

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

62nd Legislative Day

May 16, 1997

Speaker Brunsvold: "The House will come to order. We will be led in prayer today by the Reverend Billy Cecil with the First Baptist Church of New Baden and in New Baden. Reverend Cecil is the guest of Representative Ron Stephens. Guests in the gallery may wish to rise for the invocation. Reverend Cecil."

Reverend Cecil: "Let us pray. Our Father and our God as we come before Thy throne of grace again this day. We thank You that You are our God. We thank You for the opportunity to present to You. I thank You, Father, for this group of people who represent the people of the great State of Illinois. I ask Heavenly Father for Your abundance of wisdom to be placed upon them, that with that wisdom they might have heart and that they might do for all people in the State of Illinois. Father, we are grateful today for these who give up their time of their talents of their life to serve. Truly it is a just calling. We thank You, Father, for the victory that we see. We thank You for the blood of Jesus Christ who came, who died, who arose again and who waits for us. We pray, Heavenly Father, that You will give wisdom, courage, strength to each and every Member of this House and that Jesus Christ might be honored, lifted up and glorified in all things that He has done. I pray in Jesus' name. Amen."

Speaker Brunsvold: "We'll be led in the pledge today by Representative Connie Howard."

Howard, et al: "I pledge allegiance to the flag of the United States of American, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

Speaker Brunsvold: "Roll Call for Attendance. Mr. Cross for the Republicans."

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Cross: "We're all here today. Thank you for asking."

Speaker Brunsvold: "Thank you, Mr. Cross. Mr. Hartke for the Democrats."

Hartke: "Yes, the Democrats are all here ready to do the work of the people."

Speaker Brunsvold: "Take the record Mr. Clerk. One hundred and eighteen answering the Roll Call, we have a quorum. Committee Reports."

Clerk Rossi: "Representative Woolard, Chairman from the Committee on Agriculture and Conservation, to which the following joint action Motions and Floor Amendments were referred, action taken on May 15, 1997, reported the same back recommended: 'be adopted' to concur in Senate Amendment 1 to House Bill 1177; Senate Amendment 1 to House Bill 1680. Representative Giles, Chairman from the Committee on State Government Administration, to which the following joint actions Motions and Floor Amendments were referred, action taken on May 15, 1997, reported the same back recommended: 'be adopted' to concur in Senate Amendment 1 to House Bill 821. Representative Gash, Chairman from the Committee on Judiciary II, to which the following joint action Motions and Floor Amendments were referred, action taken on May 15, 1997, reported the same back recommend: 'be adopted' to concur in Senate Amendment #1 to House Bill 1219; Senate Amendment 1 to House Bill 2232; Floor Amendment #2 to Senate Bill 789; and Floor Amendment #1 to Senate Bill 1099. Representative Burke, Chairman from the Committee on Executive, to which the following joint action Motions were referred, action taken on May 15, 1997, reported the same back: to concur Senate Amendment #1 to House Bill 903; Senate Amendment #1 to House Bill 155; Senate Amendment 1 to House Bill 367; Senate Amendment 1 to House Bill 473.

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Representative Pugh, Chairman from the Committee on Human Services, to which the following joint action Motions were referred, action taken on May 15, 1997, reported the same back recommend: 'be adopted' to concur Senate Amendment #1 to House Bill 202."

Speaker Brunsvold: "Please clear the floor of all unauthorized personnel. Lobbyists are not allowed on the floor. On page 3 of the Calendar, appears Senate Bill 445. Representative Silva. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 445, a Bill for an Act amending the Code of Civil Procedure. Third Reading of this Senate Bill."

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

Silva: "Senate Bill 445, would essentially provide for the development of certification for court interpreters in whatever language was needed. It also will work with community colleges and city colleges to prepare for this certification. I would urge a 'yes' vote."

Speaker Brunsvold: "The Lady has asked for the passage of Senate Bill 445, and on that, is there any discussion? The Gentleman from Cook, Mr. Parke."

Parke: "I would yield to Representative Cross."

Speaker Brunsvold: "The Gentleman from Kendall, Mr. Cross."

Cross: "Thank you, Representative Parke. That was awfully kind. Will the Sponsor yield?"

Speaker Brunsvold: "The Sponsor yields."

Cross: "Representative, can you tell us, and Mr. Speaker, in event this Bill gets the requisite number of votes, we request a verification."

Speaker Brunsvold: "Why is that not a surprise, Mr. Cross?"

Cross: "We don't like surprises. The obvious I guess, so..."

Silva: "Now..."

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Speaker Brunsvold: "Duly noted, Mr. Cross."

Cross: "Appreciate the noting. Representative, this is a pretty expensive..."

Silva: "Speaker, may I interrupt?"

Speaker Brunsvold: "Representative Silva."

Silva: "Can I take it out of the record for now?"

Speaker Brunsvold: "The Lady would like to remove it from the record temporarily."

Cross: "Let's just hold that verification request then."

Speaker Brunsvold: "Thank you, Mr. Cross."

Cross: "No, thank you."

Speaker Brunsvold: "Senate Bill 778, Mr. Hassert. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 778, a Bill for an Act amending the Environmental Protection Act. Third Reading of this Senate Bill."

Speaker Brunsvold: "The Gentleman from Cook, Mr. Hassert."

Hassert: "Thank you, Mr. Speaker. Seven seventy eight is a... amends the Environmental Protection Act. It requires the Pollution Control Board to request that the department or DCCA conduct a study of economic impact on the proposed rules. This is permissive and there was an Amendment drafted the other day... proposed the other day and adopted that brings DCCA on board, so I would ask for its passage."

Speaker Brunsvold: "The Gentleman asks for the passage. Mr. Cross, would you like to verify this Bill?"

Cross: "Who's the Sponsor? I don't have my glasses on, I can't see up on the board. Is that Representative..."

Speaker Brunsvold: "Mr. Hassert is the Sponsor."

Cross: "Has there been a verification request?"

Speaker Brunsvold: "Not yet, I'm..."

Cross: "Let us think about it a second. I guess not."

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Speaker Brunsvold: "Thank you, Mr. Cross. The Gentleman from Effingham, Mr. Hartke."

Hartke: "Maybe we ought to. Maybe we ought to have a verification. That would get everybody here wouldn't it?"

Speaker Brunsvold: "Mr. Hartke."

Hartke: "Let's get out of here."

Speaker Brunsvold: "The Gentleman has asked for the passage. The question is, 'Shall Senate Bill 778 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 118 voting 'yes', 0 voting 'no', and 0 voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 303. Mr. Parke. 303. Mr. Parke. Out of the record. Senate Bill 345. Mr. Dart. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 345, a Bill for an Act regarding confidentially of foster placement records. Third Reading of this Senate Bill."

Speaker Brunsvold: "The Gentleman from Cook, Mr. Dart."

Dart: "Thank you, Mr. Speaker, Members of the House. Senate Bill 345 has three different elements in it. The initial one that I want to mention deals with those who provide license services to children through DCFS who are not ordinarily entitled to an expectation of privacy with respect to information which identifies a service provider or the location of service delivery. This legislation has passed this Session which makes information contained within the records of DCFS more readily available to the public. House Bill 345 (sic-Senate Bill 345) makes an exception to the information disclosure policy creating a new Section 35.3 under the Children and Family Service Act which states

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that it is a policy of the State of Illinois to protect foster parents' addresses and telephone numbers from disclosure foster parents accept placement into their residence. Over the years, foster parents and their children placed in their homes, have experienced problems when disturbed. Parents make inappropriate calls and make inappropriate visits to their home. This Section authorizes the department to adopt rules to effectuate this policy and provide sufficient prior notice of any authorized disclosure for foster parents to seek an order of protection under Section 2-25 of the Juvenile Court Act of 1987. The two other things the Bill does is, in addition to protecting the identity of foster parents, is it makes changes to the punitive father registry to prohibit its use to notify punitive father, who is the father of a child as a result of criminal sexual abuse or assault, and the third part of the Bill is that it deals with the death records on... when a child is in the care of DCFS and is killed, as far as the release of those records to individuals and the courts, state's attorney, the court, and the child's attorney, so that those individuals may find out whether or not some of their actions were involved in the death of the child and can then change their actions accordingly. I would move for the passage of this Bill."

Speaker Brunsvold: "And on that question, the Gentleman from Kendall, Mr. Cross."

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

Speaker Brunsvold: "The Sponsor yields."

Cross: "Tom, can you tell us what Amendments are on this Bill now?"

Dart: "Sure. Tom, we did not put Amendment #1 on. We have Amendment #2 and #3. Amendment #1 and 3 were very similar,

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so we had to make one more change in 3 so we left 1 off and went with 2 and 3."

Cross: "You had some...similar...some of this language in House Bill 64 did you say or was it..."

Dart: "To be honest with you Tom, I don't remember what Bill exactly it was, but the death records was in a Bill and I don't know if the number was 64 or not."

Cross: "I'm not trying to... I think it was and I'm not trying to be cute and I know 64 had some opposition if I remember correctly from DCFS. Is their opposition gone with Amendments 2 and 3?"

Dart: "Yeah, they helped write the language on Amendment #2 and 3."

Cross: "Alright..."

Dart: "Number 2 they never had problems with, it was #3, the death record language and they wrote this language with me so they have no problems with the..."

Cross: "Well, from my understanding of the file I'm looking at and discussing over here, there's no opposition, in fact, everyone's supportive of it at this point?"

Dart: "That's my understanding, too."

Cross: "Okay, thank you."

Dart: "Thanks Tom."

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

Dart: "Thank you very much, Mr. Speaker. As I mentioned before, this Bill has three different parts to it, all very important, but I do think it's important to emphasize the one provision there dealing with the punitive father registry, came about as a result of a case in southern Illinois where a woman was raped and the court case is proceeding right now. What the individual who raped her

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did though, he after the act, he filed under the punitive father registry and so that woman is unable to put her child up for adoption right now because by putting the name on the registry, it stops the adoption. This would cure an obvious problem with the punitive father registry, and the other language dealing with the death records, as well, is very important and I move for the passage of this Bill."

Speaker Brunsvold: "The question is, 'Shall Senate Bill 345 pass?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 118 voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Committee Reports."

Clerk Rossi: "Representative Phelps, Chairman from the Committee on Elementary and Secondary Education, to which the following Amendments were referred, action taken on May 16, 1997, reported the same back with the following recommendations: 'be adopted' Floor Amendment #1 to Senate Bill 569; and Floor Amendment 5 to Senate Bill 709. Representative Schakowsky, Chairman from the Committee on Labor and Commerce, to which the following joint action Motions were referred, action taken on May 16, 1997, reported the same back recommend: 'be adopted' to concur Senate Amendment 2 to House Bill 2061."

Speaker Brunsvold: "Senate Bill 435. Mr. Saviano. Out of the record. Senate Bill 603. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 603, a Bill for an Act amending the Illinois Optometric Practice Act. Third Reading of this Senate Bill."

Speaker Brunsvold: "The Gentleman from Cook, Mr. Saviano."



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Saviano: "Thank you, Mr. Speaker, Members of the House. Senate Bill 603, as amended, represents an agreement between the Illinois Pharmacists' Association, the Illinois Retail Merchants' Association and the Illinois State Medical Society on general procedures in the operations of pharmacies in the State of Illinois. I would commend all those parties for the diligent work that they put into this legislation in coming up with an Agreed Bill and I would ask for a favorable vote. Thank you."

Speaker Brunsvold: "And on the question, is there any discussion? Seeing none, the question is, 'Shall Senate Bill 603 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, 112 voting 'yes'; 5 voting 'no'; 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 665. Mr. Murphy. Representative Murphy. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 665, a Bill for an Act in relation to public employee pensions. Third Reading of this Senate Bill."

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

Murphy, H.: "Yes, thank you, Mr. Speaker. Senate Bill 665 is a Bill that left out of the Pension Laws Committee and all through the Senate and through the House Personnel and Pensions Committee. It has about seven Bills on that. It's agreed and I'd be willing to ask any questions you might have."

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

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

Speaker Brunsvold: "The Sponsor yields."

Parke: "Isn't this the major pension omnibus Bill now?"

Murphy, H.: "No, it's not."

Parke: "What is it... tell me again, what is in this Bill?"

Murphy, H.: "It's a series of Senate Bills, administrative Bills with no cost."

Parke: "All right, no cost. What areas are affected by this Bill?"

Murphy, H.: "Illinois."

Parke: "What?"

Murphy, H.: "State employees, university employees to the most part."

Parke: "State universities... all right, what are we going to do for them if we pass this Bill?"

Murphy, H.: "Well, the impact would be an agreed union impact with the union and the universities affecting their pension funds and their pension pay-outs."

Parke: "Well, how's it different from what it is now?"

Murphy, H.: "Well, there are some increases in that, Representative. Increases to their funds, but they increase because they're paying more money in and it's no impact on the State of Illinois."

Parke: "Right, but it's increases in their plan but who's... who pays for these increases?"

Murphy, H.: "Right now, the members will be paying... it's no cost to any of these Bills in here and so, in many cases, the members are paying a little bit more money than they were paying before and that will be something different."

Parke: "How are the members doing it? Right now the members don't pay anything. How are you going... what is the process of which they're going to pay more? Are you

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putting a half of a percent on their checks to be deducted?  
Is it one tenth of one percent? Right now they don't pay  
anything, so how do they pay now? What's the procedure?  
How much are they going to be paying?"

Murphy, H.: "It's no... it's nothing in the actual cost. The  
universities drafted this Bill themselves and in terms of a  
half a percent or a percent. We don't have that because  
there's no impact on the state."

Parke: "I... you said... I agree that you said that there's no  
impact, but if the employees are going to pay in this, what  
are they paying? How much are they paying to their own  
plan and how are they doing it? What's the procedure?"

Murphy, H.: "Well, it's no increased benefits so they're not, you  
know, there's not a plot."

Parke: "Representative, I don't understand what you're saying to  
me. If you're saying the..."

Murphy, H.: "Yeah, well, I don't understand what you're saying  
either and that's part of the problem. You see there, it's  
no extra cost, so they're not paying any additional for  
them."

Parke: "But you said there is an increase in cost to the  
employees."

Murphy, H.: "Well, if I did, I misspoke. There's no increase."

Parke: "Is this, is this technical? It still says on here this  
is a... is there a trailer pension Bill besides this one?"

Murphy, H.: "Well, when you say a trailer, there's many pension  
Bills..."

Parke: "Well, is there another one that has the increase in cost  
to the taxpayers?"

Murphy, H.: "No, not to that. Not to..."

Parke: "Not this Bill, but is there..."

Murphy, H.: "Not in 665, no."

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Parke: "But there is another Bill? Another pension Bill that's being discussed, right?"

Murphy, H.: "There are several pension Bills. There's not a trailer Bill to 665, though."

Parke: "Are there... what..."

Murphy, H.: "It has nothing to do... in other words, it has nothing to do at all with 667 or the other Amendment we passed last night in the Bill itself. It has no connection, whatsoever."

Parke: "Okay. Now there's some specific things. Can you just highlight two of the major changes to these state plans that the Members would like to be able to tell those employees affected? Just highlight a couple of things for us on this. What are you going to do that's beneficial to the employees of the state? Maybe those employees listening in might be encouraged by what you might have to say that will help them."

Murphy, H.: "Well, I think, I think, Representative, they drafted this themselves and it came from the people that represent them and the unions themselves, so there's really nothing in here that I can give you."

Parke: "Representative, thank you very much. Have a good day."

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

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

Speaker Brunsvold: "The Sponsor yields."

Deering: "I noticed that this pension legislation has some clauses in it for Chicago teachers, downstate teachers, state retirees. Is this the Bill that has the purchase of service credit in for military service people?"

Murphy, H.: "Yes, it has some in it."

Deering: "I'm sorry, Representative, what..."

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Murphy, H.: "Yes."

Deering: "Okay, and this is permissive is that not correct for the service credit for the military personnel?"

Murphy, H.: "That's correct. That's correct."

Deering: "Thank you. The military personnel have to pay the employer and employee contributions and interest?"

Murphy, H.: "Yes, there's no wonder."

Deering: "Thank you, Representative."

Speaker Brunsvold: "The Gentleman from Kane, Mr. Hoeft."

Hoeft: "Thank you, Mr. Speaker. There are two omnibus pension Bills. This one is a Bill to have technical changes by each of the five pension systems. This has been agreed to by everyone, virtually everyone. Went through the Pension Laws Commission. This is needed in order to meet federal guidelines. It is needed in order to update the verbiage. There's nothing in this that I find difficult and it costs the state not a penny so this is... this omnibus Bill, 665, is the good one. Watch out for the next one."

Speaker Brunsvold: "The Gentleman from Bureau, Mr. Mautino."

Mautino: "Thank you, Mr. Chairman, Ladies and Gentlemen of the House. I simply rise to echo the comments of Representative Hoeft and Deering in support of this legislation. It does make the technical changes for the five pension system. Puts us into compliance and, as far as the military service time which is optional, both sides of that are paid by those wishing to take advantage of it. There is no cost to the State of Illinois and I urge an 'aye' vote."

Speaker Brunsvold: "Any further discussion? Being no further discussion, the Gentleman from Cook, Mr. Murphy, to close."

Murphy, H.: "Oh, I would just ask a for a favorable vote."

Speaker Brunsvold: "The question is, 'Shall Senate Bill 665

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pass?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question, there are 116 voting 'yes'; 1 voting 'no'; 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 703. Mr. Poe. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 703, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of this Senate Bill."

Speaker Brunsvold: "The Gentleman from Sangamon, Representative Poe."

Poe: "Yeah, Mr. Speaker and Ladies and Gentlemen of the House, this Bill passed out of the Senate 56 to nothing and amends the Municipal Code. It clarifies the Municipal Power Agency May Act. To exercise any and all its powers defined in the Act, and would ask for a favorable vote."

Speaker Brunsvold: "And on that question, is there any discussion? The question is, 'Shall Senate Bill 703 pass?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, 118 voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill having received a Constitutional Majority, is hereby declared passed. Senate Bill 734. Representative Lou Jones. Out of the record. Senate Bill 771. Mr. Scully. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 771, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this Senate Bill."

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

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Scully: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I present to you Senate Bill 771, which is substantially identical to House Bill 1444. This amends the Vehicle Code regarding the issue of certification of unpaid taxes for the transfer of title to a mobile home. This problem arises out of a tax in several counties outside of Cook County where the counties were collecting taxes from the current owners applicable to the taxes that were incurred by a prior owner. This was caused by an inequity in the law created in 1991. We seek to correct this inequity and the original House Bill passed by about 115 votes and died in the Senate. We ask that you approve this Senate Bill which contains the same provisions, and I ask for a favorable vote."

Speaker Brunsvold: "The Gentleman has asked for the passage of Senate Bill 771, and on that question, is there any discussion? The Gentleman from Logan, Mr. Turner."

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

Speaker Brunsvold: "The Sponsor yields."

Turner, John: "Representative, what was the Bill that you say this is identical to?"

Scully: "Fourteen forty-four."

Turner, John: "And is there any change, whatsoever, or is it just verbatim the same?"

Scully: "There is one change. In (sic - House Bill) 1444, one of the counties had requested a 10 year limitation on the potential rebate that could be made of taxes paid. We saw that as no problem and we amended the House Bill accordingly. The Senate Bill did not contain that Amendment before it was passed by the Senate and I decided that I'd rather not amend this Bill and send it back to the Senate and give them another chance to not vote on a Bill."

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Turner, John: "All right. So, the Bill that passed out of here unanimously went to the Senate, and what happened to it there, it just went to Rules and died there?"

Scully: "Yes."

Turner, John: "And instead, they passed this. I noticed that there was some opposition and it looks like there were seven voting against and six voting 'present'. Do you know what their opposition was?"

Scully: "I'm sorry, Representative, opposition in what House?"

Turner, John: "I say I noticed that the Senate, Third Reading, at least by my analysis, indicates that there were seven opposing and six voting 'present'. That's kind of strange for this Session. Usually everything comes out of there about 55 or 56 to nothing. Do you know what the 13 Senators were concerned about in their failure to vote for this Bill?"

Scully: "No."

Turner, John: "All right. So, you have not been contacted by them, any of those 13 with regard to possible problems with the Bill?"

Scully: "No one has contacted me regarding any opposition."

Turner, John: "My analysis says that the proponents, one of them would be the Township Officials of Illinois, is that right?"

Scully: "Yes."

Turner, John: "And do you know if the county clerks or treasurers have taken a position?"

Scully: "I don't know that they have taken a position other than I have spoke specifically to the Will County Treasurer who was strongly in favor of this."

Turner, John: "I believe that I had asked you questions before when this came through under a different number and you had



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explained it with regard to the collection of the taxes.

It applies to mobile homes. Is this the same Bill?"

Scully: "Yes."

Turner, John: "Okay, thank you. You certainly explained it well the first time through and, as I understand it, this Bill basically is the same thing, so it sounds like a good piece of legislation and intend to vote for it."

Scully: "Thank you, Representative."

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

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

Speaker Brunsvold: "The Sponsor yields."

Deering: "Representative, in the case where an individual may have purchased a mobile home and there's outstanding taxes, what happens in the... that individual would be liable for the taxes incurred since he or she purchased the mobile home, is that correct?"

Scully: "What..."

Deering: "What if there's 10 years of outstanding taxes on this mobile home and I want to purchase it, can I take title without paying those 10 years of back taxes?"

Scully: "Under the present law, you cannot take title without paying those 10 years of unpaid taxes. Under this revision to the law, the current owner is liable for the payment of taxes incurred while that owner owned the mobile home. Prior to 1991, the records of these unpaid taxes were very poorly kept, and it was very easy for a person in 1990 to have acquired title to a mobile home, exercising due diligence, and not being aware that there are unpaid taxes. That problem was corrected in 1991 by this legislature, to require the county treasurers to certify that all unpaid taxes are paid before the Secretary of State can allow a

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transfer of title. This Bill corrects the problem for those people who acquired their mobile home prior to 1990, and, through no fault of their own, acquired title with unpaid taxes from a prior owner."

Deering: "So, are those taxes then lost or is there any reverter in here that would allow the counties to go back and pick those taxes up? Can they pursue litigation against the prior owner and try to get those taxes or are they just lost?"

Scully: "No, they have the ability to pursue the prior owner, the person who actually owned the mobile home the year that the tax was incurred. In fact, I'm doing some work right now with some of those owners to try to collect those taxes from the prior owners."

Deering: "Thank you."

Speaker Brunsvold: "Further discussion? The Lady from Lake, Representative Wood."

Wood: "Thank you. Would the Sponsor yield?"

Speaker Brunsvold: "The Sponsor will yield."

Wood: "Representative Scully, I believe you stated that this Bill is essentially the same as the House version that we voted upon recently?"

Scully: "Yes."

Wood: "I have a question because according to my notes, the House version limited the refund to 10 years, previously. Does the Senate version contain that restriction also?"

Scully: "No, it doesn't and that was the specific discussion I had about 10 minutes ago with Representative Turner, but that is the difference. That that Amendment was put on the House Bill before it left the House and that that Amendment did not... was not made to the Senate Bill and I have chosen not to amend this Bill and give the Senate another

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opportunity to not pass a Bill."

Wood: "But based on that statement of that difference, that's why you're saying they're substantially the same Bill, is that correct?"

Scully: "The word substantially relates specifically to that Amendment as I explained to Representative Turner."

Wood: "Thank you."

Speaker Brunsvold: "Further discussion? Seeing none, the Gentleman from Cook, Mr. Scully to close."

Scully: "I think this is a very taxpayer friendly Bill. It gives us the ability to collect taxes from the people who owe them. Relieves an inequity that unfortunately occurred in 1991. I ask for your favorable votes."

Speaker Brunsvold: "The question is, 'Shall Senate Bill 771 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 110 voting 'yes'; 7 voting 'no'; 1 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 734. Representative Lou Jones. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 734, a Bill for an Act concerning medical care. Third Reading of this Senate Bill."

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

Jones, Lou: "Thank you, Mr. Speaker. Senate Bill 734...I got to find it... Senate Bill 734 is a Bill that asks the nursing homes to once a year to provide or request that the people in the nursing home get what they call an examination for pneumonia. There is a surge of pneumonia going through elderly people in the nursing homes and they think doing this here... by the time they get to the doctors or get to

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see about it, some of them are too far gone. And Senator Smith worked very hard on this Bill for them to see that the elderly in the nursing homes get their pneumonia shot or get the examination. I ask for an 'aye' vote."

Speaker Brunsvold: "And on that question, is there any discussion? Seeing none, the question is, 'Shall Senate Bill 734 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, 118 voting 'yes'; 0 voting 'no'; 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 855. Mr. Deering. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 855, a Bill for an Act concerning business programs. Third Reading of this Senate Bill."

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

Deering: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 855 is an amended cleanup Bill for the Department of Commerce and Community Affairs. It's repealing some obsolete provisions that's in the current statutes and current rules and regulations that were found in recent audit reports from the Auditor General. I would be happy to try to answer any questions."

Speaker Brunsvold: "The Gentleman has asked for the passage. Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 855 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'.

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And this Bill, having a Constitutional Majority, is hereby declared passed. Senate Bill 856. Representative Moore. Andrea Moore. Representative Moore."

Moore, A.: "Thank you, Mr. Speaker. Could you move this Bill back to Second please, for the purposes of an Amendment?"

Speaker Brunsvold: "Mr. Clerk, place this Bill on Second Reading."

Moore, A.: "Thank you, Mr. Speaker."

Speaker Brunsvold: "Senate Bill 909. Mr. Scully. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 909, a Bill for an Act amending the Senior Citizens' and Disabled Persons' Property Tax Relief and Pharmaceutical Assistance Act. Third Reading of this Senate Bill."

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

Scully: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I present to you Senate Bill 909 which amends the Senior Citizens' and Disabled Persons' Property Tax Relief and Pharmaceutical Assistance Act to increase the threshold for eligibility from \$14 thousand of per annum income to \$16 thousand. Under this legislation people eligible will receive minimal property tax relief, pharmaceutical assistance and a discount on motor vehicle license plates. I think it's very timely that we increase the threshold for this. I think \$16,000 is a very reasonable threshold to increase it to. The financial impact, as reported by the Department of Revenue, is approximately \$8.3 million. I think this is a very smart way to be providing further assistance to our senior citizens and I ask for your favorable consideration."

Speaker Brunsvold: "The Gentleman has asked for the passage of

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Senate Bill 909. Is there any discussion? The Gentleman from Vermilion, Representative Black."

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

Speaker Brunsvold: "The Sponsor yields."

Black: "Representative, did you place an Amendment on the Bill while its been in the House?"

Scully: "Yes, there was a technical Amendment to correct a defect in the drafting."

Black: "And is Senator Luechtefeld in agreement with that Amendment?"

Scully: "Yes, he is."

Black: "Okay. Thank you very much."

Speaker Brunsvold: "Any further discussion? Seeing none, Mr. Scully to close."

Scully: "I ask for your favorable consideration. Thank you."

Speaker Brunsvold: "The question is, 'Shall Senate Bill 909 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'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 920. Mr. Winters. Out of the record. Senate Bill 1020. Mr. Ryder. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1020, a Bill for an Act concerning limited liability companies. Third Reading of this Senate Bill."

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

Ryder: "Thank you, Mr. Speaker. This Bill is a rewrite of the

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Uniform Limited Liability Company Act. It has placed the Act into standard language which is familiar to those who are familiar with uniform legislation or uniform statutes. It is a very comprehensive rewrite. It is very detailed but it has been with the support of bar associations and the corporate councils of the Secretary of State's office and I'd be happy to answer any questions."

Speaker Brunsvold: "The Gentleman has asked for the passage. Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 1020 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 an Constitutional Majority, is hereby declared passed. Senate Bill 1031. Mr. John Turner. Senate Bill 1031. Out of the record. Senate Bill 1076. Representative Bugielski. Mr. Clerk, please read the Bill."

Clerk Rossi: "Senate Bill 1076, a Bill for an Act concerning mortgage insurance. Third Reading of this Senate Bill."

Speaker Brunsvold: "The Gentleman from Cook, Mr. Bugielski."

Bugielski: "Thank you, Mr. Speaker, Members of the House. Senate Bill 1076 is a great consumer Bill. This is whereby we are requiring lending institutions and mortgage companies to notify the customers when they have reached 25% equity or we're going according to what federal laws is talking now, when you have 25% equity into your house, that you may be able to be eligible to cancel your PMI, which is known as Private Mortgage Insurance. When customers go out and purchase a piece of property, a home, without putting... when they're putting less than 20% down, it is a

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requirement that you have to take Private Mortgage Insurance. And right now, there is no law that states that the lending institutions have to notify the owner of the house when they have reached the proper equity in their house, thereby allowing them to cancel their Private Mortgage Insurance. In many cases, Private Mortgage Insurance costs 50, 75 or a \$100 a month. So, all this is, is notifying the consumer, notifying the homeowner, that they may no longer need to keep this Private Mortgage Insurance and I ask for a favorable Roll Call."

Speaker Brunsvold: "The Gentleman from Bureau, for what reason do you rise?"

Mautino: "Mr. Speaker, if you could have the computer people take a look, all of our screens out here in the back rows are showing the analysis of (sic - Senate Bill) 1031 and the analysis of the past three Bills have been wrong. Have been not popping up, so I think maybe the Clerk wants to take a look and see because what we're voting on and what's showing up on our computers are completely different."

Speaker Brunsvold: "Could we have our computer experts that are here please check out the problem on the back row with Mr. Mautino."

Speaker Brunsvold: "It looks like we got problems all over the Floor, so we need to check in on that, Mr. electrician. Mr. Bugielski has asked for the passage of Senate Bill 1076. Is there any discussion? The question is, 'Shall Senate Bill 1076 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 118 voting 'yes'; 0 voting 'no'; 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby



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declared passed. Lopez... no, Saviano, he wants to to hold those. Senate Bill 681. Mr. Biggins. Out of the record. Senate Bill 795. Mr. Noland. Senate Bill 795. Mr. Noland. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 795, a Bill for an Act regarding natural resources. Third Reading of this Senate Bill."

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

Noland: "Thank you Speaker. Senate Bill 795 is identical to the Bill we passed last night, Senate Bill 304, except for one provision. There is a privilege extended to hunters from bordering states, the five bordering states, that if they come here and for some reason don't have ammunition, they can purchase ammunition in the state if they have a valid out-of-state hunting license. However, we don't provide that same provision to a white tail deer hunter from Colorado. This would just make a uniform period of extending the same privilege to non-bordering state hunters as we do to bordering state hunters. I'd appreciate your support."

Speaker Brunsvold: "Is there any discussion on the issue? Seeing none, the question is, 'Shall Senate Bill 795 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'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 549. Mr. Clerk, what is the status of that Bill?"

Clerk Rossi: "Senate Bill 549, is on the Order of Senate Bills, Third Reading."

Speaker Brunsvold: "Place that Bill on Second Reading. Senate Bill 593. Mr. Biggins. Mr. Biggins, (sic - House Bill)

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593. Out of the record. The Chair's on page 5 of the Calendar, Second Readings. Page 5 of the Calendar, Second Readings. The first Bill is Senate Bill #3. Mr. Hannig. Read the Bill Mr. Clerk."

Clerk Rossi: "Senate Bill 3, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Hannig, has been approved for consideration."

Speaker Brunsvold: "The Gentleman from Macoupin, Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. The underlying Bill is a Shell Bill. The Amendment is just a technical Amendment and let me tell you the plan is to put the Bill in Conference if we do get an agreement on this 2+2, we'll have some place to go with it. If not, it will just stay on the Calendar and that's the purpose of the Amendment and the Bill, and I'd ask for the adoption of Floor Amendment #1."

Speaker Brunsvold: "And on the Adoption Motion, is there any discussion? Seeing none, the question is, 'Shall the Amendment be adopted?' All in favor say 'aye'; all opposed say 'nay'. The 'ayes' have it and the Amendment's been adopted. Further Amendments Mr. Clerk?"

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "Senate Bill 3, a Bill for an Act concerning public employee pensions. Third Reading of this Senate Bill."

Speaker Brunsvold: "Mr. Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. As I just said the Bill is amended. It's just an effort to get a Bill in Conference so that the Senate Sponsor, Senator Bomke and myself and my other House Sponsors,

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Representative Poe, Klingler, Murphy and Erwin can see if it's possible to put something together on this 2+2 retirement plan. If not, the Bill will just remain in Conference, but if so, we hope then to use this as a vehicle to put an Agreed Bill out on the Floor, and I'd move for passage of the Bill."

Speaker Brunsvold: "The Gentleman has moved for the passage. Is there any discussion? The question is, 'Shall Senate Bill 3 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Record yourself. Mr. Clerk, take the record. And on that question, there are 75 voting 'yes'; 42 voting 'no'; 1 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 124. Representative Silva. Representative Silva. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 124, has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments."

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

Clerk Rossi: "Senate Bill 124, a Bill for an Act amending the Illinois Insurance Code. Third Reading of this Senate Bill."

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

Silva: "Senate Bill 124 provides that a company... an insurance company may not cancel or refuse to issue a renewal policy of homeowners' or renters' insurance because of insured premises are operated as day care homes. This is a Bill that has been worked out with the insurance industry and they are in support of it and I would urge an 'aye' vote."

Speaker Brunsvold: "The Lady has asked for the passage of Senate Bill 124. Is there any discussion? Seeing none, the

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question is, 'Shall Senate... excuse me, excuse me, Representative Mautino, the Gentleman from Bureau."

Mautino: "Hello, Mr. Speaker. I just wanted to say the computer screens are still... this is an excellent Agreed Bill and I do support that. The computers are still showing Senate Bill 3. They haven't changed over yet, so if they could take a look at that and have them just keep us up to date on the Bills."

Speaker Brunsvold: "Thank you, Mr. Mautino. The Lady has asked for the passage of Senate Bill 124. All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 117 voting 'yes'; 0 voting 'no'; 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 172. Mr. Scully. Mr. Clerk, read the Bill. Excuse me, Mr. Scully. The Lady from Peoria, Representative Slone, for what reason do you rise?"

Slone: "Thank you, Mr Speaker. Had I gotten to my switch in time, I would have voted 'yes' on the last Bill."

Speaker Brunsvold: "You'll be so recorded."

Slone: "Thank you."

Speaker Brunsvold: "Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 172, the Bill has been read a second time, previously. Floor Amendment #2 has been adopted to the Bill. No Motions have been filed. Floor Amendment #4, offered by Representative Scully, has been approved for consideration."

Speaker Brunsvold: "Mr. Scully, on Floor Amendment #4."

Scully: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #4 has been offered to Senate Bill

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172. Senate Bill 172 amends the Sex Offender Registration Act. There was some opposition to this Bill by the Illinois State Police. Amendment #4 is offered at the request of the Illinois State Police to make it a better Bill. We ask for your favorable consideration."

Speaker Brunsvold: "The Gentleman has asked for the adoption of Floor Amendment #4. Representative Lyons."

Lyons: "Thank you, Mr. Speaker. Just like the record to reflect on Senate Bill 6...Senate Bill 3, I would've liked my vote to be recorded as a 'yes'."

Speaker Brunsvold: "Thank you. It is so noted. Representative Clayton."

Clayton: "Likewise, I'd like the record to show that I should have voted 'yes' on Senate Bill 3."

Speaker Brunsvold: "It will be so noted."

Clayton: "Thank you."

Speaker Brunsvold: "Representative Clayton, thank you. On the Amendment, the Gentleman from Vermilion, Representative Black."

Black: "Yes, thank you very much, Mr. Speaker. I would like the record to reflect that had I been at my desk and pushed the right button at the time, I would like the Sponsor to yield on Amendment #4. Would he do that?"

Speaker Brunsvold: "He yields."

Black: "Ah, thank you. Representative, Amendment #4 looks to be a very interesting Amendment, but it looks to me like we're reducing some public notice provisions of the Bill. Would that be a fair assessment?"

Scully: "I don't think that's an accurate assessment, but please explain your position if you wish."

Black: "In the opinion of our staff and I join them, Floor Amendment #4 repeals a primary facet of community

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notification for sex offenders. Let me correct it, it doesn't repeal it but it certainly rolls it back. I think it makes it less effective. Why do we want to do that?"

Scully: "I don't think it does repeal or..."

Black: "No, I didn't say that, I corrected myself. It didn't repeal, but I think it certainly removes some of the community notification procedures."

Scully: "Representative Black, I'm at a loss to explain your opinion of the Bill."

Black: "Well, let me see if I can help you. Senate (sic - Bill) 172 as passed by the Senate, requires employed sex offenders to register twice, including a second registration at the community where the offender is employed. This duty to register language is contained in Section 3. That's the Section that triggers the addition of a sex offender's name to the list of offenders whose names are made public at law enforcement headquarters. This Section 3 language is struck from the Bill by Floor Amendment #4. Why do you want to do that?"

Scully: "The original Bill didn't address the issue of place of employment. And the state police have expressed their concerns in discussions that's it's very important that we also have these convicted sex offenders registering in the county where they are employed."

Black: "Has the state police told you that if this Amendment is not adopted to the Bill, that they will not enforce the underlying Bill?"

Scully: "No."

Black: "That's funny, I think I remember the Director of the State Police earlier in this Session saying, 'If a certain Bill passed, he wouldn't enforce it because he didn't like it.' You may not have been in that committee, but I was."

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Scully: "I was in that committee and I heard that person make that statement."

Black: "I just wonder if he's made the same statement, that if Floor Amendment #4 isn't adopted to this sex offender Bill, he won't enforce it?"

Scully: "Well, Mr. Black, I would suggest that any state employee who refuses to impose a law written by this Body, does so at his or her own risk."

Black: "Yes, I think he did have two people vote against his confirmation in the Senate, but he was confirmed anyway. Mr. Speaker and Ladies and Gentlemen of the House, to the Amendment."

Speaker Brunsvold: "Proceed."

Black: "Once again, we have a Sex Offender Notification Law that is tough and appears to be working, but the state police don't want the extra work if they have to register twice. Now if they're released and live in Town A but they work in Town B, they don't have to reregister in Town B. So all of the people who live in Town B and all of the people who work in that area in Town B, they won't know that a sex offender is there. That is a ridiculous roll back of the intent of the law. I rise in opposition to Floor Amendment #4. I want the state police to enforce the law and stop looking for reasons not to enforce the law. I ask for a Roll Call on Amendment #4, and should it receive the requisite number, I want a verification. This is a silly Amendment and it's a silly idea on the part of the state police."

Speaker Brunsvold: "It's been noted. Mr. Bost."

Bost: "Yes, I would like to have been recorded as a 'yes' vote on Senate Bill #3."

Speaker Brunsvold: "It will be so noted. Any further discussion

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on the Amendment? Seeing none, the Gentleman from Cook, Mr. Scully to close."

Scully: "We ask for your favorable consideration of Amendment #4."

Speaker Brunsvold: "The Gentleman has requested a Roll Call on this Amendment. The Gentleman has moved for the adoption of Amendment #4. All those 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 the adoption of the Amendment, there are 12 voting 'yes'; 95 voting 'no'; 10 voting 'present', this Amendment fails. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Brunsvold: "Third Reading. Mr. Scully."

Scully: "There is Floor Amendment #5 and I would ask Mr. Fritchey to present that Amendment."

Speaker Brunsvold: "That Amendment is in Rules, Mr. Scully. Do you wish to keep this Bill on Second Reading?"

Scully: "Yes."

Speaker Brunsvold: "Mr. Clerk, place that Bill on Second Reading. Senate Bill 255. Mr. Deering. Out of the record. Senate Bill 256. Mr. Deering. Out of the record. Senate Bill 307. Mr. Hartke. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 307, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #3, offered by Representative Hartke, has been approved for consideration."

Speaker Brunsvold: "Representative Hartke on Floor Amendment #3."

Hartke: "Thank you very much, Mr. Speaker and Members of the House. This Bill had Amendment #2, on which we tabled in



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committee and replaced it with Amendment #3 and we took out some provisions that caused some problems with some individuals dealing with quick-takes, so this legislation is now clean of all those things and I would appreciate your support for Amendment #3."

Speaker Brunsvold: "And on the Amendment, the Gentleman from Vermilion, Representative Black."

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

Speaker Brunsvold: "The Sponsor yields."

Black: "Representative, all this Amendment does is to remove eminent domain authority from the township on the... is it the township in its entirety... entirety or just the road commission?"

Hartke: "We're talking about the road district, road commissioner."

Black: "Okay. So, the road district commissioner with this Amendment would not be able to arbitrarily use eminent domain authority to take some property?"

Hartke: "That is true. There was some question whether they did or did not have that authority and for possible abuse there so this takes that out of the piece of legislation and makes it acceptable to all those individuals..."

Black: "Now..."

Hartke: "...who were concerned about that."

Black: "It also allows the township to accept property by gift in other words..."

Hartke: "Yes, they can accept real property so that's..."

Black: "Okay, so if you want to donate some of the Hartke Estate for a township road, you're prohibited from doing that now?"

Hartke: "Right, or a museum in my honor that would be good, too."

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Black: "And that's... then we could put another sign on that road, right?"

Hartke: "Right. A blue and white so they can be sure to get there."

Black: "So, it's all coming together now, Representative. This is a fine Amendment. Thank you."

Hartke: "This piece of legislation is supported by, not only the Township Officials but the Illinois Association of Realtors and the Illinois Farm Bureau, and I think it makes the underlying Bill a whole lot better."

Speaker Brunsvold: "Any further discussion? Seeing none, the Gentleman asks for the adoption. All in favor say 'aye'; all opposed 'nay'. The 'ayes' have it and Floor Amendment #3 has been adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "Senate Bill 307, a Bill for an Act amending the Township Code. Third Reading of this Senate Bill."

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

Hartke: "Thank you very much. We just finished talking about the Amendment which adds to the Bill to make it a better Bill. The original Bill dealt with permitting townships to enter into agreements to provide health care facilities, clinics and rural townships in downstate Illinois. If a township wanted to, say put in a health care clinic or a dental clinic, they could do so with a referendum of the people to provide health care and the needs of people in our rural areas. I would appreciate very much your support for this piece of legislation."

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

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

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yield?"

Speaker Brunsvold: "Sponsor yields."

Hartke: "Sure."

Black: "Representative, on the underlying Bill, we're giving townships the authority to levy a tax, is that not to exceed nine cents, is that what it is or am I reading that wrong?"

Hartke: "The townships will be authorized after receiving referendum approval to levy an annual tax of not more than .095% of the value of all taxable property in the township in order to provide for primary health care. No tax can be levied with respect to any property that is already subject to a tax levied for the purpose of providing primary health care. Meaning that if we had a county hospital or something like that and there was a..."

Black: "Okay."

Hartke: "...tax already on the Bill, the township then, cannot put an additional tax on."

Black: "So, the underlying Bill doesn't have the additional tax for primary health care?"

Hartke: "With referendum approval."

Black: "Okay, and it's a front door referendum."

Hartke: "Yes."

Black: "Not to exceed, if I'm reading this right, nine and a half cents, is that right?"

Hartke: ".095%."

Black: "Well, I was absent the day we covered those decimal points. I just to make sure it's nine and a half cents."

Hartke: "Maybe you should have went to school with Representative Phelps. He didn't graduate from higher ed either."

Black: "I tried to get into Teutopolis and they wouldn't let me."

Hartke: "Okay."

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Black: "All right, thank you Representative."

Hartke: "Ladies and Gentlemen, I'd appre..."

Speaker Brunsvold: "The Lady from McHenry, Representative Hughes."

Hughes: "Yes, thank you. Will the Sponsor yield?"

Speaker Brunsvold: "The Sponsor yields."

Hughes: "No, he won't."

Hartke: "Yes, I will."

Hughes: "You have clarified that this would be by referendum only as far as the tax."

Hartke: "Yes, that's what the Bill says."

Hughes: "Would this provision apply to all townships in the state? This new authority?"

Hartke: "No, this applies to townships with populations of 25 thousand or less."

Hughes: "Are there any other conditions which would need to be met prior to this provision taking into effect?"

Hartke: "Right. It would also have to be federally designated as a manpower shortage area to provide primary health care to its citizens."

Hughes: "So, this would apply to townships where there are needs for health care services?"

Hartke: "Right. And the counties that are listed are Brown, Carroll, Cass, Clay, Cumberland, DeWitt, Edgar, Gallatin, Anderson, Jasper, the Jersey, Lawrence, Mercy, Stark and Wayne Counties. Those are the counties where this legislation could possibly effect."

Hughes: "So, this legislation would have no affect on any of the counties that you did not just name?"

Hartke: "That's ab..."

Hughes: "We're talking about 13 or 15 counties."

Hartke: "That's true. These other counties that I did not

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mention are either over that population or do not meet the other federal designated manpower shortage areas."

Hughes: "So again, the intent of this is to provide an option for meeting health care needs in those areas that are deficient in health care services?"

Hartke: "Yes, absolutely. In one of my communities, we have a dental clinic and a health clinic, and the community went together to provide funds to provide the dentist chair and the examining rooms and so forth for a rotating doctor to be around. Without this, many of the residents say in that area would not be able to travel, you know, to get this primary health care."

Hughes: "To the Bill, Mr. Speaker."

Speaker Brunsvold: "Proceed."

Hughes: "With all the changes we're experiencing in medicaid reform and all, I think this is one alternative for rural areas with the approval of the voters to fill a niche that's going to be a growing gap in health care potentially and I think this is a good proposal. Thank you."

Speaker Brunsvold: "Any further discussion? Seeing none, the Gentleman from Effingham to close."

Hartke: "I would just appreciate your care and consideration for the people in the rural area. This is a self help method, a front door approval, and I would appreciate your help."

Speaker Brunsvold: "The question is, 'Shall Senate Bill 307 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 95 voting 'yes'; 20 voting 'no'; 1 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 317. Representative Winters.

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Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 317, this Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Winters, has been approved for consideration."

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

Winters: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #1 changes the definition allowing chiropractors to be reimbursed under the Medi-Plan Plus Act. Under the federal regulations, chiropractors are not doctors. Under the state Medical Practice Act, it defines chiropractors as physicians just like M.D's and osteopaths. This simply allows them to receive reimbursement. It's agreed to. There's no opposition that I'm aware of, including from the State Medical Society."

Speaker Brunsvold: "The Gentleman has asked for the adoption of the Amendment. Is there any discussion? The question is, 'Shall the Amendment be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and Floor Amendment #1 has been adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "Senate Bill 317, a Bill for an Act amending the Illinois Public Aid Code. Third Reading of this Senate Bill."

Speaker Brunsvold: "Representative Winters."

Winters: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This really is just a technical cleanup but it does allow chiropractors to receive reimbursement under the Medicaid Plus Plan. Excuse me, it's early in the morning. I would move its passage."

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Speaker Brunsvold: "The Gentleman has moved passage of the Senate Bill. Is there any discussion? The Gentleman from Saline, Mr. Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise to support this Amendment. This appeared in another Bill, 1556, and it didn't meet the deadline on Third Readings, but was worked out and I think this goes a long way to comply with what HCFA and all those folks that share the medical community responsibility in this Medi-Plan Plus. Appreciate your support."

Speaker Brunsvold: "Further discussion? Seeing none, the question is, 'Shall Senate Bill 317 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 the Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 363. Mr. Cross. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 363, has been read a second time previously. No Committee Amendments, no Floor Amendments, no Motions filed."

Speaker Brunsvold: "Third Reading. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 363, a Bill for an Act amending the Juvenile Court Act. Third Reading of this Senate Bill."

Speaker Brunsvold: "The Gentleman from Kendall, Mr. Cross."

Cross: "You know, Mr. Speaker, if we could, I apologize for moving this, if we could take this out of the record a second."

Speaker Brunsvold: "Out of the record. It's on Third Reading, Mr. Cross."

Cross: "Thank you."

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Speaker Brunsvold: "We moved it to Third Reading."

Cross: "If we could just... I'm going to withdraw my request for verification on this Bill and just hold it right here. Thank you."

Speaker Brunsvold: "Thank you. Senate Bill 381. Mr. Roskam. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 381, has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Roskam, has been approved for consideration."

Speaker Brunsvold: "The Gentleman from DuPage, Mr. Roskam, on Floor Amendment #2."

Roskam: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #2 to Senate Bill 381 is a noncontroversial measure as it relates to the Court Report Transcript Act. I'm accommodating the Democratic staff and urge its passage."

Speaker Brunsvold: "Any discussion? The question is, 'Shall the Amendment be adopted?' All in favor say 'aye'; all opposed 'nay', the 'ayes' have it and the Amendment is adopted. Further Amendments?"

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

Speaker Brunsvold: "Representative Roskam on Floor Amendment 3."

Roskam: "I move to table Floor Amendment #3."

Speaker Brunsvold: "The Gentleman withdraws Floor Amendment #3."

Clerk Rossi: "Floor Amendment #4, offered by Representative Roskam."

Speaker Brunsvold: "Representative Roskam."

Roskam: "Floor Amendment #4 brings the underlying language in compliance with federal language as it relates to frivolous



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lawsuits that inmates would file. It also brings inmates who file frivolous claims under the Post Conviction DNA Act, House Bill 2138, under the scope so that they would lose... they would have the obligation to pay those bills. I know of no opposition and urge its passage."

Speaker Brunsvold: "Any discussion on Floor Amendment #4? The Lady from Cook, Representative Ronen."

Ronen: "Mr. Roskam, I'm sorry, I didn't hear what this Amendment does. Can you just tell me again?"

Roskam: "Sure. It does two things. Number one, the general subject matter are frivolous lawsuits that inmates in the Department of Corrections file. In the last General Assembly, Representative, we passed legislation where they would actually lose good time if they filed frivolous lawsuits against the Department of Corrections and so forth."

Ronen: "When you say frivolous lawsuit, can you give me an example of what you're talking about?"

Roskam: "Well, those types of things that are non-meritorious and the Bill defines those and that's been previously defined. In other words, I sure you supported it in the last General Assembly, well, maybe not, but I bet you did. Where they would actually lose good time. And the threshold is high. Its not an easy thing."

Ronen: "It is high. Okay. We're not talking about persons on Death Row are we?"

Roskam: "Well, if it's a frivolous claim we would be talking about that, and this also mirrors... remember on House Bill 2138, which has to do with post conviction DNA testing?"

Ronen: "Yes."

Roskam: "In that initiative, we said that if it's a frivolous claim, if it's not meritorious then they would lose their

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good time. So that Bill passed the Senate and it's on the Governor's desk now. Now what we saying is, in addition to losing good time, if it's a frivolous claim, then they would have the obligation to reimburse court costs. This is an initiative of my Senator, Senator Fawell. It was brought to her attention by the DuPage County Bar Association. I think it's agreed to language and I don't know of any opponents."

Ronen: "Okay. And the Cook County Public Defender is supportive of this Amendment?"

Roskam: "Yeah, Greg O'Riley was active in this."

Ronen: "Great. Okay, thank you Mr. Roskam."

Speaker Brunsvold: "Further discussion? The Lady from Cook, Representative Monique Davis."

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

Speaker Brunsvold: "The Sponsor yields."

Davis, M.: "Representative, do you believe that what may appear frivolous to us who have our freedom, may be the most important and significant thing in the world to a person who is incarcerated?"

Roskam: "There's got to be an affirmative finding by the trial judge, Representative, that something would be frivolous."

Davis, M.: "So, once they appear before a judge or the case does, and the judge says, 'Well, this is frivolous.' I would feel that if it was that frivolous it wouldn't even get that far."

Roskam: "You'd be surprised. Anyone can file a claim, and unfortunately there's not a restraining influence in the law right now, Representative, where frivolous claims they may just be dismissed."

Davis, Monique: "Let me give you an example..."

Roskam: "Sure."

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Davis, M.: "...and you answer if this is correct. Would it be frivolous for a prisoner to claim they took my radio?"

Roskam: "Not necessarily. If you have an underlying meritorious right to that radio and it was wrongfully deprived of you, that would not be frivolous."

Davis, M.: "Would it be friv..."

Roskam: "Let me just say, if you didn't have a right to that radio, and you were saying... this is the situation, Representative, and I understand where you're coming from. This is a situation where these are really brought forward with really no merit. They're by guys that are clogging up the system that don't... they're abusing the system and there should be a consequence to that in my opinion."

Davis, M.: "Well, I think there should be a consequence to that, but can you just give me maybe two or three things that would be considered frivolous?"

Roskam: "Let me read directly from the language. I think that may help."

Davis, M.: "Thank you."

Roskam: "In this Section, frivolous means... let me just stop for one second. Representative, frivolous means that something; #1 lacks an arguable basis either in law or in fact, so there's nothing there, but they're just filing something; Or, it's being presented for an improper purpose such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. Or the claims, defenses and other legal contentions therein are not warranted by existing law or by a non-frivolous argument for the extension, modification, or reversal of existing law or the establishment of a new law."

Davis, M.: "Representative, how do you prove that it was presented for harassment? How does that get proven?"

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Roskam: "Well, that would a matter of the judge and the finder of fact to make that determination."

Davis, M.: "So, an inmate could have a suit filed and really could believe that he's within his rights, and once he has done this, the judge could say, 'Oh, this was very frivolous. This is a waste of the court's time and money, so you lose...'"

Roskam: "That's not a... no, that's not a likely scenario, because if he believes that he has an underlying claim, that's not frivolous. But, Representative, you know and I know there are people who are incarcerated today who don't believe that they have a meritorious case, who are trying to clog the system up and are not operating in good faith. And if they elect to do that, that's a bad decision on their part and they should be held accountable. Right now, there's no accountability. And what we're saying is, 'Listen, if you want to be in the game, if you want to make the assertion that you have been wrongfully deprived of your liberties or wrongfully deprived of your property, like the radio scenario that you put forth earlier, then so be it. But if there's nothing there, if it's just absolutely meaningless, if there's no underlying law to support you, then don't do that stuff.' Because what is happening is..."

Davis, M.: "But, Representative..."

Roskam: "Sure."

Davis, M.: "Are they, when I say they, those who are incarcerated, usually deemed to be knowledgeable of underlying law?"

Roskam: "Well, they've got a law library that we paid for, and I think some of those men and women who are incarcerated have developed a real knowledge of the law."

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Davis, M.: "Thank you for your answers, Representative. To the Bill, Mr. Speaker. You know, I am truly very concerned when we continue to do things to hold people in prison for longer, longer, longer periods of time. Now, I would imagine if I'm incarcerated, my feelings in reference to getting out of there or to being treated better, I would do anything I possibly could to get that kind of treatment. But, in my opinion, we would be acting in a frivolous way if we decide because you brought this suit before us, now you must stay here longer. Now we're going to keep you much longer. And what we're actually doing is, continuing to make the taxpayer take care of people who could be released from prison. For some reason, my dear Representative over here, for some reason, we seem to be looking for every excuse in the world to keep people longer and longer and longer periods of time. The taxpayer is kind of tired. He's tired of having to pay these penal costs that are increasing and they're increasing at just rates that are phenomenal. So, in my opinion, we should be seeking ways in which to release people who have been rehabilitated and release them who are ready for vocational work and stop this business of trying to keep them in prison longer. Now, I don't know what's frivolous to a prisoner. I mean, if you're sitting there and all you have to look at is a roach crawling back and forth all day, it might be frivolous to ask to exterminate the place. So, I'm going to ask you to vote 'no' on this Bill."

Speaker Brunsvold: "The Gentleman from Madison, Representative Davis, for what reason do you rise?"

Davis, S.: "Thank you, Mr. Speaker. I rise on a Point of Personal Privilege."

Speaker Brunsvold: "Proceed."

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Davis, S.: "It gives me a great deal of pleasure to welcome to Springfield, the Central Baptist School from Granite City, Illinois, with the Reverend and Mrs. Wayne Musik. Please join me in welcoming, the K-12 class from this school."

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

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

Speaker Brunsvold: "The Sponsor yields."

Pugh: "Representative Roskam, I commend you on the intent of this particular piece of legislation. I think far too long, has inmates been granted the opportunity to appeal through frivolous lawsuits and we have inundated the courts with a bunch of lawsuits that have no merit, so I commend you in that term, Sir. But my concern has to do with, if we are going to allow adjudication for these frivolous lawsuits, with that calls for another form of backlog in the court system. We're talking about replacing or putting in place a adjudication process to review the merit of frivolous lawsuits. Am I correct?"

Roskam: "I don't think you are. I think what would end of happening is, the motion would be made by the person who is incarcerated. It would be argued before the trial judge or whatever. The state would come in, make their argument and then the judge would make a decision then and there on the frivolous nature of the case. I don't see it compounding the situation."

Pugh: "Okay."

Roskam: "And in fact, Representative, it's had a real restraining influence on the non-meritorious cases in some of the southwestern states that have adopted this."

Pugh: "Well, Sir, you're assuming that this will serve as a

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deterrent and it will stop individuals from filing lawsuits."

Roskam: "Frivolous ones."

Pugh: "Well, I submit to you, Sir, that an individual that is incarcerated for a period of 20 years, that doesn't visit the gym on a regular basis, spends his time in the law library, he has nothing to lose by filing a frivolous lawsuit and..."

Roskam: "...that's the problem."

Pugh: "...he has nothing to lose by filing a frivolous lawsuit so, therefore, he's not going to be concerned with the process involved in penalizing him if his freedom is at stake. So..."

Roskam: "...see in this... let me just..."

Pugh: "...he is not going to file the lawsuit based on the assumption that he's going to lose and not obtain his freedom. He is filing the lawsuit based on the assumption that the lawsuit is going to make him free. So, upon that... in doing that, Sir, we will be inundating the courts once again with duplicity. I mean, if right now, he does not have to go to court in order to file a frivolous lawsuit. You're saying that the purpose of this piece of legislation is designed to stop the courts from being inundated. But, in essence, we are inundating the court with another process."

Roskam: "No. Here's why. If you misunderstood something that I mentioned earlier in terms of 'good time', this is not a 'good time' Bill, Representative. There is no potential deprivation of liberty, as it relates to this Amendment that you're considering. What ends up happening, though, is that the petitioner, the inmate ... the fees are not waived for that person. So, if it turns out that it's a

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frivolous claim, which isn't an extra finding... I mean it's not a more complex thing... the judge hears the arguments and says..."

Pugh: "...but we're going..."

Roskam: "...no, no, just let me finish..."

Pugh: "...we have to go to court..."

Roskam: "...no..."

Pugh: "...to find that out."

Roskam: "No. You're in court. And what will end up happening is that the person who you describe, who right now has nothing to do but to sit around and to come up with arguments about Skippy peanut butter and they want crunchy and somebody else wants smooth and all that type of nonsense, that's making everybody crazy and makes the taxpayers crazy and is an abuse of our system, they are going to have to pay for the court costs if they bring those forward. There's not a deprivation of liberty further. It has nothing to do with 'good time'. We already... the General Assembly already acted on that and that's still the law of the land. But this says, if you're going to go into court and waste the court's time, and waste the taxpayer's time, and waste the people's lawyer's time, you're going to pay. That's all it says."

Pugh: "Well, Sir, I further submit to you that an individual who has been incarcerated for a period of 10 to 15 years, on a salary of 30 cents an hour..."

Speaker Brunsvold: "Please bring your question to a close, Mr. Pugh."

Pugh: "...has little or no money available to file... to pay for any kind of court costs. Where will this individual receive the dollars? Will he be further penalized as a result? I think, Sir, that this is infringing upon double



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jeopardy. We already have an individual who has a limited amount of rights and he is in the process of exercising those rights. But those rights are being negated as a result of this particular legislation. I submit to you that an individual that has been incarcerated and has been cut off from society for 10 to 15 years, making 30 cent an hour, has no resources available to pay court costs. So, in essence, we are dually impacting the court system with additional costs. And, Mr. Speaker, if this... I would like a Roll Call vote on this particular piece of legislation."

Speaker Brunsvold: "So noted. And on the question, the Gentleman from McHenry, Mr. Skinner."

Skinner: "I have what might be considered a frivolous question, but it ended up in a real suit. An inmate at Stateville, for some reason, did not get clean sheets during the last summer. The sheets are supposed to be changed once a week. How many weeks do you think that an inmate ought to have to wait before he would not be accused of filing a frivolous suit for clean sheets?"

Roskam: "I'm not taking the bait. Let me just tell you this. The... if they have a meritorious claim, if they have a right to clean sheets, then I'm sure that a judge would not say that them exercising their right is frivolous."

Skinner: "Well, I think you're right. And in this case, the inmate appealed directly to the Warden, more than once, before he filed the suit. I think he didn't get clean sheets for at least 90 days. I don't know about you, but last summer if we were sleeping in an unairconditioned bedroom, I think it would be far before 90 days before we would consider it unfrivolous to take whatever action we could to get clean sheets. The Gentleman even wrote a

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letter to the Warden saying, 'I will drop my suit, just give me clean sheets.' And he didn't get clean sheets with that letter. He had to get called by a Representative from Mothers Against Prison Rape to get the clean sheets. And this seems to me to be not frivolous."

Roskam: "I would agree. And, in fact, under... on page 2 of the Amendment, Section B, line 1 that would have an arguable basis in fact and would not be frivolous."

Speaker Hannig: "Representative Giles."

Giles: "Thank you, Mr. Speaker. May I yield my time to Representative Pugh?"

Speaker Hannig: "Okay, Representative Pugh."

Roskam: "Representative, thank you. Let me..."

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

Roskam: "...can I answer your previous question? Because you're going to get all the time you want apparently. You previously raised the notion of double jeopardy which has no bearing, whatsoever, to this environment."

Pugh: "Well, Sir, then why is this limited to post-conviction actions?"

Roskam: "Because that's where the problem is. That's where the guys are sitting around..."

Pugh: "...if that is the only time... that's the only time where an individual does not have the right to an attorney."

Roskam: "No, look it. What we're talking about is someone who is... they can come in, Representative. They can still file their claim. But what we're saying is, we're not going to waive their fees. We're not going to have the taxpayers pick up the tab. Does someone still have the right to go in?"

Pugh: "...then where in the previous Bill, Sir..."

Roskam: "...and make their claim, sure they do but the taxpayers

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don't have to pick up the tab..."

Pugh: "...we are in total agreement that the taxpayers should not pay for frivolous lawsuits. But I say..."

Roskam: "Then vote 'aye'."

Pugh: "But I submit to you, Sir, that there are a myriad of other lawsuits that are meritorious..."

Roskam: "I agree."

Pugh: "...and it is not left to us to further burden the taxpayers with the costs of... court costs to determine what is frivolous and what is not."

Roskam: "I answered that already. They're already before the court, there's not an additional finding, the judge puts in the order, frivolous, period, paragraph and the letter. You're looking for stuff that's not in the Bill."

Pugh: "But you're saying... but, Sir, you're saying that, that would not... but that would cut the amount of money that we're spending."

Roskam: "It cut it in half in Arizona."

Pugh: "But it does not. When you're talking about additional court records. You're talking about additional court time, you're talking about additional time that is spent in front of a judge. How would that...."

Roskam: "Absolutely not."

Pugh: "How would that, in essence, reduce the amount of dollars we're spending to ferret out this kind of situation?"

Roskam: "Well, for the same way that I mentioned before at the beginning of your questions. What ends up happening is, the motions are made, the arguments are made before the judge. If the judge determined that it's frivolous, as it's defined in the law, and I previously read into the record... or as it's defined in this Amendment, then the judge says that's frivolous and, Mr. Inmate, your fees are

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not waived and you have an obligation to reimburse this court for costs, and so forth, and here's how much money it's going to cost you, and it's going to come out of your inmate account, and if you don't have money in your inmate account, then we're not going to collect it from you. But if you do have money in your inmate account, then you're going to pay. And the good news is, Representative, that this has had a tremendous restraining influence on the types of nonsense cases that don't have merit, that clog the courts up and that cost taxpayers money. And all we're saying is, if you want to be in the game, Mr. Inmate, if you want to bring a claim that doesn't have any basis in fact, or basis in law, and you've got nothing else to do but to file frivolous claims, then we're not going to pay the tab. You're going to pay. Because previously you're asking us to pay the tab and the free freight train ride is over."

Pugh: "Once again, Representative, I think once an individual is incarcerated, the only protection that he or she has, or the last ounce of protection that he or she has is the judiciary and that is based in the Constitution. And when you're talking about taking away the rights, you're talking about taking away the rights of an individual to have their cases heard in a Court of Law then you're infringing upon one of the basic and fundamental rights that were allotted to us in the sovereign State of Illinois. And that is the resort to the means that we have afforded to us in the Constitution of the United States. And this particular piece of legislation is bordering on taking away the rights that were allotted to an individual whether incarcerated, whether slave or free, whether an individual has rights as a human being. These rights are being trampled on with

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this piece of legislation, and therefore, I suggest a 'no' vote."

Speaker Hannig: "Representative Roskam, to close."

Roskam: "Thank you, Mr. Speaker. With all due respect to the questions from my previous questioners, I understand their heartfelt opposition to this Bill, but let's make very clear what we're talking about. We're not denying anybody's right to get before a judge. They have that right and they'll have that right if House Amendment... or Floor Amendment #4 is adopted. They won't be deprived of any liberty, they won't have any other problems. All we're doing, is saying is, if this is decided to be a frivolous case, then they are going to have to... simply pay the costs to the court. And that's a reasonable expectation. It has had a restraining influence on that type of goofy nonsense claims that have come forward in other states. It's cut this type of litigation in half in Arizona. I urge an 'aye' vote."

Speaker Hannig: "Representative Hannig is in the Chair. And on the Amendment, all in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record, 97 voting 'yes' and 17 voting 'no'. The Amendment is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "Senate Bill 381, a Bill for an Act in relation to court costs for frivolous lawsuits filed by prisoners. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Roskam."

Roskam: "I think we've thoroughly discussed this Bill. I'd urge an 'aye' vote."

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Speaker Hannig: "Is there any discussion? The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 95 voting 'yes' and 17 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 106."

Clerk Rossi: "Senate Bill 106, a Bill for an Act amending the Illinois Municipal Code. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Scott."

Scott: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 106 has a number of provisions which relate basically to the Municipal Code. It contains... the original Senate Bill 106 provided that land that was annexed without zoning, is automatically classified to the highest zoning classification of the municipality, providing principally for residents who use basically, R-1. That's done almost everywhere but we've had some creative lawyers who have challenged that. So we just want to make sure it's clarified in the Code. Virtually every municipality does that already, anyway. We added what used to be House Bill 307, which passed overwhelmingly here in the House. It was authorized some enhanced administrative adjudication for unsatisfied municipal wheel tax or equipment violations to also count against a driver in determining whether his license can be revoked. It had the JULIE language which was on House Bill 234, which passed 116 to nothing. It had also House Bill 272, which also passed unanimously in the House. In the case of coterminous city townships, whenever the territory was

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disconnected from the city, it was automatically disconnected from the coterminous township. It added language that was agreed to by all parties from the Chicago... Chicago Firefighters, Downstate Firefighters, and FOP. Puts back in mandatory retirement age and hiring limitations for police officers and firefighters. This had been our law for a long time. It was taken out to comply with federal law which had sunset. The federal law has now been reintroduced which authorizes this to go on and so we want to put back the state law the way it was before. We also add the TIF language for Grundy County that we talked about last night when the Bill was amended. And there were two other provisions for it. One was the building codes of the county would pertain to forest preserve district in Cook County Forest Preserve. And also, we added the language that would allow Robbins to have Cook County demolish some places for them. Only if the Village of Robbins or any other municipality actually, specifically asks for that to happen. So, I'd be glad to answer any questions. Many of the provisions we've already debated before."

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

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

Speaker Hannig: "He will."

Black: "Yes, Representative, knowing your strong support for equal rights and of fairness and equity, I'm concerned about some language in this Bill that says, if I'm older than 36, I cannot become a member of a police department, and if I'm older than 35, I can't become a member of the fire department. Isn't that blatant age discrimination?"

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Scott: "No, because the federal government says it's not. See, that used to be the law here, Representative. It was the law here for decades and most municipalities operated under that. Under... the federal law had provided that municipalities could adopt those kinds of ordinances. That language sunset in the federal authorization, they put it back in so we're trying to put the language back in that we operated under here for decades."

Black: "So, under the leadership of our President, if I'm older than 35 I can't become a fireman?"

Scott: "I believe it was Newt Gingrich's leadership that did it."

Black: "Touche'. So, once again, the federal government is mandating how old you can be, or just says..."

Scott: "No, they... they're just giving authorization to states and municipalities to do this. They're not saying you have to. They're just saying you can."

Black: "So, are we incorporating this age limit into state law now?"

Scott: "Yes, that's where it was before and we're putting it back in where it was."

Black: "Is that good public policy?"

Scott: "I think so. And the rationale for it again, police officers and firefighters are very demanding...physically demanding job. Twenty years is the time period that people have to serve before they vest in the pension plan. So, you're talking about some folks that are getting to be... at the maximum age are 55 years old which is also the point at which they can retire. So, it makes some sense in coordination with the other laws, and also the demands of the job."

Black: "Well, I would have some fears that perhaps once you get past that age, they might encourage you to leave, or



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retire, or push you aside. I just... I had high hopes of a new career, but you're taking that away from me. Let me... do you want to answer questions on the TIF, or would you rather, Representative O'Brien?"

Scott: "I would much rather defer those to the Lady from Grundy."

Black: "Okay, fine. To Representative O'Brien, are there any county-wide TIF districts currently authorized in Illinois Law?"

O'Brien: "Yes, Franklin County has one."

Black: "What county?"

O'Brien: "Franklin County."

Black: "Franklin County..."

O'Brien: "...and I believe St. Clair County, as well."

Black: "Okay. I don't want you... I know sometimes you can't mention names because of negotiations. I'm not after who wants this or what firm or whatever, but do we have some reasonable assurance that this is going to be a TIF that actually creates jobs? I mean, some of these TIF districts have been given to residential contractors or have been given to fast food restaurants, and I don't think that was the purpose of a TIF district. Do we have some reasonable assurance that this is really going to create solid investment and good jobs?"

O'Brien: "Yes, this legislation requires that the agreement must, by ordinance, require that there are no fewer than 100 full-time jobs, private investment in excess of a million dollars. A \$100 million, excuse me."

Black: "Do you have any... is Grundy County planning any restrictive covenants to say if they pull out at the end of a year, they're going to pay back, or is that covered under current law? I mean, is there some guarantee that the abatement of taxes may be recouped if this doesn't work out

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and they move to Mexico at the end of two years, or whatever?"

O'Brien: "That would be part of the negotiation and ultimately part of the ordinance that's passed by the County of Grundy."

Black: "Hang on just a second, Representative. All right. Again, I don't want to get into any confidential information and negotiations going underway, but is this an industrial... will this be an industrial development rather than residential or anything of that nature?"

Black: "Yes, it will be industrial."

Black: "All right. As I recall yesterday from the discussion, was there a sunset clause on this county-wide TIF?"

O'Brien: "Yes, there is. If they don't enter..."

Black: "...what is that date?"

O'Brien: "If they don't enter into an agreement with... for this project, it'll sunset in 20 months, and the overall legislation has a sunset of 23 years."

Black: "The... in this development package, are... will they be able to use the right of eminent domain in acquiring property for what they are trying to develop?"

O'Brien: "Yes."

Black: "They will have the right of eminent..."

Speaker Hannig: "Representative, could you bring your questions to a close? Representative Black."

Black: "Yes, thank you very much, Mr. Speaker. I'm sure that others may want to question, but who... just my last question, if eminent domain is involved, who will be given that authority, the County of Grundy or will they give the power of eminent domain to the developer who wants to come in or go through, or whatever, Grundy County?"

O'Brien: "It would be the County of Grundy."

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Black: "Thank you very much, Mr. Speaker."

Speaker Hannig: "Representative Bradford. Representative Bradford."

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

Speaker Hannig: "He indicates he will."

Bradford: "Representative Scott, I'm a little concerned on what Representative Black brought up. If a police officer is working for one municipality, does he have any problem in terms of changing his employment between municipalities or agencies?"

Scott: "No."

Bradford: "If he's over the age of 35?"

Scott: "No."

Bradford: "The second concern I have is, that we have a military base in our area. It is not unusual for us to have military police officers between the age of 35 and 40 who have reached 20 years of service, and then have come to municipal departments. Would they be precluded in this Bill?"

Scott: "I don't believe so, Representative. The way it reads, and I'm trying to... I don't have it right in front of me, I'm trying to go back from my experience in working with it before, that military police was also exempted as were other people who had received the law enforcement training and had worked as a law enforcement officer for another agency, but I believe that also included military."

Bradford: "Okay. I Thank you."

Speaker Hannig: "Is there any further discussion? Representative Scott, to close."

Scott: "There are a lot of very good provisions in this particular Bill. A lot of things that will be helpful to

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municipalities, and I'd just ask for your support."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor, vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 1 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 320."

Clerk Bolin: "Senate Bill 320. The Bill has been read a second time. previously. Floor Amendment #6, offered by Representative Leitch, has been approved for consideration."

Speaker Hannig: "Representative Leitch."

Leitch: "Thank you, Mr. Speaker. Amendment #6 is an Agreed Amendment, which clarifies that the University of Illinois Chicago School of Medicine will have access to patients in the Mediplan Plus in the other HMO programs in Chicago, and I would ask for your adoption."

Speaker Hannig: "All in favor of the Amendment, say 'aye'; opposed 'nay'. The 'ayes' have it, the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

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

Clerk Bolin: "Senate Bill 320, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Leitch."

Leitch: "Thank you, Mr. Speaker. Senate Bill 320 has a series of Agreed Amendments on it that pertain to managed care. They include a number of Bills which were unanimously adopted here, but did not make it out of Senate Rules. Among them

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are rules that pertain to the marketing that would be prohibited in protection to consumers in the event of the Medicaid Plus Program, and a couple of others that I do not believe are controversial, and I would ask for your approval."

Speaker Hannig: "Is there any discussion? There being none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 547."

Clerk Bolin: "Senate Bill 547, a Bill for an Act to amend the Illinois Horse Racing Act. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This is Senator Dillard's Bill. It came from..."

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

Leitch: "I got so excited about that last Bill, I forgot to vote for it. So, please..."

Speaker Hannig: "So, the record will so reflect your intentions."

Leitch: "...record me as, 'aye'."

Speaker Hannig: "Yes. And now, Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. ...Senator Dillard's Bill dealing with the racetrack issue of the Backstretch Charity Fund. We passed this out of here before. Mr. Black applied an Amendment that simply took out some antiquated language dealing with the Horse Race Act. And that's all

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this Bill does, and I would ask for the passage."

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

Slone: "Thank you. On the last Bill, apparently this was going around in Peoria County, and I also missed my switch on that one. May I be recorded as 'yes' Thank you."

Speaker Hannig: "The record will so reflect. Is there any discussion? The question is, 'Shall this Bill pass?' All in favor, vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 1 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Feigenholtz, on 463. Out of the record. Representative Scott, on 473. Representative Scott. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 473, the Bill's been read a second time previously. Floor Amendment #4, offered by Representative Scott, has been approved for consideration."

Speaker Hannig: "Representative Scott."

Scott: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #4 to Senate Bill 473, adds a judge in the 19th Judicial Circuit, who's a representative of, and elected from Lake County. A Judge from the 5th Judicial Circuit, who is a representative of and elected from Vermillion County, and a judge who will be elected to serve in the Juvenile Court... Juvenile Division of the Circuit Court of Cook County."

Speaker Hannig: "Is there any discussion? All in favor of the Amendment, say 'aye'; opposed 'nay'. The 'ayes' have it, and the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

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

Clerk Bolin: "Senate Bill 473, a Bill for an Act to amend the Circuit Court's Act. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Scott."

Scott: "As now amended, Senate Bill 473 adds four judges; the three I just read, in Amendment #4 as well as the underlying Bill, which was one Judge in the 17th Judicial Circuit, elected county wide. And I'd ask for your support."

Speaker Hannig: "Is there any discussion? Seeing none, the question is, 'Shall this Bill pass?' All in favor, vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 118 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 329."

Clerk Bolin: "Senate Bill 329, a Bill for an Act to amend the Children and Family Services Act. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Leitch."

Leitch: "Thank you very much, Mr. Speaker. This Bill addresses a very serious problem regarding the placement of hard to place children for adoption, and authorizes the Department of Children and Family Services, to pay a minimum of an additional \$25 a month in the effort to work to place these children. I don't know of any opponents. I think it's a great Bill, and I would ask for your support."

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

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

Speaker Hannig: "He indicates he will."

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Dart: "This is putting back into the law, the \$25 for the..."

Leitch: "A minimum. A minimum of \$25."

Dart: "A minimum of 25. Okay, because I'm trying to get clear when the department took the 25 away there was also some additional money that was taken away by rule. Would this put this back in, or would it allow for it to be put back in, do you know?"

Leitch: "Yes, the intent is to restore the minimum of \$25 a month for the hard to place children."

Dart: "Okay, and in addition to this, because this was something when they took it away, I vehemently opposed and, as it turned out, we were correct, because it really did decrease adoptions of these hard to place kids a great deal. but there was also some rule-making that was done at the same time, it took an additional... it was... it turned out to be a total of about like \$75 away. Will the language of this Bill allow for that additional \$50 to come back? Do you know?"

Leitch: "I believe it does."

Dart: "Okay. Well, as you mentioned, Dave, I think this is a ..."

Leitch: "It's the intent of the Bill, that it would."

Dart: "Okay. I... as you mentioned, I rise in strong support of this. This is something that it was a mistake when this was done two years ago. It has caused a tremendous deal of hardship, and a lot of problems with our adoption of special needs children. And to us, \$25.00 might not sound like a lot, but it is a tremendous amount to these folks, and it is something that is long overdue, and I commend the Sponsor for his work on this."

Leitch: "Thank you."

Speaker Hannig: "Representative Monique Davis."



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

Speaker Hannig: "He indicates he will."

Davis, M.: "Representative, can you explain something in reference to the education grant that these adoptive parents will receive?"

Leitch: "I couldn't hear you. I'm sorry, Representative."

Davis, M.: "I said, could you explain something about the education grant that the adoptive parents would receive?"

Leitch: "Frankly, I'm not familiar with an education portion."

Davis, M.: "Well, let me just give you the information. It's line 6 and it says, 'The department may provide categories of financial assistance and educational assistance grants.' So, my question is, I know the Educational Assistance Grants was something added, and I'd like to know how much these grants would be for, and what would be the purpose? Will these children be attending public schools, or will they be attending private schools?"

Leitch: "I'm informed that the education grant aspect of this is permissive."

Davis, M.: "But, what is it for, Representative? I mean, are they to use it for private education, for children who are being adopted? How much is it?"

Leitch: "The department would like the authority to develop an Educational Assistance Program for these special needs children, and I'm told that is why that is referenced in the Bill."

Davis, M.: "Representative, that is not in order to see that they have out of state placement for education, I hope. Is it?"

Leitch: "No, I would say the opposite."

Davis, M.: "Okay. We thank you very much, and I too, rise in support of your legislation. Thank you."

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Speaker Hannig: "Is there any further discussion? Being none, the question is, 'Shall this Bill pass?' All in favor, vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 1075."

Clerk Bolin: "Senate Bill 1075. The Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

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

Clerk Bolin: "Senate Bill 1075, a Bill for an Act to amend the Property Tax Code. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This simply would make automatic the Homestead Exemption. Some counties do not automatically plug in the Homestead Exemption for individuals and they require you to fill out forms year after year. This Bill simply requires that this be done automatically. I know of no opposition to the Bill, and would ask for the passage."

Speaker Hannig: "Is there any discussion? There being none, the question is, 'Shall this Bill pass?' All in favor, vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. (sic - Senate Bill) 515, Representative Crotty. Senate Bill 515. Is the Lady in the Chamber? Representative Crotty, do you wish to call Senate Bill 515?"

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Out of the record. Senate Bill 569, Representative Stephens. Representative Stephens? Does the Gentleman wish to call the Bill? (sic - Senate Bill) 569? Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 569. The Bill has been read a second time, previously. Floor Amendment #1, offered by Representative Stephens, has been approved for consideration."

Speaker Hannig: "Representative Stephens."

Stephens: "Thank you, Mr. Speaker. Floor Amendment #1 is language that was... is previously adopted by this House. It has to do with residency requirement, and simply calls for a student to live at an address within his school district. There has been some confusion about whether that means... affects the children at... will the Chicago school district. It simply does not. It doesn't change anything within the City of Chicago and the residence requirements therein. I move it's adoption."

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

Giles: "Thank you, Mr. Speaker. For some reason my button would not press 'yes' on Senate Bill 1075. Could the record please reflect that?"

Speaker Hannig: "The record will so reflect. On the Amendment, all in favor, say 'aye'; opposed 'nay'. The 'ayes' have it, and the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

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

Clerk Bolin: "Senate Bill 569, a Bill for an Act to amend the School Code. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Stephens."

Stephens: "I previously stated the Amendment which had... became

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the Bill and I move it's passage."

Speaker Hannig: "Is there any discussion? Seeing none, the question is, 'Shall this Bill pass?' All in favor, vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. Hang on. Mr. Clerk, take the record. On this question, there are 103 voting 'yes' and 12 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Black, for what purpose do you rise?"

Black: "Yes, thank you very much, Mr. Speaker. I would like the record to reflect that had I been able to get to my 'yes' button, I would have voted 'yes' on Senate Bill 547. There's a piece of styrofoam on my 'yes' button and I ate it. The styrofoam and the button, but the electrician fixed it."

Speaker Hannig: "Mr. Clerk, read Senate Bill 73."

Clerk Bolin: "Senate Bill 73. The Bill's been read a second time, previously."

Floor Amendment #1, offered by Representative Lang, has been approved for consideration."

Speaker Hannig: "Representative Lang."

Lang: "One moment, Mr. Speaker. Withdraw Amendment #1."

Speaker Hannig: "Amendment #1 is withdrawn. Any further Amendments?"

Clerk Bolin: "Floor Amendment #2, offered by Representative Art Turner, has been approved for consideration."

Speaker Hannig: "Representative Turner. The Gentleman's not in the Chamber. Representative Lang, what's your pleasure?"

Lang: "If we can get back to this later, let's take it out of the record and I'll talk to Representative Turner."

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Speaker Hannig: "Okay. Representative Madigan is recognized. Representative Turner is now in the Chamber. On Amendment #2, Representative Turner."

Turner, A.: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the Assembly. Amendment #2 is a solution to... I should say it's a replica of House Bill 494. What it does, is this is an Agreed Amendment between CMS and the Governor's Office, regarding worker relocation and worker transitional assistance, when they're laid off from state government. And House Bill 494 which passed out of here earlier with a Roll Call vote of 115 to 0, is the same Bill... or the same Amendment, only it... with some modifications as recommended by Central Management Services and by the Governor's Office. And I move for the adoption of Floor Amendment #2."

Speaker Hannig: "Is there any discussion? All in favor of the Amendment, say 'aye'; opposed 'nay'. The 'ayes' have it, and the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "Floor Amendment #3, offered by Representative Madigan, has been approved for consideration."

Speaker Hannig: "Speaker Madigan."

Madigan: "Mr. Speaker and Ladies and Gentlemen, this Amendment is concerned with balanced billing in the workers' compensation system. It would simply provide where an injured worker receives an award from the Industrial Commission, that the award will cover the medical costs for the injured worker. Medical costs being hospitals and doctors, and any other medical costs. It would prevent situations which have occurred recently where a person is injured on the job, they get an award from the Industrial Commission, and then down the road, they receive threatening letters and lawsuits from collection agencies

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attempting to collect even more fees from doctors and hospitals to pay for the treatment that they received, which should have been covered out of the award from the Industrial Commission. I would move for the adoption of the Amendment."

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

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

Speaker Hannig: "He indicates he will."

Black: "Representative Madigan, Floor Amendment #3 becomes the Bill, correct?"

Madigan: "Yes."

Black: "All right. How many states allow the practice of balanced billing currently?"

Madigan: "Mr. Black, I don't know. Maybe you would. I'm told that most states do not allow it."

Black: "I looked this up last night. Only four. Only four states allow balanced billing, and it's my understanding that none of our neighboring states allow this practice. So, it would seem to me, if we pass this, we are not putting business in Illinois at any risk, since none of our surrounding states, allow the practice currently. May I ask you one other question? Does the Amendment specifically prohibit a medical provider from going to a collection agency and then dunning or trying to collect, the balance of a medical procedure from the individual?"

Madigan: "Yes, it would."

Black: "And would we then allow the Industrial Commission to be the arbiter, if that's the right word, or the referee in these kinds of disputes?"

Madigan: "Yes."

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Black: "Thank you, Representative. I think... I stood in strong support of the abolishment of the Structural Work Act, as we were one of only two states that had that, since we're one of only four states that allows the practice of balanced billing, I think it's time we become in the majority and prohibit the practice. I intend to support your Amendment."

Madigan: "Thank you."

Speaker Hannig: "Representative Parke."

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

Speaker Hannig: "He will."

Parke: "Yes, Representative Madigan, under the current plan that we have in place in Illinois, if a medical provider were to charge for a medical practice \$100, and the insurance company were to say that there is only under usual and customary, it's only worth \$80, under the current system in Illinois, what would happen to that \$20 difference?"

Madigan: "There'd be an attempt by the medical provider to collect that additional \$20. And the intent of this Amendment, would be to prohibit that."

Parke: "Okay. Would they... and the reason why we don't want to do it now is because that \$20 would be... could easily end up on the back of the employee, who under this system, ought to be held harmless under this plan. Isn't that correct?"

Madigan: "That's correct."

Parke: "Ladies and Gentlemen, to the Bill. The fact of the matter is, is that under worker's comp system, this is a no fault system. It means that there is no fault to the employee, the working men and women of this state. There should be... they should not be involved in this loop at

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all. And under Representative Madigan's Bill, he is now going to take the employee out of the system, going to do what we ought to be doing, the right thing to make sure that the employee is protected. We may have to make sure though that the medical providers have recourse, that there ought to be some way that the medical society or the hospitals ought to be able to get a fair and just compensation for their charges, but I would say that, that ought to be done through the Industrial Commission like it is done in a great majority of the other states, and they have a legitimate concern to make sure that they are included, that their position is explained and justifiable. But I believe the Industrial Commission is the place to do that, and not on the backs of the working men and women of this state. So, I rise in support of this Amendment."

Speaker Hannig: "Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I stand in strong support of this Amendment. I've carried a Balanced Billing Bill for the past four years. It's a little ridiculous to believe that a business company would buy workmen's comp insurance, and the employer, who feels he is covered under this workmen's comp insurance, and they have a claim and they find out that neither is true. The employer and the employee have trouble in paying the bills that come after they think it has been covered, and it's not fair for the employer and the employee. There are a lot of people supporting this Bill. This is part of the Agreed Bill process that we had back in the 80's, where business and the labor came together and supported legislation that was cooperatively worked on by both groups. This is a Bill... Amendment that does do that. It is an agreement between business and



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labor dealing with workers' comp, and I would ask for your strong support on this Amendment."

Speaker Hannig: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. Would the Sponsor yield?"

Speaker Hannig: "He will."

Ryder: "Mr. Speaker, the Amendment that you're proposing, which becomes the Bill, leaves exclusive and total ability to set fees with the Industrial Commission, is that correct?"

Madigan: "Yes."

Ryder: "And this Bill changes Illinois law, which indicates that the physician who was denied the fees, has no further recourse?"

Madigan: "Well, the answer to your question is, 'yes'."

Ryder: "Your Bill states that the fee disputes will be resolved in accordance with Section 16 of the Act. What is that process?"

Madigan: "That's the Section of the law which already permits the Industrial Commission to do this."

Ryder: "What recourse does the medical provider have? Does the medical provider even have standing before the Industrial Commission in any of these matters to come in on the amount of disputed fees?"

Madigan: "There's no change in the current law, Mr. Ryder, because they would be bound by the decision of the Commission just as the employee would."

Ryder: "Then my specific questions concerning how the Industrial Commission sets fees today, do they do it by a fee schedule of any sort?"

Madigan: "No."

Ryder: "Do they refer to medicare or medicaid fees?"

Madigan: "No."

Ryder: "Could they simply accept what an insurance company tells

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them the insurance company believes is fair or adequate?"

Madigan: "The standard provided by the law, is reasonable and necessary. That's in the law, today."

Ryder: "And, you've already indicated that there's not an opportunity for the physician to have input in that decision. Is it also the law..."

Madigan: "Just... just... No, Mr. Ryder. Just a second. All of this is before the Industrial Commission. And the physician, if he chooses, could be up before the Industrial Commission, but the decision would be made by the Industrial Commission."

Ryder: "I understand that, Sir, and what you're suggesting here is, it's necessary for the physician, if the physician wishes to collect the fees that are reasonably due to the physician where there is a dispute, you're then requiring the physician to come before the Industrial Commission in order to argue that. And my next question was to indicate if the physician even has standing before the Industrial Commission, my understanding that the physician does not?"

Madigan: "Mr. Ryder, they're not parties to the matter..."

Ryder: "Correct."

Madigan: "...but understand that this question would be before the Commission, and the hearing officers of the Commission. This is an essential part of the decision making process at the Commission."

Ryder: "And the parties to this matter are the patient, which is the employee, and the insurance company provider. In the event the insurance company provider says, we're going... we believe that the fees should be two-thirds, there's no opportunity for input for the folks who provided those fees to have any opportunity to present their case in the Industrial Commission, under current rules, which is what

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you're suggesting. Is that correct?"

Madigan: "As I said, this is designed to provide a mechanism by which there's a final determination for the victim of the accident. Our concern is the victim of the accident who's received an award where that award should cover the medical costs, and then, subsequent to the award, they learn that they're now faced with a collection agency or a lawsuit to pay even more money in fees for medical services."

Ryder: "In the event that the physician, the hospital, whoever it is that's providing the service, do they have the ability to say no when a work... injured worker presents themselves for treatment?"

Madigan: "An individual physician can always decline to provide service."

Ryder: "Can the hospital emergency room say no to the injured employee who presents himself in the emergency room?"

Madigan: "No."

Ryder: "So, the emergency room is forced to accept the..."

Speaker Hannig: "Representative Ryder, could you bring your questioning to a close, please?"

Ryder: "Well, I'll be happy to continue this when we're on Third Reading, but what you are asking is... you're telling the emergency room that they have to treat the individual, and then you're telling them that if some independent arbitrator for the Industrial Commission three or four years later, without any standards other than one platitude, decides that it's too much, they're stuck, they have no further recourse. And, as a result, I believe that the intent of this Amendment, and it becomes the Bill, would un... ultimately deny treatment to injured employees rather than helping them, which may be the intent of the Speaker."

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Madigan: "Thank you."

Speaker Hannig: "Representative Roskam."

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

Speaker Hannig: "He indicates he will."

Roskam: "Speaker Madigan, in the scenario where an injured worker has a compensable injury but the extent of the treatment is at issue, what happens at that point? For example, if it's a closed head trauma that's clearly attributable to a work place injury, but the treating physician says, 'In my opinion, the reasonable standard of care says we're going to do an MRI,' and the MRI costs \$9 hundred. What happens to that disputed bill if it is disputed? In other words, if the insurance company says, 'We don't think that's reasonable, we're not going to pay the \$9 hundred'. What happens at that point?"

Madigan: "Sounds to me as if it's a matter between the doctor and the insurance company which occurs in medical care all the time now. So, in terms of any health care plan that I've heard of, there are continual disputes between doctors and insurance companies as to what coverage will be paid for by the insurance companies."

Roskam: "In the... But, what's unique about your proposal, though, is that really the leverage, the patient is taken out of that mix. So, with the exception of going before the Industrial Commission, there's no remedy for the physician. Isn't that right?"

Madigan: "Again, this is a matter between the physician and the insurance company which occurs all the time."

Roskam: "I understand that, but if the insurance company says, 'No we're not going to pay the \$900,' then they're... the physician's remedy is the Industrial Commission. Is that right?"

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Madigan: "Correct."

Roskam: "Okay. Now if they go to the Industrial Commission and the Industrial Commission says, 'We're not going to pay the \$9 hundred.' Taking a step back, let's say in a medical negligence scenario, where a jury would find, 'Hey, it was reasonable, it is the standard of care for this physician, this neurologist to order an MRI?' Would you contemplate a change from a civil liability point of view that would allow that Industrial Commission finding into evidence? Do you understand what I'm saying?"

Madigan: "I'm not contemplating that. That's something that hasn't entered into my consideration on this Bill."

Roskam: "It seems to me that there is an unintentional Catch 22 for some physicians that you're placing them in. Because what you're saying is, from a civil liability standpoint, we're going to hold you accountable to what is reasonable according to 12 jurors. But for purposes of your reimbursement, we're going to hold you accountable by the decisions of the Industrial Commission. I know you've got the votes today and it's going to move, but seriously I think that's an area that there's some tension and reconciliation that you may want to consider. Thanks for yielding."

Madigan: "Thank you."

Speaker Hannig: "Representative Mulligan."

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

Speaker Hannig: "He will."

Mulligan: "Speaker Madigan, in looking at the Amendment, I understand that you feel that a worker still has the right to choose any doctor or seek any kind of care that he wishes. Is that so?"

Madigan: "This Amendment would preserve the right of the injured

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worker to have their own doctor, yes."

Mulligan: "But, if a doctor can't collect and the only way they can get money is to appear before the Industrial Commission to argue fees, don't you think that doctors, perhaps the best doctors that don't need every patient, would decide not to treat someone? Perhaps on reconstructive surgery or something that's really important to have one of the best surgeons?"

Madigan: "The Amendment does not preclude compensation. It may preclude a certain level of compensation, but it does not preclude compensation. And yes, an individual physician, as they will always do, will make decisions as to whether they wish to become involved with a patient. So, it's routine that doctors will decline to take on a patient."

Mulligan: "I think such as they do in medicaid situations we're creating another situation here that would limit an employee from seeking, perhaps, the best medical services because of the limitation of fees."

Madigan: "Don't we encounter the same thing with HMOs?"

Mulligan: "Absolutely."

Madigan: "Okay. So, I think that all across the country we see rationing of medical care. That's what we see, and that's one of the reasons why, with your support, we created a special committee of the House to try and address that problem which occurs in Illinois."

Mulligan: "But, I think we're looking at a different purpose here than what your intention may... you know, what may happen with this Bill, which would limit, it rather than open it up."

Madigan: "Our goal is as stated. Our purpose is to help an injured worker. We're not talking about wealthy people. We're talking about people that work for a living, they're

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hurt, they file a claim at the Industrial Commission, they get an award, and then subsequent to receiving the award, they find that they have a claim from the doctor for additional money. And many times, these people lose money on the whole transaction."

Mulligan: "How long is the average case take to be settled before the Industrial Commission?"

Madigan: "Eighteen months."

Mulligan: "So, in other words, if you have a particularly bad injury that may take years of reconstructive surgery, it may take a lot longer and then, by the time it goes before the Industrial Commission, it would take another 18 months to have it settled?"

Madigan: "You're correct. Then add on top of all that anguish, the anguish that comes from the collection agency."

Mulligan: "Can a doctor or a hospital go against an employer to collect their money?"

Madigan: "Yes. Today they can."

Mulligan: "They could still... could they do that still?"

Madigan: "Today. No they would be prohibited under the Bill."

Mulligan: "So, in other words, the doctor or the hospital who has no choice when you walk into the emergency room, but to provide that service because of federal law, would be barred from going after collection for maybe six years if it took that long for reconstructive surgery and the case to be done?"

Madigan: "In all probability, you're correct."

Mulligan: "I certainly think that that's probably not your true intention here, and I think it's not to the benefit of employees in Illinois, nor would it certainly be to hospitals of which I represent a number of them."

Speaker Hannig: "Representative John Turner."

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

Speaker Hannig: "He indicates he will."

Turner, J.: "Speaker Madigan, I am admittedly a little bit confused with your Amendment. I'm trying to envision how this will work. If there's a dispute as to the amount of money owed the physician, your Bill refers to Section 16 of the Workers' Comp Act, and as I understand it, it says that, the dispute will be resolved in accordance with Section 16.' I pulled the statute to take a look at Section 16 and I don't see where Section 16 makes a provision, or addresses, or has any language in it, to be utilized so that this Amendment can be effective. And my question is, where in Section 16 are you referring and how is that going to work? How is it going to work through Section 16 since it doesn't appear there's any language in Section 16?"

Madigan: "The reference is to the standard established by that Section as reasonable and necessary."

Turner, J.: "Alright, so..."

Madigan: "See, our clear intent is very simple. You don't have to make it complicated. Today, people are hurt, they get an award, later they get letters and bills from collection agencies for more money. Okay. This is designed to bring a closure for the injured worker, and if there is a deficiency in the view of the health care provider, that's a matter between the health care provider and the insurance company as happens all of the time."

Turner, J.: "Okay. I understand that, I just want to make sure that the way you've drafted this, you're actually going to be able to utilize the language. So, when you refer to Section 16, the only thing that you're referring to in Section 16 is the question of the reasonableness of the fee



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or of the service?"

Madigan: "I think the answer to your question is, yes."

Turner, J.: "All right. Given that, since a court of law cannot be utilized because that's also in the Amendment, how then are we going to use this language that you put into the Amendment? If Section 16 is only going to be utilized as to the question of reasonableness and we can't go to a court of law, how can the Industrial Commission even take a look at the question of reasonableness? How do we get there? I mean, procedurally, I think you've got a gap here in the Amendment. I believe in Section 16..."

Madigan: "Mr. Turner, they do this today. The Industrial Commission does this today. They resolve fee disputes today."

Turner, J.: "So, you are assuming then that this Amendment will only be used where there has been a worker's comp case filed? I thought that it could be utilized whether or not there was a case filed. I understand that it's used today, but it's only when there's a case. Is that not true?"

Madigan: "You wouldn't be before the Industrial Commission unless you filed a case, a claim. That's how you get there."

Turner, J.: "Okay. So, this language then... Admittedly, I'm a little confused with it, but this language then applies only if a worker's comp. case has been filed and in no other circumstance?"

Madigan: "Yes. Yes."

Turner, J.: "Okay, thank you for the clarification. I appreciate it."

Speaker Hannig: "Representative Skinner."

Skinner: "Mr. Speaker, I'd like to go into the dispute between the medical provider and the insurance company, if you will. You say if there's a dispute, the Illinois... or the

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Industrial Commission will make the decision. Do you contemplate the Industrial Commission proposing a fee schedule?"

Madigan: "No."

Skinner: "Do you contemplate any action that might be... that might give medical providers some type of a clue of what they might expect in payment?"

Madigan: "Sure. I think that over time the Commission will establish a precedent, that can be relied upon by people as happens anywhere in the law. So, after you develop some experience with this, there will be a body of decisions that have come down that will give indication as to what will be permitted and what will not."

Skinner: "I think back to my old, old Blue Cross policy where they told you how much you were going to get and then you went, you know, shopping. Perhaps there could be such a fee schedule that doctors would have a clue what the minimum they would get paid on a broken leg would be. I mean, perhaps you might not want to limit the maximum. It seems to me that the Industrial Commission may have the authority already to do this, but have not received any Legislative direction to do so.?"

Madigan: "That's correct."

Skinner: "Well it seems to me, passage of this Bill might in of itself might be direction to the Industrial Commission to try to give some direction because certainly the medical providers... I mean it's like joining an HMO, you'd like to know what you're going to get paid before you do the work."

Madigan: "That might happen, but that's not the intent of this Amendment. So... my intent is what I have stated, to take the injured worker out of this."

Skinner: "Well I understand your intent. I agree with your

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intent. But it seems to me perhaps an unintended consequence might be that the Industrial Commission might provide direction for the first time, ahead of time, and I hope they do."

Speaker Hannig: "Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. One would think from all these questions, that this is really a complicated issue. In fact, as was first pointed out by Representative Black, all but four states in the nation now protect injured workers from being harassed for the payment of medical bills when it is not their responsibility to pay those bills. It's that simple. We are trying to assure that when a bill is not paid, or if a bill is not paid, that it is not that person that is home with an injured back or a broken leg, or some other serious injury, that, that person is not getting harassed by a collection agency, they're not having all kinds of phone calls day and night, to pay the bill that they don't owe. Now, the physicians have admitted that while this may not be a good thing to do, that it might provide an incentive to get the bill paid. Well, isn't that just dandy. That by harassing injured people, they think that they're more likely to get that bill paid. Most other jurisdictions have said, this is not the way to go. On this bill, we have management, we have business, we have all of the business organizations lined up with the workers, with organized labor saying that this is the way to go. Take the worker out of the equation. Now, in terms of the concerns of those who say, 'Are doctors really going to get paid?' the reality in the real world, payments for workers' comp plans are higher. They are not lower, they are higher than average payments. We're talking, not just higher than

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medicaid, not just higher than medicare, but higher than usual and customary fees that are paid. They are among the highest rates that are paid to doctors right now. Those for workers' compensation, and let's also be clear, employers want access to the best doctors. They're not looking for a system that's going to limit access because they want their workers to get back on the job as quickly as possible. This is a reasonable Amendment. Every other state, practically, has decided to say that it is, and I urge an 'aye' vote on this and on the Bill."

Speaker Hannig: "Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of Floor Amendment #3. You've heard many of the arguments, but some of it has been buried in rhetoric. So let's try to make this as simple as possible. The Workers' Compensation Act requires employers to pay for all necessary medical services when an employee is injured on the job. Many times, however, some of our health care providers charge more than what is considered necessary. This Bill would allow the arbitrators, under the workers' compensation system, to determine what is necessary, and make sure those charges are paid. Since Illinois is one of only four states that allow a balance over that or balanced billing to go to the employees, this current approach in Illinois is bad for both employers and employees. It puts employees in a situation where they're hounded by collection lawyers and collection agencies. It makes them feel like their health care has not been provided for, and that the workers' compensation system has failed them. It's also a bad deal for employers, those of you who are always on the House floor talking about how you're concerned about your small business people. Those small

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business people are paying these charges in many cases, because many of them have arrangements with their employees that they pay these balanced billings. So, it's a really very simple Bill. It puts Illinois on line with 46 other states, and it says that the workers' compensation arbitrator will determine what's reasonable, and that, that will be paid. There will be no additional bill that will burden or hound the employee. There will be no additional bill that will burden the employer so that the employer's profit margin goes down. And those of you who are concerned about business, should be aware of that. So, this is a very well thought out piece of legislation. It's good for workers, it's good for employees, and it's also good for the smooth administration of the workers' compensation system. You should be voting 'aye'."

Speaker Hannig: "Speaker Madigan to close."

Madigan: "Request an 'aye' vote."

Speaker Hannig: "All in favor of the Amendment, vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 79 voting 'yes' and 31 voting 'no', and the Amendment is adopted."

Speaker Hannig: "Representative Turner, do you have a Motion on your Amendment?"

Turner, A.: "Thank you, Mr. Speaker. I'd like to table Amendment #2 to this Bill."

Speaker Hannig: "The Gentleman moves to table Amendment #2. All in favor, say 'aye'; opposed 'nay'. The 'ayes' have it, and Amendment #2 is tabled. Are there any further Amendments?"

Clerk Bolin: "No further Amendments."

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

Clerk Bolin: "Senate Bill 73, a Bill for an Act to create the Economic Development Act. Third Reading of this Senate Bill."

Speaker Hannig: "Speaker Madigan."

Madigan: "Mr. Speaker. The Amendment is now the Bill. It's been thoroughly debated. I recommend an 'aye' vote."

Speaker Hannig: "Is there any discussion? The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 82 voting 'yes' and 28 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 355."

Speaker Hannig: "Mr. Clerk, read Senate Bill 355."

Clerk Bolin: "Senate Bill 355. The Bill has been read a second time, previously. Floor Amendment #1, offered by Representative Gash, has been approved for consideration."

Speaker Hannig: "Representative Gash."

Gash: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Amendment 1 to Senate Bill 355 does a couple of different things. It requires the appointment of an Inspector General to investigate the Toll Highway Authority. The Inspector General would report to the Governor and to the General Assembly. It requires bids to be competitively let on contracts over \$25 thousand. It provides that new bonds cannot be issued until surplus funds have first been exhausted, and it subjects the Toll Highway Authority to annual appropriations. It requires them to establish a budget on the basis of revenues

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produced by tolls and other sources and submit that budget to be appropriated by the General Assembly. I'd be happy to answer any questions."

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

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

Speaker Hannig: "She indicates she will."

Black: "Yes, Representative, is Floor Amendment #1 substantially the same as House Bill 278 that you had in the Transportation Committee earlier in the year?"

Gash: "No, that Bill, which, by the way, I'm glad you asked about that Bill, that Bill has had many Cosponsors over the years, including, this year alone, Representative Hoeft, Scully, Skinner, Hannig, Lindner, Brosnahan, many Republicans and Democrats together, Schoenberg."

Black: "That's fine, but that doesn't answer the question."

Gash: "Yes. That Bill goes much further than this Amendment does. That Bill does many things that this Amendment does not do."

Black: "And that Bill failed in Transportation Committee didn't it?"

Gash: "That Bill is not the same. It does many things, including converts the tollways to freeways, which this is not addressed in this Amendment."

Black: "Oh, but I would think we would call Floor Amendment #1 and House Bill 278 first cousins, wouldn't we?"

Gash: "I would say that this particular Bill is a conglomeration of several different Bills that I've had over the years. One of which has to do with the budget appropriations and has never been a part of (sic - House Bill) 278. Other parts of (sic - House Bill) 278 requiring many, many good things of the Toll Highway Authority are, unfortunately,

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not part of this Amendment. Would you like me to go over what those things would have been?"

Black: "No. No. I think I'll just speak to the Amendment. Thank you very much. Mr. Speaker and Ladies and Gentlemen of the House, to the Amendment."

Speaker Hannig: "Proceed."

Black: "I don't know how many times we have to sit here on a Friday afternoon and hear Bills that get a fair hearing in committee and they can't pass out of committee. Now, most everything that's in this Amendment has had a hearing in either one committee or the other and it has constantly been defeated. Now, she tried to add this Amendment to another Bill and the Sponsor of that Bill said, 'Oh, no. You're not going to put it on my Bill.'"

Gash: "I would like to address that."

Black: "So, here we go again. Now, the only thing to do with these kinds of Amendments is kind of like the old Japanese horror movies, you've got to stick a stake in the heart and kill these rascals once and for all. I've got a Resolution I can't even get called and I've had to debate this thing three times. Now, that's not right and it's not fair. This Amendment is a bad Amendment, it's had a hearing in one form or another all over this Chamber and it can't get enough votes to get out of committee, so we bring it to the Floor. Well, I would submit, if you voted 'no' on it before, in whatever reincarnation this is, vote 'no' again."

Gash: "Can I address that?"

Speaker Hannig: "No. Representative Cross. Representative Cross."

Cross: "Thank you. Mr. Speaker, we'd like a Roll Call, and in the event it gets the required requisite number of votes, a



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verification. Will the Sponsor yield?"

Speaker Hannig: "Yes, and the Sponsor will yield."

Cross: "Representative."

Gash: "Yes, Sir."

Cross: "I'm a little puzzled by page 2 of your Amendment."

Gash: "Go ahead."

Cross: "Maybe not puzzled, but just having some problems with it. You're creating an Inspector General to the Tollway Authority, who has the power... he or she would have the power to investigate, is that correct?"

Gash: "Yes."

Cross: "Why would we, why are you creating this position?"

Gash: "Well, Representative, as I'm sure you know, it's clear that there's one problem after another at the tollway involving waste, fraud, and mismanagement over the years. Those types of problems have been documented time and time again. There's been a lot of attention on all the problems at the tollway. We think it's now time to address a solution. I'd also like you to know that other state agencies with questionable management practices have been subject to similar requirements, such as the Department of Children and Family Services and the Department of Mental Health and Developmental Disabilities. Thanks for asking."

Cross: "Now, Representative, you're not suggesting, I hope, that the U. S. Attorney's Office in the northern district of Illinois is not competent, are you?"

Gash: "I'm suggesting that it would be an important improvement at the tollway to have an Inspector General."

Cross: "Do you think the U. S. Attorney's Office is doing a good job in the northern district of Illinois?"

Gash: "Yes, Sir."

Cross: "Okay. Do you think the State's Attorney's Office in

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DuPage County is doing an adequate job?"

Gash: "Yes."

Cross: "The answer would be yes, and do you think our Attorney General here in the State of Illinois is doing an adequate job? I think we would all agree that he is."

Gash: "I think we would agree on that."

Cross: "So, why on earth would we bring in a fourth law enforcement type individual to look over the Tollway Authority when the other three that I've just mentioned all have the ability, the power, the authority to pursue the wrongs going on that you suggest are going on at the Tollway Authority? Why would we need a fourth person to go in and look at this?"

Gash: "I'm sure, as you're aware, that the problems that we're talking about don't necessarily need to be criminal. An independently... independently appointed Inspector General would have the autonomy to thoroughly conduct an investigation into all of the allegations of abuse at the Authority. I think that if you've been paying attention to the news in the last several years, you understand why this is needed."

Cross: "Well, I have been paying attention to the news and I know the State's Attorney's Office in DuPage County has pursued some of the wrongs that have gone on, allegedly, and I think they've done a more than adequate job. And I want to ask you about some portions of the Bill if I can. If you look at page 2, paragraph D, 'The inspector general shall have the power to subpoena witnesses and compel the production of books and papers pertinent to any investigation authorized by this Section.' Any person who fails to appear, fails to answer, fails to produce, now I'm not a criminal law expert like some of the people are in

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this Chamber, but if I fail to answer a question in a criminal investigation, can't I plead what's known as the 5th Amendment and say, 'I don't wish to talk in a grand jury situation', people have that right. Is that your understanding of the law?"

Gash: "I would think so."

Cross: "Is that your understanding?"

Gash: "I said I would think so."

Cross: "Why would we want to create a totally contrary position, most likely unconstitutional, overbearing, far reaching, by saying if you fail to answer any questions to the Inspector General you're going to be guilty of a Class A Misdemeanor and go to jail for a year? Why would we want to do that? I didn't hear that."

Gash: "What is it that you're asking?"

Cross: "I want to know why you're giving the inspector general more power than you would give an Attorney General or U. S. Attorney or State's Attorney, and ..."

Gash: "It doesn't do that."

Cross: "...providing a penalty when someone decides they don't wish to speak? Why would we do that?"

Gash: "As I pointed out three minutes ago or four minutes ago, this is the same as what we've done at DCFS and DMHDD."

Cross: "So, we're saying someone doesn't have the right to not talk or testify if they don't choose? Now that's contrary to all the criminal law I've ever known."

Gash: "We're not saying."

Cross: "Look on page 2 of your Amendment. I just, I'm puzzled by why you would..."

Gash: "I think you said that already."

Cross: "Well I haven't got an answer."

Speaker Hannig: "Would Representative Gash answer the question?"

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Representative Gash, his time has expired, but could you answer his question?"

Gash: "I'm under the impression that I've answered him already early on in this question."

Speaker Hannig: "Okay. Representative Skinner."

Skinner: "Mr. Speaker, I would like to comment on my floor spokesman's comment that this Amendment couldn't even pass out of committee, the Transportation Committee. So we shouldn't give it any consideration. Well, you know this is the year that we don't have enough money in the Road Fund, and I've identified \$75 million that could come back from the Tollway Authority and I introduced a Bill and I couldn't even get it called in the Transportation Committee. I mean, this is free money, basically, so I don't think not being able to get a Bill affecting as many special interests as the Tollway Authority out of the Transportation Committee is any automatic condemnation. I speak from an appropriations point of view. Since we passed the Tollway Expansion Resolution in 1993, as of September, the Tollway Authority signed a deal with the Department of Transportation, in which the Tollway Authority and the Department of Transportation agreed that if any land purchased by the Department in the Tollway corridors, taxpayers, that is the state, would only be reimbursed 50 cents on the dollar. Now, does anybody on this Floor think that, that would have made into an appropriations Bill, that we would allow, basically, the Tollway Authority, to steal the Motor Fuel Tax Funds from road projects in the six county area? Now, prior to, the land purchase prior to September 1993, the Department of Transportation is going to donate to the Tollway Authority. So much for the slogan 'Tax Free'. The tollway is heavily

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tax subsidized and, because of those tax subsidies, we are going to miss out on 64, at least 64 right turn lanes in the six county area. That is reason enough to force this agency under the appropriation process, but it's more money than that. I've just received a letter from the Director of the Tollway dated April 21, which says that the Tollway Authority and IDOT have an agreement in which we will pay 50%, my, 50% of all engineering costs associated with a proposed north extension of the Illinois Route 53. I thought this was going to be a tollway. We're not going to use toll money to pay for 50% of the engineering costs and 50% of the right-of-way acquisition costs, we're going to use Motor Fuel Tax Funds. Now, we're sitting here, and I'm sure there's somebody in some room in this Capitol Complex plotting to raise the Motor Fuel Tax. All right, there's one of the plotters right there on the Floor, Craig Findley, our legislative liaison and former State Representative. No, he's not really plotting, but the point is, in the latter days of this Session, we're going to be asked to raise Motor Fuel Taxes in my opinion. And when that comes up here, is this \$75 million that I can identify in real, hard dollars that are owed to the Road Fund that we can't get, because legislation like this is dismissed out of hand by the Membership on this House Floor? This is an agency that is out of control and anybody that hasn't figured that out can't read the front page of the Chicago Tribune and the Chicago Sun Times. I know most of my colleagues are opposed to this, especially most of my colleagues from DuPage County, but, it seems to me, the tollway ought to be for more than just the residents of DuPage County and their political leaders. I urge a 'yes' vote."

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Speaker Hannig: "Representative Biggins."

Biggins: "Well thank you, Mr. Speaker. I rise in opposition to Amendment #1. The Bill's Sponsor and her associate from the same geographical area of Lake County, Cook County up there, both have tried to get this Bill out of the Appropriations Committee. They subbed in two Members on the committee to get this Bill advanced. When the debate was done, the Bill couldn't get enough votes. This is a Bill that takes monies from the Toll Authority, sends them down to Springfield to the control of a newly created bureaucracy, which surprises me about the previous speaker's comments, takes the monies and then it will direct them back. We also already have a general involved in this process called the Auditor General, a Constitutional Officer of this state who audits the Toll Authority every two years. The Toll Authority's audit has shown me remarkable improvement the last two years under its new director. We just recently concluded a trial in DuPage County, some of you may be aware that that occurred, and there were two people who were convicted. So, we already have taken care of the tollway. We don't need to have the monies diverted away from those that spend them. We don't need to have this new layer of government created, and I urge a 'no' vote."

Speaker Hannig: "Representative John Turner. John Turner."

Turner, J.: "Thank you, Mr. Speaker. I have an Inquiry of the Chair."

Speaker Hannig: "Yes. State your inquiry."

Turner, J.: "Mr. Speaker, I notice that the underlying Bill pertains to child protection license plates, and I notice that the Amendment, sponsored by Representative Gash has to do with the Inspector General, and I can't see how that

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Amendment is germane to the underlying Bill. My Inquiry for the Chair is, is it germane?"

Speaker Hannig: "I'm told by the Parliamentarian that the underlying Bill deals with the regulation of motor vehicles. Do you have any questions on the Bill, Representative?"

Turner, J.: "Well, will the Sponsor yield?"

Speaker Hannig: "She indicates she will."

Turner, J.: "All right. Before I ask my questions I move to overrule the Chair in that last ruling."

Speaker Hannig: "So, the question is... So, the Motion is, 'Shall the Chair be sustained?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 61 voting 'yes' and 55 voting 'no' and the Chair is sustained."

Turner, J.: "Well, that hurt pretty bad, Mr. Speaker. But I do have some questions now."

Speaker Hannig: "Yes."

Turner, J.: "Representative, you remember last night at committee don't you?"

Gash: "Yes, I do."

Turner, J.: "And, you know, in spite of what you called me last night in committee, and it is on tape of course, I'm going to try to be very fair about asking my questions today. Actually, Representative Cross was really on to something, he was not jesting you and I don't believe he ever got an answer. He was referring to page 2, Section D, and he was talking about the language in there where you suggest that a person cannot exercise their 5th Amendment right not to answer a question. And if that person, frankly, isn't accused or maybe accused or could be someone who needs to

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protect themselves by utilizing the 5th Amendment, what your Section here says is that if you use the 5th Amendment to our United State's Constitution you're going to be guilty of a Class A Misdemeanor in the State of Illinois. Don't you think that's a problem? I don't believe you ever answered Representative Cross' question on that."

Gash: "That is not at all what it does. This does nothing to take away their constitutional rights. They still retain their constitutional rights. This language, I believe, tracks the same type of language that we have with respect to the Inspector General legislation that we had for DCFS and DMHDD."

Turner, J.: "Well, ma..."

Gash: "By the way, and I also would like to point out to you, Representative Turner, that although it's been said on the Floor that this Bill did not pass out of committee, this Bill had not been previously presented. This Bill is a conglomeration of a couple of different things, some points from a couple of different Bills, and this Bill did pass out of the State Government and Elections Committee by a vote of 7 to 4 to nothing."

Turner, J.: "Well, I think you're trying to digress from the point I'm trying to make. Now, you just said that you are not making it a Class A Misdemeanor for someone to exercise their 5th Amendment right. Now, I was never the sharpest kid in the class, I'll tell you that right now, but this says any person who fails to answer any question is guilty of a Class A Misdemeanor. Now I think a person has a right to exercise their 5th Amendment, what's provided in the 5th Amendment, and that is that you don't have to talk about something that may incriminate you. Now, how can you possibly look at that language and say that it doesn't make



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a Class A misdemeanor out of a person who simply exercises their 5th Amendment right?"

Gash: "Because there's still the constitutional right. This does not take that away. I believe that question has been asked and answered."

Turner, J.: "Okay. You say it doesn't take it away. Can you explain to me why it doesn't take it away? Can you give me any explanation?"

Gash: "Because you can still raise that defense."

Turner, J.: "All right, you can still raise that defense, but the language says, 'Any person who fails to answer any question is guilty of a Class A Misdemeanor.' You don't see that as being contradictory at all to the 5th Amendment then, and you're completely comfortable with that language?"

Gash: "I understand what you're saying. This does nothing to supersede the Constitution in that sense."

Turner, J.: "All right. Well, I guess we just have a difference of opinion. I wasn't on this committee where this Bill was heard before, and apparently, it's been... apparently, this Amendment has been heard several times, but I, of course, don't like the fact that we're trying to bring it in through an Amendment, and for that reason I would vote against it alone. But I can tell you, when you read Section D, that language is fatally flawed. I didn't pick up on it, it was Representative Cross that did, but he is absolutely correct. I don't see any way that any of us in here, who cares about the 5th Amendment, can vote for this particular piece of legislation through this Amendment, I should say. So I urge a 'no' vote. Thank you."

Speaker Hannig: "Representative Meyer."

Meyer: "Thank you, Mr. Speaker. Inquiry of the Chair. I've updated my computer several times here. I can't find this

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Amendment. I'm trying to follow the debate. Evidently, we only have one copy or something. I don't know where people are getting their information from, quite frankly. I'd like to know why the computer isn't updated."

Speaker Hannig: "We'll have the Clerk check that and give us an answer. Representative, did you wish to debate the Bill while we're getting the Clerk, getting an answer as to the status of the Amendment?"

Meyer: "Well, I'm having a hard time following the Bill and the debate. I might want to talk about the thing if I could get a copy of it so that I could take a look through it. I'd just ask maybe the Sponsor take the Bill out of the record, the Amendment out of the record until we can have adequate time to take a look at it."

Speaker Hannig: "Representative, we'll get back to you with the status of the Amendment. The Clerk is updating the computer to see if it's on the system. Representative Deering."

Deering: "Thank you, Mr. Speaker. Just a Point of Personal Privilege. A previous speaker referenced the fact that he had a Bill in Transportation Committee that he couldn't get called. Well maybe if the Sponsor of the Bill would have come there and asked to call the Bill we would have called it, but it was nothing that... no one in the committee put any pressure on him, he just failed to show up."

Speaker Hannig: "Representative Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Hannig: "She indicates she will."

Durkin: "Representative, what are the requirements for this Inspector General? Is there any type of experience or educational requirement that this person must have?"

Gash: "This Inspector General would be appointed by the... The

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Tollway Authority would appoint an Inspector General."

Durkin: "Well, I'm just kind of curious if there's anything in this language in your Amendment which..."

Gash: "And frankly, I think it should be stronger than that, but..."

Durkin: "I'm sorry, but I don't see any language in here which, at least qualifying language for this person to be appointed. Is there anything in there, in this Amendment which states that this person first has to be a sworn law enforcement officer, they've had X amount of experience, they've got a degree from high school or college or a law degree? There's nothing to that extent is there?"

Gash: "We would expect someone with appropriate experience to be appointed."

Durkin: "Well, this person doesn't have to be a lawyer, is that correct? This Inspector General, there's no requirement this person is a lawyer?"

Gash: "We would expect that this will be promulgated in the Rules to be consistent with that of the other types of Inspector Generals we were talking about earlier."

Durkin: "All right. Let me ask this other question. On page 2, Subsection C it says, 'At all times the Inspector General shall be granted access to any building or facility that is owned, operated, or leased by the Authority.' Does this give that Inspector General blanket authority to search any one of these properties owned by the Tollway Authority?"

Gash: "I would think so."

Durkin: "I'm sorry?"

Gash: "I would think so."

Durkin: "Well, do the people who work at the Tollway Authority, do they have a 4th Amendment privilege against unreasonable search and seizures from these individuals, from this

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individual?"

Gash: "This doesn't allow a search of their personal property. This allows them to go in and try to find out information about tollway property."

Durkin: "Well, I believe that's probably what your intent is, but the fact is, the way it reads, it reads that this Inspector General will have a right to access to any building or facility. I believe that could be interpreted that these people have access..." Gash: "Any building or facility..."

Durkin: "... to personal areas, they can get inside their desks. I don't see how that is limited. This is very broad."

Gash: "Well, that's not the same as access to the building. This is access to the building."

Durkin: "Well, but if they're going to access the building the reason is to go inside the building to conduct some type of investigation or some type of search, isn't that correct?"

Gash: "And what this addresses is access to the building or facility."

Durkin: "Well, once they get access to the building, what can they do then?"

Gash: "I think this has been answered repeatedly. This grants them access to the state property."

Durkin: "Well, it gives the access to them, but the fact is, we're allowing this Inspector General to walk into every one of these facilities without any type of establishment of probable cause, and allows them to search throughout these facilities and go inside the personal areas of the employees, and that's what I believe this... I read this Amendment to grant."

Gash: "This is not a crime..."

Durkin: "And I don't see any type of 4th Amendment protection,

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anything that shows that there must be some type of establishment of probable cause for this Inspector General to be able to walk in and go inside a computer to get access to computer records, or to go inside a desk of an employee without any type of establishment of probable cause."

Gash: "The Toll Highway Authority doesn't have 4th Amendment rights."

Durkin: "All right, I've got another question. Subsection D, this has to do with the Inspector General's ability to charge somebody with a Class A Misdemeanor for failure to appear after subpoenas. I'm a defense attorney, a person from the Tollway Authority has said, 'I am being investigated by the Inspector General, I've been subpoenaed.' The defense attorney says, 'I am going to quash that subpoena.' Now, who is going to be charged with representing that Inspector General in a proceeding when that individual seeks to quash that subpoena that has been served upon the employee?"

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

Durkin: "Okay. I'm going to put this hypothetical to you. The Inspector General, as it states here, he has the power to subpoena witnesses. I am representing an individual who has been subpoenaed by the Inspector General. I, as a defense attorney, I feel that the subpoena is inappropriate under it could be a 4th or 5th Amendment ground and I seek to quash that subpoena. Who is going to be charged with representing..."

Speaker Hannig: "Representative, could you bring your remarks to a close?"

Durkin: "Who is going to be charged with representing the Tollway Authority on that Motion, or the Inspector General?"

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Gash: "I suppose the Attorney General could."

Durkin: "Is that in the Bill?" Gash: "Gash: "The Tollway Authority can retain it's own attorneys."

Durkin: "Well, why don't they just, they have attorneys that are working at the Tollway Authority, correct? Why don't we just allow them to conduct their own internal investigation?"

Gash: "This would be one person who is charged with specifically finding out information and conducting investigations into allegations of such things as abuse at the Authority. It's not the same type of charge."

Durkin: "Well, when we're giving the Inspector General subpoena power, I think that we're giving him an awful lot, and the fact is, I don't believe this Bill has enough safeguards in it to at least to protect individuals who are working for the Tollway Authority under unreasonable search and seizures under our Constitution. I know what you're trying to do and I know that you're well-intended, but the fact is, by giving this type of blanket authority to these individuals I believe that we are getting into a dangerous area when we don't have any type of constitutional safeguards for the employees. I respectfully request a 'no' vote."

Gash: "I respectfully would disagree with you. I think it's clear that that's not what this Bill does."

Speaker Hannig: "Representative. Representative Fritchey."

Fritchey: "Thank you, Mr. Speaker. I Move the Previous Question."

Speaker Hannig: "No, Representative, we're not ready for that. Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I haven't heard the Gentleman from Danville get so

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exercised about anything on this Floor since we debated as to whether or not emergency vehicles should be able to pass through toll booths without having to pay a toll, and I seem to recall that at that time the Gentleman was wholly supportive of the idea of that legislation which would allow emergency vehicles to pass through toll booths. So, I would think that he would certainly be a little more sympathetic to the Amendment and to the overall Bill. Before I continue further, I'd like to ask if Mr. Skinner would enter the correspondence that he alluded to in his remarks in debate, if he would enter that correspondence into the record. Because to underscore that point, there is indeed significant diversion of funds from the Road Fund, and we've talked about whether or not we should divert \$36 million away to do replating. We've talked about whether or not we should divert lesser amounts away from the Road Fund, the Road Fund that has such a significantly diminishing balance. And in contrast, the Toll Highway Authority balance sheet and its embarrassment of riches. Why should we be diverting anywhere from 75 to \$100 million for two Toll Highway Authority projects for the 355 extension and for the Route 53 extension, for land acquisition, for engineering studies and all kinds of related expenses, when, indeed, the Toll Highway Authority has an estimated \$40 million annually above and beyond what its needs are to service and maintain its current system. We can't afford this diversion, and as a suburbanite, I'm particularly offended by it, given that we're talking about making, possibly making the gas taxes in Illinois even higher than they already are. We can't be diverting tens of millions of dollars out of the Road Fund for the Toll Highway Authority when you have one fund that has more

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money than it seems to know what to do with, to the point where we're doing things like rebidding the IPASS contract after a significant outlay of money has been made. We have the Toll Highway Authority with more money than it knows what to do with. You name it, they can find the money for it and then some, and by the same token, those of us who have basic maintenance needs that are required to be paid for by the Road Fund through the Illinois Department of Transportation, whether it's in the City of Chicago, whether it's in a suburban area in Cook County where I live, not Lake County, as someone alluded to earlier, whether it's in downstate communities where they need very critical infrastructure to link one region to the next. We can't do this. We can't meet those needs through the Road Fund, and why can't we do it? Because we're diverting anywhere from 75 to \$100 million out of the Road Fund to pay for the Toll Highway Authority, which has an embarrassment of riches. Now, my respected colleague, the Minority Spokesman of the General Services Appropriations Committee, alluded to the fact that we would be diverting money away from the Toll Highway Authority and sending it to all other regions of this state. Well, with all due respect, that argument is a red herring, and I think the Gentleman knows that, because tollway bonds have an indenture. An indenture says that the revenues which come in, the first claim on those revenues is to refund the bonds. This issue has been discussed before. This argument has been made in the past. It doesn't hold any water because the first claim on the revenues automatically go towards retiring the Toll Highway Authority bonds. So we suburbanites who are very concerned about all the economic redistribution schemes that we're seeing this



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Session, whether it's for the gas tax, whether it's for the Toll Highway Authority, whether it's for the largest tax increase in Illinois history to revamp funding for the schools, all of us in the suburbs shouldn't be worried about this red herring argument and we don't need further diversions away from our region. Now, on the issue of the Inspector General and on the issues of making this quasi-public agency which has one of the largest budgets of any quasi-public agency or public agency in the state, we've put mechanisms in place to have oversight for the Department of Mental Health. We've put them in place for the Department of Children and Family Services. This legislation, which I wholeheartedly support, does absolutely nothing but protect the integrity of those people who administer..."

Speaker Hannig: "Representative, could you bring your remarks to a close please?"

Schoenberg: "...who administer the offices and make the day to day decisions. By having greater accountability measures like this Bill, we're not seeking to punish anyone, if anything, we're looking to protect the people who work at the Toll Highway Authority, and most importantly, we're looking to protect the taxpayers of Illinois, especially suburbanites who are getting fleeced by this system of double taxation. We pay more for the transportation system in this state, from the suburbs, than any other region of this state. And for those reasons I urge all my colleagues, especially those of you who live in suburban communities and may feel your loyalties torn, to vote for this Amendment and the underlying Bill. Thank you."

Speaker Hannig: "Representative Myers, the Clerk informs me that the Amendment is on the system. Representative Myers, you

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okay? All right. Representative Black. Representative Black, for what reason do you rise?"

Black: "Yes. Thank you very much, Mr. Speaker. Did the previous speaker mention my name in debate?"

Speaker Hannig: "I hope not."

Black: "He was close. He disparaged my hometown. He disparaged my hometown. He was this close."

Speaker Hannig: "But I don't think he mentioned your name, Representative."

Black: "And I heard him fussing about emergency vehicles. I'll not stand here and have the police and fire officials of this state denigrated on the Floor of this House."

Speaker Hannig: "We're with you, Representative."

Black: "Well, if you say he didn't mention my name I'll accept that."

Speaker Hannig: "Representative Gash to close."

Gash: "Thank you very much. Among the things that this Bill does is it... the Tollway Authority has nested away a \$391 million surplus. This would require them to use that surplus before they can issue new bonds. That's just common sense. Subjecting bids to competitive procedures, that's obviously common sense. Subjecting the Authority to appropriations the same way it's done for many other agencies, that's just common sense. An Inspector General, which can address such things... an overseer on the Tollway Authority could have stopped such things in the past as double pensions for top officials, failure to detect and investigate employee absences, abuse by public officials of free rider privileges, and use of toll money to make its cafeteria meals less expensive, many purchases for the Taj Mahal in Downers Grove, their main office. There are a lot of things that could have been addressed, and this Bill

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will, frankly, not go far enough, but will address many of those concerns. I would have liked to see the Bill be stronger, we are willing to do what we can to make good changes at the tollway. I'm glad that this is finally coming for a vote on the House Floor, and I strongly urge and request your 'aye' vote."

Speaker Hannig: "Okay, there's been a request for a verification and a Roll Call Vote on this Amendment. So, all in favor of the Amendment vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 64 voting 'yes' and 47 voting 'no'. Representative Cross, do you persist? On the Amendment, it requires only a majority of those voting."

Cross: "This is just on the Amendment, correct?"

Speaker Hannig: "Yes, that's correct."

Cross: "Why don't we just hold off until we get to Third Reading. I'll just withdraw it. Thank you very much."

Speaker Hannig: "The Gentleman withdraws the request for a verification, and the Amendment is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments. A Fiscal Note and a State Mandates Note and a Home Rule Note have been requested on the Bill, as amended."

Speaker Hannig: "Speaker Madigan."

Madigan: "I move that those requests are inapplicable, all three."

Speaker Hannig: "Speaker Madigan has moved that the notes are not applicable. All in favor of the Amend... Okay. Representative Black on that question."

Black: "Boy, so much for the spirit of bipartisanship. How in the world, in all due respect to the maker of this Motion,

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how in the world can you create a new bureaucracy in the State of Illinois and stand here and say it doesn't cost any money? Now that is absolutely preposterous. A new Inspector General, I suppose he's going to work pro bono. That is absolutely ludicrous. This is going to cost money and I have a right to know how much. This is ridiculous, and if you vote for this then there may not, why even bother with notes, there shouldn't even be any. You're creating a whole new bureaucracy here and if you say that doesn't cost any money, therefore the notes are inapplicable, that's going to come back and haunt you. This is an absolute ridiculous Motion and I stand in opposition. These notes are applicable and you should vote that way."

Speaker Hannig: "Speaker Madigan."

Madigan: "Mr. Speaker."

Speaker Hannig: "Yes. Mr. Madigan."

Madigan: "I think that some of Mr. Black's points are well-taken. I'd like to withdraw the Motion, but then make a new Motion, which would be that the request for the Home Rule Note is inapplicable."

Speaker Hannig: "Representative Black. So, on the Motion that the Home Rule Note is inapplicable, all those in favor of the Motion vote 'aye'... all those in favor of the Motion say 'aye'; all opposed say 'no'. The 'ayes' have it and the note is ruled not applicable. Speaker Madigan."

Madigan: "Mr. Speaker, maybe Mr. Black is ready to agree again. So, we don't feel that the request for a State Mandates Note is appropriate because... hello people. The State Mandates Act is concerned with local governments. This is not a local government we're working with here, this an agency of the state. And so, relative to the request for a

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State Mandates Note, I move that that is inapplicable."

Speaker Hannig: "Representative Black."

Black: "I've got to admit, on this one, an Inquiry of the Chair."

Speaker Hannig: "Yes."

Black: "The Illinois Toll Highway Authority, is it, in fact, a unit of State Government, a unit of local government or a hybrid?"

Speaker Hannig: "Speaker Madigan."

Madigan: "Mr. Black, it's created by state law and a good way to answer that question would be, if they're going to market with their debt I'm sure they would advertise themselves as a state agency, not a local government."

Black: "But, is the full faith and credit of the state behind their instruments of debt?"

Madigan: "I don't know the answer to that question. Full faith and credit of those who drop the 40 cents."

Black: "I think they do their own bonding. I don't think the state does their bonding."

Madigan: "Yeah. I'm just saying that when they do the prospectus, I'm sure that they want to be associated with the state government, not as a local government."

Black: "Oh no, I don't know. They're headquartered... where are they headquartered, Downers Grove?"

Madigan: "Some Taj Mahal somewhere, I don't know."

Speaker Hannig: "Representative Black. Representative Black, I'm informed that the notes have been filed anyway. So I think that the Motion is really..."

Black: "The notes have been filed? Well, my goodness."

Speaker Hannig: "The State Mandates Note has been filed, so this..."

Black: "Well, as well it should. Then this whole debate is moot, I mean, it's meaningless."

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Speaker Hannig: "That's correct. That's correct."

Black: "Absolutely."

Speaker Hannig: "And that's why I interrupted you, Representative."

Black: "I knew it would be filed. Moot, moot."

Speaker Hannig: "This Bill will remain on the Order of Second Reading. Senate Bills Second Reading. Senate Bill 515, Representative McKeon. I'm sorry. Representative Crotty. Representative Crotty, 515. Out of the record. Senate Bill 605, Representative Churchill. Out of the record. Senate Bill 698. Excuse me. Representative Erwin, for what purpose do you rise?"

Erwin: "Thank you, Speaker. I rise on a Point of Personal Privilege to ask my colleagues today to join me in welcoming to Springfield my alderman from the 42nd Ward, the near north side of the City of Chicago, Alderman Burton Natarus who's been an alderman for 27 years in Chicago. Alderman Natarus."

Speaker Hannig: "Welcome to Springfield. Representative Cowlshaw on Senate Bill 709. Representative Cowlshaw. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 709 has been read a second time, previously. Amendments 1, 2 and 3 were adopted in committee. No Motions have been filed. Floor Amendment #5, offered by Representative Stephens, has been approved for consideration."

Speaker Hannig: "Representative Stephens. Representative Cowlshaw."

Cowlshaw: "Thank you, Mr. Speaker. I would like to... if... with the permission of the Chair, present this Amendment."

Speaker Hannig: "Proceed."

Cowlshaw: "Amendment #5 removes Amendment #3 from this Bill."

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That is all that it does."

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

Flowers: "Mr. Speaker, will the Lady yield?"

Speaker Hannig: "She indicates she will."

Flowers: "Representative Cowlshaw, what does this Amendment do,  
please?"

Cowlshaw: "Amendment #3 to this Bill, there were three  
Amendments adopted. One was Representative Hoeft's, one  
was Representative Biggert's and one was Representative  
Stephens'. You did not like Representative Stephens'  
Amendment."

Flowers: "Right."

Cowlshaw: "It was #3, this is #5. It removes #3 from this Bill  
entirely."

Flowers: "Thank you very much. I appreciate that."

Cowlshaw: "You're very welcome."

Speaker Hannig: "On the Amendment, all in favor say 'aye';  
opposed 'nay'. The 'ayes' have it and the Amendment is  
adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "Senate Bill 709, a Bill for an Act amending the  
School Code. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker. Ladies and  
Gentleman of the House, this Bill now consists entirely of  
the two Amendments that have been adopted to it. The first  
was originally sponsored by Representative Hoeft, the  
second by Representative Biggert. And with the Chair's  
permission, I would like to let those two Legislators  
describe what each of the two Amendments that now comprise

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this Bill do. Would you permit that, Sir?"

Speaker Hannig: "Representative Hoeft."

Hoeft: "Thank you, Mr. Speaker. This Amendment streamlines the accountability system we set up for the State Board and the Regional Office of Education where we're saying that the school board presidents have the rights to evaluate services from these two agencies annually. It becomes their report card. We... with this Bill, will make it every three years. We are turning over the authority to the Lieutenant Governor's Office and we set up a panel of seven individuals to do the evaluation of it. We've dealt with this issue before. It's a good tool to allow reform in the State Board, which is obviously quite badly needed."

Speaker Hannig: "Representative Biggert."

Biggert: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The second Amendment was to provide that the State Board of Education implement and administer a three-year Giant Steps pilot program and make grants to participating school districts for the study and evaluation of autism and teacher training."

Speaker Hannig: "Is there any discussion? There being none and so the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'yes' and 1 voting 'no'; and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 355."

Clerk Rossi: "Senate Bill 355. The Bill's been read a second time, previously. Amendment #1 has been adopted to the Bill. No Motions have been filed. No further Floor Amendments. The Bill was held on the Order of Second



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Reading pending the filing of a Fiscal Note. That Note has now been filed."

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

Clerk Rossi: "Senate Bill 355, a Bill for an Act concerning vehicles. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Gash."

Gash: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. We just addressed what the Amendment to this Bill does. The Bill... that becomes part of the Bill and the Bill also authorizes special license plates which will be designated as child protection plates. This Bill came out of the Senate Committee with 0 'no' votes, came out of the Senate with 0 'no' votes, came out of the House Committee with 0 'no' votes. It provides for fees for these plates to be paid as grants to hospitals providing pediatric care, which are subject to a General Assembly appropriation and Secretary of State approval. All the money in the Child Protection Fund will be paid as grants to hospitals by a Child Protection Advisory Panel, which considers the grant applications made by hospitals, and makes recommendations to the Secretary of State on approval of grant applications. I would ask for your support. And I would be happy to answer any questions."

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

Black: "Thank you very much, Mr. Speaker. First, an inquiry of the Chair. We don't have a copy of the Fiscal Note. Could we get a copy? Or somebody tell us what the financial impact would be."

Speaker Hannig: "I'm informed that your side of the aisle has a copy of the Note."

Black: "Oh, here we come, here it is. It's on its way as we

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    speak. Who wrote this Fiscal Note, if I may ask the  
    Chair?"

Speaker Hannig: "The Note is from the Bureau of the Budget,  
    Representative."

Black: "The Bureau of the Budget wrote this?"

Speaker Hannig: "David Wood, I believe."

Black: "David Wood? I don't know David Wood. Is he on the  
    Floor?"

Speaker Hannig: "I don't see the Gentleman, Representative."

Black: "Okay. Perhaps sometime today we could meet David Wood.  
    I'd like to meet David Wood. I love this Fiscal Note. The  
    cost of an Inspector General is likely to be relatively  
    small. Does that mean the Inspector General is going to be  
    small, or the cost is going to be small? Oh well,  
    whatever. Okay, that's fine. Thank you very much, Mr.  
    Speaker. I appreciate your indulgence. To the Bill."

Speaker Hannig: "To the Bill."

Black: "You know, not to mention the Amendment that's had a full  
    and fair debate, I don't think we need to rehash this  
    Amendment. Most of us have heard this Amendment more times  
    than we've heard our names called in this Session. Some  
    people are persistent. But the underlying Bill is  
    interesting, too. The underlying Bill I rose in opposition  
    to the other day on the Amendment. Now, we're creating  
    some more new license plates. So, if you like the toll  
    road aspect of the Bill, then I suppose you'll like the  
    license plate aspect of the Bill. Because, now mayors,  
    mayors are going to get license plates. I know the good  
    alderman from the City of Chicago, he may want to amend  
    this Bill on its face to say that aldermen should get  
    license plates. Now, if we pass this Bill, as amended,  
    next year we're going to have license plates for township

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supervisors, township treasurers, township road commissioners. I don't know. I don't think the Amendment makes this Bill any better. I rose in opposition to the license plate Amendment yesterday. At some point, at some point you have to listen to law enforcement agencies. We are creating a veritable potpourri of license plates in this state. I noticed driving in this morning there must be five different special event plates on cars out in the circle drive. Now we're going to add two more in the underlying Bill; two more permanent plates. At some point you're going to have to answer to your police departments why you're doing that. So I don't think the toll road Amendment makes the underlying Bill any better. And I don't think the underlying Bill makes the toll road Amendment any better. And the Fiscal Note smells like yesterday's fish sandwich. So I'm going to vote 'no'."

Speaker Hannig: "Representative Cross."

Cross: "A couple things, Mr. Speaker. On the previous Bill, Senate Bill 709, I wish to be recorded, or at least the record reflect that I intended to vote 'no' instead of 'yes'. In the event Senate Bill 355 gets the requisite number of votes, as I did earlier on the Amendment, I renew my request for a verification."

Speaker Hannig: "And it will be granted, Representative."

Cross: "Thank you."

Speaker Hannig: "Representative Hartke."

Hartke: "Yes. A few minutes ago I was off the Floor. Had I been here I would have voted 'yes' on Senate Bill 106 and Senate Bill 320. I was off the Floor about three minutes. You really ran."

Speaker Hannig: "Representative Gash to close."

Gash: "Thank you very much. I ask for your 'aye' vote."

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Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on this question, there are 62 voting 'yes' and 48 voting 'no' and Representative Cross has asked for a verification."

Cross: "I'm going to have to persist."

Speaker Hannig: "Yes. Mr. Clerk, read the names of those voting in the affirmative."

Clerk Rossi: "Poll of those voting in the affirmative: Representatives Acevedo. Boland. Bradford. Bradley. Brosnahan. Brunsvold. Bugielski. Burke. Capparelli. Coulson. Crotty. Currie. Julie Curry. Dart. Monique Davis. Steve Davis. Deering. Erwin. Fantin. Feigenholtz. Flowers. Fritchey. Gash. Giglio. Giles. Granberg. Hannig. Hartke. Hoeft. Holbrook. Howard. Tom Johnson. Kenner. Kosel. Lang. Lindner. Lopez. Joe Lyons. Mautino. McCarthy. McGuire. McKeon. Eugene Moore. Morrow. Novak. O'Brien. Phelps. Pugh. Ronen. Santiago. Schakowsky. Schoenberg. Scott. Scully. Silva. Skinner. Slone. Smith. Stroger. Woolard. Younge and Mr. Speaker."

Speaker Hannig: "Questions of the affirmative, Representative Cross."

Cross: "Representative Lang."

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

Cross: "Representative Bradford."

Speaker Hannig: "Representative Glenn Bradford. The Gentleman's in his seat."

Cross: "Representative Acevedo."

Speaker Hannig: "Representative Acevedo is in the center aisle."

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Cross: "Representative Morrow."

Speaker Hannig: "Representative Boland is requesting leave. Do we grant him leave, Representative?"

Cross: "Certainly."

Speaker Hannig: "Thank you."

Cross: "Certainly."

Speaker Hannig: "I'm sorry, who was your last name?"

Cross: "Representative Morrow."

Speaker Hannig: "Representative Charles Morrow. The Gentleman's in his seat."

Cross: "Representative Fritchey."

Speaker Hannig: "Representative Fritchey. The Gentleman's in the rear of the Chamber."

Cross: "Representative Deering."

Speaker Hannig: "Representative Deering. He's in his seat and Representative Giles is requesting leave to be verified. Is that okay, Representative?"

Cross: "Of course. Representative Pugh."

Speaker Hannig: "Representative Pugh. Is the Gentleman in the Chamber? The Gentleman is not in his seat and in the Chamber. Mr. Clerk, how is he recorded?"

Clerk Rossi: "Representative Pugh is voting in the affirmative."

Speaker Hannig: "Remove him."

Cross: "Representative Lopez."

Speaker Hannig: "Representative Lopez. The Gentleman in the Chamber? Is the Gentleman in the Chamber? Mr. Clerk, how is he recorded?"

Clerk Rossi: "Representative Lopez is voting in the affirmative."

Speaker Hannig: "Remove him."

Cross: "Is it my turn again?"

Speaker Hannig: "Yes, Representative, I'm sorry. Your turn."

Cross: "Representative O'Brien."

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Speaker Hannig: "Representative O'Brien. Is the Lady in the Chamber? Representative O'Brien. The Lady is not in the Chamber. Mr. Clerk, how is she recorded?"

Clerk Rossi: "Representative O'Brien is voting in the affirmative."

Speaker Hannig: "Remove her. And Representative Pugh has returned in the rear of the Chamber, so restore him to the Roll Call. And Representative Lopez is in the rear of the Chamber, as well. Mr. Clerk, restore his vote. Anything further?"

Cross: "Representative Hartke."

Speaker Hannig: "Representative Hartke is in his seat. Anything further?"

Cross: "If you could give us one moment."

Speaker Hannig: "Certainly."

Cross: "Representative Coulson."

Speaker Hannig: "Representative Coulson is in her seat. Any further?"

Cross: "Nothing further. Thank you."

Speaker Hannig: "On that question there are 61 voting 'yes', and 48 voting 'no'; and this Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 797. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 797, a Bill for an Act amending the Illinois Aeronautics Act. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Churchill."

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. We considered two Amendments yesterday which basically become this Bill. The first Amendment to the Bill took out a bunch of old parts of the statute relating to Division of Transportation, Illinois Aeronautics Act."

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These are provisions that were preempted by Federal Government or overtime had just become useless provisions in the statutes. So it cleaned up the statute. Second portion of the Bill is... was Amendment #2 and this is basically the repealer of the Meigs Field Airport Act, which was passed in the last Legislative Session and we discussed this on a House Bill and did a House Bill, and so I'd recommend this as an 'aye' vote to you."

Speaker Hannig: "The Gentleman has moved for passage of Senate Bill 797. Is there any discussion? There being none the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'yes' and 0 voting 'no'; and this Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 445. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 445. Senate Bill 445, a Bill for an Act amending the Code of Civil Procedure. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Silva."

Silva: "Thank you, Speaker. Under the Bill the Administrative Office of Illinois Courts would establish a comprehensive certification program for language interpreters. It would work cooperatively with community colleges and other educational institutions to establish the certification program. I would urge a 'yes' vote."

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

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

Speaker Hannig: "She indicates she will."

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Cross: "Representative, I know that you're very sincere about this Bill and wish it to pass, but I think there's some serious problems with it. Have... From my reading of the Bill, you're mandating. We'll get to the cost issue in a second, but you're mandating that the Administrative Office of the Illinois Courts operate this court interpreter program in conjunction with community colleges. Have you had any opportunity to talk with the Supreme Court or the Administrative Office of the Courts?"

Silva: "Yes, I have."

Cross: "And what is that... to what extent have you talked to them. What's been their response?"

Silva: "Their initial response was that they do want to work cooperatively to develop the program."

Cross: "The Supreme Court has told you that?"

Silva: "Yes."

Cross: "Who from the Supreme Court has authorized this?"

Silva: "I... The person I talked to was Douglas Bowie. But as you know, they're in transition."

Cross: "Well, I guess we're getting conflicting responses. Have you worked with... did you work with the Supreme Court or the Administrative Office to draft this legislation beforehand?"

Silva: "My understanding is that Senator del Valle did have discussions with them."

Cross: "My understanding... Well, all right. What experience or expertise do the community colleges have in these... in the area of court interpreters?"

Silva: "Excuse me?"

Cross: "What experience do community colleges have in the area of court reporters and court interpreters?"

Silva: "They're educational institutions which develop programs



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and this would be one of them."

Cross: "I'm not aware of any programs yet. I understand they're educational institutions. I not aware of any program that exists now between community colleges and the Office of the Administrative Courts. Are you?"

Silva: "No, they don't have one, but it doesn't mean that you require experience for every initiative that you undertake."

Cross: "So we're asking community colleges to start new programs that they've never had before to work with the court...Administrative Office of the Courts and the Supreme Court who've never asked us to do this before. Is that correct? Is that an accurate assessment of what's going on here?"

Silva: "Yes. Just with all initiatives, there's always a beginning."

Cross: "Has the Supreme Court indicated to you that there's a problem or a lack of court interpreters?"

Silva: "Yes, they have acknowledged. We have talked to judges who say that it is a problem."

Cross: "All right. You have attempted, or in your language in this Bill you have amended the Code of Civil Procedure. I'm not aware of a lack or a need of court interpreters in the civil courts. I think there may be a need in the criminal courts for interpreters and I'm aware that counties provide the funding for that and that there's... I'm not aware of a lack of interpreters. Why on earth would we amend or address this in the Code of Civil Procedure when there's been no demonstration of a need for court interpreters in the civil courts? Makes absolutely, with all due respect, no sense whatsoever. I'm sorry, I have not heard your answer."

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Silva: "I thought you were commenting."

Cross: "I'm asking you why on earth do you put this in the Code of Civil Procedure? There's absolutely no need in the civil courts for court interpreters. The lack, the problem if there is, is in the Criminal Code. Why do we want to have court interpreters in the civil courts? There's no need. So why? I guess the question is, why do you have this for the civil courts?"

Silva: "If the court administrates it and if there's a need, they can determine that themselves."

Cross: "I don't think so, Representative. We've got a Fiscal Note cost of \$257 thousand. Would you dispute that cost?"

Silva: "Yes, I would, and part of the Amendment extends the time. So if, in fact, it gives us more time to work on some of those details."

Cross: "There are obviously some flaws with this Bill and working out details. Why don't you hold this till the fall and if you're going to work with the Supreme Court, I guess I'm puzzled why you would push this through without working with them on a Bill."

Speaker Hannig: "Representative Black. Representative Black, you're up."

Black: "Thank you very much, Mr. Speaker. An Inquiry of the Chair."

Speaker Hannig: "Yes, state your inquiry."

Black: "Yes, would you ask the Chief Clerk of the House who filed the Fiscal Note?"

Speaker Hannig: "Mr. Clerk."

Black: "Was it filed by a Mr. Woods at the Bureau of the Budget? I've never met Mr. Woods, did he file this one?"

Speaker Hannig: "Are you requesting who wrote the Fiscal Note? Who signed it?"

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Black: "Yes."

Speaker Hannig: "Yes. What... Mr. Clerk."

Clerk Rossi: "A Fiscal Note has been filed by the Administrative Office of the Illinois Courts."

Black: "Would that be Mr. Woods?"

Clerk Rossi: "That would be a Kathleen Gazda."

Black: "Is she related to Mr. Woods? Well, okay. I've just never met Mr. Woods. I don't know."

Speaker Hannig: "Well, you should..."

Black: "Will the Sponsor of the Bill yield?"

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

Black: "Thank you. Representative, in all seriousness, if you'll look at the Bill. I think there's a major drafting problem with your Bill. If you'll look on page one of the Bill, line 11. It starts there and goes through line 13. It says that, the Administrative Office of the Illinois Courts shall establish and administer a comprehensive testing and certification program for language interpreters, period. It doesn't say anything about they're going to be court interpreters, it just says language interpreters. Is that the intent of your Bill?"

Silva: "It would provide for various languages."

Black: "Well, as I read your Bill, since it does not specify that they are certifying them for court interpreters, I would assume that anyone who wants to be an interpreter in Illinois, a language interpreter, must be certified by the Administrative Office of the Illinois Courts. I don't think that's your intent. Mr. Speaker, is it her turn or my turn?"

Speaker Hannig: "I think it's your turn, Representative."

Black: "Well, see, I asked a question. The Bill... on page one of the Bill, it's drafted and it says, if I may summarize,

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that language interpreters will be certified or be administered and tested and certified by the Administrative Office of Illinois Courts. Now, it doesn't say court interpreters, it says language interpreters. So, my question is, it appears that anybody who wants to be a language interpreter in the State of Illinois will have to go through this testing program and the court... the Administrative Office of the Courts. And my question was, is that her intent?"

Speaker Hannig: "Representative Silva."

Silva: "If you look at the synopsis of the Bill, it's quite clear. It provides for the testing and certification of foreign language court interpreters."

Black: "Well, the synopsis of the Bill is... that's very nice, but it's the Bill that will be enrolled and engrossed and become law, not the synopsis."

Silva: "I think it's pretty clear."

Black: "Well, all right. Thank you, Mr. Speaker and Ladies and Gentlemen of the House. If I might, to the Bill."

Speaker Hannig: "Proceed."

Black: "You know, I don't have any problems with the Bill as such. My point is it is drafted and I won't say improperly, because I don't know what the intent is. It is drafted in such a way that language interpreters must be certified after a test administered by the Administrative Office of the Illinois Courts. It doesn't say court language interpreters, it says language interpreters. So if I bring the ambassador down here from the City of Danville and we need an interpreter and we might very well need an interpreter, that interpreter has to be certified by the Illinois Office of the Administrative Office of the Courts. I don't think that's the intent of the Bill, but

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that's what the Bill says. If I'm currently employed as an interpreter for a legal firm or a business firm, under this law I'm going to have to be tested and certified by the Administrative Office of the Illinois Courts, even though I may never go to court. I don't think that's the intent of the Bill. In all due respect to the Sponsor, this Bill should be amended to clarify that what she's trying to do is certify language interpreters who will work in the court system of Illinois, not the business or the other communities that exist in Illinois. I can't believe that's their intent. But that's what the Bill says and for that reason I intend to vote a courageous 'present'."

Speaker Hannig: "Representative Mulligan. Representative Mulligan. Representative Mulligan, you're up. Rosemary, you're up."

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

Speaker Hannig: "The Lady will yield."

Mulligan: "Representative Silva, some people brought a Bill similar to this to me earlier in the year and I agreed because of what's happening in the, at least the Cook County court system, is they pull people in that work in offices that interpret for people whose rights are being represented in a way that isn't always necessarily correct interpretation of what's happening. But I tend to agree with Representative Black. Isn't there some way that you can take the Bill out of the record, add that Amendment so that it actually applies the way you want and then bring it back to us because I don't think that we would object to it then. And I think it's something that certainly is necessary, at least in Cook County, for the simple reason that we're having really bad things happen in some cases that interpretations aren't always literal

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interpretations."

Silva: "I would like to continue with it. I have extended the date where we can further work on it and a..."

Mulligan: "Representative, that isn't the way this should be done, though because what you've done then is pass a very bad piece of legislation and I don't see what... why can't you take it out, have an Amendment drafted this afternoon, put it in, send it through Rules, and have it be a literal, you know, interpretation? That's just a small technical Amendment. I think that that would make everyone happy. There's no point in persisting if it's not good and you can change it that way. Can't your staff do that or accommodate you in doing that?"

Silva: "Representative Mulligan, could you repeat the question?"

Mulligan: "The question is, why can't your staff draft a small Amendment that Representative Black requested, that would clarify that it is to pertain to the court system and not any interpreter in general, bring it back and send it through Rules, and we could pass it on the Floor as a technical Amendment on the Floor. But if it's not correct, why would you expect us to pass it just because you have two years. You then have to come back anyway to change it and I'm agreeing with you that at least in Cook County people have come to me with this problem and that I would certainly agree with this if you could change it."

Silva: "Representative Mulligan, since the Office of the Illinois Courts would administer it, they would only have jurisdiction over courts and not any private industry."

Mulligan: "But I think the law would then be on the Illinois books and you leave it open to interpretation, when for the matter of three hours you could probably fix it."

Silva: "It doesn't need to be fixed."

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Mulligan: "Well, fine, then."

Speaker Hannig: "Representative Silva to close."

Silva: "I would urge an 'aye' vote. In Cook County it has been a problem. People have been pulled off their maintenance duties at county jail to interpret for people, legal vocabulary that they're not familiar with and that, in fact, can violate the rights of people. I would urge an 'aye' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 56 voting 'yes' and 53 voting 'no'. Do you request Postponed, Representative? Postponed Consideration. Senate Bill 493. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 493, a Bill for an Act in relation to gaming. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Bill came from the Senate as a Shell Bill, Senator Weaver, and in House... in Exec Committee we put an Amendment on that said the Gaming Board may, if it wished, grant a four-year license only if it felt it was okay to do that and this Bill sits in that form. I have been working with Representative Kubik on the other side of the aisle and Senator Stan Weaver in the Senate and we have been talking to the Governor's people about a possible Gaming Bill and I think everyone on this Floor knows pretty much the Governor's position on gaming. It's a very narrow position dealing with very little, if any, expansion of gambling. Some issues that need to be addressed are the

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graduated tax for riverboats, and I would say probably if you're going... if there was a Bill to vote on to increase the tax on riverboats, this would be it, going from a 13 to a 30 percent. I think the Governor is demanding that and that's okay with me. Also, probably under consideration, would be a dockside provision and then from there on, I don't know what's up, really, to discussions between Senators and a few of us Reps and the Governor's Office to see what the final product would be. That's where it sits now and I would ask your help to move this to... back to the Senate so Stan Weaver and the Governor's Office and Mr. Kubik, myself and a number of individuals on the Floor could work on a possible Bill that would, in fact, probably raise a \$100 million for the State of Illinois and I would ask for your support."

Speaker Hannig: "Representative Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise with Representative Brunsvold in support of this Motion. I think that if we're going to look at how we might increase the tax on riverboats and address some of those issues, this is really one of the only Bills that we have. Obviously, given the debate on education and other things, we're not ready to make a final determination. But I would suggest that some of my colleagues on my side of the aisle come forward and support this Bill so that we can get it over to the Senate and at least have an opportunity to discuss these issues and particularly the issue of an increase on the Riverboat Tax. So I would appreciate and would urge support of Senate Bill 493 so that we can get it over to the Senate and continue discussion."

Speaker Hannig: "Representative Cross."

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



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Speaker Hannig: "He indicates he will."

Cross: "Representative, just so everybody's clear on this, this Bill could end up after it leaves here and all the negotiations are done, it could end up with some expansion of gaming. Is that correct?"

Brunsvold: "It would end up only with provisions that are approved by the Governor."

Cross: "How... Regardless of the Governor, it could mean though, additional boats in Chicago, it could mean additional boats in Rosemont, it could mean additional boats in Lake County. Is that correct? There's the potential."

Brunsvold: "It could if the Governor would approve those. Now, he's been very, very narrow on his approach to the gambling issue. I think he realizes that dockside gambling with the provisions of Iowa and Missouri and Indiana has created a very unfair situation for the Illinois boats and I think that needs to be looked at. Now he has continually stated that he does not want expansion of gambling. Now I would suppose that if we could end up here and he doesn't want to do anything but the graduated tax, we could, you know, that might be it, too."

Cross: "Is there a... are you willing to make a commitment that this Bill will be limited to a graduated tax and dockside gambling and leave it at that?"

Brunsvold: "Personally, between you and I, Tom, I would say fine. But I don't know. I can't speak for the Senate, I can't speak for Stan Weaver, I can't speak for the Governor's Office, I can't speak for some other people on this Floor. But personally, between you and I, that would be fine with me."

Cross: "So, unfortunately, with all due respect, that is a, no?"

Brunsvold: "Well, I can't... I can't... I don't know what's going

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to happen. All I can say is that people have to read what the Governor's been doing, the gambling boat position here in the State of Illinois and our unfair advantage our boats are having right now, especially on the Mississippi River and on the Ohio River and..."

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

Speaker Hannig: "Representative Brunsvold to close."

Brunsvold: "I would ask everyone to take a close look at, that we need to examine this. Yeah, if you want to vote 'no' when the Bill comes back and you don't like what's on it, fine. I have no problem with that. Let's give it a chance and see if Stan Weaver and the Governor's Office and some people here on this Floor, Jack Kubik and myself, can put together a Bill that is workable and will raise hundreds of millions of dollars for the State of Illinois. If you get to the final Bill and you don't like it, fine. But right now please help us get this Bill back to Senator Weaver so we can continue the process."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 59 voting 'yes' and 56 voting 'no'. Do you request Postponed? Postponed Consideration. Mr. Clerk, read Senate Bill 435."

Clerk Rossi: "Senate Bill 435, a Bill for an Act in relation to special districts. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. Senate Bill 435 is a Bill which a lot of work has been put into it. We have gone to the Members on the Floor, individually, and worked out a 'Roll Call'. What it does

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is, it allows the water reclamation district to go ahead and complete the deep tunnel project in a timely fashion. The importance of this Bill is that if the deep tunnel project is completed in a timely fashion, the long term cost savings for the taxpayer will be immense. If we continue to allow this project to string along, the cost accelerations through the years will be prohibitive enough where we may not be able to complete the project. This project is beneficial to the residents who live along the Des Plaines River and the communities of DuPage County that eventually flow into this tributary. The Bill, actually, it does not increase the bonding capacities. It simply will extend the authority to cover the life of the project and I will entertain any questions. Thank you."

Speaker Hannig: "Representative Mautino. Representative Mautino."

Mautino: "Thank you, Mr. Speaker. I rise in support of the Gentleman's legislation. Will he yield?"

Speaker Hannig: "He indicates he will."

Mautino: "Representative, I think the provisions in here that you're asking for are simply the same provisions which we had given to park districts, to museums in the park, for the City of Chicago and it will allow you to go ahead and complete your project throughout the lifetime of the project."

Saviano: "That is true. It is almost identical to what we did for the park districts and for other local governments that had ongoing projects."

Mautino: "Thank you. That's all I wanted to find out on it. I think this deserves an 'aye' vote. The Gentleman has worked very hard on it and we have done these provisions for the museums and the City of Chicago, for school

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districts, for park districts, and ask for an 'aye' vote."

Speaker Hannig: "Is there any further discussion? Representative Saviano to close."

Saviano: "Thank you, Mr. Speaker. I want to thank Representative Kubik and Representative Turner who have worked very hard along side of me on this Bill and also the representatives from the water reclamation district. They've done a good job in explaining this issue to the Membership and I would ask for their approval. Thank you."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all vote who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 63 voting 'yes' and 50 voting 'no'; and this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Brunsvold on Senate Bill 493. Mr. Clerk. Representative Steve Davis."

Davis, S.: "Yes, Speaker. I was busy back here and I'd like to announce and welcome to Springfield, U.S. Senator Dick Durbin."

Speaker Hannig: "Senator, welcome to Springfield."

Davis, S.: "And, Speaker, also I would like to be recorded as an 'aye' vote on that Bill."

Speaker Hannig: "Mr. Clerk, read Senate Bill 303."

Clerk Rossi: "Senate Bill 303, a Bill for an Act amending the Jury Commission Act. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Parke. Representative Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 303, as amended, now allows the Cook County Circuit Court to reestablish the jury administration in Cook County. Presently, they sent out approximately 934 requests to citizens asking them to serve as jurists. Of

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those, only 28 % come back. What we're asking to do is do away with the jury commissioners, there's three of them, and put it in the hands of the Circuit Court of Cook County. And we think that by allowing to do this, we could save approximately \$600 thousand to the taxpayers of Cook County. I would ask for the approval of this legislation."

Speaker Hannig: "Is there any discussion? There being none the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 111 voting 'yes' and 3 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 476. Mr. Parke. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 476. The Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #2 has been adopted to the Bill. No Motions have been filed. No further Floor Amendments. A Home Rule Note has been requested on the Bill, as amended, and has not been filed. Representative Parke."

Parke: "Yes, Representative Schakowsky, this is the request you said you were going to remove. Your request on..."

Clerk Rossi: "The Home Rule Note is requested by Representative Hannig."

Parke: "Oh, Hannig."

Speaker Hannig: "Okay. Representative Brunsvold, we're going to call on Postponed Consideration... Yeah, we're going to hold on Second Reading, Senate Bill 476 for the moment and go to Senate Bill 493. Mr. Clerk."

Clerk Rossi: "Senate Bill 493 has been read a third time, previously and is on the Order of Postponed Consideration."

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Speaker Hannig: "Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker, and I think, Ladies and Gentlemen, you're aware of we need to move this Bill forward and I would again ask for your support and let's give it another try. I ask for the passage of (sic - Senate Bill) 493."

Speaker Hannig: "This Bill is on the Order of Postponed Consideration. Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On this question, there are 61 voting 'yes' and 55 voting 'no', and this Bill, having received a Constitutional Majority, is hereby declared passed. Read Senate Bill 605."

Clerk Rossi: "Senate Bill 605. The Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Representative Churchill. Out of the record. Senate Bill 789, Representative Dart, (sic - Senate Bill) 789. Out of the record. Mr. Clerk, read...Representative Parke, we're going to read (sic - Senate Bill) 476 and I'm going to withdraw my request for a Note."

Clerk Rossi: "Senate Bill 476 has been read a second time previously and was held pending the filing of a Home Rule Note. That request has been withdrawn."

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

Clerk Rossi: "Senate Bill 476, a Bill for an Act amending the Child Labor Law. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a common sense piece of legislation and my

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area is not any more unique than yours. We are finding that literally thousands and thousands of young people, children for the most part, want to be able to be in organized sports. In my area we have what is called the Schaumburg Athletic Association, who actually provides sporting programs for literally thousands of children in the Schaumburg area. I have Hoffman Estates Park District and Arlington Park District that provides the same thing, park districts all over the state. What we have found is that, currently, in the summertime that children, these young people below 16, 14 and 15 year-olds, are recruited to be umpires because there's just not enough manpower to do all these games. Currently, at 9:00 at night those umpires can no longer, those young people 14 and 15 can no longer be umpires because of the laws of Congress. What we're doing is trying to position Illinois law that if, in fact, Congress changes their laws, that we will be in compliance with those changes. We simply want to move it from 9:00 at night to 10:00. Because what's really happened is that these young people who are umpires have to walk off the diamond, whether the game is finished or not. And, as you know, that there is light still at 9:00, until 9:30 in some cases. We want to change it from the summertime to 10:00 at night. We also, if there is a full year schools, that we change it, because under current law goes from June 1 to Labor Day. Well, those schools that are in full-time schools, we want to be able to have them be able to work when they're out of school, so that that date does not comply. So we're going to open it up for the whole year. So, Ladies and Gentlemen, those are the major changes, they're not huge changes, but are necessary for us to provide a activity that will keep young people in an

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organized sports program. I would ask the Body to vote 'yes'."

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

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

Speaker Hannig: "He indicates he will."

McKeon: "Mr. Parke, I recall some of our discussion in committee on this and some recommendations that I had suggested. But it's my understanding the park districts want to do this, currently, because they're being fined by the Federal Government if they have children working after 9:00 p.m. Is that correct?"

Parke: "That is correct, Representative."

McKeon: "So, the Federal Child Labor Law, and please help me to understand this, currently, does not allow minors to work after 9:00 p.m.?"

Parke: "That is correct. So we want to change it from 9:00 to 10:00, one hour change."

McKeon: "So, until the federal law is changed, if we pass this law, which law is going to prevail?"

Parke: "The federal law."

McKeon: "So that the parks would continue if they have children working after 9:00 p.m. to be fined by the Federal Government?"

Parke: "That is correct. We cannot do anything that, but the park district people have told us that they've received favorable support in Congress for this and that they hope before Congress adjourns this year, that they will also comply with the intent of this Bill."

McKeon: "Okay. So, if we pass this Bill now and the Governor signs it, the Bill does essentially nothing. Is that correct?"



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Parke: "That it would be... Well, it would change the date from June 1 to Labor Day, to anytime children are out of, that are on their summer... excuse me, anytime they're on school break."

McKeon: "But with respect to working after the hour of 9:00 p.m., because of the conflict with federal law, the Bill does nothing?"

Parke: "That would not change until the Feds change theirs."

McKeon: "What's the likelihood of the Feds changing that law?"

Parke: "We've been told that Congress has shown a very positive response to this and they're hopeful that this will happen this year."

McKeon: "At least we have one vote in the Senate, here in the House, that we could check with Senator Durbin. But I ask you again, since this Bill as it's written is preempted by federal law, why don't we wait until the fall and see what the Federal Government does?"

Parke: "Well, they might do it this summer and that way we automatically can put it in place and that whatever is left of summer, we can have those coaches and referees being able to work until 10:00 at that time. So automatically it will comply."

McKeon: "But by passing this law what we're doing now, in the absence of federal action, is weakening the State Child Labor Laws which will be contrary to existing federal law."

Parke: "That is correct. What we're doing is trying to position state law."

McKeon: "Representative, don't you think it would be better to wait and see what the Federal Government does?"

Parke: "Representative, if that were the case, the Illinois Park District Association would not have brought this Bill to our attention and asked for our help."

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McKeon: "Well, to the Bill, Mr. Speaker."

Speaker Hannig: "Proceed."

Mckeon: "We are passing this legislation in anticipation of the United States Congress of doing something. We don't know what that something is going to be. I don't think we need to clutter up our statute books with meaningless legislation until we have some guidance from the Federal Government. I regard the child labor laws in this state to be extremely important, as well as the federal laws, and I'd urge a 'no' vote on this Bill at the present time."

Speaker Hannig: "Representative Fantin. Representative Fantin."

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

Speaker Hannig: "He indicates he will."

Fantin: "Representative, I don't know if I'm reading this wrong or not, but does this state that a minor can also work in a district where alcoholic beverages are sold?"

Parke: "Yes. But that is the current law anyway. It says that, no, excuse me, you're right. But the fact of the matter is, is that this applies to those young people that are working during the summertime or when they're out of school in a park district facility that might very well have a 19th hole in it or something. They will not be serving, nor will they be in contact with liquor. That's against the Illinois Liquor Law. That would be the case for anybody under age 21. But they're finding that in current law they cannot be around a clubhouse or working on the premises anywhere if alcohol is being served. And this is just a common sense way of saying, they can work in the proximity of it, but as long as they don't touch it or serve it, they are not breaking Illinois law."

Fantin: "So, this would be a park district as, I know, in our park districts, they are not allowed to have alcoholic

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beverages. Would that be, as you stated, just like a golf course or...? I don't know about the parks in some of your districts. Are they allowed alcoholic beverages in the parks?"

Parke: "Yes."

Fantin: "In the local parks."

Parke: "As a matter of fact, I have numerous park districts in my area that have big clubhouses that are both restaurants and where alcoholic beverages are served. So, we want to make sure they're in compliance with state law by simply saying they can be in the proximity of it, but again, they cannot serve it and they cannot touch liquor in any way."

Fantin: "Sounds like your parks are a little bigger and better than ours. But, thank you for your time."

Parke: "Thank you."

Speaker Hannig: "Representative Andrea Moore."

Moore, Andrea.: "Thank you, Mr. Speaker. My button did not work on Senate Bill 493 and I would like the record to reflect that had it worked I would have voted 'no'."

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

Moore, A.: "Thank you."

Speaker Hannig: "Representative Parke to close."

Parke: "Thank you, Representative. I understand some of the concerns but, quite frankly, I'm sure that the Governor will probably hold this on his desk until he can see what Congress is going to do. And I would expect the Governor has shown a responsible manner in all the legislation he deals with, and if Congress does not pass it, I would doubt that the Governor then would sign it. So, I think we have some checks and balances in here to protect the rights of the citizens of the State of Illinois, but quite frankly, this is a common sense Bill. It allows young people to

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work as umpires and coaches in our sports programs throughout the State of Illinois. I would ask for a favorable passage of this legislation."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 104 voting 'yes', and 10 voting 'no', and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 1048. Senate Bill 1048."

Clerk Rossi: "Senate Bill 1048, the Bill has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Lopez, has been approved for consideration."

Speaker Hannig: "Representative Lopez."

Lopez: "Thank you, Mr. Speaker, Members of the General Assembly. House Amendment #2 becomes the Bill. This is the Amendment of the result of negotiations between the insurance industry and the diabetic negotiators. There is an agreement with the insurance companies. I'm not going to sit here and lie, the HMOs are opposed to it. They are opposed to it because they only want supplies to people who are on insulin and that would defeat the purpose of the Bill, but, we have been in negotiations for over six weeks and yesterday was the first time that we have heard that the HMOs had any concerns other than what the insurance industry was talking about. So, this is a result on agreement to the insurance. This is something that is needed in the State of Illinois and I ask for a favorable Roll Call."

Speaker Hannig: "On the Amendment, is there any discussion? All

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in favor of the Amendment say 'aye'; all opposed 'nay'.  
The 'ayes' have it, and the the Amendment is adopted. Any  
further Amendments?"

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "Senate Bill 1048, a Bill for an Act creating the  
Diabetes Self Management, Training, and Education Act.  
Third Reading of this Senate Bill."

Speaker Hannig: "Representative Lopez."

Lopez: "Thank you, Mr. Speaker and Members of the General  
Assembly. We just discussed the Amendment. The Amendment  
became the Bill. This is an agreement between the  
insurance industry and ourselves, and I ask for a favorable  
Roll Call. Thank you."

Speaker Hannig: "Is there any discussion? There being none, the  
question is, 'Shall this Bill pass?' All in favor vote  
'aye'; opposed 'nay'. The voting is open. Have all voted  
who wish? Have all voted who wish? Have all voted who  
wish? Mr. Clerk, take the record. On this question, there  
are 118 voting 'yes' and 0 voting 'no'. And this Bill,  
having received a Constitutional Majority, is hereby  
declared passed. Mr. Clerk, read Senate Bill 605."

Clerk Rossi: "Senate Bill 605, a Bill for an Act amending the  
Regulatory Agency Sunset Act. Second Reading of this  
Senate Bill. No Committee Amendments, no Floor Amendments,  
no Motions filed."

Speaker Hannig: "Representative Churchill, do you want to move  
(sic - Senate Bill 605? Out of the record. Mr. Clerk,  
read Senate Bill 1099."

Clerk Rossi: "Senate Bill 1099, the Bill has been read a second  
time, previously. No Committee Amendments. Floor  
Amendment #1, offered by Representative Lindner, has been

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approved for consideration."

Speaker Hannig: "Representative Lindner."

Lindner: "Thank you, Mr. Speaker. Floor Amendment #1 is from an initiative of Judge Nancy Salyers who is the presiding judge in the Cook County Juvenile Court, and Floor Amendment #1 addresses the permanency hearings in Cook County and merely sets out what the permanency goals should be and also what criteria the court has to consider when setting those permanency goals."

Speaker Hannig: "Is there any discussion? All in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it, and the Amendment is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "Senate Bill 1099, a Bill for an Act concerning juveniles. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Lindner."

Lindner: "Yes, thank you, Mr. Speaker. Again, most of this Bill applies to Cook County because they have been working on the permanency project to move kids towards adoption and return home because they are lacking right now in children staying in foster care too long in Cook County, and the Bill addresses those permanency hearings. I'd be glad to answer any questions."

Speaker Hannig: "Is there any discussion? Is there any discussion? There being none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr.

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Clerk, read Senate Bill 1103. Representative Novak, (sic - Senate Bill) 1103."

Clerk Rossi: "Senate Bill 1103, the Bill's been read a second time previously. No Committee Amendments, no Floor Amendments, no Motions filed."

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

Speaker Hannig: "Senate Bill 1103, a Bill for an Act amending the Environmental Protection Act. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Novak."

Novak: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1103 deals with a situation that Senator Severns had dealt with in the Senate concerning the... allowing the Pollution Control Board to adopt statewide rules to ban landscape waste burning. It does have a population limitation to it, so my analysis indicates to me that the only community it applies to would be the City of Decatur. Be more than happy to answer any questions."

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

Noland: "Mr. Speaker, Inquiry of the Chair."

Speaker Hannig: "Yes, state your inquiry."

Noland: "What's the requisite number of votes this needs to pass?"

Speaker Hannig: "Representative Noland, we'll research that and announce our answer before we vote on the Bill."

Noland: "All right."

Speaker Hannig: "Do you wish to speak to the Bill?"

Noland: "Would the Gentleman yield?"

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

Noland: "Representative Novak, it comes to my attention there are

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ten communities in this state over 75 thousand. Arlington Heights, Chicago, Elgin, Naperville, Rockford, Aurora, Decatur, Joliet, Peoria and Springfield. You bring this Bill on behalf of Decatur to ban leaf burning. How did the other nine communities deal with their leaf burning issue?"

Novak: "The other nine communities Representative, have already passed leaf burning bans to my recollection."

Noland: "But my question is, how did they deal with that? How did they ban their leaves?"

Novak: "Well, they were public health conscious and did the right thing with respect to trying to protect their citizens' health, especially children and elderly people, and they did it by city council."

Noland: "So, you did not sponsor legislation for those other nine communities to ban it on a state level for them?"

Novak: "Yes."

Noland: "So they did it by city council? Vote of the city council?"

Novak: "Please, repeat that question."

Noland: "The other nine communities banned leaf burning by a vote of their individual city councils, is that correct?"

Novak: "I believe they did."

Noland: "Are you aware of a ballot question that was on the ballot in Decatur, April 1st?"

Novak: "Yes, Representative."

Noland: "Are you aware of the result of that ballot question?"

Novak: "Yes, Representative."

Noland: "What was the result?"

Novak: "Well, first of all, let me preface the answer. This legislation was filed in the Senate months before the referendum was held. And the... as a matter of fact, in my recollection, I think the Bill passed the Senate prior to



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the referendum being held. And during that time, the referendum was held, so, this is not to say there was any type of a preemption going on. But to answer your question, is, yes. The question on the ballot was put and it was defeated."

Noland: "On April 1st, you're correct. The question was defeated. Mr. Speaker, to the Bill."

Speaker Hannig: "To the Bill."

Noland: "This has become a controversial issue in Decatur. As Tipp O'Neil said, 'all politics is local'. This has been daily, either in Letters to the Editor or the newspaper, radio. This issue has been alive. Decatur has dealt with this, tried to for several years. The public chose April 1st, 42% voted to ban leaf burning, 58% said they should burn, be able to burn. Decatur does have now a burn day, non-burn day type of ordinance. No one wants to see a respiratory problem, our children have asthma and visit the emergency room, but Mr. Novak's correct. The other nine communities did not come here asking us to deal with their local issue. At the same time, this cuts the heart of local control. This is a home rule community, they have the ability to make that decision today. We shouldn't make this issue. Some say, well, a very few people voted on this question. Well, if you're going to start down that path, then how many people should vote on our elections? If 50% percent don't vote for us should we not... or 75% shouldn't vote in the election, should it not count? The bottom line is, this is a local issue, it should be dealt with locally, and I would urge a 'no' vote."

Speaker Hannig: "Representative Noland, the Parliamentarian is going to explain the vote requirement now."

Mike Kasper: "Representative, this Bill requires 60 votes because

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it imposes statewide regulations on the burning of landscape waste, but it permits municipalities to adopt regulations that are more restrictive than those contained in this Bill, therefore it is a concurrent exercise of jurisdiction by the state under Subsection I of the Local Government Section of the Constitution, thereby requiring 60 votes."

Speaker Hannig: "Representative Noland."

Noland: "In response to that, are you aware that the Senate ruled it took Three-Fifths?"

Speaker Hannig: "That doesn't make a difference to the House, Representative."

Noland: "Well then, is the appropriate Motion to... that's your ruling? I'd like to overrule that then."

Speaker Hannig: "That's my ruling. The Gentleman has moved to overrule the Chair. The question is, 'Shall the Chair be sustained?' All in favor vote 'aye'; opposed 'nay'. The voting is open. It requires 71 'no' votes to prevail. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 58 voting 'yes' and 57 voting 'no', and the Chair is sustained. Representative Scott."

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

Speaker Hannig: "He indicates he will."

Scott: "Representative Novak, I know you know what we're going to talk about here because we did it in committee too, and you know my concern is I represent a community that is 140 thousand but is non-home rule. And the way the law is written created some concerns for me. Rockford's banned leaf burning for a number of years, and they enforce it locally in the circuit court and if there are fines paid, that money goes to Rockford. Now this sets up a different

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system, so I want to ask you a couple of things about that.

First..."

Novak: "Representative, I can't hear you too well."

Scott: "Okay."

Novak: "Can you speak louder, please? Thank you."

Scott: "Okay. There's two problems that I've got with this. I represent a community that this would apply to because it's a 140 thousand in population, but it's also non-home rule which isn't really anticipated in the drafting of the legislation, so I want to ask two questions about that. First, Rockford already has a leaf burning ordinance that they enforce locally through circuit court and the fines that they collect are paid back... you know, the portion of the fine money goes to the City of Rockford. Would any of that change under the legislation that you've got proposed here?"

Novak: "My understanding, no."

Scott: "Okay. The second thing is, Rockford enforcing their particular ordinance, would they having any difficulty in doing so?"

Novak: "No."

Scott: "And Rockford would also not be forced under this to proceed with the fine structure set up the way that it is? They could continue to file complaints under their existing ordinance?"

Novak: "You're correct."

Scott: "If there's any problem with any of that interpretation, could I get a commitment from you that when the rules are adopted through PCB that we could address it at that time, as well?"

Novak: "Absolutely."

Scott: "Thank you. I stand in... with that being the case, I

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stand in support of this. It's a wonderful public health measure that is long overdue. Thank you."

Speaker Hannig: "Representative Julie Curry."

Curry, Julie: "Thank you, Mr. Speaker. I rise in very strong support of this legislation. Senator Severns brought this Bill to the Senate for very good reason. The City of Decatur for a very long time, has ignored the issue of banning leaf burning in our community. In fact, for more than 14 years we have been waiting for the city to deal with this issue. And, in fact, the only way that they deal with it, is to decide not to burn leaves on windy days in our community. Well, for most part, it's not too windy in Decatur, so we have leaf burning on a regular basis. In the April 1st election, there was only a little over 12 thousand people who voted in that election. There are more than 85 thousand citizens in that community. As Legislators, we have a responsibility at times to act on public health issues. This is a public health issue. There are small children with asthma, there are elderly residents of that community with emphysema. We have to take action and do something for the public health of that community. I would ask that you give strong consideration and support this issue. Thank you."

Speaker Hannig: "Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. I rise in support of Senate Bill 1103, and I passed a Bill a few years ago that banned leaf burning in most of the areas of the State of Illinois and the Governor vetoed it. He was wrong to do that. This Bill answers some of the questions that the Governor raised at that time. You know, we're all supposed to be proponents of local control, and I am one of those proponents. However, this is not something that ends

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air pollution, it's not something that ends at the boundaries of your municipality. This is not... you cannot put up a fence to stop air pollution, and so when you talk about local control and air pollution in the same breath, excuse the pun, I'm not sure how that works because the smoke and the toxins in the air are from your area that you may allow to be burned, goes into somebody else's area. So, I don't know how you stop that, and since you can't stop that, the issue of local control is really wasted on me in this particular issue. Accordingly, since the importance of keeping our air clean for our children is so important, since we all have heard so many comments from constituents about children with asthma and others that have trouble breathing because of the toxins in the air, I think this is a very important public health issue, and we should be voting 'aye'."

Speaker Hannig: "Representative Moore. Representative Andrea Moore."

Moore, Andrea: "Thank you, Mr. Speaker. I rise in support of this Bill and was very happy to see that it was not referred to the Agricultural Committee this year even though the agricultural community was exempted from this Bill and this is a Bill whose time has been long overdue. It is supported by the Lung Association, the Heart Association, people who have allergies, people who have heart problems, people who have emphysema, asthma, all suffer severe hardship when exposed to leaf burning. The particulate matter that is in the air is significantly different with leaf burning and it is a real health hazard. It's one that I've heard from people around this state over a period of several years and many people... many smaller communities have been banning leaf burning for years. Some

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on the premise of fire protection, some on the basis of health. Either way, it's a good idea and we should support this legislation."

Speaker Hannig: "Representative Novak to close."

Novak: "Yes, Mr. Speaker, thank you very much. I think we've heard some reasonable testimony to the subject matter of this Bill. No one is trying second guess anyone's votes in the City of Decatur. This Bill was filed months prior to the referendum being held and I think this is good sound public policy. We have wrestled with this issue for a number of years and I think we'd like to get a reasonable Bill on the Governor's desk for his consideration. And even talking to some of the Governor's aides dealing with environmental issues, I think they want to see a reasonable Bill on his desk for consideration. So, in light of that and within the context of sound public policy, good public health measures and trying to protect our children and elderly people that have asthma conditions and that sometimes cannot go outside their doors to enjoy the outside environs because of thick smoke coming through their neighborhoods. Please support this Bill. Thank you."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 84 voting 'yes' and 31 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 1101."

Clerk Bolin: "Senate Bill 1101. The Bill has been read a second time, previously. Floor Amendment #1, offered by

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Representative Ryder, has been approved for consideration."

Speaker Hannig: "Before we recognize Representative Ryder, Representative Wood, for what reason do you rise?"

Wood: "For some reason my button seemed to malfunction. I'd like to be recorded as a 'yes' on the previous vote."

Speaker Hannig: "The record will reflect your desire. On Amendment #1, Representative Ryder."

Ryder: "Thank you, Mr. Speaker. Floor Amendment #1 deletes the effective date on the Bill. This will place the Bill on the proper position when it goes back to the Senate for Conference Committee Reports so that we might be able to implement the budget as soon as it's accomplished."

Speaker Hannig: "All in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

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

Clerk Bolin: "Senate Bill 1101, a Bill for an Act in relation to state government. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. The Bill, as amended, remains a Shell Bill for the implementation of the Budget Implementation Act and I would ask your assistance to move this along so that we might be in a position to finish the budget."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'yes' and 1 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill

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551."

Clerk Bolin: "Senate Bill 551, the Bill has been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

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

Clerk Bolin: "Senate Bill 551, a Bill for an Act to amend the School Code. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 551, the underlying Bill amends a Section of the School Code that pertains to joint agreement governance. It clarifies that Northern Suburban Special Education District Governing Board, may appoint representatives, other than school board members, as long as a majority of the members appointed the Executive Board, are members of boards of education of cooperating districts. This is something... the underlying Bill passed the Senate with no opposition. The Amendment to the Bill also includes a provision on school counselors that has been passed out of the House previously, and I'd be happy to answer any further questions on the Bill."

Speaker Hannig: "Representative Parke."

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

Speaker Hannig: "He indicates he will."

Parke: "Representative, I understand on this Bill, that we have a school counselor's definition on this Bill. Is that right?"

Schoenberg: "That's correct, Sir."

Parke: "Why is this controversial? What is the problem with your definition with some of, some other groups that are concerned about it?"

Schoenberg: "Frankly, Sir, I don't know why it's controversial."



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It all seems rather logical to me, but I do understand that it has engendered some opposition."

Parke: "Well, it's my understanding that this is somewhat controversial. I think the Members need to think about whether or not this totalled this Bill because you have amended so many things on here that this may not be as good as it originally was and..."

Schoenberg: "Actually, Sir, there are not that many Amendments on it. Amendment #2, which I'm certain that you would have supported, had to do with alternative teacher certification program from the Golden Apple Foundation. I believe you had voted for that in the past. Amendment #2 failed in committee yesterday. Amendment #3 and Amendment #4 were not called for consideration. So, to quote Robert DeNiro, 'This is this and it is not anything else.'"

Parke: "Okay. Well, thank you, very much, Representative. I thought there was three or four Amendments. Thanks for clarifying that. I guess, I will yield to Representative Hoeft, who has a better understanding of why the school counselor legislation and the wording is controversial."

Speaker Hannig: "Representative Hoeft."

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

Speaker Hannig: "He indicates he will."

Hoeft: "What's different in terms of this Amendment to the Bill that was presented to us on school counselors that failed earlier this Session?"

Schoenberg: "I believe that there is no difference."

Hoeft: "And, if you remember correctly, we talked about the problems of defining positions in law. We have 27 different distinct groups that can be named in schools, and each one of these if they start placing their responsibilities in law, all we are doing is inviting

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lawsuits to the schools of this state. If, you remember correctly, people believed that this is properly to be done in policy, State Board policy. The State Board has said that they are willing to help generate policy on all of these school positions. But, when you put it into law, then you are asking for litigation. When you put it in law, you start pitting the psychologists versus the social workers versus the counselors versus who knows else what. This is bad. We voted it down before. It's still bad. It is going to create a great deal of difficulty, legally for our school districts. So, if you want to have our school districts involved in lawsuits where people are out of their legal definitions in doing a job, then please vote for this Bill. But, you aren't voting for your school districts, you are voting for litigation. This is bad. It was bad, when we voted it down before."

Speaker Hannig: "Representative Skinner. Representative Skinner."

Skinner: "I think the Sponsor of this Bill made one inadvertent mistake in comment, and he said that this Bill had... the school counselor part of the Bill had passed before. It did not pass. It got 58 votes."

Schoenberg: "All right, thank you. I stand corrected, Sir. I apologize. I did not introduce this Amendment. This Amendment, however, did... when this Amendment was presented, the state... I do want to point out that the State Board of Opposition, the State Board of Education did have a position of neutrality, once the State Board... once the State Board was removed. The Large Unit District Association, also took no position on the Bill as amended."

Speaker Hannig: "Is there any further discussion? Representative Schoenberg, to close."

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Schoenberg: "Thank you. I urge passage of Senate Bill 551."

Speaker Hannig: "The question is 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 52 voting 'yes' and 65 voting 'no'. Do you request Postponed Consideration, Representative Schoenberg?"

Schoenberg: "Yes, Sir, Mr. Hannig and, I believe that in light of the issues associated with the Amendment that Mr. Hoeft referred to, I'd like very much to work with the Senate to remove that Amendment so that the underlying Bill, which just exclusively addresses the special education district, could be addressed."

Speaker Hannig: "Postponed Consideration. Representative Rutherford, for reason do you rise? Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker. I've got an special announcement here today. It's the anniversary of someone's birth. And that is Representative Ryder. He is going to turning on his birthday tomorrow, but knowing that we're going to be all extremely hungry through all this hard work that we're going through, Representative Ryder has some cake down front there and it's only a \$1.50 a slice to help... oh no, I'm sorry, that's later. But everyone wish Representative Ryder a Happy Birthday."

Speaker Hannig: "Happy Birthday, Representative Ryder. Representative Winkel, for reason do you rise?"

Winkel: "Thank you, Mr. Speaker. On the record for Senate Bill 1103, I'd like to have the record reflect that I would have voted 'yes'."

Speaker Hannig: "The record will reflect your intentions. Mr.

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Clerk, read Senate Bill 1016."

Clerk Bolin: "Senate Bill 1016, the Bill has been read a second time, previously. Floor Amendment #1, offered by Representative Daniels, has been approved for consideration."

Speaker Hannig: "Representative Churchill."

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Basically this is just an Amendment to create an effective date for the Act. It's intended to make a Vehicle Bill out of this Bill and keep it a Vehicle Bill."

Speaker Hannig: "All in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

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

Clerk Bolin: "Senate Bill 1016, a Bill for an Act in relation to the General Assembly. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Churchill."

Churchill: "This is just a Vehicle Bill. Appreciate your support."

Speaker Hannig: "Is there any discussion? There being none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 100 voting 'yes' and 11 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 720."

Clerk Bolin: "Senate Bill 720, the Bill's been read a second time, previously. Floor Amendment #1, offered by Representative Daniels, has been approved for consideration."

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Speaker Hannig: "Representative Churchill."

Churchill: "Again, this Amendment solely keeps the Bill in a position where we can keep a vehicle for the School Code."

Speaker Hannig: "All in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

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

Clerk Bolin: "Senate Bill 720, a Bill for an Act to amend the School Code. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Churchill or Cowlshaw. Churchill. Representative Churchill."

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This keeps the Bill in a vehicle status. I appreciate your support."

Speaker Hannig: "Is there any discussion? There being none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 94 voting 'yes' and 14 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Brunsvold in the Chair."

Speaker Brunsvold: "On the Calendar, appears Senate Bill 607. Mr. Burke. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 607, a Bill for an Act concerning local government. Third Reading of this Senate Bill."

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

Burke: "Thank you, Speaker. Senate Bill 607 is identical to a House Bill we passed previously on behalf of the State Comptroller. Some technical language. Gives them greater

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opportunity to operate with local governments throughout the state. I would ask for the Body's favorable consideration. Be happy to answer any questions."

Speaker Brunsvold: "The Gentleman has asked for the passage of Senate Bill 607, and on that, is there any discussion? The Lady from Cook, Representative Fantin."

Fantin: "Thank you. I just wanted to refer to Senate Bill 720. I did not press the light, my switch hard enough and I want to record as an 'aye' vote."

Speaker Brunsvold: "Thank you, Representative. It will so be recorded. Any discussion? The Lady from Cook, Representative Monique Davis."

Davis, M.: "Mr. Speaker, had I been at my desk I would have voted 'yes', on Senate Bill 551."

Speaker Brunsvold: "It's so noted. The question is, 'Shall Senate Bill 607 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 117 voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 878. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 878, a Bill for an Act relating to prepaid tuition contracts. Third Reading of this Senate Bill."

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

Burke: "Thank you, Speaker. Senate Bill 878 is identical to the House Bill 190 that every Member of this Body had previously cosponsored. It is the Prepaid College Education Fund. There have been a couple of Amendments to

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the legislation, nothing that would devastate the goal that we all forwarded here with House Bill 190. But just briefly, I can tell you that the Amendments, first of all, would eliminate the full faith and credit pledge of the State of Illinois and talk about a moral obligation in that line and it would also provide explicit state obligation that if the funds ever are insufficient to pay, the Governor shall request General Assembly approval to appropriate the amounts necessary. I'd be happy to answer any questions."

Speaker Brunsvold: "And on the question, is there any discussion? The Gentleman from Vermilion, Representative Black."

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

Speaker Brunsvold: "The Sponsor yields."

Black: "Representative, you had said that all Members of the House were cosponsors. Was I a cosponsor?"

Burke: "House Bill 190 that is, Representative, which is identical to this Senate Bill 878."

Black: "Oh."

Burke: "I identical."

Black: "I think what you've done with these Amendments is to make this an outstanding Bill, but I want to make sure of a couple of points. Originally we had a irrevocable continuing appropriation, that means that it comes off the top and we didn't have any say so. You've eliminated that continuing appropriation by this Amendment, haven't you?"

Burke: "That is correct, and in our negotiations with the state's Budget Director, they were quite concerned that the full faith in credit might detrimentally affect the state's ability to sell bonds."

Black: "And I had expressed a concern about out-of-state

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proprietary schools, and I think that has been eliminated has it not?"

Burke: "That has been addressed and corrected in this secondary Amendment."

Black: "And these instruments of debt will become a moral obligation of the state but not necessarily one backed, as I think I heard you say, not backed with a full faith and credit clause?"

Burke: "That is exactly right, Representative."

Black: "So if the General Assembly is asked to appropriate, I would hope they would do the right thing, but that would dependant upon the economy and the treasury at that time, right?"

Burke: "Indeed."

Black: "Okay, so, the General Assembly basically is going to control this program?"

Burke: "Absolutely."

Black: "Why didn't you do this when I had kids young enough to go to school?"

Burke: "You might have a few grandkids coming along though, aren't you?"

Black: "Well, I certainly hope so. I do appreciate the work you've put into this. I think the Amendments makes this a program that we can avoid some of the problems that other states have had about start-up costs because you're actually calling for start-up cost to be repaid. I think it's a very reasonable and a very doable program. I certainly rise in support of the Bill and appreciate the work you've put into it."

Burke: "Thank you, Representative."

Speaker Brunsvold: "Further discussion? Mr. Burke to close."

Burke: "Thank you, Speaker and thank you Members of the Body. As



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we all know, education and the issues that we are confronted with here in this Body have been discussed at length. I think that now that we have this piece of legislation, it will be traveling to the Governor very shortly. Its been indicated that he is going to sign the legislation. I think it is now up to us to begin to go back to our constituencies and market this program. Let us, everyone of us, advise our constituents that this is a program that will be made available to them very shortly and it's something that I think is beneficial, not only to individual families but to the overall benefit of the State of Illinois and I would ask for every Member's consideration and 'aye' vote. Thank you."

Speaker Brunsvold: "The question is, 'Shall Senate Bill 878 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 116 voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. The Lady from Cook, Representative Crotty, for what reason do you rise?"

Crotty: "Thank you, Mr. Speaker. I think the previous Bill was Senate Bill 605, if I'm not mistaken, and I was not at my switch and I would have voted 'yes'."

Speaker Brunsvold: "The record will so reflect. The Gentleman from DuPage, Representative Johnson, for what reason do you rise?"

Johnson, Tom: "Yes, Point of Personal Privilege."

Speaker Brunsvold: "Proceed."

Johnson, Tom: "I would like the Chamber to welcome the 7th grade class of the West Chicago Middle School. They're here

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visiting up in the Gallery here today. Great school, great class, great town."

Speaker Brunsvold: "Welcome to Springfield. Senate Bill 671, Mr. Lang. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 671, a Bill for an Act to amend the Horse Racing Act of 1975. Third Reading of this Senate Bill."

Speaker Brunsvold: "Mr. Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. This is a horse racing Shell Bill. I move passage."

Speaker Brunsvold: "The... on the question, the Gentleman from Kendall, Mr. Cross."

Cross: "Will the Sponsor yield?"

Speaker Brunsvold: "The Sponsor yields."

Cross: "Representative, I don't know if I heard you correctly over here. Is this a Shell Bill?"

Lang: "Yes, Sir."

Cross: "What... this is Senator Cullerton's Bill? What are your intentions with this Bill?"

Lang: "I intend to send it to the Senate, Sir."

Cross: "Well, Mr. Speaker, we request a verification in the event this gets 60 votes. Representative, what do you think... do you have any idea if Senator Cullerton has any intentions or it just going to sit over there in the Senate where you're going to send it?"

Lang: "Senator Cullerton asked me put an Amendment on it to send it back there to put it into Conference and that's what I intend to do."

Cross: "Horse racing, does this have anything to do with expansion of gambling, riverboat gambling?"

Lang: "Don't know."

Cross: "Any possibility?"

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Lang: "It's a possibility that the Vehicle Bill we sent out of here for your leader Mr. Daniels will end up being a gambling Bill. I can't tell you what Bill's going to end up being a gambling Bill."

Cross: "Are you... can you say that without a doubt, make a commitment right now on this House Floor, at 2:31, that there will never be anything on this Bill dealing with the expansion of riverboats? Can you make that commitment?"

Lang: "No." Cross: "Okay." Lang: "Because I have no idea what Senator Cullerton wants to do with the Bill."

Cross: "So, there's a possibility that we will have expansion of river boats in Chicago with this Bill, is that correct? How about expansion of riverboats under this Bill in other parts of the state? Is that a possibility Representative?"

Lang: "This Bill amends the Horse Racing Act, Representative."

Cross: "Well, to the Bill. I would caution everybody on both sides of the aisle. People talk about campaigns all the time around here. I really do, but I'll tell you, this is one of those that is going to come back and get you. It's going to bite you right where the horse would bite you, and I would be very, very, very, very careful because this could be an expansion of riverboat gambling and that is not a good vote. Thank you."

Speaker Brunsvold: "Further discussion? The question is, 'Shall Senate Bill 671 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record, and on that question, there are 31 voting 'yes', 84 voting 'no', 3 voting 'present'. This Bill, not having received a Constitutional Majority, is hereby declared lost. The Lady

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from Cook, Representative Zickus."

Zickus: "Thank you, Mr. Speaker. I was off the Floor for the vote on Senate Bill 878. I would like the record to reflect that had I been here I would have voted 'yes'."

Speaker Brunsvold: "The record will so reflect. Senate Bill 899. Mr. Lang. Read the Bill Mr. Clerk."

Clerk Bolin: "Senate Bill 899, a Bill for an Act to amend the Illinois Horse Racing Act of 1975. Third Reading of this Senate Bill."

Speaker Brunsvold: "The Gentleman from Cook, Mr. Lang."

Lang: "Thank you, Mr. Speaker. We're going to go for the Daily Double here. This is another Horse Racing Bill but Mr. Cross will be happy to know that this is not a Shell Bill. This was sent over by Senator Madigan. So, we want to send it back to Senator Madigan as he anticipated."

Speaker Brunsvold: "And on the question, the Gentleman from Kendall, Mr. Cross."

Cross: "Tell you what, Mr. Speaker. Maybe we can make it easier. We'll give him leave for the... use the same Roll Call as we did on the other Bill. Let me ask a few questions."

Speaker Brunsvold: "The Sponsor will yield."

Cross: "Representative, is this the same Bill that died in this House a day or two ago? Or you took it out of the record I guess."

Lang: "Yes, I took it out of the record, Sir."

Cross: "Well, what does this Bill do? I see it's just technical. Is it a Shell Bill?"

Lang: "It was a Shell Bill but we added the Amendment that Senator Madigan asked for regarding bargaining units for horse owners."

Cross: "So, there's really no difference between today and the other day when you took it out of the record? You haven't

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changed it, is that correct?"

Lang: "Sir, we take Bills out of the record here all the time. Of course, there's no change."

Cross: "I appreciate the education. I know that we don't always know, Representative, everything that you know. So, thanks for helping us with that. We'd likewise on this Bill, request a verification, Mr. Speaker, in the event it gets the requisite number of votes. This also is a Shell Bill in many forms for all of us on this side of the aisle and I guess for the other side. I'd be real careful how I vote on this, and I would hope, like on the Bill before this, that you'd vote 'no'. Thank you."

Speaker Brunsvold: "Further discussion?"

Lang: "Speaker."

Speaker Brunsvold: "Mr. Lang."

Lang: "Just wanted to say this is not a Shell Bill. The other one was a Shell Bill. This is not a Shell Bill."

Speaker Brunsvold: "Mr. Lang to close."

Lang: "I've closed. It's a photo finish."

Speaker Brunsvold: "The question is, 'Shall Senate Bill 899 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 33 voting 'yes', 80 voting 'no', 4 voting 'present'. This Bill, having not received a Constitutional Majority, is hereby declared lost. Senate Bill 521. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 521, a Bill for an Act to amend the Criminal Code of 1961. Third Reading of this Senate Bill."

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

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Turner, Art: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. Now that we've all got all the red votes out of our system, I bring to you Senate Bill 521, as amended. And what Senate Bill 521 does is, it prohibits a witness or potential witness in a criminal prosecution from accepting or receiving a payment or benefited consideration for providing information obtained as a result of a witness in the event where the person has knowledge of the particular facts. I can see a few faces that appears to be a question in their mind, but in essence what we're doing is we're trying to stop individuals from running to a magazine such as People Magazine and others selling their stories when they're a witness to a particular crime. And they would not be allowed to do that until after the case has been settled. And I move..."

Speaker Brunsvold: "The Gentleman has asked for the passage, and on that, the Gentleman from Cook, Mr. Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Brunsvold: "The Sponsor yields."

Durkin: "Representative Turner, what type of sanctions do you have in this Bill for someone... if someone does, who is a witness in a case, and they do off to People Magazine to sell their story,..."

Turner, Art: "Well, the penalties..."

Durkin: "...what type of sanctions do you have in this Bill?"

Turner, Art: "The penalty is a Class B Misdemeanor for which the court may impose a fine not to exceed three times the amount of compensation requested by the... three times the compensation requested, accepted or received."

Durkin: "Now, in the Amendment, you make reference to payment or benefit in consideration. Could you maybe elaborate what would be a benefit? What could be defined as a benefit?"

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Cause this is the type of thing..."

Turner, Art: "In the case where you have to... the benefit would be where if you had to pay the travel expenses for a witness and sometimes to bring a witness from in state or bring them from somewhere else, so those are the types of benefits that we're referring to in this Bill."

Durkin: "Well, would this prohibit, let's say the Chicago Police Department or the Cook County State's Attorney or the Illinois Attorney General from making reasonable reimbursements for travel and lodging and all reasonable expenses for somebody to travel who are a witness on a case and they're coming across state lines or they have to... and it's going to cost them a few bucks to come into this state and testify?"

Turner, Art: "This does not prohibit that type of activity Representative."

Durkin: "Okay, in the committee, there was some discussion because there was, you said I think, certain people who were exempted out. You talked about expert witnesses, but you didn't exactly, you just referred to expert witnesses and we had concerns because oftentimes you have more than expert witnesses in cases. You have eyewitnesses, you have circumstantial witnesses, you have character witnesses. Now, have you addressed that problem in the Amendment?"

Turner, Art: "Well, I thought Amendment #1 addressed that, Representative. I think with lines 19 through... on page 1, line 19 through 22 and lines 1 and 2 on page 2. I believe that addresses or defines those types of witnesses that you speak of."

Durkin: "A number of people have asked now, would this violate an individual's First Amendment Right to be able to disclose this information what..."

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Turner, Art: "They can still disclose it, Representative. We don't believe it violates it, but they cannot be compensated for it."

Durkin: "Well, sometimes it's... actually it works to the prosecutor's favor oftentimes when we can find out if the defense witness walks into People Magazine and they are... they sell a story, that type of evidence of them receiving some type of benefit goes a long way. We are actually able to impeach the credibility of that witness which ultimately is the demise of the defendant. My question is, is this really necessary? Because I think sometimes this is situation is addressed quite well in a courthouse, cause whenever a situation where someone does tell a story that is fronted to the jury or to the judge and that goes to the credibility of the witness."

Turner, Art: "Representative, we believe it's necessary because what we think it does, it takes out the incentive for people to go out and try to make money or to enhance their story thinking that it may bring greater rewards financially from the publisher or news media that may be interested in buying that particular story."

Durkin: "Has the state's attorneys offices anywhere in Cook County or the Illinois State's Attorneys Association, do they have an opinion on this Bill?"

Turner, Art: "Representative, I don't believe they filed any objections to the particular Bill. I have not received any letters from them. One of the proponents is the Illinois State Bar Association. I assume that they're a cousin to the State's Attorneys Association."

Durkin: "Is any opposing the Bill?"

Turner, Art: "I didn't hear that."

Durkin: "Is anybody opposing the Bill?"



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Turner, Art: "I sure hope not. No one has informed me anyhow.

In fact, I'm looking for a favorable... nobody is at this point. Right."

Durkin: "Okay. Well, I think that you've ironed out a lot of the concerns. I brought up some concerns in committee and I believe you've addressed them and I'm going to support this Bill. Thank you very much."

Speaker Brunsvold: "Further discussion? The Lady from Cook, Representative Lyons."

Lyons: "Thank you, Mr. Speaker. We have some special guests in the Gallery today. I'd like everyone help me welcome 86 8th graders from the McClure Junior High in Western Springs. Welcome everybody."

Speaker Brunsvold: "Welcome to Springfield. Any further discussion? Further discussion? Seeing none, the Gentleman from Cook to close, Mr. Turner."

Turner, Art: "Thank you, Mr. Speaker. I just move for the favorable adoption of Senate Bill 521."

Speaker Brunsvold: "The question is, 'Shall Senate Bill 521 pass? All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish?"

Turner, Art: "Run them up."

Speaker Brunsvold: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, 118 voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 535. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 535, a Bill for an Act amending the Property Tax Code. Third Reading of this Senate Bill."

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

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Turner, Art: "Thank you, Mr. Speaker, Ladies and Gentlemen of the Assembly. Senate Bill 535, is a Bill that was given to me by the Water Reclamation District of Cook County. And basically what they're requesting in this legislation is, they would like to be exempt from being responsible for the... collecting the taxes that are due on real estate that should be paid to the leasee in Cook County. Ordinarily, the Metropolitan Water Reclamation District is tax exempt under the provisions governing publicly owned properties. But when they lease their property out to individuals to a nonexempt entity, then that property remains... that part of the property loses its tax exempt status and then it is the responsibility of the nonexempt leasee to pay those lease hold taxes. And the Metropolitan Water Reclamation District has had a series of problems with these leases in the past to the extent that the County Assessor's Office then want to require them to pay those back taxes and in some cases, has actually put the property up for sale. This would clearly define who's responsible for paying those particular taxes, and I move for the adoption of Senate Bill 535."

Speaker Brunsvold: "And on the question, is there any discussion? The Gentleman from McHenry, Mr. Skinner."

Skinner: "I wonder if the Gentleman would yield to a question or two?"

Speaker Brunsvold: "The Gentleman yields."

Skinner: "Now, since I missed the real Sanitary District Tax Cap Bill you'll excuse me if I ask a couple of questions. The lease holds are still going to be taxed, correct?"

Turner, Art: "Absolutely."

Skinner: "It's just the property that the Sanitary District owns? That is non-income producing that will be nontaxable?"

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Turner, Art: "That's right."

Skinner: "Why do they need this?"

Turner, Art: "What has happened is, there have been lease holders who've leased this non... this tax exempt property who have not paid their taxes, and as a result of their tax delinquency, the assessor has in fact, sold or put up for sale, some of the properties that belong to the MSD."

Skinner: "Well, don't you think the MSD has any responsibility to force its lease holders to pay the tax?"

Turner, Art: "No. No more than any other government agency which leases property. Does the state... are they responsible for the irresponsibility of lease holders who lease state owned property? No."

Skinner: "I don't know, but I guess what you're saying is, under the current situation, they are responsible because if the lease holder doesn't pay the tax, eventually the sanitary district has to pay it in order to keep their land from being sold for back taxes. Is that correct?"

Turner, Art: "Well, the taxpayers ultimately pay it, but you're right. But what happens is, they then have to let the assessor know that this property in fact, is a government, you know, belongs to a non... to an exempt branch of government."

Skinner: "Well, I would just observe that most of my district is not in the Metropolitan Sanitary District, so I really don't care, but if these lease holders don't pay the tax it means homeowners will have to pick up more of the burden."

Turner, Art: "That's right."

Speaker Brunsvold: "The Gentleman from Kendall, Mr. Cross."

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

Speaker Brunsvold: "The Sponsor yields."

Cross: "Representative, I guess I'm a little unclear about this

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Bill. The people, the leasees will or will not have to pay property taxes?"

Turner, Art: "The leasee is still responsible for paying the property taxes. What happens is, in many of these situations, is that the leasee who does not pay these taxes, and in many cases is someone who has also filed for bankruptcy. So what happens is, is that there is a tax due on the property and the assessor now wants to hold the Metropolitan Water Reclamation District responsible for paying those back taxes. This Bill would relieve the liability from the Metropolitan Water Reclamation District. It does not take away the lease holder's responsibility for paying those taxes, but in many cases that person who does not pay those taxes, is also someone who has filed for bankruptcy."

Cross: "Thank you, Representative."

Speaker Brunsvold: "Further discussion? Seeing none, the Gentleman from Cook to close, Mr. Turner."

Turner, Art: "Thank you, Representative. Again, I move for the favorable adoption of Senate Bill 535."

Speaker Brunsvold: "The question is, 'Shall Senate Bill 535 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 38 voting 'yes', 76 voting 'no', 4 voting 'present'. This Bill, having not received a Constitutional Majority, is hereby declared lost. Mr. Tenhouse."

Tenhouse: "Thank you, Mr. Speaker. The Republicans would request a Conference in Room 118. We expect it will last approximately one hour."

Speaker Brunsvold: "The Republicans have requested a Conference

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in 118 for one hour. The House will stand in recess until 3:45. The Democrats do not wish to Conference. Mr. Kenner, for what reason do you rise?"

Kenner: "Mr. Speaker, I had a paper clip caught in my button here, and I meant to vote 'yes' on that last vote."

Speaker Brunsvold: "It will be so noted. So, Ladies and Gentlemen, the House... the Republicans will go to Conference in Room 118 for approximately one hour. The Democrats will not go to Conference. Providing Perfunctory time for the Clerk, the House will stand in recess until the hour of 3:45.

Clerk Rossi: "Messages from the Senate. A message from the Senate by Mr. Jim Harry, Secretary. Mr. Speaker, I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of the following Bills: House Bill 23, a Bill for an Act to amend the Illinois Pension Code, together with Senate Amendments 1 and 2. House Bill 66, a Bill for an Act in relation to missing children, together with Senate Amendment #1. House Bill 190, a Bill for an Act relating to prepaid tuition contracts, together with Senate Amendments 1 and 2. House Bill 223, a Bill for an Act concerning insurance sales, together with Senate Amendments 1 and 2. House Bill 228, a Bill for an Act to amend the Workers' Compensation Act, together with Senate Amendment #1. House Bill 282, a Bill for an Act to amend the Grain Code, together with Senate Amendments 1 and 2. House Bill 297, a Bill for an Act to amend the Code of Civil Procedure, together with Senate Amendments 1 and 2. House Bill 310, a Bill for an Act to amend the Unemployment Insurance Act, together with Senate Amendment #1. House Bill 313, a Bill for an Act to amend the Illinois Pension

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Code, together with Senate Amendments 1 and 2. House Bill 379, a Bill for an Act to amend the Sex Offender Registration Act, together with Senate Amendments 1 and 2. House Bill 447, a Bill for Act to amend the Illinois Public Aid Code, together with Senate Amendment #2. House Bill 470, a Bill for an Act to amend the Environmental Protection Act, together with Senate Amendments 1 and 2. House Bill 526, a Bill for an Act to amend the Illinois Income Tax Act, together with Senate Amendments 1 and 2. House Bill 70, a Bill for an Act to amend the Illinois Controlled Substances Act, together with Senate Amendment #2. House Bill 528, a Bill for an Act to amend the Mosquito Abatement District Act, together with Senate Amendments 1 and 2. House Bill 574, a Bill for an Act relating to school district boundaries, together with Senate Amendment #1. House Bill 586, a Bill for an Act to amend the Illinois Banking Act, together with Senate Amendment #1. House Bill 593, a Bill for an Act to amend the Illinois Pension Code, together with Senate Amendments 1 and 2. House Bill 613, a Bill for an Act to amend the Business Corporation Act, together with Senate Amendment #1. House Bill 652, a Bill for an Act in relation to elections, together with Senate Amendment #1.'

Introduction and First Reading of Resolutions. House Joint Resolution 28, offered by Representative Lopez, assigned to the Rules Committee. Message from the Senate by Mr. Jim Harry, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has refused to concur with the House in the adoption of their Amendment to a Bill with the following title: Senate Bill 469, together with House Amendment #1. Senate Bill 680, together with House Amendment #1. Senate Bill 806, together with House

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Amendment #1. Senate Bill 1129, together with House Amendment #1. Senate Bill 1131, together with House Amendment #1. Senate Bill 1132, together with House Amendment #1. The Senate has also directed to inform the House of Representatives they have concurred with the House of Representatives in the passage of the following Bills: House Bill 1254, a Bill for an Act to amend the Criminal Code of 1961, together with Senate Amendment #2. House Bill 1337, a Bill for an Act to amend the Unemployment Insurance Act, together with Senate Amendments 1 and 2. House Bill 1373, a Bill for an Act to amend the Criminal Code of 1961, together with Senate Amendment #1. House Bill 1400, a Bill for an Act to amend the Comprehensive Health Insurance Plan, together with Senate Amendment #1. Senate Bill (sic-House Bill) 1485, a Bill for an Act to amend the Uniform Police Officers Discipline Act, together with Senate Amendment #1. House Bill 1493, a Bill for an Act concerning radiation protection and installation, together with Senate Amendment #1. House Bill 1513, a Bill for an Act to amend the Property Tax Code, together with Senate Amendments 1, 2, 4, and 5. House Bill 1589, a Bill for an Act to amend the Illinois Domestic Violence Act, together with Senate Amendment #1. House Bill 1641, a Bill for an Act to amend the Metropolitan Water Reclamation District Act, together with Senate Amendment #3. House Bill 1699, a Bill for an Act in relation and operations of the Department of Public Health, together with Senate Amendment #2. House Bill 1735, a Bill for an Act concerning environmental cleanup, together with Senate Amendments 1 and 2. House Bill 1757, a Bill for an Act to amend the Illinois Human Resource Investment Council Act, together with Senate Amendment #3. House Bill 1881, a Bill

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for an Act to amend the Illinois Insurance Code, together with Senate Amendments 1 through 4. House Bill 2059, a Bill for an Act to amend the Department of Human Services Act, together with Senate Amendments 1 and 2. House Bill 2132, a Bill for an Act in relation to cannabis and controlled substances, together with Senate Amendments 1 and 2. House Bill 2152, a Bill for an Act regarding enforcement of child support orders, together with Senate Amendment #1. House Bill 2161, a Bill for an Act to amend the Sanitary District Act of 1936, together with Senate Amendments 1 and 2. House Bill 2164, a Bill for an Act to amend the Environmental Protection Act, together with Senate Amendments 1, 2, 3, and 4. House Bill 2211, a Bill for an Act concerning financial transactions, together with Senate Amendments 1 and 2. House Bill 2215, a Bill for an Act to amend the Pawn Broker Regulation Act, together with Senate Amendment #2. Messages from the Senate. 'Mr. Speaker, I'm directed to inform the House of Representatives, that the Senate has concurred with the House in the passage of the following Bills: House Bill 172, a Bill for an Act to amend the Criminal Control Act of 1961, together with Senate Amendment #1. House Bill 353, a Bill for an Act amending the Illinois Municipal Code, together with Senate Amendment #1. House Bill 475, a Bill for an Act to amend the Illinois Vehicle Code, together with Senate Amendment #1. House Bill 768, a Bill for an Act concerning fire safety, together with Senate Amendments 1 and 2. House Bill 1171, a Bill for an Act to amend the General Obligation Bond Act, together with Senate Amendment #1. House Bill 1457, a Bill for an Act to amend the Illinois Nuclear Safety Preparedness Act, together with Senate Amendment #1. House Bill 1887, a Bill for an Act to



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amend the Environmental Protection Act, together with Senate Amendment #1. House Bill 2171, a Bill for an Act to amend the Juvenile Court Act, together with Senate Amendment #1'."

Speaker Brunsvold: "Will all unauthorized personnel please leave the Floor. All unauthorized personnel please leave the Floor. Once again, we would like all unauthorized personnel off the Floor. Senate Bill 681, Mr. Biggins. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 681, a Bill for an Act to amend the Higher Education Student Assistance Act. Third Reading of this Senate Bill."

Speaker Brunsvold: "The Gentleman from DuPage, Mr. Biggins."

Biggins: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 681 amends the Higher Education Student Assistance Act and authorizes the Illinois State Assistance Commission to charge a reasonable fee, not exceeding \$20, for any student for administration of its scholarship and grant search service. Requires that the fees will be deposited in the fund called Higher Ed-Net. Currently, the summary of first year recipients of scholarships from the State Scholarship Commission, showed that 15% of those that received corporate, charitable, organization or institutional scholarships averaged close to receiving \$900 a year. These are scholarships that are granted by either corporations, charities or institutions. Eighty five percent of those surveyed in this program said they would recommend this service to others. It's of course, supported by the Board of Higher Education and is a product of the Legislative Audit Commission. Has bipartisan support on the commission as you can see from the board. Be glad to answer any questions, and I appreciate an 'aye'

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vote."

Speaker Brunsvold: "The Gentleman has asked for the passage. Is there any discussion? The Gentleman from Vermilion, Representative Black."

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

Speaker Brunsvold: "The Sponsor yields."

Black: "Representative, ISAC is already collecting a fee for this service, so this isn't any revolutionary new idea is it?"

Biggins: "No Sir, it's not. The fee they currently charge is \$10. In fact, they're not even going to raise the fee at this time. They would like the freedom to do it at a later date."

Black: "Right. I've seen some of these searches and they're rather comprehensive. They do quite a computer, you know, a database search. The results, as I think you indicated, the results are appreciated by those people who use it, and you can't search a database without some kind of charge. So I don't know of anybody who is opposed to this, do you?"

Biggins: "No, Sir, not yet. No opposition has yet surfaced."

Black: "I think it's a very reasonable Bill with a very reasonable permissive fee language. I mean, after all, it does cost money to search these data banks. And the students that I have talked to and the parents that I've talked to really appreciate the service, so I support the Gentleman's Bill and certainly intend to vote 'aye'."

Speaker Brunsvold: "Any further discussion? Seeing none, the Gentleman from DuPage to close."

Biggins: "Well, I urge an 'aye' vote on behalf of all the students in the state that will access this program for the special scholarship needs that they have from sources not in government."

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Speaker Brunsvold: "The question is, 'Shall Senate Bill 681 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 87 voting 'yes', 27 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr Clerk, Senate Bill 698."

Clerk Bolin: "Senate Bill 698, the Bill has been read a second time previously. Amendment #1 was adopted in committee. Floor Amendments #2 and 3 were adopted to the Bill. No Motions filed."

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

Clerk Bolin: "Senate Bill 698, a Bill for an Act to amend the Public Aid Code. Third Reading of this Senate Bill."

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

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 698 providers... the underlying Bill is an initiative of the Township Officials of Illinois which enables units of local government to recover overpayment of public assistance payments by means legal that are consistent as state and federal law. It merely brings local governments into compliance with state and federal law. Amendment #1 would extend the Work Pays Program to provide earned income incentive to child support collections. Amendment #2, modifies Amendment #1 and it represents an agreement on this issue between the Department of Public Aid and the advocates, namely, Metropolitan Family Services and Voices for Illinois Children. And the final Amendment on the Bill as we discussed yesterday, is the fine effort of Mr. Santiago and

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others with respect to making the necessary provisions for legal immigrants to be receiving payments with respect to their SSI benefits. I'd be happy to answer any questions, but Mr. Speaker, but if there is any detailed questions regarding the third and final Amendment, I wish to defer them to Mr. Santiago."

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

Black: "Yeah, thank you very much, Mr. Speaker. Will the... first of all, I have an Inquiry of the Chair."

Speaker Brunsvold: "State your Inquiry."

Black: "I can always tell when you've been around here too long. When you look at a Fiscal Note on a blank sheet of paper with the heading scribbled, can the court verify the authenticity of this Fiscal Note? It isn't even on any letterhead. It's on a blank piece of paper."

Speaker Brunsvold: "Mr. Clerk. Brad... Mr. Clerk, do you have a copy of that Fiscal Note?"

Clerk Bolin: "The Note has been verified by the agency liaison."

Speaker Brunsvold: "The Clerk indicates it has been verified."

Black: "So, this is a valid Fiscal Note on a blank piece of paper with a signature on it that I couldn't read if I looked at it for 10 days? But it is stamped..."

Speaker Brunsvold: "Does it look like your signature?"

Black: "No, it certainly doesn't. But I notice it is stamped official by Anthony D. Rossi, Clerk of the House, so it must be alright. Okay. Will the Sponsor yield?"

Speaker Brunsvold: "The Sponsor yields."

Schoenberg: "Mr. Black, I thought you were far past puberty, and if you want to discuss this particular matter further, I would refer you to your reference material, page 132. It would indeed be a 'shanda' if this Fiscal Note were not authentic."

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Black: "Well, let... whoever wants to answer this, you or Representative Santiago. If I can interpret this Fiscal Note correctly..."

Schoenberg: "You mean you're not going to look up what a 'shanda' is first and let people..."

Black: "Well, I'll have to look in my reference book here, my Funk and Wagnal's, as soon as I'm done. It appears that this has fiscal impact of about \$60 million, is that right or am I just reading this thing incorrectly?"

Schoenberg: "As I indicated before, this represents the ongoing efforts and the negotiations..."

Black: "Okay."

Schoenberg: "...and I'll let Mr. Santiago answer in greater detail."

Black: "Fine. If the good Representative Santiago could help me decipher this Fiscal Note..."

Santiago: "Thank you, Mr. Speaker."

Speaker Brunsvold: "The Gentleman yields to Representative Santiago to answer the question."

Santiago: "Well, the Fiscal Note was verified with Mr. Peter Leonis."

Black: "Yes, fine fellow."

Santiago: "Right, and if you look at this Fiscal Note, they didn't have the time to really work on the Fiscal Note, but if I may correct you. The Amendment only covers the SSI portion of the benefits, so we're looking for approximately about \$37 million."

Black: "Okay. Between your explanation and Mr. Leonis who has come down with a more officious looking Fiscal Note, I think we're on target here. Now, basically what your Amendment does, is to, and I don't know how to put this, I think you're jumping the gun here. I..."

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Santiago: "No."

Black: "Aren't you restoring benefits that in fact, may be restored by the Federal Government?"

Santiago: "You're correct."

Black: "Okay, is this something we want to do before we hear from the Federal Government?"

Santiago: "We have word from congressional leaders that they have allocated approximately \$10 billion to restore all of these benefits, but we do not have with any certainty, how much Illinois is going to get. So, what we're trying to do is, continue the process and work with the Governor's office and other Leaders here in the House and in the Senate, so that we may come with an agreement to really find out how much money the Federal Government is going to give us, and if there's any shortfall, the state will make that decision whether to provide us with more, with additional funds."

Black: "Okay. So, this is kind of a two-pronged effort here. If I understand this correctly, your Bill assumes, not assumes, your Bill says that the State of Illinois will pick up SSI payments for those legal immigrants, assuming that the Federal Government does not do this."

Santiago: "Correct."

Black: "And so, the range of cost would be considerable. It could a 100 to \$200 million."

Santiago: "No. You're incorrect in the amount of money. If we're talking about SSI, we're talking maybe \$37 million."

Black: "But aren't you also anticipating picking up the medical benefits that they would lose?"

Santiago: "It's not in this Amendment."

Black: "Oh. All right."

Santiago: "That's why I want to send the Bill to the Senate so that we can sit down in a Conference Committee and figure

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out what our next step is going to be."

Black: "All right. What is the date certain at which legal immigrants in the State of Illinois will lose their benefits, assuming the Federal Government does nothing?"

Santiago: "August 22nd of 1997."

Black: "So, it would August of this summer?"

Santiago: "Of this year, right."

Black: "Okay. What's your intent then? Is your intent to put this in a Conference Committee and continue to negotiate..."

Santiago: "You're correct."

Black: "...what the state taxpayers may pick up for legal immigrants? Vis-a-vis what the Federal Government might do?"

Santiago: "Right. But what I'm trying to do is, I'm trying to continue the process so we can keep talking to Public Aid, to the Governor's Office, to Senate Leaders and House Leaders, to see what the solution is going to be to the problem."

Black: "All right. Do you have any estimate on the number of legal immigrants that may lose their benefits in August? I don't have an idea."

Santiago: "There has been estimates of 16 thousand which are basically senior citizens, blind and deaf individuals."

Black: "Okay. You said 60 thousand?"

Santiago: "Sixteen thousand."

Black: "Sixteen?"

Santiago: "Sixteen thousand."

Black: "Which used to be the age I could get a driver's license, but after our Bill passed, no more. Right. Okay."

Santiago: "Right, but that number is lowered every month because a lot of these individuals are going back and becoming

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citizens."

Black: "Okay."

Santiago: "So the number will keep dropping."

Black: "Give me just one second here, I just want to check one other fact. Representative, you have answered most of my questions and I appreciate your forthright answers. It's an interesting concept. Thank you."

Santiago: "Thank you, Mr. Black."

Speaker Brunsvold: "The Lady from Cook, Representative Mulligan. A question to the Sponsor, Mr. Schoenberg."

Mulligan: "Thank you, Mr. Speaker. I think I would rather ask Representative Santiago a couple of questions."

Speaker Brunsvold: "Okay, the Gentleman from Cook, Mr. Santiago to answer the questions."

Mulligan: "Thank you, Mr Speaker. Representative, it's my understanding from the last update I had on this situation and you know that I've been very eager to assist you on this because I have a large population in my district also that would benefit from this, that the Federal Government is talking about picking up approximately three quarters of the cost and that they have assured us that we will have no problem at least until the Veto Session. I feel that from the discussions that we've had with the Governor's office, I do go along with the fact that if we show too much willingness to the federal government to pick up this cost ourselves, that they will not come through for us to the extent that we would like them to, so I don't feel this is a good idea to move forward with this since we can't easily address the situation in the Veto Session. Why have you... why would you not go along with that since they seem to be moving in the right direction and we'd like to keep them moving that way?"



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Santiago: "The problem is that, we cannot hold people in limbo, so what we're trying to do is trying to move the process along so that we could sit down with all parties involved and try to come up with a solution in case the Federal Government doesn't come through."

Mulligan: "But, obviously, we feel we have assurances that we are covered financially through October."

Santiago: "We don't have full assurances from the Federal Government."

Mulligan: "Well, from the briefing I got from members of the coalition which are not the Governor's office, that my understanding was that they felt confident that they did have that assurance."

Santiago: "Well, I feel confidence, but there's no assurances if that will help you."

Mulligan: "Well, nothing is certain."

Santiago: "Right, that's why..."

Mulligan: "But it seems to me that we really don't really want to send the message to the Federal Government that they don't have to address this because they caused this problem for us, and I think they ought to be the ones that address it."

Santiago: "Yeah, but we can send a message to the people that we're trying to protect them and the Federal Government is trying to protect them and this is what we're trying to do. We're trying to move the process along. You know, this might be moot, so... but at least we want to have a vehicle out there."

Mulligan: "Do you have any assurances that if we send this Bill back over to the Senate, that the Senate's going to do anything with it anyway? I, you know, my feeling is they're probably not going to concur. We'll wait until..."

Santiago: "I have talked to Senator Syverson and I've talked to

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Senator... the Senator from Elgin, Rauschenberger, and they're going to do their best to work with Senate Leaders to try to work a solution with everyone."

Mulligan: "The Senate's best. That's very assuring to me. Thank you."

Speaker Brunsvold: "Any further discussion? Seeing none, the Gentleman from Cook, Representative Schoenberg, to close."

Schoenberg: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Just to add one final thing in closing, and that is, one of the reasons why we need to bring closure to this issue, and I commend Mr. Santiago for his tireless efforts, is because while there is a federal budget deal, the particulars will not be available, and we won't have a final... We won't have a final idea what the federal share will be towards contributing to this issue until after the Legislature has adjourned. Mr. Santiago is correct, and I would urge passage of Senate Bill 698."

Speaker Brunsvold: "The question is, 'Shall Senate Bill 698 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 99 voting 'yes', 16 voting 'no', 1 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 166, Mr. Novak. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 166, a Bill for an Act to amend the Child Passenger Protection Act. Third Reading of this Senate Bill."

Speaker Brunsvold: "Gentleman from Kankakee, Mr. Novak."

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 166 amends the Child Passenger

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Protection Act to increase the age of which a person must secure a child in a restraint system or a seat belt from the age of 6 to the age of 16. The purpose behind this legislation is the dramatic numbers of children that are either substantially injured or fatally injured in automobile accidents, especially in the age brackets from five years of age to 14 years of age. I know I called this Bill on yesterday and took it out of the record, and anybody has any questions, I'll be more than happy to entertain them. Thank you."

Speaker Brunsvold: "The Gentleman has asked for the passage and on that, is there any discussion? The Gentleman from Kendall, Mr. Cross."

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

Speaker Brunsvold: "The Sponsor yields."

Cross: "Representative, I know there's been a lot of discussion about this Bill. And I'm not sure, I want to make sure I understand this before we vote on it. I'm sure everyone else does. What... Does this Bill require all children to wear a seat belt in the front and the back?"

Novak: "What this, Representative, what this Bill does, right now in state law, okay, everyone... everyone must be in a seat belt, unless if you're under a certain age, you have to be in a child restraint system."

Cross: "Now that's only in the front seat... That's in the front seat right now?"

Novak: "Yes."

Cross: "Except for the car seat in the back."

Novak: "Right."

Cross: "Okay."

Novak: "And so what we're doing there, we're changing that from the age of six to the age of 16 years of age."

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Cross: "Everyone in either... in any part of the car, up to age 16, has to have a seat belt on?"

Novak: "Correct."

Cross: "And if you're over 16 and you're in the front seat, you have to have a seat belt on."

Novak: "Yes, that's the law."

Cross: "Right, but if you're in the back seat and you're over age 16, you don't need a seat belt right now under... if this law passes?"

Novak: "To my understanding, yes."

Cross: "Or that's the current law."

Novak: "Right."

Cross: "What's the... And then what is... What about the ability to stop someone. Right now I'm... my understanding is a police officer that cannot stop you, that is the primary reason under the current law?"

Novak: "Right, under the cur... under the current seat belt law, there is... there is no primary enforcement provision. This Bill, and I know this question was brought up yesterday, about primary enforcement, this Bill does amend a Section of the Child Passenger Protection Act dealing with the restraints. Now let me be clear on this. There is primary enforcement under the Child Passenger Protection Act dealing with putting children in restraints. A police officer can pull an individual... can pull a vehicle over and cite an individual for not having a child properly secured. But, as far as the seat belt law is concerned in this state, that is not a primary enforcement provision."

Cross: "And that is not... That is not changed under this Bill?"

Novak: "To my knowledge, no."

Cross: "So, if I'm 14 years old and I'm in the back seat, under your Bill, I have to have a seat belt on now, under your

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Bill. That's not the law now, and that would not be a primary reason to stop me?"

Novak: "Yes."

Cross: "Would not be."

Novak: "Correct, would not be."

Cross: "Why are we, I guess this gets to a philosophical issue, but why do we... What's the rationale of requiring kids up to 16 in seat belts? I mean why do we have to tell them what to do?"

Novak: "Well, you know, we've been dealing with a lot of issues down here, Representative. We just passed a multi-tiered driver's license scenario for our young drivers, and the statistics bear out that many of our young drivers are involved in serious auto accidents. And I think this is just another example of an indication where our policy should be with respect to try... protecting our children, our younger children when they're riding in vehicles. They're at serious injury risk when they're not secured."

Cross: "You don't think families can make those decisions and... on their own, without us telling them what to do?"

Novak: "Well, you know, I don't disagree with that statement, but I recall, and of course I wasn't serving in this Body then, the difficulty it took to get the seat belt law passed in the State of Illinois. I think it was about 1984 or 1985 and all the controversy surrounding that and, you know, that law's been in existence for well over probably ten years, and it has certainly saved a lot of lives. I'm sure the statistics bear that out and, not only that, but prevented a lot of serious injuries and accidents to individuals by being properly secured. So this is an incentive for families and all of us to make sure that, to remind ourselves when we get in our cars, secure ourselves

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properly, as well as our family members."

Cross: "What's the... What's the penalty if I've got my 14...15 year old kid in the back seat, and he or she doesn't have a seat belt on, what's the penalty?"

Novak: "It is, in reading the Bill here, it does not... Let's see, it is a fine."

Cross: "What's the fine, how much?"

Novak: "I think it's whatever the first offense is, like for a seat belt violation, \$25, I think."

Cross: "It doesn't say, Representative, I... If I'm not mistaken, if it doesn't say, it's a Class III Felony. Isn't that correct?"

Novak: "No, it's not a Class III Felony."

Cross: "Maybe we're wrong on that. It just doesn't say what... What do you think it is?"

Novak: "It's... Excuse me, Representative, we're going to get that information for you very quickly, but it's in the Child Passenger Protection Act. But I believe I've been told by a few colleagues it's a \$25 fine."

Cross: "That's all?"

Novak: "Yes, Sir."

Cross: "All right. Well, let me ask you another couple questions. If I'm... If I have a pick-up truck..."

Novak: "Do they have pick-up trucks in Kendall County?"

Cross: "Oh, we've got lots of pick-up trucks in Kendall County."

Novak: "Gun racks in the back, too?"

Cross: "Yes."

Novak: "Okay."

Cross: "We've even got Tai stores in Kendall County, Representative. Do you have a requirement under this Bill if you're 16...if you're under 16 to be in a seat belt?"

Novak: "No. If you don't have any back seat, you don't have any

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back seat."

Cross: "Well, I'm sorry. In the bench seat or the only seat..."

Novak: "In the back... You mean in the bench seat? Yes, of course. Right, that applies. That's the bench seat; that's the front seat. Isn't that logical? It's already law."

Cross: "Well, it's logical if you agree with the Bill."

Novak: "In looking at the citation in the statute, it's a \$25 fine."

Cross: "What about a second offense?"

Novak: "Second offense is no more than 50, Representative."

Cross: "And what if you have three kids in the car, and none of them have a seat belt on, is it a \$75 fine? Is it a graduated penalty?"

Novak: "I think it would apply to each individual case."

Cross: "Will the kids get the tickets or will the adult get the ticket?"

Novak: "The adult would, the adult in control of the vehicle."

Cross: "What if the kids just aren't paying attention to the adult?"

Novak: "Well, I think it's the responsibility, and I don't think you disagree with me, that the adult should instill proper responsibility in that child."

Cross: "And they could instill that responsibility without this law."

Novak: "Well, yes, but I think what we're trying to do here is provide an incentive to instill responsibility in their children."

Cross: "Representative, let me ask you a couple others, because we just want to make sure we're fully debating this. Well, does this... If this is... If I'm fined the \$25, will this be one of the tickets that can be used against me to lose

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my license, three of these? Would I lose my driver's license?"

Novak: "No, Sir."

Cross: "Would it have any effect on my driver's license?"

Novak: "No, Sir."

Cross: "Where does the \$25 fee go?"

Novak: "It goes to the locality in which the infraction occurred. And I think the county gets part of it, as well."

Cross: "All right, just a few more. Just... several more. That's okay, I won't ask any more. Thank you."

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

Erwin: "Thank you, Speaker. I rise in strong support of Senate Bill 166, and I'm not sure we would know this from the previous line of questioning, but I want to remind this Body that this Bill did pass the Senate 53 to 3. And so, I do think that it's with the knowledge and information that adolescents, in particular, in seat belts in the back seat has a significant impact on decreasing fatal accidents. We reduce the alcohol level for drunk driving this year because we know and learn that additional measures save lives, and I think this is just a similar issue. And the statistics are, frankly, just overwhelming. I think it's also important to note, Representative Cross, that failure to secure a child is not admissible as this Bill points out. And then, in fact, it goes on to say that if an accident does occur, that it does not constitute contributory negligence... and is not admissible as evidence. So, I really think that we are protecting parents on one hand, but certainly providing the encouragement to have children up to 16 in seat belts. And I urge an 'aye' vote."

Speaker Brunsvold: "The Gentleman from Cook, Representative



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Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. How much further are we going to go into this? How many more rights and individual liberties are we going to take away from the citizens of Illinois? I don't... I just don't understand this. Every time I turn around, we want to pass more legislation, fining the citizens of Illinois for not doing this or that. We are taking away individual rights to determine how you are going to live your life, and you're going to do it. Twenty-five dollars per incident. I'll bet you that a real good person could take, with three people in the back seat, with none of them on, I bet you that's \$75. And when they come to you and complain, you can say, 'Ah, we're saving lives.' I can tell you I can save lives. Don't put kids in the car at all. You really could save their lives then. How much more are you going to go? I think this is ridiculous. I'm telling you right now, every time I have turned around this Session of the General Assembly, somebody is taking away individual liberties. Please vote 'no' on this idea."

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

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

Speaker Brunsvold: "The Sponsor yields."

Novak: "Well, Mr. Speaker, who's asking that I yield? I just can't see that person."

Speaker Brunsvold: "He is next to..."

Novak: "Oh, he's right next to me, hi."

Speaker Brunsvold: "...blocking out the sun."

Deering: "Representative, this says, under the Child Restraint Act, the average number of seat belts in an automobile today is six pairs. Is that correct? Three in the back,

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three in the front."

Novak: "Well, Representative, you said the average number of seat belts... Aren't you saying..."

Deering: "The number of pairs of seat belts, yes."

Novak: "The number of seat belts, yes, I believe there's... Well, if there's bucket seats, there's five and if it's a bench seat in the front, there's six. Now if it's a king cab, there may be nine. Or those new vehicles they got out now. What do you call them? The Tahoes and the Expeditions. They may have nine seat belts."

Deering: "So what if your Bill says that anyone under the age of 16 has to sit in a seat be... be restrained in a seat belt in a automobile in the rear seat. Is that correct?"

Novak: "Yes."

Deering: "They can be in seat belt in the front seat. Is that correct? Would that be in violation of the law?"

Novak: "The law re... That law stands right now, Representative, you have to be secured by a seat belt. And if you are of a certain age in the law, you have to be secured properly in a child restraint system. It's an either/or proposition."

Deering: "Okay, so under the current law, under the current law, the maximum... Under the current law... Okay, let's go this route. What if I'm a married couple, and I have... I'm not a married couple, I'm big enough to be a couple, but, you know, what if my wife and I are traveling, and we have four teenagers. We have five teenagers, and they can... we can get one in the front seat between us. We have four other children that we... four other sons or daughters that we want to take with us. Technically, we would then be in violation of the law. Are you telling us that we then have to sell our automobile and purchase a larger automobile? Is that what you're mandating to us?"

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Novak: "That's not the case, Representative. That is not the case. You would not be forced to sell your automobile."

Deering: "So, what are you... what are you telling me then? If there are seven members in my family and we want to travel in my automobile, there's only six pairs of seat belts. Now, you want to take this up to the age of 16 years old. You're telling me then, that we as a family can travel together in that automobile. Is that not correct?"

Novak: "That is not correct."

Deering: "Well, then how do you explain, Representative, there's six pairs of seat belts. If I have five children, we get in the vehicle. We're going now. There's one person under the age of 16 who's not going to be in a seat belt. We're in violation of the law then, are we not? Under this legislation, I would be in violation of the law, wouldn't I?"

Novak: "Well, how big are those children, Representative?"

Deering: "They're under the age of 16. They're anywhere from..."

Novak: "What's stops an individual from putting nine kids in the car right now under current law?"

Deering: "That's not the question."

Novak: "It's the same philosophical point you're trying to bring up. Under the current law of seat belts, you can stuff nine kids into a... or individuals into a car. There's only five or six seat belts, and there's still a violation. So..."

Deering: "Okay. Okay..."

Novak: "Let's just split this out."

Deering: "Well, that's right. You might be able to put nine people in a car, but your Bill specifically says if they're under the age of 16, they all have to be in a seat belt. It's my understanding, and the understanding in the area,

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that under the current law, if you're over the age of four, you can sit in the rear seat of an automobile, and you don't have to wear the seat belt."

Novak: "Right, you don't. You have to be secured in a proper child restraint system."

Deering: "Not if you're over the age of four."

Novak: "Whoa."

Deering: "If I am 14 years of age, as I understand the law, and it's been explained to me, I can sit in the rear seat of an automobile, and I don't have to be in a seat belt... or in a child restraint system. Your Bill is now saying it has to be. The point I'm trying to make is, if I'm a family and I can't afford to purchase a new car, and I have to drive the automobile that I have, what do I do if my family wants to travel with me on a summer vacation?"

Novak: "You just have to put all your children in your car. I'm sure other people do that at risk under the current law. And if they are stopped, there is a citation involved. Under the current law, there is no primary enforcement for seat belts. Under the current Child Passenger Protection Act, there is primary enforcement for the restraint mechanism. It's as simple as that. The intent of this Bill is to give an incentive to encourage our citizens to make sure our children in that certain age bracket are properly secured so we can protect their lives."

Deering: "I don't think anybody's arguing about the safety standpoint or protecting lives. Maybe we haven't taken the step far enough. Maybe we should just issue bubbles to everyone when they're newborn so we can all travel in bubbles and protect everybody from everything on... and everyone."

Speaker Brunsvold: "The Gentleman from DuPage, Representative

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Roskam."

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

Speaker Brunsvold: "The Sponsor yields."

Roskam: "Representative, I know you've gone over this time and again, and I just haven't quite gotten it. Can you just run through one more time this whole notion of primary enforcement and so forth. I just don't understand it yet."

Novak: "Yes, Representative. Under the current law, under the Child Passenger Protection Act, which requires that children under the age of six years, six and under, be properly secured in a restraint system. That provision of... that Act is a primary enforcement. And to give you an example,..."

Roskam: "That's the law right now, and you can already do that?"

Novak: "Yes. Yes. That is the law."

Roskam: "And so what you're doing is saying that instead of age four, you want to bring that up to age 16."

Novak: "And under... And under the seat belt law that's required of us to fasten our seat belts, that is not a primary enforcement law. A police officer has to stop a vehicle, and the only time he or she can issue a citation, if it is incidental to a traffic violation or blowing a stop sign or running a red light... as an example."

Roskam: "Okay, I understand and I appreciate your answer. Let me ask you this, if I have a mini-van and I have four children of my own, and I've got let's say four neighborhood kids, and I want to take them eight or nine blocks through a residential neighborhood, and we all pile in. It's kind of rainy. I don't want to walk with them and stuff. And one's sitting on a... I double belt them or do something like that. Am I in violation of this Bill?"

Novak: "Representative, I think you would be, but if you pile

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those kids in the front seat, you'd be in violation if you didn't have them properly secured in a restraint system."

Novak: "Right, but the question is, you know, if I double belt them for six or seven blocks, a bunch of 12 year old kids, that would be a violation?"

Novak: "I'm sorry. I'm sorry. Let's... You said you... I misheard you. You said you double belted them?"

Roskam: "Yeah, or, you know, that's the best I can do, let's say."

Novak: "Right. Right, because they are... let's say two small children."

Roskam: "Yeah, and you know, it... You know the program."

Novak: "Yeah, I know the program."

Roskam: "You're not going to tell... get another neighbor and say, 'Let's drive everybody six blocks to the fair.'"

Novak: "Right. Well, I know that's a nuance to this, but..."

Roskam: "...got a lot of little kids in the neighborhood... It's more than an nuance."

Novak: "In my opinion, that would not be a violation, at least they were properly secured."

Roskam: "Thank you."

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

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. I frankly don't know how anyone can vote against this Bill. We all drive down the street and we stop at a stop light and we look at the car next to us, and somebody's got three, four, five kids sitting on each other in the front seat. They're not belted in. The parents aren't paying attention. They're standing, playing with the dashboard. Sometimes they're in the back seat running around and throwing things at each other and all sorts of stuff. And some of you are

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worried about the rights of the parents? This Bill isn't about the rights of parents. It's about the rights of children to not be injured in an automobile. That's what this Bill is about. And for those of you who are so concerned about the rights of the parents, let me remind you that many of the children that get hurt in automobiles because they are not belted in, end up in emergency rooms in this state and end up getting taken care of by our taxpayer dollars. So those who vote against this in the name of parental rights are voting... are voting for paying taxpayer money to send children to emergency rooms that wouldn't have to go there if the parents would simply belt them in. You all belt your children in the car. I'm sure you do. If you don't, you ought to. I belt my child in the car. In fact, my child belts herself in the car. You should be teaching your children to do that. If you're not shocked, and as Mr. Black would say, appalled, when you drive down the street and you see children in the car next to you who are not belted in, you should be. You should be sensitized to the fact that children are getting injured because parents are too lackadaisical to protect them. If they will not protect them, it's our responsibility to do this. It's a very good Bill. You should vote for it."

Speaker Brunsvold: "The Gentleman from Cook, Representative Joe Lyons."

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

Speaker Brunsvold: "The Gentleman has Moved the Previous Question. All in favor say 'aye'; all opposed say 'nay'. The 'ayes' have it, and the previous question's been moved. Mr. Novak, to close."

Novak: "Yes, yes, Mr. Speaker. I simply ask for an 'aye' vote. Thank you."

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Speaker Brunsvold: "The question is, 'Shall Senate Bill 166 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? Have all voted who wish? Mr. Clerk, take the record. And on this question, there are 41 voting 'yes', 68 voting 'no', 7 voting 'present', and this Bill, not having received a Constitutional Majority, is hereby declared lost. On Postponed Consideration is Senate Bill 551. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 551, the Bill has been read a third time, previously, and is on the Order of Postponed Consideration."

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

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I just want to say, I think that there were a number of Members approached me indicating there was a misunderstanding about certain Amendments that they thought were in this Bill. They are not in this Bill, and as such, I would urge you to vote for Senate Bill 551."

Speaker Brunsvold: "And on the question, is there any discussion? The Gentleman from Cross... the Gentleman from Kendall, Mr. Cross."

Cross: "An Inquiry of the... Inquiry of the Chair or the Sponsor. What was done with respect to the Amendments?"

Speaker Brunsvold: "Mr. Clerk, the status of the Amendments on this Bill."

Clerk Bolin: "The only Amendment that has been adopted is Committee Amendment #1."

Speaker Brunsvold: "Committee Amendment #1, Mr. Cross."

Cross: "I'm sorry, I still did not hear the answer. I



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apologize."

Speaker Brunsvold: "Committee Amendment #1 is the only Amendment on the Bill."

Cross: "The only one? Okay, I'm going to defer to Representative Hoeft. Thank you."

Speaker Brunsvold: "The Gentleman from Kane, Representative Hoeft."

Hoeft: "Thank you, Mr. Speaker. An Inquiry of the Chair. The Rules of the House, there's something three strikes and you're out."

Speaker Brunsvold: "This Bill's on Postponed Consideration. You have one extra opportunity."

Hoeft: "You know, we have a criminal offense which says, three times and you're put away permanently. I was just curious if the Rules of the House... this is the third time we said, no, no. I'm going to save the Members of the House a couple of minutes by saying, you know the speech, you heard it before. Nothing new, I hope... Well, it's probably going to pass."

Speaker Brunsvold: "The Lady from Cook, Representative Monique Davis. The Lady does not wish to speak. The Gentleman from Cook to close, Representative Schoenberg."

Schoenberg: "Please vote for this Bill. Senator Parker is the Senate Sponsor of both the underlying Bill and of the Amendment."

Speaker Brunsvold: "The question is, 'Shall Senate Bill 551 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? Take the record. On that question, there are 68 voting 'yes', 46 voting 'no', 0 voting 'present', and this Bill, having received a Constitutional Majority, is hereby

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declared passed. Rules announcement."

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

Speaker Brunsvold: "Senate Bill 222. Representative Daniels. Out of the record. Senate Bill 226. Representative Cowlshaw. Read the Bill"

Clerk Bolin: "Senate Bill 226, the Bill's been read a second time, previously. Floor Amendment #1, offered by Representative Cowlshaw, has been approved for consideration."

Speaker Brunsvold: "Floor Amendment #1, the Lady from DuPage, Representative Cowlshaw."

Cowlshaw: "I'm sorry, Mr. Speaker. I didn't... I forgot about something when you asked me about this Bill. There is an additional Amendment to this Bill that would need to be acted upon and then amended... or adopted, before we could do this. So if you just take it out of the record for the time being, please. Thank you, Sir."

Speaker Brunsvold: "Please... out of the record. Representative Cowlshaw, Senate Bill 222 has an Amendment that is ready to go? Representative Cowlshaw, Senate Bill 222, there is an Amendment that is ready to go on that Bill? Are you prepared?"

Cowlshaw: "Mr. Speaker, I'm sorry. Sir, that Bill is in the same unfortunate circumstance as the prior one. It still has an Amendment that needs to be adopted."

Speaker Brunsvold: "Thank you, Representative. Senate Bill 1039. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 1039. The Bill's been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments; no Motions filed."

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

Clerk Bolin: "Senate Bill 1039, a Bill for an Act concerning the automotive repair industry. Third Reading of this Senate Bill."

Speaker Brunsvold: "The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1039 represents the recommendations of the Attorney General's Blue Ribbon Panel on automotive repair. They have developed a consensus for consumers on the requirements for disclosures of bids on automobile repair work. They specify the type, the time, location, the changes can be made and what the consumer will be responsible for. This is a result of all the groups involved in the negotiations from the large automobile dealers to the small automobile dealers like the Illinois Petroleum Marketers' Association. There is no opposition to the Bill. This is a result of over a year of work and study, and I would certainly ask for your 'aye' vote."

Speaker Brunsvold: "And on the question, is there any discussion? Seeing none, the question is, 'Shall Senate Bill 1039 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 117 voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 968, Mr. Giglio. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 968, the Bill's been read a second time, previously. Amendments #1 and 2 were adopted in committee. Floor Amendment #3, offered by Representative

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Giglio, has been approved for consideration."

Speaker Brunsvold: "On Floor Amendment #3, Representative Giglio."

Giglio: "Withdraw Floor Amendment #3. And Floor Amendment #6, I move to adopt on the floor as a House Amendment."

Speaker Brunsvold: "The Gentleman withdraws Floor Amendment #3. Any further Amendments?"

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

Speaker Brunsvold: "Representative Giglio, Amendment #6 is not here yet."

Giglio: "Is it going to be here today, Mr. Speaker?"

Speaker Brunsvold: "Well, it could be."

Giglio: "If you could please pull it out of the record."

Speaker Brunsvold: "Out of the record."

Giglio: "Thank you."

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

Black: "Yes, an Inquiry of the Chair, Mr. Speaker."

Speaker Brunsvold: "State your request."

Black: "There seems to be a young Democrat staffer hiding up here in the Gallery looking down onto my computer screen and my highly secret Bill boxes. What is he doing up there?"

Speaker Brunsvold: "I think he's with that young lady. Recently engaged."

Black: "Is he... Is he no longer working for you? What's he doing up in the Gallery for heaven's sakes? The work of the people is down here."

Speaker Brunsvold: "His work is up there."

Black: "The work of the young staff may be in the Gallery, yes. Well, he looks like he's occupied, but I want to keep an eye on him."

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Speaker Brunsvold: "He's totally oblivious to what's going on."

Black: "All right."

Speaker Brunsvold: "Committee Reports."

Clerk Bolin: "Representative Currie, Chairman from the Committee on Rules, to which the following Bills, Resolutions and Amendments were referred, action taken on May 16, 1997, report the same back with the following recommendations: 'be adopted' Floor Amendment #3 to House Bill 3...to Senate Bill 316; Floor Amendment #3 to Senate Bill 348; Floor Amendment #1 to Senate Bill 549; Floor Amendment #3 to Senate Bill 667; Floor Amendment #3 to Senate Bill 789; Floor Amendment #3 to Senate Bill 934; Floor Amendment #4 to Senate Bill 856; Floor Amendment #7 to Senate Bill 968; and Floor Amendment #2 to Senate Bill 316."

Speaker Brunsvold: "Call Senate Bill 56. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 56, the Bill's been read a second time previously. Amendment #1 was adopted in committee. No Floor Amendments; no Motions filed."

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

Clerk Bolin: "Senate Bill 56, a Bill for an Act to amend the Public Utilities Act. Third Reading of this Senate Bill."

Speaker Brunsvold: "The Gentleman from Kankakee, Mr. Novak."

Novak: "Yes, Mr. Speaker, an Inquiry of the Chair. Representative Persico's name is supposed to be listed on there as a hyphenated Cosponsor with myself."

Speaker Brunsvold: "The Clerk will check."

Novak: "Thank you, Mr. Speaker."

Speaker Brunsvold: "Proceed." Novak: "Senate Bill 56 is the... is a Shell Bill for the utility deregulation. We're continuing to work on the issue, and since it's the Third

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Reading deadlines, we need to move this Bill back over to the Senate to get into a Conference Committee. There is no subject matter in the Bill."

Speaker Brunsvold: "The Gentleman has asked for the passage, and is there any discussion? The question is, 'Shall Senate Bill 56 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 110 voting 'yes', 7 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 856, Representative Andrea Moore. Representative Moore. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 856 has been read a second time, previously. Amendments 1, 2 and 3 have been adopted to the Bill. Floor Amendment #4, offered by Representative Bradford, has been approved for consideration."

Speaker Brunsvold: "The Lady from Lake, Representative Moore."

Moore, A.: "Mr. Speaker, thank you, Mr. Speaker. We had moved this back this morning because... to Second, because we have an Amendment from the administration that needs to go on, and that was just recently filed. So we would like to wait to hear this. Thank you."

Speaker Brunsvold: "Amendment #4 is not the Amendment you were... you are indicating?"

Moore, A.: "We can put #4 on now, but it might make more sense to put both of them on at the same time and then have the Bill and move the Bill all at once. We can do 4 now if you wish, Mr. Speaker."

Speaker Brunsvold: "Let's do 4 now, Representative Moore. Mr. Bradford, on Amendment #4."

Bradford: "Thank you, Mr. Speaker. Amendment #4 is the same as

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House Bill 2191, which was held in Rules in the Senate. That Bill provides a mechanism for the Director of Revenue in regard to reciprocating agreements with adjoining states to review and report to this Chamber and the Senate by January 1st of 1999 the actual tax flow loss to the State of Illinois, if any, in regard to Wisconsin and Indiana and others reciprocating state agreements and for the determination at that time as to whether or not at the pleasure of the two Chambers, a Joint Resolution may be initiated to rescind any reciprocating agreements. It's basically permissive until it comes back to the House. The Director of Revenue, in regard to this particular Act, is in current negotiations in Wisconsin and Indiana for the purpose of attempting to modify the reciprocating agreement so that there will be repayment to the State of Illinois, primarily as Wisconsin does with Minnesota. The estimate right now is that the State of Illinois to those workers from those two states, Indiana and Wisconsin, who work in the State of Illinois, is having a net loss of \$50 million in income taxes per year. I urge that Floor Amendment #4 be adopted."

Speaker Brunsvold: "And the Gentleman on the adoption, the Gentleman from Vermilion, Representative Black."

Black: "Yes, thank you very much, Mr. Speaker. Mr. Kasper brought several questions over to me that he would like me to ask. So would the Sponsor of the Amendment yield?"

Speaker Brunsvold: "He will yield."

Black: "Yes. Representative, Mr. Kasper and I just can't remember House Bill 2191. We just don't remember that Bill. What did it... Did it get a... Well, obviously if it died in Senate Rules, it got a number of votes to get out of here, but you don't remember what the Roll Call was on

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that?"

Bradford: "112."

Black: "112 to 0? Or..."

Bradford: "There may have been... It may have been 112 to 6, actually."

Black: "Okay. So, your Amendment adds to the Bill and just says that we should study the impact on reciprocity on income taxes for folks who are working in Illinois but live in like Wisconsin, Indiana, Missouri. Is that the point?"

Bradford: "Not Missouri. Missouri does not have reciprocating agreement with us. Missouri residents that work in Illinois pay Illinois taxes."

Black: "So, do we have the... Who do we have the..."

Bradford: "We have reciprocity agreements with Kentucky, Indiana, Wisconsin, Iowa and Michigan."

Black: "Well, that would be a kind of long commute to be..."

Bradford: "I don't know how that works in terms of Michigan, but we do have that reciprocating agreement."

Black: "So, this isn't going to lock us into anything? The purpose of your Amendment is just simply to see what the ramifications might be."

Bradford: "One of the provisions that it does help in regard to the Director of Revenue's procedures is it allows him to ask employers and employees in the State of Illinois to report during the 1999 taxable year as to exactly the amounts that are involved here. The estimates on the \$50 million basically come from census data. The Director agrees that it's somewhere in the neighborhood, but we don't have the actual amounts."

Black: "But I think it's important that we get some estimates, because we may become a net loser out of this deal if we're not careful. I mean that could happen."



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Bradford: "That is correct."

Black: "Okay, fine. So your Amendment calls for that study so we can make a rational decision at some point in the future, as rarely as we do that around here, but this seems to be a good idea."

Bradford: "And provides that mechanism that it would be a Joint Resolution of both..."

Black: "Okay, fine."

Bradford: "...of both Chambers."

Black: "Thank you very much, Representative."

Speaker Brunsvold: "Any further discussion on the Amendment? Seeing none, the Gentleman has moved for the adoption of Floor Amendment #4. All in favor say 'aye'; all opposed 'nay'. The 'ayes' have it and the Amendment's been adopted. The Lady wishes to hold the Bill on Second Reading. Senate Bill 348. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 348, the Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Novak, has been approved for consideration."

Speaker Brunsvold: "Representative Novak."

Novak: "Yes, thank you, Mr. Speaker. Floor Amendment #1, I will defer to Representative Slone. It deals with a situation in her district."

Speaker Brunsvold: "The Lady from Peoria, Representative Slone."

Slone: "Thank you, Mr. Speaker. Thank you, Mr. Novak. Ladies and Gentlemen, this Amendment will help protect safe drinking water for ourselves and our children in the Peoria area. The Amendment would prevent local siting of a landfill where the proposed site is within one-half mile of three or more existing municipal drinking water wells and where the soil underlying the site is sand, gravel or other

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porous material that's less than 20 feet thick. It would prevent construction of new or expanded landfill or incinerator on such very environmentally sensitive sites. As it is now drafted, the Amendment would affect only a single site in East Peoria, which is in or partially in my district, where a proposed landfill expansion could take place directly over the drinking water supply with sandy soil overlying the water supply and several community water wells that are actively operating close by. Local citizens have organized against this expansion. Literally thousands of people have signed petitions opposing the site. There were three days of hearings held on a siting application, which was subsequently withdrawn. And the local citizens and local government have urgently requested legislative assistance to ensure that the expansion would be barred in this very inappropriate location. I would appreciate your favorable consideration of the Amendment, and I'd be very happy to answer any questions. Thank you."

Speaker Brunsvold: "The Gentleman from Tazewell, Mr. Ackerman, your light is on."

Ackerman: "Thank you, Mr. Speaker. This Amendment deals with a landfill that's right in the border of the Sponsor's district and mine. And the Sponsor has worked very hard in trying to narrow this down so it is more palpable to the rest of the state. It's a very important Amendment because this landfill could... It could contaminate the many wells of East Peoria and that area, and I strongly recommend an 'aye' vote. Thank you."

Slone: "Thank you, Mr. Ackerman."

Speaker Brunsvold: "Thank you, Mr. Ackerman. Representative Slone, did you explain Amendment #1?"

Slone: "No, that was Mr. Novak's Amendment, I believe. This is

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Amendment #3."

Speaker Brunsvold: "The Chair would like to sort this out. Mr. Novak, we'd like to proceed on Amendment #1."

Novak: "Yes, I move for its adoption, Mr. Speaker."

Speaker Brunsvold: "Mr. Novak, you recognized Representative Slone on Amendment #1."

Novak: "Yes, the Amendment deals with a particular problem in her district, and I deferred, so she could explain the Amendment."

Speaker Brunsvold: "The Clerk indicates that Amendment #1 does not do that."

Novak: "Can we take this out of the record for a second?"

Speaker Brunsvold: "I would suggest that, yes, Mr. Novak. Out of the record. Mr. Ackerman, you'll have to do your speech again when we get to Amendment #3. Senate Bill 316, Mr. Churchill. Read the Bill."

Clerk Brunsvold: "Senate Bill 316, the Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Churchill, has been approved for consideration."

Speaker Brunsvold: "Mr. Churchill, on Floor Amendment #2."

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, this Bill deals with the workers' background check. It's a Bill that we passed a couple of years ago. There's been a task force that was created so that they could examine other potential laws that ought to be included. And that task force has made a recommendation that we add to the original Bill certain crimes that we would check to find out whether or not workers have been convicted of those crimes before they could be hired. And so what this Amendment does basically is to add those crimes. And it just says that there need be no duplicate background checks

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for people who have already been checked, so that we can save the employer some cost on that. I would move for its adoption."

Speaker Brunsvold: "The Gentleman has moved for the adoption. Is there any discussion? Seeing none, the question is, 'Shall Floor Amendment #2 be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it; the Amendment's been adopted. Further Amendments?"

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

Speaker Brunsvold: "The Gentleman from Cook, Representative McKeon, on Floor Amendment #3."

McKeon: "Thank you, Mr. Speaker, Ladies and Gentlemen in the House. Floor Amendment 3 is virtually identical with House Bill 1781, which I moved or returned to Rules several weeks ago. What Floor Amendment #3 does is deal with a problem where someone is subjected to a background check by an agency and is erroneously, or rather is suspended without pay because of the background check. And later, it is determined that the information in the background check is inaccurate. And, in fact, the person was not involved in any activity that would have barred them from service in the agency. What this Amendment does is allow them to recoup back pay generally four to five weeks from the agency when it is determined that the agency was responsible for giving erroneous information that resulted in the faulty background check. I urge your approval."

Speaker Brunsvold: "On the Adoption Motion, the Gentleman from Vermilion, Representative Black."

Black: "Mr. Speaker, just a moment here. We're in conference. Hang just a second. Thank you very much, Mr. Speaker. Will the Sponsor yield?"

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Speaker Brunsvold: "The Sponsor yields."

Black: "Representative, what kind of legal recourse would the employer have, let's say under the scenario that you're outlining in your Amendment, and the worker should be, in fact, entitled to back pay. Would the employer then have cause of civil action against the entity that made this mistake?"

McKeon: "The scenario that I'm describing, Representative Black, is where the employer, either because of the lack of accurate information submitted to the State Police, has culpability in terms of the erroneous information given back to them from the police. Now there is a second problem, which we do not deal with in this Amendment, and I'll be working on over the summer for next year, is where the police records were, in fact, inaccurate that resulted in the suspension. This Amendment does not deal with that half of the problem, but is a first step to deal with the situation where the agency is culpable by providing incomplete or inaccurate information resulting in the suspension and the loss of wages to the worker. We deal... This Amendment deals with half of the problem. I'm going to be working with the Department of Public Aid and Representative Churchill and the Task Force on background checks to deal with the other problem, where, in fact, it is erroneous information in the state's database that inappropriately returned incorrect information. The issue then is, who is culpable? Is it the Department of Public Aid? Is it the State Police? And how do you deal with that? This Amendment is a first step, and I'll be working on the second half of the problem when we return next year."

Black: "Well, I'm glad to hear that because I think if the

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employer acts in good faith and gets a notice or a letter or a call from the State Police and saying that this individual, in fact, has one, two, three hits on his or her record, and the employer acts in good faith, then all of a sudden because of an administrative mix up, he's liable... he or she is liable for 30 days, 60 days back pay. That would be a very heavy hit on the employer, and it would appear that the employer should have some remedy, some recourse in an action that was no fault of his or... the employer."

McKeon: "You're absolutely right, and unfortunately with the time lines, we have not been able to resolve the second half of the issue,..."

Black: "Okay."

McKeon: "... however, I assure you, working with the Department of Public Aid and Representative Churchill and the Task Force that we will be prepared to address that issue when we..."

Black: "Well, I think that's very important. So, Representative Churchill is in agreement with your Amendment?"

McKeon: "Yes, Sir, he is."

Black: "And Senator Fawell, have you talked to Senator Fawell?"

McKeon: "I have not... I have not spoken to Senator Fawell."

Black: "Ah, that's a shame. You really need to do that before we adjourn. She's a delightful Lady. You're not a farmer by any chance, are you?"

McKeon: "By origin, yes, the great State of Idaho."

Black: "I would submit that you better not tell her that."

McKeon: "All right."

Black: "All right."

McKeon: "Thank you, Representative."

Black: "But other than that, I think this is a fine Amendment."

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The Sponsor, actually, you're the Sponsor of the Amendment.  
Is Representative Churchill a Cosponsor?"

McKeon: "Yes."

Black: "Oh, that may cost you a few votes, but your sponsorship  
may carry the day."

Speaker Brunsvold: "Further discussion? The question is, 'Shall  
the Amendment be adopted?' All in favor vote... say 'aye';  
all opposed 'nay'. The 'ayes' have it, and Floor Amendment  
#3 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Brunsvold: "Third Reading. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 316, a Bill for an Act amending the  
Health Care Worker Background Check Act. Third Reading of  
this Senate Bill."

Speaker Brunsvold: "The Gentleman from Lake, Representative  
Churchill."

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the  
House. The Amendments become the Bill, and I would just  
ask for a favorable vote."

Speaker Brunsvold: "Is there any discussion? The question is,  
'Shall Senate Bill 316 pass?' All in favor vote 'aye';  
opposed vote 'nay'. The voting is open. Have all voted  
who wish? Have all voted who wish? Have all voted who  
wish? Mr. Clerk, take the record, and on that question,  
there are 115 voting 'yes', 0 voting 'no', 0 voting  
'present'. This Bill, having received a Constitutional  
Majority, is hereby declared passed. Mr. Clerk, Senate  
Bill 968."

Clerk Rossi: "Senate Bill 968 has been read a second time,  
previously. Amendments 1 and 2 were adopted in Committee.  
No Motions have been filed. Floor Amendment #7, offered by  
Representative Giglio, has been approved for

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consideration."

Speaker Brunsvold: "Representative Giglio, on Floor Amendment #7."

Giglio: "Thank you, Mr. Speaker and Members of the Chamber. What Floor Amendment does, is it deletes in entirety everything that was in the original Bill, everything that we tried to sneak through Energy and Environment. It deletes everything and makes it a Shell Bill. Why do we need a Shell Bill coming out? Because we've got... We've got some problems in Ford Heights. We've got some problems in Robbins and we need a vehicle to go to Conference with. So, we're not slipping a landfill people a methane Bill or slipping a retail rate people an electric Bill. We need a Bill that we can all sit down at the table with and argue on. The agreement that I have with Senator Shaw on the Senate side is to use this as a Conference Bill. Go to Committee Conference, and we can all sit down and discuss. Possibly we'd be ready in a Veto Session, and I would ask for your help."

Speaker Brunsvold: "And on the adoption of the Amendment, the Gentleman from Cook, Representative Lang."

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

Speaker Brunsvold: "The Sponsor yields."

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

Giglio: "I meant to say Vehicle Bill."

Lang: "Is there gambling in here? I want to save Mr. Cross the trouble of asking about this. Is there anything about gambling in here?"

Giglio: "No more gambling's in the Bill, than what I'm doing standing up talking about it."

Lang: "Good plan."

Speaker Brunsvold: "Any further discussion? The Gentleman from



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Kendall, Mr. Cross."

Cross: "Well, thank you, Mr. Speaker. Wasn't going to ask a single question, but my name was used in debate. Got some real concerns about it. This is nothing more than a Shell Bill, Representative?"

Giglio: "Absolutely not. The intent of the legislation is so all the groups can sit down and get together this summer."

Cross: "This summer?"

Giglio: "This summer."

Cross: "With Senator Shaw?"

Giglio: "That's correct. Mayor Shaw."

Cross: "All right. Can we have a Roll Call on this Amendment, please?"

Giglio: "Would it help if I said, please?"

Cross: "Well, as I said earlier, I wasn't going to get up, but my name was used in debate. I apologize for that, but as a result, I'm going to have to ask for a Roll Call."

Giglio: "I think he said 'Ross'."

Speaker Brunsvold: "Mr. Cross, do you... Did you request a Roll Call vote on this? Okay. Mr. Giglio, is there any... Mr. Giglio, to close on the Amendment."

Giglio: "It's nothing other than that. As I said earlier, it's a Vehicle Bill so that the groups can get together and not approach this situation as been done in the past, on an aggravated basis, on an attack, on a sneak, that we can have a serious look and a serious addressing of the problems that are there. There are landfill problems there. There are burner problems there. And there are people problems there. And that's what this is all about. And I would ask for your support?"

Speaker Brunsvold: "The Gentleman withdraws his request for a Roll Call. And the question is, 'Shall Amendment #7 be

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adopted?' All in favor say 'aye'; opposed 'no'. The 'ayes' have it, and Amendment #7 is adopted. Further Amendments?"

Clerk Bolin: "No Further Amendments."

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

Clerk Bolin: "Senate Bill 968, a Bill for an Act to amend the Environmental Protection Act. Third Reading of this Senate Bill."

Speaker Brunsvold: "Representative Giglio."

Giglio: "Mr. Speaker, we went through the debate. I'd be happy to try and answer any other questions. And I would ask for everyone's favorable support. Thank you."

Speaker Brunsvold: "The question is, 'Shall Senate Bill 968 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? Record yourself. Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 58 voting 'yes'; 59 voting 'no'. Mr. Giglio."

Giglio: "Yeah, apparently we... I got a couple individuals I got to talk to for a quick... Maybe we could put it on postponement, and we could figure something out here, maybe."

Speaker Brunsvold: "That would be a good idea, Mr. Giglio."

Giglio: "Thank you."

Speaker Brunsvold: "The Gentleman has requested Postponed Consideration, and the Bill will be so placed. Senate Bill 789. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 789, the Bill's been read a second time, previously. Floor Amendment #1, offered by Representative Dart, has been approved for consideration."

Speaker Brunsvold: "Mr. Dart, on Floor Amendment #1."

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Dart: "Thank you, Mr. Speaker. I'd ask to table Floor Amendment #1."

Speaker Brunsvold: "The Gentleman withdraws... or tab... The Gentleman withdraws Floor Amendment #1. Further Amendments?"

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

Speaker Brunsvold: "Mr. Dart, on Floor Amendment #2."

Dart: "Thank you, Mr. Speaker. I ask to withdraw Floor Amendment #2."

Speaker Brunsvold: "The Gentleman withdraws Floor Amendment #2. Further Amendments?"

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

Speaker Brunsvold: "Mr. Dart, on Floor Amendment #3."

Dart: "Thank you, Mr. ... Thank you, Mr. Speaker, Members of the House. This adds an immediate effective date. It was overlooked when we drafted the Bill, and I'd move for its adoption."

Speaker Brunsvold: "And on the Motion, the Gentleman from Cook, Mr. Pugh."

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

Speaker Brunsvold: "The Sponsor yields."

Pugh: "Representative, can you explain to me the crux of this particular piece of legislation?"

Dart: "Sure. The Amendment just adds the effective date with adding the Amendment to the Bill would leave you with a Bill that deals purely with restitution orders and requiring that they be paid in the shortest period of time possible. There's no other provisions in there right now in regards to any other measures."

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Pugh: "And could you explain what Amendment #2 was..."

Dart: "I think your concerns were regarding Amendment #1 and 2, and they dealt with increase... changing the definition of obstructing justice to include individuals who are acting as lookouts for crimes. Those Amendments have been withdrawn."

Pugh: "Okay, so the concern relative to the individual's free speech is not included in that original piece of legislation?"

Novak: "I'm not exactly sure what they meant by free speech, but I have a feeling if it was the concerns of the Public Defender's Office that brought up that. Those were Amendments #1 and 2, which I just withdrew."

Pugh: "So the Public Defender's Office is in favor of this legislation, as the Amendment?"

Dart: "Frankly, I don't know... I don't know what their opinion... their position was on the original Bill. I would imagine they didn't have any problems with the original Bill, because it dealt with restitution orders, and I haven't changed that, other than putting in the effective date now. It was overlooked. My understanding was their opposition was to Amendment #1 and #2 only."

Pugh: "Okay, so currently, this only deals with the revocation of restitution payments?"

Dart: "Yes."

Pugh: "And the time frame for that...?"

Novak: "Yes."

Pugh: "Thank you. I have no further questions."

Speaker Brunsvold: "Further discussion? Seeing none, the Gentleman has asked for the adoption of Floor Amendment #3. All in favor say 'aye'; all opposed 'nay'. The 'ayes' have it and the Amendment's adopted. Further Amendments?"

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Clerk Bolin: "No further Amendments."

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

Clerk Bolin: "Senate Bill 789, a Bill for an Act to amend the Unified Code of Corrections. Third Reading of this Senate Bill."

Speaker Brunsvold: "Mr. Dart."

Dart: "Thank you, Mr. Speaker, Members of the House. This Bill, as it is amended, would provide that restitution is to be paid to victims in a shorter period of time as possible. Right now in the present law, that is not the case. This is to take in an oversight, and I would appreciate a favorable vote. It adds that provision and also requires that the defendant come... who is not paying restitution come forward and explain as to the court as to why they aren't paying the victim restitution in a case. I think it's a common sense provision, and I would move for the passage of Senate Bill 789."

Speaker Brunsvold: "The Gentleman has moved for the passage, and on that, the Gentleman from Logan, Representative Turner."

Turner, J.: "Thank you, Mr. Speaker. Will the Sponsor yield? Tom, originally there was some language about there would be a rebuttable presumption at the revocation hearing that the circumstances have not changed since the original court order. Has that been taken out? I don't see it in."

Dart: "No, the Bill as it came over, which had that provision in there, is still in there. It stays... It's putting the onus on the defendant still to come up with the reason as to why they aren't paying the restitution."

Turner, J.: "All right, would... would you explain then what... The rebuttable presumption is in there then? Would you explain exactly what you're getting at there?"

Dart: "The crux of the matter was, especially in Cook County..."

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I'm not sure of the other counties. What's been happening is quite often we've been having defendants who have agreed, as part of a plea agreement up front, that they were going to pay restitution back to victims for the crime. And, they are subsequently coming in later and not paying the restitution. What this would do, and just basically not paying it. What this would do would put the onus on the defendant to come forward by making it a rebuttable presumption that their circumstances haven't changed. Make them come forward and say to the court basically that at the time of the plea agreement, I had a job and all this was going fine. I had the ability to pay. I don't have that anymore. And it's just sort of shifting the burden so that, basically, so the victims can get some of the money back."

Turner, J.: "And would this rebuttable presumption be applicable at a hearing on a petition to revoke probation or supervision?"

Dart: "Yeah, it would basically come up at a time when the probation officer brought the case in front of the judge, either for determination or for some type of violation of the order, and it would then be the... a reason for them to be violating it or terminating it as the case may be. And that's when they would bring it up."

Turner, J.: "Do you see any constitutional problem with, in essence, switching the burden of proof over to the defendant?"

Dart: "No, I don't because the defendant still has the ability to come in front of the court and explain to them what the circumstances are that have changed. It isn't an absolute, and it's something where as part of the terms of the plea agreement up front, it was part of the deal that allowed

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for the plea in the criminal case to occur. And I don't see any constitutional concerns frankly, and I see it more as a question of equity in ensuring that the people who have been victimized by these folks. And once again, these are the people who are pleading guilty, too, by and large, come through with the payments they promise. And quite often, from my experience in the courtroom, too, was a situation where there was agreements made and that's what got the defendant off the hook, was I agreed to... pay the money, and then you guys will leave me alone and the case will be a probational case. And then they're coming back later and changing the ball game."

Turner, J.: "I certainly agree with that and with what you're doing. I'm just wondering if you indicated a defendant can always explain the circumstances. I'm just wondering if they're... the Public Defender's Office isn't going to say, 'Wait a minute. you're making it a rebuttable presumption.' So in essence you're requiring the defendant to testify and does it raise a Fifth Amendment consideration?"

Dart: "No, because there's no trial going on at this point, because this is a... the person's already been sentenced for the case involved here. And that part is all done, and this is now in a dispositional stage now, where I don't think any of those things would be constitutional concerns."

Turner, J.: "All right, just one more follow up. If I'm reading the Bill correctly, for example, someone may be placed, and I think the maximum probation is 48 months that you can get, but if someone's placed on probation for 48 months and at the time of the original sentencing order, they indicate as you suggested their wherewithal as to how they're going

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to pay restitution back. And then say three and a half years later, I'm just wondering, is it, in your judgement, fair to say that there's going to be a rebuttable presumption, that what they indicated some 36 months ago is still the circumstances today, three years later?"

Dart: "I think it is, John, because the way... we drafted the language here was such that this was the crux and the basis of why there was a plea agreement in the first place. So there was some type of agreement and a... almost a promise in a certain sense that we were going to do this. And, by not making it an absolute presumption, making it rebuttable, the defendant can't come in and say, 'Listen, I lost my job, I lost my house, I lost my family. I can't do it.' And the courts I've been in front of, that would shift it and that would also qualify. And I think that would overcome any presumption then."

Turner, J.: "Does it only apply to plea agreements? Or would it apply to a situation where someone actually went to trial, lost, and was sentenced then to probation by the court?"

Dart: "No, this is based on a plea agreement."

Turner, J.: "Okay, thanks."

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

Dart: "I just appreciate a favorable vote."

Speaker Brunsvold: "The question is, 'Shall Senate Bill 789 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 117 voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate



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Bill 667."

Clerk Rossi: "Senate Bill 667, the Bill's been read a second time, previously.

Amendments 1 and 2 have been adopted to the Bill. No Motions have been filed. Floor Amendment #3, offered by Representative Hartke, has been approved for consideration."

Speaker Brunsvold: "Mr. Hartke."

Hartke: "Thank you very much, Mr. Speaker, Members of the House. Last night, as you recall, we went through this Amendment, and so forth. And it was a technical correction to the Bill, and I would appreciate your support."

Speaker Brunsvold: "There any discussion on the Amendment? Mr. Hoeft."

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

Speaker Brunsvold: "The Sponsor yields."

Hoeft: "I'm looking through this and I see that the full amount of refund is going to be made, plus interest. Is this not correct?"

Hartke: "Would you repeat that. Which Section are you referring to?"

Hoeft: "Amendment 3 says that the person who is seeking previous service will be paying that person's share, plus interest. Is this not correct?"

Hartke: "That's correct."

Hoeft: "The interest is at 4%?"

Hartke: "We think that's correct. We're not sure."

Hoeft: "Okay, I'll verify it, that's correct. The problem is that the anticipated cost or what the... system is gaining is 8 or 9%, so this would be a 5% difference between what the system would have gotten and what they presently are."

Hartke: "The recipient is paying the interest on the

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contribution."

Hoeft: "What I would like to go on the record is that they are paying interest, but this is not the full interest, and this will be a drain upon the pension system, although it will be a very moderate drain. I just wanted that in the record and for people to understand that this is... There is a moderate drain on this."

Speaker Brunsvold: "Any further discussion? Seeing none, the question is, 'Shall the Amendment be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. The Amendment's adopted. Further Amendments?"

Clerk Rossi: "No further Amendments. A Balanced Budget Note has been requested on the Bill and it has not been filed."

Speaker Brunsvold: "The Chair rules that request is out of order. Mr. ...The Gentleman from Cook, Mr. Parke."

Parke: "Under what ruling do you rule that out of order? And if you do, I'd like to challenge the Chair on that."

Speaker Brunsvold: "The Parliamentarian."

Parliamentarian Kasper: "Representative Parke, the Balanced Budget Note Act applies only to Supplemental Appropriations Bills. This Bill is not an Appropriations Bill; therefore, this statute does not apply."

Parke: "You know... Mr. Parliamentarian, I could not hear your response. One more time."

Parliamentarian Kasper: "I'm sorry, Representative Parke. The Balanced Budget Note Act applies only to Supplemental Appropriations Bills. This Bill is not an Appropriations Bill; therefore, this statute does not apply to this Bill."

Speaker Brunsvold: "Third Reading. Mr. Hoeft, for what reason do you rise?"

Hoeft: "In a state of confusion. I didn't pull my light off."

Speaker Brunsvold: "Senate Bill 667. Mr. Clerk, read the Bill."

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Clerk Rossi: "Senate Bill 667, a Bill for an Act amending the Illinois Pension Code. Third Reading of this Senate Bill."

Speaker Brunsvold: "Representative Hartke."

Hartke: "Thank you, Mr. Speaker, Members of the House. Senate Bill 667 is the Omnibus Pension Bill. It contains provision suggested by Representative Churchill, Representative Ackerman, Representative Phelps, Representative Murphy, Smith and many others. It has been approved by the Commi... Pensions Law Commission, and I'd be happy to answer any questions."

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

Parke: "Thank you, Mr. Speaker. I rise in opposition to this Bill. I understand that there's a lot of things in here for a lot of different people. But I think the Body needs to understand just what is in this Bill, because there is going to be a huge, and I repeat, huge, amount of liability, unfunded liability, to our pension systems for all kinds of things. Plus, I think there's some things in here that will make you very uncomfortable, and when a constituency may ask you about why you voted for these things, I think you'll be hard-pressed to explain them. We have a Cook County Judge that would like to transfer 11 years out of the SERS Program, who is an adviser to the State Board, the Retirement System, without paying the employer contribution or interest. I would like to point out that her obligation would be from \$260 thousand to about 28 thousand in our own system. This goes to the Judge's Pension Fund, and that will be about \$230 thousand a hit, just by allowing one person to go in. Inside this Bill also, a former Chicago teacher would like to.. who already has taken early retirement for... would like to get

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up to three weeks of service because of a wildcat labor strike in 1968. So they voluntarily went on strike and now they want to get pension credits for it. I think that's ridiculous, ought not to be something you want to do. I can see in here there's a lot of legislation that affects Members of the General Assembly. I'm sympathetic to that, but I would venture to guess that the unfunded liability in this could be in the hundreds of millions of dollars. There is a service credit for another judge who will require payment without discount. That means they will be able to get a better sweetheart deal. Ladies and Gentlemen, if you'll look over what's in this plan, it is so heavy. You cannot vote for this plan. You will be hard-pressed to justify a vote on this. Believe me, it is unbelievable what is in this Pension Bill. And if you're not aware, I would suggest that you check with your staff while this debate goes on to take a look at what's going on. I'm sympathetic to Representative Hartke's plight. He's got a Bill that a lot of Pension Bills were folded into. It is now extremely heavy. He is the Sponsor. He has the responsibility of calling the Bill. Again, I'm sympathetic, but I cannot... I cannot in good conscience vote for all of these things. I would venture to say when the media goes through this Bill and prints their articles on it tomorrow, you'll be hard-pressed to explain to your constituents why you would've voted for this Bill. Again, I rise in opposition to this Bill."

Speaker Madigan: "Mr. Hoeft. Speaker Madigan in the Chair. Mr. Hoeft."

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

Speaker Madigan: "The Sponsor yields."

Hartke: "Sure."

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Hoelt: "Just a matter of question. Who... Who did the Fiscal Impact Note on this?"

Hartke: "The Economic and Fiscal Commission."

Hoelt: "Pension Bill?"

Hartke: "Pardon? The Fiscal Note was done by me at the request of staff."

Hoelt: "I have your signature on this, Sir."

Hartke: "Yes."

Hoelt: "I find that... Therefore, it's got to be valid."

Hartke: "That's the Fiscal Note, not the Fiscal Impact Note."

Hoelt: "Okay. Folks, listen to this, please. The last two years we've worked hard on our pensions to pay the unfunded liability. In that two year period, we've paid back almost \$200 thousand of the debt we owe. In this one Bill, 200 million, excuse me."

Hartke: "Two hundred million."

Hoelt: "In this one Bill, we will be increasing the unfunded liability by a billion dollars. A billion dollars. There are 16 Bills that have been put into this one single Bill. The 16 Bills couldn't go through the process on their own, so therefore, at the end of the Session, they're forced together into this Omnibus Christmas Tree Bill. We have a Bill in here in which one Cook County Judge is being given an opportunity to purchase in, and it's going to cost the Pension System \$230 thousand. We have another Bill in here that allows an individual to purchase two years of service as a student worker at Southern Illinois University. So, you're giving pension credit to an individual who could have been a dishwasher, could have been a guard for a couple of hours, could have been a librarian worker. We have in here a Bill that says that a person can take three months out of their legislative pension and turn it into

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another so they can have two pensions at the same time. There are so many things in here that could be turned against us. I really urge you to look at this and ask yourself, 'Do you want to be on a Bill that is giving this number of perks to these people?' There was an article written in the Sun Times this last Sunday. Here it is. And it talks about credibility. We, as the elected officials, lose so much credibility when we give perks to ourself that we won't give to the other system. We've got to stop that and create a credibility that allows us to have the same pension, the same benefits as other systems. Please, look at the system here. If you want to go on record as destroying our three years of fine work. Think about it. One billion dollars of unfunded liability sits in this Bill. Mr. Hartke, that was a marathon. I apologize. Would you like to respond?"

Hartke: "What was the question? What was the question?"

Hoelt: "Got me!"

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 34 'ayes', 70 'noes'. This Bill, having failed to receive a Constitutional Majority, is hereby declared passed (sic - lost). The Chair would like to announce that our plan is to consider a limited number of Bills and to leave here at a decent hour so that... so you probably can plan on having dinner away from this building. But we need cooperation, very limited number of Bills. Next Bill will be Senate Bill 549, Mr. Leitch. Mr. Clerk, read the Bill."

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Clerk Rossi: "Senate Bill 549, the Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Leitch, has been approved for consideration."

Speaker Madigan: "Mr. Leitch. Mr. Leitch."

Leitch: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. This Bill pertains to the DHL project, the Air Cargo Company project that we've been working for about 18 months to bring to Illinois. Illinois and Peoria specifically are in the finals for this project, and as a result, this Amendment is being offered to you. It's an Amendment that we worked out with the Governor's Office, and I appreciate the Governor's help on this. I appreciate DCCA's help, and I certainly appreciate the support that the Members have shown to date when the previous Bill passed unanimously, and I would ask for your support."

Speaker Madigan: "Ladies and Gentlemen, there may have been some misunderstanding concerning my announcement, we do plan to go to committee. We do plan to go to committee. So please bear with us and this will move along quickly. Representative Slone on the Bill."

Slone: "Thank you, Mr. Speaker. I would just like to add my support to Mr. Leitch. This is an extremely important project, both for our area and for the State of Illinois, and we would appreciate your 'aye' votes."

Speaker Madigan: "Representative Skinner. Mr. Skinner."

Skinner: "Could you tell us how much this is going to cost a year?"

Leitch: "Yes, I can. This Bill would cost about \$2.7 million a year in aviation tax break. Were we fortunate enough to bring this to Illinois and to Peoria, the first year there

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would be income tax paid by the requisite number of employees required here, which would already net the state \$1.7 million."

Skinner: "I assume none of that goes to the Road Fund?"

Leitch: "I don't know what the Road Fund has got to do with it."

Skinner: "Now you're in competition, it says, with Scott Air Force Base?"

Leitch: "No, no, no, no."

Skinner: "Mid America"

Leitch: "Scott Air Force Base is out."

Skinner: "Okay."

Leitch: "We are in competition with Ohio and the airport in Kentucky."

Skinner: "But no where else in Illinois?"

Leitch: "No where else in Illinois."

Skinner: "Okay, thank you very much."

Speaker Madigan: "The question is, 'Shall the Bill pass?' Those in favor signify by... All right, Mr. Leitch on the Amendment. Those for the Amendment say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. Read the Bill."

Clerk Rossi: "Senate Bill 549, a Bill for an Act concerning Occupation and Use Taxes. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Leitch."

Leitch: "I would ask for your support of the Bill that was just described in the Amendment."

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



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all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 98 'ayes', 18 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 54. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 54 is on the Order of Senate Bills Third Reading."

Speaker Madigan: "Put that Bill on the Order of Second Reading. The Clerk for an announcement."

Clerk Rossi: "The House Rules Committee will meet at 6:45 in the Speaker's Conference Room. The Rules Committee will meet at 6:45 in the Speaker's Conference Room. In addition, the following committees will meet... will meet immediately: The Executive Committee in Room 118 and the Judiciary II Committee - Criminal Law in Room 114."

Speaker Madigan: "The announcement is that the Rules Committee will meet immediately and that the other two committees will meet immediately. If the Members would please remain at ease in the Chamber and if the Members of those committees would move very quickly to do their business so we can come back here and finish for the night. Mr. Clerk, announce the committees again."

Clerk Rossi: "The Rules Committee is meeting immediately in the Speaker's Conference Room. In addition, the House Executive Committee is meeting in Room 118 and the Judiciary II - Criminal Law Committee is meeting in Room 114."

Speaker Madigan: "Once again, Members of the committees please go to the committee meeting rooms. The House shall stand at ease. The Chair recognizes the Clerk for a Committee Report."

Clerk Rossi: "Representative Currie, Chairman from the Committee

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on Rules to which the following Amendments were referred, action taken on May 16th, 1997, reported the same back with the following recommendation: 'Be adopted' Floor Amendment 3 to Senate Bill 285; Floor Amendment 1 to Senate Bill 218 and Floor Amendment 5 to Senate Bill 856."

Speaker Madigan: "The Chair recognizes Representative Flowers for the purpose of an announcement."

Flowers: "Thank you, Mr. Speaker. I would like to inform the COWL Members that we will be taking a picture Tuesday at 10:00 a.m. with the leave of the Chair, please. Thank you very much."

Speaker Madigan: "The Chair recognizes the Clerk for the Committee Report."

Clerk Rossi: "Representative Gash, Chairman from the Committee on Judiciary II, to which the following Amendment was referred, action taken on May 16th, 1997, reported the same back with the following recommendation: 'Be adopted' Floor Amendment 5 to House Bill 172."

Speaker Madigan: "Senate Bill 172. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 172 has been read a second time, previously. Floor Amendment #2 has been adopted to the Bill. No Motions have been filed. Floor Amendment #5, offered by Representative Fritchey, has been approved for consideration."

Speaker Madigan: "Mr. Fritchey. Mr. Fritchey on the Amendment. Turn on Mr. Fritchey, please."

Fritchey: "Thank you, Mr. Speaker. Floor Amendment #5 to Senate Bill 172 is really a housekeeping matter. It changes the age of the, the applicable age of the victim in the soliciting for juvenile prostitute and juvenile pimping statutes from 16 years old to 17 years old. We did this in

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an attempt to make these two offenses consistent with the other changes that were made in Floor Amendment 2 which was originally House Bill 152, which was the Internet solicitation. I'd be happy to answer any questions otherwise I ask for its favorable consideration."

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

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "Senate Bill 172, a Bill for an Act in relation to sex offenders. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Fritchey."

Fritchey: "Mr. Speaker, this is Representative Scully's Bill."

Speaker Madigan: "Yeah, thank you. Mr. Scully."

Scully: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 172 amends the Sex Offender Registration and Community Notification Act requiring a person who has committed one of these offenses to register if they have been convicted of child luring and doing so, and committing and attempting to commit one or more of the following offenses: Child pornography, keeping a place of juvenile prostitution, predatory sexual, sexual assault, criminal sexual abuse, or aggravated criminal sexual abuse. It also requires sex offenders to register with the police in their place of employment. We ask for your favorable consideration."

Speaker Madigan: "Mr. Turner. Withdraws. The Gentleman moves for passage of the Bill. There being no discussion, the question is, 'Shall the Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all

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voted who wish? This is a Third Reading Roll Call. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question... For what purpose does Mr. Johnson seek recognition?"

Johnson: "My light didn't work. Can you still record..."

Speaker Madigan: "Is the record open, Mr. Clerk? He shut the record. Mr. Johnson indicates that he would have voted 'yes' had he voted. There will be 116 people voting 'yes'; 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk for a Committee Report."

Clerk Rossi: "Representative Burke, Chairman from the Committee on Executive, to which the following Amendment was referred, action taken on May 16th, 1997, reported the same back, recommend 'be adopted' Floor Amendment 2 to Senate Bill 285."

Speaker Madigan: "Senate Bill 218. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 218 has been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Art Turner, has been approved for consideration."

Speaker Madigan: "Mr. Arthur Turner."

Turner, A.: "Thank you, Mr. Speaker. Ladies and Gentlemen, Amendment #1 to Senate Bill 218 is the same Amendment that we heard earlier today on Senate Bill 73 that simply states that this Amendment provides for worker relocation and transitional assistance for laid off state employees. And I move for the adoption of Senate Amendment #...or House Amendment #1 to Senate Bill 218."

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

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

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "Senate Bill 218, a Bill for an Act amending the Unified Code of Corrections. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Turner."

Turner, A.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. Senate Bill 218 now is a Bill that does two things. The first part of the Bill deals with the Code of Corrections and what it does is it allows mandatory conditions, I'm sorry. What it does is it allows the court the ability to ask a person to take substance abuse treatment rather than be incarcerated. The second part of the Amendment deals with the laid off employees, state employees, regarding notification, worker relocation and the transitional assistance that may be available to them and I move for the adoption of Senate Bill 218."

Speaker Madigan: "Mr. Cross."

Cross: "Thank you, Mr. Speaker. An inquiry of the Chair and I... there must have been some confusion up there on my light, but with respect to Amendment #1 there seems to be some serious question about the germaneness of that Amendment. Amendment 1 deals with the Illinois Human Rights Act and if I'm not mistaken, the underlying Bill deals with the sentencing code of the Code of Corrections and I... I guess I'm... I'm questioning the germaneness of the Amendment."

Speaker Madigan: "And unfortunately, Mr. Cross, the time to question the germaneness of an Amendment is when the Bill is on Second Reading, and I did examine the console and I

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didn't see any flashing lights. Mr. Cross."

Cross: "You win."

Speaker Madigan: "Thank you, Sir. Mr. Roskam."

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

Speaker Madigan: "Sponsor yields."

Roskam: "Representative Turner. Is the under... one of these Amendments, did the underlying Bill come through the Criminal Law Committee earlier?"

Turner, A.: "Yes, it did."

Roskam: "What was the outcome in the Criminal Law Committee?"

Turner, A.: "Yeah, the Bill passed out of the committee."

Roskam: "The Bill passed out of committee?"

Turner, A.: "Right."

Roskam: "This is the... the Task Bill."

Turner, A.: "Correct."

Roskam: "Thank you."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker. I have an inquiry of the Chair."

Speaker Madigan: "State your inquiry."

Black: "The Amendment does not seem to be on our computer. It gets increasingly difficult to find a hard copy or paper copy and I really get uncomfortable being asked to vote on Bills, as amended. I don't have any idea what this Amendment does. I don't even know who sponsored the Amendment."

Turner, A.: "I did. It's the same Amendment that was on Senate Bill 73 earlier today."

Black: "Well, that's very helpful."

Turner, A.: "Okay."

Speaker Madigan: "Mr. Black."

Turner, A.: "I thought I described the Amendment."

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Speaker Madigan: "Mr. Black, there's an Amendment on the way so why don't we..."

Black: "Thank you."

Speaker Madigan: "...stand at ease for a few minutes for Mr. Black to read the Amendment. Mr. Black."

Black: "Yes, thank you very much, Mr. Speaker. Would the Sponsor be willing to take this back to Second Reading so we could... maybe we would like to amend the Bill further?"

Speaker Madigan: "Mr. Turner."

Turner, A.: "The Bill, Mr. Speaker, am I correct. The Bill is on Third Reading?"

Speaker Madigan: "Yes, it is, Sir."

Turner, A.: "I think that we ought to vote this legislation. The..."

Black: "Okay, you win. Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Black: "Okay. Representative Turner, what... you had this Bill filed or this Amendment, I'm sorry. Well, let me get it right. Whatever it is they're talking about. This language was on another Bill at one point..."

Turner, A.: "That's right."

Black: "... and that was Senate Bill 73?"

Turner, A.: "Which was almost a replica of House Bill 290...494."

Black: "Okay, but what happened to your Amendment that was on Senate Bill 73?"

Turner, A.: "Representative, I withdrew it. There was a technical problem."

Black: "Well, I thought we adopted it, but then a subsequent Amendment wiped yours out?"

Turner, A.: "You know I thought it was adopted too, Representative. In fact, if I recall, we did adopt that Amendment."

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Black: "All right."

Turner, A.: "I had to go in that, you know, in the little room over there..."

Black: "I understand that."

Turner, A.: "...and when I... All right."

Black: "Okay."

Turner, A.: "All right."

Black: "To the Bill. Mr... Representative Turner, if you would. This language now has been worked out with the Central Management Services and it's a little different than you originally filed it."

Turner, A.: "That's correct, Representative."

Black: "And, in fact, because you have worked out some language with CMS and others, I'm not aware now of any opposition to the Bill. Is that your understanding?"

Turner, A.: "That's correct, Representative."

Black: "Fine. Fine. I think you've done a... I think you've done a wonderful job. Thank you."

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

Speaker Madigan: "Mr. Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Durkin: "Representative, could you explain to us the language dealing with the substance abuse in the task language?"

Turner, A.: "Yes, Representative. Currently, the courts have the discretion to order treatment for a person who has been charged with possession of a controlled substance, and as part of that condition he could be ordered to go to a substance abuse or ordered for treatment for substance abuse. And what we're asking with this particular language is that the judge... we're just allowing the judge another shot at... or the... allowing the judge the ability to



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reassign a person a second time for treatment, especially when they find out that that individual has a problem, that he is hooked on drugs, to make it simpler. And so this allows the judge to, rather than send the person to jail, mandate substance abuse treatment, although he still has the option to send that person to jail. So we're not, you know, for the drug dealer, the person who's selling narcotics, we certainly would like to see him incarcerated. This is for probably what you would call the casual user or someone... I mean, actually, it may even be more than a casual user, someone who's hooked on drugs and they need help and I think that we all agree it's a lot cheaper to deal with them in treatment versus incarceration. Treatment being somewhere in the neighborhood of \$6 thousand a year, incarceration in this state is over \$20 thousand a year and so this is the rationale for this legislation. It passed out of the Senate 56 to 0, out of the Senate Judiciary Committee 10 to 0 and I think it's a good idea and so that's why we're promoting it here in the House."

Durkin: "Representative, don't you think this is going to limit the discretion of the trial court judge, though? Cause I... we're making this mandatory, though."

Turner, A.: "Well, it's not mandatory. He still has the option. Well, okay, it's mandatory for a second time offender."

Durkin: "It's mandatory substance abuse and that would limit the judicial discretion where a judge may think that this person should be sent away for a tour of duty in the Department of Corrections. Is that correct?"

Turner, A.: "He can still send him away. It does not stop that person from being incarcerated. We're just saying that we'd like to provide this additional option first. And for

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the type of person that I spoke of earlier, I think that this is fair versus sending them to... versus incarcerating him."

Durkin: "Representative, could you... I think when we discussed this at length in committee. Could you kind of give me a ball park figure as to what costs this program will have either on a state or on county government?"

Turner, A.: "Treatment case management, and I believe this is a monthly figure, was listed at about \$15 hundred per caseload. Substance abuse treatment is about \$3 thousand per individual. So, we're talking about \$4 thousand to treat an individual for substance abuse and to incarcerate that individual, as I said earlier, we're talking about \$20 thousand a year. Over \$20 thousand a year. And I just believe that this is certainly cheaper on state government to handle that situation this way, in addition to what we've done to the individual in terms of making a criminal out of him cause I think what we find that people who we sent to the penal system in this state did not necessarily get reformed, but they actually come out a better criminal."

Durkin: "Representative, the people who would qualify for this are ones who are only convicted of possessory offenses, correct?"

Turner, A.: "They have possessory often..."

Durkin: "Okay. My concern, which I discussed in committee is...."

Turner, A.: "But they have to be... What we've asked is that the courts evaluate him and that that person has to be shown addictive and that if he's addictive, if he has that problem, I believe that the addiction problem should be treated first versus the criminal problem. And I think

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that this is the way we ought to approach."

Durkin: "I don't disagree with you, but I just see that the way that sometimes people are charged, particularly in narcotics courts, where, as I said in committee, that guys are... they're charged with possession with intent to distribute, but, however, our Supreme Court, about 10 years ago in a case called People versus Crenshaw, it severely limited the state's ability to convict people for having a large amount of cocaine on their person when they're not exactly dealing. We know that it's not for their personal use, but it is there for distribution. However, these guys are being convicted of straight possession and my fear is that these individuals are going to qualify for these types of program if they can show some type of addictive nature. So, to the Bill. I still... I'm still a little bit troubled because this does limit a little bit of the discretion that our courts presently have and I don't believe I'll be able to support this Bill today."

Speaker Madigan: "Representative O'Brien."

O'Brien: "Thank you, Mr. Speaker. Will the Sponsor yield."

Speaker Madigan: "Sponsor will yield."

O'Brien: "I just rise in very strong support of this Bill. For the first time offender the judge still has discretion whether or not they're going to sentence to the Department of Corrections, give probation or order treatment. For a second time offender, obviously we know that this person has an addictive problem. They have a problem with drugs or alcohol. They need treatment. This will require that the judge is still going to have the discretion and as we often see that they are being placed on probation over and over again and not being sentenced to the Department of Corrections. They need this treatment. It protects them

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and it protects their families and other members in society and I strongly urge an 'aye' vote on this Bill."

Speaker Madigan: "Mr. Turner to close."

Turner, A.: "Thank you, Mr. Speaker. I think Representative O'Brien eloquently stated the need for the legislation and as I spoke earlier, two things: It does not preclude the judge from sending a person to jail. We are basically saying that we want treatment in a case where the person has been found addictive, that we think that the... better alternative. No, we just believe that that person should be or the courts ought to be able to require a treatment versus incarceration. But they still have that option and I move for the adoption of Senate Bill 218."

Speaker Madigan: "Those in favor of the passage of the Bill vote 'aye'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 89 'ayes', 27 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 856. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 856 is on the Order of Senate Bills Second Reading. It has been read a second time, previously. Amendments 1, 2, 3 and 4 have been adopted to the Bill. No Motions have been filed. Floor Amendment #5, offered by Representative Andrea Moore, has been approved for consideration."

Speaker Madigan: "Representative Andrea Moore."

Moore, A.: "Thank you, Mr. Speaker. Amendment #5 to Senate Bill 856 deletes the changes made in the definition of resident in the Income Tax Act as it pertains to trust, and this is actually an Amendment to the Department of Revenue's

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Administration Bill. We had discussed that in the committee and the Chicago Bar Association and the Corporate Fiduciary Association expressed concern about the changes that were made in this Section and request that the language be reinstated until a meeting could be held this summer to discuss the issue and to develop agreeable language between the trust attorneys and the Department of Revenue. The Department of Revenue is in agreement with this language and adoption of this language will remove the Corporate Fiduciary Association's opposition to the Bill."

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."

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

Clerk Rossi: "Senate Bill 856, a Bill for an Act in relation to taxes. Third Reading of this Senate Bill."

Speaker Madigan: "Representative Moore."

Moore, A.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 856, as amended, is the Department of Revenue's Administration proposals and it includes a waiver from the penalties for seniors who reside in a nursing home and fail to file estimated taxes. I'd be happy to answer any questions."

Speaker Madigan: "The Lady moves for the passage of the Bill. On that question the Chair recognizes Mr. McCarthy."

McCarthy: "I just have a Point of Personal Privilege, please, Speaker."

Speaker Madigan: "On this Bill?"

McCarthy: "No."

Speaker Madigan: "Can we wait until we do the Bill?"

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McCarthy: "I can wait."

Speaker Madigan: "Thank you. The Lady moves for the passage of the Bill. Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 117 'ayes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. McCarthy."

McCarthy: "I'd like to make an announcement, please, Speaker. With your permission."

Speaker Madigan: "Proceed, Mr. McCarthy."

McCarthy: "Thank you. I'd like the Ladies and Gentlemen of the House to join me in wishing one of our able staff members a happy 21st birthday. It's Matt Meyer, right here by our Bill box. So please join me in wishing Matt a birthday..."

Speaker Madigan: "Senate Bill 348, Mr. Novak. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 348 has been read a second time, previously. No committee Amendments. Floor Amendment #1, offered by Representative Novak, has been approved for consideration."

Speaker Madigan: "Mr. Novak."

Novak: "Yes, thank you, Mr. Speaker. Please withdraw Amendment #1."

Speaker Madigan: "Withdraw Amendment #1. Are there any further Amendments?"

Clerk Rossi: "Floor Amendment #3 offered by Representative Slone."

Speaker Madigan: "Representative Slone."

Slone: "Thank you, Mr. Speaker. Thank you, Members. I... As I said a few moments or a few hours ago when we were last discussing this Amendment, the purpose of the Amendment is

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to protect the water supply. As it is currently crafted this Amendment would affect one location in the state and it's purpose is to protect the drinking water in East Peoria where we have a problem with a potential expansion of a landfill into... in an area where there already exists four currently active community drinking wells within a half a mile of the proposed landfill site. We would appreciate a positive vote on this. I would be happy to answer any questions."

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

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

Speaker Madigan: "The Sponsor yields."

Hassert: "Representative, could you just explain to me what's the purpose, why do we need this Amendment?"

Slone: "The purpose of the Amendment, Mr. Hassert, is to try and ensure that in sites that have certain characteristics, it would be among the guidelines for the local siting authority that they not site above these without having a... without having the soil borings and so on before the local siting authority. Those characteristics are that it not be located above an aquifer that's used to supply drinking water."

Hassert: "I understand that part of it, but could you explain to me, is this site specific in your mind?"

Slone: "Yes. Oh, yes. Our understanding from the EPA is that this would take in only, currently, only this location in East Peoria."

Hassert: "But you're not for sure that this would only take in this location. So this could possibly affect sitings of other potential landfills throughout the state?"

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Slone: "I can't speak to other potential landfills. As to current landfills and landfill expansions at current sites, it would not affect those."

Hassert: "Okay, but just to make sure, this landfill that you're trying to stop from expanding, this has not gone through a local siting yet?"

Slone: "It has gone through a local siting procedure and before the vote was taken the application was withdrawn. It's our understanding that it will be refiled."

Hassert: "So right now you want to set a new criteria so you can address this landfill, but it hasn't even gone through a local siting criteria vote. It would have to come back. From my understanding it was withdrawn?"

Slone: "It was withdrawn. It will be..."

Hassert: "So they would have to redo..."

Slone: "They would have to refile."

Hassert: "...redo the whole filing."

Slone: "That is correct."

Hassert: "They have to go through the whole siting, which is a long extensive process. Right?"

Slone: "I don't know how long and extensive it would be. Quite a bit of testimony was taken in this siting hearing that's already been held. But the local siting authority would indeed have to hold a hearing within a certain period of time after the refileing."

Hassert: "But this Bill... My understanding in talking to the EPA is not just... just could affect this landfill. This could affect other sitings throughout the state."

Slone: "It could affect other sitings... other possible sitings."

Hassert: "Right."

Slone: "It does not currently affect any site currently or any..."



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Hassert: "Doesn't affect currently any sited landfills, but it could... you don't know of any other proposals throughout the state?"

Slone: "That would be affected, no."

Hassert: "Okay, but do you know of any landfill applications that could be affected right now?"

Slone: "No, not to my knowledge. No, none."

Hassert: "Cause I'm... Okay. Mr. Speaker, just before, so I don't forget, I would like to have a Roll Call on this and also a verification if it gets the required votes. Thank you, Representative. Just again, this... a similar Amendment was defeated in an Environmental Committee due to the fact that this could basically set a standard that we might not be able to site landfills in the northern part of the state. In doing so and narrowly trying to draft legislation that would affect a landfill in the Representative's district or close to her district. Unfortunately, this could set a standard that if we do not... another siting standard that would limit it's siting in the northern part of Illinois, so we possibly have to look for downstate for siting all landfills. I'd be very cautious in voting for this Amendment cause I think what you're doing is closing the door to a lot of the areas and particular in the downstate people should be very cautious of this Bill. I think it's a bad precedent we should set, and I would strongly encourage the Members to vote 'no' on this Amendment. Thank you."

Speaker Madigan: "Mr. Ackerman."

Ackerman: "Thank you, Mr. Speaker. This landfill has the potential, if expanded, to contaminate a very large area in the East Peoria, Tazewell County, Mason County area. It sits above the 'Sandcody' Aquifer and there's only about 90

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feet of soil between the landfill at the present time and the aquifer. There's many sand shafts in the area. There's reasonable expectations that the leachate could run out from this landfill into the Illinois River, which is very close to the landfill. East Peoria residents are very much alarmed by the proposed expansion. And I believe the Sponsor's done a very excellent job in narrowing this down where I would certainly not hesitate to ask for your strong support of this Bill. Thank you."

Slone: "Mr. Speaker."

Speaker Madigan: "Representative Slone."

Slone: "Thank you, Mr. Speaker. May I address... Thank you, Mr. Ackerman. May I..."

Speaker Madigan: "Could I make a suggestion? We'll recognize one more Republican and then we'll go to you to close."

Slone: "Thank you."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. To the Amendment. The... and I would do anything that I possibly could to help my friend and colleague, Representative Ackerman, and he certainly knows the East Peoria area better than I do, but I have for years cautioned, not only downstaters, but wherever you live in the state to be careful, very very, careful when you start to get very specific on a landfill siting issue. Because, and I'm probably going to step on some toes here and I don't mean to, but many of these landfill siting issues originate up north and it makes it very, very difficult then to site a landfill. And then guess what happens, the garbage from up north ends up being shipped downstate and they put it on railroad cars and they call it bale-fills or whatever and they come to us and they package it as

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economic development. Well, I don't want that kind of economic development. And any time I see legislation that makes it very, very difficult if not impossible, to site or expand a landfill a little light bulb goes on, and so, uh, oh, uh, oh. The populated areas are going to say, why we can't site a landfill, let's look downstate. Some of that old coal mine company, some of that farmland. They've got all kinds of land. We'll go down and sell this as a economic development issue and we'll buy hundreds of acres and we'll sell all of our garbage from up north and we'll bury it down south where they think it's economic development. I don't know that that's what this Amendment does, and it may not do that, but it's a first cousin to what I've heard in here before and I'm going to tell you now what I've said for the last eight or nine years, site your landfills where you live. Bury your garbage where you live. Don't make it impossible to site and then come down in my district and tell me what a good deal you have for me and my constituents. I rise in strong opposition to this Amendment. I urge a 'no' vote."

Speaker Madigan: "Representative Slone to close."

Slone: "Thank you, Mr. Speaker. Mr. Black, Tazewell County is downstate. I think Mr. Black should be very much in support of this Amendment and if I may address... if I may address a comment that Mr. Hassert made, he is absolutely correct that this Amendment, in it's original form as a House Bill, did lose before the Energy and Environment Committee some months ago. We've been working very, very hard ever since to narrow the focus down. That Bill would indeed have ruled out a lot of the state as a place to site a landfill. This Amendment does not do that. This Amendment is very narrowly drafted. It would be excellent

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public policy to apply it to any site in the state where a landfill might be proposed in the future because putting a landfill where three or more existing active community water supply wells are already in operation and the soil is sandy is a bad place to put a landfill even in another location besides the one that we're attempting to address here. We should not be messing up our children's water supply with landfill leachate. They deserve pure fresh water to drink and I urge a favorable vote. Thank you."

Speaker Madigan: "The Lady moves for the adoption of the Amendment. Those in favor vote 'aye'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 61 'ayes' and 55 'noes', and there is a request for a verification. The Clerk shall read the names of those voting 'aye'."

Clerk Rossi: "Poll of those voting in the affirmative: Representatives Acevedo. Ackerman. Bradford. Bradley. Brosnahan. Brunsvold. Bugielski. Burke. Capparelli. Crotty. Currie. Julie Curry. Dart. Monique Davis. Steve Davis. Terry Deering. Erwin. Fantin."

Speaker Madigan: "Excuse me, Mr. Clerk. The Gentleman withdraws his request for a verification. 61 'ayes', 55 'noes', the Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "Senate Bill 348, a Bill for an Act amending the Environmental Protection Act. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Novak."

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Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 348, the base Bill, simply extends the time line with respect to the promulgation of rules and regulations dealing with the proportionate share liability segment of the law that we passed last year or in 1995 pertaining to the brown fields legislation. The agency has not had enough time to put these very complicated and technical rules together. The underlying Bill simply extends the deadline. Be more than happy to entertain any questions."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 116 'ayes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 285. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 285 has been read a second time, previously. Floor Amendment #1 has been adopted to the Bill. No Motions have been filed. Floor #2, offered by Representative Rutherford, has been approved for consideration."

Speaker Madigan: "Mr. Rutherford."

Rutherford: "Thank you, Mr. Speaker. I'd like to withdraw Floor Amendment #2."

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

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

Speaker Madigan: "Mr. Rutherford."

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Rutherford: "Thank you, Mr. Speaker. Floor Amendment #3 to Senate Bill 285 creates a new class of exempt employees within the Chicago Transit Authority. The number of employees would not exceed three percent of their total employment there and it would also not include any employees who are represented by a labor organization that are at the CTA."

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

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "Senate Bill 285, a Bill for an Act amending the Illinois Highway Code. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Davis."

Davis, S.: "Thank you, Speaker, Ladies and Gentlemen of the House. Senate Bill 285 amends the Illinois Highway Code, to provide that the district treasurer shall receive an annual salary deemed appropriate instead of not less than 100 nor more than 1000 per year, and to be fixed by the County Board in road districts in counties not under township organization. It also includes a Section that came in under Floor Amendment #1 that would allow senior citizens transportation and mass transit programs out of district road funds. A road district may use money in it's district road fund to pay for all or part of the direct costs of senior citizen transportation programs or senior citizens mass transit programs or both. I would move for the passage of this Bill."

Speaker Madigan: "On the Bill, Mr. Black."

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

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for one question?"

Speaker Madigan: "The Sponsor yields."

Black: "Representative, the underlying Bill at one time had a salary increase for road district commissioners. Is that still in the Bill?"

Davis, S.: "No, it is not, Representative."

Black: "Okay. So basically you're dealing with senior transportation issues and the Amendments. Correct?"

Davis, S.: "The senior transportation issue was an Amendment to the underlying Bill."

Black: "Okay. All right. So there's no stipend left in the Bill?"

Davis, S.: "No, Sir."

Black: "Thank you."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 93 'ayes', 22 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. The Chair has one more item to do and... we have one more item to do. We would beg your indulgence on this because I know you'll not be happy to hear this called again. It concerns Mr. Giglio's Bill, Senate Bill 968. The Bill was on the Order of Postponed Consideration. It's been read a third time. Put the Bill in the record and there will be no debate. We all know what the Bill is. You can vote 'yes', you can vote 'no'. So, those in favor of the passage of a Vehicle Bill, signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who

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wish? Have all voted who wish? There is nothing in this Bill. Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk shall take the record. This Bill having 56 'ayes' and 61 'noes'. This Bill, having failed to receive a Constitutional Majority, is hereby declared lost. Mr. Clerk, anything further?"

Clerk Rossi "Nothing further, Mr. Speaker."

Speaker Madigan: "Representative Currie moves that the House does stand adjourned until 9:00 a.m. tomorrow morning. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it, the House does stand adjourned until 9:00 a.m. tomorrow morning."