in the Chair."

Speaker Brunsvold: "Representative Brunsvold in the Chair. Mr. Clerk, what's the status of Senate Bill 1707?"

Clerk Bolin: "Senate Bill 1707, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. Amendment #4 has been adopted on the floor. Floor Amendment #5, offered by Representative Smith, has been approved for consideration."

Speaker Brunsvold: "On Amendment #5, Representative Smith."

Smith: "Thank you, Mr. Speaker, Members of the House. Amendment #5 is an Amendment to further clean up the language that the so-called 'Central Illinois Six' are proposing on the issue of large livestock confinement facilities. Amendment #5, I think, will address some of the concerns raised on the House floor when we discussed Amendment #4. Amendment #5 takes out the language with regard to joint and several liability and replaces it with language referencing the Environmental Protection Act, and current liability language in that existing Act. This new language is supported by the banking industry. I believe it sufficiently addresses some of the questions which were asked by various Members of this Body last week on Amendment #4. And I would urge its passage."

Speaker Brunsvold: "The Gentleman has asked for the adoption of Floor Amendment #5 to Senate Bill 1707, and on that, is there any discussion? The Gentleman from Vermilion, Mr.

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Black."

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

Speaker Brunsvold: "Sponsor yields."

Black: "Representative, with Amendment #5, have you removed the joint and several liability Section that currently exists in the Bill?"

Smith: "Yes, it does Representative Black."

Black: "All right. So, Amendment #5 would then create a liability situation in that the percentage of blame assessed to that party is what that party would be responsible for. Is that basically what you're after here?"

Smith: "Yes, Representative. All we're doing is referencing what is currently in the law for liability under the Environmental Protection Act."

Black: "All right. Under the... Under Amendment #5, it looks as if you're holding a financial institution who would foreclose on a livestock operation, that they would also then be directly responsible for a release if they caused the release. Now, do you mean the bank caused the release or the employees of the defunct company that the bank is now trying to liquidate?"

Smith: "Cou... Could you restate your question, Representative Black."

Black: "Yeah, I... In case of a bankruptcy or a foreclosure, you're now making the bank or the lending agency responsible for a release of a regulated substance if they caused the release. Now, In,... I can't... I'm having a hard time visualizing how a bank, who has foreclosed on a facility, is the responsible entity and, in fact, would say, 'You caused the release.' My guess is, the bank has

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nothing to do with the actual day-to-day operation. The employees probably are still in place, while the bank is trying to simply liquidate the assets, no pun intended."

Smith: "The intent, Representative Black, is that... is that financial institutions should be exempt from liability, especially if they do not have control over the operation of the facility. All we're doing is referencing a current law with regard to the Environmental Protection Act for liability of banking institutions, and the banking industry does support this language today."

Black: "Could you... I haven't heard from any Representatives of the banks. I think I know why they accept the Amendment, but could you tell me if they've corresponded with you? Is it because this removes the joint and several and the... and puts it in what is normal banking practice or... I'm just having a hard time. I figured I'd hear from my banks and, quite frankly, I'm surprised that I haven't."

Smith: "All right. The Community Bankers and the Illinois Bankers both support this language."

Black: "All right. So, is it safe to... is it safe to assume that this does not expose the lending institution to any liability over and above what they would normally be exposed to in a business transaction?"

Smith: "That is correct."

Black: "Okay. Does this, in fact, perhaps, make it attractive to a marginal owner who's really having difficulty operating it in comp... in compliance with all applicable laws and regulations? Would the owner then think there might be an advantage to just letting it go back to the bank? Can the owner escape liability under a bankruptcy or a foreclosure?"

Smith: "No, they do not."

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Black: "Okay. And that... that's part of the existing law, like the Landfill Act, correct?"

Smith: "That's right. That's right."

Black: "If there are multiple owners, then the liability, and I'm straying a little bit from the Amendment here and forgive me. But if there are multiple owners, then, having removed the joint and several, if I have a 5% ownership in an entity, then I'm only going to be held 5% liable for a spill or an accident or an environmental problem, is that correct?"

Smith: "Representative Black, I am told that right now the interpretation of the Environmental Protection Act is that it is joint and several liability. I think there might be a move on the part of the Pollution Control Board, or there is a move on the part of the Pollution Control Board to adopt rules that it would be a proportionate liability, as you stated, but that is governed by the existing Environmental Protection Act."

Black: "Okay. And I think... I think that's very important and I'm glad to hear you say that, but again, in a livestock operation, vis-a-vis, a business, that's going to be difficult to do because I could go to the... I could go to my biggest sow and say that sow is responsible for 10% of the waste. My other sow is only responsible for 2%. I mean, it could get rather ridiculous. That's the whole point of trying to regulate a livestock business. It isn't like General Motors. It isn't like a landfill. It's very, very complicated. But I do appreciate the fact that you've added your Amendment and is it your intent then, that the Amendment removes all existing language as to joint and several liability in the underlying Bill and subse... and the previous Amendments?"

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Smith: "Yes, that is our intent."

Black: "Okay. So, on the Amendment. Thank you very much, Representative. Mr. Speaker, to the Amendment."

Speaker Brunsvold: "Proceed."

Black: "Pursuant to House Rules, I'm joined by a requisite number of Republicans on my side of the aisle. We would like a roll call on the Amendment, and I do appreciate the indulgence of the Sponsor and thank you, Mr. Speaker."

Speaker Brunsvold: "Thank you, Mr. Black. Representative Klingler, for what reason do you rise?"

Klingler: "Thank you. I rise on a point of personal privilege. I'd like to... "

Speaker Brunsvold: "State your point."

Klingler: "... like the General Assembly to welcome the eighth grade class from Trinity Lutheran School in Springfield. There in the balcony this way, and I believe also up here."

Speaker Brunsvold: "Welcome to Springfield. Representative Shirley Jones, for what reason do you rise?"

Jones, S.: "We have a very extinguished (sic-distinguished) guest in the House, former State Representative, Jesse Madison."

Speaker Brunsvold: "Welcome, Jesse. Welcome back. Further discussion on Amendment #5? The Gentleman from Effingham, Mr. Hartke."

Hartke: "Mr. Speaker, I have an inquiry of the Chair."

Speaker Brunsvold: "State your inquiry."

Hartke: "I just updated my computer, and I don't think anybody has seen this Amendment, yet, because I don't see it on my computer. Would you ask the Clerk if it's up?"

Speaker Brunsvold: "Would you do an update right now, Mr. Hartke."

Hartke: "How long do I have to read it? Could you wait a couple days?"

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Speaker Brunsvold: "I can go to another questioner and come back to you."

Hartke: "Yes, please. Would you, please?"

Speaker Brunsvold: "Yes, I would. The Gentleman from Logan, Mr. Turner."

Turner, J.: "I'm sorry, Mr. Speaker. I was being conferred with, I did not hear what the Chair... "

Speaker Brunsvold: "The Amendment #5 is... should be downloaded onto your computers now. We've evidently had a glitch and that Amendment was not on there, but it should be on there now."

Turner, J.: "Yes, that was my inquiry. It should be on now?"

Speaker Brunsvold: "Should be."

Turner, J.: "It's not showing up on mine. It is on now?"

Speaker Brunsvold: "Would you update, right now, and I think you'll get Amendment #5. Further discussion? The Gentleman from Jo Daviess, Mr. Lawfer."

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

Speaker Brunsvold: "Sponsor yields."

Lawfer: "Representative, I was just glancing at this and, of course, this has to be used, I guess, in conjunction with an earlier Amendment. Would that be Amendment #4, is that correct?"

Smith: "That is correct."

Lawfer: "Then... And it replacing different Sections. In reading this on my computer, then... Is 65 removed? Does this Amendment remove Section 65 from Amendment #4?"

Smith: "Could you give us just a second, Representative Lawfer?"

Lawfer: "Okay. Well, Section 65 dealt with liability and that..."

Smith: "I believe it does, Representative, but I want to give you a completely accurate answer. It deletes Section 51 from



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Amendment #1 and Amendment #4."

Lawfer: "Well, I may have the wrong Bill up here, but Section 65 deals with joint and several liability, according to my computer, here. Is that Section removed?"

Smith: "The Section on that subject is removed, Representative Lawfer. I'm told that that's Section 51."

Lawfer: "Okay. Well,..."

Smith: "I think you may be referu... referring to the underlying Act."

Lawfer: "Okay. And that could be possible. So, the Section on joint and several liability is removed and Section 95 then is added, is that correct?"

Smith: "That's correct."

Lawfer: "Now, there again, I may be referring to the underlying Bill, but does that delete then, Section 95?"

Smith: "This is a new Section. Section 95 is a new Section of the Act."

Lawfer: "Well, okay. I have it on my computer, Section 95, 'No acceleration or delay.' Is that still in the underlying Bill then with this Amendment?"

Smith: "We're attempting to clarify that, Representative Lawfer."

Lawfer: "Thank you."

Smith: "Representative Lawfer, I believe in the statutes, currently we go from Section 60 to Section 100 in the Act. So, there is not currently, a Section 95 in the Act or in our existing Bill."

Lawfer: "Okay. Well, I... I'm, you know, limited to here on the computer, so. But, Representative, what does this change in regards to the liability that is currently enforced under the Environmental Protection Act?"

Smith: "Mr. Speaker, could we have some... some order? I'm having a hard time hearing."

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Speaker Brunsvold: "Please give the Gentleman some attention. Proceed."

Smith: "Representative Lawfer, I believe you asked how this changes, and again, this deletes the joint and several liability provisions in the existing Bill. And instead refers to the Environmental Protection Act with regard to the question of liability."

Lawfer: "Okay. Does this change any of the liability that is currently enforced under the Environmental Protection Act?"

Smith: "No, it does not. All it does is reference that... that liability enforcement."

Lawfer: "So, when the Amendment states that not limited to violations of Subsection A of Section 9 and Subsections A and B of Section 12 of that Act, what are those?"

Smith: "That is referring to subsec... subsections of the Environmental Protection Act. That has to do with blanket air and water pollution standards."

Lawfer: "But, but, wouldn't a producer or a livestock facility owner or operator be already under that Act without this Amendment?"

Smith: "Probably, yes, Representative Lawfer. But, we want to state it specifically in the Livestock Facilities Management Act."

Lawfer: "Thank you. I... I guess I question the reason or the... for this Bi... particular Amendment. I understand that, Representative Smith, if I may vary from the discussion on the Amendment, there is another Amendment, am I right? Is there another Amendment pending for Senate Bill 1707?"

Smith: "No, there's not, Representative Lawfer."

Lawfer: "You do not expect another Amendment to 1707?"

Smith: "No, Representative Lawfer. You may be referring to the dis... discussions that have been going on over the past

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couple of weeks. I think there might be some language emerging from those, but not in terms of an Amendment before this Body."

Lawfer: "I think that there's some things that need to be addressed here and I guess I do not see the need for this particular Amendment at this time. Thank you."

Speaker Brunsvold: "Thank you. Further discussion? The Lady from Peoria, Representative Slone."

Slone: "Thank you, Mr. Speaker. I rise in support of the Amendment. The purpose of the Amendment is to... thank you. The purpose of the Amendment is to clarify the language as to the penalty provisions and to avoid some of the complexities that we... that we encountered with the proposed Amendment, Amendment 4 of last week. The purpose of... And the point of doing it this is way, is because the Environmental Protection Agency has assured us that they indeed do have full enforcement powers against the corporate livestock farms. The corporate livestock companies, particularly those from out of state that we were concerned would not be liable under existing law, that indeed they would be liable under the Environmental Protection Act, and if the Acts were appropriately referenced, it would simply clarify that. That's the intent of the Amendment and I would urge that the Amendment be adopted. Thank you."

Speaker Brunsvold: "Further discussion? The Gentleman from Effingham, Mr. Hartke."

Hartke: "Thank you, Mr. Speaker, Members of the House. I think most of you realize..."

Speaker Brunsvold: "Excuse me, excuse me. Let's give the Gentleman your attention."

Hartke: "...where I'm coming from. I think most of the Members

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here in the House realize where I'm coming from on this issue. This Amendment is probably a pretty good Amendment. If you've got your hog barn built on the north side of the house, if you've got your buildings on the north side of the house, today the wind is out of the south. You aren't going to smell it at all, so it's not too bad. But this Amendment just makes a real bad Bill, just a little bit better. So, I would suggest if we get anything at all, this is probably a pretty good Amendment and I'm going to vote for this Amendment. I'm not crazy about this Bill, and I think you all know that, but this Amendment makes a real bad Bill, just a little bit better. Thank you."

Speaker Brunsvold: "Thank you, Mr. Hartke. Further discussion? The Gentleman from Logan, Mr. Turner."

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

Speaker Brunsvold: "Sponsor yields."

Turner, J.: "Representative, you recall that we had debated, I believe, what was Amendment #4 at length and there was some objectionable language as pointed out by Representative Cross at that time. I want to make sure that that language has been taken out. The prior language to which he had referred to dealt with the whole series of... what the liability with regard to trustees, executors, administrators, guardians, receivers, conservators and, frankly, anybody who was in a fiduciary capacity. Has that language now been removed by this Floor Amendment #5?"

Smith: "Yes, it has."

Turner, J.: "And, Representative, why did you remove that language?"

Smith: "Because, Representative Turner, I think you and others raised some very valid points on the language in Amendment #4."

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Turner, J.: "I appreciate that. The... Frankly, most of the questions came from Representative Cross on that particular issue, but it appears as though you've gone back to some of the proponents of the measure and found that the objectionable language did cause a problem, and you've tried to correct that with this Floor Amendment #5, then."

Smith: "That's right."

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

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

Moffitt: "Thank you, Mr. Speaker. Last week we voted on the Bill and this, obviously, as you remember, a very close vote and just simply got a majority, and not even the 60 votes required. I think we do need to keep this issue in front of us, and trying to work towards a solution to... that will be satisfactory for our concerns about the environment, and our concerns about a very important industry in the State of Illinois. So, I would urge a 'yes' vote for this so that we can continue this process, and perhaps whatever we might, if we were able to pass something in the House, I'm sure the Senate will be taking another look at it, but I think to keep the issue alive, keep the progress growing,... going working towards a solution. I would urge a 'yes' vote. Thank you."

Speaker Brunsvold: "Mr. Smith to close."

Smith: "Thank you, Mr. Speaker and Members of the House. Again, Amendment #5 simply clarifies some of the discussion that took place last week with regard to joint and several liability. This is language that I believe is... is agreed to by, really, all the parties involved in this issue. We feel this improves the underlying Bill in Amendment #4 and I would encourage all my colleagues to support this Amendment."

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Speaker Brunsvold: "The Gentleman has moved for the adoption of Floor Amendment #5 and there has been a request for a Roll Call. So, all in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? This is on the Amendment. This is the adoption of the Amendment. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that Motion, there are 115 voting 'yes', 0 voting 'no', 1 voting 'present', and the Amendment has been adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Brunsvold: "Third Reading. Mr. Clerk, Resolutions?"

Clerk Rossi: "Introduction of Resolutions. House Resolution 493, offered by Representative Gash and House Resolution 495, offered by Representative Howard, are assigned to the Rules Committee."

Speaker Brunsvold: "Mr. Clerk, Senate Bill 1707. Read the Bill."

Clerk Rossi: "Senate Bill 1707, a Bill for an Act in relation to agricultural matters. Third Reading of this Senate Bill."

Speaker Brunsvold: "The Gentleman from Fulton, Mr. Smith."

Smith: "Thank you, Mr. Speaker. Again, the language, the Bill we now have before us is what's become known as the 'Central Illinois Six' version of legislation affecting the large livestock confinement issue in Illinois. Those of us in central Illinois, as well as many other Members of this Body and of the Senate, have been concerned about the issue of large livestock confinement facilities. We've been attempting, over the last year, to work with all groups on this issue to come up with commonsense proposals to improve the existing law. I think all parties on this issue agree that there are some changes that have to take place in this Act. We have spelled out what we feel are some very sensible proposals with this legislation. We realize that

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this may not be the final version that we will see this spring. In fact, I have talked to Senator Sieben, the Senate Sponsor. I believe it is his intent that this Bill will go to Conference Committee. There have been discussions that have taken place over the last two weeks with all parties, or most of the parties on this issue. Those discussions will continue. Agreements in those meetings may come back to us in the form of a Conference Committee. We want to move this Bill forward to continue the process, continue the debate. I urge all of my colleagues to join with me to allow this Bill to continue to move forward in the next couple of weeks, so that we can do something substantive on this very important issue for all of our constituents, especially for those of us who represent rural areas, not just for the activists on this issue, but for all rural residents, and for all our pork producers who we represent as well. I also should point out that there are a couple very important provisions of this Act, the underlying Act, which are changes to the Meat and Poultry Inspection Act and to the Grain Code, which are administrative proposals from the Department of Agriculture. I'd ask for the Body's approval of this legislation so that we can continue debate on this issue. Those of us in the 'Central Illinois Six' are certainly willing to work with Senate... Senator Sieben to continue the discussion on this issue and hopefully reach a compromise before May 22nd. Thank you."

Speaker Brunsvold: "Mr. Smith has asked for the passage of Senate Bill 1707. And on that, is there any discussion? The Gentleman from Vermilion, Mr. Black."

Black: "Thank you very much, Mr. Speaker. I hope all of you enjoyed your sandwich from the great City of Decatur today."

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For those of you that... for those of you that aren't familiar with all of the ingredients in the sandwich, there was some bacon in the sandwich. I hope the 'Central Illinois Six' threw the sandwich out. I'd hate to think they ate the bacon. But, be that as it may, will the Sponsor yield?"

Speaker Brunsvold: "Sponsor yields."

Black: "Representative, I have many concerns that I'll address to the Bill, but I have some questions to ask you. This Bill has been amended to the point where it appears to me that you have changed the definition in the original Bill of a year ago, that you have changed the definition of a livestock management facility and a livestock waste handling facility. If I'm wrong, tell me, but it appears that you've changed that definition and I want to know why you did so."

Smith: "Representative Black, the only definition we changed was the definition of a single facility, in order to address the issue of common ownership of facilities that may be very close together in location, but be able to skirt existing regulations."

Black: "All right, Representative, you may want to take a look at that. I'm not sure, I think, and I think it's a drafting error, but I think we've changed the very definition of the underlying Bill, but let me go on. Does this Bill, as amended, affect not only hog confinement operations, but could it affect a horse breeding facility?"

Smith: "Yes, Representative Black, it affects all large livestock confinement facilities."

Black: "How many horses would I have to have, if I were raising thoroughbreds, or quarter horses, how many horses would I have to have before I'm regulated by this Act?"



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Smith: "At least 500."

Black: "How many horses are there in the City of Chicago?"

Smith: "Why, I'm not sure about that, Representative Black."

Black: "I'm serious. I brought this up in committee. There's all kinds of horses in the City of Chicago. They haul little tourist carts around. The police ride horses. I have a hunch that the City of Chicago could become a livestock management facility, because of all the horses they have on Michigan Avenue and in the Chicago Police Department. Now, are they going to have to be regulated like all the rest of us. Where do those horses go to the bathroom in Chicago?"

Smith: "With all due respect, Representative Black, I don't believe they're under common ownership. I don't believe that they..."

Black: "... Well, I don't know that."

Smith: "... would fall under this Act."

Black: "... They may be owned by the City Council of Chicago for all I know. Probably are. Where do they go to the bathroom in the City of Chicago? You... do you have to curb your horse or does he wear a diaper? I mean, really, I don't know. I rode in one of those tourist carts once and I'll tell you, I'll never do it again because the horse had gas and I never got so sick in my life. Well, I'm not getting anywhere here, Mr. Speaker. He doesn't have any answers. We may revisit this Bill on horses. Well let me ask you another question. It says that you can't, you can't... construct any livestock facility within the hundred year flood plain, and I don't have any problem with that, but you've amended the Bill to define or to state, 'any seasonal high water table,' but it isn't defined. How do you define that?"

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Smith: "Now, Representative Black, that is out of the Bill as it stands, currently."

Black: "Well, see, I've already accomplished something. You took that bad part of the Bill out, right? So, what do you do now? You reference aquifers."

Smith: "We reference existing language on aquifer material."

Black: "So, this is going to take care of all livestock. Sheep, right? Sheep?"

Smith: "Over 500 animal units, yes."

Black: "Horses, dairy cows, right? What about.. What about.. What about. animals, like puppy dogs? What about kennels?"

Smith: "It has to be livestock. It could possibly be ratites, I'm not sure."

Black: "Well, now, alright because we changed that definition and a ratite is covered under the livestock law. So, you mean to tell me that I've got to comply now, with my emus and my ostriches?"

Smith: "If it's a new one, yes. New facility."

Black: "But if it's an old facility, I don't. Right?"

Smith: "That's right."

Black: "If it's an existing facility, then I don't have to do it?"

Smith: "That's right."

Black: "Okay. Are bunny rabbits livestock under the definition of livestock?"

Smith: "They could be, Representative, but it would certainly take a whole bunch of them."

Black: "Well, let me ask you this. Does this have any impact on zoos? They've got all kinds of animals in zoos. Does it impact the zoo?"

Smith: "No, it doesn't."

Black: "Well, I'll bet Brookfield and Lincoln Park Zoo are glad

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to hear that. Well, thank you, Representative. You've been very helpful. Mr. Speaker, if I might, to the Bill."

Speaker Brunsvold: "To the Bill."

Black: "Ladies and Gentlemen of the House, I went through this in my district. I am not a stranger to what one of these installations can cause and create, and I didn't favor that and they decided to move on. And I understand that process and I understand that these Representatives are trying to address a problem that we need to address, but let me confine my remarks largely to the process by which we've come to this Bill, and that's something that is not partisan in nature. Members on your side of the aisle and Members on my side of the aisle should be very, very concerned, if not outraged, that anytime we come up with a controversial Bill, from now on, we'll just create a new committee. We won't go to the Ag Committee, we won't go to the Ag Committee where people know the issue. We'll create a new committee, and we'll put people on the new committee that, quite frankly, and in all due respect to them, don't know a hog from a dog from a log, and they're going to make rules for the rest of us. I'm going to ask you people if that's the kind of process you want to support, you go right ahead, but that's why we have standing committees here. This Bill should have gone to its proper committee, had a hearing, come to the floor, win or lose. That's the way this business operates. I've lost more than my share in committee, and I've never asked for a special committee, although it has occurred to me that maybe I need on occasion a downstate issues committee, but, by God, nobody's created one for me. But we create a new committee to take an issue that needs reasoned and calm thought, and we've politicized it to the point where it is really

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meaningless. Now, if any of you in this chamber thinks that you're going to vote today, and you're going to solve the problem of agriculture getting bigger, what a joke. This Bill is not only dead on arrival, I doubt that it even... it won't even cross the rotunda. Cooler heads are going to have to come together and reach a compromise on something that will work. And if you don't remember anything else from this debate, will you just step back for a second? What was on the news 24 hours ago? The FDA warning us that imported food and vegetables and fruit may be dangerous to our health. Imported, from where? Mexico, offshore, Europe. Now, is that what you want to do? Is that what you want to do? I've had some of you come over here, and I don't know if you're joking or not, and saying to me, 'We could import all of our pork, all of our beef, all of our grains, all of our food products.' For crying out loud. Most of you are only three or four generations removed from farming, and the only way that farming has survived is that it gets bigger, And I look around here and I don't see very many of you that have missed very many meals, I know I haven't. The American farmer is the most productive individual this country has ever seen, bar none. It is the backbone of what this State of Illinois was. We came from the soil, and I don't even know for sure how I'm going to vote on this convoluted Bill, but I want you to remember this, if you don't stop buying into the theory that the American farmer is the problem with our environment, that is the most outrageous thing I've ever heard. Most farmers that I know pass the land down, generation to generation to generation. If they weren't good stewards of the land, they couldn't do that. So, I think you need to look elsewhere for your environmental

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concerns. And what we do here may not have any ramification on this matter, whatsoever, because it's not going to happen in the Senate. You're going to have to learn to compromise but, Mr. Speaker, I stand in abject opposition to the process by which this Bill is before us. If we're going to allow the Leadership of this chamber, my side or your side, the ability to create a special committee for politicized reasons on issues of great importance to the State of Illinois, and I submit to you, and not everybody shares my enthusiasm for agriculture, but I'm going to tell you something. It affects every one of our lives. Every time I see a brochure for Chicago, they show me the board of trade. Well, export all our farmers and you won't need the board of trade. This state was formed on agriculture. It's an important part of our heritage, and our economy, and our livelihood, and the very food and drink that we put into our stomachs. So, cast your vote carefully and when it finally comes down to really doing business, let's be prepared to compromise on something that is fair to the producer, to the consumer, and to all others in between, but I don't like this process. It stinks as bad as any hog farm I've ever smelled."

Speaker Brunsvold: "Further discussion? The Gentleman from Effingham, Mr. Hartke."

Hartke: "Well, thank you very much, Mr. Speaker, Members of the House. I'm not going to ask the Sponsors of the Amendment or the Bill any questions because I think it would be absolutely ludicrous. As we look at the make-up of the committee, this special committee, as the previous speaker has mentioned, they may have an interest in heart in this issue, but their interest is not that of agriculture in Illinois as we know it today. I know that there may be

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some problems in agriculture, but we cannot fix it this way. Agriculture is absolutely vital to the State of Illinois. You know, you might ask yourself, 'Why in the world is the livestock industry going this way with the larger farms?' Well, it's the same way in any business and agriculture is a business, and agriculture is a good business to Illinois. Each and everyone of the businesses in small towns in the State of Illinois are heavily dependent upon the agriculture community, and when we start messing with the rules and regulations, all the rhetoric about saving the small farms is not going to be any good at all. The more regulation we place on the agriculture community, the smaller farms, the sooner we're going to guarantee that we do have all of the mega farms in the State of Illinois. I think everyone here knows I stand in opposition to this piece of legislation and I will fight it from now on, and I will continue and I would wish each and every one of you would respect the opinions of the Agriculture Committee, those members out here from southern Illinois who are involved in agriculture, who have not been invited into this process. You know, I think we're leaving the press run the show out here. That's not what should happen. It should be based upon scientific information. This committee, as well as the groups that have been supporting this in the media, have used hysteria, hearsay, and everything else to bring about a public demand for this legislation which is absolutely ludicrous. I stand in opposition to this piece of legislation and would encourage each and every one of you who respect the opinions of the farmers that are out here, and those that are closest to the soil, to vote 'no' on this piece of legislation. Thank you."

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Speaker Brunsvold: "Further discussion? The Gentleman from Macon, Mr. Noland."

Noland: "Thank you, Mr. Speaker. I rise in support of increased regulations for livestock farms, but I again, I cannot rise in support of this Bill. I oppose this Bill because its impact is too great. Now, you might say, well what impact do we have?' I've got an interesting chart here, and I know you can't see it very clearly, but the key thing is, the red area contains soil that's close to aquifer material and the Bill says you cannot build, thou shalt not construct a hog operation, a livestock operation in the red area. That means because there's aquifer material with... between the surface and five feet below and I think that's right. I agree. You shouldn't probably build livestock farms in some of these flood plain areas, but what it also says is you can't go below that. For instance, if you build a hog operation and it has a concrete pit to consume the waste that goes down eight feet. Eight plus five is 13 feet. So, now you go into the second category which is the orange area; material between five and 20 feet. So, it's not just the red area. You now take in huge orange areas which, up in northwest Illinois, would consume about three or four large livestock counties. Then if you've got a large waste lagoon that maybe goes 10 or 12 feet deep, you go down to the yellow category and now you take in another whole area. So, Ladies and Gentlemen, we're not talking about one small isolated operation or one small part of the state. We're consuming large parts. We blew a Bill out of here the other day, and thank goodness I'm from the Decatur area. Ethanol is a big impact to us. We passed a Bill with 100 votes that affected ethanol. Ethanol consumes 17% of the Illinois corn crop. Now, listen to me, 17% of the

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Illinois corn crop. Livestock consumes 76% of the nation's corn crop, not Illinois, the nation's corn crop. So, we're talking about legislation that impacts the entire nation in a huge way. Ladies and Gentlemen, we need good commonsense rules and regulations. This Bill started out well-meaning, but has gone too far. I will give the Sponsors, six of them or whomever, a lot of credit, but I will not give them credit for not working with the entire Agriculture Committee, because they developed a new committee and they took this issue and they've run with it. They didn't mean to be political, but it's turned out to be a very divisive political issue and, Ladies and Gentlemen, we're playing with a major industry in Illinois, and we shouldn't play politics with farmers and, Ladies and Gentlemen, that's what's happened. Now, this issue could be settled. We could settle this issue if they would sit down with us and allow us to work it out. Instead, there's a political agenda here, not by the quote 'Central Illinois Six,' but it's been... they're being used in a larger agenda. Ladies and Gentlemen, if we could stop this Bill, come to the table, we can put closure to a major issue, but until we stop the politics, we'll just keep raising the bar, we'll keep moving the target, and we'll keep messing with a major industry, and the lives of agriculture. Please vote 'no'."

Speaker Brunsvold: "Is there discussion? The Gentleman from Randolph, Mr. Reitz."

Reitz: "Thank you, Mr. Speaker. I'd like to echo Representative Noland's comments. The map he had takes out virtually all of my district. We have a lot of karsts in a lot of areas in my district that are in the flood plain. I think we can have, and I guess, would the Sponsor yield?"

Speaker Brunsvold: "I'm sure he will."



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Reitz: "Mike, can we not come up with some kind of construction standards? I know in negotiations we're close to having construction standards that at least allow us, to for people to expand and for people to put livestock facilities in karsts and in flood plains. In my area, I think the flood plain area is probably the best place for them, because one of the biggest problems, and we probably wouldn't be here today, if it wasn't for the smell. We could put one right next to the Capitol, if they didn't smell. So, in our area, we won't..., FEMA will not allow us to build in the flood plain. We can't have houses out there. We can take care of a lot of the problems that are associated with hog farms, large livestock facilities, if we could locate them where people couldn't build. I mean, are we not a... join Representative Noland and a few of our other colleagues in asking us to... let's keep working on this Bill. Let's keep the people together, and try to come up with a compromise that allows us to expand and to have facilities in areas and not box out my whole district."

Speaker Brunsvold: "Mr. Smith. The Gentleman yields."

Smith: "Yes, Representative, that is our intent, so I would like to ask for your support of this Bill. I want to point out that we are not excluding those areas. We're talking about new facility, new construction. Existing operations are not covered under that language. Expansion of operations would be up to 50% of the value of the existing operation every two years that they could expand in any facility under 1000 animal units. So, this does not blanketly exclude those areas."

Reitz: "Mike, do we have... are there not a set of const... stricter construction standards that would make it feasible for livestock operations to be located in areas that we're

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concerned about in this Bill?"

Smith: "Well, it's not just construction, it's also operational concerns that we have, and there are not any standards in the law, currently. You may be referring to some standards of the agricultural engineers, for instance."

Reitz: "Well, again, I appreciate your concerns. I really do think, and this Bill is going to prohibit expansion or anything... not so much even expansion if we can go two years. But, if we have a large livestock operation that's going to locate in my district, well, we won't now, after this Bill, because the map that Representative Noland held up contains virtually all of the district that I represent. But if we did have one, I still think we'd be better served to have them away from the populist end, and there are areas there that they won't let us build houses. I think it's a great place to have something like this, and it's important for the farmers in our area. It's important for the corn growers for people to make a living, and a lot of people do the secondary jobs off of a livestock operation, keep a lot of farmers, people that probably can't afford... that love the farm, but can't afford to farm at full-time basis and have other jobs, but it keeps them in operation and I would appreciate a 'no' vote on this Bill. Thank you."

Speaker Brunsvold: "Mr. Clerk, announcement."

Clerk Bolin: "Attention Members, the Rules Committee will meet immediately in Room 300. The Rules Committee will meet immediately in Room 300."

Speaker Brunsvold: "Mr. Hartke, you've spoken in debate, are you requesting a verification?"

Hartke: "Yes, should this Bill receive the requisite number of votes, I would request a verification."

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Speaker Brunsvold: "Further discussion? The Gentleman from Winnebago, Mr. Winters."

Winters: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Will the Sponsor yield?"

Speaker Brunsvold: "The Sponsor yields."

Winters: "Representative Smith, do you have any idea what area of the state probably has the most erosive soils, and as a result of that, the highest concentration of livestock facilities in the state? Do you have any idea where that area might be?"

Smith: "I assume that it might be close to your district, Representative?"

Winters: "That's a pretty good estimation. It's the northwest corner of the state, the unglaciated area, relatively thin soils, quite erosive. One of the results of this Bill is probably to make Illinois an even less attainable area for soil erosion control, because you're going to drive the livestock industry out of six counties. When we look at the accompanying map that Representative Noland had, if you'll look at the orange and the red and, in most cases, the green areas in those counties, because those green areas are the flood plains, these counties, this corner of the state will not be allowed any new livestock facilities, whatsoever, under the regulations as you've drawn them."

Smith: "Representative Winters, I think it's unfair to say that we're driving livestock operations out of that area..."

Winters: "If you do not allow expansion of..."

Smith: "... we're talking about..."

Winters: "... the family farm..."

Smith: "New facilities and we are allowing..."

Winters: "...you're up to 50%. I understand that, but for a farmer that has a second son, wants to 'extensify', to

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really make a livestock operation, one that works on his farm, just because they have an existing operation, you're going to limit him to no more than 50% expansion. No new facilities, whatsoever. Is that correct?"

Smith: "Representative Winters, I've been told that if you had a hog operation, the 50% expansion would be equivalent to going from three thousand head of hogs to 11 thousand head of hogs. That's a pretty substantial expansion that would be allowed under this Act."

Winters: "Okay, eleven thousand hogs is pretty much a bare minimum for a full-time operation today. So, the idea of a second family deriving their income off of that, you can forget about it. This map illustrates it. Six counties in this state, will have no opportunity for new facilities, whatsoever. It is a very agriculturally intensive area. The dairy operations, the beef operations that use forage off those hillsides will not be allowed to expand. Where's the market going to be for the foragers that control the soil erosion? They're not going to be in Illinois, under this law. You need to have some type of way to engineer around this problem. If you have bedrock material, if you have aquifer material close to the surface, you have got to allow some type of engineering system that it would allow them to come in. If we, in fact, pass this Bill, we're going to give a signal to Illinois agriculture, you can forget about livestock production in the future. Illinois doesn't want you. Go to Wisconsin, go to Iowa, go to Nebraska, but you're not welcome in our back yard. There are many areas of the states that... of this state that would perfectly, adequately support animal agriculture. Northwest Illinois is one of those areas and without some type of bypass mechanism, built into this I cannot support

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the Bill. Representative Noland spoke about the ethanol industry, and how strong that is in Central Illinois, however, one of the major by-products of ethanol production is the distilled or dried grains; the non-alcohol portion of that corn. The only market for that is livestock, so, even the Central Illinois, the great grain desert that we talk about downstate with corn and soybeans, they have lost the market for the distilled or dried grains that have to go through ruminant animals. I think you're going to hurt the people down here just about as badly as the ones that you're not going to allow to expand into in the animal agriculture. Do you have any provisions for allowing an engineering system as an alternative? Is there any provision in your Bill or any indic... any promise that you will come back and say that even if you're in these aquifer bearing material areas, that we will allow an engineered system, one that would pass USDA or USEPA requirements that would allow you to build close to that sandstone, limestone, or sand and gravel aquifer materials if it's engineered properly. Under the present Bill, I don't believe there's any provision."

Speaker Brunsvold: "Is that a question, Mr. Winters?"

Winters: "Yes, the question was..."

Speaker Brunsvold: "Mr. Smith..."

Winters: "Are there any provisions in this Bill that would allow, other than an outright prohibition, if you're within five feet of the bottom of your facility, whether it's a pit, whether it's a lagoon, whether it's just a poured concrete slab, is there any... with a slurry store on top, is there any provisions, if you're within five feet of the aquifer material for allowing a USDA or a USEPA approved system that may be able to handle chemical waste, highly, highly

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dangerous chemicals that we would allow on that type of soil, but we won't allow hog manure. Is there any provisions to allow a bypass?"

Smith: "Yes Representative, again, up to 500 animal units, yes, they could construct there."

Winters: "Well, you and I both know that 500 animal units is not going to support a farm family, and probably isn't even economical to put in."

Smith: "Representative, again, the genesis behind these restrictions is that we feel there are certain areas in the state that are environmentally sensitive that we should have some additional precautions against, either the construction, or the expansion of new facilities."

Winters: "Additional precautions is one thing, but an outright prohibition, which is what you've caused in my county and five other counties in the northwest corner, you have basically outlawed any expansion other than an existing facility within certain parameters, but any new buildings, any new operations, or expansions beyond 50%. Let me close with one thought..."

Smith: "Over 500 animal units, Representative Winters."

Winters: "I understand and I'm saying that nobody's going to be putting in 500 or less animal unit facilities because they're uneconomical. Let me close, to the Bill, with one comment. This is written, carved in granite on the University of Illinois campus. It says, on the main quadrangle, 'The strength of Illinois lies in its soil and its wealth and in its intelligent development.' Without the soils of Illinois and the development that we have seen over the last 150 years, we would not be the wealthy state that we are. I think this Bill goes too far and it, in fact, is impinging on intelligent development. I urge the

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defeat of the Bill."

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

Silva: "I just wanted to say a few comments and provide some information to Representative Black. On a number of occasion, he bashes Mexico and what I did want to tell him is that I know that he is concerned about the small farmer, and, I wanted to let him know that Mexico is the second largest trade partner to the U.S. and to the State of Illinois. And, in fact, there are many initiatives that downstate farmers have with the State of Metrican in Mexico and I would also like to tell him that, actually, food comes from all over the world, not just Mexico. And I think that we have to do a better job with the FDA in ensuring that food is safe from all countries. Thank you."

Speaker Brunsvold: "Is there discussion? The Gentleman from Jackson, Mr. Bost."

Bost: "Thank you, Mr. Speaker. I'd just like to echo what Representative Noland said. You know, I think we should do something to make sure there're certain guidelines in place. I do believe that we should make sure that the mega, true mega hog farms, or the mega farms, because remember we're not dealing with just hogs. Unfortunately, this, this whole issue has been tied up with the fact it's hogs. It's not just hogs. It's sheep. It's cattle. It's chickens. It's every product that we produce in this state as far as livestock is concerned, and we're drafting this legislation, and we're doing it in a process that Bill Black explained very clearly, that is being done politically, not using the committee that was created to handle these type problems; handling it from the people that understand the issue. It was taken out of their hands and then played politics with. We have... It's an

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embarrassment to watch how this was done. We do need to do something. This Bill is not the answer. The map that was distributed around here a while ago takes one of my counties, one of my counties that has family farms, that are close, that are close on the 500 animal unit numbers. The 500 animal unit numbers which, when we worked on this Bill before, 1,000 animal units was right. Now, we come back and it's 500. Next week is it 250? When do we finally get to the point, you know, if you have any livestock at all? Is that what we're going to do? I agree that we should have certain guidelines in place. I think that the legislation that we passed before started in the right direction. I do not believe it's right to take whole counties and cut them out of the ability to operate family farms; and according to that map, that's what you've done to a couple counties. I think the legislation needs to be continued to be worked on. I do not think it's ready at this time, and I would encourage a 'no' vote."

Speaker Brunsvold: "Further discussion? The Gentleman from Kankakee, Mr. Novak."

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

Speaker Brunsvold: "The Sponsor yields."

Novak: "Mike, I know this process has been going on a long time. It started a couple years ago, and I know the Bill has been amended a number of times and I know there are sides staked out on each side of the issue. I got a couple questions I want to ask you first. I presume the Farm Bureau is still opposed to this Bill, is that correct?"

Smith: "That's correct."

Novak: "Okay. Could you, since this Bill..."

Smith: "The State Farm Bureau."

Novak: "The State Farm Bureau. There may be some local farm



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bureaus that are for it."

Smith: "That's right."

Novak: "Are they regionalized Farm Bureaus? Are they from certain parts of the state? Maybe western Illinois or where?"

Smith: "I'm not certain how many, Representative Novak. Certainly it's been an important issue in central and western Illinois."

Novak: "So, it's evident there is a difference of opinion between some local farm bureaus and the State Farm Bureau, is that correct?"

Smith: "That's correct."

Novak: "Okay. And how many times... How many Amendments are on this Bill?"

Smith: "There are three adopted Amendments on this Bill."

Novak: "Three adopted Amendments."

Smith: "That's right."

Novak: "And so, can you tell me that each Amendment that you have adopted has modified the existing provisions prior to the adoption of the Amendment. Is that correct? Is that the subject of..."

Smith: "That's correct."

Novak: "... subject of more meetings and..."

Smith: "That's right."

Novak: "...things like that."

Smith: "We have continually tried to address concerns. Amendment #1 is the underlying language. Amendments #4 and 5 were an attempt to address concerns raised on this floor."

Novak: "Okay. Well, Representative Schoenberg asked me to ask you this question. Does the Jewish Federation think this Bill is kosher?"

Smith: "We haven't heard from the Jewish Federation. The

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Catholic Conference does support our initiative."

Novak: "Okay. All right. Could you delineate for me, in a few words, what is the opposition from the State Farm Bureau? Provisions of the Bill, in general concepts, because of state control or local control, or what?"

Smith: "I think they have some concerns about the statewide citing criteria that we have in here."

Novak: "Did you say citing? Okay... Does the Bill still... will the Bill still allow the County Boards to..."

Smith: "No."

Novak: "No, that has been removed."

Smith: "That's right."

Novak: "Okay. What... now what do you mean by siting? What does it say in the Bill about siting?"

Smith: "Statewide prohibitions where we have identified areas that we think are environmentally sensitive."

Novak: "Okay. All right. So, they object to that."

Smith: "That's right."

Novak: "What else do they object to?"

Smith: "They also object, I believe, to the language with regard to the most limiting nutrient factor on the application of the waste. We have made that to be the most limiting factor which, in a lot of cases, would probably be phosphorous. I think they have objection to that."

Novak: "I can't... Mike, I can't hear you."

Smith: "They're objecting to our language having to do with the application of the waste. We want..."

Novak: "You mean like with a manure spreader or an aerial application?"

Smith: "That's right."

Novak: "Things like that?"

Smith: "That's right. We want to say that that application and

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the rate of that application would be based on a most limiting nutrient factor, which, depending on the soil would, in a lot of cases, would be phosphorous."

Novak: "Okay. Right."

Smith: "Currently, it's a nitrogen factor."

Novak: "I understand. What about the regulation of the lagoons. That's in there. That's in the Bill, correct? All right."

Smith: "That's in the underlying law."

Novak: "Right, now there's a new concept out. They're called waste pits. Have these... has that been included in the Bill?"

Smith: "That's right, and That was one of the major points when the 'Central Illinois Six' started out, because those facilities are not included in the existing law."

Novak: "Okay, now let me..."

Smith: "That's one of the most important things we've got to do."

Novak: "Let me stop you right there. Is the Farm Bureau, the State Farm Bureau opposed to the regulation of the waste pits, in addition to the lagoons?"

Smith: "No, they're not. I think they realize that those facilities need to be included... in this sort of law."

Novak: "Okay. I just wanted to make that clear because, I, for some reason, I thought I heard that the Farm Bureau was opposed to the regulation of the waste pits and not the lagoons. Okay."

Smith: "That's not true."

Novak: "What about financial assurance. Is the Farm Bureau opposed to the requirements of financial assurance, should one of these facilities go bankrupt?"

Smith: "Not the concept, no."

Novak: "No, they are not. Okay. So, what you're trying to say is that, philosophically, there is a difference with the

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Farm Bureau because of the question of control, and the question of what parts of the state might pose a alleged danger to the groundwater supplies and other environmental factors. Okay. Thank you very much."

Speaker Brunsvold: "Further discussion? The Gentleman from Knox, Mr. Moffitt."

Moffitt: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I just want to say that our original objective, and continues to be, was... is to protect the environment, protect our groundwater, to protect property values, and still have an environment that the pork industry can operate satisfactorily in. We recognize that pork production has been, and continues to be, very important in Illinois. Some of the other speakers mentioned their enthusiasm for agriculture. I certainly share that. I am a farmer, and I share that enthusiasm, and I would thank the Decatur Economic Development Committee for providing that lunch, which I ate the entire sandwich, and I really appreciate that, including the bacon. We appreciate getting that. This, our proposal, you know, it was not our decision where... what committee it went before. So, it wasn't anything that we requested. It's the concepts that we've been wanting to advance. This legislation does include some other items. Grain inspection and meat inspection in the Grain Code and it's important that that language pass this session. I think it's important that you realize that no existing facility... this legislation is not going to change provisions for an existing facility from the standpoint of the size of that operation or the location, and they can continue to expand up to 50% of their current size. So, there would continue to be expansion in the pork industry in Illinois. There have

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been indications that in a county, it was in Fulton County, and whether the... what's been presented is correct or not, but that a very, very large facility is being planned there, and under a current law, and I don't mean that those that are proposing it are even trying to get in under loopholes, but under the current law, those would be viewed as separate facilities instead of one common facility, even though there's going to be a common owner involved. This legislation addresses that to try to close some of those loopholes, and I think the industry is in support of that concept. This legislation also says that we should report all livestock waste spills. The legislation that we passed last fall only addresses spills or releases that occur from a lagoon. This would take care of all spills and certainly the concern in how we handle waste that's been released by accident; whether it's from a lagoon, whether it's from spreading equipment, whether it's from a slurry store or pit, the same impact would occur on our environment. So, I think it is important that we report all those spills. So, if you agree with that, then you should be in support of this legislation. We also feel that over a certain size facility should be inspected. It is our intent, had we... had this come up and if we'd known for sure the procedure it was going to follow, that in certain areas that have been described as sensitive, that those are areas that probably an earthen lagoon should not be used, but there would be provisions, siting provisions, where a facility that would not be subject to damage by flooding, or if there was a condition there or sinkhole or whatever, a facility such as a slurry store, perhaps that's what could be used in those areas. The intent is not to totally exclude them, but to say that there are certain types of

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facilities that should be used. This does address many of the concerns that have been raised by our constituents. Again, those that are advancing this were very much in support of agriculture, but we're just... we have a concern for our environment, and I want to be sure that that's protected, and certainly producers do too. When producers are putting livestock waste on, it's important to them that they're putting in on at the right rate so that they can raise a good crop following that application. Well, I think this does address many of those concerns. The release of spills, the reporting of spills, and the inspection, closing loopholes for separate facilities. I urge you to consider that. I believe you should cast a 'yes' vote to... really to protect our environment and make regulations that are proper for this industry. Thank you."

Speaker Brunsvold: "Mr. Black."

Black: "Thank you very much, Mr. Speaker. I've spoken on the question, but my name was used in debate and I'd like to respond to that, if I might."

Speaker Brunsvold: "Proceed."

Black: "Thank you. I... to my colleague on the other side of the aisle. I certainly, if I... if I made a remark that was construed as showing disrespect to the country of Mexico, I apologize. That certainly was not my intent and I'll review the transcript. I don't think I did. Keep in mind that it was the agricultural community in Illinois who were some of the biggest supporters of NAFTA. I was not that big a supporter of NAFTA, but the agricultural community was. The fact remains is that the country of Mexico is a good trading partner of our agricultural interests and vice versa. My only point was that... my fear is if, we do not adopt some commonsense regulations on our agricultural

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industry, we could become dependent on our very food supply from foreign markets and I don't mean to denigrate any foreign market, but I don't think that is in the best interests of the State of Illinois. We have an active agricultural interest. I want to make sure that it continues to be. But if I, indeed, cast any negative implication on our trading partner, our good neighbor to the south, I certainly apologize, Representative, I would never do that intentionally."

Speaker Brunsvold: "The Gentleman from Kendall, Mr. Cross."

Cross: "Thank you, Mr. Speaker. I move the previous question."

Speaker Brunsvold: "Mr, Cross has moved the previous question.

All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the question's been put. Mr. Smith to close."

Smith: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. We have an important opportunity with the passage of this Bill, to send a message from this Body that we care about those issues that Representative Moffitt just discussed. We care about the environment, the protection of water quality. We care about the quality of life for rural citizens, and we care about pork production in Illinois. I share Representative Black's enthusiasm for agriculture in our state. We come, the 'Central Illinois Six' come from an agricultural area. We represent rural districts as well as urban districts. We realize that agriculture is a very important part of the Illinois economy. We realize that pork production is a very important part of the Illinois economy. And we want to seek that common ground that Representative Black spoke about in allowing the pork industry to continue to grow in Illinois, and to be economically feasible, but at the same time, realizing there are serious environmental concerns that

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must be addressed in order for that to happen. We believe this legislation does that. We have not politicized this issue. The 'Central Illinois Six' is a bipartisan group. It's a bicameral group. We've been working for a long time on this issue. We feel that this language adequately addresses many of the concerns that have been raised to us by our constituents. We want to continue to work with the Senate Sponsors to see that we can do something positive to protect the environment, to protect the concerns of rural citizens, neighbors of facilities, and also to help the industry, as well. We feel this legislation does that. I ask all of my colleagues, whether they be... whether they represent rural districts, agricultural districts, suburban districts or city districts to join with us in taking this bold step, to join with us in making sure that this issue stays alive so that we can continue to work with the Senate Sponsor, with all the groups involved to make sure that we do something this spring. Please vote 'aye' on this Bill."

Speaker Brunsvold: "The Gentleman has asked for the passage of Senate Bill 1707, and on that question, those in favor should vote 'aye'; those opposed should vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Record yourself. There has been a verification requested. Have all voted who wish? Mr. Clerk, take the record. Mr. Hartke has requested a verification. Do you persist?"

Hartke: "That's okay, we'll let her go."

Speaker Brunsvold: "The Gentleman has withdrawn his request for a verification; and on this question there are 72 voting 'yes', 44 voting 'no', 1 voting 'present' and this Bill, having received a Constitutional Majority, is hereby declared passed."



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Speaker Brunsvold: "Mr. Clerk, Committee Reports."

Clerk Bolin: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measures were referred, action taken on May 13, 1998, reported the same back with the following recommendations: 'direct floor consideration' for House Amendment #2 to Senate Bill 445; House Amendment #3 to Senate Bill 1280; House Amendment #1 to Senate Bill 1505; House Amendment #3 to Senate Bill 1567; and House Amendment #1 to Senate Bill 1867."

Speaker Brunsvold: "Mr. Clerk, what's the status of Senate Bill 1599?"

Clerk Bolin: "Senate Bill 1599, the Bill is on the Order of Senate Bills-Third Reading."

Speaker Brunsvold: "Has the Bill been read a third time? Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 1599, a Bill for an Act to amend the School Code. Third Reading of this Senate Bill."

Speaker Brunsvold: "Mr. Winkel."

Winkel: "Thank you, Mr. Speaker. Senate Bill 1599, in the underlying bill, it would require the State Board of Education to annually do a financial audit of the education service centers in suburban Cook County, just as we do financial audits for the Regional Offices of Education. In addition, the Bill further provides that state aid... it clarifies that state aid will follow students in the Truancy Alternative and Optional Education Programs. In addition, it also clarifies that Regional Offices of Education, the Regional Superintendents, may contract with local school districts and community colleges for their Alternative Education Programs. In addition... in addition, it provides for a funding formula for the

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Regional Safe Schools Program, and this funding proposal has been negotiated by the Alternative Education Work Group, both in the Chicagoland area, suburban Cook, collar counties, downstate. It's a consensus formula and I'd ask for your favorable vote for Senate Bill 1599."

Speaker Brunsvold: "The Gentleman's asked for the passage of Senate Bill 1599, and on that question is there any discussion? The question is, 'Shall Senate Bill 1599 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question there are 116 voting 'aye', 1 voting 'no', and 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Phelps, for what reason do you rise?"

Phelps: "Thank you, Mr. Speaker. I move to re-refer Senate Bill 560 back to Rules for further consideration."

Speaker Brunsvold: "Mr. Phelps has requested to re-refer 5... Senate Bill 560 to Rules. Is there leave from the House? Leave has been granted and it will be so ordered, Mr. Phelps."

Speaker Brunsvold: "The Gentleman from Vermilion, Mr. Black, for what purpose do you rise?"

Black: "Yes, thank you very much Mr. Speaker. I have filed the appropriate Motion in writing and pursuant to Rule 18(g), I move that the Rules Committee be discharged from further consideration of House Bill 3615. That's the middle class tax relief issue. Now we can give relief to hogs, and we can give relief to dogs, let's give relief to property taxpayers by increasing the deduction on their income tax. We'd ask that House Bill 3615 be immediately discharged from Rules and be advanced to the House for immediate

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consideration. I'm joined by every Republican on my side of the aisle, asking for a vote, a Roll Call vote on the issue. Let's get to some middle class tax relief for once. Please, Mr. Speaker, bring the Bill forward. Let us have a vote on it."

Speaker Brunsvold: "The Gentleman has moved pursuant to Rule 18(g) to discharge House Bill 3615 and on that question is there any discussion? The Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker and Members of the House. I believe the Gentleman requires unanimous consent for his Motion to succeed and I object to the Motion. I do so on a variety of grounds. First of all, this relief is targeted not to all the people of the State of Illinois, all the income taxpayers, my understanding is that about 60% don't take advantage of this opportunity. Why? Because they're renters. Why? Because they're not people who are responsible for the property tax Bill directly. This is for the wealthy, people whose houses are worth up to \$500,000. Now, I saw in the newspaper that Representative Black's Leader is now on record in favor of a fair program of tax relief, one that might increase the standard exemption for everybody who pays income taxes in the State of Illinois; for the children of Illinois as well as their parents. So I would suggest, Speaker, and Members of this House, that what we're about this afternoon is exactly what we've been about for the last several weeks, and that is foolishness and folderol on the House floor, a little grandstanding, a little carrying on just for its own sake; not because people are interested in moving the discussion and the issues further forward, but because they want to grandstand for the folks back home. So again, I object to the Motion

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and I would hope that we could move on to the real business of this House."

Speaker Brunsvold: "Lady's point is well taken. The Motion is out of order. Mr. Black."

Black: "Mr. Speaker, if the Motion is Out of Order, then why didn't she just object? She pontificated for three and a half minutes against the very Bill we want discharged. In all due respect to the Majority Leader, the... increasing the exemption, while it certainly may be a debatable issue, will save the average taxpayer in Illinois about \$6 a year. Doubling the property tax credit on your income tax could save the vast majority of taxpayers in the State of Illinois upwards of \$150 to \$200 a year, and as inflation goes up, the savings will be even greater. And I thought that's what we were all about, to give tax relief to those people who own property. Don't tell me renters don't pay property taxes. I've been a landlord, those property taxes are figured into that rent. For crying out loud, it's one thing to object, it's another to pontificate against the Bill. If she wants to stand in opposition on a Roll Call, let her put that vote up there. I... I... I... If you'll just do pursuant to Rule 49 and the Constitution, we are allowed a roll call vote on this question. Why won't you allow the Minority, as well as I suspect some of the Majority, to record their vote on an issue of tax relief. Put it up there. If she votes no, I have nothing else to say, it requires unanimous consent. But I don't know that it's not unanimous consent until I see a roll call. Give us a roll call. Give us tax relief. Give us tax relief."

Speaker Brunsvold: "Thank you, Mr. Black. The Motion is still out of order. Mr. Cross."

Cross: "Thank you, Mr. Speaker. First of all, I move to override

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the Chair. I mean with \$6 savings, I can barely buy any colas. So I would like to move to override the Chair."

Speaker Brunsvold: "Mr. Cross has moved to overrule the Chair. The question is, 'Shall the Chair be sustained'? Those who support the Chair vote 'yes'; those opposed to the Chair vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. There are 60 voting 'yes'; 58 voting 'no', and the Chair has been sustained. On page 15 of the Calendar appears House Resolution 390, Mr. Lopez. Does not wish the Resolution called. On page 5 of the Calendar appears Senate Bill 1627. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1627, a Bill for an Act relating to Higher Education. Third Reading of this Senate Bill."

Speaker Brunsvold: "The Gentleman from De Kalb, Mr. Wirsing."

Wirsing: "Thank you, Mr. Speaker, Members of the House. Senate Bill 1627 simply is dealing with the University of Illinois at Chicago. If you remember back in 1996, we allowed the University of Illinois to develop a portion of land south of their campus. What this Bill does is it simply squares off that piece of property and then it is bordered by streets and railroads. That's simply all the Bill does and would ask for your consideration."

Speaker Brunsvold: "In the back of the chamber on the Democratic side of the aisle, appears former Representative Bru... Bruce Richmond, and Monroe Flinn, and Representative Hensel on the Republican side of the aisle. Hey, welcome back. Mr. Wirsing has asked for the passage of Senate Bill 1627. Is there any discussion? The Lady from Cook, Representative Erwin."

Erwin: "Thank you, Speaker. I, too, rise in support of Senate Bill 1627. I also believe that there is a portion of this

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Bill that deals with matching grants on research, that particularly research institutions in this state that have the capacity to attract federal dollars for technology research and agricultural research, medical research, frequently find that while they raise money from the private sector to do part of the match, that in most other states there is a state match that also assists in drafting... in attracting, rather, federal dollars. So, I think that this is a critical part of Senate Bill 1627 that will also, I think, bring a lot more federal dollars in to the state, and God knows, I think we're still almost dead last. So, I would certainly urge your support of Senate Bill 1627."

Speaker Brunsvold: "Further discussion? Seeing none, Mr. Wirsing to close."

Wirsing: "I would just ask for the Member's support of this Bill. It's, as Representative Erwin has already indicated the other aspects of the Bill, it is important to move it on through and make it an Act. I would ask for your favorable consideration."

Speaker Brunsvold: "Just for old time sake, Mr. Monroe Flinn. Monroe, would you care to move the previous question just for old time sake? Mr. Monroe Flinn at Mr. Phelp's desk."

Flinn: "Mr. Speaker, I moved the previous question about four years ago."

Speaker Brunsvold: "Aah... warms the cockles of my heart, Mr. Flinn. Mr. Wirsing has asked for the passage of Senate Bill 1627. All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question, there are 117 voting 'yes', 0 voting 'no', 1 voting

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'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 5 of the Calendar appears Senate Bill 1500, Mr. Reitz. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1500, a Bill for an Act amending the Kaskaskia Regional Post District Act. Kaskaskia... Kaskaskia Regional Port District Act. Third Reading of this Senate Bill."

Speaker Brunsvold: "The Gentleman from Randolph, Mr. Reitz."

Reitz: "Thank you, Mr. Speaker. This Bill will allow the Kaskaskia Port District the ability to install water lines, sewer lines, is the main intent of the Bill, and help us on economic development and allow them to recoup costs at a later date if we put some in that spot. There is also, the Amendment sets up a revolving loan fund for various port districts throughout the state. It will also help us in economic development and I'd appreciate an 'aye' vote."

Speaker Brunsvold: "Gentleman has asked for passage of Senate Bill 1500. And on that question is there any discussion? Gentleman from Vermilion, Mr. Black."

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

Speaker Brunsvold: "State your inquiry."

Black: "What Amendments are on the Bill?"

Speaker Brunsvold: "Mr. Clerk, review the Bill for us please."

Clerk Bolin: "Amendment #1 was adopted in committee. Amendments #2 and 3 were adopted on the floor."

Black: "So, Committee Amendment #1, Floor Amendment #2 and #3 are on the Bill?"

Speaker Brunsvold: "That's correct."

Black: "All right, will the Sponsor yield?"

Speaker Brunsvold: "Sponsor yields."

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Black: "Representative, is there a... currently a port authority, or a port district in the area that this Bill impacts?"

Reitz: "Yes, Kaskaskia Port District runs... is a port authority on the Kaskaskia River running from Fayetteville into the Mississippi River."

Black: "Now, I thought we just outlawed pork districts, or is this port with a "t", not pork with a "k"."

Reitz: "I believe so..."

Black: "Okay, alright..."

Reitz: "Unless they had an Amendment on there we didn't see on the last one."

Black: "You get so confused. Your Amendment #3, if I understand this correctly, this says that a port district could provide its own utility system, electricity, gas, et cetera."

Reitz: "Amendment #3 clarifies actually Amendment #1. The main intent of the Bill is to allow the port district to put water and sewer in and recoup costs at a later day. Amendment #3 excludes... it's a some part electric and gas service, and it says that any utility in that area will give them a... basically give them a bid on that and a quote on that within 30 days, or then they would be able to go forth and get a private contractor to install electric or gas."

Black: "In the underlying Bill, are you giving the port district any quick-take authority to acquire land?"

Reitz: "No, Sir."

Black: "Would a port district have the right of eminent domain under Illinois law?"

Reitz: "Yes."

Black: "How many port districts are there? I really have no idea."



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Reitz: "Thirteen, I believe."

Black: "All right, now I assume by it's name, does this involve shipping by water route? Is that it's purpose and sole purpose or could it also be surface transportation, i.e.; trucking, rail?"

Reitz: "Excuse me?"

Black: "Yeah, it... this port district is... I assume it's on a river?"

Reitz: "Yes."

Black: "What river might that be?"

Reitz: "This one's on the Kaskaskia River."

Black: "Oh that's probably why it's called the Kaskaskia Port District, huh? That's right."

Reitz: "More than likely."

Black: "All right. Does it... the powers and enumerated to the port district, does it only involve the shipment of goods by watercraft?"

Reitz: "Yes and also takes in, you know, whatever transportation is needed to get that product to and from the market."

Black: "All right, so are there tax incentives granted under port district legislation?"

Reitz: "Not to our knowledge. Not a portion of this Bill."

Black: "What is the purpose of... what's the purpose of your Bill then? I don't really understand what it is you are trying to accomplish."

Reitz: "The main purpose, we want to give them the ability to.... presently under law they are not... they are not able to make infrastructure improvements, and then recoup the money later on if when they... if they put in say a water line or... and that's the... they have a few industrial prospects that need water at the site and their feeling is if they are able to install the water and sewer to those

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various industrial sites, it will improve the attraction for those sites, and then this Bill allows them to do that and recover the cost later if we're successful in bringing in industrial development."

Black: "Okay. How does the port district get the money to make the improvements and or acquire land or property? Where does the money come from?"

Reitz: "Well, one portion would be if we're with the Revolving Loan Fund, if we have any money allocated for that, would allow them to do that. But they have various other sources of funds. I think they have... I believe they have taxing authority and I believe they have..."

Black: "Okay. That's what I wanted to get at."

Reitz: "Other ways to raise revenue."

Black: "Taxing authority on property?"

Reitz: "I believe so."

Black: "What kind of oversight authority is on this port district? Do they have to go out for a front door referendum? They want to acquire property or raise their taxes?"

Reitz: "Yes. As far as I know they do."

Black: "Would a... are the levies... are the levies and the rates from a port district covered under a property tax cap? You can't circumvent the tax cap?"

Reitz: "Would be in counties that a..."

Black: "That have it. Sure."

Reitz: "Have property tax... have..."

Black: "Okay. The Revolving Loan Fund that you mentioned, is that from the State Treasury?"

Reitz: "It's set up right now where it would be administered by the Department of Commerce and Community Affairs, and the funding would come from from this Body in some aspect"

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Black: "All right. So we would have to appropriate the money?"

Reitz: "Yes."

Black: "Of the 13 districts you mentioned that are in operation, are they evenly distributed throughout the state, or are most of them in and around Lake Michigan, et cetera?"

Reitz: "I would assume they are evenly distributed among the state on various bodies of water."

Black: "Representative, as a downstater you better be... you better be sure that they are evenly distributed, cause if you vote to send... you know give additional authority to port districts and they are all up north, members of your district aren't going to be happy with you."

Reitz: "There's at least six or seven that we can think of in southern Illinois that are there."

Black: "Is there one on the Kankakee River by any chance?"

Reitz: "That Amendment failed..."

Speaker Brunsvold: "Excuse me, Gentlemen. In the center aisle is former Representative Fred Tuerk on the Republican side of the aisle. Welcome back, Fred, and also in the center aisle is my... the Chair's former seat mate, Jesse White. Representative Jesse White. Continue Mr. Black."

Black: "Thank you. Representative, set my mind at ease on how these districts operate with tax dollars. Is there a board, is there an elected board or an appointed board to oversee the operations?"

Reitz: "There's a bipartisan board on the Kaskaskia Port District at least. I know there is a 15 member board. It's bipartisan, appointed by the Governor."

Black: "All of the members are appointed by the Governor? There are no local appointments?"

Reitz: "That's correct."

Black: "I would assume, and correct me if I'm wrong, I would

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assume that they all would have to live within the boundaries of the port district."

Reitz: "Yes. The counties that surround the port... the river in this case."

Black: "Okay, do you have any... what was the Kaskaskia port district's budget last year, just in rough figures? Do you have any idea?"

Reitz: "No. I can find out. I'll find out for you..."

Black: "Yeah, if you'd find out I'd appreciate it because if they operate on tax money, Representative, I know that you are willing to stand with us on middle class property tax relief. And It's going to be an important issue when that big boat comes into your Kaskaskia port, if the property owners are subsidizing or paying for that operation, they're going to want that property tax provision as embodied in a Bill that we'd like to act on sometime before we adjourn, and I'm sure that you'll help us with that at the appropriate time. So, I do appreciate your answering the questions, you've been very kind and indulgent. Thank you, Mr. Speaker."

Speaker Brunsvold: "Thank you, Mr. Black. The Chair would also like to introduce former Mem... form... former Member Peg Breslin, now a judge. Also, former Senator and House Member Clarence Darrow over here on the Democratic side of the aisle, also former judge or judge, and Senator Joyce Holmberg in the center of the aisle. Welcome back. Representative Silva, for what reason do you rise?"

Silva: "My button got stuck on the last Bill. It's a 'present' vote."

Speaker Brunsvold: "Thank you. Mr. Black."

Black: "Mr. Speaker, I rise to a point of personal privilege."

Speaker Brunsvold: "State your point."

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Black: "I was privileged to serve here when former Representative now Judge Breslin used to assume the Chair, and I can assure you if you would put her in the Chair we could get through this Calendar in the next 25 minutes. I remember how she used to run it. Those were the good days. We've been here all day doing a whole lot of nothing on a Calendar that doesn't amount to an index card 3 x 5. I know that most Republicans who remember her, and I'm sure all the Democrats, could we just suspend the House Rules, put Judge Breslin in the Chair. I'll guarantee you we'll get through this Calendar in 25 minutes. How about it? Let's go."

Speaker Brunsvold: "I agree with you, Mr. Black. I agree totally. Very good Speaker. Further discussion? Further discussion? Mr. Reitz to close."

Reitz: "Thank you, Mr. Speaker. One thing Representative Black talked about was ability and I answered...ability...levy property taxes. I know in the Kaskaskia port district does not have that authority within Randolph County, but I... but we assume some of them do, and I would join you in keeping that. But this Bill will help the river in my district and allow us to grow in economic development. I'd appreciate your support."

Speaker Brunsvold: "The question is, 'Shall Senate Bill 1500 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And On that question there are 117 voting 'yes', 1 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On page 4 of the Calendar appears Senate Bill 1224. Mr. Clerk, read the Bill."

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Clerk Rossi: "Senate Bill 1224, a Bill for an Act in relation to criminal law. Third Reading of this Senate Bill."

Speaker Brunsvold: "The Gentleman from Cook, Mr. Fritchey."

Fritchey: "Thank you, Mr. Speaker. Senate Bill 1224 is the product of a year's worth of work between Senator Dillard and myself, and a number of law enforcement and other agencies. What this Bill does in essence, is recognize the fact that use of a controlled substance in furtherance to certain crimes is every bit as egregious as use of a knife or a gun or any other weapon. Accordingly, if a controlled substance is found to have been used in a battery, a criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse or robbery, it will become an aggravating factor providing for higher penalties. In order to safeguard and protect the rights of victims, the Bill further provides that when there is reasonable cause to believe that an individual has been administered a controlled substance without their consent, that individual shall be given information regarding the nature and effects of such a controlled substance; how that controlled substance is usually administered, as well as an offer of testing as in a disclosure that the test shall also reveal all controlled substances or alcohol that may be in the victim's blood. The test is completely voluntary. That is set forth in the information provided to the victim, and the analysis will not and cannot be performed absent a written signed authorization form returned from the victim within 48 hours. Additionally, in an attempt to further safeguard the rights of victims, the Bill provides that no inference can be made about the fact that a victim did not consent to a test for the presence of controlled substances, should this trial... should this

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case go to trial. There have been certain concerns raised about this Bill and about the protection of victims rights, even the opponents of this measure agree that no victim shall be worse off than they are today under this Bill. And a large number of individuals will have further protections, and prosecutors will have additional tools as a result of this Bill. I would be happy to answer any questions."

Speaker Brunsvold: "The Gentleman has asked for the passage of Senate Bill 1224, and on that question is there any discussion? The Gentleman from Vermilion, Mr. Black."

Black: "Thank you very much, Mr. Speaker. Would the Sponsor yield? Well, Representative Fritchey..."

Speaker Brunsvold: "Gentleman yields."

Black: "Thank you. We've talked about this before. This Bill... this Bill has been amended, correct?"

Fritchey: "This Bill was amended to address concerns of the Medical Society as far as the obligations of emergency room personnel to notify victims of the availability of the test and the irrelevant information regarding the test."

Black: "Refresh my memory. Is this the Bill we talked about earlier today that the Coalition Against Sexual Assault has a problem with the Bill? Is that... is this the Bill?"

Fritchey: "This is the same Bill."

Black: "Okay. In other words, if the individual consents to the test and it shows traces of the controlled substance, but also shows traces of cocaine or marijuana, then it's my understanding that that can be used against that individual in a court of law bringing up a past history, if you will, which may render the prosecution less likely to get a conviction against the person who slipped the ketamine or somebody... something into this drink. Is that the concern

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that we're faced with?"

Fritchey: "The... the concern from ICASA is exactly what you've stated, that submission to the test may open the door to other issues that the victim would rather not have discussed because they aren't, in fact, relevant. That's why we have taken steps to make sure that the test is voluntary, that they do not have to submit to the test, that... that failure to submit to the test cannot be used against them at trial. And let me say, as we've discussed earlier, Representative, should a victim not seek to undergo the analysis, that that victim would be in the exact same situation that they are in today. And the prosecutors would still be able to prosecute for a standard criminal sexual assault, or criminal sexual abuse without using the... presence of the controlled substance as an aggravating factor."

Black: "Representative, there's a 48 hour exclusion in your Bill. I'm concerned that that may not be a sufficient period of time. The individual may have... may be in a state of denial for 24 hours, then talk with counselors, or friends, or family for 24 hours; then on the third day decide 'I want a blood test. I'm sure, I now recall that my companion must have slipped something into my drink and I want to prosecute.' If they go on the 50 hours after or 72 hours after the alleged offense, it appears that they have no recourse. They must do it within 48 hours according to your Bill, correct?"

Fritchey: "The 48 hours is from the time the sample was collected, not from the time that the attack is alleged to have occurred. And the 48-hour provision was actually put in as an accommodation, and part of the process that we have worked with ICASA."



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Black: "So it's the time that the clock starts to run on the 48 hours from the sample being drawn?"

Fritchey: "That's correct."

Black: "All right, so the 48-hour clock has nothing to do when the alleged incident may have occurred?"

Fritchey: "It has nothing to do with when the incident occurred. And for that very reason there are enough obvious traumas involved here that expecting and requiring somebody to have to make an important and informed decision, is not where our priority should be when we're trying to take care of that victim."

Black: "Okay, alright. Another concern that has been raised and I'll defer to your legal expertise. It appears that the reason that the Coalition Against Sexual Assault is concerned about the Bill is that if... if the individual says 'I consent to the test. I, within the 48 hours, I want the test to go forward. I believe that I was slipped ketamine or some other illegal substance in a drink which caused me to suffer sexual assault or rape.' Now, under the Bill, the test is then performed and the test shows that there are traces of cocaine in the blood system. So it stands to reason that the defense attorney would then say to the judge or the jury 'Well, Ladies and Gentlemen of the jury, this woman is an obvious abuser of narcotics, and she makes a claim of rape against my client. How... has no credibility. Look at this toxicology screen. We found traces of marijuana, we found traces of cocaine. How would she know what was slipped in her drink? She's an obvious drug abuser and I don't think you can find my client guilty.' What... is that a scenario that could occur?"

Fritchey: "That's a scenario that could occur, and that's something that is one of the issues that a victim would be

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apprised of beforehand. As I said, should a victim not choose to submit to the analysis, then we are exactly where we are today, and we can still continue with a prosecution for criminal sexual assault and criminal sexual abuse."

Black: "If I remember our conversation earlier, there is no way constitutionally or under existing case law, to shield the other illegal substances that the test may show. Is that correct?"

Fritchey: "It is constitutionally unworkable to be able to admit certain portions of the analysis while keeping out ..."

Black: "Okay."

Fritchey: "other portions of the analysis."

Black: "So, we could say that we've taken a step forward, and the person who wants to prosecute is no worse off under your Bill than they are currently at... but in fact, it may encourage prosecution of a more serious offense, and so I guess I... understand why they are in opposition but I don't know how to address their opposition, and It appears that there is no way to do that."

Fritchey: "I couldn't have said it better myself. I have made a continuing and very sincere promise to ICASA that if we can find a legal and workable mechanism to address their concerns, I will be the first one to help them do that. We are unable to find a way so far, nobody is worse off under this Bill, and there is going to be a lot of victims that are going to be much better off."

Black: "And it appears that law enforcement agencies are in favor of the Bill. Has the Bar Association taken a position?"

Fritchey: "The Bar Association, I do not believe, took a position on this. The Chiefs of Police, the State's Attorneys Office, the Attorney General's Office, the College Campus Law Enforcement Association, all the major law enforcement

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groups have come out in strong support of this..."

Black: "Okay."

Fritchey: "As you are aware, our Attorney General, Jim Ryan, has undertaken a task force which has done a world of good in enlightening the community in our state to the problems posed by this, and this is another mechanism for giving prosecutors an additional tool."

Black: "Representative, thank you. I appreciate your indulgence and your forthright answers. Thank you, Mr. Speaker."

Speaker Brunsvold: "Further discussion? The Lady from Cook, Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Will the Sponsor yield?"

Speaker Brunsvold: "Sponsor yields."

Schakowsky: "Representative, I'm trying to understand your intention which I'm presuming is to protect victims of date rape, et cetera. Is that... what is your purpose in bringing this Bill?"

Fritchey: "Nothing will protect victims. The intention of this Bill is to increase the penalties on individuals that will use controlled substances in furtherance primarily of sexual offenses; and recognizing that use of a controlled substance to render a victim helpless is every bit as wrong as use of a gun, or a knife, or any other type of force. In some cases even more egregious because of the sharp... nature of it."

Schakowsky: "But it would seem to me then endeavoring to reach that goal, that one would turn to those people who are familiar on a day to day basis with the real life circumstances of individuals who are victimized by this crime. And I'm really concerned that the premier organization in this state feels that the potential for

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further victimizing those who are already victimized, exists because of your legislation. I'd like your comment on that."

Fritchey: "Only three of approximately the 25 centers of ICASA in the state are in opposition of this. Because of those three centers opposing this, ICASA as a whole is opposing this. The overwhelming majority of their centers are not against this Bill. ICASA realizes that we have nothing but the best of intentions, and that this is a good Bill overall. And I'm not putting words in their mouth, and it's not my intention to do that, they would like something more to come out of this Bill, something which legally we can't do. I have sat with them, we are on the same side. I think if they look and view me as well as the rest of the individuals that have been working on this, as allies of them. We cannot address all of their issues as much as I would like to do that. There is a stigma that goes along with this crime. I can't erase that. I would love to be able to. This Bill will give us the ability in certain circumstances to inflict additional penalties on offenders. Now, I think ICASA and any other group that cares about victims rights are going to want to see individuals that commit this crime prosecuted to the fullest extent that we can."

Schakowsky: "Well, I would agree with that, and that's why I'm so concerned that they have officially... that they have opposed this legislation; but you talked about good intentions. My concern here is also that you say that the victims will not nec... first of all, that's it voluntary if they take the drug test. But if they do that it won't be used to prosecute, and I understand that the Cook County State's Attorney has said that he wouldn't go after that

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woman who has been victimized. But is there anything in your legislation that would protect that woman, that girl, from prosecution if there were controlled substances found?"

Fritchey: "All the law enforcement associations were steadfastly opposed to any type of hold harmless provision. And I, would... when you talk about deferring to experts on issues, those are experts that we deferred to on that issue. If a woman does not want to submit to the test, she finds herself in the same situation as she finds herself today."

Schakowsky: "However, what you are saying then is that in fact, despite what you say may be the good intentions, they could prosecute this victim of sexual assault?"

Fritchey: "Absolutely."

Schakowsky: "So, she could be she could be.... victimized again because she came forward, cooperated fully, got herself tested, and now she finds herself prosecuted."

Fritchey: "If she had a concern about prosecution because of something that may appear in her analysis, I would venture that she would say, 'I'm not going to submit to the analysis', and let's go and prosecute for criminal sexual assault of criminal sexual abuse, let's waive the ability to go after the aggravated charge, and she can safeguard herself that way. She is not going to be forced to undergo an analysis in order to go forward with her cha... with her rape charge."

Schakowsky: "No, I understand that, but you know, again, we're talking about real life situations. A young woman who's in a distraught a... situation is may not even be thinking clearly about all the options before her. Before she knows it, she's finding herself not only the victim of date rape,

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but also being prosecuted for having some substance... You know she may be underage and it may be alcohol, I don't know. And I think that is... that's the concern."

Fritchey: "If you are looking for something that's in the theoretical realm of possibilities, that's there."

Schakowsky: "Well, I guess the reason I say it's not so theoretical is that we're not talking about somebody putting drugs in tea at a tea party, that the real life circumstances here are it's a party. And people may be consuming alcohol or they may... you know that in fact I think it is more likely that the possibility that she could incriminate herself, than perhaps not, even if it's underage drinking. So my concern is that this Bill in many instances will do nothing, that it may discourage people from coming forward and making the accusation even where appropriate. No? Tell me why."

Fritchey: "I understand what you are saying. Respectfully, I very much disagree. There is nothing in this Bill that I see that has a chilling effect on any victim coming forward. What the tool is here, is do you prosecute as you do today or do you prosecute for an aggravated charge? There is nothing that makes it more onerous for a victim to come forward, there is no additional risk, any risk, that she would face here is one that she has a choice to avoid. Again, you... I think that you are treating prosecutorial discretion a little too lightly here. Dick Divine has come forward and said that he will not go after a victim in this situation. I have not been apprised of any state's attorney that said 'yeah, we will further victimize a victim. Is it a possibility? Of course it's a possibility, Representative. I've got more faith in our state's attorneys than that."

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Schakowsky: "Well, you know I feel... I understand certainly where you are going and I believe that your intentions are great. I'm not even sure yet how I'm going to vote on this, but I do know that I have heard from ICASA some concern that they think, some women think that their prosecutors, their state's attorneys, in fact, would go after them. So that has been raised even..."

Fritchey: "And if there was a concern, I would hope that Representatives from ICASA or from the social service providers or from the hospital would tell the individual, if you don't want to open yourself up to this risk, let's go forward with the prosecution. Under the regular laws as they exist right now, let's prosecute for criminal sexual assault, let's prosecute for criminal sexual abuse, let's not bring the blood analysis into this, let's not further risk... let's not risk further victimizing you more so than you have been already."

Schakowsky: "Thank you very much."

Fritchey: "Thank you for your questions."

Speaker Brunsvold: "In the center aisle is former Member former Representative John Daley&, my... also one of my former seat mates. Commissioner Daley. The Gentleman from Kendall, Mr. Cross."

Cross: "Thank you, Mr. Speaker. Representative Fritchey, I... you're always on the cutting edge of legislation and I think that's good, and so maybe you can answer this question. Given the improvements in the drug world of pharmaceutical companies like Pfizer, if my wife proceeded one night unbeknownst to me to drop a Viagra pill in my dinner, would she be liable under this Bill. Would she be charged with an aggravated offense?"

Fritchey: "For poor judgement?"

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Cross: "If I then consumed or digested the meat loaf or steak, whatever she happened to drop that Viagra in without my knowledge. Yes, can you tell me what happens?"

Fritchey: "That may be the deemed an act of necessity in that case. I... I couldn't tell you... I couldn't tell you..."

Cross: "See, one of the women Legislators should have asked this question."

Fritchey: "I couldn't tell you actually if Viagra is a controlled substance, but The Bill does apply to all controlled substances."

Cross: "So if it is a controlled substance and she doesn't have a necessity defense, she could be in trouble?"

Fritchey: "Yes, she could."

Cross: "All right, thank you for clearing that up."

Speaker Brunsvold: "Further discussion, the Gentleman from McHenry, Mr. Skinner."

Skinner: "Yes, would the Gentleman yield? Can you tell us who... can you tell us who produces the test that identifies the date rape... the date rape drug?"

Fritchey: "Mr. Speaker, I apologize, I can't, I can't hear you I'm sorry..."

Skinner: "Who produces the test that is capable of identifying the date rape drug?"

Fritchey: "The test would be a urinalysis screen, it would be done by the hospital. This is the same screen that they would run right now. It will not... it's not a test, excuse me. It's not a test to test specifically for a specific type of drug. It's a complete panel that will show all controlled substances, alcohol, et cetera."

Skinner: "Well, if there's a complete panel that means there's a potential of having a separate test. Does that test exist?"



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Fritchey: "Is there a test available that would test specifically for this drug?"

Skinner: "Yes."

Fritchey: "I'm unaware of that."

Skinner: "Well, then how can you identify it if there is no such test?"

Fritchey: "There is a test that can test for the presence of this drug as well as... well as all.... others. We are not looking at doing a test for one drug at a time. There are a number of controlled substances which could be used in furtherance of these crimes. A few of them have come to the public light of late, but we are not aiming at penalizing people who just use one of one, two, or three different drugs. Anybody that uses a controlled substance in furtherance of a sexual offense is going to be liable under this Bill. Any controlled substance."

Skinner: "Well, then the womens' groups that are objecting to not being given immunity from having controlled substances in their blood other than the date rape drug..."

Fritchey: "Correct."

Skinner: "This Bill could be narrowed..."

Fritchey: "It's not, It's not groups, I don't mean to interrupt. It's not groups plural. There is one group in opposition."

Skinner: "Well, it must be a really good group because it got to my... it got my ear."

Fritchey: "They are a very good group."

Skinner: "So, your Bill is going after any type of a controlled substance that is used to make a woman more receptive to sexual advances. Is that correct?"

Fritchey: "The primary thrust is with sexual... sexual offenses, however, the Bill covers battery, criminal sexual assault, predatory criminal sexual assault of a child, aggravated

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criminal sexual abuse, and aggravated robbery. But these are not crimes that by definition victimize only women."

Skinner: "Contained any controlled substance that some guy might think might make it easier to have his will with a woman, right?"

Fritchey: "Could you repeat that please, I'm sorry."

Skinner: "This is aimed only at controlled substances, right?"

Fritchey: "This's only... Yes, it just... it adds controlled substances. Right now a number of these provisions include other stupefying, debilitating substances but not controlled substances specifically. This adds controlled substances. Any controlled substance."

Skinner: "And that is more than just whatever this date rape drug is. Can you give us the scientific name of this date rape drug?"

Fritchey: "I... there's several out there. Gamma hydrochloricbutyric (sic-hydroxybutric) acid, Ketamine hydrochloride."

Skinner: "You won't mind if the transcription clerk comes and asks you how to spell those, will you?"

Fritchey: "That would 'ghb' ketamine. There's several others that are out there, but it's any controlled substance."

Skinner: "If you can find out who produces the test, I would surely be interested in knowing who that is."

Fritchey: "As I said, my understanding is that this Bill is not going to necessitate a new test. It is that the hospital would perform a urinalysis or a blood test just as they do already."

Skinner: "You have no reason to know this, but my mother, excuse me, my wife runs the medical laboratory at a hospital, and I'd just like to ask her tonight if she has this test. Thank you."

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Speaker Brunsvold: "Representative Ronen, for what purpose do you rise?"

Ronen: "Thank you, Mr. Speaker and Members of the House. If you could all give me your attention please, I would just like to on a point of personal privilege..."

Speaker Brunsvold: "Proceed."

Ronen: "Thank you, Speaker. I'd like to welcome to Springfield nurses from all over the State of Illinois. Many of us in this chamber, Representative Saviano, and myself especially, Representative Coulson have been working very hard to make Illinois the last day to finally acknowledge advanced practice nurses, and nurses have been here today, I know they've been visiting with you and I'd like us all to welcome nurses from everywhere in the state who day in and day out provide quality health care to all Illinois citizens."

Speaker Brunsvold: "Welcome nurses. The Lady from Kane, Representative Lindner."

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

Speaker Madigan: "Sponsor yields."

Lindner: "Yes, I just want to get this straight. The victim could still proceed under regular criminal sexual abuse or criminal sexual assault, is that true?"

Fritchey: "That's correct."

Lindner: "All right, but does she have a choice as to when the test is taken? I mean, can she take the test and then decide which either to proceed under the aggravated circumstances, or the regular criminal sexual assault and then not have that test go into evidence?"

Fritchey: "As you are aware, Representative, it's not her decision as to what the victim will be charged with. If she submits to the test, the test becomes discoverable

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evidence. She has 48 hours from the time the sample is collected to make a determination as to whether or not she wishes the sample to be tested."

Lindner: "So that if she submitted to the test, she has to say first that she wants to proceed under the aggravating factor."

Fritchey: "No, what will happen is she will be advised that they can perform this test to determine if a controlled substance was used, and that if the controlled substance was used, the prosecutors would then have the ability to seek aggravated charges as opposed to regular charges. Again, it's not the victim's determination as to what the offender's charged with."

Lindner: "Right. But if... then if the prosecutor chose to proceed under just regular criminal sexual abuse, could that evidence be used against her in that case?"

Fritchey: "Yes, it could."

Lindner: "So how does this not make women worse off when they have done nothing and are the victims of some kind of a circumstance of rape or sexual assault?"

Fritchey: "If she had any concerns about submitting to the analysis, then I would anticipate that she wouldn't sign the consent form. Mind you that is where we are today. The landscape after this Bill is such that no one is in a more compromised position than they are today, and several cases where people have additional protections that don't presently exist."

Lindner: "Did you discuss and maybe somebody else asked this question, it was very hard to hear, why there cannot be immunity for the victim?"

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

Lindner: "I said you may have discussed this, but it is very hard

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to hear in here. Why can there not be immunity for the victim?"

Fritchey: "Constitutionally, I think we would be... we would be troubled to immunize certain portions of evidence, or hold out certain portions of evidence while allowing other portions in. This was our discussion all along. Every law enforcement group was opposed to any type of hold harmless or immunity provision being placed in this Bill."

Lindner: "Well, why couldn't we... why couldn't you add to your Bill, Representative, that the victim would have immunity, even though that might be discoverable by the defense?"

Fritchey: "This was in deference again, to the state's attorneys, the Attorney General's Office, the Chiefs of Police. Every group was opposed to there being any type of hold harmless or immunity provision in this."

Lindner: "Okay, thank you very much."

Speaker Brunsvold: "Further discussion? Seeing none, Mr. Fritchey to close."

Fritchey: "Thank you, Mr. Speaker. In brief, this Bill has been a product of a lot of work. We have had nothing but intentions of strengthening victims rights and giving prosecutors additional tools to go against people that use this, means to commit these offenses, I respectfully request an 'aye' vote."

Speaker Brunsvold: "The question is, 'Shall Senate Bill 1224 pass?' All in favor vote 'aye'; all opposed vote 'no', the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question, there are 118 voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Parke, for what reason do

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you rise? Mr. Johnson, for what purpose do you rise?"

Johnson, Tim.: "Yeah, would you... Mr. Speaker, would you let the record show that it was my intention to vote 'no' on Senate Bill 1707? Wouldn't change the result and I'd ask that that be journalized."

Speaker Brunsvold: "It will be so recorded. On page 6 of the Calendar, appears Senate Bill 1712. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1712, a Bill for an Act concerning the Lieutenant Governor. Third Reading of this Senate Bill."

Speaker Brunsvold: "The Gentleman from Jersey, Mr. Ryder."

Ryder: "Thank you, Mr. Speaker. This Bill will transfer to the Department of CMS, the Director thereof, the duties of the Lieutenant Governor until January 11, 1999, when the next Lieutenant Governor will take up those duties, whoever she may be. The Lieutenant Governor has had, by statute, many duties assigned to the Lieutenant Governor over the years. Given the pending resignation of the current Lieutenant Governor, this will allow those duties to continue and to be automatically reconfirmed on the Lieutenant Governor when that Lieutenant Governor takes office on January 11, 1999. I'd be happy to answer any questions."

Speaker Brunsvold: "Gentleman has asked for the passage of Senate Bill 1712. And on that question, is there any discussion? Seeing none, the question is, 'Shall Senate Bill 1712 pass?' All in favor vote 'aye'; all opposed vote 'no', the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question there are 117 voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 5 of the Calendar appears Senate Bill

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1674. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1674, a Bill for an Act in relation to year 2000 technology. Third Reading of this Senate Bill."

Speaker Brunsvold: "Mr. Biggert... Mrs. Biggert, excuse me. Sorry."

Biggert: "How fast we forget. Thank you, Mr. Speaker."

Speaker Brunsvold: "I didn't have my glasses on, I'm sorry. Representative Biggert. Excuse me, Representative. Let me go to Mr... Mr. Turner, for what purpose do you rise?"

Turner, A.: "Yeah, thank you Mr. Speaker. For purposes of an introduction."

Speaker Brunsvold: "Proceed."

Turner, A.: "I'd like to introduce former Representative Sylvester Rhem, who served two terms here in the Illinois House. He represents the area or represented the area that is now represented by Representative Howard Kenner, and I'd also like to introduce Representative...former Representative Jesse Jackson who served on the Republican side of the aisle, Representative Jesse Jackson."

Speaker Brunsvold: "Welcome to Springfield. Mrs. Biggert, proceed, sorry to interfere."

Biggert: "Thank you, Mr. Speaker. It" gave me a little time to collect myself after that. Senate Bill 1674 creates the year 2000 Technology Task Force, and provides that LIS information be placed on the World Wide Web for public access, and provides that a shareholder may use facsimile or electronic transmission to appoint a proxy, and allows for the use of electronic mail or fax to serve as a written request for a clinical laboratory to examine specimens. And I'd be happy to answer any questions."

Speaker Brunsvold: "The Lady has asked for the passage of Senate Bill 1674. Is there any discussion? The Gentleman from

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McHenry, Mr. Skinner."

Skinner: "Yes, would the Lady yield?"

Speaker Brunsvold: "Lady yields."

Skinner: "Are we going to put roll calls on the World Wide Web?,  
and if not, why not?"

Biggert: "Under the Bill, that would provide for the House and  
Senate Journals which do have the roll calls in it."

Skinner: "How timely are the House and Senate Journals prepared?  
I seem to remember at one point we approved certainly a  
dozen and maybe dozens of House Journals on one day, which  
was well after the vote."

Biggert: "It will be done as quickly as possible. That would be  
up to how long it takes to do texts of Bills, Resolutions,  
Amendments, Conference Committee Reports, and the Journals.  
As fast as they are done where we have them available in  
written form here, they would be put on the Web."

Skinner: "Well, Representative, you can understand that if the  
roll calls are not posted, if our votes are not available  
to our constituents in a timely fashion, which I think  
means within at least 24 hours, I would prefer 12 hours,  
the information is of diminishing value except for research  
purposes. Scanners are pretty cheap now, you can get them  
for about 100 bucks. So, I don't see why you have to wait  
for a Journal to put the roll calls of this House, on the  
World Wide Web."

Biggert: "Under this Bill, it will be the responsibility of the  
Clerk's Office and LIS; then LIS will have to purchase new  
equipment. How they are going to do that will be probably  
with scanners. There is..."

Skinner: "Does your Bill also... does your Bill also provide for  
putting the Illinois Revised Statutes on the World Wide  
Web?"



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Biggert: "It provides for the legislative Calendar, Committee hearings, a list of Committees and Members to those Committees, a list of matters pending before the General Assembly. Text of Bills, Resolutions, Amendments, and Conference Committee Reports, summaries of legislative and gubernatorial actions regarding each Bill. House and state... and Senate Journals, Illinois Compiled Statutes, U.S. and Illinois Constitution Public Acts, House and Senate Rules. Illinois Register published on or after the effective date of the Act, Illinois Administrative Code and other information the system elects to make available."

Skinner: "When does the Bill take effect?"

Biggert: "January of 1999."

Skinner: "January 1st?"

Biggert: "January 1st."

Skinner: "And how soon thereafter will the Illinois Revised Statutes, for example, be on the... accessible to our constituents through the Internet?"

Biggert: "The information will be available in the shortest time possible if it in no way reduces the quality and timeliness of services available for legislative users, and does not unduly burden the General Assembly or the supportive agencies. In other words, the information that comes to the General Assembly, the information that we have available electronically, first of all, has to be available and then will be available for the World Wide Web. It is a service and it will try and be as timely as possible, but first of all we have to be able to have the access here."

Skinner: "Well I think your idea is an excellent idea and I hope that it is expedited by the Legislative Information Systems and by the House Clerk. Thank you."

Biggert: "Thank you."

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Speaker Brunsvold: "Further discussion? The Lady from Lake, Representative Andrea Moore."

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

Speaker Brunsvold: "Sponsor yields."

Moore, A.: "Representative Biggert, I seem to recollect that there was a Bill somewhat similar to this, to the LIS portion of this Bill but not the 2000 task force, but, did... has this Bill been before the Legislature before?"

Biggert: "This was a Bill that I sponsored several years ago and was in committee, but I think that it was a Bill before its time, and really, I think people have gotten more used to the Internet since we've computerized the floor, people realize the value of having instant access to the information. So, yes it is a Bill that actually Representative Kaszak and I sponsored along with the task force and with a... to have all the library... agency reports from the library put on line as well."

Moore, A.: "And was... is this Bill similar to one that was sponsored earlier this year by Speaker Madigan?"

Biggert: "Yes, very similar."

Moore, A.: "So, this is a Bill that was sponsored several years ago by you, and then this year was introduced by Speaker Madigan, and now it's back to you."

Biggert: "There is an old saying 'what goes around, comes around', so I'm delighted to have this Bill back."

Moore, A.: "Thank you, Representative, I couldn't agree more. I think this is a good Bill, and I think we should all vote 'aye'."

Speaker Brunsvold: "Further discussion? The Gentleman from Cook, Mr. Parke."

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

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Speaker Brunsvold: "State your point."

Parke: "Yes, I'd like to introduce to the Body, State Representative Jim Stange, retired."

Speaker Brunsvold: "Jim welcome back. Mr. Stange. Further discussion? Seeing none, the Lady from Du Page to close."

Biggert: "Thank you very much, Ma'am... oh, I mean, Mr. Speaker. This Bill creates the year 2000 technology..."

Speaker Brunsvold: "I deserve that. Thank you, Representative."

Biggert: "... technology test for us. Provides for LIS information on the web, and shareholder using facsimile and electronic mail and I would urge an 'aye' vote. Thank You."

Speaker Brunsvold: "The question is, 'Shall Senate Bill 1674 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 118 voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 4...6 of the Calendar appears Senate Bill 1878. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1878, a Bill for an Act amending the Code of Civil Procedure. Third Reading of this Senate Bill."

Speaker Brunsvold: "The Gentleman from St. Clair, Mr. Holbrook."

Holbrook: "Speaker, there's a couple more Amendments gonna go on this Bill, I think we're up to about 20. So it's due to be in committee in a few hours, so I would withdraw at this time."

Speaker Brunsvold: "Thank you, Mr. Holbrook. On page 6 of the Calendar, appears... Mr. Clerk, is Senate Bill 1878 on Third Reading?"

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Clerk Rossi: "Yes, Mr. Speaker."

Speaker Brunsvold: "Place that Bill on Second Reading, please.

On page 6 of the Calendar, appears Senate Bill 1705. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1705, a Bill for an Act concerning environmental remediation tax credits. Third Reading of this Senate Bill."

Speaker Brunsvold: "The Gentleman from Cook, Mr. Hassert."

Hassert: "Thank you, Mr. Speaker. 1705 simply amends the Environmental Protection Act and Illinois Income Tax Act. It deletes a provision that the remediation tax credit threshold shall not apply to any site contained in a census tract that is located in a minor civil division, and place that contains a majority of households consisting of low or moderate income persons. This just allows for \$100,000 threshold exemption for Brownfield sites located in an enterprise zone. And the second part of the Bill was a Amendment that was provided in committee by Representative Holbrook. Simply amends the Sales Tax Act. Provides the sales tax exemption for jet fuel and petroleum products used or consumed by any aircraft support center. I'll be happy to answer any questions."

Speaker Brunsvold: "The Gentleman has asked for the passage of Senate Bill 1705. Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 1705 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question, there's 117 voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On page 5 of the Calendar appears Senate Bill 1471. Mr.

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Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1471, a Bill for an Act amending the Unified Code of Corrections. Third Reading of this Senate Bill."

Speaker Brunsvold: "The Lady from Will, Representative Kosel."

Kosel: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. This Bill would allow for people who receive a ticket for not having insurance while driving a car, to only have one court supervision during their lifetime. In order to get that court supervision, it would require them to produce an SR 22 Insurance Certificate to the Secretary of State's Office. I know of no opponents to this Bill and would respectfully ask for your consideration. Thank you."

Speaker Brunsvold: "The Lady has asked for the passage of Senate Bill 1471. And on that question, is there any discussion? The Gentleman from Vermilion, Mr. Black."

Black: "Thank... thank you very much, Mr. Speaker. I rise to introduce 1,132 people from my district who are visiting. I want to read each of their names if I could, bear with me."

Speaker Brunsvold: "Could we put that on an Amendment?"

Black: "No, seriously, they have traveled 124 miles to be here. I've a... We've introduced everybody from Fred Tuerk to heaven knows what. I've got 1,100 Members who have come over here for my annual appreciation dinner. It was last night at the Sangamo, but somebody else had a fundraiser there and so I couldn't... I couldn't get in. So tonight if you would bear with me, these 1,000 people from the 105th district would like to be recognized at this time. So could I just kind of read off their name?"

Speaker Brunsvold: "You have five minutes, Mr. Black."

Black: "Okay, well, first of all, in the gallery the wonderful

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Bruce Dumont who didn't grow up in my district but we claim him; and then of course, to my right, my seatmate who has no connection to my district and we don't claim him, of course Tom Cross is here. Tom."

Cross: "Right."

Black: "And, shall I continue?"

Speaker Brunsvold: "We get the point, Mr. Black. I think the Members have the point."

Black: "I wanted to introduce the real Speaker but he isn't here. Where is the real Speaker? I thought the party was last night. He should be here. By the way. By the way, I just want to say this, 'The Speaker knows how to throw a party. The sirens went off all over town, I'm telling you, that fireworks. How much did that cost, Representative? Did you have to buy a ticket?'

Speaker Brunsvold: "It was... it was expensive, Representative."

Black: "Well I know I tried to get in on my credit card, and I didn't have enough credit limit to get in, so it must have been a big one, I'll tell you that. Well, I'm through introducing the people, all the wonderful people from the 105th District, who were here earlier and has since gone home. Now that I have violated the House Rules, as everybody else has today, what order of business are we on?"

Speaker Brunsvold: "Representative Kosel has a Bill..."

Black: "Oh, Oh, Oh..."

Speaker Brunsvold: "...Before the Membership right now."

Black: "You mean there is a Bill?"

Speaker Brunsvold: "Yes."

Black: "Oh, well I thought we weren't supposed to introduce people if we were in the middle of a Bill?"

Speaker Brunsvold: "Well."

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Black: "Is that a violation of the House Rules?"

Speaker Brunsvold: "The Members should recognize that, yes."

Black: "And let me introduce Representative Ryder, who doesn't spend a lot of time on the floor and we're always glad to see him, you know. Well, let me ask Representative Kosel about this Bill."

Speaker Brunsvold: "Proceed."

Black: "As she explained this Bill, if I am ticketed for driving without my insurance card, let's say I forgot it, so I get a ticket for driving an uninsured vehicle. I'm going to go to prison? What was that?"

Kosel: "I'm sure that you would never drive without insurance on your car, so when you..."

Black: "Oh, I have insurance but I don't always have the card with me."

Kosel: "That's right. So when you produce that card in court, I'm sure that that case would be thrown out. But if you should drive a car without insurance, you would be entitled to one court supervision for that offense providing that you produce a SR 22 Certificate of Insurance."

Black: "So, we're trying... we're trying to get people to comply with the law, correct?"

Kosel: "Yes, that's correct."

Black: "You know that's been a real problem. I think if you check any newspaper in this state, the accident reports, I'm telling you, there's uninsured motorists being ticketed every single day. And if I have to buy insurance... so what are we saying? If they don't buy insurance, they only get court supervision, one and then it's the... after that if they get another it's the death penalty or...?"

Kosel: "It's a fine, Sir."

Black: "A fine. Will we appropriate their license plate, or

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something to keep them from driving without insurance?"

Kosel: "This does not affect the penalty for what is on the books now for driving without insurance. This Bill would not change that."

Black: "Oh."

Kosel: "All this changes is the fact that you can only receive one court supervision during your lifetime."

Black: "All right, I think that's fair. The law should apply to everybody, and my only concern with this law is that the enforcement provisions have not been as stringent as I think they should be and so I think your Bill addresses part of that, I commend you for the effort you have put into this. I think you're the hardest working Legislator on the floor, and I'm really sorry that I was introducing people while you were presenting your Bill, but I was trying to make a point to the Chair. We could have been out of here two hours ago if we had dispensed with some of the introductions in the middle of Bill introductions, but I apologize, Representative, and this is a fine Bill and the only thing better than the Bill is the quality of the Sponsor."

Kosel: "Thank you very much, Sir."

Speaker Brunsvold: "Further discussion? The Lady from Cook, Representative Monique Davis."

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

Speaker Brunsvold: "Sponsor yields."

Kosel: "Yes."

Davis, M.: "Currently, who makes the decision of supervising that motorist?"

Kosel: "Court."

Davis, M.: "And what are we saying, let's take that discretion away from the court?"



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Kosel: "No, they still have that discretion."

Davis, M.: "No, but with this legislation, we're removing it from the discretion of the judge."

Kosel: "No, Ma'am. After the first time, but not the first time."

Davis, M.: "So the first time the judge can make a decision, but after that it is automatic what?"

Kosel: "Regular fine that they would get now with the first time."

Davis, M.: "Pardon."

Kosel: "A fine."

Davis, M.: "To the Bill, Mr. Speaker."

Speaker Brunsvold: "Proceed."

Davis, M.: "I believe that this punitive measure is not in the interest of all citizens of the State of Illinois. Surely we want drivers of vehicles to have automobile insurance. We do want that to happen. There are times when a vehicle becomes disabled, it's in a garage and it's not being used, and that person, perhaps, could stop paying the insurance on that car. And it creates a great deal of havoc to be charged with a fine for not having insurance on a car that's not even being driven any longer by anyone. It is not an offense. I believe that as we attempt to represent people in the State of Illinois, the people who pay taxes in order that we can legislate for them to improve their quality of life, I don't think they send us here to constantly seek methods to punish and to be extremely punitive. Now this Bill says the fine would be between \$500 and a \$1000. Now, there is some communities, there are some, in which that is more than the person earns per month. Some people who live in the State of Illinois may not even earn a thousand dollars a month. They have car

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insurance and perhaps something has happened in order to delay the continued payments. I think this is an excessive punishment, I don't think it's fair to all citizens. I believe the discretion of the judge should be given because he could hear the case, he could hear extenuating circumstances that we can't hear in this Body. But I know as a taxpayer, I would be... What I'm saying is, I'm kind of fed up with the people that I sent to represent me always trying to punish me. Now we have courts of law, and the court can hear whether you have insurance. Now you're saying you only get one time to be caught driving without insurance. Well, what makes you, I mean just so knowledgeable that there's only this one time? Maybe I didn't get insurance, but I got to take my wife to the hospital cause she's having a baby. There could be other extenuating circumstances and I'm going to just say to you, the taxpayers in the State of Illinois are fed up with these punitive actions that cost the taxpayers increased dollars. Now I don't know if these people get a jail sentence also, I'm just not sure, but what are we actually doing? Are you increasing the opportunity for them to get insurance? No. Are you doing anything greater to force them to have it? We already have that law. The State of Illinois has a mandatory insurance law. And if they don't have it, and if they have to go to court, they deserve the right to go more than once. I think this is a very bad piece of legislation, it just goes along with that group of people who seem to think that the taxpayer's rights are extremely limited, and that we're going to make that, that, that, that little passage even narrower every opportunity that we get. Now, I support mandatory insurance, but I also support a court system who listens to what happened,

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cause in every case that comes along, I don't know what happens, and you don't know what happens. But what you want to do is pass a law that says you don't get anymore opportunities to explain this to the judge, buddy, even though it was 10 years ago that you explained why you didn't have insurance. Well, here it is 10 years later, 15 years, 20 years, but you've had your time in court. Twenty years later you can't go back before a judge and explain why you... why they say you don't have insurance, and you better have some dollars to have an attorney to help prove, perhaps, that you did. I think this Bill is a waste of taxpayers' money. I think the taxpayers of the State of Illinois are fed up with punitive measures that don't really do anything. We have mandatory insurance, we have a court system, if you don't have insurance you have to explain it to the judge, and if you're a resident of Illinois, you should be given the right to explain it to the judge. Vote 'no'."

Speaker Brunsvold: "Mr. Winkel."

Winkel: "Thank you, Mr. Speaker. In the previous Bill, Senate Bill 1705, I'd like the record to reflect I had intended to vote 'yes'."

Speaker Brunsvold: "Thank you, the record will so reflect. The Gentleman from Winnebago, Mr. Scott."

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

Speaker Brunsvold: "Sponsor yields."

Scott: "I used to prosecute these things, but I 've forgotten, so my memory is a little hazy. Refresh my memory. Is... this is a moving violation or not, uninsured motorists?"

Kosel: "Mike, thank you."

Speaker Brunsvold: "Proceed."

Kosel: "I don't believe it is a moving violation."

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Scott: "I... in my memory, I didn't think it was but I couldn't... I couldn't remember for sure. All right, so what's the fine difference between a... is there a fine difference in the statute between a first conviction and a second conviction?"

Kosel: "No, maximum fine \$500."

Scott: "So what's the difference if we give supervision once or never?"

Kosel: "I didn't hear."

Scott: "So, what's the difference if we... I mean, court supervision in traffic cases you do for one of two reasons: to keep it off your record, keep people from... from knowing that this happened, or to beat a higher fine that's assessed on the basis of an earlier conviction, which doesn't happen if you get supervision. So, what's the rationale here? If it's not a moving violation to begin with, and there isn't any enhanced fine for a second conviction, what's... what's the reason for doing this?"

Kosel: "The cumulative fact of multiple court supervisions that... that if those multiple court supervisions, multiple offenses under this were not listed, that they would get higher fines and other offenses knowing that they had multiple court supervisions that we're not showing on their record. So the idea that the judge has the... all the information in front of him to make an accurate choice."

Scott: "Well, see the thing is, though, that where I come from and I used to prosecute a lot of these, the people that went under court supervision for this offense, paid more than \$500, because they wanted to keep it off of their record, they wanted to keep it away. So it's not like they were getting off better, they were actually getting off worse in terms of fines and other things. So, I'm not sure

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that I really... I really buy that particular logic, and if there isn't any enhanced penalty for a second violation of the offense, I guess I'm... I guess I'm lost as to why it's important to do this. I mean, why is it important... I mean, I think it's a lot to take discretion away from a judge in cases, and we did it with DUI, we said you only get one time ever for supervision in DUI after having moved that up from a 10 year deal. So, what's... really, what's the rationale for doing this? Because I'm not sure you're going to convince any peop... more people to buy insurance because there isn't really any difference between getting supervision and not getting supervision here."

Kosel: "In order to get the court supervision they must buy insurance, and so, therefore, there is a real incentive to get insurance."

Scott: "Right. Now after you've gotten your one court supervision and you go out 10 years later and you get a second violation, now there is no incentive to get insurance because it won't matter. Because you can't get supervision again. You've actually created a disincentive for people to get insurance after they've had this once, haven't you? I mean, seriously, haven't you created a disincentive for the person to go get insurance..."

Kosel: "If you have..."

Scott: "...if they've already had supervision once?"

Kosel: "If you have multiple supervisions, the court isn't even aware that you've had supervisions and now there is no requirement at all for you to even have insurance with court supervision. So, therefore, there is no incentive at all now to get insurance. We're increasing the incentives...incentives."

Scott: "If your Bill just said, in order to get court supervision

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you have to show proof of insurance, I'd be with you. I wouldn't have a problem with that. I think that would be a great idea. The problem is here. Now you are saying you only get one kick at it and a judge can't give you supervision even if your offenses are 30 or 40 years apart in a really extreme case, and even if everything else about your case would say that you get supervision. All the other factors... you're not likely to do again. All those other things that give supervision. So what you're saying now, though, is after you've had that one kick, what's the incentive for a person to ever get insurance again, if it's last?"

Kosel: "Every time they are stopped, they will be written another \$500 ticket and those will show up on their records. And as you know from someone who has prosecuted this case, the more tickets you have on your record, the higher... the more critical your record is looked at and that's exactly what we're looking at here."

Scott: "But, for what purpose? Not for insurance purposes cause you can't get any. Not for the Secretary of State's purpose cause it's not a moving violation. So... so... I mean, I know what you're trying to do, but I just don't think it works because I don't think there is any greater incentive for a person to do this. In fact, and this is the one question we got to get to. Say I'm the... say I'm the perpetrator and I got insurance after and court supervision one time for getting ticketed for uninsured motorist. Ten years later I... it happens to me again and I get ticketed and I don't have insurance. What's my incentive to go out now and get insurance? I can't get supervision, I've got to get a conviction for this particular offense. What's my... what's my incentive to go

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do that?"

Kosel: "The... the... the theory that if you get another ticket, it's going to be cheaper to have insurance than it is to get another ticket."

Scott: "Why? Why?"

Kosel: "Because it's cheaper to get insurance than get the tickets."

Scott: "Well, certainly not in every case. I mean, there's a lot of people around here who have car insurance that's higher than \$500. Right? I mean, that happens all the time. There's... what I'm saying is, if you had some reason for the person to avoid it, great. But you've got a Bill here that actually creates a disincentive for the person who has had supervision once, to go get insurance again if he ends up in that same position. I... I guess... I guess I don't see why, and I guess if I'm having that much trouble seeing what the benefit is of doing that, I've got a real trouble taking that discretion away from a judge because there are instances, we could probably both agree, where the circumstances are such where the person may not even knowingly be doing it because you've probably had people call your office, like I have mine, where the insurance company didn't send the form right away and they got tagged in the middle. I mean, we know that that happens, too. And we might agree that there are circumstances where the person could be 20, 30, 40 years apart, where supervision would be perfectly warranted, and you're treating this person worse than the person who has committed retail theft, burglary, something else where they can actually get... get supervision, they can do other things for it. So, I guess I'm trying to figure out why we want to make this offense worse than lots of other things."

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Kosel: "I don't think we get court supervision in this state on burglary, do we?"

Scott: "Not for burglary, but you can for retail theft. Right? I mean, we could go through and every Class A misdemeanor, every Class A misdemeanor that's out there, and there's some real serious things there, you can get court supervision for except DUI, which you can only get once. So, you're saying that the person who commits reckless driving, which is a Class B misdemeanor, fleeing, which is a Class A, we're going to put them in a better position than the person who 30 years apart, has operating uninsured motorist claim. I think it's a little heavy handed and I don't really see any reason why we're not creating any incentive for that person to actually do it, because there's not a moving violation penalty, and there's not any enhanced penalties in this particular statute. I appreciate what you are trying to do, I just think it's a little heavy-handed and doesn't do what... what you... what you're trying to accomplish."

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

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

Speaker Brunsvold: "Sponsor yields."

Mulligan: "Representative, usually you find out that someone is uninsured when they hit you, and then there is no insurance and it's their fault and sometimes they do or do not receive a ticket. But usually these people are multiple offense, so if you can't get supervision, you get a ticket and if you get multiple tickets, eventually you lose your license, right?"

Kosel: "That's correct. That's correct, Representative."

Mulligan: "I mean this is a real problem for people who are hit by uninsured motorists because actually it's amounting to



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theft because then you have to pay for it yourself, and your insurance policy goes up."

Kosel: "That's correct."

Mulligan: "And I've looked at this because this is one of the complaints I have in my office that people call up and say, what can I do about this, and there has to be a way to get a handle on it. I commend you for looking for some way to find how you can get control over people that totally disregard the law and make you in jeopardy of eventually losing your own insurance. Particularly if you have a teenager who is hit by someone that is uninsured, what is the incentive for that person? And I think if you are uninsured, in many instances they try not to have you call the police. I think they ought to call the police in the instance of that or I've had people call me and say the person offered an insurance card and then they get away, and then what happens is you call and you find out they got their insurance and they canceled it. You know the only thing I can see, I'd like to see something retroactive if the person didn't get a ticket to go after them and get a ticket, because this is not fair to the general public and this happens a lot. We've looked at this from a couple of different ways I mean, this at least is an innovative way of trying to get a handle on what's happening, and I certainly commend you because this is a big problem. This is one of my chief insurance complaints in my office. So, I commend you for sponsoring this Bill."

Kosel: "Thank you very much, it's one of the chief insurance complaints in my office, also."

Mulligan: "Thank you."

Speaker Brunsvold: "The Lady from DuPage, Representative Biggert."



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wish? Mr. Clerk, take the record. On that question, there are 105 voting 'yes', 5 voting 'no', 7 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what's the status of Senate Bill 1028?"

Clerk Rossi: "Senate Bill 1028 is on the Order of Senate Bills Third Reading."

Speaker Brunsvold: "Place that Bill on Second Reading. On page 5 of the Calendar appears Senate Bill 1356. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1356, a Bill for an Act amending the Illinois Lottery Law. Third Reading of this Senate Bill."

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

Wojcik: "Thank you, Mr. Speaker and Members of the House. Senate Bill 1356 is a Legislative Audit Commission initiative that will address concerns raised in Illinois State Lottery audits over the past three fiscal years. This Amendment to the law will clarify at the request of the Legislative Audit Commission the lottery statutory authority to net receipts after the deduction of commissions paid out to certain contractors. This legislation clarifies that commissions are only those that are directly proportionate to the sale of tickets at the agent location, and are merely the cost of generating a wager. I believe that there has been discussion regarding this issue within the Audit Commission, and Representative Mautino will address it with his concerns."

Speaker Brunsvold: "The Lady has asked for the passage of Senate Bill 1356. Is there any discussion? The Gentleman from Bureau... Excuse me, the Gentleman from Vermilion, Mr. Black."

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

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yield?"

Speaker Brunsvold: "Sponsor yields."

Wojcik: "No."

Black: "Perhaps... oh she's not going to yield? I was going to have her ask her staff person a question or two about this Bill."

Wojcik: "I've always wanted to do that."

Black: "Could you tell me, would this have any net impact on the prize pool, and the mathematical equation of any rollovers? Are we... we're not... this isn't impacting that at all? Are you sure?"

Wojcik: "That is correct."

Black: "Is it diminishing the prize pool?"

Wojcik: "No."

Black: "Is it diminishing the number of agents that can sell tickets?"

Wojcik: "No."

Black: "Why do we need this then?"

Wojcik: "Because the Legislative Audit Commission brought it to the attention of the lottery cause they had questions. And so, therefore, we are putting the proper wording in the statute regarding how they handle..."

Black: "Okay, do you serve..."

Wojcik: "...the Commissions."

Black: "Do you serve on the Legislative Audit Commission?"

Wojcik: "No."

Black: "All right. Does the Gentleman that you were going to yield to, does he serve on the Legislative Audit Commission?"

Wojcik: "Yes, he does."

Black: "I would think that would be a conflict of interest and he shouldn't speak to the Bill."

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Wojcik: "I think he should speak to the Bill since he has the...  
an expertise of the exact..."

Black: "Okay."

Wojcik: "...goings on during the commission hearing."

Black: "Well, Representative, let me say that what do you think  
the odds are of this Bill passing?"

Wojcik: "Well, there's a lot of odds. I think the odds are  
pretty good."

Black: "Do you... do you have anything to do with that lottery  
show that's on television around the state that... It's a  
really neat show. Have you ever seen it?"

Wojcik: "Follow the bouncing ball?"

Black: "Yes, that's it."

Wojcik: "Eureka."

Black: "Are you the person dressed up in that ball?"

Wojcik: "Not anymore."

Black: "Oh, well, that's a shame. I... oh, well, I have no  
further questions. I see Danny Rutherford actually  
believed us and went up into the gallery to be on  
television, so we've accomplished our goal."

Wojcik: "Thank you, Representative."

Speaker Brunsvold: "The Gentleman from Bureau, Mr. Mautino."

Mautino: "Thank you. In answer to the Gentleman from Vermilion's  
question, I do think the odds are very good on the passage.  
This simply relates to a repeated auto... audit finding  
that has come before the Audit Commission. That's one of  
our initiatives. There were three funds which were in  
discussion. The suggestion of the auditors is that they  
should be put back on to... into the budgetary process.  
This fund right here allows for the payout and  
disbursements of current suppliers and it has been working  
since 1975, I believe, that they've been in place. We have

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had no problems, and we as a matter of fact, pay one of the lowest management fees in the nation at 1.5%. I simply ask for an 'aye' vote, and this is... a... this has been brought forward by the Audit Commission to resolve a standing finding."

Speaker Brunsvold: "Further discussion? The Gentleman from Livingston, Mr. Rutherford. Somehow I don't think he's out there."

Wojcik: "Tell him to come on down. Tell him to come on down."

Speaker Brunsvold: "Seeing no further discussion, the Lady from Cook to close."

Wojcik: "Well, I think you've heard the debate, and I think it's a very valid piece of legislation and I would ask for its passage. Thank you."

Speaker Brunsvold: "The question is, 'Shall Senate Bill 1356 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question, there are 117 voting 'yes', 0 voting 'no', 1 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. The Gentleman from Will, Mr. McGuire."

McGuire: "Mr. Speaker, I'd like to introduce my predecessor. Where did he go? Former Representative, Leroy Van Duyne. He was here a minute ago."

Speaker Brunsvold: "Welcome back, Leroy. Representative Lang in the Chair."

Speaker Lang: "On the Order of Senate Bills-Third Reading, there appears Senate Bill 1713, Representative Dart. Please read the Bill."

Clerk Bolin: "Senate Bill 1713, a Bill for an Act relating to sexually violent persons. Third Reading of this Senate

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Bill."

Speaker Lang: "Mr. Dart."

Dart: "Thank you, Mr. Speaker, Members of the chamber. Senate Bill 1713 is a cleanup Bill for the Sexually Violent Persons Commitment Act. It has numerous provisions, and I'll touch on a couple of them here and then open up for questions on any of the specifics. It, by and large, is the result of the concerns that it came about after this law was put into practice and effect last year. What it attempts to do is to address some of these concerns. It... the Act... this would indemnify state contracted service providers that treat sexually violent persons in the community. It would request to the state police criminal history record information DHS will be able to obtain, if it's necessary, to perform their duties. It would allow for the prosecution of sexually violent persons who escape from custody. Right now the law does not take care of that. And it amends the Crime Victims Witness Notification Act to ensure that victims requesting release of notification do not have to request a second time when their offenders are released, and subsequently committed as sexually violent persons. And it will provide that DHS, by rule, shall establish procedures for seeking reimbursement for care, custody, and treatment, provided to sexually violent persons. It makes some other technical changes. It also attempts to address a Supreme Court case in which they found unconstitutional the present scenario for drawing of... collecting of blood from persons for enumerated sexual offenses, by giving that duty now to the state police with language that they drafted. It also provides for different changes in regards to the actual Sexually Violent Persons Act, in regards to joint filing by

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state's attorneys and attorney generals. This was at the request of some of the smaller counties in regards to continuances for probable cause hearings, and it also has some changes in regards to defendants who refuse to cooperate with the evaluations and their use of expert testimony, as well. This also contains provisions which are presently being negotiated right now in regards to the defense of these individuals who come under this Act. There is a provision which would give the duty to the Guardianship and Advocacy Center. Right now, we're trying to work out whether or not we can obtain funding for that or not, if it does not come about in the budget, that provision will not be staying around. To mention, it's a lengthy Bill that has numerous cleanup provisions in it and I'd be happy to answer any questions."

Speaker Lang: "Gentleman moves for the passage of Senate Bill 1713. And on that question, the Chair recognizes Representative Black."

Black: "Thank you very much, Mr. Speaker. First of all, a point of personal privilege, if I might. Yeah, I wanted to represent... I wanted to recognize my former colleague and seat mate, former Representative Mike Weaver. He was here about four and a half hours ago, and I didn't get a chance to do that then. So I know we all enjoyed visiting with Mike. It's always a pleasure."

Speaker Lang: "I wonder if he's with Mr. Van Duyne?"

Black: "I think they are together, yes."

Speaker Lang: "Please proceed, Sir."

Black: "Yes, thank you. Would the Sponsor yield?"

Speaker Lang: "Gentleman yields."

Black: "Representative, Amendment #2 is on the Bill, is that correct?"



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Dart: "Yes, it is."

Black: "I think you're aware there's a problem with that Amendment."

Dart: "Correct, and that... I touched on that one earlier. There is one because right now there isn't a funding mechanism for them. We've been in negotiations, and they are ongoing right now and that provision will be removed if, in fact, funding is not found in the budget for this. We're not about to dump these cases on Guardianship and Advocacy with no funding, no delay, so they can come up to snuff and be trained on it at all."

Black: "Would it not be a simpler mechanism to table Amendment #2 and proceed with the Bill?"

Dart: "Right now... right now, different individuals who were involved with this and people who have been representing these defendants, have been in negotiations with the Senate. There has been progress in that area that they've identified some money. So in an effort to keep the negotiations going, I said I would send the Bill over to the Senate. If the negotiations break down, they won't concur to the Amendment, it will be pulled off and then we'll just go ahead..."

Black: "All right, so for purposes of... of intent, it's your intent to keep negotiating and if no agreement can be reached, then we have some reason to believe that Amendment #2 will either be removed or not agreed to, correct?"

Dart: "Exactly. The rest of the provisions are too important, frankly, to let it fall... based on this, and I can't emphasize enough, there has been a lot of thought put into that Amendment. It makes a great deal of sense, There... The smaller counties have been having problems coming up with funding for the defense of these because they're

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complicated cases. So, there is a need for this, it's just a question whether in the present budget we are going to find it or not, so... but as I said, there's too many other things in here that we definitely need that we can't let the whole thing fall because of that."

Black: "Okay, well with your assurance that Amendment 2, that we all know that we don't have the money, we don't have the resources to hire the number of people that would be mandated under this, that if you reach no agreement then obviously Amendment #2 will disappear, and I'll accept your word on that and won't stand in opposition. But it definitely is a problem and I'm glad that you recognize it. Thank you."

Speaker Lang: "Mr. Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Lang: "Gentleman yields."

Durkin: "Representative, I'm looking at the Amendment #2 which states that if the... this person is indigent he or she has a right to be represented at the probable cause hearing by an attorney from the Legal Advocacy Service of the Guardianship and Advocacy Commission. Has it chang... is that... we're giving them the right to an attorney, we're appointing an attorney to these people at this stage, correct?"

Dart: "Yes, they have... they are getting that right now. It's just a question of who's doing it."

Durkin: "Well, who is presently doing it?"

Dart: "Well, right now that's been differing from place to place, and that's been part of the problem because the... there's been a great deal of concern about this voice by the Attorney General's Office. And we've tried to work out agreement on language for this because of the fact that in

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Cook County the court was not appointing the public defenders, so they were out having to hire private attorneys which are a very expensive item and so we were try... that's what this is trying to address now."

Durkin: "Will this... the money it's going to paid... it's going to be used to subsidize this defense for these people. Is this coming out of a county budget, or is it going to be a state appropriated pool which the money, which they'll take from?"

Dart: "With the Amendment, the... on... and if we were to find the funding source, it would be coming out of state money. Under the present existing scenario, right now it's coming out of the county budgets and whether it's coming out of the county budgets in the form of public defender, or whether it's coming in the form of a court appointed attorney. That, ultimately, is where the money is coming from and that's why, as I said, the concept is very sound because these smaller counties are having a heck of a time with the expense involved here."

Durkin: "All right, it says that they have a right to be represented at the probable cause hearing. Now, subsequent to the probable cause hearing, if they are still indigent, are they still allowed to have representation by the legal guar... under the Guardian and Advocacy Commission?"

Dart: "Under this Amendment, I believe so, I don't have the Amendment in front of me right now, Jim, but I... my understanding is, is that if we were to put this on, they would then continue with that service."

Durkin: "Well, the way I read that section right now, it just says up until the probable cause hearing. Which makes me believe that since there was such a disdain by certain groups to not even represent these individuals, I would

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think that some people they said I've... my responsibility is complete. We've had our probable cause hearing, which is the equivalency of a detention hearing, therefore they have no responsibility after that, and I see that as a problem with that right now, Tom.

Dart: "You know Jim, and I'll look into that then because I was unaware of that as being a potential problem in this."

Durkin: "I think if we're gonna... exactly. I think we need to at least... if the intent is to have these people represented through the course of the whole hearing, we should probably just eliminate that language of the probable cause hearing that they have a right to be represented by the attorney for that commission. That's one change perhaps we can make."

Dart: "Just Representative, period."

Durkin: "Right."

Dart: "Okay."

Durkin: "You made reference to also some type of funding when they.. community funding when you go back into the community, I mean, you made that reference a little bit earlier. What section of the Bill were you talking about?"

Dart: "Um... in my initial statement? Yeah, what that is is that this comes from two sources, primarily. The Department of Human Services has asked for a substantial amount of the language as is theirs and the other part is from the Attorney General's Office. What it is now, is there are state contracted services... service providers who are treating these individuals in the setting that they are being placed in. Right now, there needs to be indemnification language so that if these people do go back into the community later, these folks aren't going to get sued and lose everything based on that."

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Durkin: "Well, are they still going to be treating them when they're back in the community? Are they still going to be treating them when they're in the community?"

Dart: "Once they are released from the custody in this situation, they... would there would be a plan I would argue would be appropriate that would be given to them back in the community, but at that point in time they would no longer be under the jurisdiction of the court, would be my understanding."

Durkin: "Well, exactly, that's my point. Is that... you know, the purpose of this Act was to commit these individuals until they are deemed fit to be.. of which they can conform to society and they don't pose any type of danger. Now if we're still laying out some type of funding or some type of planning for these individuals, subsequent to the release from the... whatever the detention center, it seems like it's contradictory to the whole purpose of the Act that we are... are not releasing people who are still in need of treatment that's... So that's how I interpreted it."

Dart: "Yeah, yeah but... but that's... but that's not what we're doing here. But what... cause what this is... is for the providers that are providing the services to them, while they are under... being held, while they are under our auspices here. These service providers so they don't get sued when the person subsequently leaves the custody of the state. This isn't to get... put a new plan together for them once they get out, or anything like that. It would be... I don't know whether or not that would be something that they would try to do, but that isn't envisioned here. What's envisioned here is to keep the ones that are dangerous in, but the ones who are treating them while they are in, to provide them with some ability so that they know

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they are not going to get sued when this person gets out later. And with some people, they won't be getting out if they are not cured, but for the ones that do get out, there's a concern that they're... the providers are going to be getting sued."

Durkin: "Is there an argument right now that the Bill which we passed last year has somehow created some type of cause of action for any citizen to sue either the State of Illinois, or whoever is providing the service, if this person is placed back on the street. Did that Bill... did that open up liability?"

Dart: "I'm unaware of whether or not there has been a particular case brought, or whether or not this was just done in anticipation. The department, I believe, was responding to concerns of different providers who are now being asked to treat these individuals as opposed to the fact that there was actually any actual potential case. And you know, Jim, the more I think of it, it would... that would be the case because there has not been the actual physical commitment. There's two proceedings going on right now, but as far as the individuals who has been committed so that there is a need for a service provider, that hasn't happened yet. We just started in January."

Durkin: "We're also changing the Victim Notification Act, I believe. Can you just elaborate, just briefly on that?"

Dart: "Yeah, the thrust of that is that so the victim does not have to go and request on two separate occasions, information as far as when the defendant is getting released. And, there was concern with the way the law is drafted right now, because this is a civil proceeding and not a criminal proceeding, that it's going to require the victim to have to request on two separate occasions for an

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individual who is subsequently committed... release into the community who was a sexually violent person. Right now, the victims are notified when an individual is released from DOC. There is a concern because this is a different type of proceeding that they were going to have to go a second time in request that they are notified when the defense can get released because it's a civil commitment and all that."

Durkin: "Well, it's a civil commitment, but it is kind of like this Bill is, which we passed last year, is kind of a quasi civil criminal Bill, which it has been defined by some people, but we're telling that the victims have to make a notification if... they have to request... they have to make the affirmative action of requesting when the release date for this individual is, right?"

Dart: "Correct."

Durkin: "Do we see some type of problem, especially when there's no det... when this is as indeterminate of a sentencing for these individuals that would be unreasonably burdensome for these people when they do not know, no one knows when these guys are going to be released from custody. Don't you think it would be better served if we replaced that responsibility without the request on behalf of the... the appropriate authority which is overseeing these people?"

Dart: "What the thought is here, is what they are going to have to do is, they are just going to make the one request, and once they make that one request, that would suffice then. We are trying to change it so that they aren't being burdened, having to do it twice."

Durkin: "So, all they have to do is make one request there... and after that they will... it could be 20 years until this person is found fit to be released from custody then it

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will be up to the department to make that notification, or is there going to have to be a revolving... a continual request made by the victims?"

Dart: "No, no, it would be just the one request."

Durkin: "All right, well, thank you very much. I appreciate your questions and I know that a Gentleman from Cook County, Mr. Jim O'Rourke, did a lot of work on this and I... I will support this Bill."

Speaker Lang: "Mr. Mitchell."

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

Speaker Lang: "Yes."

Mitchell: "Representative Dart, I have some of the same concerns that you have already addressed, and I do appreciate that. Being from Lee County, we do have the X-House at the Dixon Correctional Center which now houses the criminally insane, and we've had some of the same problems that you've discussed. Those same people then also, as indigents, need representation when their time is up. That fell on the Lee County to fund that particular program and we tried to do it with our folks there, we couldn't find attorneys and had a real tough time. GAC is helping us out with that problem now and I know that their budget is strained at this time. My understanding is that if Amendment 2, in fact, is not funded, then it probably will be pulled from the Bill, and I agree with you that Senate Bill 1713 is a very important Bill and one that we certainly need. What would happen if we just tabled Amendment 2, and ran the Bill without that, and then came back if we could get the funding? Would that... would that cause more problems than running it this way?"

Dart: "Well, you know what... actually that's something I had talked about doing and have been in conference with people



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about that very thing. But the talks have progressed to such a point right now with the,... in the appropriation process, that they felt as if they're close to it and that if we could give them another couple of days, they might actually be able to put it together. And I made it clear to them that we, as I said, we couldn't jeopardize the rest of the Bill but we can give you some more time to make the negotiations, maybe come to fruition because as you've mentioned before, the burden on the smaller counties here has been pretty tough and it does require some answer and frankly this has been the best that anyone has come up with yet. But once again, it's the dollar sign we need and we figured we'd give them another couple of days to lobby for that money."

Mitchell: "And I don't have a problem with the Bill itself, I think it's... you know, I think you've done a good job with it, Tom. My concern, like yours, is we're talking 1.2 million dollars and 16 new positions. If we can't get those, GAC will never be able to handle the burden we put on them. I'm just hoping that those people that are working on the budget at this point will see that and see that this really is important to many of the small counties. Again, I commend you for the Bill, and I can certainly support it, but I hope that we do get the support we need for Amendment 2. Thank you, Sir."

Speaker Lang: "Mr. Schoenberg."

Schoenberg: "Thank you, Mr. Speaker. Could the record please reflect that on Senate Bill 1709 my switch was inadvertently voted 'present'. I philosophically oppose the direct payment to vendors. Thank you."

Speaker Lang: "The record will so reflect. The Chair recognizes Representative Black. You've spoken on this Bill, Mr.

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Black, for what reason do you rise?"

Black: "Yes, thank you very much, Mr. Speaker. A point of personal privilege if I might."

Speaker Lang: "Please proceed."

Black: "Yes, I would like to just welcome guests in the gallery, former President of the Senate, Senator Phil Rock, is in the Speaker's gallery and of course, welcome back Senator Rock. And of course, also one of the Republican Leaders in the Senate, former Senator Aldo DeAngelis is also in the Speaker's gallery, and if you'll hold on, my son is on his way in from Danville, and when he gets here, I'd like to introduce him too, alright?"

Speaker Lang: "We'll do our best, Mr. Black."

Black: "Thank you, and if my daughter could join us, her as well as my grandson, would that be alright if they get here?"

Speaker Lang: "If they get here before I shut this place down, sure."

Black: "Well, okay. I mean, at the appropriate time I'm hoping that my dog gets here, too."

Speaker Lang: "That's fine, Sir."

Black: "Okay, well... oh, excuse me, another point of per... One of the finest men that I ever served with, and I was glad when he left the chamber. But he's moved onwards and upwards, and now he's a judge. Appellate Court Judge, I believe, former Representative, Tom Homer. Fine fellow."

Speaker Lang: "Welcome to all those who have been introduced. And when your children get here, Mr. Black, you'll let us know."

Black: "Thank you, I'll let you know. Thank you."

Speaker Lang: "Thank you, Mr. Dart to close."

Dart: "Thank you, Mr. Speaker. I would just move for the passage of this Bill."

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Speaker Lang: "The question is, 'Shall this Bill pass?' This is final action. All those in favor shall signify by voting 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 118 voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of Senate Bill 1561?"

Clerk Rossi: "Senate Bill 1561 is on the Order of Senate Bills Third Reading."

Speaker Lang: "Please place that Bill on the Order of Second Reading, Mr. Clerk. Mr. Clerk, committee announcements. Mr. Black, for what reason do you rise?"

Black: "Yes, a point of personal privilege. I overlooked a former Speaker of the House in the Speaker's gallery. The Honorable Robert Blair. If you'd welcome Mr. Blair. I think this is the first time he's been back since he was Speaker. And I would move that we now name the Capitol after Speaker Blair. Would that be an order?"

Speaker Lang: "Not at the present time, Mr. Black."

Black: "Thank you."

Speaker Lang: "Mr. Clerk."

Clerk Rossi: "A committee schedule has been passed out for committees that will meet immediately after we adjourn. That schedule is on your desk."

Speaker Lang: "Representative Hartke now moves, allowing perfunctory time for the Clerk, that the House do stand adjourned until the hour of 10 a.m. tomorrow, Thursday morning. Don't forget committees. All those in favor shall vote 'aye'; those opposed 'no'. In the opinion of the Chair the 'ayes' have it and the House does stand adjourned

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until 10 a.m. tomorrow, Thursday. The Chair recognizes Representative Giles. Mr. Giles."

Giles: "Thank you, Mr. Speaker. The meeting on State Government Election Reform has been canceled. That committee meeting has been canceled."

Speaker Lang: "State Government has been canceled. Any other announcements? Mr. Black."

Black: "Hello, hello. Inquiry of the Chair, Mr. Speaker. What committees? Said 6:30. Are we moving that up now since you've adjourned the House in a fit of peak, I might add. There was no reason to do this. The fundraiser was last night. We could have stayed here and done business."

Speaker Lang: "I was late for that, Mr. Black."

Black: "Well, you should have been."

Speaker Lang: "The Clerk has advised me that... that... that schedule is going out immediately. The Committees that are meeting, will meet immediately. Immediately."

Black: "Well, I can't wait to get to Transportation. I see we have a Bill on blind pedestrians posted. So, I want to rush right down there. Thank you."

Speaker Lang: "The Clerk will read the schedule in case Members have not had an opportunity to see it. Mr. Clerk."

Clerk Rossi: "The following committees will meet immediately after Session. Executive Committee in Room 118; Human Services in 122B; Judiciary II Criminal Law in D-1, Registration and Regulation in 114; State Government Administration in C-1; and 30 minutes after Session, the Transportation of Motor Vehicles Committee will meet in 118."

Speaker Lang: "State Government is canceled and that makes this man very happy. The House now stands adjourned until 10 a.m. tomorrow morning."

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Clerk Rossi: "House Perfunctory Session will come to order.  
House Bills- Second Reading, that will be held on the Order of Second Reading. House Bill 3564, a Bill for an Act to amend the Good Samaritan Act. Second Reading of this House Bill. Senate Bills-Second Reading, to be held on the Order of Second Reading. Senate Bill 499, a Bill for an Act to amend the Illinois Pension Code. Second Reading of this Senate Bill. Senate Bill 1210, a Bill for an Act amending the Property Tax Code. Second Reading of this Senate Bill. Senate Bill 1251, a Bill for an Act amending the Barber, Cosmetology, Aesthetics, and Nail Technology Act of 1985. Second Reading of this Senate Bill. Senate Bill 1267, a Bill for an Act to amend the Property Tax Code. Second Reading of this Senate Bill. Senate Bill 1271, a Bill for an Act amending the Illinois Physical Therapy Act. Second Reading of this Senate Bill. Senate Bill 1272, a Bill for an Act amending the Barber, Cosmetology, Aesthetics, and Nail Technology Act of 1985. Second Reading of this Senate Bill. Senate Bill 1279, a Bill for an Act concerning certain state payroll deductions. Second Reading of this Senate Bill. Senate Bill 1293, a Bill for an Act amending the Illinois Vehicle Code. Second Reading of this Senate Bill. Senate Bill 1505, a Bill for an Act concerning evidence. Second Reading of this Senate Bill. Senate Bill 1506, a Bill for an Act relating to criminal law. Second Reading of this Senate Bill. Senate Bill 1585, a Bill for an Act concerning medicine. Second Reading of this Senate Bill. Senate Bill 1610, a Bill for an Act amending the School Code. Second reading of this Senate Bill. Senate Bill 1617, a Bill for an Act amending the Dance Studio Act. Second Reading of this Senate Bill. Senate Bill 1657, a Bill for an Act amending the Acupuncture Practice Act.

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Second Reading of this Senate Bill. Senate Bill 1700, a Bill for an Act concerning child support. Second Reading of this Senate Bill. Senate Bill 1701, a Bill for an Act in relation to certain land. Second Reading of this Senate Bill. Senate Bill 1702, a Bill for an Act amending the Election Code. Second Reading of this Senate Bill. Senate Bill 1711, a Bill for an Act amending the Illinois Public Aid Code. Second Reading of this Senate Bill. Senate Bill 1835, a Bill for an Act regarding elder abuse. Second Reading of this Senate Bill. Senate Bill 1840, a Bill for an Act amending the Alternate Fuels Act. Second Reading of this Senate Bill. Senate Bill 1846, a Bill for an Act amending the Gang Crime Witness Protection Act. Second Reading of this Senate Bill. Senate Bill 1867, a Bill for an Act amending the Property Tax Code. Second Reading of this Senate Bill. Senate Bill 1884, a Bill for an Act amending the Probate Act of 1975. Second Reading of this Senate Bill. Senate Bill 1892, a Bill for an Act amending the Higher Education Student Assistance Act. Second Reading of this Senate Bill. A message from the Senate by Mr. Jim Harry, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate is concurred with the House in the passage of a Bill of the following title: House Bill 3575, a Bill for an Act to amend the Property Tax Code, together with the attached Amendments and the adoption of which I am instructed to ask the concurrence of the House, Senate Amendment 1 to House Bill 3575, and Senate Amendment 2 to House Bill 3575. The Senate has also concurred with the House in the passage of a Bill of the following title: House Bill 3579, a Bill for an Act to amend the Code of Civil Procedure, together with the attached Amendments, thereto and the adoption of which

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I am ask... instructed to ask the concurrence of the House to wit Senate Amendment #1 to House Bill 3579, and Senate Amendment #2 to House Bill 3579. The Senate has also concurred with the House of Representatives in the passage of a Bill of the following title: House Bill 3749, a Bill for an Act to amend the Higher Education Student Assistance Act by changing Section 35, together with the attached Amendments thereto and the adoption of which I am instructed to ask the concurrence of the House. Senate Amendment #1 to House Bill 3749. The Senate has also concurred with the House of Representatives in the passage of the following Bills: House Bill 2400, a Bill for an Act in relation to community policing, together with Senate Amendment #1. House Bill 705, a Bill for an Act concerning childrens health insurance coverage together with Senate Amendment #1. House Bill 1318, a Bill for an Act to amend the Civil Administrative Code, together with the Senate Amendment #1. House Bill 2370, a Bill for an Act concerning religious freedom, together with Senate Amendment #1. House Bill 2424, a Bill for an Act concerning township officials, together with Senate Amendment #1. House Bill 2430, a Bill for an Act to create the Illinois Petroleum Education and Marketing Act, together with Senate Amendment #1. House Bill 2583, a Bill for an Act to amend the Child Care Act of 1969, together with Senate Amendment #1. House Bill 2671, a Bill for an Act to amend the Civil Administrative Code, together with Senate Amendment #1. House Bill 2802, a Bill for an Act to amend the Code of Civil Procedure, together with Senate Amendment #1. House Bill 2899, a Bill for an Act to amend the Unified Code of Corrections, together with Senate Amendment #1. House Bill 3431, a Bill for an Act

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concerning managed care community networks, together with Senate Amendment #1. House Bill 3286, a Bill for an Act to amend the Nursing Home Care Act, together with Senate Amendment #1. There being no further business, the House Perfunctory Session stands adjourned."