

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

130th Legislative Day

May 22, 1998

Speaker Madigan: "The House shall come to order. The House shall come to order. The Members shall be in their Chairs. We shall be led in prayer today by Lee Crawford, the Assistant Pastor of the Victory Temple Church in Springfield. The guests in the gallery may wish to rise and join us for the invocation."

Pastor Crawford: "May we lift up and elevate our hearts. Most Gracious God, Creator of us all, from whom cometh all our help and all of our blessings. We ask that You will look upon us gathered here with Your favor, direct us in all of our actions. Grant to us vigilant hearts, give us minds to know You, the diligence to seek You and the wisdom to find You. Sanctify us with the grace of Your presence, bless us with the spirit of Your might, and assist us with the greatness of Your counsel that all of our endeavors may begin and end with You throughout this day and forevermore. This we kindly ask and pray. Amen."

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

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

Speaker Madigan: "Roll Call for Attendance. Representative Currie."

Currie: "Thank you, Speaker. It looks like we're all here. There are no excused absences today."

Speaker Madigan: "Mr. Cross."

Cross: "We're all here today, Mr. Speaker."

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

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

130th Legislative Day

May 22, 1998

Clerk."

Clerk Rossi: "The House Rules Committee will meet today at 10:25 in the Speaker's Conference Room. The Rules Committee will meet at 10:25 in the Speaker's Conference Room."

Speaker Madigan: "Mr. Clerk, on Agreed Resolutions."

Clerk Rossi: "House Resolution 518, offered by Representative Ryder. House Resolution 543, offered by Representative Granberg. House Resolution 544, offered by Representative Schakowsky. House Resolution 546, offered by Representative Bergman. House Resolution 548, offered by Representative Ronen. House Resolution 549, offered by Representative Giglio. House Resolution 550, offered by Representative Giglio. House Resolution 551, offered by Representative Giglio. House Resolution 552, offered by Representative Giglio. House Resolution 553, offered by Representative McGuire. House Resolution 554, offered by Representative O'Brien. House Resolution 556, offered by Representative Hannig. House Resolution 557, offered by Representative Stephens. House Resolution 558, offered by Representative Granberg. House Resolution 559, offered by Representative Granberg. House Resolution 560, offered by Representative Granberg. House Resolution 561, offered by Representative Granberg. House Resolution 562, offered by Representative Granberg. House Resolution 563, offered by Representative Granberg, and House Resolution 564, offered by Representative Granberg."

Speaker Madigan: "The Clerk has read the Agreed Resolutions. Representative Currie moves that the Agreed Resolutions be adopted. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Agreed Resolutions are adopted. Mr. Clerk. Is Representative Mary K. O'Brien in the chamber? Mr. Bergman. Is Mr. Bergman in the chamber? Do

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

130th Legislative Day

May 22, 1998

you wish to call House Bill 3374?"

Bergman: "Yes, Mr. Speaker. I've filed a Motion to nonconcur with Senate Amendment 1 to House Bill 3374."

Speaker Madigan: "And you so move? Mr. Bergman?"

Bergman: "Yes, I do."

Speaker Madigan: "Okay. You've all heard the Gentleman's Motion. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted. The Chair recognizes Mr. Bost on Senate Bill 1260. Mr. Bost."

Bost: "Thank you, Mr. Speaker. Senate Bill 1260, I would like to make a Motion to refuse to recede."

Speaker Madigan: "The Gentleman makes his Motion. You've all heard his Motion. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted. The Chair recognizes Mr. Righter."

Righter: "A point of personal privilege, Mr. Speaker."

Speaker Madigan: "State your point."

Righter: "Thank you, Mr. Speaker. I'd like the Members of the General Assembly to welcome from my district in Charleston, Illinois, the third graders from Carl Sandburg Grade School in the west balcony, right above me. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative Currie, Chairperson from the Committee on Rules, to which the following measures were referred, action taken on May 22, 1998, reported the same back with the following recommendations: 'to the floor for consideration' Motion to concur in Senate Amendments 1 and 3 to House Bill 2950. Motion to concur in Senate Amendment 1 to House Bill 3286. Conference Committee Report #1 on Senate Bill 3. Floor Amendment #2 to Senate Bill 1267. Supplemental Calendar #1

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

130th Legislative Day

May 22, 1998

is being distributed."

Speaker Madigan: "Mr. Black. Mr. Black. Mr. Black, I have great news for you."

Black: "Yes, Mr. Speaker."

Speaker Madigan: "There's a Supplemental Calendar carrying Senate Bill 3."

Black: "I... I appreciate it. I have filed innumerable Motions. My pen ran out of ink on the discharge sheets."

Speaker Madigan: "Well, I wanted you to know... be the first to know."

Black: "Well, and I am deeply grateful..."

Speaker Madigan: "I know you are."

Black: "...Mr. Speaker. Thank you."

Speaker Madigan: "I can see that on your face."

Black: "... Yes... "

Speaker Madigan: "So, on Supplemental Calendar #1 on the Order of Conference Committee Reports, appears Senate Bill 3, Mr. Hannig."

Hannig: "Thank you, Mr. Speaker and Members of the House. This is the Bill that many have been waiting for. It's the first of two votes we'll take on this Bill today. Last night around 7:30 we reached an agreement with the Governor's Office, with the Chicago Teachers Unions, the IFT, the IEA, the Senate Republicans, and we believe that we now have all parties on board and working together to put a teachers retirement Bill into law before we leave this chamber this evening. This proposal would require that the teachers contribute some additional payroll taxes. In return they would be given a improved benefit formula and I think many of us already know most of what is in this Bill. The Governor will Amendatorily Veto it and send it back to us for consideration, and at that time, we will

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

130th Legislative Day

May 22, 1998

discuss those changes. So, this Bill that we act on today will allow teachers to retire at a more equitable pension benefit. It will provide them with some of the benefits that we gave to state employees earlier in the Session, that is last year, and I think it is a fair Bill and I would ask for your support."

Speaker Madigan: "Mr. Hoeft."

Hoeft: "Thank you, Mr. Speaker. This is the famous 2.2, which is a Bill that is extremely generous to the teachers. My colleagues and no one will dispute the needs to continue to press forward with helping our teachers, particularly in their retirement system. The question is not the benefits, the question is the cost to the State of Illinois. Everyone received in the mail a summary of the newspaper editorials throughout the state, which looked at the fiscal impact on this. And let me repeat, total cost to the State of Illinois for this is a \$5.8 billion increase, local school districts \$10.1 billion increase, \$15 billion, \$16 billion dollars, actually, if you take them together, increase in the unfunded liability to our local school districts and the State of Illinois. If you're concerned about how the school districts are going to pay for this, if you're concerned about how the state is going to pay for this, this is a major, major focus. My question to you, Representative Hannig, the Illinois School Board Association, have they signed off as a proponent for this?"

Hannig: "Well, Representative, the arrangement that the Governor struck with the teachers unions would require that they pay, the teachers pay, an additional 1% of their salaries of the payroll tax to fund this pension benefit. The deal that was struck yesterday would decrease the amount of money that school boards would be asked to contribute by

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

130th Legislative Day

May 22, 1998

about 40%, I am told, and it was represented at the press conference, not by me, but it was represented by the press conference by representatives of the Governor's Office that they had discussed this with the School Board Association and that they were in agreement with the changes, and they certainly like the Bill that we will ultimately see, better than the original proposal."

Hoelt: "The school boards that I have talked to still are in opposition to this because of the potential unfunded liability that is going to be given to them. Let's be very clear here, folks. We don't know how much this is gonna impact our school districts. One estimation was that half of the money that we passed in the reform package of House Bill 452, half the money will now have to be used by school districts to pay for this increase. I think that it is very clear that you are focusing on either the benefit to the teacher and/or the cost to the state. This is your fiscal integrity vote for the 90th General Assembly. This will have major impact on state budget and local school district budgets for the next 50 years. You got to focus on... you got to focus on the impact that this will have on school districts paying for curriculum, textbooks, teacher salaries, 20 years, 25 years from now. This is a tremendously important Bill for this Session. I would ask you to take a look and balance out teacher needs versus childrens' needs in the future. Thank you, Mr. Speaker."

Speaker Madigan: "Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I am so happy on my last day of participation in this great Body and regular Session to be able to stand in support of an equitable pension Bill for teachers in the State of Illinois. You know, before anyone gets up and

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

130th Legislative Day

May 22, 1998

talks against this legislation, I think we ought to take a good look at how we've taken care of ourselves and our own pensions. I'm very cognizant of that. It's something I think about as I leave this Body and we've made sure that in our retirement we do pretty well. And so, it seems to me, if we think about the teachers that we've had in our lives, the teachers that instruct our children and grandchildren, and the thousands and millions of teachers who depend on a retirement package that thus far has been, not only inadequate, but when you compare it to others around the country and others in the State of Illinois, inequitable, unfair, and so I think we have an opportunity at last today to begin to do something that is long overdue to take care of the people who are in charge of our futures who take care of our kids and insure that we are going to be able to provide a good education. They deserve it and I think that they deserve our 'yes' vote."

Speaker Madigan: "Representative Persico."

Persico: "Thank you, Mr. Speaker. Due to a possible conflict of interest, I will be voting 'present' on this Bill."

Speaker Madigan: "Representative Davis."

Davis, M.: "Thanks, Mr. Speaker. Some may perceive a conflict on my part, however, I believe I am compelled to vote for those wonderful people who help educate our children who do a wonderful job on a day to day basis, and in many locations they prevent the kind of tragedy that we've recently read and heard about. It is the people in these buildings who actually are many times responsible for preventing urban or rural tragedies. They also extend themselves late past the evening dinner hour grading papers, grading report cards. Today they must also be very capable social workers in order to deal with the problems

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

130th Legislative Day

May 22, 1998

of children who actually see less of their parents than they do of the teacher. I believe that this piece of legislation is one of the most significant, the most honorable and the most valuable that we've worked on this Session. I know that some people had to make concessions and those concessions are greatly appreciated. I believe that we attract honorable, qualified people to the profession when they're treated fairly and when they're given an opportunity to retire at a reasonable age. Mr. Speaker, I want to gracefully thank you for the hard work that you've put on this legislation, and conflict or not, I will be voting 'yes'."

Speaker Madigan: "Mr. Mitchell."

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

Speaker Madigan: "The Sponsor yields."

Mitchell: "Representative Hannig, does this change or the modification that we will finally get when this whole process works itself out. Does it affect those that have retired already and are already in the retirement system?"

Hannig: "No, Representative, like any retirement Bill, it doesn't affect anyone until the effective date."

Mitchell: "So okay, I just wanted to make sure that everybody understands that this isn't retroactive. Darn it. To the Bill, Mr. Speaker. I echo many of the comments by Representative Schakowsky, Representative Davis. We need to do this. Teachers deserve this. I don't know how many of you heard, saw the headlines this morning, but there was another random shooting at a school in Oregon. Now we expect teachers to not only educate kids, but try to protect them, try to teach them that violence gets them nowhere, and I think sometimes they feel like it's a losing cause. The majority of the teachers that I've come in

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

130th Legislative Day

May 22, 1998

contact with over the past twenty-five to thirty years have been hard-working, dedicated and concerned about tomorrow. The IEA has a new book out called Rise that has a comment or a quote in it that says, 'School, four walls with tomorrow inside', and that's exactly what it is. Teachers in the State of Illinois hold the key to the future of this state. The majority of us came out of our public schools. The majority of us were taught by public school teachers. This is a program that's expensive, yes, but it's being done in other states. It's affordable. We will survive and those teachers that have given the best years of their lives to the education of the youth, will be able to retire with some kind of respect and some kind of less worry. It's time to do this. It's important to do this, and I think as long as the economy continues to move forward and teachers continue to do a better job, as we hold them more and more accountable, then it's our responsibility to make sure that their retirement, their pension is at least equal to state employees and other states. Mr. Speaker, I urge an 'aye' vote on this Bill. Thank you."

Speaker Madigan: "Mr. Lang."

Lang: "Thank you, Mr. Speaker. I rise in strong support of this Conference Committee Report. We need to continue our efforts to strengthen benefits for all public employees. If we want the best and the brightest to become teachers, be involved in fire departments and police departments and provide public service, we must do our best to provide appropriate benefits so that these folks will want to become public servants, as opposed to making perhaps more money in the private sector. In addition, I'm pleased that we're doing this for teachers in particular. As you know, the status and quality of teaching was raised in the recent

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

130th Legislative Day

May 22, 1998

Presidential Election where one of the Presidential candidates, the one who lost, indicated that teachers were the problem in education today. Teachers are far from the problem in education today. We have bright, excellent teachers in the State of Illinois that want only to be uplifted by us and respected by us so that they can do their job without concern about their financial well-being. This Bill will do that. They deserve this. This is a good compromise and one that is longtime coming. I salute all who were involved and I salute the teachers who have been patiently waiting for the passage of this Bill."

Speaker Madigan: "Mr. John Jones."

Jones, J.: "Thank you, Mr. Speaker. I simply rise in strong support of Senate Bill 3. It's been a longtime coming in this Spring Session. It's a shame that we had to wait 'til the last day to do it, but at least we're doing it. You know, the teachers in the State of Illinois are the ones that mold and educate our young people. They are our future and it's high time that we did the right thing and Senate Bill 3 does the right thing for the teachers of the State of Illinois and I would strongly urge an 'aye' vote on Senate Bill 3. Thank you."

Speaker Madigan: "Mr. Woolard."

Woolard: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think that one of the previous speakers made mention of the fact that there are some school boards that are probably still concerned about this legislation, but let me share that not all school boards view it in the same fashion, because I know a particular school district in the region that I represent that told me that if this is passed, as presented, that we will save in that school district in excess of \$100,000 a year just by reducing the

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

130th Legislative Day

May 22, 1998

higher priced teachers and replacing them with beginning salaried teachers in their place. Once again, as has been stated by a lot of the other speakers, I believe that this is something that is well in time. I think this is something that we should have been looking to come to solutions on long before now. Thirty-eight years is entirely too long for an individual to be trapped in a business of teaching kids in the restraints that are there today. I think everyone recognizes that this is one of the jobs that is most important for all of us, but it also is one of those things that we all have to recognize that is very difficult to find quality individuals who are willing to go. Hopefully, this will be the step that will make it easier and better for all of us to find the right kind of people to take care of our kids and grandkids in the future. We thank you, Mr. Speaker, and all of those people involved. We know that the Governor has worked diligently to make this something that we can afford, and we believe that the teachers of this state, if they accept this in the true spirit that it should be, will be much better served in the future."

Speaker Madigan: "Representative Cowlshaw."

Cowlshaw: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, for years we have read reports and heard arguments about the fact that no matter what else there may be in any school in America, the most critical element of any child's education is a classroom teacher. I am convinced that even if the building is in disrepair, even if the principal of that school lacks leadership qualities, as long as that classroom teacher is inspired to inspire the children to learn, those children will be just fine. But there is also an environment for teachers, that is the environment

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

130th Legislative Day

May 22, 1998

amongst their colleagues, the other teachers in that building. And there is, of course, the issue of what their compensation is, not only during the years when they are actively teaching, but what they have to look forward to in retirement. And, Mr. Speaker, teachers like all the rest of us are human beings, they simply perform better when they have that feeling of self-confidence that, number one, they are being adequately compensated, that they will have a well-supported retirement, and that, in fact, those kinds of things, the monetary things, are simply evidences of the respect that we have for teachers and our understanding of their vital role in the future of America. Mr. Speaker, I would suggest that every Member of this House should be a 'yes' vote on Senate Bill 3. Thank you, Sir."

Speaker Madigan: "Mr. Hannig to close."

Hannig: "Thank you, Mr. Speaker. We had a Bill yesterday that was not agreed to and faced a hostile Veto from the Governor. We have an arrangement today with the Governor and with the teachers and with the Senate Republicans that we can enact and make sure that we have a real Bill that will allow teachers to retire at the end of this school year, and to begin to reap some of the benefits of their retirement after this school year. So, this is a good proposal to bring some parity and equity to Illinois school teachers with their pension benefits, and I'd urge a 'yes' vote."

Speaker Madigan: "The question is, 'Shall this Report be adopted?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Mr. Black."

Black: "Yes, thank you very much, Mr. Speaker. I believe I have a potential conflict of interest on this legislation and I

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

130th Legislative Day

May 22, 1998

will be voting 'present'."

Speaker Madigan: "Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 112 people voting 'aye', 3 people voting 'no'. The Motion is adopted, and this Bill, having received a Constitutional Majority, is hereby declared passed. On Supplemental Calendar #1, there appears House Bill 2950. Mr. Ryder. Mr. Ryder. Mr. Ryder. Mr. Ryder."

Ryder: "Thank you, Mr. Speaker. I would move to concur with Senate Amendments 1 and 3 to House Bill 2950. Senate Amendment 1 becomes the Bill and extends the sunset for R & D Credits Corporations in the State of Illinois, which were due to expire in 1999 and Senate Amendment #3 provides a sales tax exemption for geographical information systems used in the agricultural enterprise. I would be glad to answer any questions on this Motion."

Speaker Madigan: "The Gentleman moves to concur in Senate Amendment #1 and #3. Is there any discussion? Mr. Hartke."

Hartke: "Thank you very much, Mr. Speaker, Members of the House. I stand in support of the Motion to concur in these Amendments. I think they're very important for the economy in the State of Illinois and especially agriculture. Thank you."

Speaker Madigan: "Mr. Ryder moves to concur in Senate Amendments #1 and 3. Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? This is a Third Reading Roll Call. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 108 people voting 'aye', 7 people voting 'no'. The House does concur in Senate Amendments #1 and 3. Mr. Ryder. Representative Kosel. Representative Kosel. Representative Kosel, on page 6 of the Calendar on

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

130th Legislative Day

May 22, 1998

the Order of Nonconcurrency, Senate Bill 1246."

Kosel: "Thank you, Mr. Speaker. I'd like to refuse to recede from Amendment #1, and ask... "

Speaker Madigan: "You've all heard the Lady's Motion. Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. The Motion is adopted."

Kosel: "I'd like to call for a Conference Committee on that, please."

Speaker Madigan: "Yes. Is Mr. Ryder in the chamber? Mr. Ryder. Mr. Ryder. Is Mr. Ryder in the chamber? Mr. Ryder, on page 3 of the Calendar, on the Order of Senate Bills - Third Reading, there appears Senate Bill 1598. Do you wish to put this on Second Reading?"

Ryder: "Yes, I would ask leave of the Body to return Senate Bill 1598 to Second Reading for the purposes of an Amendment."

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

Clerk Bolin: "Senate Bill 1598. Floor Amendment #2, offered by Representative Hoeft, has been approved for consideration."

Speaker Madigan: "Mr. Hoeft. Mr. Ryder."

Ryder: "Mr. Speaker, I would accept Senate Amendment or House Amendment #2 as a friendly Amendment and move for its adoption."

Speaker Madigan: "Mr. Ryder moves for the adoption of Amendment #2. There being no discussion, the question is, 'Shall the the Amendment be adopted?' Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Madigan: "Mr. Clerk, leave this on the Order of Second Reading."

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

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

130th Legislative Day

May 22, 1998

All notes that have been requested on the Bill have been filed."

Speaker Madigan: "Leave the Bill on the Order of Second Reading. Mr. Morrow."

Morrow: "Thank you, Mr. Speaker, and I'm sorry that I had to get you out of your Chair, but I want to rise on a point of personal privilege. In the gallery just behind you, are fifth, sixth, and eighth grade students from Marquette School in the City of Chicago. Will my colleagues from the General Assembly give them a warm applause and a nice welcome here in Springfield? Marquette School, stand up."

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 Madigan: "Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative Currie, Chairperson from the Committee on Rules, to which the following items were referred, action taken on May 22, 1998, reported the same back with the following recommendation: 'to the floor for consideration' Senate Bill 340 to the Order of Second Reading. Senate Bill 1618 to the Order of Second Reading. Senate Bill 1713, Motion to recede. Senate Bill 1598, House Amendment #3 is 'approved for consideration'."

Speaker Madigan: "Mr. Ryder, Senate Bill 1598. Mr. Clerk, what is the status of the Bill? Fifteen ninety-eight."

Clerk Rossi: "Senate Bill 1598 has been read a second time, previously. Floor Amendments 1 and 2 have been adopted to the Bill. No Motions have been filed. Floor Amendment #3, offered by Representative Ryder has been approved for consideration."

Speaker Madigan: "Mr. Ryder."

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

130th Legislative Day

May 22, 1998

Ryder: "Thank you, Mr. Speaker. Floor Amendment #3 clarifies that the school waiver process does not apply to any mandate that may be abolished or rendered inapplicable to a school district by referendum of the people. The purpose is to indicate that the waiver process was not meant to be a substitute for the will of the people in the event they have the ability by referendum to overrule a mandate then it should not be the position of the General Assembly that we are the sole arbiters of that wisdom and I would move for its adoption."

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

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

Speaker Madigan: "The Sponsor yields."

Cross: "Representative, what's the genesis of this Amendment?"

Ryder: "Representative, when we first started the waiver process, it was thought that the waiver process would be appropriate for consideration of issues, such as, physical education, other kinds of things. And what we found is that in some cases school districts are now bringing to us issues that could be decided by referendum, by the vote of the people. I didn't contemplate that when I voted in favor of the mandate policy that we now have and this simply clarifies the issue that we do not expect the mandate policy to overrule in areas where the people may be able to speak by referendum."

Cross: "Who's pushing the Bill?"

Ryder: "Excuse me?"

Cross: "Who is a propon... who are the proponents of the Bill?"

Ryder: "Well, I was asked to support this Bill by some attorneys for school districts who I think simply wanted clarification on this issue. I would not tell you that

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

130th Legislative Day

May 22, 1998

there is a specific... I would not tell you that there's a specific group in support of it."

Cross: "Inquiry of the Chair, Mr. Speaker."

Speaker Madigan: "State your inquiry."

Cross: "We're not able to find this on our computer. Is there... is there an Amendment floating around we can have?"

Speaker Madigan: "Absolutely. Mr. Clerk, would there be a copy of the Amendment for Mr. Cross?"

Cross: "And, Mr. Speaker, with all due respect to the Sponsor, I thought we had some understanding it would all be in our computers before we voted on Amendments."

Speaker Madigan: "Mr. Ryder."

Ryder: "Mr. Speaker, I didn't realize that we were moving ahead of the computer. I'd be happy to ask leave of the Body to withdraw this Bill from consideration now, and if you would come back to it after we've had an opportunity, I'm happy to do that, Sir."

Speaker Madigan: "Take the Bill out of the record."

Clerk Rossi: "Supplemental Calendar #2 is being distributed."

Speaker Madigan: "Is Mr. Dart in the chamber? Mr. Dart. On Supplemental Calendar #2, there appears on the Order of Nonconcurrency, Senate Bill 1713, Mr. Dart."

Dart: "Thank you, Mr. Speaker. Senate Bill... Members of the General Assembly. Senate Bill 1713, I move to recede from House Amendment #2... yes, thank you, Mr. Speaker. I move to recede from House Amendment #2 to Senate Bill 1713. We had this Bill in front of us and there was a lengthy debate on it and most of it centered on House Amendment #2, and at that time, I made a commitment to Representative Black and other Members that if there was not an appropriation to make House Amendment #2 work, that I would recede from that Amendment so that the Bill could go to the Governor's

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

130th Legislative Day

May 22, 1998

Office. This is cleanup language, which was suggested by the Attorney General's Office and by the Department of Human Services in regards to the Sexually Violent Persons Act and there was an attempt under Amendment #2 to change the way that the individuals are being defended. We are unable to get the funding for that at this point in time, so I agree to recede from that Amendment."

Speaker Madigan: "You have all heard the Gentleman's Motion. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted. Mr. Dart. The Clerk advises that we need a record vote on this question. So, you've all heard the Gentleman's Motion. Those in favor signify by voting 'aye'; those opposed by voting 'no'. 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. There are 118 people voting 'aye', 0 voting 'no'. The Gentleman's Motion is adopted and this Bill, having received a Constitutional Majority, is hereby declared passed. Is Mr. Ryder in the chamber? Mr. Ryder. Representative Crotty."

Crotty: "Thank you, Speaker. I don't know if anyone else has noticed, but today when I came in and I looked at Tom Dart, I thought something was different and I realized Tom Dart looks one heck of a lot older today than what he did yesterday. So, if you care to join me and... if Congressman Phelps would lead us to 'Happy Birthday' to Tommy Dart, that would be great. Happy Birthday, Tom."

Speaker Madigan: "Mr. Phelps. Mr. Phelps. There's a request for a 'Happy Birthday', Mr. Phelps. Representative Tom Dart."

Phelps: "Sings 'Happy Birthday'."

Speaker Madigan: "Mr. Clerk, on the Order of Senate Bills - Third Reading, there appears Senate Bill 1598. What is the

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

130th Legislative Day

May 22, 1998

status of the Bill, Mr. Clerk?"

Clerk Rossi: "Senate Bill 1598 is on the Order of Senate Bills - Second Reading and has been read a second time, previously. Floor Amendments 1 and 2 have been adopted to the Bill. Floor Amendment #3, offered by Representative Ryder, has been approved for consideration."

Speaker Madigan: "Mr. Ryder."

Ryder: "Thank you, Mr. Speaker. The Bill and the Amendment are now on the system for your edification. The rationale for this clarification is that the people's right to referendum should not be subverted by the use of a bureaucratic procedure and the only mandate affected by this Amendment is the right to abolish township school trustees by referendum. I would be glad to answer any questions."

Speaker Madigan: "Mr. Skinner."

Skinner: "The only effect this could possibly have is the ability to abolish township trustees, school trustees."

Ryder: "Township school trustees by referendum."

Skinner: "And what about treasurers?"

Ryder: "No, that is, that is not part of what this Bill does. It's the only item... treasurers are not able to be abolished by referenda."

Skinner: "All right, but it says any mandate in your... on line 5, of page 2 of your Amendment and no other..."

Ryder: "Only those that can be abolished by referenda and, to my knowledge, the only ones that can be abolished by referenda are township school trustees."

Skinner: "Well, I'm sure not a school expert, so I can't contradict you. You're probably right."

Speaker Madigan: "Mr. Black."

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

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

130th Legislative Day

May 22, 1998

Speaker Madigan: "The Sponsor yields."

Black: "Is this Representative Ryder with a 'y'? Oh, yes it is, I see. Representative, is... well, let me make an inquiry of Chair. Is Floor Amendment #2 still on the Bill?"

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

Clerk Rossi: "Floor Amendment #2 is on the Bill."

Black: "So, that's why he's moving to adopt Floor Amendment #3?"

Speaker Madigan: "Mr. Ryder."

Ryder: "Yes."

Black: "And you explained that this can only... you can only abolish that that can be abolished through the abolishment process by referendum, correct?"

Ryder: "Yes."

Black: "And it only affects regional school trustees?"

Ryder: "No."

Black: "Oh, who else does it affect?"

Ryder: "Township school trustees."

Black: "Are those distributed throughout the State of Illinois? I have not heard that."

Ryder: "I'm sorry?"

Black: "I've not heard of it, seriously, of a township school trustee. I've heard county school trustees. Is this just in some ... townships?"

Ryder: "The reason, Representative Black, that you may not be thoroughly conversant with this issue is that they exist in the County of Cook."

Black: "Oooh. So, this only affects the County of Cook?"

Ryder: "Township school trustees are only in the County of Cook to my knowledge."

Black: "There wouldn't be any overlap though, would there?"

Ryder: "No overlap to my knowledge, Sir."

Black: "Once again, Representative, I simply rise to congratulate

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

130th Legislative Day

May 22, 1998

you on crafting an Amendment that is concise, clear and to the point, and I..."

Ryder: "I'll try..."

Black: "...stand in favor of your Amendment."

Ryder: "I'll try to do better next time."

Speaker Madigan: "Representative Wojcik."

Wojcik: "Would the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Wojcik: "Representative, I seem... I'm trying to have an instant recall here. It seems to me that we have abolished the trustees or did we abolish the school treasurers, the township school treasurers?"

Ryder: "You may have accomplished that by referendum, yes."

Wojcik: "So, it's the school treasurers that we've accomplished by referendum and now we are abolishing the trustees?"

Ryder: "No, ma'am, just the opposite. What this Bill says is that we cannot use the mandate waiver process to abolish that which can be abolished by referenda. So that we're not setting ourselves up to judge what the people could judge in referenda, which is the township school trustees."

Wojcik: "Are the township school trustees in favor of this or is... who is... who's making this decision or has created this issue?"

Ryder: "It's the people that make the decision. They're the ones that vote on the referendum whether they wish to maintain school trustees or not. I'm not familiar with any recent action in this regard. What I am concerned about is asking the General Assembly to substitute our judgement for the judgement of the people in those townships who by law have the ability to eliminate township trustees if they wish. This would prohibit the General Assembly from abolishing township school trustees."

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

130th Legislative Day

May 22, 1998

Wojcik: "And what you're saying is that only Cook County has this. There's no other county that has school trustees?"

Ryder: "Representative, I'm not going to tell you there is no example on the other 101 counties in the State of Illinois, but the most predominant number is indeed in the County of Cook."

Wojcik: "Thank you."

Speaker Madigan: "Mr. Mitchell."

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

Speaker Madigan: "The Sponsor yields."

Mitchell: "Representative, I think you just said that this is on the system."

Ryder: "Are you speaking of the computer system, Sir?"

Mitchell: "Yes."

Ryder: "Yes, I just confirmed with the computer in front of me. You do need to download, update, modify, hard disk, zip drive, and punctuate in order to accommodate the numbers that are available for your edification."

Mitchell: "Okay."

Ryder: "Thank you."

Mitchell: "Thank you. You state that this is one area of the School Code that we will no longer be able to waive, is that correct?"

Ryder: "Yes."

Mitchell: "Don't you feel like we may be starting a little risky process here when we start a list of things that cannot be waived? I think the integrity of the Bill that we passed a few years ago, may be in jeopardy if we begin a list of areas and ways that we can get around the Bill that we just passed."

Ryder: "Representative, I think your concern is very well founded, and were it not that we're exclusively limiting to

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

130th Legislative Day

May 22, 1998

this, to an area in which the people may speak by referendum, I would be wholeheartedly in support of what you're saying, but I think it is a mistake for us in the General Assembly to suggest in this area, since voters have the opportunity to make the decision that we should be making the decision for them, and for that reason it is why I'm so very narrow in the outline of this Amendment."

Mitchell: "Do you know... Have we, in fact, granted any waivers in this area up to this point?"

Ryder: "I do not know."

Mitchell: "Okay. It looks to me like something that takes a referendum in order to change what is... would not be waivable anyway, certainly not in a court of law."

Ryder: "Representative, that was my understanding. Folks who asked me to consider this Amendment changed my mind and their concern that that will indeed be the case, and that's why we're doing this Amendment to accomplish the very goal that you said is what you thought it should be."

Mitchell: "Thank you, Representative."

Ryder: "You're welcome."

Mitchell: "Mr. Speaker, to the Bill... or to the Amendment. I think just a word of caution here. Once we start down this road, we may, in fact, wind up with a very complicated process of having some things that you can look at, some things that you cannot look at as far as waiver ability. If we do, in fact, do that, we may wind up needing a score card to see what we can and cannot do in the State Legislature. I don't know, maybe we need to go back and address the whole issue as Representative Black said, and do away with the whole thing. I... it, it... this process gets more and more complicated as we head down the road. So, just a word of caution on this Amendment. Thank you."

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

130th Legislative Day

May 22, 1998

Speaker Madigan: "Representative Lyons."

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

Speaker Madigan: "The Sponsor yields."

Ryder: "Certainly."

Lyons: "Representative, I'm a Representative in Cook County, obviously."

Ryder: "Congratulations."

Lyons: "Is there any opposition to your Bill?"

Ryder: "I've not heard of any, but in truth I'm not going to suggest that there isn't opposition because it's the last day and I'm the first to admit that this Amendment came very quickly."

Lyons: "I've just been informed that the Alliance is opposed to the Bill."

Ryder: "They very well may be. Obviously, they've not had a chance to contact me in this regard."

Lyons: "Can you tell me why you think they would be opposed to the Bill?"

Ryder: "I really don't want to speak for them, Representative. I don't know."

Lyons: "So, you know of no opposition other than..."

Ryder: "Yes, but the Bill came up quickly, the Amendment came up quickly so I don't think that you should make any assumptions in that regard."

Lyons: "Well, I just want to let the Representatives from Cook County know that the Alliance is strongly opposed to this Bill. Thank you."

Speaker Madigan: "Representative Kosel."

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

Speaker Madigan: "Sponsor yields."

Ryder: "Certainly."

Kosel: "I guess I want to reiterate what's been spoken before."

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

130th Legislative Day

May 22, 1998

This would be the first time that we have added to the prohibition of things in the waiver, is that correct?"

Ryder: "Clearly this makes a clarification, which is the way I wish to characterize it, that we can't do by mandate what voters can do by referenda."

Kosel: "But this..."

Ryder: "That was... that was, by the way, my understanding when we passed the mandate procedure earlier, and apparently there's been questions raised about whether it could or could not. I look at this as a clarification. You're certainly entitled, Representative, if you wish to characterize it as an exception, you're entitled to make that characterization, if you wish."

Kosel: "This would be the first time that we would add something to that prohibited list since the Bill was passed?"

Ryder: "I'm not aware."

Kosel: "I guess I want to reiterate some of the things that has been said before that I think we are setting a dangerous precedent here that can make the whole waiver Bill even more complicated to deal with than what it has been, and I would urge us not to support this Amendment. Thank you."

Speaker Madigan: "Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker. To answer questions from people like Representative Kosel, Representative Lyons and others who may live in or near suburban Cook County. The Alliance is opposed to this particular Amendment for a very philosophical reason. When the mandate waiver Bill was negotiated in the first place, and it is my estimate that there were approximately 800 individuals involved in negotiating that Bill, the Alliance was very active in that negotiation and there are already things that cannot be subject to waivers listed in the

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

130th Legislative Day

May 22, 1998

Bill, things like special education, teacher certification and so on. That list was negotiated with this very large group of people and it is already in the Mandate Waiver Law. This Amendment is not meant to add to that list, but only to clarify something that I think probably most of us would think made pretty good sense in the first place, but it does need to be clarified, and that is, township boards of school trustees, and this is very confusing because there are also regional boards of school trustees in downstate Illinois. This does not apply to them. It only applies to township school trustees, which are presumably primarily in suburban Cook County. Those people are elected. There is now a process in the Election Code that permits a school district to put on the ballot for the general population to vote to abolish a regional board of school trustees if there is some reason why the population might wish to do that. Clearly, if these people are elected in the first place, you should not be able to abolish them without holding an election. There isn't a school board in Illinois that would want to be subject to being abolished without some kind of popular vote. Consequently, this is simply a clarification. It does not add to the list of things that are exempt from being requested as mandate waivers. Now, in addition to all that, I have discussed at length this Amendment and its precise language with the attorneys who have been retained by the township school trustees, and I am told that it is not only the opinion of that law firm, but also the State Board of Education, that Amendment does precisely what I have just told you and absolutely nothing else, and I have their pledge that if this is later interpreted to do something else, they will be the first to step forward to

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

130th Legislative Day

May 22, 1998

get that corrected. So, really this is not an addition to the mandate waivers that are not permitted, it is simply a clarification of the fact that those people who are elected, can only have the Body to which they were elected abolished, also by a popular vote, and therefore, I think this deserves to be supported."

Speaker Madigan: "Mr. Ryder."

Ryder: "Thank you, Mr. Speaker. I appreciate the questions that have been raised and until I can answer those questions explicitly, I'll ask the indulgence of the Body to remove the Amendment and the Bill from the record."

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

Speaker Brunsvold: "Representative Brunsvold in the Chair. I'd like to introduce in the... on the Democratic side of the aisle in the balcony, the Westmere eighth grade. Westmere students want to stand up? Welcome to Springfield. They're from Mercer County in my district. Thanks for coming."

Speaker Hartke: "Representative Hartke in the Chair. Representative Lang, for what reason do you rise? Representative Lang."

Lang: "Thank you very much, Mr. Speaker. I just wanted to compliment you on the excellent order that you have in the chamber today. It's very quiet in here despite the fact that we're doing lots of work and I just wanted to tell you, as a Member, I appreciate it."

Speaker Hartke: "Thank you for the compliment. The Chair recognizes Representative Black, the Gentleman from Vermilion. For what purpose do you rise?"

Black: "Yes, thank you very much, Mr. Speaker. There are many of us on this side of the aisle. We've been... as Representative Lang said, we've all been rather quiet. The

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

130th Legislative Day

May 22, 1998

pace has been such today that we're literally on the verge of exhaustion and I noticed that you have been on the phone a great deal in the last hour and a half, no doubt talking to our Leader, and we were wondering if you and the Leader had agreed on perhaps a temporary recess so that we could maybe get some lunch, and come back at a reasonable time. I know the pace has been difficult, but since we really haven't done anything in two hours and twenty minutes, I thought maybe we could go to lunch and shut down our laptops and take a slight recess if it would be in order with the Chair."

Speaker Hartke: "Representative Black, this is a very good idea. Let me check and get back with you, and just what level of participation do we want to be at here?"

Black: "Yes, well I... I'm willing to pledge the resources of our side of the aisle, and I know I would be joined by Representative Lang, and it appears that the Chief Clerk is on the phone, as we speak, checking on these very important matters of the day. And we will be asked to, I'm sure, come back at a reasonable hour, somewhat refreshed. It's come to my attention that the Senate went in for 30 minutes and will soon come back in after their mid-afternoon naps, so perhaps we could also do that."

Speaker Hartke: "We'll check on that and get back with you."

Black: "Well, thank you. Thank you very much."

Speaker Hartke: "Representative Lang, for what purpose do you seek recognition?"

Lang: "Thank you. Mr. Speaker, was my name used in debate just now?"

Speaker Hartke: "I don't think that was a debate. It was just a comment."

Lang: "But it was used, right?"

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

130th Legislative Day

May 22, 1998

Speaker Hartke: "You've been used a lot lately."

Lang: "Actually I had nothing to say. I was just checking. I keep inventory on these things. Thank you."

Speaker Hartke: "Senate Bill 1267, Representative McCarthy. Senate Bill 1267, Representative McCarthy? Representative McCarthy. Representative Black, for what reason do you rise?"

Black: "At the appropriate time to ask insightful questions."

Speaker Hartke: "Okay. Representative Skinner, for the same purpose? You'll be recognized. Representative McCarthy. Representative McCarthy, on Senate Bill..."

McCarthy: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #2 to Senate Bill 1267 becomes the Bill, and it is the increase in the Circuit Breaker for our seniors and disabled, increasing the eligibility from 14,000 to 16,000. It basically doesn't change the pharmaceutical part of the Bill at all. The current grant for someone making... at the current maximum of 14,000 is a \$70 flat grant against our property taxes. This will extend that \$70 flat grant for people who are making between 14 and 16,000. So, it really doesn't change the formula, however, the 14 to 16,000 is an exception to the formula, and it'll be a flat grant of \$70."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Vermilion, Representative Black."

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

McCarthy: "Yes, Sir."

Black: "Yes, Representative, this language sounds familiar to me. Was there a House Bill that dealt with the Circuit Breaker Program?"

McCarthy: "I think there was, but I don't have the technical..."

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

130th Legislative Day

May 22, 1998

well, the technicalities of it."

Black: "I ran across it. Yes, in fact, it... House Bill 3184."

McCarthy: "Okay."

Black: "It was sponsored by Representative John Jones. What happened to that Bill, do you know? It was a very good Bill. I wonder what happened to that Bill."

McCarthy: "Maybe later in the debate, Representative Jones can help us out with that, because I have no way of knowing."

Black: "Yeah, well, it seems like it was held in the Rules Committee. It was never allowed to get a hearing in the committee. Do you... how many senior citizens do you estimate will be able to participate under the Circuit Breaker Program by your Amendment?"

McCarthy: "This Amendment will enable 49,000 additional seniors to take part in the program. There's about 218,000 now, so, 49,000 on top of that."

Black: "So, your Amendment will allow about 49,000 more seniors to participate. House Bill 3184 would have allowed 150,000 seniors... additional seniors to participate. Does your Amendment allow any additional pharmaceutical or prescription drugs to be purchased at a lower cost through the program?"

McCarthy: "No, the pharmaceutical parts of the program are still the same."

Black: "Well, doggone it. House Bill 3184 would have allowed seniors to receive a reduction on the pharmaceuticals for Parkinson's Disease, Alzheimer's Disease and certain cancer treatments, but your Amendment doesn't do that, huh?"

McCarthy: "Well, unfortunately, we are only... make a, I think, a significant step but not the greatest step forward at this time. In negotiations with the Governor and of course, our budget restrictions, while we'd like to go even farther, I

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

130th Legislative Day

May 22, 1998

think we're making a reasonable step forward and a forward step that we can all be proud of."

Black: "Well... and I appreciate that, Representative, I really do. Mr. Speaker, to the Bill."

Speaker Hartke: "To the Bill."

Black: "House Bill 3184, sponsored by Representative John Jones was held in the Rules Committee, and this would have raised the senior citizen household income from the \$14,000 currently, to \$25,000, a significant increase in the people who would be able to participate in the Circuit Breaker Program. Now, this Bill does increase the amount of income, but only from 14 to \$16,000. I would submit to you that the Bill... the Amendment does not keep pace with inflation, since the income limit has been on the books since 1985. Now, we had an opportunity, on four occasions, we had an opportunity to discharge House Bill 3184 that would have allowed 150,000 more seniors to participate, would have opened up lower cost drugs for Parkinson's Disease, Alzheimer's, and cancer treatment. Would have raised the income threshold from 14 to \$25,000, which would have been a... more in tune with inflation, since that ceiling of 14,000 hadn't been raised since 1985, and the Sponsor of this Amendment, while saying that he's willing to take a reasonable step, could have taken a giant step, but he voted against the Discharge Motion on House Bill 3184 four separate times. So, so, Ladies and Gentlemen of the House, when you go back home, when you go back home and tell your senior citizens what you tried to do for them or what you did for them, under the Circuit Breaker Program in the Amendment, sponsored by Representative McCarthy, make sure you tell them, as Paul Harvey says, the rest of the story. We could have done a lot better. We should have

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

130th Legislative Day

May 22, 1998

done a lot better. House Bill 3184 was a much better Bill, but Representative McCarthy would not vote to let that Bill out of Rules. I apologize to the seniors in my district because with Representative McCarthy's help, we could have, and we should have done much better."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Du Page, Representative Biggins."

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

McCarthy: "Yes."

Speaker Hartke: "He indicates he will."

Biggins: "Well, I'm a little disappointed here in this Bill, too, and I'm sure the seniors in my district will also be disappointed. On House Bill 3184 would have granted that many more senior citizens the opportunity to get some meaningful tax relief and assistance with their medical bills, but I wondered if the Sponsor could tell me what the cost to the state will be under the measure he's proposing in Floor Amendment #2?"

McCarthy: "The additional cost will be 8.3 million."

Biggins: "Now, if we had expanded this, as listed in House Bill 3184, do you know what the... are you familiar with what the total cost of that Bill would have been to the state?"

McCarthy: "I don't have it at my fingertips."

Biggins: "Were you familiar with the details of House Bill 3184?"

McCarthy: "I'm familiar with it but..."

Biggins: "And you don't know what the cost to the state would have been then?"

McCarthy: "Well, the... if this... to add the 49,000 people into it is 8.3 million, the earlier numbers that was predicted at a... 150,000 new people, then I think, I don't if the algebraic solution will hold true, but it would be somewhere in probably in the neighborhood of 30 to 50

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

130th Legislative Day

May 22, 1998

million."

Biggins: "Well, that's a big neighborhood to be in, actually, a \$20,000,000 spread like that, but... The total cost then, you estimate to be 8 point something million, under Floor Amendment #2, did you say?"

McCarthy: "I'm sorry, I stepped away for a second. I was informed, though, that it was at least 50, and maybe 60 million."

Biggins: "Well, welcome back. We didn't do much without you, but... Well, the total cost to the state you said was 8 point something million?"

McCarthy: "Eight point three."

Biggins: "Eight point three. Now, I don't know what... Do you have any suggestions as to what I would tell the seniors in my district who won't qualify now, because the income level is only \$16,000 and not higher than that? Do you have any advice to me, as a colleague?"

McCarthy: "I think you tell the seniors that we made a step forward, that we didn't say that this was a panacea, but I think that we do most things down here incrementally, and I think that we can at least positively say that it wasn't like the prior years to this, where we just kept it at 14. We at least moved it up a little bit, and you know, if we would have gone substantially higher, as in House Bill 3184, it would have met with a Veto, and then we would have done nothing for them. So, we can do either realistic, meaningful changes that the Governor will go along with, or we can change things just to have press releases that really don't do anything for the seniors of your district, my district, or any other district in the state."

Biggins: "There seems to be some concern about somebody putting out press releases, but I guess, but would you say that..."

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

130th Legislative Day

May 22, 1998

well, first of all, I presume you would have voted for House Bill 3184, if you had the chance. Would you care to comment on that?"

McCarthy: "I'd rather, you know, keep my remarks to Floor Amendment 2 for Senate Bill 1267, at this time."

Biggins: "Mmm. Okay, I have no further questions."

Speaker Hartke: "The Chair recognizes the Gentleman from Rock Island, Representative Boland."

Boland: "Thank you, Mr. Speaker. I rise in support of the Bill and the Amendment, and I... I'm just shocked and appalled by some of the comments from some of the people on the other side, particularly, when I looked at the Roll Call from House Bill 314 that we passed last April out of here that did solve the Circuit Breaker problem. It brought the income level from 14,000 to 30,000. It attached a cost of living, so we wouldn't have to go through this circus every once in a while, and it included people 62 to 65 in it. It was true property tax relief for our seniors and our disabled. We passed it out of here with the 20 good friends from the other side of the aisle helping us out there, although, some of the previous speakers were not among them. I would urge them if they really and sincerely care about the Circuit Breaker, that they ought to go over there to the State Senate and talk to the Republican Leadership over there and tell them to get the Bill out. It's sitting over there in the Senate Rules. There's no excuse. If not now, when?"

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

Cross: "Thank you, Mr. Speaker. Inquiry of the Chair."

Speaker Hartke: "State your inquiry."

Cross: "It sure appears to us, Mr. Speaker, that this violates

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

130th Legislative Day

May 22, 1998

the same subject issue of the Constitution. I see the underlying Bill, which I acknowledge is a Shell Bill now but amends the Property Tax Code, while the Amendment deals with senior citizens and disabled persons' property tax relief, albeit rather low relief but, and I know a meager attempt at relief, but it sure seems to violate that. So, if we could get a ruling from the parliamentarian."

Speaker Hartke: "There are several speakers yet. The parliamentarian will check, and then we'll get back with you, Representative Cross. Representative Skinner. Excuse me."

Skinner: "Yes, Mr. Speaker."

Speaker Hartke: "Oh, you want some questions. He has an answer for you right now. You want to hear your..."

Cross: "Ready? Imagine that."

Kasper: "Representative Cross, in response to your inquiry and on behalf of Speaker Madigan, the underlying Bill deals with property taxes. The Amendment also deals with property taxes, as this program is property tax assistance for elderly, therefore, the Amendment is germane to the underlying Bill."

Cross: "Okay, thank you. All right, will the Sponsor yield?"

Speaker Hartke: "The Sponsor indicates he will."

Cross: "Representative, my understanding from committee was that Representative Currie agreed in committee that the underlying Bill would be, as I said, initially dealt with the Property Tax Code, would be the only issue that she addressed. Do you know why you're now... why we're going back on our word, or her word and going into a whole different area of pharmaceutical relief and property tax relief? Seems like we're shifting gears here, contrary to what she said in committee."

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

130th Legislative Day

May 22, 1998

McCarthy: "I can't speak for the Majority Leader. I just feel that this is legislation that needs to go forward, and I'm proud to sponsor it."

Cross: "Representative, you didn't vote in the affirmative on the Motion to Discharge from Rules, House Bill 3184, did you?"

McCarthy: "No, Sir."

Cross: "So, are we to infer from that, that you don't support that concept?"

McCarthy: "I think that's a separate issue, but as I said earlier, that was a Bill that I think would have met with certain defeat at the Governor's office, and I'd rather do things that are meaningful than things that are just..."

Cross: "So, we should just be under the impression or belief that you don't support the concept of raising the rate higher than you have here, because you didn't vote for 3184? Is that a fair statement?"

McCarthy: "I'm happy... I'm happy that we have this increase."

Cross: "Okay. I'm puzzled by the fact that you've left out the addition... some of the additions we had under 3184. Do you not support providing relief to people with Parkinson's disease?"

McCarthy: "I certainly would, and I hope that we can move forward with another piece of legislation after this."

Cross: "I don't see that..."

McCarthy: "This is one step and then we'll make another step after that."

Cross: "Well, I don't see the Parkinson's disease issue or disease in this Bill. Do you want to pull this back, hold it, and we can add Parkinson's disease, if you really believe that?"

McCarthy: "No, thank you."

Cross: "I'm puzzled by our lack of concern, or apparently your

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

130th Legislative Day

May 22, 1998

lack of concern, for addressing the needs for people with Alzheimer's. There's an omission of that in this Bill. Do you not support taking care of people with Alzheimer's disease?"

McCarthy: "That's a non-issue as far as this Bill goes. We are making a significant step forward, and while I didn't say that it was the, you know, solution to every problem, I still feel that it's significant enough that we should move forward on it at this time."

Cross: "Well, we all had an opportunity with 3184, and you voted 'no' on our Motion to Discharge, is that correct?"

McCarthy: "I voted to sustain the Chair."

Cross: "All right, so you don't support... So, you don't support the concept of taking care of Alzheimer's patients? Is that a fair statement?"

McCarthy: "I think that's an unfair statement."

Cross: "Okay. Now, the other thing that we tried to take care of in 3184, is to provide additional relief for seniors that have some cancer problems. You don't have that in this Bill or Amendment, do you?"

McCarthy: "We don't change any of the pharmaceutical parts of the Bill, of the current Act."

Cross: "So, the answer is you don't... You're not addressing the cancer concerns, is that correct?"

McCarthy: "I'm very concerned with people who have cancer."

Cross: "As we all are, but you don't take care of that concern in this Bill, is that correct?"

McCarthy: "I'd say that that's something that we could look into in the future."

Cross: "Okay, but the truth is, you don't have it in this Bill, is that correct?"

McCarthy: "This Bill addresses the problem that people have asked

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

130th Legislative Day

May 22, 1998

for many, many years to increase the amount of the limit where they can get these credits, and it is a significant step forward."

Cross: "Well, Mr. Representative... or, Representative, I'm sure you're gonna get some votes on this Bill. It's sad that you've neglected Parkinson's disease, Alzheimer's disease and cancer, and if I'm reading this Bill correctly, you're raising the level of eligibility from only 14 to 16. Is that correct?"

McCarthy: "Correct."

Cross: "Now, 3184 raised that all the way up to 25,000, is that correct?"

McCarthy: "I believe it is correct that... I, right now, have all of the particulars for 1267 in front of me. I don't have the particulars for 3184."

Cross: "Well, I guess it's kind of sad you just didn't support us on 3184. Thank you, Representative."

McCarthy: "You're welcome."

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

Stephens: "Thank you. Will the Gentleman yield?"

Speaker Hartke: "He indicates he will."

Stephens: "Representative, I am a pharmacist, and I fill these prescriptions. Can you... is there any change... I know you didn't add any classifications of prescription drugs, but is there any change in the inclusion in the various categories, for instance, diabetes or cardiovascular? There's no expansion of drugs covered under those programs?"

McCarthy: "There are no changes to the pharmaceutical assistance part of the program."

Stephens: "No changes to the pharmaceutical part of the Circuit

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

130th Legislative Day

May 22, 1998

Breaker Program at all? Can I assume then, that there are no fee changes in the pharmaceutical portion, reductions or increases?"

McCarthy: "There are no fee changes. The only thing is, the income eligibility is changed."

Stephens: "For the record, you're stating that there are no fee increases for the pharmacy portion of filling prescriptions under Circuit Breaker Program, as you change it?"

McCarthy: "Correct."

Stephens: "Thank you. I appreciate that clarification and wanted to make sure that that was part of the record. As a pharmacist, I, Mr. Speaker, I have a potential conflict of interest and intend to vote my conscience on behalf of the people of the 110th district."

Speaker Hartke: "Thank you, Representative Stephens."

Stephens: "Excuse me?"

Speaker Hartke: "Are you concluded? Have you concluded your remarks?"

Stephens: "Why do you always ask me that?"

Speaker Hartke: "It sounded as though you were, and I didn't want to cut you off."

Stephens: "Are you being video taped today?"

Speaker Hartke: "I'm taking my time. How much time would you like? Further discussion? The Chair recognizes the Gentleman from Randolph, Representative Reitz."

Reitz: "Very good. Thank you, Mr. Speaker. I rise in support of this Bill. This is a Bill that... similar Bill that the Senate passed out. It doesn't go... colleagues on the other side of the aisle, there's more we can do with this. There's more we could do to help senior citizens with their problems, with property taxes and with pharmaceutical problems that they have, but this Bill is a step in the

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

130th Legislative Day

May 22, 1998

right direction. Hopefully, we can come back and address it in the future, but I think Representative McCarthy has a good Bill here and I'm proud to be on it. I'd appreciate your support."

Speaker Hartke: "The Chair recognizes the Gentleman from Jefferson, Representative Jones."

Jones, J.: "Thank you, Mr. Speaker. To the Amendment. You know, I'm the Sponsor of House Bill 3184, which really expands the senior citizens much more than what this Bill does. We all know that this Amendment and this Bill is going to fly out of here, probably with no 'no' votes on it at all, but it doesn't address Parkinson's disease, or Alzheimer's disease and several cancers, medications that our seniors could have accessed through my Bill. I'm a little disappointed when I look up at the board at the Sponsors of the Bill. Ever since I've been here, I've either been a Sponsor or a cosponsor of a Bill of this type. You know, I've heard from the Sponsor today that, you know, we've negotiated with the Governor's Office. I wasn't in any negotiations with the Governor's Office on 3184. In fact, I don't think I've been in any negotiations with any of the Leaders in trying to move my Bill. I've sent several letters and requests, but the Bill was never moved. I think it's high time that the General Assembly did what's right for the people of this state. We pass these Bills and send them to the Governor's desk and let him either sign them or veto them. Let him make that decision then. We know there's a cost to this Bill. We know there's a cost to my Bill, but it's kind of funny when we look to the west of us here, to the State of Missouri, which probably has at least a \$10,000,000,000 less budget than what we do in the State of Illinois of a 37 plus billion dollar

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

130th Legislative Day

May 22, 1998

budget. I think Missouri's is around 20,000,000,000. They just passed a Bill to increase the Circuit Breaker in that state to \$25,000. So, I think it's high time that we call the right Bill. We all know this one's going to pass, but I'll tell you what, don't beat your drums too much when you go back home, because you just barely touched the surface. Thank you."

Speaker Hartke: "Seeing that no one is seeking recognition on the Democrat side of the aisle... I said on the Democrat side of the aisle, we'll continue listening to the other side. The Chair recognizes the Gentleman from Cook, Representative Parke."

Parke: "Thank you, Mr. Speaker. I did not hear the end of your sentence."

Speaker Hartke: "You didn't wait."

Parke: "I was fearful that you were going to cut off debate on this issue. Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Hartke: "He indicates he will."

Parke: "Representative, this is Amendment 2 to a Bill, and this Amendment 2 is being presented the last day of Session. Now, Representative, have you put a Bill in to do this earlier?"

McCarthy: "No."

Parke: "So, let me get this straight. Here we have the last day of Session, your Amendment is in to help senior citizens as we all want to do. Do you think maybe this might be a little political? I mean, what is the genesis of this?"

McCarthy: "Well, first of all, as a House Member, you know, I'm not allowed to put in Senate Bills. The second thing, I want to refer back to a prior speaker. The Senate makes rules about how many sponsors can be on a Bill. If this

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

130th Legislative Day

May 22, 1998

was a House Bill, I would more than welcome Representative Jones. However, the Senate has a limit of five on their Bills that come over here, so therefore, there was no extra room."

Parke: "Well, I don't mean to embarrass you, but the fact of the matter is, I think it's obvious to the Body, that here we have the last day, you've put an Amendment on to help senior citizens and that's good and everything..."

McCarthy: "Thank you."

Parke: "...but it just seems to be after the fact. Now, Representative John Jones had a Bill to do more. We've talked about it on the floor of the House, and we think that the reason why his Bill wasn't called is because the Democrats are trying to beat him, and therefore, they bottle up all of his good ideas and all the legislation..."

Speaker Hartke: "Excuse me. Excuse me, Representative Parke."

Parke: "...that he's presented. Well,... Excuse me."

Speaker Hartke: "Representative Parke, could you address the Amendment?"

Parke: "I'm addressing the Amendment in terms of the overall picture, and this Bill is not enough. We have somebody that put in legislation because he is seriously concerned about senior citizens, has presented a Bill that will do a better job for the seniors of this state and the seniors of his district, and he can't get his Bill called. It sits in Rules Committee. I think that's wrong, and I think now that we have this Gentleman putting in an Amendment on a Bill the last day of Session, ought not to be the direction of the General Assembly. Representative Jones represents 96,000 men and women and children. He ought to have a right to have his Bills called. When he has a good idea, that good idea ought to be recognized. You know, if you

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

130th Legislative Day

May 22, 1998

look at what the amount of Bills that he's put in and the amount of Bills that have been called, it's an embarrassment. It ought not to be done that way. Ladies and Gentlemen, I think we're going to support the Gentleman's Bill... his Amendment to this Bill..."

McCarthy: "Thank you."

Cross: "...because the underlying idea is a good one, but it ought not to be so political. We ought to have had a chance to vote on John Jones' Bill as he presented it to help his senior citizens and all the other ideas that he has, but because he's a downstate target of the Democratic Party, he can't have his Bills called like they should be and heard. Now, I think that's an embarrassment. We ought not allow that. I rise in support of the Gentleman's Amendment, but I am tired of seeing this kind of politics being played down here."

Speaker Hartke: "Further discussion? We've had about six or eight speakers already, so we're going to limit the debate. Representative Mulligan."

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

McCarthy: "Yes."

Speaker Hartke: "He indicates he will."

Mulligan: "Representative McCarthy, I understand from the debate and from looking at the analysis that this Amendment does not cover any additional drugs?"

McCarthy: "Correct."

Mulligan: "Could you tell me what drugs are currently covered under the Circuit Breaker Program?"

McCarthy: "Cardiovascular, diabetes, and arthritis."

Mulligan: "Don't you think the addition of the drugs for Parkinson's and Alzheimer's, particularly since there are so many breakthroughs in Alzheimer's, are really important

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

130th Legislative Day

May 22, 1998

right now, and the fact that seniors are responsible for a larger cost if they choose non-generic drugs, which may cost more but may serve... or work on their disease in a better fashion and that limiting Alzheimer's... the use of Alzheimer's drugs is particularly important, that Alzheimer's at least should have been included with all the new breakthroughs? I don't know why you didn't hold out, at least put that in there."

McCarthy: "Well, I..."

Speaker Hartke: "Would you bring your remarks to a close?"

McCarthy: "Am I on or not? I would think that the 49,000 people that will be covered under this legislation that aren't covered currently, will be very happy with the changes we're making."

Mulligan: "I'm sure those 49,000 will be, but when you realize that 14,000 was as floor established 1985 and it's now 1998, are you considering that 14,000 and a raise to 16,000 is equivalent to a raise of 25,000? I mean, a \$2,000 raise in 13 years is not enough to cover very many people."

McCarthy: "Well, I can't speak for the people who were here for the prior 13 years who didn't move it up. I think that we're moving it up now, and that's the right direction to go in."

Mulligan: "But you constantly voted against letting the other Bill out that would have given us that increase. I mean, I'm sure everyone is going to support this because they'll take part of a loaf, if they can't have the whole loaf, but I'm truly disappointed, particularly, since I work in human services, and I see this, and it's one of the things that my district office..."

Speaker Hartke: "The Chair recognizes the Gentleman from DuPage... no, McHenry, Representative Skinner."

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

130th Legislative Day

May 22, 1998

Skinner: "Mr. Speaker, I rise to... for the first note in the refrain comparing Missouri tax relief with Illinois tax relief. Missouri has a budget of \$15.7 billion, and we have a budget of \$37 billion. Missouri is spending \$25 million on senior citizens, we're spending a paltry 8.3 million. Missouri is raising its Circuit Breaker limit to 25,000, from 15,000. We are raising ours from 14,000 to 6,000 (sic-16 thousand). Missouri does not have a surplus... Excuse me, I used the word incorrectly. Missouri does not have a balance as high as Illinois'. We can afford to give more money than this to senior citizens, and frankly, I am disappointed that we're not willing to call the Governor's bluff and pass a Bill which has more benefits for Circuit Breaker recipients than this Bill does."

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

Tenhouse: "Thank you, Mr. Speaker. Would the Sponsor yield for some questions?"

Speaker Hartke: "He indicates he will."

McCarthy: "Yes."

Tenhouse: "Representative McCarthy, I'm just trying to figure this out. We have two components for senior citizen and disabled, property tax grant and the pharmaceutical assistance program. Could you just walk through the Circuit Breaker Program as far as the property tax grant, explain it, so that it'll make it a little easier for me to understand how this will apply to my seniors back home?"

McCarthy: "The current income eligibility is at 14,000. This Bill changes that to 16,000, which will include 49,000 seniors and disabled who aren't included today. The formula for calculating the property tax grant does not

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

130th Legislative Day

May 22, 1998

change. The people who fall in that 14 to \$16,000 category will get a flat grant of \$70, which is equal to what the current people are on the pro..."

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

McCarthy: "...who have an income of 14,000."

Tenhouse: "I guess, specifically, let's say for instance, just for an example, we... if the senior had income... the qualifying family had income of \$10,000, and they had a thousand dollar property tax bill, how much property tax relief would this... would be included under this?"

McCarthy: "The... it'll take one second to figure that out."

Tenhouse: "Well, that's the reason I was trying to figure it out too, as I tried to read through this, and obviously, as we try to deal with it back home. Of course, this is written a little bit like the IRS code, so... but nevertheless, if we assume a \$10,000 income, then we're saying that the property tax bill minus 3 1/2 percent of household income, so, one would be a thousand less three..."

McCarthy: "It's \$700 less 4.5 percent of their income."

Tenhouse: "So, it'd be \$250..."

McCarthy: "So, if the income was \$10,000, that'd be \$450 and that property tax grant would be \$250."

Tenhouse: "So, assuming a thousand dollar property tax bill and a \$10,000 household income, under the first formula, you'd be looking at, basically, the way I read it, it would be a thousand dollars less 350, so that would be 650, or under the other formula, it's \$700 minus 4.5% times 10,000. That would be 450, so, it'd be a \$250 property tax savings, is that correct?"

McCarthy: "It'd be \$250 property tax savings."

Tenhouse: "Okay. Then we move on to the second component as far as the pharmaceutical component. Do we now have a

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

130th Legislative Day

May 22, 1998

co-payment, or is this new as far as the law is concerned?"

McCarthy: "Those things don't change, and there currently is a co-payment."

Tenhouse: "I'm sorry, Representative, I couldn't hear your response."

McCarthy: "The pharmaceutical parts of the Bill do not change, and there currently is a co-payment."

Tenhouse: "So, we just raised the threshold from 14 to \$16,000? That'd be the only difference?"

McCarthy: "Just the income eligibility, correct."

Speaker Hartke: "Mr. McCarthy to close."

McCarthy: "Whoa."

Speaker Hartke: "Go ahead."

Tenhouse: "Well, I just want to have an opportunity... Thank you. I guess just as a final comment, Representative, it certainly... to the Bill. Just as a comment to say, I guess, one of the real concerns, it's interesting as we've gone through this entire Session, continue to be concerned about property tax relief, and I'm certainly going to support this Bill, 'cause certainly for those folks who are in need, this is going to provide some property tax relief for those, but what about our average income, middle income taxpayers? Certainly, we've fought through this thing all spring. It does seem kind of ironic as we reach the last day of Session, and I'm happy that we're able to provide some property tax relief to those senior citizens who can qualify under this program, but I'd like to see that relief extended to folks who really need it, and those people are the middle income taxpayers, who are really bearing the burden for all of us here in the State of Illinois."

Speaker Hartke: "Representative McCarthy to close."

McCarthy: "Thank you, Mr. Speaker. I greatly appreciate the

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

130th Legislative Day

May 22, 1998

sincere comments that were made, and I know that everyone would like to see us do as much as we possibly can for our seniors and disabled. However, I think this is a meaningful step forward. There's 49,000 people estimated throughout this state that will benefit through this, and I think it's in our interest and the best interest of those citizens to pass this Amendment and give them the relief they deserve."

Speaker Hartke: "The question is, 'Shall the Amendment #2 to Senate Bill 1267 be adopted?' All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Mr. Clerk, are there any further Amendments?"

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "Senate Bill 1267, a Bill for an an Act amending the Property Tax Code. Third Reading of this Senate Bill."

Speaker Hartke: "Representative McCarthy."

McCarthy: "I'd say that this Bill has been thoroughly debated and I think everyone does understand it in the chamber and I would ask for a favorable vote on the Bill."

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

Skinner: "I wonder if the Gentleman would yield for a question or two?"

Speaker Hartke: "He indicates he will."

McCarthy: "Yes, Sir."

Skinner: "If somebody's earning \$13,000 under this Bill, how much property tax relief would he or she receive?"

McCarthy: "They would receive 4.5% of a thousand would be \$45, so they would receive \$115."

Skinner: "That's not very much."

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

130th Legislative Day

May 22, 1998

McCarthy: "Well, it's more than zero."

Skinner: "In Missouri they'd get 700, I think. No, excuse me, they'd get, I think it's 700. We've got to improve this formula. I mean, from 14 to 16,000, am I correct that a senior citizen property owner would only get \$70?"

McCarthy: "A flat grant of \$70, which is currently what the 14,000 income level receives."

Skinner: "And what's the 14,000 (sic-16,000) going to be?"

McCarthy: "Seventy dollars. The formula doesn't change. It's just a flat grant part added for the additional \$2,000 of income eligibility."

Skinner: "So, if you happen to live... if you happen to earn approximately the poverty level, you're going to get 70 bucks back?"

McCarthy: "Correct. And people at that level, \$70 will mean something to them."

Skinner: "This is a... this is pretty pathetic. It's unfortunate, Representative, that we couldn't do better than this."

McCarthy: "I think, I mean, it's still a step forward..."

Skinner: "I'll grant that it is a step forward and I intend to support your Bill, Sir."

McCarthy: "Thank you."

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

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

Speaker Hartke: "He indicates he will."

McCarthy: "Yes, ma'am."

Mulligan: "Representative, what's actually left in this Bill?"

McCarthy: "I'm sorry."

Mulligan: "What's actually in the Bill now?"

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

130th Legislative Day

May 22, 1998

McCarthy: "Amendment 2, the raising of the income eligibility is the entire Bill."

Mulligan: "So..."

McCarthy: "The underlying Bill was shelled out on Amendment 1."

Mulligan: "So, there is no rules... now, I was interested in the underlying Bill as far as what happens when somebody loses or, you know, over pays and then they get a certificate of error..."

McCarthy: "Well, that's another Bill and..."

Mulligan: "Has that passed?"

McCarthy: "No, it..."

Mulligan: "So, this... the whole underlying Bill is..."

McCarthy: "It..."

Mulligan: "... was cut because of this Bill. So, all that's left in it is the Circuit Breaker."

McCarthy: "Correct."

Mulligan: "Thank you."

Speaker Hartke: "Seeing no one is seeking recognition, Representative McCarthy to close."

McCarthy: "I would ask for a favorable vote."

Speaker Hartke: "The question is, 'Shall Senate Bill 1269 (sic-1267) pass?' This is final action. All those in favor signify by voting 'aye'; those 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 Senate Bill 1267, there are 118 Members voting 'yes', 0 voting 'no', and on Senate Bill 1267 this Bill, having received a Constitutional Majority, is hereby declared passed. The Clerk for an announcement."

Clerk Rossi: "The Rules Committee will meet at 2:40 in the Speaker's Conference Room. The Rules Committee will meet at 2:40 in the Speaker's Conference Room."

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

130th Legislative Day

May 22, 1998

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

Currie: "Thank you, Speaker. I hope you will join me in welcoming students from St. Thomas the Apostle grammar school, in my neighborhood in the City of Chicago. It's in fact, the school I graduated from. They're here visiting us. I hope you'll join me in giving them a very warm welcome. They're in the balcony right up here."

Speaker Hartke: "Welcome to Springfield, your state capital. The Chair recognizes the Gentleman from Vermilion, Representative Black. For what purpose do you seek recognition?"

Black: "Yes, just to compliment the Majority Leader. I remember when she graduated from that school. It was, I believe I believe it was the same class that then Governor Green was in, if I recall. But... well I, the memory escapes me. It was the Class of '72 or something like that."

Clerk Rossi: "Committee Reports. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measures were referred, action taken on May 22, 1998, reported the same back with the following recommendation: 'to the floor for consideration' Motion to concur with Senate Amendments 1, 2 and 3 on House Bill 1640 and Motion #3 to concur with Senate Amendment #5 on House Bill 1640. Both are approved for consideration."

Speaker Lang: "Representative Lang in the Chair."

Clerk Rossi: "Supplemental Calendar #3 is being distributed."

Speaker Lang: "On Supplemental Calendar #3, on the Order of Concurrence, appears House Bill 1640. Representative Stroger. Mr. Stroger."

Stroger: "Thank you, Mr. Speaker. I move to concur in Senate Amendments 1, 2, 3 and 5. And Senate Amendment makes it a

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

130th Legislative Day

May 22, 1998

vehicle Bill. Senate Amendment 2 is some cleanup language. Senate Amendment 3 deletes language which called for the deposit of construction bond proceeds from the School Infrastructure Fund. Proceeds will be deposited into the School Construction Fund and this was requested by the Bureau of the Budget. Amendment 3 provides that the initial teaching certificates and standard certificates shall be issued for categories responding to early childhood, elementary education, and secondary education with special certification designations. Senate Amendment 5 eliminates language from Senate Amendment #2 and changes the general state-aid calculation for high schools from 1.2% to 1% and additionally provides that if a school district has been issued a grant entitlement for a school construction project and arranged all the local financing and is eligible for award in a fiscal year but does not receive the award, would move to the top of the list in the following year. And I would ask to concur."

Speaker Lang: "The Gentleman moves for the concurrence in Senate Amendments #'s 1, 2, 3 and 5. And on that question, the Chair recognizes Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker. I rise in support of this Concurrence Motion. But, I think it is important for all of us to recognize that an awful lot of commitments have been made here to correct the language having to do with the administrative cap. In House Bill 452, which we passed December 2, 1997, there was an attempt to place a 5% cap on the increase in salaries for superintendents and other top administrative officials in school districts. That somehow was interpreted to mean that there is also a cap on a lot of other things, which was not intended, and we have had many people testifying in the Education

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

130th Legislative Day

May 22, 1998

Committee this spring about the terrible situation that put school districts in. We have given a lot of those people our word that we would clean up that language so it was clear that it would only apply to the salaries of the top administrators. That is taken care of in the early numbers of the Amendments to this Bill, and therefore, I think, Mr. Speaker, it's wise for everyone to recognize that when we pass this Concurrence Motion, we are keeping a pledge that we made to a lot of people throughout this state. Thank you."

Speaker Lang: "Representative Mulligan."

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

Speaker Lang: "The Gentleman will yield."

Mulligan: "Representative, I know this is supposed to be the cleanup language for the administrative cap, and originally the language that came out of my School District 64, was against it and said that it did not cover what they needed it. Their problem is that, they passed a referendum, they went to bonds, they're not going to be covered by the school reform and now they're putting up a new school. They've had this new influx of new students and they're worried about how they're going to pay their architects, do everything that they need to do around this building and stay within the cap, and the first way it was drafted in the Senate, my superintendent and school lawyers felt that it did not cover that. Could you tell me if it would cover now, situations that revolve around new building and all the costs that are attendant to that?"

Stroger: "This Bill should eliminate any doubts in that area."

Mulligan: "I'm sorry, they would be able to opt out, is that what you said? What was your answer?"

Stroger: "I said, eliminate any doubts, not opt out."

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

130th Legislative Day

May 22, 1998

Mulligan: "I still didn't understand you. Eliminate..."

Stroger: "That's like, yes."

Mulligan: "Are you saying yes as to legislative intent so that they can use this, or yes you think it does?"

Stroger: "Yes and yes."

Mulligan: "Yes as to legislative intent. Thank you very much."

Speaker Lang: "There being no further comments, Representative Stroger to close. Sorry, Mr. Stroger. Mr. Black."

Black: "Thank you, Mr. Speaker. If you would just quit leaning to the left."

Speaker Lang: "Mr. Black, your light was not on when I looked to Mr. Stroger."

Black: "It's because your left side of your body somehow, subconsciously blocks out the Republican light board."

Speaker Lang: "That may be, but nevertheless, your light was not on, Sir. Please proceed."

Black: "Thank you, thank you very much. To the Bill, Mr. Speaker, if I might. I just want to thank Representative Stroger and all those involved. I think this is a significant piece of legislation that is fair to all areas of the state. As Representative Cowlshaw said earlier, it keeps a commitment that was made on some potentially confusing language on the administrative cap, and it certainly helped some rural districts, as well, if the reallocation is made on the bond issue. So, it's a very fair Bill to all areas of the state. I commend Representative Stroger and thank him for his diligent efforts on behalf of school districts from all over the State of Illinois, and urge an 'aye' vote."

Speaker Lang: "Now Mr. Stroger to close."

Stroger: "I'd ask for an 'aye' vote."

Speaker Lang: "The Gentleman moves for the concurrence in Senate

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

130th Legislative Day

May 22, 1998

Amendments 1, 2, 3 and 5 to House Bill 1640. This is final passage. Those in favor shall signify by voting 'aye'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 117 voting 'yes', 0 voting 'no', and 0 voting 'present', and the Motion is adopted. And this Bill, having received the Constitutional Majority, is hereby declared passed. For what reason does Representative Fritchey rise?"

Fritchey: "Thank you, Speaker. I'd like the record to reflect I intended to vote 'yes' on that last Bill. My switch wasn't working."

Speaker Lang: "The record will so reflect. On Supplemental Calendar #2, under the Order of Nonconcurrency, appears Senate Bill 1315. Representative Schoenberg. Mr. Schoenberg."

Schoenberg: "Thank you, Mr. Speaker. I refuse to recede from House Amendment #3, and I request a Conference Committee Report be appointed...Conference Committee be appointed."

Speaker Lang: "Representative Black."

Black: "Thank you very much, Mr. Speaker. I've had my light on for about 10 minutes, again, your constant shift to the left is blocking out the Republican lights. We have an inquiry of the Chair."

Speaker Lang: "State your inquiry, Sir."

Black: "Yes. While Representative Hartke served with distinction for the last three hours in the Chair, the noise level in the chamber was greatly reduced. It was a peaceful and relaxing day in the chamber. Very little extraneous noise. We were zipping right along. They put you in the Chair, things have gone obviously downhill. The noise level has

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

130th Legislative Day

May 22, 1998

increased. There's confusion reigning on the board and in the voting. I would, in all due respect to you, Sir, we love you dearly, but our side of the aisle would prefer that Representative Hartke go back in the Chair because he was able to keep a level of decorum in the chamber. A level of decorum that quite frankly, we have not had a great deal of this spring. So, if you would recuse yourself, bring Representative Hartke back to the Chair, and perhaps we could lower the noise level in the chamber, and then get on with the diligent and difficult work of the House."

Speaker Lang: "So, you think it's me, Sir? Is that it?"

Black: "It must be. In all due respect to you, Sir, listen at the noise level. When Representative Hartke was here for three hours, very, very quiet."

Speaker Lang: "You may have noted, Mr. Black, that when Mr. Hartke was in the Chair, we weren't doing a darn thing."

Black: "Well, which is why many of us would like him back in the Chair."

Speaker Lang: "Do you have any questions of Mr. Schoenberg, Sir?"

Black: "Yes. Yes, Representative Schoenberg, do you have a reason why you're refusing to recede or at this late hour in the Session, is it just a fit of stubbornness or what?"

Schoenberg: "Now Mr. Black, you know it takes more than a mere fit of stubbornness to get me to move forward on a matter. Actually I... the contents of the Amendment which had been dealing with the legal immigrants that we had discussed yesterday, that language has, in fact, been incorporated within the Budget Implementation Act that we are to be considering later today. And with the mutual consent of all parties within... in the Legislature as well as with the advocacies groups, on behalf of the legal immigrants,

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

130th Legislative Day

May 22, 1998

they have asked for us to drop that language. However, there is the issue of immunization, and that has also been incorporated within a Conference Committee Report for House Bill 1699 which has been signed and circulated. It is anticipated that this will be... the contents of this Conference Committee Report will be used exclusively to accommodate a matter of concern to Senator O'Malley and Representative Brosnahan pertaining to their discussions with the Department of Public Aid."

Black: "Senator O'Malley from out in the valley?"

Schoenberg: "Yes. Yes, Sir."

Black: "And what might that issue of concern be to Senator O'Malley? Because if we refuse to recede and this goes into Conference, many of us would like to know what the issue might be for Senator O'Malley and Representative Brosnahan."

Schoenberg: "With all due respect, Mr. Black, I'll defer to Mr. Brosnahan and he can explain this far better than I can."

Black: "I would certainly hope so."

Schoenberg: "As you know, it doesn't take much."

Black: "Yes, could we have a little order, Mr. Speaker."

Speaker Lang: "You have a little."

Black: "Oh, about as little as we're going to get under your tutelage, I can see that. Thank you."

Speaker Lang: "I'm sure you feel better now, Mr. Black."

Black: "Very. Thank you."

Speaker Lang: "Please proceed."

Black: "Mr. Speaker, you need to recognize Representative Brosnahan."

Speaker Lang: "Representative Brosnahan."

Black: "Thank you."

Brosnahan: "Thank you, Mr. Speaker. Representative, the

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

130th Legislative Day

May 22, 1998

Amendment that will be in the Conference Committee Report, was drafted by the Department of Public Aid. It deals with children who are the age of 21 or over that have severe disabilities, that have been taken care of at home. The program that they've been receiving funds, is through the Division of Specialized Care for Children, which is run by the Department of Public Aid, and I believe the Department of Human Services also is involved in that program. Unfortunately, what happens to these kids is, they have a level of funding that is based on a hospital rate. But when they reach the age of 21, that funding is dramatically slashed, so what we're doing is, forcing these families that have made all these sacrifices to keep these kids at home, they do have severe disabilities, it's going to keep that level of funding the same or at least a little bit higher than it would have been under the old law. So, the department... we've worked on it very hard, we've worked on it very long. They originally had opposed the Bill because of the cost, however, with the Amendment that they drafted, they have removed their opposition and they've... we've reached an agreement on it."

Black: "Alright, so that's the point I want to clarify. They will stand in support of the language that you and Senator O'Malley are going to include in the Conference Committee Report?"

Brosnahan: "Representative, I'm not sure if they will come out and say they support it, however, they did draft this Amendment and they have told me that they do not oppose it, so, I think it may be semantics but..."

Black: "Okay."

Brosnahan: "...but they've told me they do not oppose it."

Black: "And you're being very kind, because you're really under

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

130th Legislative Day

May 22, 1998

no obligation to answer these questions until the Conference Committee Report would be before us, but I assume that any monetary amounts that would be included in the budget at this late date or funds would be available to implement what you and Senator O'Malley are trying to do?"

Brosnahan: "That's correct."

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

Speaker Lang: "There being nothing further, the Gentleman's moved that the House refuse to recede from House Amendment #3. Those in favor shall say 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, the Gentleman's Motion is adopted. The House does refuse to recede with (sic-from) House Amendment #3 and the Gentleman requests that a Conference Committee be appointed."

Clerk Rossi: "The Rules Committee will meet at 3:20 in the Speaker's Conference Room. Rules Committee, 3:20, Speaker's Conference Room."

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

Speaker Lang: "Mr. Cross, you'll be interested in this. I have to handle a Bill, so Representative Art Turner in the Chair."

Speaker Turner, A.: "Mr. Clerk."

Clerk Bolin: "Committee Report. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measures were referred, action taken on May 22, 1998, reported the same back with the following recommendations: 'for consideration' for Motion #1 to concur with Senate Amendments 1, 2, 3, 4, 5, 6, 7, and 9 to House Bill 2844."

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

130th Legislative Day

May 22, 1998

Speaker Turner, A.: "'inaudible', Supplemental Calendar #3, on the Order of Concurrences, we have House Bill 2844. Representative Lang."

Lang: "Thank you, Mr. Speaker. I move to concur in Senate Amendments 1, 2, 3, 4, 5, 6, 7, and 9. I'll try to go through a brief explanation of these, if the Body will listen the first time. There's a lot of Amendments. We'll save a lot of time. Senate Amendment #1 was requested by Representative Rick Winkel and Senator Stan Weaver. It's for the Mahomet-Seymour School District. They've approved a bond issue by referendum but cannot issue the bonds because they are at their debt limit. This would raise that debt limit so they could issue their bonds. Senate Amendment #2 gives the school superintendent, instead of the school board, the authority to modified a child's school suspension if it's based on bringing a weapon to school. It also deals with the definition of a weapon when referring to baseball bats. Senate Amendment #3, further modifies the School Code relative to the definition of weapon, so that it deals with the issue of look-alikes. Senate Amendment #4, creates the Right to Read Fund in the state treasury. This would allow the State Board of Education, to distribute to school districts, contributions, gifts, and donations from private individuals or private corporations. There's no tax dollars involved in this at all. Senate Amendment #5, raises the maximum special education property tax levy, but does so through a front door referendum. This is supported by ED-RED and the IEA. Senate Amendment #6, allows school districts with populations of less than 1,000, so the very smallest school districts to elect a seven member school board by voter referendum. Senate Amendment #7, extends

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

130th Legislative Day

May 22, 1998

the suspension period of the school finance authority's powers, from the current sunset date of July 1, '99 to a new sunset date of July 1, 2004. This is supported by the Chicago Board of Education. Senate Amendment #9 was requested by Senator Luechtefeld, Senator Rea, Senator Mahar, increasing the debt limit for three school districts in the same way that Senate Amendment #1 did so for the school district for Senator Weaver and Representative Winkel. I would ask for your support on the Concurrence Motion."

Speaker Turner, A.: "The Gentleman from Cook, no, the Gentleman from Kendall, Representative Cross. For what reason do you rise?"

Cross: "Yeah, will the Sponsor yield now?"

Speaker Turner, A.: "He indicates..."

Cross: "Excuse me, an inquiry of the Chair. Mr. Speaker, is it your intention to stay in the Chair for the remainder of the afternoon so we will not have to see Representative Lang in the Chair again?"

Speaker Turner, A.: "You got to be kidding."

Cross: "No, I'm not kidding. You do a good job. Or Hartke. Hartke."

Speaker Turner, A.: "We'll talk about it."

Cross: "Good. Will the... for the..."

Speaker Turner, A.: "The Gentleman indicates he'll yield."

Cross: "He will?"

Lang: "I'll yield even with the abuse, Representative."

Cross: "Pardon me?"

Lang: "Proceed, Sir."

Cross: "What about abuse?"

Lang: "I said I'll yield to you even though you're abusing me. Proceed."

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

130th Legislative Day

May 22, 1998

Cross: "Well, we're all laughing with you, Representative, not at you. Representative Long, I mean Lang. Amendment #5, does that... does Amendment #5 provide for a front door referendum?"

Lang: "Yes."

Cross: "Is there any opposition to that?"

Lang: "I know of no opposition in committee, although I was not in the Senate committee. ED-RED and the IEA are both proponents of this."

Cross: "The IEA supports all..."

Lang: "Yes, Sir."

Cross: "Where's the IEA with respect to the other nine Amendments?"

Lang: "Sir, I've heard no opposition from them and I believe that just about all these Amendments came out of the Senate without opposition. This passed the Senate, I think, 53 to 4."

Cross: "Alright, Representative, well thank you very much."

Lang: "Thank you, Sir."

Speaker Turner, A.: "The Gentleman from Madison, Representative Stephens, for what reason do you rise?"

Stephens: "Will the Gentleman yield for a question?"

Speaker Turner, A.: "He indicates he will."

Stephens: "Representative, you mentioned one of the Amendments, one of the earlier Amendments, weaponry and baseball bat."

Lang: "Well, let me see if I can give you more details on that Representative. Senate Amendment #2, modified the Section of the School Code that defines the word 'weapon'. Rather than referring to baseball bats and other such items as weapons, the Amendment clarifies that bats, sticks, pencils, pens, et cetera, are weapons only if used or attempted or intended to be used to cause bodily harm. So,

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

130th Legislative Day

May 22, 1998

a baseball bat, in and of itself, would not be a weapon unless used to attempt to cause bodily harm."

Stephens: "When the Cubs and the Cardinals are playing and Mark McGuire is at bat, would you consider the baseball bat in Mark McGuire's hands a weapon?"

Lang: "It's a weapon on a baseball field, but only a weapon in a school if you use it to try to hit somebody."

Stephens: "Thank you for the clarification."

Speaker Turner, A.: "Seeing no further questions, Representative Lang to close."

Lang: "Ask for your 'aye' votes."

Speaker Turner, A.: "The question is, 'Shall the House concur in Senate Amendments 1, 2, 3, 4, 5, 6, 7, and 9, to House Bill 2844?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 118 'yes', 0 'noes', 0 'presents', and the House does concur in Senate Amendments 1, 2, 3, 4, 5, 6, 7, 9, to House Bill 2844. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Cross, Representative Lang is back in the Chair."

Cross: "Pardon me?"

Speaker Turner, A.: "Representative Lang in the Chair."

Cross: "You know, like can we make a Motion... we'd like a Motion to override the Chair, and a verification."

Speaker Lang: "Who's shining those lights on my forehead? Representative Rutherford, for what reason do you rise? Apparently not. Representative Rutherford, for what reason do you rise? Apparently just to turn off your light."

Rutherford: "No, I rise... I rise because... Representative Lang,

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

130th Legislative Day

May 22, 1998

I think you've been taking some grief. Anytime you've gone into the Chair, I've heard people go, ohhhhhhhhh, or ahhhhhhhhhh, or ouuuuuuuu. And I'll tell you what..."

Speaker Lang: "I never heard any ouuuuuus."

Rutherford: "I heard an ou back over here, and in fact, I think the ou came on that side of the aisle. And I just want you to know that I'm not sure that of all of those types of things are just for you being in there. There are many things that are just in the reaction to you being in the Chair, but those three utterations (sic-utterances) may not be a part of it. Others may be, and I assure you, when the time comes that I hear any one of those specific three happen when you go to the Chair, I'm going to rise to your defense. There may be others, though, that I may be a part of trying to help support and encourage, because you do have a unique approach when you're in the Chair, Representative Lang, and I just want you to know that you help keep the spice of life going during these lulls and these doldrum times during Session."

Speaker Lang: "Well, thank you very much, Representative. Thank you for those who were applauding. You all need to get a life. Representative Schoenberg."

Schoenberg: "Thank you. I'm glad that Mr. Rutherford came to your defense, Representative Lang, but I want to point out that there is no such word as utterations. I think he meant utterances."

Speaker Lang: "Please don't criticize anyone who's saying nice things to me, Representative."

Schoenberg: "Okay."

Speaker Lang: "Representative Rutherford, on a point of semantic privilege."

Rutherford: "I think that Representative Lawfer, having been a

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

130th Legislative Day

May 22, 1998

dairy farmer, may know whether utterations is a proper word or not."

Speaker Lang: "Representative Black, for what reason do you rise, Sir?"

Black: "Yes, thank you very much, Mr. Speaker. I have an inquiry of the Chair, serious inquiry since we're at ease."

Speaker Lang: "State your inquiry."

Black: "There're only six Resolutions left on the House Calendar. We passed 92 of them, I think, yesterday. I was just wondering why we couldn't get to House Resolution 91. It's been on the Calendar now for two years. I believe it has a 100 Cosponsors, including... including the presiding officer, the Speaker at this time, yourself, Mr. Speaker. For the life of me, with a 100 Cosponsors, being on the Calendar for two years, asking for a simple study of what might be going on on the Internet, why don't we see if we couldn't call that Resolution? We called about 90 of them yesterday."

Speaker Lang: "We'll get back to you on that, Mr. Black."

Black: "Okay, if you would. If you would, we'd appreciate it. Thank you."

Speaker Lang: "Mr. Clerk, committee announcement."

Clerk Bolin: "The Rules Committee will meet at 4:45 p.m. in the Speaker's Conference Room. The Rules Committee will meet at 4:45 in the Speaker's Conference Room."

Speaker Lang: "Mr. Black, Mr. Black, for what reason do you rise?"

Black: "Yes. Mr. Speaker..."

Speaker Lang: "For what reason do you sit?"

Black: "I haven't seen anyone in the Chair for about 45 minutes. The hour grows late, the weather is deteriorating as we speak."

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

130th Legislative Day

May 22, 1998

Speaker Lang: "Snow storm?"

Black: "No, thunder and you just saw that bolt of lightning. I think it just sent you a message. Are we going to recess for perhaps, say dinner?"

Speaker Lang: "I'll pass your suggestion along, Sir."

Black: "Alright, fine. If you could give us some direction on what we're to do here..."

Speaker Lang: "Left."

Black: "...we would be grateful. Thank you."

Speaker Lang: "I have no advice for you at this point, Mr. Black, but we'll try to get us all some. Mr. Tenhouse, for what reason do you rise?"

Tenhouse: "Thank you, Mr. Speaker. The Republicans have requested an immediate Republican conference in Room 118."

Speaker Lang: "And you would expect that to last for what length of time, Sir?"

Tenhouse: "I would imagine about an hour, Mr. Speaker."

Speaker Lang: "The Republicans want to conference. Mr. Hartke."

Hartke: "We would request an immediate caucus, too, in Room 114."

Speaker Lang: "Alright. We're going to finish the Rules Committee Meeting which is scheduled for now. The Rules Committee will meet immediately, and as soon as the Rules Committee reaches their decision on whatever Bills they have in there... alright, we'll get back to you as soon as the Rules Committee is finished. Mr. Clerk, Committee Report."

Clerk Bolin: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measures were referred, action taken on May 22, 1998, reported the same back with the following recommendations: 'legislative measures and Joint Action Motions to Executive Committee' Senate Bill 1704, Amendment #2; Senate Bill

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

130th Legislative Day

May 22, 1998

1706, Amendment #2. 'Direct floor consideration' for House Bill 868 and Motion to Concur with Amendments 1 and 2 to House Bill 868."

Speaker Lang: "At this time, the Republicans will have a conference in Room 118; the Democrats will have a conference in 114. Both conferences will be immediately and the House will be recessed until the call of the Chair."

Speaker Lang: "Attention Members. The Executive Committee is meeting immediately in Room 118."

Speaker Brunsvold: "Representative Brunsvold in the Chair. Mr. Clerk, Committee Reports."

Clerk Bolin: "Representative Dan Burke, Chairperson from the Committee on Executive, to which the following measures were referred, action taken on May 22, 1998, reported the same back with the following recommendations: 'to be approved for consideration' Floor Amendment #2 to Senate Bill 1704 and Floor Amendment #2 to Senate Bill 1706."

Speaker Brunsvold: "All Members should proceed back to the floor now from your offices. They should get to the floor so we can proceed with the business of the House. So, please return to the floor as soon as possible."

Speaker Brunsvold: "Representative Black, for what reason do you rise?"

Black: "Mr. Speaker, is it the intention of the Chair to move to the Order of Budgetary items and we can get people back in the chamber?"

Speaker Brunsvold: "Exactly, Mr. Black."

Black: "Let's go, the big opossums walk late and it's getting late."

Speaker Brunsvold: "Absolutely. The Chair would like to announce to Members, that it is the Chair's intention to finish the

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

130th Legislative Day

May 22, 1998

budget items and items before the House this evening. So, we should be prepared to stay until we have completed our action. Mr. Clerk, on page 5, appears Senate Bill 1704. Read the Bill Mr. Clerk."

Clerk Bolin: "Senate Bill 1704, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Hannig, has been approved for consideration."

Speaker Brunsvold: "Mr. Hannig, on Floor Amendment #2."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. As we try to wrap up the budget this evening, we will need to pass a number of Budget Implementation Acts, in order to make what we do on the spending side, actually work. This Bill primarily does a number of cleanup items. It authorizes the use of emergency rule making with the Bill to implement various provisions related to the fiscal FY99 Illinois State Budget. Amends the Children and Family Services Act. It abolishes the Child Care and Development Fund, and provides for the transfer of the remaining balance of the special purposes trust fund. It authorizes the use of special purposes trust for providing funds for child care and development. It authorizes the Illinois Development Finance Authority to authorize the authority to use remaining unexpended balances from funds to appropriated... from funds appropriated by the 84th General Assembly from an obsolete program. Requires the authority to make a one million dollar, ten year, no interest loan, to the Illinois Facilities Fund to assist in the development of low interest loans for nonprofit corporations. Amends the Criminal Justice Information Act. It creates the Juvenile Accountability Incentive Block Grant so that we can receive monies from the Federal

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

130th Legislative Day

May 22, 1998

Government. Makes changes in the various funds and authorizes 2% transfers of appropriation for the Department of Children and Family Services and the Department of Aging for grants. It authorizes the audit expense fund for the Auditor General. It deletes provisions that the distribution of cigarette tax revenues to the Hospital Provider Fund which is abolished by the provisions of this Amendment because the medical hospital assessment program has been repealed. And references the new consolidated Department of Corrections Reimbursement Education Fund. Amends the Community College Act to allow for transferability by the Comptroller. Amends the Public Aid Code relating to special funds administered by the Department of Public Aid and the Department of Human Services. Eliminates the Hospital Provider Tax, it's expired. Expressly authorize the use of special purposes trust funds for providing funds for child care and developmental services. Deletes the provision of current law that requires transfers from the Childrens' Supportive Enforcement Trust Fund to the General Fund. Creates the Juvenile Rehabilitation Service Medical Matching Fund. It does a lot of technical stuff, and I'd move for its adoption."

Speaker Brunsvold: "The Gentleman's moved for adoption, on that question, the Gentleman from Jersey, Representative Ryder."

Ryder: "I thank the Gentleman for his explanation, but he didn't need to read the entire Bill. The implementation is one of those items that we have to do. It is a substantive part of the appropriation process. There'll be a couple of these that have been very carefully drafted, given the most recent court decisions, and as a result, I move adoption."

Speaker Brunsvold: "Thank you. The Gentleman from Kankakee, Mr.

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

130th Legislative Day

May 22, 1998

Novak."

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

Speaker Brunsvold: "State your inquiry."

Novak: "In my computer, I cannot access the analysis of Floor Amendment #2. Has it been downloaded? The analysis."

Speaker Brunsvold: "We'll check with the Clerk, Mr. Novak, and get right back to you."

Novak: "Alright, thank you."

Speaker Brunsvold: "The Lady from Lake, Representative Clayton."

Clayton: "Thank you, Speaker. My analysis says that it provides for the School Infrastructure Fund, and I would like a little bit more detailed as... provide for more funding."

Speaker Brunsvold: "The Gentleman yields."

Hannig: "I'm sorry, I couldn't hear your question. Could you repeat it Representative?"

Clayton: "The School Infrastructure Fund."

Hannig: "Which fund was that?"

Clayton: "School Infrastructure."

Hannig: "This references to the consolidated Department of Corrections Reimbursement and Education Fund, is that what you said?"

Clayton: "My analysis says it's the Infrastructure Fund, the School Infrastructure Fund."

Hannig: "I'm looking for the language."

Speaker Brunsvold: "Mr. Novak, the Clerk indicates that the analysis should be on your laptop."

Hannig: "Representative, I'm still looking through this analysis, and I'm sorry I don't see it. Could you tell us where it's at in the Amendment?"

Clayton: "Well, it's... in my analysis, it's Senate Bill 1704..."

Hannig: "Representative, there is, I stand corrected and you're correct. There is a provision that provides for the

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

130th Legislative Day

May 22, 1998

automatic transfer of funds from... to pay the debt service, so, there is some language to clarify that in this as well."

Clayton: "Thank you."

Speaker Brunsvold: "Mr. Black."

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

Speaker Brunsvold: "Sponsor yields."

Black: "Thank you. Representative Hannig, the emergency rule making provision is of concern to me. Does it only apply... the emergency rule making provision in the Amendment, does it only apply to budgetary matters or could that be extended to emergency rule making for any rule throughout the next fiscal year?"

Hannig: "We've... in the past and what we're trying to do today is, create the authority for agencies to spend the money that's in the budget, Representative. It says, 'In order to provide for expeditious and timely implementation of state fiscal year 1999'. That's on page 2 of the Amendment, line number 22."

Black: "How specific is that to the budget? I think I can see it on the... cause it is on the computer, crossing out '98 putting in '99, fiscal year '99. Would it only apply to rules dealing with the expenditure of funds in that agency's budget?"

Hannig: "As provided in this Act, Representative."

Black: "Okay. So, it would not give an agency, because it is a relatively short period of notice, and it doesn't appear that JCAR would have any oversight authority, it does not give them any enabling authority to pass an emergency rule, for example, I'm trying to think of some we've been hit with in the past, and because of the process, we've been

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

130th Legislative Day

May 22, 1998

able to forestall. Like the Amendments to the Private Sewage Disposal Code. You know, at one time, they promulgated a rule that would have made most septic systems in rural areas illegal. I just want to make sure that any emergency rule making is only giving them the authority to do that on budget matters and not general... What am I trying to say, day to day operations of their agency?"

Hannig: "Representative, those items I think you're talking about are beyond the scope of what..."

Black: "Okay."

Hannig: "...this is trying to do. And we've used this language..."

Black: "So, if I read this Amendment correctly then, it only has to do with implementing, in case of an emergency, the ability to access money in that agency."

Hannig: "Right. And it's all..."

Black: "Okay."

Hannig: "...spelled out in the Amendment."

Black: "Fine. Thank you."

Speaker Brunsvold: "The question is, 'Shall Floor Amendment #2 be adopted?' All in favor say 'aye'; all opposed say 'no'. The 'ayes' have it, and Floor Amendment #2 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "Senate Bill 1704, a Bill for an Act in relation to State Government. Third Reading of this Senate Bill."

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

Hannig: "Yes, thank you, Mr. Speaker. As I stated in the introduction to the Amendment, we need to pass a number of budget implementation Bills to actually make the budget work the way we intend it to work. We can't do that by

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

130th Legislative Day

May 22, 1998

Constitution in the budget Bills, we have to do that through a normal type of substantive Bill. Because of a lawsuit that is pending, we have decided to do a series of budget implementation Bills rather than one, and so this is one piece of the budget puzzle. We've heard some discussion on what it is just a few minutes ago and so I'd move for the passage of Senate Bill 1704."

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

Ryder: "Thank you, Mr. Speaker. I also rise in support of this Bill. It's necessary to implement the budget of the state, and I support the measure and ask for our Members to do the same."

Speaker Brunsvold: "The question is, 'Shall Senate Bill 1704 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. Committee Reports."

Clerk Rossi: "Supplemental Calendars 4 and 5 are being distributed."

Speaker Brunsvold: "On page 6 of the Calendar, appears Senate Bill 659, Conference Committee Reports. Mr. Clerk, read the Bill. Excuse me, Conference Committee Report. Mr. Brady."

Brady: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Last October, the Supreme Court declared the Illinois Insurance Privilege Tax, unconstitutional. Conference Committee Report 659 is an effort to restore what existed before that ruling. It replaces that with other revenue provisions. It repeals the Life Valuation

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

130th Legislative Day

May 22, 1998

Tax. It is neutral in its affect prior to the ruling and it is agreed to by all in the industry of insurance. I know of no opposition, and I ask for your favorable vote.

Speaker Brunsvold: "Is there any discussion? The Gentleman from McHenry, Mr. Skinner."

Mr. Skinner: "Mr. Speaker I would gladly have sponsored this Bill if the proceeds had been going to fund another billion dollars of school construction money, and indeed, next year I may introduce a Bill to earmark this money to school construction. But I don't think it ought to just be dumped into the General Fund because we know the General Fund has much more money than it needs this year. We have over 5%... what is it a 6% increase in GRF revenues this year? We don't need to add to them. So, I may be the only one that votes 'no', but I am going to vote 'no'.

Speaker Brunsvold: "Further discussion? The Gentleman from Mautino... the Gentleman from Bureau, Mr. Mautino."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of Conference Committee Report on Senate Bill 659. As Representative Brady said, this Bill will replace the tax which was struck down by the Supreme Court. Prior to that ruling there was \$120,000,000 which were collected in taxes that went into fund state budgetary items. After enactment of this, the tax which will be designed to replace that, has been set with a formula which will generate, based on that same level of premiums, a \$120,000,000, so it is an even exchange. The Governor in his budget address had said that this had been agreed and we know it is something we have to do, so, that we don't have the \$120,000,000 hole inside of the budget itself. For that reason I join with Representative Brady in sponsorship of the Bill and would ask for your 'aye' votes.

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

130th Legislative Day

May 22, 1998

Speaker Brunsvold: "Mr. Brady to close."

Brady: "I ask for your favorable support."

Speaker Brunsvold: "The question is, 'Shall the House adopt Conference Committee Report #1 to Senate Bill 659?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. This is final action. This is final action. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 60 voting 'yes', 58 voting 'no', 0 voting 'nay', and 0 voting 'present'. The House adopts Conference Committee Report #1 on House Bill... Senate Bill 659. And this Bill, having received a Constitutional Majority, is hereby declared passed. On Supplemental #5, appears Senate Bill 1203. Mr. Saviano. Excuse me, Mr. Saviano. Mr. Rossi."

Clerk Rossi: "Committee Reports. Representative Currie, Chairperson from the Committee on Rules, to which the following item was referred, action taken on May 22, 1998, reported the same back with the following recommendation: 'be approved for consideration' Senate Bill 1203, Conference Committee Report #1."

Speaker Brunsvold: "Mr. Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. Conference Committee Report to Senate Bill 1203, contains the underlying language that was in this Bill. If you remember, I amended this Bill earlier in the week, to include the Home Equity Loan Program. The Senate had non-concurred with that Amendment because they did not agree with it, so, the underlying Bill remains in this Conference Committee Report. And the underlying Bill is the township... Illinois Township Association language which will allow for special service areas to be designated, unincorporated areas in Cook County, for the

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

130th Legislative Day

May 22, 1998

purposes of improving infrastructure, such as flood control, lighting, streets, curb, et cetera. And I would ask that we adopt the First Conference Committee Report to Senate Bill 1203."

Speaker Brunsvold: "And on that question, is there any discussion? The Gentleman from Vermilion, Mr. Black."

Black: "Yeah, thank you very much, Mr. Speaker. Would the Sponsor yield?"

Speaker Brunsvold: "Sponsor yields."

Black: "Representative, it's a little difficult to hear, the underlying Bill dealing with special service areas for townships, is that still in the Conference Committee?"

Saviano: "Yes."

Black: "And that would be by a front door referendum, correct?"

Saviano: "That is correct."

Black: "And the provisions on the home equity loan. Did you say that had been stricken?"

Saviano: "Those were removed."

Black: "So, what basically, now that we have a little order in the chamber, the Conference Committee Report basically deals with the special assessment districts for townships. Now, would that be townships throughout the State of Illinois, or is there a base population level?"

Saviano: "As I stated in my opening, it only affects Cook County townships."

Black: "I thought at one time it went down to as low as 300,000 in the original Bill? Okay, I see it. Alright. Appreciate your indulgence. Thank you, Representative."

Saviano: "Thank you."

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

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

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

130th Legislative Day

May 22, 1998

Speaker Brunsvold: "Sponsor yields."

Mulligan: "Representative, when you have a township that covers an unincorporated area in a incorporated area and you want to put a special service district in an unincorporated area, the whole township would have to agree if there is a referendum?"

Saviano: "That's not true. First of all, it's only on incorporated areas of Cook County. The designated area that would be serving the special service area, would be designated by boundaries set by the township, and would only include the residents who request the front door referendum. And those are the only ones that would vote on it."

Mulligan: "So then if I wanted to set up a flood special service area, which we have that problem, in an unincorporated area in a township.... I'm still trying to figure out... if we could just tax that area or if we'd have to tax the whole township?"

Saviano: "No, you would not tax the whole area. You would identify those households in the special service area, that you would first allow them to vote on the front door referendum, and those would be the only homes that would be assessed for that special service area."

Mulligan: "Thank you."

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

Saviano: "Thank you, Mr. Speaker. This language was passed once out of this chamber. It's a good Bill. Brings local control and gives control to the residents of their community to improve their own community, and I'd ask Conference Committee #1 to Senate Bill 1203 be approved. Thank you."

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

130th Legislative Day

May 22, 1998

Speaker Brunsvold: "The question is, 'Shall the House adopt Conference Committee Report #1 to Senate Bill... excuse me. Mr. Rutherford.'"

Rutherford: "Thank you, Mr. Speaker. I was a little late on the switch there, and I appreciate you recognizing me. Sponsor yield? A quick question to the Sponsor."

Speaker Brunsvold: "Sponsor yields."

Rutherford: "As I look at the Conference Committee Report, I see that the Republican Representatives did not sign the Conference Committee Report. Who circulated the Conference Committee Report?"

Saviano: "That's a good question."

Rutherford: "So, there's a ghost circulator possibly. I've got Representative Tim Johnson and Representative Bob Churchill, are the Republican Members of the House who have not signed this Conference Committee Report."

Saviano: "Hold on a second."

Rutherford: "Alright. Mr. Speaker, I apologize, but this is very important. I mean, I collect autographs, and this could be something some day of great value."

Saviano: "Excuse me. I have a memorandum from our Chief of Staff, Mike Tristano, saying please replace Representative Tim Johnson with Representative Skip Saviano on Conference Committee #1 to Senate Bill 1203."

Rutherford: "Okay, then..."

Saviano: "It was in my file."

Rutherford: "So, this Conference Committee Report is in violation and this is in error. So, we may be... we may not... if this did pass, we may be in violation. This could possibly never become law. Is this important to you, Representative Saviano? I mean are you in a hurry to get to some event and function shortly hereafter?"

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

130th Legislative Day

May 22, 1998

Saviano: "This is very important to me."

Rutherford: "Do we know if Representative Johnson and Representative Churchill would or could concur with this Conference Committee?"

Saviano: "Ohhh."

Rutherford: "Well, Representative Saviano, I appreciate you getting to the bottom of this and digging deep to get the answers. Thank you."

Speaker Brunsvold: "The question is, 'Shall the House adopt Conference Committee #1 on Senate Bill 1203?' This is final action. 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 88 voting 'yes', 30 voting 'no', 0 voting 'present', and this Bill having received... this Conference Committee Report #1 on House Bill... Senate Bill 1203, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, House Bill 868. On Supplemental #4, appears House Bill 868 Mr. Ryder, are you going to handle the Bill for Mr. Daniels?"

Ryder: "At long last..."

Speaker Brunsvold: "Mr. Ryder."

Ryder: "...recently released from captivity, we see House Bill 868. This is the COLA Bill. I urge your adoption. Thank you."

Speaker Brunsvold: "On that question, is there any discussion? The question is, 'Shall the House concur in Senate Amendments #1 and 2 to House Bill 868?' This is final action. 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,

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

130th Legislative Day

May 22, 1998

take the record. And on that question, there are 118 voting 'aye', 0 voting 'no', 0 voting 'present'. The House does concur in Senate Amendments 1 and 2 to House Bill 868, and this Bill having received a Constitutional Majority, is hereby declared passed. Mr. Black."

Black: "Thank you, Mr. Speaker. I had my light on long before you went to the vote. You're leaning to the left a little bit covering up our lights again. I just would like an inquiry of the Clerk."

Speaker Brunsvold: "State your inquiry, Mr. Black."

Black: "Yes, I had filed, joined by every Member of the Republican caucus, 172 written Motions to discharge this Bill from the Rules Committee and advance it to immediate consideration. We received no satisfaction. At this time, I would move to table all of those Motions to Discharge. I'm glad that you finally saw the light."

Speaker Brunsvold: "Thank you, Mr. Black. Mr. Hartke."

Hartke: "I object to the Motion."

Speaker Brunsvold: "Mr. Hartke comes so conditioned in the reflex. On page 5 of the Calendar, appears Senate Bill 1565. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1565 has been read a third time previously. It is on the Order of Consideration Postponed."

Speaker Brunsvold: "Mr. Granberg."

Granberg: "Thank you, Mr. Speaker. Earlier, we had this Bill. It received 58 votes. There were some misunderstandings concerning the contents. I believe those things have been corrected. It would simply allow for local units of government to accelerate the tax collection pursuant to a front door public referendum, which was passed for life safety issues. In my set of circumstances, our county

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

130th Legislative Day

May 22, 1998

board wanted to build a new jail because of increasing federal and state mandates. Because of the lack of federal and state funds, they went to the voters, the voters passed that referendum, overwhelmingly. The county board issued the bonds. They now do not have a revenue stream for the debt service on the bonds that were issued. This would allow them to accelerate the tax collection from January to July of this year in order to pay the debt service on the revenue stream. This would allow those counties, those organizations, to do that. This is not, this is not a tax increase. Now, I understand some of the targets might be concerned, but it is not a tax increase and I'd be more than happy to answer any questions."

Speaker Brunsvold: "On the question, the Gentleman from Madison, Mr. Stephens."

Stephens: "Well, thank you, Mr. Speaker. Just to remind Members on our side of the aisle that we have, we have looked at this legislation again. It is very considered legislation. Representative Granberg, Senator Watson, have worked very diligently on this. There are some Members on our side of the aisle that are not going to be able to support you, but we will... hopefully, those of us that can, will rise in support of our downstate friend, Representative Granberg, and leave here on a good note. Mr. Presiding Officer, that's all that I have to say at this time."

Speaker Brunsvold: "Thank you, Mr. Stephens. The Gentleman from Cook, Mr. Parke."

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

Speaker Brunsvold: "The Sponsor yields."

Parke: "Yeah, Representative, why does a municipal government need a second chance to tax their citizens?"

Granberg: "Mr. Parke, as I... as I indicated, in my set of

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

130th Legislative Day

May 22, 1998

circumstances, the county had to build a new jail because of federal and state mandates. There was no federal or state revenue to assist them to do that, therefore, they passed a public... they passed a public referendum..."

Parke: "I'm sorry, I'm sorry, Representative. Mr. Speaker, I just cannot hear Representative Granberg's comments and they're very important right now to understand this."

Speaker Brunsvold: "Please, Ladies and Gentlemen, let's give the two Gentlemen your attention. It's a very important Bill."

Granberg: "Mr. Parke, the ref... the public referendum was passed, front door referendum went into place. They needed the revenue to issue bonds to pay for the debt service, the revenue stream for the bonds that were issued. So, they can collect this. This allows them to collect it six months earlier because they had issued the bonds in reliance on the referendum passing. They now have no revenue stream to pay the debt service. So, there's no new tax. It just accelerates the existing one that was passed pursuant to a front door public referendum."

Parke: "Why is the Illinois Retail Merchants so strongly in oppose to this?"

Granberg: "Mr. Parke, I don't believe they're strongly opposed. I talked to representatives of the organization and, as you know, you and I work very closely with the Retail Merchants. As a matter of policy, they are opposed. When you measure the degree, I mean, they take the position that these things should not occur."

Parke: "What is their policy on opposing this? Say that so that I can try and understand as... I mean, if they're standing on principle, what's the principle? What's the..."

Granberg: "Mr. Parke, I believe they are opposed to an acceleration of the sales tax that would be collected

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

130th Legislative Day

May 22, 1998

pursuant to the referendum. I believe, and I could be wrong, I believe it is because they feel if you had the referendum, you should stick to the criteria of the referendum and they should have known this in advance."

Parke: "Does it cost the retail merchant more money or did they have to pay the tax sooner, and therefore, they don't get the float on it or... "

Granberg: "No, Mr. Parke, it costs them no more money, no more money. It just allows the county to receive this money from the state earlier."

Parke: "Now, does this only apply to home rule communities? Doesn't have any affect?"

Granberg: "No. It applies, Representative, it applies basically to four communities who have this problem. I believe Cahokia is one, I believe Vermilion County has this problem, as well as mine. Senator Watson and I are trying to address this problem for our area and that is what this does, but apparently, there are three other areas that also face this problem."

Parke: "Thank you, Representative."

Granberg: "Thank you, Mr. Parke."

Speaker Brunsvold: "Further discussion? The Lady from DuPage, Representative Cowlshaw."

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

Speaker Brunsvold: "The Sponsor yields."

Cowlshaw: "I'm sorry, it was not clear to me in your original explanation. This enables somebody in some local unit of government to get some of the money needed for whatever purpose it may be, sooner than otherwise would happen. From whom is that money coming? Is that state dollars that you're going to be able to get earlier or does that mean you collect the taxes from those local people earlier?"

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

130th Legislative Day

May 22, 1998

Granberg: "Representative, it's a local tax, strictly a local tax for life safety. In our area we had to build a new jail because of federal and state mandates."

Cowlshaw: "Okay."

Granberg: "There was no revenue available from the federal government. So, we had to tax ourselves in order to do that. This is strictly a local sales tax. We were forced to tax ourselves to do this to fulfill the costs... or to fill the costs of these mandates. So, we're having to tax ourselves because of federal and state mandates and that's what this does."

Cowlshaw: "Well, this life safety... now wait a minute, this is not a fund within your local school district? There is a life safety fund within each school district. What is this? Is this a special district that exists for the purpose of selling bonds and handling the construction, or whatever is involved with this?"

Granberg: "Sure. What it is, Representative Cowlshaw, is a special county Retailers Occupation Tax for public safety. We had to go to the people... or the county board had to go to the people and ask them to support this so they could build a new jail because of federal mandates."

Cowlshaw: "All right."

Granberg: "Okay. Strictly a local tax. This allows them to accelerate the collection of that tax so they can pay the debt service on the bonds. No other state money, strictly local money."

Cowlshaw: "But you are telling me that whatever this is, is involved in whatever units of local government already existed where you are. You are not creating still another unit of local government that has the power of taxation?"

Granberg: "No. No. Represe... Representative Cowlshaw, no, that

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

130th Legislative Day

May 22, 1998

is not the case."

Cowlshaw: "Thank you."

Speaker Brunsvold: "Mr. Granberg to close."

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I want to thank Representative Stephens and my friends on that side of the aisle for helping me clear up this misunderstanding on this Bill. Again, this is not a tax increase. It simply allows us, in peculiar sets of circumstances, to collect our own tax pursuant to a public front door referendum, so we can comply with these costly state and federal mandates. We have resolved this problem. This will enable us to do that with strictly local money and I would appreciate your support."

Speaker Brunsvold: "The question is, 'Shall Senate Bill 1565 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 62 voting 'yes', 56 voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk."

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

Speaker Brunsvold: "Committee Reports."

Clerk Rossi: "Committee Reports. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measures were referred, action taken on May 22, 1998, reported the same back with the following recommendation: 'to the floor for consideration' Motion to Concur in Senate Amendment #1 to House Bill 3427; Conference Committee Report #1 to Senate Bill 1339; Conference Committee Report #1 to Senate Bill 1674; Floor

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

130th Legislative Day

May 22, 1998

Amendment #2 to House Resolution 322; and House Amendment #3 to Senate Bill 1607...1706."

Speaker Brunsvold: "On page 5 of the Calendar, appears Senate Bill 1706. Mr. Clerk."

Clerk Rossi: "Senate Bill 1706, has been read a second time previously. No Committee Amendments. Floor Amendment #2, offered by Representative Hannig, has been approved for consideration."

Speaker Brunsvold: "Mr. Hannig."

Hannig: "Withdraw Amendment #2, Mr. Speaker."

Speaker Brunsvold: "The Gentleman withdraws Amendment #2. Further Amendments?"

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

Speaker Brunsvold: "Mr. Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. Part of what we wish to accomplish in the budget that we'll address later, is to provide for additional monies for nursing homes, for hospitals, and for children's hospitals, to broaden the base and definition of children's hospitals. And also, to broaden language for immigration, for immigrant assistance. And this proposal which is part of the Budget Implementation Act as well, is the language that has been agreed upon, and I would move for its adoption."

Speaker Brunsvold: "The Gentleman has moved for adoption on Floor Amendment #3, and on that question, the Gentleman from Jersey, Mr. Ryder."

Ryder: "Thank you, Mr. Speaker. I would also join and ask my colleagues to support this Amendment which would then be used to implement the budget. This is a substantive language necessary to implement the FY99 budget."

Speaker Brunsvold: "The question is, 'Shall Floor Amendment #3 be

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

130th Legislative Day

May 22, 1998

adopted?' All in favor 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. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1706, a Bill for an Act in relation to state government. Third Reading of this Senate Bill."

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

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. Again, this is a proposal that we need to enact as a substantive Bill in order to make the things that we put into our budget Bill work. Specifically, we wish to allow a rate increase for nursing homes, for hospitals. We wish to provide additional money for our children's hospital as well as broaden that language as well deal with the... and broaden the language on immigration services. So, that's what this Bill does. It's agreed to by both sides. It's needed to make the budget work, and I'd move for its adoption."

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

Ryder: "Before I speak in favor of the Bill as amended, I have an inquiry concerning Amendment #2. What is the status of Amendment #2?"

Speaker Brunsvold: "Amendment #2 has been withdrawn."

Ryder: "Thank you. As a result, I am happy to stand in support of this Bill. It is necessary in order to implement the budget, and I would urge my colleagues to support it."

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

Stephens: "Thank you, Mr. Speaker. A point of personal privilege."

Speaker Brunsvold: "State your point."

Stephens: "Earlier in the day when the Senate Bill 3 was called,

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

130th Legislative Day

May 22, 1998

Representative Black, the esteemed Floor Leader from our side of the aisle, had such... was in such a celebrative mood, that he came back to my area and threw confetti in the air. And it's remained on the floor all day, and he has pledged to me, he has promised me, he has given me his word of honor, that he would have a vacuum cleaner out here to clean this mess up. Now, I'm just as happy as anybody, that 2.2 passed. And I, in fact, got some of the confetti and threw it back up in the air. But enough is enough. I want the floor cleaned and I want Representative Black to do it."

Speaker Brunsvold: "Good point, Mr. Stephens. The question is, 'Shall Senate Bill 1706 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 118 voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill having received a Constitutional Majority, is hereby declared passed."

Clerk Rossi: "Supplemental Calendars 6 and 7 are being distributed."

Speaker Brunsvold: "On Supplemental Calendar #6, appears Senate Bill 1674. The Lady from DuPage, Representative Biggert. The Lady from DuPage, Representative Biggert."

Biggert: "Thank you, Mr. Speaker. This is Senate Bill 1674. It was."

Speaker Brunsvold: "Representative could you hold up for a minute? The Clerk is having a problem with the board. Representative Biggert, proceed."

Biggert: "Thank you, Mr. Speaker. This is Conference Committee Report #1. I would ask for adoption. The Report recommends that the House recede from House Amendment 1 and

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

130th Legislative Day

May 22, 1998

that the Senate concur in House Amendments 2 and 3. And that Senate Bill 1674 is amended... further amended to amend the Legislative Information System Act and provide that information be available to the public on the World Wide Web. It goes into various dates that that will be available, on or before July 1, 1999. Several of the legislative reports will be on and then before the conclusion of the 92nd General Assembly, January 2002, information will be available. The other provisions were the Business Corporation Act to allow a shareholder to appoint a proxy by fax, and to also allow that the Clinical Laboratory and Blood bank Act to provide that a request made by electronic mail or fax constitutes a written request for examining blood specimens. I'd be happy to answer any questions."

Speaker Brunsvold: "Is there any discussion? Seeing none, the question is, 'Shall the House adopt Conference Committee Report #1 to Senate Bill 1674?' This is final action. All those in favor signify by voting 'aye'; all opposed by voting 'no'. This is final action. 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 118 voting 'yes', 0 voting 'no', 0 voting 'present'. The House does adopt Conference Committee Report #1 to Senate Bill 1674, and this Bill having received a Constitutional Majority, is hereby declared passed. On Supplemental Calendar #7, appears House Bill 3427. Mr. Clerk. Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. I move to concur in Senate Amendment #1."

Speaker Brunsvold: "The Lady has asked for... Representative, can we take this out of the record for a minute?"

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

130th Legislative Day

May 22, 1998

Mulligan: "Sure."

Speaker Brunsvold: "All right, thank you. On Supplemental Calendar #6, appears Senate Bill 1339. Mr. Dart."

Dart: "Thank you, Mr. Speaker, Members of the House. Conference Committee #1 to Senate Bill 1339 is a combination of some Bills that we've had in front of us before that we've passed out of here unanimously. We've made some changes which we passed out of here before to conform with Federal Adoption and Safe Family Act. It makes numerous technical changes to makes... bring us in compliance. We also have cleanup language for... the measures we passed last year that was requested by the State's Attorneys' Association. And the third is, we have some additional matters. The primary one is is one that I talked to the Body about before, which we have run into road blocks every time we've tried to, which is to allow for secured treatment facilities in our state for our children, who we presently ship throughout the country. What we've provided here was an elaborate scheme that's modeled after the Mental Health Code and so that we can open up facilities in this state for our children to bring them back into our state. We also provide for lawsuit immunity for CASA Volunteers, who provide services to abused and neglected kids. We make some adjustments to the reasonable efforts language, and we also make a directive that the department has agreed to by the year 2000 to develop a direct child welfare service employee license to make sure that the employees that we have working with these children are of the highest quality. There's other changes that are made that are more on the technical nature. I'd be happy to answer any questions."

Speaker Brunsvold: "And on that question, the Gentleman from

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

130th Legislative Day

May 22, 1998

Vermilion, Mr. Black."

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

Speaker Brunsvold: "The Sponsor yields."

Black: "Representative, I think you've done an excellent job of putting this together. Two areas I want to concentrate on just so I'm sure that I understand, because I think they're relatively new from the underlying Bill. We're adding a requirement that the agency, DCFS, develop direct child welfare service employee licensure by January 1, 2000. The language is rather vague. Can you tell me what will be classified as a child welfare service employee?"

Dart: "A child welfare specialist, an investigator, and supervisors."

Black: "Okay. Now, it would be for any employee of the agency, DCFS, or its contractors?"

Dart: "Correct."

Black: "So, if they have, like Catholic Social Service, they would have to be licensed, as well, correct?"

Dart: "Correct."

Black: "And the license will be issued by the agency or by Professional Regulation?"

Dart: "By the agency."

Black: "And that will be promulgated by rule?"

Dart: "Correct."

Black: "With JCARE oversight?"

Dart: "Correct."

Black: "All right. Now, what I want to make sure of, there is no intent to put this licensing requirement down to a level where a day care home operator, in a rural area, would also have to get a welfare license... licensure... child welfare licensure?"

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

130th Legislative Day

May 22, 1998

Dart: "No. There's no intent, whatsoever, to do that."

Black: "Okay. All right. Then there's... There's one other Section on, I think it's some kind of a change in the adoption process. It appears that you're adding new language, new ground to declare a parent unfit, and it seems like, it says, 'If they have been in foster care fifteen months out of any 22 month period', and that 15 month could be... would not necessarily have to be consecutive, as I understand it, then the child would be eligible for adoption?"

Dart: "If 15 out of 22 months that the requirement to file a petition is a federal requirement. A lot of what we are doing are making changes to comply with the federal law..."

Black: "All right."

Dart: "...as well."

Black: "Now... Let me concentrate just very quickly on the 15 months. If they're in foster care for 90 days, they go back home for 65 days. They go back to foster care for 90 days. They go back home for less than a month. What I'm getting at, what period of time frame would you hit the 15 months in... in foster care? Would it have to be within a 22 month consecutive period?"

Dart: "Not necessarily. It's been my understanding on that one. The idea behind this is... is once again, there can be compelling reasons shown to the contrary to allow for, in the area of... like relative to foster care and the like. The thought here was, as I say, A, to comply with some of the federal guidelines that have come down, but, B, to end this unending cycle that we have right now where we have children that are languishing in foster care forever and ever and ever and this would be... nearly grounds for it, which would have to be proved up and have to go in front of

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

130th Legislative Day

May 22, 1998

the court, nonetheless, to show that this a grounds that they should follow through on."

Black: "But I thought that was addressed in the underlying Act and under the federal statute about setting that criteria, and it seems to me that we're not duplicating but perhaps enabling the process to be speeded up. I don't particularly have any problem with that. I just want to make sure that the parent has adequate due process, because some dysfunctional families can get their act together, some obviously as we... and we read about those, never do. But at the same time, I don't want us to get into a situation where a 15 month time clock runs out and, bingo, the child is available for adoption."

Dart: "No. No, no, no. That wouldn't be it... As I said, the theory behind this was to end the problem that we've been experiencing for years now with the children who, frankly, are being abused a second time because we bring them into the system, they languish there forever. There's no hope of them ever having any return home or going on to a permanent home here. In this situation, the parent would be able to bring forward evidence to show that they are doing everything in their power to make their family complete, to get their act together. They'd present that to the court. They would have attorneys provided for them to do just that, and in those situations, it would not be my understanding the court would, in any way, terminate a parental right in that situation."

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

Dart: "And just as a point of clarification. Unfortunately, the average length of stay in Illinois right now, for children in foster care is four years, which is... I think anybody would understand, is unacceptable."

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

130th Legislative Day

May 22, 1998

Black: "And unfortunately within that time period is... can be several foster families, which is even more heartbreaking."

Dart: "Yeah. Several foster families, the third, fourth, fifth, sixth birthday's come and gone and they are... they don't know who to call Mom and Dad anymore."

Black: "Okay. Well, I... Representative, I appreciate your indulgence. This is a very complicated piece of legislation. It appears that you've worked out the concerns that many of us express, quite well. One of the Sections in your Bill, in your Conference Committee Report, is long overdue, and I'm glad to see that we have an opportunity to perhaps put that in statute, keep our children in Illinois, and I think, in the long run, this will be a positive step forward in trying to straighten children out before they get into the system of Department of Corrections. I commend you for your work. Thank you for your answering the questions."

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

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

Speaker Brunsvold: "Sponsor yields."

Davis, M.: "On page 52, Representative, one of the factors for removal of a child is if that parent had a child removed at a previous date."

Dart: "Yes. These are all federal requirements that we have to follow."

Davis, M. "Well, let me tell you the problem I have with that. There are people who have children at the age of 16, 17, or even in early 20's, who perhaps have neglected their children. Now, let's say it's 20 years later and they're 40. So you're saying that previous charge against this parent will be a factor in the judge removing this new

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

130th Legislative Day

May 22, 1998

child, this sibling?"

Dart: "They would have to be convictions for murder and the like."

Davis, M.: "No, it's not murder, now."

Dart: "Pardon, me?"

Davis, M.: "Look on page 52."

Dart: "Yeah, I'm reading that."

Davis, M.: "And it says, 'The court shall grant this Motion with the respect to a parent of the minor if the court finds after a hearing that the parent has had his or her parental rights to another child involuntarily terminated'."

Dart: "It does say... for starters, up above that it says, 'That the department may file.' Immediately on page 52 at the top, it talks that the department 'may file' and then it talks about 'if convicted of these offenses.' These are convictions. These aren't allegations of murder."

Davis, M.: "Well, but there are cases in which a parent might have been convicted and ten years later that parent is a model citizen, but because that parent had one child removed, are we saying in 1998 and '99 that that parent's second child or third child must also be removed?"

Dart: "Yeah. For starters, Representative, as I mentioned before, this is qualified by a 'may'. The department 'may' issue... enter under this opt..."

Davis, M.: "It's just as dangerous, Representative."

Dart: "But, no, but wait. For starters, it's 'may', but secondly, the parent has to be brought into the system for some reason. DCFS is not going to be combing the records looking at... there's had to be a hotline call come in that has alerted the child welfare agency there's a problem. Once they have the case in front of the court then, then they would examine it and find out, oh, in

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

130th Legislative Day

May 22, 1998

addition to that, this individual has... been convicted of murder as well, and then after that conv..."

Davis, M.: "No. No, no, no."

Dart: "Yeah, that's what it says."

Davis, M.: "Each of these factors are listed separately and what they're saying is, if any of these factors have occurred, the parent is subjected to having his or her parental rights terminated and that first one really does trouble me because the first one is saying, no matter how many years ago this might have been, but if this parent had, at any time, had a child removed, then this would give the court, what shall I say, sanction, to again remove another child. And we do know that this is happening today. So that's one Section that I totally disagree with."

Dart: "The department is still going to have to prove termination grounds here. This Section is regards to whether or not the department has to provide reasonable efforts, and as I say, once again, it's written as a discretionary. They may do this if they find, first it's 'may', they may do it, but secondly, once again, they have to have had a hotline call that brought this case in. It's wholly unrelated to a previous murder or anything else. This individual's done something to this child..."

Davis, M.: "I'm not talking about murder."

Dart: "... and now this case has been brought in, and now, it's just a question as to reasonable efforts. We're not talking about termination grounds in this Section here on page 52."

Davis, M.: "We're listing the what? What are we listing on page 52?"

Dart: "We're listing... we're listing the areas in regards to reasonable efforts the department has to undertake to

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

130th Legislative Day

May 22, 1998

supply reasonable efforts to reunite. This is not a determination Section here."

Davis, M.: "First or second degree murder of another child. That's to reunite?"

Dart: "This is in regards to a specific Section deal... entitled 'Early Termination of Reasonable Efforts', not parental rights. We're not talking about them terminating parental rights."

Davis, M.: "So, they're going to terminate the effort to reunite the parent with the child."

Dart: "Once again, the department may do that if they find out that the case has been brought into them because something bad's happened to this kid, and then they low and behold, they found out that this parent, in addition to all that, was convicted of murder... and then they may do this. They may not, I mean..."

Davis, M.: "Representative, can we turn this...."

Dart: "And once again, this is a federal statute were trying to comply with."

Davis, M.: "Can we turn to page 71? And I'm probably missing a lot of other bad stuff. Can you define 'legally neglected'?"

Dart: "Excuse me, one more time?"

Davis, M.: "A minor under 18 found to be neglected. What is neglected?"

Dart: "I'm sorry, what is neglected? Well, that would be, under the definitions as provided in the statute right under the Abuse and Neglect Act."

Davis, M.: "Is it in this Act, or I have to... because it doesn't refer to anything else."

Dart: "No, it's in the existing statutes now. We aren't tinkering with that at all on page 71. It's... minors as

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

130th Legislative Day

May 22, 1998

they are defined as neglected in the Act."

Davis, M.: "Well, my concern there is, I don't know what neglected legally... I don't know what the meaning is. I really don't know. Does neglected mean if I leave a 17 year old alone for 6 hours? Does neglected mean I didn't send him to school? Does it mean he's not fit? I don't know what it legally means?"

Dart: "Yeah, it's already in existing law. We aren't working on that here at all. What it is is it's a definition that has been used for years that is relatively open-ended so it comply to each individual case differently, but in the bottom line is, it has to result in harm to the child."

Davis, M.: "Can we look on page 72? May I ask why we're taking out the language that states, 'When the court orders a child restored to the custody of the parent, the court shall order the parents to cooperate with the department and to comply with terms of after care plan or risk the loss of custody'. Are we taking that out because there's..."

Dart: "Representative, that was a technical change. We moved it into other parts of the Section. We aren't removing that provision at all. As I said, this, in addition to some of the substantive things I've talked about, this was also a cleanup Bill as well. It was asked..."

Davis, M.: "So, that language is someplace else..."

Dart: "It's someplace else in here, yes. I don't..."

Davis, M.: "Where is it?"

Dart: "... I cannot tell you where it is right now, off the top of my head. It's in several places."

Davis, M.: "You can't.... you can't tell me where? Just give me one place."

Dart: "Representative, it's in several places. I do not know

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

130th Legislative Day

May 22, 1998

which one right now."

Davis, M.: "Can we look at page 79?"

Dart: "Which one?"

Davis, M.: "Oh, is that... page 79. Representative, what is a secure child care facility?"

Dart: "A secure child care facility is a facility that we are going to allow the department to license in the State of Illinois now, which will be a facility that will be able to deal with our children, Illinois residents, who are... have been victims of abuse and neglect who cannot be handled in our state right now because of the fact that we do not allow for secure care. So right now, we ship the kids out to Puerto Rico, Utah, Texas, you name it, all over the place at incredible expense, and also, we break those children's... any connection those children have, right now, to family within the states. They do not have those any more because they do not have the ability to be meeting with them, and we also don't monitor them, and as a matter of fact, Colorado, a place where... a facility we used to keep our kids in just got shut down because of the fact there was so much abuse going on within the facility itself."

Davis, M.: "In this secured facility that we're going to license, are there any requirements that these students be given any education or any counseling?"

Dart: "Yeah, there are..."

Davis, M.: "Is that in this Bill?"

Dart: "There are requirements in this Bill which deal with education issues..."

Davis, M.: "Tell me where it is, Representative."

Dart: "Representative, if you can give me about 10 minutes, I can give it..."

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

130th Legislative Day

May 22, 1998

Davis, M.: "I'll give it to you, if the Speaker will, I will."

Dart: "It's not in here, specifically. It's required by court case, the BH Consent Decree which... "

Davis, M.: "No. No, no, no, no, no, no."

Dart: "Yes."

Davis, M.: "It is... if you are starting a new facility, there is no existing law that tells you what must be there. Now, if you're talking about locking children up, Representative, you're talking about a safe and secure facility where they are under lock and key, but no where in your Bill are you talking about the educational...anything."

Dart: "We are required to do that, right now, Representative, by existing case law. A Consent Decree is a decree in which the department is operating under right now, which requires them to do certain things and one of them is, deals with education of children, that they will be required to follow. Just because I passed this Bill, doesn't mean they don't have to follow Consent Decrees anymore. They still have to follow those, and let me remind you, too, Representative, these children right now are locked up. It isn't all of a sudden that I am deciding we're going to start locking children up. We're locking these kids up, but we're sending them off to Utah, we're sending them off to Texas, we're sending them off to Puerto Rico."

Davis, M.: "Representative, Representative, is there anything in your Bill that mandates counseling services, emotional support?"

Dart: "That, once again, is covered under a Consent Decree, which is going to be done by internal rules, the Department of Rules, and mind you, if we don't do any of those things, we will be sued by everybody, the ACLU, once again, for the umpteenth time."

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

130th Legislative Day

May 22, 1998

Davis, M.: "Representative, you also say that if you have a 12 year old who doesn't like this facility, is that correct? This 12 year old can make a decision not to stay."

Dart: "Do you have that page there? Can you reference a page?"

Davis, M.: "I think it's page 80. It's page 80, lines four through 15. A minor, 12 years of age or older, must be given a copy of the application and the statement should be explained to him or her in an understandable manner. A copy of the application should also be given to the person who executed it."

Dart: "Correct, that's, I see that."

Davis, M.: "So, if the child doesn't like it, what can he do?"

Dart: "Representative, there's no reference in here about the child, the place you just quoted to me now requires the child..."

Speaker Brunsvold: "Representative Davis, would you bring your remarks to a close, please?"

Dart: "... requires the child to be given information in regards to the facility where they're at and the like. If the child does not like the facility where they're at, those things will be brought up to the court via the attorney that the child likes, and in the same fashion it does right now."

Davis, M.: "To the Bill. I would just like to say, I don't think..."

Speaker Brunsvold: "Representative Davis, Mr. Morrow has yielded you his five minutes if you wish."

Davis, M.: "Thank you very much. And the only reason I'm going through this, Representative, is because I believe the children in the State of Illinois deserve our protection. They deserve the fact that when we pass laws for them, that they're well-thought-out and they're not, it's not an

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

130th Legislative Day

May 22, 1998

afterthought. The educational plan for children that we're going to lock up should be in place in this Bill. It should not be a part of the BH Consent Decree. Can we look on page 83? Representative, can you explain lines 33 through 30... well, through the next page, I guess. I know prior to this legislation, hearings were to be held. This legislation says one hearing. Is that correct?"

Dart: "What that Section says is, that under existing law, they have a year in which to have the permanency hearing. What that... the new language says is, if the parental rights have already been terminated, so there aren't any parental rights there, that the permanency hearing has to occur earlier because we don't want the child languishing, bouncing around with no future, no home, no..."

Davis, M.: "You know, I don't want to hear that 'languishing' anymore and the reason..."

Dart: "Well, that's what happens, Representative."

Davis, M.: "Let me tell you what... let me tell you..."

Dart: "That's the reality."

Davis, M.: "No, I don't..."

Dart: "That's reality."

Davis, M.: "No, I don't want to hear it because they languish many times because the department refused to let them go. There's a lady that stands before me almost every evening who is trying to adopt a disabled child. It's in court because DCFS doesn't want this woman to adopt this child. I'm on the phone with somebody who's just had a third child, who's in court because her previous two children were taken away 15 years ago. So, I really don't want to hear this sad story about children languishing."

Dart: "It is sad, though, Representative, when children don't have a home and a place they can call home, they don't have

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

130th Legislative Day

May 22, 1998

a mom and dad. You know what, Representative, that is sad."

Davis: "But this rule, this Bill that you have here, is merely to, in my opinion, and I've gone through it, I've really only gone through halfway of it. I've gone through half of it and it just appears to me is you want to take somebody else's children, and you want to create for yourself the authority in a court to determine what happens to them..."

Dart: "That's what we do right now, Representative."

Davis: "Now, hold on. No, no."

Dart: "That's exactly what we do right now."

Davis, M.: "Excuse me. Excuse me. The Christian Coalition is opposed to your Bill."

Dart: "I am unaware of that. That's not what I know."

Davis, M.: "Representative, there are some of us... Representative, there are some of us who believe that grandmothers and grandfathers have more rights to those children than a judge who doesn't really care about them. I'm really concerned that when we, we want to terminate these children's... the parental rights of these children. We want to place them in what we call safe and secure environments. We don't have an educational plan for them. That's not written. We're going to look for that in some other decree that the federal court wrote. Illinois should not stand in that light. Illinois should be in the forefront of protecting our children and all of this constant talk of children languishing and nobody wants them, is a bunch of malarkey because there are a lot of people trying to adopt these kids that the department refuses to let them adopt them. Now, I'm going to tell you why I'm upset. I don't like this Bill. I don't like these Bills where you're trying to terminate somebody's rights

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

130th Legislative Day

May 22, 1998

because you're talking about my people and my kids. I don't like it when you talk about having a safe and secure environment that is not clearly spelled out in this legislation, but you're talking about keeping them until when? There's not even something in here that says when this child can be released. Now, I want you to think about this. You've terminated parental rights, so who's responsible for this child now? You lock the kid up in your, so called safe and secure environment, but who's to look after this kid... the parental rights? Is he now all yours?"

Speaker Brunsvold: "Representative, bring your remarks to a close please."

Davis, M.: "I'm going to bring them to a close. This Bill will probably fly out of here, but it smacks so close to what happened to my people 400 years ago, and I'm just tired of it. Where you take my children and you place them before an insensitive judge who's to make a decision. Well, in my family, the grandmother made the decision. The grandfather made the decision. Someone who knew and cared for that child made the decision. This is another bad Bill. It'll probably fly out of here, but it won't have one of the most important votes of all. One who has read this Bill. This person will vote 'no' on this legislation."

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

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

Speaker Brunsvold: "The Sponsor yields."

Feigenholtz: "Representative Dart, I know you've worked long and hard on this issue and this Bill. I just have a few simple questions for you. Something that I find very curious in here that I hope you or Mr. Hoffman can help me with is, on

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

130th Legislative Day

May 22, 1998

page 34 of this very long piece of legislation, Section 8.5, transmit monthly to the State Central Register of the Illinois Department of Children and Family Services, a copy of all death certificates. Could you explain to me what that is?"

Dart: "Yeah. What that is, Representative, is right now we have child death review teams that operate in the State of Illinois and they review whenever a child has died and the care, the department or the like to see if something was wrong with the way the care was handled. What we've done here is, the death review teams of... for these children have asked that their role be expanded so they can review other cases of deaths which may have come to their knowledge and so they ask that these records be submitted to them so that they can evaluate those to make sure that the death of the child was not done in such a way that there was something wrong."

Feigenholtz: "So, this will help them accomplish that?"

Dart: "Yeah. This was what they asked for. They asked that the role could be expanded, somewhat, to try to assist in trying to come to conclusions on the death of children."

Feigenholtz: "Okay. On page 99 of this Bill, I have one more question, the... what's underscored on line 15 and 16, it refers to 'for the purposes of a diligent search'. I know that within this whole safe kids and placement concept that's been talked about by the federal government, there's also been a mention of changing the definition of a diligent search. I know that in some adoptions, historically, there would be notices put in newspapers for certain length of time. Could you tell me a little bit about how this definition has changed?"

Dart: "Sure. The thrust of this Amendment is, once again, to try

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

130th Legislative Day

May 22, 1998

to assist in the diligent search of a parent and so we are allowing those records to be examined in case the individual has been... is presently in a mental health facility, right now. This is language we worked out with the department and the effort there is, once again, to find the parent of the child for purposes of... whatever the purpose may be. The purpose may be to serve them with something. The purpose may be in interest of reunification. It may be a merit of interest, but the bottom line is to try to get more information so that they can conduct a diligent search."

Feigenholtz: "Well, I don't know if you have that information, at hand, but I would like to get a detailed copy of what the department is trying to attain and what those fine details of a diligent search are and how they've changed. And I also am wondering if you know, do private attorneys who do adoptions have to comply with the same standard of a diligent search when searching for a establishing paternity, do you know?"

Dart: "I'm sorry. If you could repeat that question."

Feigenholtz: "In a private adoption, I mean, I know that we're working hard on trying to define what a diligent search is here and you've explained very well what the purposes are..."

Dart: "Yeah, this is a diligent search for a relative. It's not in relation to a private adoption. It's about a... just for children who are coming into the child welfare system."

Feigenholtz: "So, you're saying that there's a different standard that is..."

Dart: "Yeah, the chapter that we're dealing with here applies to just for the children who are coming into the child welfare system."

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

130th Legislative Day

May 22, 1998

Feigenholtz: "Okay. So, in the Adoption Act, there's a different standard for a diligent search for relinquishing parental rights and establishing paternity in a private adoption than there is with the department. Is that what you're saying?"

Dart: "I believe that is the case. See, we're required under existing law right now, for obvious reasons, by the department to do a diligent search to try to find parents of kids who come into the system and this is just to allow the department to try to find the parents. I mean, that's the sole purpose of what we're doing here."

Feigenholtz: "Okay. Thank you very much, Mr. Dart."

Speaker Brunsvold: "Mr. Clerk."

Clerk Bolin: "The Rules Committee will meet immediately in Representative Churchill's office. The Rules Committee will meet immediately in Representative Churchill's office."

Speaker Brunsvold: "The Gentleman from Madison, Mr. Hoffman."

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

Speaker Brunsvold: "The Gentleman has moved the previous question. The question... Mr. Myers."

Myers: "...Has talked forever. I have a question of the Sponsor if he'd yield."

Speaker Brunsvold: "Just a minute, Mr. Myers. The question is, 'Shall the question be put?' All in favor say 'aye', opposed 'nay'. The 'noes' have it. The 'noes' have it. Mr. Myers, with your pointed questions."

Myers: "Thank you. Well, I do a question that's important. I believe that at least it should be called attention to, Mr. Speaker. And, I'm not just trying to frivolous on it. Representative, Representative Dart, could you tell me, does this Bill have anything to do with DCFS Scholarships?"

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

130th Legislative Day

May 22, 1998

Dart: "Yes. I'm glad you brought that up, Representative. What this Bill also does, it expands the number of scholarships. It doubles the number of scholarships to colleges that the department gives out to wards of the state. And it also expands the number of children who qualify to also in the area of children who... who were in the department's care, who are now adopted as well."

Myers: "Does it also, excuse me. Under the previous or... under the current law, it allows for 24 scholarships and 4 of which are reserved for veterans or children of veterans. I noticed under this piece of legislation that you have not apportionately increased that even though you've pushed the number of scholarships available up to 48."

Dart: "You're correct, Representative. We didn't touch that Section. It wasn't by any great design other than the fact, we just wanted to increase them. We didn't proportionately increase the number of veterans. That's something that may be, you know, food for a future Bill. There was no reason why we didn't, though."

Myers: "Okay. Well, would you be willing in a trailer Bill, at some point on this, hopefully in the next Session to include increasing that..."

Dart: "Sure, I'd be happy to double that, as well."

Myers: "...in the same proportion. Thank you. Appreciate your answer."

Speaker Brunsvold: "Thank you, Mr. Myers. The Lady from St. Clair, Representative Younge."

Younge: "Thank you, Mr. Speaker. I relinquish my time to Representative Davis."

Speaker Brunsvold: "Representative Monique Davis, for five more minutes."

Davis, M.: "Thank you very much, Representative. On page..."

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

130th Legislative Day

May 22, 1998

Excuse me, on page..."

Speaker Brunsvold: "Proceed, Mr. Dav... Ma'am Davis."

Davis, M.: "...On page 115, on page 115, there is talk about a person who commits three felonies can have their parental rights terminated. So, you know, a drug case can be a felony case, and are you saying if a man is convicted three times of selling drugs that his parental rights can be terminated?"

Dart: "Now, what this does is, it creates a presumption that can be rebutted by them, that that's not the case."

Davis, M.: "But, but, without this law, it doesn't have to be rebutted."

Dart: "Pardon me?"

Davis, M.: "Without this law there's no rebut necessary. The point..."

Dart: "No, without this law they can still..."

Davis, M.: "...No, listen to me. Listen me..."

Dart: "They can still file unfitness petitions against this parent, right now."

Davis, M.: "So, if a person within a five year period commits three crimes that are felonies, he could lose his children and the state has to take care of them?"

Dart: "What that does is, it creates a presumption that they can come and rebut by showing, such as, that this was drug related, had nothing to with abuse and neglect of the kids. But, once again, the case is already in the system. There was something done to that child, already, before this is kicking in."

Davis, M.: "And then you state, there's reasonable presumption that a parent is depraved if that parent has committed domestic violence. Is that correct?"

Dart: "Can you give me the line on that one?"

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

130th Legislative Day

May 22, 1998

Davis, M.: "I think it was page 115, I'm not sure. But, I would think, Representative, on such a serious piece of legislation that you're presenting to us that you would be very much more knowledgeable. We are... We're talking about dealing with the lives of children, parents, families. What could be more American than that? This should be something thoroughly thought out."

Dart: "This was worked on for about a year and a half, Representative. I would hope that you do the same amount of work on your Bills, as well."

Davis, M.: "So, would you kindly tell me what happens if a person is committed, is convicted of domestic battery. Can he or she lose his or her children, or be declared neglectful or lose their parental rights, because they have had a fight with their wife or other spouse?"

Dart: "Representative, can you give me the line, the page and line number?"

Davis, M.: "No, Sir, I can't. This is your Bill."

Dart: "Well, you're asking me a question about it and I'm asking you to cite to it."

Davis, M.: "Well, it's here and it's in my notes. I'm sorry, I really can't give it to you right now, the exact line. If we look at page 117 pursuant to the Juvenile Act of '87, 'If a child has been in foster care for 15 months out of 22 months, which begins after or on the effective date of the Amendatory Act.' What happens to this child?"

Dart: "What happens to this child, then is if that child has been in foster care for that period of time, the state then has the ability to file that as a grounds for unfitness. They don't have to..."

Davis, M.: "Hold on. Hold on...."

Dart: "They don't have to, though."

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

130th Legislative Day

May 22, 1998

Davis, M.: "All right, can we hold it for just a minute, Representative Dart? If a child has been in foster care for 15 months, you're saying that that in itself, starts the procedure for parents losing their parental rights even though, many times, people are trying to get their children and the Department of Children and Family Services won't give them to them?"

Dart: "Well, that provision, if you read further on down there, it says, 'if the parents can show that they have the ability to get their child back and it's in the best interest of the child', this doesn't apply then."

Davis, M.: "So actually, though, this Bill states, we're talking about dates, the date of entering foster care is more of a determiner if the parent gets the child back, than if the child, the parent is ready to receive the child. How many months are we giving that parent to prepare him or herself to be a parent?"

Dart: "Last year, we passed legislation which said, which a lot of this complied with federal statute, which said that, it was a grounds for unfitness. Once again, grounds for unfitness is a long stretch away from saying we're yanking children away. The grounds for unfitness, if the parent has not done the reasonable efforts to get the child back within a year. So, this is just building on that and saying, that if the kid is in the system 15 of 22 months..."

Davis, M.: "To the Bill. To the Bill, Mr. Speaker."

Speaker Brunsvold: "Proceed."

Davis, M.: "If I didn't know, if I didn't know better, I would go along with this Bill, Representative Dart, but I know of cases, I have talked to the Department of Children and Family Services. I have said to them, 'Mrs. Blank Blank

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

130th Legislative Day

May 22, 1998

and her mother want her children. They are capable of caring for their children. They have gone through 12 months of parenting classes twice. They have been to a psychiatrist. They've done everything the department has required of them, and yet, they refuse to give them back their children.' This is flawed legislation. It is flawed because it is not considering there are many people, perhaps, who are out of the state, who are in the service, who returned back to Chicago with an exemplary life, ready to take up being a good parent and caring for their children, but the State of Illinois, what this legislation says, 'Oh, no. You have not met our requirements. You will not be a good parent.' Another thing, there are people, there are people that want to adopt and they are not given the opportunity without the help of a Legislator. There are lots of people in the black community, who want to adopt children who are not being given that opportunity. So, I know this piece of legislation is not something Illinois will be proud of. It does not solve a problem. It is not solving a problem, it is creating a problem, and anytime we continue to talk about removing parental rights, we're moving down the wrong road. Instead of continuing with trying to reunite families, you have taken that out of the current legislation. You're removing that, the reunification of families, and you're hastening the time in which you can take somebody's children. And based upon the number of months they're in foster care, is going to be the determiner if the state now owns this child and there is no parent anymore. I don't think we have that right..."

Speaker Brunsvold: "The Gentleman from DuPage, Mr. Persico."

Persico: "Thank you, Mr. Speaker, I move the previous question."

Speaker Brunsvold: "The question is, 'Shall the previous question

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

130th Legislative Day

May 22, 1998

be put?' The question is, 'Shall the previous question be put?' All in favor vote 'aye', all opposed vote 'no'. The voting is open. It takes 71 votes. The voting is open. Mr. Clerk. 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 83 voting 'yes', 35 voting 'no', 0 voting 'present'. And the question is put. Mr. Dart to close."

Dart: "Thank you, Mr. Speaker, Members of the House. There's been a long debate on this and Representative Black, I believe is... has a question."

Speaker Brunsvold: "Mr. Black."

Black: "Speaker."

Speaker Brunsvold: "Yes."

Black: "Fifteen yards, intentional grounding, time out on the field, call for a video replay."

Speaker Brunsvold: "Mr. Bla... Mr. Dart to close."

Dart: "Thank you. Mr. Speaker, Members of the House, this is a Bill that has been well-thought-out. It's been worked on for quite some time. It's got numerous provisions in here with the heart of the matter is is to try to get children out of the system and into permanent placements as soon as possible. The changes in here are ones that have been worked on. There's been very little dissent at all. I know of no opposition from the Christian Coalition. Reverend Bob sat through a committee and never voiced any opposition, whatsoever, so I'm unaware of that. As I mentioned before, at the heart of this is also provisions dealing with secured care and I would think it's long overdue for us to bring our kids back into the state, so I would appreciate a favorable vote."

Speaker Brunsvold: "The question is, 'Shall the House adopt

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

130th Legislative Day

May 22, 1998

Conference Committee Report #1 to Senate Bill 1339?' This is final action. All in favor signify by voting '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 95 voting 'yes', 11 voting 'no', 12 voting 'present'. The House does adopt Conference Committee Report #1 to Senate Bill 1339, and this Bill, having received a Constitutional Majority, is hereby declared passed. Committee Reports."

Clerk Rossi: "Representative Currie, Chairperson from the Committee on Rules to which the following measure was referred, action taken on May 22, 1998, reported the same back with the following recommendation: 'to the floor for consideration' Conference Committee Report #1 to Senate Bill 1286. Supplemental Calendar #8 is being distributed."

Speaker Brunsvold: "On Supplemental Calendar #2, appears Senate Bill 1506. Mr. Brady. Mr. Brady."

Brady: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. We are agreeing with the Senate. We are receding from House Amendments 1, 2, and 4. The Sponsors of those Amendments have agreed to this and I'd ask for your favorable support."

Speaker Brunsvold: "Is there any discussion? The Gentleman has moved to... Mr. Brady, will you take this Bill out of the record? Mr. Brady, would you please take this Bill out of the record? Thank you, Mr. Brady. On Supplemental #7 appears House Bill 3427. Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. Representative Schoenberg is coaching me. House Bill 3427 covers... and I would like to concur in Senate Amendment #1."

Speaker Brunsvold: "The Lady has asked to concur in Senate Amendment #1. Is there any discussion?"

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

130th Legislative Day

May 22, 1998

Mulligan: "Would you like me to explain what's in it?"

Speaker Brunsvold: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 3427?'"

Mulligan: "Speaker."

Speaker Brunsvold: "Yes."

Mulligan: "We need to get some legislative intent in here. I didn't mean to be flip. I was just waiting for them to read it and say that I concur."

Speaker Brunsvold: "That's fine, I thought that you wanted me to proceed."

Mulligan: "No."

Speaker Brunsvold: "Representative Mulligan to explain House... Senate Bill 3427."

Mulligan: "Senate Amendment #1 has... encompasses four Bills that have been agreed in different areas as it comes back out of the Senate. The first part of it changes the Insurance Code and after I explain part of the Bill, I'll defer to Representative Mautino to explain that. Number 2 changes the law that I passed two years ago that allow women to access a woman's principle health care provider, defining notice of this option and an ability to obtain a list of the providers. Part #3 discusses diabetes self-management training and education coverage which Representative Black will talk about, and part 4 is coverage for colon-rectal cancer screening. We need to get some legislative intent in on the diabetes part, and I'll just briefly go through the two parts that I'm going to handle. The changes in the women's health care provider, provides that the plan give notice that a woman may choose a health care provider, states the form of the notice, establishes the rules within the plan for choosing a woman's health care... a principle health care provider, explains the referral arrangements

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

130th Legislative Day

May 22, 1998

that have to arrive between a woman's principle health care provider and their primary care physician, and states that if you are a member that is enrolled under a medicaid plan that you have to choose providers from... that provide the medicaid services. The last part of the Bill is coverage for colon-rectal cancer screening and it states that insurance shall provide in each group policy for everyone over 50 years of age at least one screening every three years. For persons who are classified at high risk with a definition for high risk, a person or a first degree family member of the person with a history of colon-rectal cancer... cancer. They'll be entitled to a screening after age 30 and this Section does not apply to agreements, contracts, or policies that provide coverage for a specified disease or other limited benefit coverage. Then I'd like Representative Mautino to explain the changes in the Insurance Code and state something about legislative intent for diabetes. Could you go to Representative Mautino to explain one part?"

Speaker Brunsvold: "And the Lady has asked for Concurrence Motion on Senate Amendment #1..."

Mulligan: "No, no, no."

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

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Representative Mulligan, for purposes of legislative intent, does this legislation prohibit the use... the state from paying for durable, medical equipment?"

Mulligan: "No. The Bill... this Bill specifically states that if a group health insurance policy offers a durable medical equipment rider, then they must cover the equipment listed.

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

130th Legislative Day

May 22, 1998

This legislation only exempts the specified diagnosis policies within such a policy as a policy written to only cover treatment for cancer and the limited benefit policies which are written to provide a specific benefit, such as providing a hundred dollars per day for hospital coverage. These policies are not full health insurance policies and cannot comply with this mandated benefits."

Mautino: "Representative, thank you very much. I rise in support of your legislation. I know that Representative Lopez has worked on the diabetes portion of this Bill for the last two years and done an excellent job on it. The underlying insurance Bill, or the insurance portion, would allow... this was an initiative that Representative Rich Myers was interested in. This allows for someone to advance proceeds from a life insurance policy up to 75%, a change from the current law, which is now 25%, in the case of catastrophic illness, and that is laid out there. It's an excellent piece of legislation. All groups have signed off and agreed. Thank you."

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

Lopez: "Thank you, Mr. Speaker. And first of all I'd like to thank all the people who have been involved in the process and working with this issue of diabetes. It's an issue that we've been working on for the last two years and I would like to thank Representative Mulligan for allowing us to use her Bill for this purpose. What it does is, it allows people who have diabetes... the way it is now, the insurance companies do not provide classes... in other words, people continue eating what they normally eat, and as we all know, diabetes is a illness that if you take care of it, you take care of yourself, and eat the right foods, and you watch your blood, your sugar level, you're able to

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

130th Legislative Day

May 22, 1998

control it... so in the long run, it benefits you and you're in better health. It also prevents you from being in the hospital, losing limbs, so I urge the passage and I support this. I think it's important. I think it's a Bill that's been looked at, worked at, compromised for the last two years and I'm very happy that finally the last year's Session, we're looking at passing and making this a reality. Thank you."

Speaker Brunsvold: "The Gentleman from McLean, Mr. Brady."

Brady: "Will the Sponsor yield?"

Brunsvold: "The Sponsor yields."

Brady: "Representative, you may have said this before, but is there any opposition to this?"

Mulligan: "I think for the most part everyone has signed off on it. I sat in on the Senate committee hearing, and at one point Jay Shadick, I think, was the only one that had not signed off on it, but I think he has now. He didn't turn in a slip in that committee."

Brady: "Was there any or has there been any testimony toward any increased cost factors that these legislation would place on the purchasing of health insurance?"

Mulligan: "No, it's been negotiated for quite a while in the Senate and..."

Brady: "I'm sorry, I can't hear you, Representative."

Mulligan: "Not... there was no testimony in the Senate committee regarding increased costs. Actually, this has been negotiated. I think every part of the Bill has been negotiated with different groups for quite some time."

Brady: "In your opinion would there be any increased cost to health insurance with the passage of this legislation?"

Mulligan: "No, Representative, I think the Bill that I passed two years ago... insurance companies should be including this

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

130th Legislative Day

May 22, 1998

in the policy and the only reason we went back to pass that part of the Bill was that some people had problems not having that coverage stated, and if they do it as long... along with their policy, when they provide the polices, they shouldn't have any increased coverages. They have to give you a list of primary care physicians and obstetricians, gynecologists, or family physicians that would be considered women's principle health care providers. A lot of policies state that they already include those lists and so there shouldn't be a problem for the most part."

Brady: "Thank you."

Speaker Brunsvold: "Further discussion? Seeing none, the Lady to close."

Mulligan: "This has turned into, I think, an excellent health care Bill for this Session and I would ask your favorable vote."

Speaker Brunsvold: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 3427?' 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 115 voting 'aye', 2 voting 'no', 0 voting 'present' and the House does concur in Senate Amendment #1 to House Bill 3427. And this Bill, having received a Constitutional Majority, is hereby declared passed. Supplemental Calendar #8 appears Senate Bill 1286. Representative Zickus."

Zickus: "Thank you, Mr. Speaker. The First Conference Committee Report is very similar to Floor Amendment #2 that we adopted and that set up the lead, you know, the Lead Prevention Fund from the 'Torrens' Act. It applies only to

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

130th Legislative Day

May 22, 1998

Cook County. One of the things that we... the change in it is that the money is being split 50/50 between Cook County and the Lead Programs. Then the new portion of the Conference Committee Report provides that the county may not expend any excess indemnity fund moneys for any purpose other than lead poisoning prevention unless it is first designed, implemented, and started making loan or grant payments under the Lead Poisoning Prevention Program. I know of absolutely no opposition to this legislation. It is an agreement between the Cook County Board President, the Realtors of Lead Prevention Groups, and I urge your support."

Speaker Brunsvold: "On the question, is there any discussion? Seeing none, the question is, 'Shall the... The question is, 'Shall the House adopt the First Conference Committee Report to Senate Bill 1286?' This is final action. 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. On this question, there are 118 voting 'yes', 0 voting 'no', 0 voting 'present'. The House does adopt the First Conference Committee Report to Senate Bill 1286. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 5 of the Calendar, appears Senate Bill 1702. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1702, the Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed. All notes that have been requested on the Bill have been filed."

Speaker Brunsvold: "Third Reading."

Cross: "Thank you, Mr. Speaker. This is a Bill that passed out of the Senate fifty..."

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

130th Legislative Day

May 22, 1998

Speaker Brunsvold: "Excuse me, Mr. Cross. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1702, a Bill for an Act to amend the Election Code. Third Reading of this Senate Bill."

Speaker Brunsvold: "Mr. Cross."

Cross: "Thank you, Mr. Speaker. This is a Bill that Republican State Party proposed, but I am told that the Democrat Party supports, as well. It passed out of the Senate 57 to 0. Out of committee 13 to 0 here in the House. It does two things. It eliminates the need for party convention, state party conventions in non-Presidential years. The feeling is that in non-Presidential years very little business is accomplished. It also sets out a different criteria for replacing state central committeemen. Right now we have replacements made by the Congressional Committee. This would allow replacement by the county chairman or in Cook County by the ward and township committeemen. As I said, I don't know of any opposition. I'll be glad to try to answer any questions."

Speaker Brunsvold: "The Gentleman has asked for passage. Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 1702 pass?' All in favor vote 'aye', all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 116 voting 'yes', 0 voting 'no', 2 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, announcements."

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

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

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

130th Legislative Day

May 22, 1998

Black: "Yes, an inquiry of the Chair, Mr. Speaker."

Speaker Brunsvold: "State your inquiry."

Black: "Two inquiries, number one, it's very humid outside and it's very warm in here. I would ask that you call the building maintenance engineer and see if the air conditioning could be cranked up a little bit, I mean, it's a little warm in here."

Speaker Brunsvold: "We hope he's listening."

Black: "The sec... yes, the second inquiry, we've been very patient. We've waited two years to call House Resolution 91. Has 100 Sponsors. It's a bipartisan Resolution. We are ready to go to House Resolution 91. My third inquiry is under the pending ethics legislation. I don't believe that Senator Cullerton should be on the podium soliciting the votes of House Members."

Speaker Brunsvold: "Quite appropriate, Mr. Black."

Black: "I, yes, I... I think that is absolutely forbidden."

Speaker Brunsvold: "We'll check on the air conditioning and we'll take House Resolution 91 under consideration."

Black: "Yes, if you could get back to us on that, sometime before we adjourn. A hundred Cosponsors... we're even joined on that Resolution by the Honorable Louis Lang and I know that he is about to join me in wondering when that Resolution will be called."

Speaker Brunsvold: "We..."

Black: "All right."

Speaker Brunsvold: "We will check with him and also we are thinking about sending you over to the Senate and see if can get them moving so they can get some of that legislation over here."

Black: "Can I make a Motion for the Senate to adjourn?"

Speaker Brunsvold: "Not a good idea. Mr. Hartke."

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

130th Legislative Day

May 22, 1998

Hartke: "Yeah, I object to his Motion."

Speaker Brunsvold: "Thank you, Mr. Hartke. Mr. Stephens."

Stephens: "Did Representative Black make some sort of request of the... something to do with utilities or maintenance?"

Speaker Brunsvold: "Yes, I think something about the air conditioning and are you still troubled with the debris on the floor around your desk?"

Stephens: "That vacuum cleaner never did show up, but when it gets here, it goes to the third row, four seats in front of me. I'd appreciate it if the maintenance crew could get out here right away..."

Speaker Brunsvold: "Thank you."

Stephens: "...and I'll bring an extension cord."

Speaker Brunsvold: "Committee Report."

Clerk Bolin: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules to which the following legislative measures were referred, action taken on May 22, 1998, reported the same back with the following recommendations: 'direct floor consideration' for Conference Committee Report #1 to House Bill 1701. Conference Committee Report #1 to House Bill 2827 and Motion to Recede from House Amendments 1, 2, and 4 for Senate Bill 1506."

Speaker Brunsvold: "Mr. Black, thank you very much for solving one of the Chair's problems of getting that area cleaned up. We want to compliment you on your efforts. Mr. Black, would you care of taking care of the back row on the Democratic side of the aisle around Mr. Holbrook and Mr. Smith? Mr. Stephens."

Stephens: "Mr. Speaker, thank you very much for the response to my earlier inquiry, but I've gotten a couple of complaints, one, is from AFSCME and the other is from, of all people,

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

130th Legislative Day

May 22, 1998

Representative Brent Hassert, who says this should be his job."

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

Currie: "Thank you, Speaker. Is Representative Cross in the chamber?"

Speaker Brunsvold: "Yes, he is. He's in his chair."

Currie: "Oh, oh, Representative Cross, Representative Cross, we would so much like the opportunity to vote 'for' campaign finance reform before we leave at the end of this Spring Session. Representative Cross, you are the Sponsor of the measure that would enable us to do that. Representative Cross, Representative Cross, would you be prepared to file a Motion to concur in the Senate Amendments so that we may take action on that measure? Representative Cross."

Speaker Brunsvold: "Mr. Cross."

Currie: "Representative Cross."

Speaker Brunsvold: "Representative Currie is asking you a question."

Currie: "Representative Cross. Representative Cross, we, we demand, we demand an opportunity to vote for campaign finance reform and you are standing in the way. Representative, perhaps maybe I could make a Motion. Perhaps I could discharge the Rules Committee from further consideration of the Motion to concur with House Bill 672, pursuant, I believe, to Rule 18(g)."

Speaker Brunsvold: "Mr. Black, if you put your vacuum cleaner down and you're ready to pro..."

Black: "Thank you, I object, I object to the Lady's Motion. It's completely out of order. It's an outrage."

Speaker Brunsvold: "Mr. Turner. Mr. John Turner."

Turner, J.: "Well, Representative Black took care of what I was going to do. I was just curious how we were debating

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

130th Legislative Day

May 22, 1998

something. I didn't see anything on the... posted and thought maybe we were outside the rules, but apparently it's been taken care of. Thank you, Mr. Speaker."

Currie: "Well, no, we've been debating things when there's nothing on the board for months. We debated 2.2. We debated the COLA. We've debated any number of measures with nothing, nothing on the board."

Turner, J.: "All right, Representative, what do you want to debate? Here I am. What's your question for me?"

Currie: "I have a question for Representative Cross..."

Turner, J.: "You know, I've been wanting to have a good debate all day long..."

Currie: "... And perhaps Representative Cross..."

Turner, J.: "... and I would like to talk about..."

Speaker Brunsvold: "Ladies and Gentlemen, please."

Turner, J.: "... the Cubs and the Cardinals. There's something on my mind about that right now."

Speaker Brunsvold: "Please."

Turner, J.: "Excuse me?"

Speaker Brunsvold: "Let's be nice."

Currie: "Perhaps Representative..."

Turner, J.: "Well, Sir, I'm going to be as nice as I can be, but you know, last week, last week Representative Black was venting some of his frustrations about some of the things that go on on the floor and I've only been here since 1994, but I've been pretty frustrated with the Cardinal fans who have attacked the Cub fans since I've been here and I haven't heard a word from the Cardinal fans this year now that the Cubs are three and a half games ahead of them. Moreover, I think that we should have a written Resolution, in fact I'm going to start preparing one and I think the Cardinal fans should explain to the people of the

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

130th Legislative Day

May 22, 1998

State of Illinois why they are supporting a team outside of Illinois and in the State of Missouri. Now, it makes me wonder if they have some kind of clandestine agenda. Should we be looking over their shoulders to see if they're supporting the State of Missouri with their legislation and with their Motions. And I really think that at least if we're serious about representing the people of the State of Illinois, we should support an in-state team. Moreover, I think it should be a requirement for State Representatives to support an in-state team to show that they support Illinois, that they don't support the State of Missouri, or at least at minimum, we should have a Resolution requiring Cardinal fans to disclose in their campaign literature..."

Speaker Brunsvold: "Thank you, Mr. Turner. Thank you for your comments. Mr. Clerk, Calendar Announcement."

Clerk Rossi: "Supplemental Calendar #9 is being distributed."

Speaker Brunsvold: "On Supplemental Calendar #9, appears House Bill 2827, Representative Clayton."

Clayton: "Thank you, Speaker. I move that the House adopt the First Conference Committee report on House Bill 2827. I'd be happy to answer any questions."

Speaker Brunsvold: "Is there any discussion? The Lady's moved for the adoption of the First Conference Committee Report on House Bill 2827. The question is... excuse me, the Gentleman from Cook, Mr. Lang."

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

Speaker Brunsvold: "The Lady yields."

Lang: "Representative, I remember this Bill in committee, but I'm not sure what the Senate did to it. What changes are there in the Conference Committee Report from the way the Bill looked when it left the House?"

Clayton: "Okay. There were five Amendments in the Senate."

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

130th Legislative Day

May 22, 1998

Amendment #1 retained the original content of the Bill, as you recall it was to extend to the next day business and any Election Code Act that falls on Saturday, Sunday, and a state holiday. It also removes the maximum salary limit that an election judge may earn for serving on Election Day or attending a Judges' Training Course. Authorizes an additional \$15 state subsidy to each election judge who serves on Election Day. Estimated cost to the state for FY 99 is 1.8 to 2 million. Amendment #2 deletes the requirement for publishing election judges' name, address and precinct from which they were selected. Requires that a notice be published indicating that such information is available for public inspection in the Office of the Election Authority. Amendment #3 specifies that a vacancy in the office of the Clerk of the Circuit Court shall be filled by the county board. That is changed later. I'll get to that, but in Amendment #5 was technical and includes Election Codes section omitted from Amendment #2. Now, also in the Conference Committee Report the... it includes all the underlying Bills, all the Amendments, as I said, except that it specifies that vacancies in the office of the Cook County Circuit Court Clerk be filled by the judges, and in all other counties it would be filled by the county board."

Lang: "Representative, let me make sure on two of these areas that I understand what you're doing. First, Mr. Turner, Mr. Turner, that would be you, Sir, thank you. First, your original Bill is intact in here somewhere?"

Clayton: "That is correct."

Lang: "All right. Second, the part about the vacancy in the Office of the Clerk of the Circuit Court, you're only referring to Cook County?"

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

130th Legislative Day

May 22, 1998

Clayton: "No, it's in two different areas. I mean, they're handled differently. In Cook County it would... the appointment would be handled by the judges, as is current law, is current law. And then in all other counties the vacancy would be filled by the county board."

Lang: "What is the rationale behind having two separate systems for doing this?"

Clayton: "I'll see if they know what the Senate's thoughts were. The rationale was that all other county-wide officials' vacancies would be handled by the county board, the feeling being that this one should be handled the same as all other county offices."

Lang: "So, if this Bill would pass, if this Conference Committee Report would be adopted, Cook County would have a different system for replacing a Clerk of the Circuit Court than the other 101 counties."

Clayton: "That's right. They would retain the way it is done at the present time."

Lang: "So, you're not changing the law for Cook County, you're changing the law for everyone else?"

Clayton: "That's correct."

Lang: "And the law for everyone else would be that the county board would do it."

Clayton: "That's correct."

Lang: "And the Circuit Judges would still do it in Cook County."

Clayton: "That's correct."

Lang: "Who is in favor and opposed to that measure in committee? Do you know?"

Clayton: "The Clerks' Association is in favor of it. We know of no opposition."

Lang: "Thank you, Representative."

Speaker Brunsvold: "Further discussion? Seeing none, the Lady to

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

130th Legislative Day

May 22, 1998

close. Excuse me, Mr. Black. The Gentleman does not want to speak. Representative Clayton to close."

Clayton: "It's a good Conference Committee Report. I urge a 'yes' vote."

Speaker Brunsvold: "The question is, 'Shall the house adopt Conference Committee Report #1 to House Bill 2827?' This is final action. All those in favor signify by voting '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, 116 voting 'yes', 0 voting 'no', 0 voting 'present'. And the House does adopt Conference Committee Report #1 to House Bill 2827. And this Bill, having received a Constitutional Majority, is hereby declared passed. On Supplemental #9 appears Senate Bill 1701, Mr. Noland."

Noland: "Good evening, Speaker."

Speaker Brunsvold: "Proceed."

Noland: "Senate Bill 1701, this Report becomes the Bill. One property in Hamilton County is actually identical to Floor Amendment #9 that we adopted earlier. Property in Adams County for Representative Tenhouse, is identical to Floor Amendment #6 that we adopted earlier. And then the other two properties are for the Illinois Department of Transportation, one is in Du Page County and one is in Madison County. They all provide for conveyance, transfer and easement. Specified properties for DNR, DOT, Veterans Affairs and to become effective immediately."

Speaker Brunsvold: "The Gentleman has moved to adopt Conference Committee Report #1. On that question, is there any discussion? The Gentleman from Livingston, Mr. Rutherford."

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

130th Legislative Day

May 22, 1998

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

Speaker Brunsvold: "The Sponsor yields."

Rutherford: "Just to verify, this Bill has had different massagings and machinations since it's been through the process. Is there any quick take for Highland Park?"

Noland: "There is none. We wouldn't even think about that."

Rutherford: "There's no quick-take for Highland Park in this?"

Noland: "There is no quick-take, whatsoever, in this Bill."

Rutherford: "Thank you."

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

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

Speaker Brunsvold: "The Sponsor yields."

Scott: "Representative Noland, I'm seeing \$20,750.00 for payment of that to the Quincy Veterans Home. There's something being transferred to Refreshment Services. Do you know what particular portion is?"

Noland: "I may need to defer that question to Representative Tenhouse, who represents Adams County."

Scott: "Sure, that would be fine. Thanks."

Noland: "Speaker, Representative Tenhouse can answer that question."

Speaker Brunsvold: "Mr. Tenhouse."

Tenhouse: "Thank you. Representative Scott, this is land that really is not accessible to be used by the rest of veterans home. There's a creek that runs right adjacent to it and it's property that's involved with the local Pepsi Cola Bottling Plant. For years they've been locked in here. The problem, it's become a public safety problem because they can't get in and out of that area with semis, so this would allow them to have a little bit more room to be able to do that and the price has been set by appraisal. It's not a gift as you can see. It's a pretty significant

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

130th Legislative Day

May 22, 1998

amount of money in relation to the property where it's located."

Scott: "Do you know how much property it is, Art?"

Tenhouse: "It's less than two acres. I do remember that. I don't have the exact information in front of me, but..."

Scott: "Okay, and you said that was set by appraisal, though?"

Tenhouse: "Yes, that is correct. It was appraised and it is property, frankly, that it has limited values as far as the veterans home itself, simply because there's a creek that is between the existing veterans home facilities and where this property is located, so it's really kind of landlocked as far as its value to the veterans home. So, it really is a good... frankly, the dollars will be useful as far as the facility is concerned."

Scott: "Sure."

Tenhouse: "It will not have any impact as far as the operation of the home and is set at a... frankly at a level that is certainly more than just compensation."

Scott: "Okay, great, thanks a lot. I appreciate it. Thank you, Mr. Speaker."

Speaker Brunsvold: "Further discussion? Seeing none, Mr. Noland to close."

Noland: "I just ask the Body adopt the First Conference Committee Report to Senate Bill 1701. Thank you."

Brunsvold: "The question is, 'Shall the House adopt Conference Committee Report #1 to Senate Bill 1701?' This is final action. All those in favor signify by voting '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 114 voting 'yes', 4 voting 'no', 0 voting 'present'. The House does adopt Conference Committee Report #1 to

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

130th Legislative Day

May 22, 1998

House Bill, excuse me, Senate Bill 1701, and this Bill, having received a Constitutional Majority, is hereby declared passed. On Supplemental #2, appears Senate Bill 1506, Mr. Brady. Senate Bill 1506."

Brady: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. We discussed this earlier. We've just been waiting for it to be released from the Rules Committee. I ask for your favorable support."

Speaker Brunsvold: "The Gentleman has moved to recede from House Amendments #1, 2, and 4. Is there any discussion? Seeing none, the question is, 'Shall the House recede from House Amendments 1, 2, and 4 to Senate Bill 1506?' This is final action. 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 that... on the question, there's 111 voting 'yes', 5 voting 'no', 0 voting 'present'. The House recedes from House Amendments #1, 2, and 4 to Senate Bill 1506. And this Bill, having received a Constitutional Majority, is hereby declared passed."

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

Speaker Lopez: "Representative Black."

Black: "Yes, thank you very much, Mr. Speaker, Mr. Lopez, you did a fine job. With leave of the Body, I'd like to introduce one of our former staffers who's visiting us on the floor today, currently the County Clerk of the great County of Champaign, Mr. Mark Sheldon."

Clerk Rossi: "Attention, Members. The Pensions Committee is meeting in Room 114 now, now. Committee Reports. Representative Currie, Chairperson from the Committee on Rules, to which the following items were referred, action

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

130th Legislative Day

May 22, 1998

taken on May 22, 1998, reported the same back with the following recommendation: 'to the floor for consideration' a Motion to concur in Senate Amendments 1 and 2 to House Bill 455. Conference Committee Report #1 to Senate Bill 1246. Conference Committee Report #2 to House Bill 1699 and Conference Committee Report #1 to House Bill 2583. Supplemental Calendar #10 is being distributed."

Speaker Lang: "Representative Rutherford, for what reason do you rise?"

Rutherford: "Well, Mr. Speaker, I appreciate being recognized. I just noted that during the brief moment that Representative Lopez was in the Chair, there was an absolute calming effect upon the Body. There was tranquility and peace, there was effectiveness and action was taking place, and I note now that you have gone back in the Chair and I... and you know, Representative Lang, that I am one of the Members on this side of the aisle who has stood to your defense and your ability to perceive the process of this Chamber..."

Speaker Lang: "The one. Not one of the, the one."

Rutherford: "Oh, please don't label me with the big old target like that so quickly and easily, but I just note that since you have gone back in the Chair that things seem to have stopped, stalemated and gone to somewhat of a dialogue of disarray. I note that to your shadow, Representative Lopez is back near the Speaker's podium if there's an opportunity to perhaps bring a sense of calm upon the Body, I think it awaits toward your side there."

Speaker Lang: "Thank you for the input. I was interested in your comments about the dialogue of disarray. I think that's an interesting play on words. Yes, Sir, Mr. Rutherford."

Rutherford: "And with whatever Representative Schoenberg corrected me earlier, something about an utter something or

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

130th Legislative Day

May 22, 1998

other. I've gotten that all clarified from Representative Lawfer since that time."

Speaker Lang: "Thank you, Sir. Mr. Clerk, Committee Announcement."

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

Clerk Rossi: "Committee Reports. Representative Currie, Chairperson from the Committee on Rules, to which the following items were referred, action taken on May 22, 1998, reported the same back with the following recommendation: 'to the floor for consideration' Motion to concur in Senate Amendment #1 to House Bill 2091. Motion to concur in Senate Amendment #1 to House Bill 2363 and Conference Committee Report #1 to House Bill 3026."

Speaker Lang: "On Supplemental Calendar #10, under the Order of Conference Committee Reports, there appears House Bill 2583. Representative Righter. Is the Gentleman in the Chamber? Out of the record. On the Order of Conference Committee Reports on Supplemental Calendar #10, appears Senate Bill 1246. Representative Kosel. Representative Kosel."

Kosel: "Thank you, Mr. Speaker. I would ask for the favorable consideration of this Conference Committee Report. This Conference Committee Report lowers the general state aid calculation tax rate for high schools from 1.2 to 1.0. Lowering this calculated rate for high school districts will decrease the local share of funding while, increasing the state's share of funding in an identical amount. The cost to the state will be approximately 3.1 million dollars. This Conference Committee Report also provides Board of Educations to determine property grants for school districts with a population of less than 500,000 shall

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

130th Legislative Day

May 22, 1998

utilize the low income count from the most recent federal census. The third provision of this Conference Report deals with debt limitations and the Construction School Program. Allows school districts to expand their debt limitations to meet the needs of the schools' Construction Program under 452. I would ask for your favorable consideration of this report."

Speaker Lang: "The Lady moves for the adoption of Conference Committee Report to Senate Bill 1246 and on that question, the Chair recognizes Representative Skinner."

Skinner: "Yes. Is this the Bill that puts us back to where we were before the so-called reform of last December with regard to treating dual districts the same way they were before we changed it and discriminated against them more?"

Kosel: "No, this does not."

Skinner: "Is this still a good Bill even if I don't fully understand it?"

Kosel: "This changes the tax calculation. This doesn't change the student weightings."

Skinner: "No, no, no. That's my question about the tax computation. It's not a thirty cent differential, it's a twenty cent differential?"

Kosel: "These are not the same rates that we had before, no."

Skinner: "Well, it couldn't be better. It's better than now."

Kosel: "Yes."

Skinner: "Good enough."

Speaker Lang: "Representative Crotty."

Crotty: "Would the Sponsor yield to this?"

Speaker Lang: "The Lady yields."

Crotty: "Representative Kosel, did you say that it goes back to a dollar or a dollar ten?"

Kosel: "Dollar ten."

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

130th Legislative Day

May 22, 1998

Crotty: "Oh, okay. Thank you. So, that would be the way it originally was prior to 452?"

Kosel: "Yes."

Crotty: "To the Bill. I would encourage both sides of the aisle to support this. It is the Bill that I presented in March that I had over thirty Sponsors for. I've worked with Senator Watson in trying to get it out of the Senate and I ask for a favorable vote. Thank you."

Speaker Lang: "Representative Kosel to close."

Kosel: "I would ask for your favorable consideration of this Bill. Thank you."

Speaker Lang: "The question is, 'Shall the House adopt the First Conference Committee Report to Senate Bill 1246?' This is final action. All those in favor shall signify by voting 'aye', those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 118 voting 'yes', 0 voting 'no', 0 voting 'present'. And the House adopts the First Conference Committee Report to Senate Bill 1246. House Bill 2583, First Conference Committee Report, Representative Righter."

Righter: "Thank you, Mr. Speaker. House Bill 2583 previously passed out of this Body nearly unanimous when it went over to the Senate. Senate Amendment 1 was added after a Conference Committee Report that recommends that we recede from Senate Amendment 1. It passed unanimously in the Senate. I would ask favorable support here in the House."

Speaker Lang: "Mr. Righter moves for the adoption of the First Conference Committee Report for House Bill 2583. Is there any discussion? Seeing none, those in favor shall vote 'aye', those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr.

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

130th Legislative Day

May 22, 1998

Clerk. Have all voted who wish? Please take the record. On this question, there are 117 voting 'yes', 0 voting 'no', and 0 voting 'present', and the House adopts the First Conference Committee Report to House Bill 2583. On Supplemental Calendar #11 under the Order of Concurrence, there appears House Bill 2091, Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker. This legislation is the authorization for the General Obligation Bonds. This Amendment would become the Bill and includes the FY99 Bond Authorization which would fully fund the Governor's request for his capital projects. Very briefly, the total is for \$560,000,000 of which approximately 490,000,000 of it are for capital development bonds, approximately 23,000,000 of it are for anti-pollution bonds, approximately 47,000,000 are for transportation Series E Bonds. And I'd be glad to answer any questions."

Speaker Lang: "You've heard the Gentleman's Motion. The Chair recognizes Representative Skinner."

Skinner: "Perhaps the Gentleman could tell us if there's any highway money in here. I think the answer is 'no'."

Rutherford: "I'm sorry, just any highway money?"

Skinner: "Right."

Rutherford: "Well, there are Series E Bonds in here for transportation."

Skinner: "How much... is that highway?"

Rutherford: "No, Sir, there are not."

Skinner: "So, we have two years in a row with no highway bond money?"

Rutherford: "Yes."

Skinner: "What a great State Government we have."

Speaker Lang: "There being no one further seeking recognition, those in favor of the Gentleman's Motion to concur shall

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

130th Legislative Day

May 22, 1998

vote 'aye'..."

Righter: "I would ask for a favorable Roll Call, please."

Speaker Lang: "Sorry, Sir, those opposed..."

Righter: "No, I it's just due process..."

Speaker Lang: "Those in favor shall vote 'aye', those opposed shall vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 118 voting 'yes', 0 voting 'no', and 0 voting 'present', and the House concurs in Senate Amendment #1 to House 2091 and this Bill, having received the Constitutional Majority, is hereby declared passed. Supplemental Calendar #11 under the Order of Concurrence, there appears House Bill 2363, Representative Currie."

Currie: "Thank you, Speaker and Members of the House. I move the House concur in Senate Amendment 1 to House Bill 2363. This measure phases in the doubling of the standard exemption on the Illinois income tax and at the same time provides for using sales as the single factor in the corporate income tax. I know you've all been talking about these measures a lot over the last few weeks, so I think I can leave it at that. I'd be happy to answer your questions and would appreciate your support for the Motion."

Speaker Lang: "Mr. Skinner."

Skinner: "Yes, I wonder if the Representative knows how much the State of Missouri increased the deduction per dependent this year?"

Currie: "I don't. I'm not a Missourian, I'm an Illinoisan..."

Skinner: "And what are we doing?... "

Currie: "... and I'm not quite sure what relevance the question has to the measure that's on the board before us."

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

130th Legislative Day

May 22, 1998

Skinner: "How much are we increasing the Illinois deduction this coming year?"

Currie: "In this year from \$1,000 to \$1300 and..."

Skinner: "That's \$300."

Currie: "...the following year to \$1650 and in the tax year 2000 payable in 2001 \$2000 per every individual."

Skinner: "So, this next year we're going to increase the deduction by \$300, which is 17.3 cents per week per person. While the State of Missouri is increasing its deduction by \$800."

Currie: "Representative, you're welcome to move..."

Skinner: "I didn't ask a question."

Currie: "You're welcome to move to Missouri if you prefer it there, go."

Skinner: "I didn't ask a question. Mr. Speaker, I like, I like Speaker Daniels' rules better. They shut off the person when you don't ask a question. I'd like to point out that the State of Missouri has had phenomenal growth in its revenue the same way we have. Ours is going... our general revenue is going up 5.9%. I mean, that's how much we are increasing our budget and we're giving back to the taxpayers a parsimonious \$92,000,000 in income tax rebates. The State of Missouri, which has a budget of half ours, is giving back 65,000,000. So, the State of Missouri, somehow this smaller state, is able to refund more of its money to the taxpayers than the State of Illinois. And I think we ought to be ashamed that we can't follow the example of this progressive Democratic state south of us."

Speaker Lang: "Representative Black."

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

Speaker Lang: "The Lady yields."

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

130th Legislative Day

May 22, 1998

Black: "Yes, Representative Currie, has the standard exemption been increased since the inception of the Illinois income tax?"

Currie: "Representative, it has not. This is an historic moment, that here we are 26 years later finally getting around to increasing the standard exemption, and while I'm sure every person in this room would be delighted were we able to double in a trice. The facts of fiscal life here in the State of Illinois are that the measure that we have before us is about the best we can do this year, but the long-term commitment is there and I think it's a very important one for our taxpayers."

Black: "Well, I agree. I think all of us would have liked to have had a one year jump, but a three year phase-in is better than we've done in 26 years. Could you tell me if the previous speaker works for or represents the Bureau of Tourism in the State of Missouri?"

Currie: "I expect that this was part of his job application, wouldn't you think, a transcript from this chamber?"

Black: "Yes, well, I was going to spend a part of my vacation at Wrigley Field, but now I think I may head the other direction, but thank you very much for your answers."

Speaker Lang: "Representative Parke."

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

Speaker Lang: "The Lady yields."

Parke: "Representative Currie, why don't we go to the full double of the exemption on behalf of the taxpayers of this state since we have about a 75 million dol... a \$750,000,000 surplus? Why don't we want to return that all to the taxpayers now in the form of a double exemption for all the citizens of the state?"

Currie: "Representative, as you know, the decision about how much

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

130th Legislative Day

May 22, 1998

revenue we should hold onto, both to pay lapse period spending, lapse period bills, to pay for services we incur in the coming fiscal year, but don't get billed for until the next and because of a concern for keeping some kind of cushion, a small rainy day fund equal to less than a 1,000 in a bank balance for the average Illinois working family. That was a decision the Governor and the four Leaders made, so it's not fair to say that we have 750,000,000 available. Most of that money is committed to expenditures that our budget under the votes we are taking this evening requires us to make."

Parke: "Do you have any idea how much money we are talking?"

Currie: "How much money...?"

Parke: "For solving this lapse period spending problem you are alluding to."

Currie: "I believe it's in the neighborhood of four to five hundred million."

Parke: "Forty-five...?"

Currie: "Four to five hundred million."

Parke: "Four to five hundred million and we're going to spend that?"

Currie: "In the last... "

Parke: "Are we do... are you saying that we're going to do away with lapse spending?"

Currie: "No..."

Parke: "... and we're going to pay our bills in a timely manner and not having go over from one administration to the other?"

Currie: "The problem is that if you incur a bill in the middle of June, it may not appear until the end of the fiscal year has already happened, so bills that are incurred in the months of May and June often don't turn up in the

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

130th Legislative Day

May 22, 1998

Comptroller's office until July, August, possibly September."

Parke: "To the Bill. Ladies and Gentlemen, what the previous speaker has just said makes no sense. It's not logical to talk about lapse spending when we're talking about a Bill that if we were to grant the double exemption immediately, of which a Bill I put in earlier in the Session to do that would double the exemptions for those people who have paid the money into the state. This is the best economy this state has ever had. We're talking about \$700,000,000 in a reserve fund of taxpayer money that ought to be returned back to the taxpayers, every man and woman here in this chamber, every person listening, this is your money sitting there. We ought not to be refunding it over a three year period, it ought to be this year. It is going to be embarrassing, Ladies and Gentlemen, to go back to your constituents and tell them that you gave them 50, no, I think, a dollar fifty a month back in their tax money that they sent to the state and they've got to wait next year before they can get a little bit more of that money back and then following year they're going to get more of it back. We have all this money sitting in the reserves. Let's give it back to them. I'm disappointed that this is the only proposal that the obviously, the Democratic controlled House has decided to present to the taxpayers of this state. I wish it was more, unfortunately it is not. This is what we have, this is what we have to vote on."

Speaker Lang: "Representative Currie to close."

Currie: "Thank you, Speaker. I ask for your support."

Speaker Lang: "The Lady moves for the concurrence in Senate Amendment #1 to House Bill 2363. This is final action. Those in favor shall signify by voting 'aye', those opposed

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

130th Legislative Day

May 22, 1998

'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 118 voting 'yes', 0 voting 'no', 0 voting 'present', and the House does concur in Senate Amendment #1 to House Bill 2363, and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk."

Clerk Rossi: "The Rules Committee will meet immediately in the Speaker's Conference Room. Committee Reports. Representative Harold Murphy, Chairperson from the Committee on Personnel and Pensions, to which the following measure was referred, action taken on May 22, 1998, reported the same back with the following recommendation: 'be approved for consideration' Conference Committee Report #1 to House Bill 3515. Supplemental Calendar #12 is being distributed."

Speaker Lang: "On Supplemental Calendar 11, under the Order of Conference Committee Reports, there appears House Bill 3026. Representative Biggins."

Biggins: "Thank you, Mr. Speaker. I'm asking that the Body adopt the First Conference Committee Report on House Bill 3026. The Bill has to deal with procedures in the Cook County property tax appeal process. It extensively covers the process whereby the certificates of error are issued by the county and accelerates the process so that the, particularly the homeowners, can have their bill corrected sooner rather than later, to coin a phrase we're using a lot this year, and also done maybe within less than one year's time as opposed to the two or three year's time. It also codifies some language regarding the transfer from the authorities of the current Board of Appeals to the newly created Board of Review as established by legislation

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

130th Legislative Day

May 22, 1998

passed by the General Assembly. I'll be glad to answer any questions anyone may have."

Speaker Lang: "There being no one seeking recognition, the Gentleman moves for the adoption of the First Conference Committee Report to House Bill 3026. Sorry there is a question. The Chair recognizes Representative Lopez."

Lopez: "Real quickly, Representative. Is the current commissioners in favor of the changes you are making?"

Biggins: "Yes, they are. There is unanimous support for this Bill from all interested parties so far, both commissioners. Yes, Sir."

Lopez: "Okay. Thank you. Thank you."

Speaker Lang: "The question is, 'Shall the House adopt the First Conference Committee Report to House Bill 3026?' This is final action. Those in favor shall vote 'aye', those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 118 voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does adopt the First Conference Committee Report to House Bill 3026. Speaker Madigan in the Chair."

Speaker Madigan: "On page 6 of the Calendar, House Bill 3286, Mr. Meyer."

Meyer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to concur with Senate Amendment #1 to House Bill 3286. It adds an effective date of July 1, 1998. It's already passed out of the House 110 to 2 and it was unanimous out of the Senate. This is a Bill that deals with the licensures of our three veterans homes in Mantino, LaSalle, and Quincy, and the money that will fund this is in the budget and also part of the bond issue. I appreciate your approval."

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

130th Legislative Day

May 22, 1998

Speaker Madigan: "The Gentleman moves for the adoption of the Motion to Concur in Senate Amendment #1. There being no discussion, the question is, 'Shall that Motion be adopted?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 118 people voting 'aye', 0 voting 'no'. The Motion is adopted, and this Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Supplemental #12, there appears House Bill 3515. Mr. Granberg. Mr. Granberg. Mr. Hoeft, can you speak to this...? Mr. Murphy. Mr. Murphy."

Murphy, H.: "Yes, Mr. Speaker, 3515 is an Agreed Bill from the county and the city. We had the Bill in Pension Laws Commission and it passed out of there. We just had the Bill back into Pensions Committee and it was a unanimous vote."

Speaker Madigan: "Mr. Hoeft."

Hoeft: "Good evening, Mr. Speaker. Mr. Murphy, Harold, let's go through this for the Members so they know what we're dealing with. This is the Omnibus Pension Bill. There are 17 provisions here for the pension systems that the state contribute to. There is one major Section dealing with the City of Chicago fire and police. Mr. Murphy, let's take the Chicago system first, please."

Murphy, H.: "Okay."

Hoeft: "The Chicago portion has totally been agreed to by all parties concerned, both the city and the unions, correct?"

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

Hoeft: "And there is no state money involved in this, correct?"

Murphy, H.: "No state money, no."

Hoeft: "Therefore, I would think that there is no reason for us

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

130th Legislative Day

May 22, 1998

to challenge this since this is an agreement that they've worked out contractually. The others are minor in nature and have been passed through the Pension Laws Commission all of these, correct?"

Murphy, H.: "That's right, yes."

Hoeft: "And the major... the only contribution that we can find in this is a \$300,000 increase in one of the funds. Is this not correct?"

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

Hoeft: "I would ask that all Members of this Body join together with Mr. Murphy and myself and pass this Bill because it does help many of the people in this state who have pensions and need our assistance. Thank you, Sir."

Speaker Madigan: "Mr, Acevedo."

Acevedo: "Mr. Speaker, I'd like to put in the record that I will vote 'present'... possible conflict of interest."

Speaker Madigan: "Mr. Black. Mr. Black."

Black: "Yes, thank you very much, Mr. Speaker. I'm being solicited on the House Floor by Members of the Senate. Is that permissible?"

Speaker Madigan: "Depends on who they are."

Black: "Well said, Counselor. Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Black: "Representative, you had mentioned that this Bill had been to the Pension Committee, the Pension Laws Commission, excuse me. That's not my understanding, that there are provisions in this Conference Committee Report that were not heard by the Pension Laws Commission. Is that the case?"

Murphy, H.: "I don't think that's the case, Representative. We went through this pretty thoroughly."

Black: "You mean each pension item in this Conference Committee

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

130th Legislative Day

May 22, 1998

Report has been through the Pension Laws Committee?"

Murphy, H.: "Yes."

Black: "Okay. Now, are there any provisions in here for downstate firefighters or downstate police officers? I couldn't find any to tell you the truth."

Murphy, H.: "... but there's one provision for the City of Glencoe."

Black: "I'm sorry, Representative, is there anything in here for downstate firefighter's pension or police pension?"

Murphy, H.: "Yes, again, the City of Glencoe."

Black: "I'm sorry, what?"

Murphy, H.: "The City of Glencoe."

Black: "The City of Glencoe. Well, your definition of downstate and mine are a little different, but that's okay."

Murphy, H.: "Well, it's the farthest ... of downstate..."

Black: "All right. Was there any attempt to... for example, the downstate firefighters, the widows of downstate firefighters, I believe, only get about \$400 a month from their late spouses' pension and we've been trying to increase that, but evidently that didn't make it into this report, is that correct?"

Murphy, H.: "Yeah, that's correct."

Black: "Okay, I agree I..."

Murphy, H.: "Representative, I might, I might add that we did look at that briefly and it would be our intentions to address that in the fall."

Black: "All right, and I appreciate that and I look forward to working with you on that because it is a very inequitable situation to expect a widow or widower of a firefighter to try and exist on \$400 a month, and I look forward to working with you on that, and I appreciate your indulgence in answering the questions. Thank you."

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

130th Legislative Day

May 22, 1998

Speaker Madigan: "Mr. Woolard. Woolard."

Woolard: "Thank you, Mr. Speaker. I move the previous question."

Speaker Madigan: "Mr. Woolard, it won't be needed. Mr. Murphy to close."

Murphy, H.: "We would ask for a favorable vote."

Speaker Madigan: "Those in favor of the adoption of the Report, signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 114 people voting 'aye', 3 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Supplemental Calendar #13, there appears... Mr. Clerk."

Clerk Rossi: "Messages from the Senate by Mr. Jim Harry, Secretary. I am directed to inform the House of Representatives that the Senate has accepted the Governor's specific recommendations for change which are attached to the Bill of the following title the acceptance of which I'm instructed to ask the concurrence of the House, Senate Amendment #3, a Bill for an Act concerning public employee pensions. Rules Committee Report. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules to which the following measure was referred, action taken on May 22, 1998, reported the same back with the following recommendation: 'to the floor for consideration' Motion to accept Amendatory Veto on Senate Bill 3."

Speaker Madigan: "On the Order of Supplemental Calendar #13, there appears Senate Bill 3. Mr. Hannig. Mr. Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. Earlier in the day we began the process of enacting better retirement benefits for teachers by passing Senate Bill 3, the 2.2. Since then, the Governor has used his Amendatory

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

130th Legislative Day

May 22, 1998

Veto to change the language of the Bill to reflect the agreement that was reached last evening. The Senate has accepted his Amendatory Veto. With your vote this evening, we can give Illinois teachers better pensions and we can do that today, so that when school ends in May and in early June around this state, the teachers can make their plans and school boards can make their plans for what they will be doing come next school year. So, we debated this Bill earlier in the day. The Governor has made some changes that reduce the amount of money that school boards are required to pay. The teachers' unions are willing to accept some additional burdens and I would ask for a passage of this important Bill."

Speaker Madigan: "Mr. Hoeft."

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

Speaker Madigan: "The Sponsor yields."

Hoeft: "Earlier this day you made the statement that the school boards, the alliance, is neutral on this. They are adamantly opposed to this, are they not?"

Hannig: "Representative, I think what I said this morning was that it was represented at a news conference that we had yesterday, not by me, but by others, that the... that the school boards were neutral on this, and I was at the meeting at the Governor's office today where the Governor stated that it's his understanding that the school boards believed that this Bill was going in the right direction, that it's reducing their burden, but that frankly, they still oppose it. So, that's their position."

Hoeft: "Let me put it into the record that the school alliance is opposed to this. The school boards, the administrators of this state understand the implications, fiscally, of this. I just would like to turn to one page in the Amendatory

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

130th Legislative Day

May 22, 1998

Veto, page 6, and let me read, 'If a member is at least 50 years of age and has at least 34 years of credible service, no member contribution for the early retirement option shall be required. The employer contribution shall be at the rate of 20% of each year the member is under 60.' So, if the member is 55 and takes this option, the school boards will be responsible for paying 100% of the individual's contract. This Bill is better, but this provision takes that added advantage out. It still is going to be a \$10,000,000 ... \$10,000,000,000 deficit to our school districts during its life. It is still going to be something that is going to suck from the school districts, most of the benefits, financially, that we have done in the reforms. I repeat my earlier statement. This, Ladies and Gentlemen, is our fiscal integrity vote of the 80th... the 90th General Assembly."

Speaker Madigan: "Mr. Persico."

Persico: "Thank you, Mr. Speaker. Due to a possible conflict of interest, I will be voting 'present'."

Speaker Madigan: "Mr. Black."

Black: "Yes, thank you very much, Mr. Speaker, I have an inquiry of the Chair."

Speaker Madigan: "State your inquiry."

Black: "Yes, is this Amendatory Veto in compliance with Rule 78(c) of the Governor's Amendatory Veto being in compliance? I know it was a subject very near and dear to your heart about three or four years ago and we want to make sure, and make quite certain, that it meets your standards of an Amendatory Veto."

Unknown: "Representative Black, the Rules Committee ruled that it is in compliance."

Black: "Excuse me. Are you the Chair? I made an inquiry of the

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

130th Legislative Day

May 22, 1998

Chair. How dare you, Sir."

Unknown: "Representative, I was giving you your answer, Representative Black."

Black: "No, Sir, you're not the Chair. My inquiry was with the Chair. This is an outrage. Let me just second what Representative Skinner said. We need to turn those other microphones off when we're inquiring of the Chair. I've never been so embarrassed in my life."

Speaker Madigan: "I'm advised that the Rules Committee has already voted on this question, but I'm very thankful for your continuing support of my position on the A.V."

Black: "I remember how important this was to you, Sir."

Speaker Madigan: "It's important to all of us."

Black: "Yes. Yes. So, if the Parliamentarian could assure me that we are in compliance with the rules."

Mike Kasper: "Representative Black, the..."

Black: "Excuse me, on behalf of the Speaker, please."

Mike Kasper: "On behalf of Speaker Madigan, Representative Black, the Governor's Amendatory Veto neither changes the fundamental purpose nor legislative scheme, which is the standard by which this rule is applied, therefore, the Amendatory Veto is in compliance..."

Black: "So, it would be in compliance? Yes, thank you."

Mike Kasper: "... with Rule 78."

Black: "Mr. Speaker, to the Bill. I'm very glad that it only took us four and a half months to get this Bill out for a vote and I would like the record to reflect that I consider myself to have a conflict of interest on this and will be voting a courageous 'present'."

Speaker Madigan: "Mr. Parke."

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

Speaker Madigan: "The Sponsor yields."

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

130th Legislative Day

May 22, 1998

Parke: "Representative Hannig, what is different from what passed out of this chamber to the Governor, tonight?"

Hannig: "Representative, in the original Bill, the teachers' contribution was .85, under the Governor's change it will be 1.0. Under the previous Bill, a buy back was .85 of salary, now it will be 1.0. Under the previous Bill for each year that the teacher worked after the effective date of this Bill, they would have one year forgiven, that they would not have to buy back. Under this... under the provisions of the Governor's Veto, for every three years that they work, they would have one year forgiven. There's also some language in the Bill that would give school districts some relief in situations where they had agreed by contract to pick up the costs of any additional payroll imposed by the state and there are a few little items that clarify the teachers who reach 55, who will be 55 in the next school year, can actually retire this year and there's a calculation that where teachers who have worked their maximum number of years and would only receive 74.8% of their average salary, it's been rounded up to 75. That was not in the previous Bill and that's part of the Governor's Amendatory Veto, and those are the primary differences."

Parke: "Okay. Representative, let's go back to the portion of 'forgiveness'. Let's take a scenario for the Body if they'd like to listen to this because this is very important, of course they may not care, but... If a school teacher or an administrator, because administrators can take advantage of this, too, can't they? Mr. Scully... "

Hannig: "They are in the Teachers' Retirement System. That's correct."

Parke: "Yeah, so they can take advantage of this so we could lose not only our senior teachers, but our senior

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

130th Legislative Day

May 22, 1998

administrators, also. Right?"

Hannig: "And they would be replaced by younger, cheaper administrators... cheaper salaried administrators."

Parke: "So, that's kind of the argument that we're using here, that if we can replace the older teacher or the older administrator and replace them with a younger one, the school districts are ahead. Right?"

Hannig: "Kind of like term limits for teachers and administrators."

Parke: "Okay. Let's do a little mathematics on this then. If we have an employee making \$50,000, Representative Hannig, hello."

Hannig: "Yes, Representative."

Parke: "If we have a teacher making \$50,000 a year and they have 40 years of service and they're 57 years of age, and they're going to retire at 60, don't we take from 60 to 57 and subtract 3 years so they have three years of forgiveness?"

Hannig: "I'm told there'd be no discount on their pension, Representative."

Parke: "Right, but we take 3 years and multiply it times the 20% that was stated on page 6, which means 60%, then the school district has got to pay into the system on behalf of that teacher or administrator 3 times 20%. If you divide that by \$50,000 that ends up being \$30,000 that that school district has got to pay into the pension system on behalf of that individual. Am I correct?"

Hannig: "Representative, I believe there's a... under current law there's a formula for early retirement and this doesn't change that. You still have to pay penalties."

Parke: "Excuse me. This is a forgiveness that's built into this plan that was not there this morning. So now that school

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

130th Legislative Day

May 22, 1998

district has got to pay to this fund \$30,000. So, if you're going to take the argument that's been made on behalf of the reason to do this, if you replace that \$50,000 employee with somebody making \$25,000, which is an average entrance level, and you've got to pay into the system \$30,000 to replace them for that year, you've negated the reason to do the plan, and in fact, what this is going to do is cost school districts, not save school districts money. Now, can you tell me how this thought process is not correct?"

Hannig: "Representative, the total package that the Governor... the total impact of the Governor's changes are that school districts will pay significantly less than they would have had he signed the Bill we passed this morning. So, I would say that..."

Parke: "I don't understand how you can say that, Representative. We have a buy out provision, of \$30,000. If you cut their salary in half to replace them, you're only spending \$25,000. So, now you're saving \$25,000 because you have a new employee, but the system's got to pay \$30,000 into the plan."

Hannig: "Representative, I'm told that this is exactly the way things are today, that we did not change one word in the buy out provisions that exist in the law now. They're just still there."

Parke: "To the Bill."

Speaker Madigan: "Mr. Parke."

Parke: "Thank you. Everybody deserves a good pension plan. I have no doubts. But Ladies and Gentlemen of the Body, I'd like to point out that if you remember three years ago we passed a plan to reimburse our funds because they were dramatically underfunded. Let me tell you what's happened

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

130th Legislative Day

May 22, 1998

over the course of the last three years. In 1997, the pension system was underfunded at 64.5% is all we paid into the plan. The following year, '98, this year, it's 64.3. You know what happened in '99? We went down 1/10 of 1% to 64.2%. Now we want to pass this plan onto the school districts of this state which will now greatly underfund the system even more so, especially with the unfunded liability on the out-years. Ladies and Gentlemen, what we are doing here, is that we are spending money that will be spent, not this year, but our children will have to spend huge amounts of money. Do you know that right now we must spend \$1 billion, \$1 billion in this fiscal year into the pension system and that money must be paid first before anybody else in this state gets paid. One billion dollars, that's the guarantee that we gave to the systems to try and bring them back to 90% funding by the year... in the fifty years. Now, we're going to breach that. We're going to say, 'We're going to ignore it. It doesn't matter. We're going to do it for what is supposedly right for our teachers and our administrators. We're going to let them get out early.' Well, I contend that the reason why the school districts and the administrators and the alliance is opposed to this is because they know that the money that you allocated last year for the children will have to be used to pay the buy-outs for the teachers' pension this next year. That's what you're going to have to do, Ladies and Gentlemen. This plan is flawed. It does not achieve what we want. Ultimately, what we're going to do is that we're going to take money from the children that we allocated last year. I wish we could bring this back and make it in a system that will really, truly give retired teachers the kind of program they ought to have, not at the

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

130th Legislative Day

May 22, 1998

expense of our school districts. This is an unfunded liability. You cannot change that. The school districts must pay this. They do not have the money, therefore, it's got to come out of their operating budgets. This is a mistake and I wish you would take a serious look at your vote in a few minutes."

Speaker Madigan: "The question is, 'Shall the Gentleman's Motion be adopted?' All those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 113 people voting 'aye', 3 people voting 'no'. The Gentleman's Motion to adopt the Conference Report is adopted and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative Currie, Chairperson from the Committee on Rules to which the following measure was referred, action taken on May 22, 1998, reported the same back with the following recommendation: 'to the floor for consideration' Senate Joint Resolution 68 is approved for consideration."

Speaker Madigan: "On Supplemental Calendar #10, there appears House Bill 1699, Mr. Schoenberg. Mr. Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I urge the Members of the House to adopt the Second Conference Committee Report to House Bill 1699. This Conference Committee Report features two provisions. The first which were identical to Senate Bill 1315 regarding immunization, which we passed overwhelmingly previously, and for the purpose of legislative intent. I would like to read into the record the following pertaining to cancer

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

130th Legislative Day

May 22, 1998

registry and protection of confidentiality. This was requested by the Department of Public Health and there's agreement with all parties, including the plaintiffs' bar. The Bill assisted IDPH in fulfilling its mission of studying the incidence of cancer while reassuring patients with rare cancers or cancers that only strikes certain groups of individuals that their information is confidential. The Bill prohibits the release of information to identify an individual while leaving intact the ability of the department to release information for research purposes or public disclosure. This legislation in no way is intended to address the May decision from the Fifth Appellate District. As I indicated again, there's no opposition. I urge your adoption of this Conference Committee Report."

Speaker Madigan: "The Gentleman moves for the adoption of the Conference Report. Those in favor of the Motion, signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 118 people voting 'aye', 0 voting 'no'. The Gentleman's Motion to adopt the Report is adopted. And this Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk."

Clerk Rossi: "Supplemental Calendar #14 is being distributed."

Speaker Madigan: "On Supplemental Calendar #14, there appears SJR 68, Representative Currie."

Currie: "Thank you, Speaker and Members of the House. This Resolution contains the arguments that will appear, will be given to the voters before voting on the Constitutional Amendment that we propose for the November ballot, arguments for and against. I'd appreciate your support for

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

130th Legislative Day

May 22, 1998

adoption of the Resolution."

Speaker Madigan: "The Lady has moved for the adoption of the Resolution. You've all heard the Motion. Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 118 people voting 'aye', 0 voting 'no'. The Lady's Motion to adopt the SJR 68 is adopted. SJR 76, Representative Currie. Mr. Clerk, read the Resolution."

Clerk Rossi: "Senate Joint Resolution #76, offered by Representative Currie, be it resolved by the Senate of the 90th General Assembly of the State of Illinois, the House of Representatives concurring herein, that when the two Houses adjourn on Friday, May 22, 1998, the Senate stands adjourned until Thursday, November 5, 1998 and when it adjourns on that day, it stands adjourned until Tuesday, November 17 of 1998, and when the House of Representatives stands adjourned, until Thursday, November 5, 1998 at 12:00 noon in Perfunctory Session and when it adjourns on that day, it stands adjourned until Tuesday, November 17, 1998 at 1:00 p.m."

Speaker Madigan: "Representative Currie."

Currie: "Move the adoption of the Adjournment Resolution."

Speaker Madigan: "The Lady moves for the adoption of the Adjournment Resolution. Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it, the Resolution is adopted. Mr. Clerk."

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

Speaker Madigan: "Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative Currie,

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

130th Legislative Day

May 22, 1998

Chairperson for the Committee on Rules, to which the following item was referred, action taken on May 22, 1998, reported the same back with the following recommendation: 'to the floor for consideration' Motion to concur in Senate Amendment #1 to House Bill 672."

Speaker Madigan: "On Supplemental Calendar #10, there appears House Bill 455, Mr. Hannig. Mr. Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. This is the State Budget for FY'99. It also contains a supplemental for FY'98. The FY'99 budget is \$38.9 billion, 19.8 of that is general revenue. This Bill provides that we would have an ongoing distribution of the categorical funds and the Education Fund so that special education, transportation, and the other categoricals would be at a level of distribution equal to that of last year. The COLA for the Medicaid providers is in this budget. Nursing homes will receive an extra 75,000,000, children's hospitals 18.5, and the hospitals that serve our sick will receive an additional \$65,000,000. Ladies and Gentlemen, this is the budget that we've been all waiting for. It's not a whole lot different from what the Governor introduced in May, or in March, excuse me. For those of us who work in the appropriation process, we are very familiar with the document. We made a few changes, and changes. I believe, that are for the best. Governor Edgar saved this budget, his last budget for the, and it is the best budget, I believe, of the eight that he has given us, so he saved his best for last. We've made, I think, a good budget, a great budget, and I would move for the adoption and I would move to concur in Senate Amendments 1 and 2 and adopt this budget for FY'99."

Speaker Madigan: "Mr. Ryder."

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

130th Legislative Day

May 22, 1998

Ryder: "Thank you, Mr. Speaker. I echo the comments of Representative Hannig and stand in support of the budget."

Speaker Madigan: "Mr. Hannig moves that the House do adopt Senate Amendments #1 and 2 to House Bill 455. Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this qu... the Clerk shall take the record. On this question, there are 117 people voting 'aye', 1 person voting 'no'. The Motion to adopt the Senate Amendments is adopted, and this Bill, having received a Constitutional Majority, is hereby declared passed. On Supplemental #15, there appears House Bill 672, Mr. Cross."

Cross: "Thank you, Mr. Speaker. I would defer to Representative Kubik to explain the Bill."

Speaker Madigan: "Mr. Kubik."

Kubik: "I thought you'd never ask. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would move to concur with Senate Amendment #1 to House Bill 652... or 672, I'm sorry. This is probably what is well-known as the Campaign Finance Bill and I will run through it briefly. The Bill would substantially restrict the use of campaign funds for the personal benefit of the candidate or the candidate's family. The measure would also outlaw the use of campaign funds for various expenses. It would bar state officials from accepting gifts of more than a small value from individuals and interests lobbying them on legislation to seek business with the state. It would prohibit Legislators, statewide officers, and candidates for those offices from holding fund raisers in Springfield or within a 50 mile radius of Springfield during the final 90 days

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

130th Legislative Day

May 22, 1998

before they schedule adjournment of the regular Session, as well as the Fall Veto Session. Exceptions would be made for a Legislator to represent the districts within the region. It would ban face to face solicitation and acceptance of campaign contributions on state property, unless facilities, say for example, the fairgrounds are being leased by a candidate for a fund raising event. It would help assure that contributions exceeding \$500 that are received in the closing weeks of these campaigns are disclosed before Election Day. It would require political action committees to fully identify themselves beyond using acronyms and vague names. It would require candidates to make a good faith effort to disclose the occupation and employers of those who contribute more than \$500 to them during a reporting period. It would require electronic filing of disclosure reports by committees that raise or spend or accumulate at least \$25,000 during a reporting period, effective with the report due on July 1, 1999. It would increase the penalties for violation of disclosure from 1,000 to 10,000 for statewide committees and from 1,000 to 5,000 on all other committees. It would tighten reporting requirements for in-kind contributions. It would require that groups that spend more than \$5,000 during a reporting period and lobby the General Assembly on behalf of public policy issues, to disclose expenditures and the source of their income. It would prohibit those who author and distribute campaign mailers and other campaign literature from using fictitious addresses in identifying themselves. This Bill, I think, is a product of a lot of work by a number of people. Representative Hannig and I, Senator Dillard, Senator Obama, Mike Lawrence, and Senator Simon. It has the widespread support of many groups. I

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

130th Legislative Day

May 22, 1998

think it is a solid first step and a very strong step, the best step, the most powerful step we've made in 20 years in reforming the campaign system. I'll be happy to respond to questions and would appreciate your support of the Motion to Concur on Senate Amendment #1."

Speaker Madigan: "Representative Wojcik."

Wojcik: "Would the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Wojcik: "Representative, I'm a little confused regarding some of the requirements regarding this Bill. If I have a campaign office, I can do anything I want to do within that campaign office, correct? I can call anybody, I can solicit anything, if I have a campaign office?"

Kubik: "That is correct."

Wojcik: "If I have a office that is a state office and I have a campaign phone line, I cannot solicit in that office because it's a state operative. Is that correct?"

Kubik: "That is correct."

Wojcik: "If I do solicit, what penalty can be incurred?"

Kubik: "Violation of a face to face solicitation or of this particular provision would be a violation of business offense and would be punishable by a maximum of \$5,000."

Wojcik: "Five thousand dollars if I make a phone call out of... that's pretty heavy stuff. Okay, now I have a computer. It's my computer. It's not the state's computer. However, within that computer, I have some of my campaign labels. If I print those labels in my district office, what penalty arises from that? Listen to this. Listen to what this Bill is going to do to every one of us in this House. What happens if I print labels on my own computer, but it's in a state district office?"

Kubik: "Representative, I think it would depend upon what you

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

130th Legislative Day

May 22, 1998

plan to do with those labels."

Wojcik: "Well, let's say I was going to send out a letter to my constituents, and I was going to have a pig roast. That's soliciting."

Kubik: "If you are... if you are running off labels for a political fund raiser in your state office, that would be a violation."

Wojcik: "But if the state... The computer was owned by me. It was not owned by the state. It still would be a violation. Five thousand dollars, okay? Now we have something else going on. If somebody, my treasurer, goes to the post office, I have a post office box, picks up my campaign checks and brings it to my office, the state office, because she's going from the post office to the state office over to the bank, but the state office is convenient so she can open up those checks. She's not going to be allowed to do that and it's \$5,000 if she opens up those checks. Per check, get that."

Kubik: "Representative, this is face to face solicitation."

Wojcik: "Face to face."

Kubik: "If I would... if I were you, I would not open up campaign checks in your district office."

Wojcik: "How do you know if you open up the mail? Sometimes it comes to you in your mail. I don't open up my mail. I have a staffer. How do I know it's a check?"

Kubik: "Representative... Representative, there is a provision in this Bill that if you, by mistake, if a campaign check is mailed to you by mistake, you... and you open up that check, you would not be in violation. I mean..."

Wojcik: "Whose call is it? We have to sit and live and breathe a call, a duty, what's right, what's wrong. To the Bill. I have to tell you something, Ladies and Gentlemen. I have

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

130th Legislative Day

May 22, 1998

been in this House for 16 years. I have seen ethics Bills come and go. I have seen five Roll Calls in the House. I have seen one Roll Call in the Senate. This is absolutely ludicrous to do this to us. Five thousand dollars for one wrong move. What are we admitting to? We're admitting that we do everything wrong. My Lord, if we did it wrong, our constituents wouldn't even put us back here. Why don't we account to ourself back home, talk to our constituents and let them make the determination instead of being the all righteous people that we try to be and put through these Roll Calls and use them against everybody in campaigns. This is absolutely wrong. It's wrong. It's a bad Bill and I'm telling you something, I'm so totally disappointed with this process that we would even condone doing this to the Members of this wonderful august Assembly. It's a tragedy, it really is. I love you all, and to get on this Bill and vote for this, is going to say that one wrong move and you're going to go down the tube. I'm sorry for this Bill. I am not voting for it."

Speaker Madigan: "Representative Parke."

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

Speaker Madigan: "The Sponsor yields."

Parke: "Representative Kubik, it is my understanding that you have a provision in here that requires every 501(c3) to file a report as to any contributor of \$150 or more, is that correct?"

Kubik: "That is not correct."

Parke: "It was brought to my attention earlier in the evening that they read it that way. Why is not correct?"

Kubik: "Well, Representative, that is not correct. The provision that I believe they're speaking about would be a provision, Section 9-7.5 which deals with nonprofit organization. If

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

130th Legislative Day

May 22, 1998

a not-for-profit organization meets a couple of tests, one is that it is lobbying, actively lobbying this Assembly or the Executive Branch, and spends \$5,000 or raises and or spends \$5,000 in support or opposition to a candidate, then it would be required to file under this... under the legislation, but if a not-for-profit organization does not support and oppose candidates, it can lobby, and it would not be required to file under this Bill."

Parke: "Let me ask you then, what if it's the United Way who happens to have a lobbyist here who is concerned about some of the things the Body does that could affect the United Way organization. Because they have a lobbyist, they're going to spend more than \$5,000. Are you now saying that they must report?"

Kubik: "No, that's not what I'm saying. What I'm saying is that the United Way does have... may have a lobbyist and would try to lobby in favor or opposed to Bills, but that particular organization does not raise and spend money to either support or oppose political candidates in an election process, so they would not be recovered under this Bill."

Parke: "Let me ask you another question? Are labor unions exempt from this Bill?"

Kubik: "Representative, labor unions are currently covered under the law, and they are not... they are exempt from this Bill because they are currently under the law and they have to file when they make contributions, they must file disclosure."

Parke: "Is the Illinois Manufacturers' Association exempt because they are covered under the old law? Are they exempt, also?"

Kubik: "Representative, every contribution that the Illinois

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

130th Legislative Day

May 22, 1998

Manufacturers' makes, shows up on the disclosure statement, under the law. So, they're currently covered."

Parke: "Are they exempt from this Bill?"

Kubik: "They are currently covered under disclosure."

Parke: "So this only..."

Kubik: "It would not be addressed in this Bill be ..."

Parke: "Are you telling me, legislative intent, this is only going to apply to those people and organizations that are currently not filing their disclosure statements? Everybody else is exempt? So, for you, you might as well sign up really fast so you're under the old law?"

Kubik: "Representative, under the current law, those organizations must file if they make contributions, both.... contributions and in-kind contributions. The provisions of this Bill are for those not-for-profit organizations who are trying to... who are raising and spending more than \$5,000 to support or oppose a candidate who are not filing disclosure statements under the law. So, we're bringing new people into the process. We're not taking current people out of it. We're putting new organizations in the process..."

Parke: "Representative Kubik..."

Kubik: "Because they are, in effect, affecting election."

Parke: "Representative Kubik, I haven't seen the Bill. I haven't been able to bring it up on my computer, but you know, I just... I'm just now buying your argument. I... it's not logical, your argument. It is not making sense that you're telling me on one hand, labor unions are exempt because they already can do it. What's the sense of doing this Bill? If not-for-profits have to file and they had raised \$5,000 and they must be covered, this is not fair. This is not right. I'd like to move on to this face-to-face

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

130th Legislative Day

May 22, 1998

solicitation. Representative Kubik, face-to-face means that if I'm on the rotunda and somebody hands me an envelope, and I'm looking at them, that is illegal, correct?"

Kubik: "That is correct."

Parke: "If I am on a state park and I happen to see a lobbyist and he walks up and hands me a check, because it's state property, I cannot accept that check. Is that correct?"

Kubik: "If it's on state property, it would not... you cannot accept campaign contributions."

Parke: "If I walk into my office and I find a check on my desk or on my chair, and I don't know how it got there, but it's on my legislative office or my Springfield office, have I broken the law?"

Kubik: "Representative, in the Bill, it points out that the solicitation must be a face-to-face solicitation. So, if you come into your office, find an envelope with a campaign check in it, you would simply put that check back in the envelope and send it to your campaign office, and you would not be in violation of the law. The law covers face-to-face solicitation. It does not cover an instant that you've cited where, if you make a good faith effort by putting the contribution back into an envelope, and sending it to your P.O. Box, whoever it might be."

Parke: "Okay, I don't want to be ludicrous, but if I were to simply turn my back and someone handed me a donation for my campaign because they thought I was a good Legislator, do I circumvent the intent of the law?"

Kubik: "That is a ludicrous example."

Parke: "That is a what?"

Kubik: "You said it's a ludicrous example, I agree with you. It's a ludicrous example."

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

130th Legislative Day

May 22, 1998

Parke: "Yes, that may be, but I want to talk about the law that you want us to put on the books, that will affect how we do. Can I take it to court and simply say, 'As I did not receive this face to face and will I not be in violation of this Bill that you wanted to make public law?'"

Kubik: "Representative, you're entitled to make that defense, however, I wouldn't presume to give you some legal advice in that area."

Parke: "Well, I appreciate that, Representative. Ladies and Gentlemen, to the Bill. There comes a point in time, we're at the end of Session. We've been working on campaign reform. The media has been demanding campaign reform. Many of the civic groups are demanding campaign reform, and now at the last minute, we have a Bill before us and we've given kudos to those people who have worked so hard on this. But I will tell you, that looking over this Bill briefly, though I haven't seen it and had a chance to really read it in depth, it is my opinion that the framers of this Bill are of the opinion that we will just do something. Let's just do anything, it really doesn't make any difference, because we now can go back to our districts. The media will write a story saying, 'Campaign Reform Passed.' What a great Body we are, but what we're doing is that, we are making it so difficult, putting us at risk for foolish things that ought not to be part of the law. This needs more study. I hate to say that, but this is not a good Bill. I will tell you, if you look at my colleagues in Wisconsin, who I've talked to, there have been Members who have been prosecuted and convicted and sentenced on very minor offenses, but because the penalties in their ethics law made it that way, they lost their seats. I will venture to guess that, in the next three

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

130th Legislative Day

May 22, 1998

years, one of us or one of the new Members will break the law unintentionally, will be prosecuted, and will have to stand in front of the people of Illinois in an embarrassing situation that we will have put them in because we passed this Bill."

Speaker Madigan: "Mr. Giles."

Giles: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. As Chairman of the State Government Election Reform, I was not involved in this process. I was not involved in the process of campaign reform. That is not fair. That is not fair. If we really want true reform, I think everyone should have been involved in the process. Now, at the last hour, at the last piece of legislation come before us, we have some legislation just simply doesn't make any sense. I don't think this legislation make any sense to a very professional and a man that I truly have grown to respect. This is really a travesty to have such legislation come to us, last hour. I don't think there is five Members in this Body have truly read this legislation. I know I have not seen the legislation. No one has approached me about the legislation, but I have this before me to vote for it. I think, because, simply because I didn't have the opportunity to take a look at this legislation, and I want some campaign reform, as well. I think we should simply do a 'present' vote on this legislation and take this back to the drawing board and let's all go home. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Roskam."

Roskam: "Mr. Speaker, will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Roskam: "Representative Kubik, on page 35 in the Section 9-7.5 that you spoke to Representative Parke about, maybe we

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

130th Legislative Day

May 22, 1998

could focus in on that for a minute, because I think there is a lot of ambiguity and I am very confused about it. This is this notion of which of these nonprofit organizations are subject to the scope of the reporting requirement that your Bill would place a duty on them to disclose their donors above \$150. I think that's the threshold amount. It seems to me that this is far broader than your earlier answer to Representative Parke indicated, and if it's not, then we need to know that. Line 5 it says, 'Each nonprofit organization, except for a labor union, registered under the Lobbyist Registration Act or for which lobbying is undertaken by persons registered under the Act that hasn't established a political committee', so, it doesn't have its own political committee, but it's down here representing views, 'and that accepts contributions above \$5,000,' which is pretty much anybody who'd have the finances to be down here, and they are trying, and this is the question, on line 12 you say, 'or they're influencing a question of public policy.' All of those groups that are doing those things, which are pretty much, it seems to me, a ton of the people that are outside of the rail; the YMCA, the Jewish Federation, the Right to Life Committees, and so forth, are all down here influencing questions of public policy. Wouldn't you agree with that?"

Kubik: "Representative."

Roskam: "Yes, Sir."

Kubik: "The term, I assume you're focusing on the term, 'or a question of public policy.'"

Roskam: "Right."

Kubik: "Okay. According to the Election Code, which this Bill references..."

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

130th Legislative Day

May 22, 1998

Roskam: "Could you show me where that reference is? Or when, as your staff is gathering that info, that's fine, but go ahead with your explanation."

Kubik: "In the Election Code, which this section references, a question or a question of public policy is considered defined as a Constitutional Amendment that is put before the voters of the State of Illinois. So, the general questions of public policy that are before this Body are not a subject of that interpretation."

Roskam: "Okay. Could you draw my attention to that definition of public... a question of public policy equals a Constitutional Amendment question only?"

Kubik: "We're attempting to do that right now."

Roskam: "Great. While they're doing that, maybe we could focus on just a couple of other areas. Which public officials and which candidates for which offices does this affect?"

Kubik: "It would affect all Constitutional Officers..."

Roskam: "Alright."

Kubik: "...and it would affect all Legislators."

Roskam: "Would it have any impact, for example, on a county board member who is a potential rival for office for a legislative seat? Would it have any impact on that person at all?"

Kubik: "On what portion of the law are you speaking of? Are you talking about the...?"

Roskam: "The whole deal."

Kubik: "The disclosure portion?"

Roskam: "Well, not only disclosure, but the \$5,000 civil penalties, the criminal penalties that are in here. Would a county board member be impacted by this at all?"

Kubik: "I'm sorry. Would who?"

Roskam: "A county board candidate or a sitting county board

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

130th Legislative Day

May 22, 1998

member who is acquiring campaign funds, would they fall under the scope of this?"

Kubik: "If they are required to... Representative."

Roskam: "Yes, Sir."

Kubik: "In the Bill, if a... we have changed, currently, if you raise or spend more than a thousand dollars, you are required to file with the State Board of Elections."

Roskam: "Okay."

Kubik: "We have raised that level from \$1,000 to \$3,000. So, if you raise or spend more than \$3,000 and are required to file with the State Board of Elections, you would be subject to the disclosure portion to this Bill."

Roskam: "Okay, so, it doesn't just include candidates for legislative office?"

Kubik: "Correct. That is correct."

Roskam: "It's not just Members of the General Assembly and the Constitutional Officers, but it's anybody who's running for office, who raises more than \$3,000 in Illinois, regardless of the office that they're seeking."

Kubik: "The disclosure portions of the Bill would affect those people."

Roskam: "Okay. Why are you just saying disclosure portions? Are there other portions in the Bill that don't affect everybody?"

Kubik: "The personal use portion of the Bill would also affect those political committees."

Roskam: "Okay. Let me ask it then this way. Is there any portion of this Bill, Representative, that wouldn't have an impact on everybody who reaches that \$3,000 threshold? You understand my question? It's... does this apply to everybody who meets the \$3,000 threshold who's running for office in Illinois?"

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

130th Legislative Day

May 22, 1998

Speaker Madigan: "Mr. Roskam, could you bring your remarks to a close?"

Roskam: "I'm doing my best."

Speaker Madigan: "Thank you."

Kubik: "Representative, the disclosure portion of the Bill and the personal use portion of the Bill would be... would affect any political committee that raises or spent more than \$3,000. Now, other portions of the Bill, such as the gift ban would not affect those individuals."

Roskam: "So the gift ban does not affect the other candidates, only candidates for the General Assembly and the Constitutional Officers?"

Kubik: "The gift ban would affect General Assembly Members, Constitutional Officers, full-time, part-time, and contractual employees of the state."

Roskam: "But does the gift... would the gift ban affect county board members?"

Kubik: "The county board members would not be affected by the gift ban portion of this Bill."

Roskam: "Why not?"

Kubik: "If I could finish the answer. However, they would be required, within six months of the signing of this Bill, a county a unit of government would be required to enact a ethics code that is at least as restrictive as this particular Bill."

Roskam: "Okay. Let me just get back to that one other question. You were going to look up that definition for me of a question of public policy that was only limited to a Constitutional Amendment."

Kubik: "I would refer you to Section 510-8 of the Election Code..."

Roskam: "Why don't you read it?"

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

130th Legislative Day

May 22, 1998

Kubik: "... as an example of when we're talking about...."

Roskam: "Okay. I don't have that in front of me. Could you read that part of the code, that definition that says, 'A question of public policy is a Constitutional Amendment question?'"

Kubik: "Representative, as I understand it, it is not a strict definition. It is a term of art that we use in the Election Code..."

Roskam: "Aah, that's very different then, isn't it, Representative?"

Kubik: "...when we speak of the question of Constitutional Amendments."

Roskam: "Okay. Then we're right down to it then, and Ladies and Gentlemen, to the Bill. Mr. Speaker, thank you for your indulgence. Give me a couple minutes. That is the threshold question. What we have here is a vague term and this vague term says, 'A question of public policy.' We don't have a strict definition within this Bill. We could. We can define this and tighten it up or whatever, but right now, let's be very clear what Representative Kubik's well-intentioned Amendment requires is that the American Association of University Women, the YMCA, the Right to Life Committee, Planned Parenthood, the Gay and Lesbian Alliance, everybody who is down here who is doing battle in this public policy arena, now has a very different duty under this Bill, than they would have had if it doesn't pass. And the duty is to disclose to the public who your donors are. Think about the chilling effect that that's going to have on the First Amendment. Think about the chilling effect that that's going to have on free speech because the seeds here are being planted, not intentionally, but for a very insidious thing, because now

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

130th Legislative Day

May 22, 1998

somebody can't say, 'Hey, I'm all for the AAUW. I'm all for the Right to Life Committee. I'm all for Planned Parenthood and I want you to go down and represent me, and quite frankly, I don't want to get drawn into that fray. I want you to do that on my behalf.' But if everybody who has one of those heartfelt positions, is suddenly in the position where their names and addresses and the amounts and their employers and their addresses are going to be, eventually, posted on the Internet, is that what this is all about? I don't think that's wise. I know it's late. I haven't said 'boo' for most of the Session, but this is a very, very important Bill. I don't think at 12:31 in the morning, on the day of adjournment, is the day and the time that we should be moving such a historic piece of legislation. Let's not kid ourselves. The pressure's out there for campaign finance reform, but does that mean that we take a meat-ax approach and vote for anything that's called 'Campaign Finance Reform', even when it's going to mean the disclosure of very confidential information that both of us who are conservatives and those who are liberals, have a real desire to keep quiet and keep secret, frankly. So, with all due respect to my well-intentioned, retiring colleague, I would recommend that we vote 'no' or vote 'present' on this well-intentioned, but fundamentally flawed piece of legislation. Thank you"

Speaker Madigan: "Mr. Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. I rise in support of my colleague on this proposal and ask that you consider this proposal as a step forward. You know, it's easy when we sit down as individual Legislators to try to come up with an idea that we think is a proposal that we could advance. But in many cases, it's not a

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

130th Legislative Day

May 22, 1998

consensus view, and those kind of Bills tend to languish in the Rules Committee and occasionally, perhaps in our caucus or even in this Body, we can try to find a consensus that we can come together on and we can send it over to the Senate. And oftentimes, it's not something that that Body is willing to accept. And consequently, the end result is that that Bill languishes in the Rules Committee. Now, there's nothing wrong with that. That's part of what this process is about, as well. But in this occasion, we had an opportunity where a U.S. Senator, from this side of the aisle, who is retired, Representative... or Senator Paul Simon worked with someone who is very close to the Governor, who is also retired, Mr. Mike Lawrence, and they formed a committee and all four caucuses and a representative of the Governor's office were there. And we talked through and we talked through all the different proposals that were out there; some that had passed the House and some that were considered in the Senate. We talked about public financing of campaigns, decided that that wasn't something that probably should be in here. We talked about any number of things, and in the final analysis, we tried to find a consensus that we thought would be a step forward, that we thought would finally begin to get this state out of neutral on the issue of campaign financing, and allow us to at least, begin to move forward. So, there are some important things in here that I think merit your consideration. For the first time, there will be at least some rules on the... on the issue of whether or not Legislators should receive gifts from people who are professional lobbyists. For the first time, we will begin to at least consider that there should be some limits on what we do with our campaign funds in a personal

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

130th Legislative Day

May 22, 1998

way. For the first time, we'll consider having an ethics commission here to consider problems that could exist under the law. We'll consider for the first time, an opportunity to ban Springfield fund-raisers and we'll increase penalties for violations of many of these pieces of law. So, let me say that while this probably isn't the toughest Bill that we've seen in the legislature this year, I think it's the one that probably has the best chance of passing. And frankly, the Bill passed the Senate overwhelmingly in a bipartisan spirit. I suspect that the Governor will sign it. And so, it really boils down to, at this last vote of the Session, do we want to do anything to take a forward step for campaign finance? And in my mind, while I don't believe that this is the answer to all the problems that we have, I think that at least we're finally beginning to take steps in the right direction. It is a beginning and that's what I believe that we need to do. It's not the end. It's a beginning and I think if we will continue to pass this Bill and continue to work in the direction that this Bill goes, that we can see campaign reform in Illinois this year and in next year, and we can take steps in the direction that we need to go. So, yes, it's change and oftentimes, we all are resistant to change. We're comfortable with what we have. We know what we have. We like what we have, but the people that have elected us demand that we change and that we begin the process of reforming ourselves. And I suggest to many of the Members, as we leave here today, that we need to reform ourselves, or perhaps the people that we represent will begin to do the job for us by changing some of the Members who sit in these seats. So, I suggest that we vote 'yes', that we send this Bill on to the Governor where I suspect that he will sign it and that

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

130th Legislative Day

May 22, 1998

we can take a step forward, and a much needed step forward in an area that we all know needs to be addressed. Thank you and I appreciate all the effort that Representative Kubik has put in, along with the others that served on the commission. We tried to do the best that we could, and we believe that we put together a Bill that we can live with, and I thank you."

Speaker Madigan: "Mr. Persico."

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

Speaker Madigan: "Sponsor yields."

Persico: "Representative Kubik, I know you put in a huge amount of time, as well as other Senators and Representatives, but I do have a few questions and I know that one of the things that you're trying to get at is the use of money for personal reasons or for personal use. Let me ask you a few questions. Many of us don't have staff or campaign managers that we pay because they do it on a volunteer basis. Some of us pay them, but most of us don't, I would say. If I would buy my campaign manager a Christmas gift, is that personal use of the money?"

Kubik: "That would be campaign related and it would be allowable, under the law."

Persico: "If I would send flowers to a constituent who has died and used my campaign money, would that be personal use of the money?"

Kubik: "No, it would not."

Persico: "If I would buy a suit to wear down here, would that be personal use of the money?"

Kubik: "Yes, that would be prohibited under this law."

Persico: "If I would buy a shirt to, a very patriotic shirt to walk in a Fourth of July Parade, would that be personal use of the money?"

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

130th Legislative Day

May 22, 1998

Kubik: "To the extent that it is utili... that it is being utilized to advertise your political candidacy, it would be allowable under the law."

Persico: "Do you mean I would have to have my name on the shirt? Couldn't it just be a, you know, red, white, and blue with stars and stripes on the shirt that I would not normally wear around town, other than for Fourth of July or a Memorial Day Parade or something?"

Kubik: "Representative, I think the best way I can answer that would be to say that it would have to be an accessory that would be worn primarily, for political purposes in terms of advocating your candidacy."

Persico: "Well, one of the problems is, we want to make sure that we, inadvertently, do not break the law and that we're doing this in the proper way and that's why I'm asking these questions. If that is the reason, and which it would be the reason I would be wearing that shirt in a Fourth of July Parade, to you know, enhance my candidacy. But let's say I went home and all that... the only people at home were my immediate family and we had a picnic in the back yard and I decided that I'm tired and I don't want to change my shirt and I'm wearing this shirt the rest of the day. Am I then wearing it for personal use and it's breaking the law?"

Kubik: "Representative, what we're trying to accomplish here is to restrict the use of money for strictly personal use. I think that, in this instance, if you are buying that shirt and wearing that shirt to advocate your political candidacy, whether or not you wear it later in the day, I don't think it would be a violation of the law. You are using it to promote your candidacy in a parade or a political-fund raiser or what not. That's the primary use

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

130th Legislative Day

May 22, 1998

of the shirt."

Persico: "That's what I'm trying to get at that we don't inadvertently do something that's illegal. If I take my campaign manager out and volunteers out for dinner, I can use the campaign funds for that, and that's not personal use, correct?"

Kubik: "Correct, it is not personal use. It is allowable under the law."

Persico: "If I took a group of Legislators, four or five Legislators, we're out to dinner down in the City of Chicago and I used my campaign funds for that, is that personal use?"

Kubik: "That would not be personal use."

Persico: "Okay, and one last question. If I have a cell phone, which I use and pay out of campaign funds and I call my wife from the cell phone, is that personal use?"

Kubik: "The statute does not provide or the proposal does not provide for the prohibition of the use of telephones. So, you would be allowed. That would be allowed."

Persico: "Thank you, Representative. Again, I think what we're trying to do here is very admirable and one of the problems of doing something the last minute of Session of a Bill that we haven't even seen, we've heard a lot of rumors about it, has changed in the last couple of days of what we heard... and just that, you know, we're just trying to clarify some things before we actually make a vote on this Bill."

Speaker Madigan: "Mr. Fritchey."

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

Speaker Madigan: "The Sponsor yields."

Fritchey: "At various times throughout the birth of this piece of legislation, there was a stipend provision in there, that

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

130th Legislative Day

May 22, 1998

as I understood, would allow an individual to pay themselves a stipend while running for office. Is that in this Bill or out?"

Kubik: "Representative, the Bill would provide that one could pay, you could pay yourself for actual services rendered. Therefore, if you are running for office and you would be eligible to pay yourself, under this Bill."

Fritchey: "Okay... I want to get something clear here and make sure everybody understands this. The same Bill that is asking to ban personal use of campaign funds would allow an individual that's running for office to pay themselves, I'm assuming, the equivalent of whatever their salary may have been, so they can take a leave from work to run for office?"

Kubik: "Yes, that would be permitted and it would be, it certainly would be able to be disclosed under the law, so that voters could make a decision as to whether or not they wish to support the candidate."

Fritchey: "Let's... is there a cap on what that stipend could be?"

Kubik: "No."

Fritchey: "So, if an individual is making, well, let me run two scenarios by you. If an individual is making \$200,000 a year in their job and they take a leave to run for office and they fund-raise to run for office, can they take those campaign funds and then pay them the equivalent of their \$2,000 (sic-\$200,000) per year salary out of donated campaign money?"

Kubik: "Representative, Representative, if the act of service is running for office, the new law would allow you to pay yourself to do that."

Fritchey: "Any amount?"

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

130th Legislative Day

May 22, 1998

Kubik: "There's no cap."

Fritchey: "Let me ask you a question then. If an individual is unemployed, could they then make the decision to run for office and pay themselves the equivalent of \$100,000 per year as what... say what they could get out in the market doing something else, because now they're a candidate, they can pay themselves a stipend?"

Kubik: "Representative, first of all, they would have to raise that money and organize as a political committee."

Fritchey: "Provided that they raise the money, they can pay themselves any salary that they deem fit."

Kubik: "If they..."

Fritchey: "As a stipend."

Kubik: "If the service is running for office, they would not be restricted. So, they could pay themselves to run for office, under this Bill."

Fritchey: "Representative... people, if I could just ask at this late hour for your attention. This is really an issue that's kind of not gotten the attention that it's deserved. I would like to see meaningful campaign reform, as much if not more so, than anybody here. The same Bill, and I find it amazing that we've had some very, very intelligent and thoughtful and people and leaders on this issue that have worked on this issue for a long time, and I don't know how we got to an end result that the same Bill, where one of the primary thrusts of this Bill is to ban personal use of campaign funds. They're saying that each and every person in this Body cannot use campaign monies for personal use. However, if you're not an incumbent Member of this Body, if you're running for office, you can now go and raise money and pay yourself any amount you want to, as long as you're going to say it's a stipend. It's compensation for me not

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

130th Legislative Day

May 22, 1998

being in the work force. It's compensation for me running for office. There's no limit on what I can pay myself, and therefore, then no limit on what I can do with that money. If we're going to have reform, let's have reform. Let's do it right. Let's not leave loopholes in there that you can drive a truck through. Let's not tighten it up too much in other places. Let's level the playing fields for incumbents and challengers alike, but let's not give a wide open door for abuses by challengers so somebody can now say, 'I'm going to go and file for office so I can go raise money and I can use that money for anything I want to do', and an incumbent who is going to, as another Representative had said, print labels on their own printer, could be subject to a hefty fine. It just doesn't make sense. At the end of the day, I'm likely going to vote for this Bill. I want to see some reform. I think there is some good aspects of this Bill. I cannot believe that this is the best that we can do. I don't think that this is the type of thing we should be doing as the last Bill on the last day of Session. I cannot believe that the people that worked on this cannot, between now and November, come up with a Bill that's much, much better. Thank you."

Speaker Madigan: "Mr. Tom Johnson."

Johnson, Tom: "Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Johnson, Tom: "I am not so concerned about the issues involving me as a officeholder or my campaign committee and so on. I am much more concerned... the whole issue of the not-for-profit registration, Jack. And as I read this, and I'm looking at line 12 and 13, first of all, a not-for-profit organization, by law, cannot specifically support candidates and so on. So, that's, that's kind of a

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

130th Legislative Day

May 22, 1998

moot issue, I believe. Now, what not-for-profits are able to do is expend up to a certain percentage of their gross revenues for influencing public policy and so on. That's under the Internal Revenue Code. Now, what this says is that if they spend more than \$5,000, first of all, you say 'on or in opposition to public officials, candidates for public office'. Number one, they're really prohibited from doing that anyway, or they wouldn't qualify as a not-for-profit, or a question of public policy for the purpose of influencing legislative, executive, and administrative action. Now, I believe that your first statement was that this would relate to a constitutional question. That is really not what this language says. This language says, if they expend more than \$5,000 to influence legislative, executive, or administrative action. That, clearly, is the United Ways, the Right to Life, Planned Parenthood, you name it. These are all these smaller organizations. And in fact, what we are now saying is that they will submit to the State Board of Elections, a comprehensive list of every individual who contributes money to their organization for public inspection. And then we, as campaign committees or candidates, by inference, and I can see the headline, 'This is Joe McCarthyism at its worst.' The headline is going to say, 'Johnson received money from X,Y and Z not-for-profit organization. Do you know who gave money to X,Y and Z organization, therefore, Johnson must be supporting that scum of the earth, or whatever.' I don't understand. I understand that, as a campaign committee and as a candidate, I should disclose every nickel I receive, every nickel I spend and exactly where I get it from and where I spend it. But to turn around and open up basically, these

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

130th Legislative Day

May 22, 1998

not-for-profit organizations, they have to go through the same sort of disclosure that I, as a candidate or an officer must go through, I think is a very far reach and I fail to see the purpose. Now, am I correct, at least in that interpretation, Jack? Is that... correct?"

Kubik: "No, that is incorrect."

Johnson, Tom: "Pardon?"

Kubik: "Representative, you've got to understand that, for a nonprofit organization to be required to file, they must not only be lobbying in this arena or in a governmental arena, whether it's here or somewhere else."

Johnson, Tom: "They have to register now, right?"

Kubik: "Let me finish."

Johnson, Tom: "Okay."

Kubik: "They must not only do that, but also must be involved in the electoral process by spending, raising or spending \$5,000 in support or opposition to a candidate or a question of public policy, which the usage of the phrase, 'question of public policy for legislative intent' is consistent throughout the Election Code. It is a proposal for a Constitutional Amendment put to the voters. That is what I intend. Moreover, I have spoken to Senator Dillard who intends to Sponsor a Legislative Advisory Committee Resolution in the Veto Session that will provide clarification and advice to the State Board of Election as it defines the terms by rules referenced in this Bill. So, Representative, it's not a question of simply lobbying. They must not only lobby, but they must be involved in the electoral process. The reasoning is very simple. If the only thing that they are doing is lobbying, that puts them at one standard. If they are not only lobbying, but out supporting and opposing candidates, spending money to do

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

130th Legislative Day

May 22, 1998

so, back and forth, they are influencing the election process, and therefore, I think that they should be, or we believe they should be required to file. If they don't meet those standards, they do not have to file. I might point out, the United Way is not going to be filing under this Bill, because they are not involved in the electoral process."

Johnson, Tom: "Okay. I'll accept that for now, but that's not what the Bill says. It says 'or' and 'and' and it does not relate just to the electoral policy of a candidate. But I will accept the fact that you acknowledge that we're going to finally define this on the come in Veto Session after we've already passed this, and hopefully, we get a definition. One other question, and I need to know this example because it goes to the heart, I think, of consolidation of power within this chamber and other chambers. I want to know. Does the House Democrat Campaign Committee or the House Republican Campaign Committee, will they have to report a total list of all individuals and contributions in excess of \$150 in the same way that this is written here?"

Kubik: "Yes."

Johnson, Tom: "Okay, and that goes to the State Board of Elections. Now, since those campaign committees contribute to candidates in the electoral process, will they, in turn, then have to report, in detail, any expense or any contribution in excess of \$150, and exactly to who that goes, and if it goes to another campaign committee?"

Kubik: "Yes, and they do that under current law."

Johnson, Tom: "Okay, and then, of course, whatever campaign committee or individual receives that money will then have to report it and they'll have to report it so we have this

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

130th Legislative Day

May 22, 1998

chain. So, we will be able to track dollar for dollar through the system. Is that correct?"

Kubik: "That is correct, and Representative, I would also point out that there will be electronic filing, and as a consequence, there will be a lot more information made available because of that."

Johnson, Tom: "And they will have to file in a... exactly the same manner of name, address, occupation, and all the rest?"

Kubik: "If the... on the name and occupation, the committee must, it must be in an aggregate of \$500 in the reporting period, then they must disclose the name and the occupation."

Johnson, Tom: "Okay, thank you."

Speaker Madigan: "Representative... Representative Tim Johnson."

Johnson, Tim: "Thank you, Mr. Speaker, Members of the House. My comments are not going to be, I hope they're not less than cogent. But they're not going to be as well organized and frankly, part of the reason is just what other Members have alluded to. There may be four or five Members of this General Assembly who understand, at any depth, what this Bill does, and I have the highest personal respect for Jack Kubik. He's one of the finest Members of the General Assembly that's ever served here, and I think the world of him, and with all due respect to a number of others, as well. But that's not the issue. The issue is the Bill that came over in the Senate. There may be another 10 or 12 in here who have some kind of an idea of what it does. There's at least 101 of us who don't have any idea. But I'll guarantee you this, if this Bill goes into effect, there's going to 118 of us in this chamber or some high percentage of us who are going to know in the next 12 months or 18 months what this Bill does, because we're going to do things unintentionally, and with all good

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

130th Legislative Day

May 22, 1998

faith. And we're going to have somebody, either write a headline about us or prosecute us or take us before the State Board of Elections when we didn't even know we did anything wrong. And I think, as Representative Wojcik says, that this chamber is populated by honorable people. There may be a few bad apples that have served over the years, but for the most part, this is an honorable group of people on both sides of the Hou... both sides, both chambers, both Republicans and Democrats. I have a couple of questions for Representative Kubik. And one of the problems is that Representative... Representative Kubik is doing the best he can to candidly respond to this, to these questions, but it's real hard to do. This is a huge Bill. It's subjective. It's difficult to determine and we're all sitting here, right now, torn between two competing factors. All of us realize that this Bill is fraught with danger, unintentional danger, for everybody. Everybody knows that. And at the same time, while the beat reporters down here do a good job, are not going to put the heat on us, the editorial writers are or at least they're going to purport to. So, the bottom line is, are we going to do something that is courageous and right, or are we going to do something that just simply bends into public pressure? I have a number of... I don't think my district is really unique. I might need a more... little more than 2 1/2 minutes. I hope not, but my district's unique. But, let me just give you a couple hypotheticals, and I think the answer would be, Representative Kubik, that it's difficult to tell. I have a... I have a group... With the University of Illinois in our district we have a lot of events at the Assembly Hall, not only athletic events but just recently, well this is an athletic event, we had the Harlem

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

130th Legislative Day

May 22, 1998

Globetrotters there. So, I bought tickets for my campaign for one of the church's, several, and one in the African-American community, and I believe another one, as well, to go to the game with their minister, who happens to be a good friend of mine. In this case I didn't go with them to the game, but if I had gone with them to the game to escort them there, that would be at least arguably personal use. I could be covered. My secretary, here in Springfield or back home, is a full-time/part-time or contractual employee of a governmental entity. If some... and obviously all of us who are in here and all of us work in this process, deal with people, not necessarily the lobbyists per se, but people who deal with State Government with more regularity than, than the people in the average place. My secretary gets a, you know, a turkey for Christmas or a ham from somebody that simply appreciates the fact that she's been courteous to them. That's arguably a violation. If I belong to a church and that church conducts a fund-raising drive for its gymnasium, and I contribute out of my campaign to that church, because I'm a member, that could be arguably be a personal use. Now, I would prefer in those situations, frankly, to give the money myself and I probably would, but I'm sure a number of people in here might do otherwise and they'd be completely justified in doing that. I have friends, and all of us have friends, who are involved in government, who are involved in dealing with government and... and to accept any kind of a present from them, notwithstanding that there's no ill motive or evil intent to subvert my position, I think is really stretching it. Let me ask you this question, I know I'm going to need more than the 23 seconds. Representative Kubik, let me just tell you

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

130th Legislative Day

May 22, 1998

specifically the way I run my district office, so everybody can write their headlines now. I have a law office at 129 West Main in Urbana. I own the office, my partners and I do. I provide... that's my law office, I use it as my campaign office and I also use it as my legislative office and I don't pay any rent at all. I provide that for free to the State of Illinois because I own it, and I use it for my law office, and it's convenient and so I just provide it. I don't pay rent on it. No state expenditures there except, there's a phone line and we make legislative calls, so arguably the state's involved. So, when I have a fund-raiser and I send out a fund-raising solicitation, I tell them to send the campaign contributions to 129 West Main. That's my campaign office and it's also my legislative office. I don't use any state funds except for the telephone and arguably if I did that, the only way that they could get a campaign contribution to me would be to send it to some post office box in Libya and I don't think that..."

Kubik: "Well, Representative, Representative."

Johnson, Tim: "Yeah."

Kubik: "I thought you..., I thought you addressed a question and perhaps it was a rhetorical question."

Johnson, Tim: "Yeah, okay. Go ahead."

Kubik: "But, but, if that, under the provisions of this Bill, is not state property. You are not on state property."

Johnson, Tim: "Yes. Yes it is..."

Kubik: "...You are on your property..."

Johnson, Tim: "...And I'll tell you why it is, at least arguably it is, Representative Kubik..."

Kubik: "It is not."

Johnson, Tim: "...because I do pay, out of the... out of state

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

130th Legislative Day

May 22, 1998

funds I pay for the use of the legislative telephone that's there on that property that I own and I realize the intention would be not to cover that, but I'll guarantee you, whether it's me or somebody else in that situation, that somebody at the State Board of Elections or my opponent, although I think my opponent is an honorable person, or somebody's opponent is certainly going to raise that issue and require me to come in before the State Board of Elections with headlines that Representative Johnson or Representative Smith or Representative Lang or Persico or anybody else has been brought before this tribunal for unethical practices or potentially criminal practices. Let me ask you something else. When I go to chicken dinners, and I know a lot of us downstate spend a huge amount of money going around to chicken dinners and to pancake dinners and to church events and to everything else, and at every one of those things, we pay to get in, we buy raffle tickets, we buy stuff for friends, and so forth, and occasionally we eat there, ourselves, if we have time to do that in the course of campaigning. We also spend a lot of money on gasoline and going to and from here and there. Quite frankly, I way, way under, under reimburse myself. I'm sure I expend 10 times the amount that I reimburse myself for. However, if I wanted to do that, I'd either have to take a check to everyone of those events in Sidney and Tuscola and Paxton and everywhere else and give them a \$3 campaign check to be able to get into the event, or I would have to keep incredible set of records, and I guess I could, and I will, if I'm required to, to be able to reimburse myself for anything. So, the bottom line is, that anybody, unless you depend on your campaign fund for income, and I don't... and I don't think most people do, is

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

130th Legislative Day

May 22, 1998

just going to say, 'Ah to heck with it, it's just not worth it. I can't itemize every little telephone call that's made. I can't itemize every gas bill I have or every time that I go to a chicken dinner in Mahomet. It's just not worth the time,' and if you can do it, then somebody can question you anyway. They say, 'Well, I saw you eating there, that's for personal use, or a member of your family.' My son is a precinct committeeman in the precinct that I live in. If I buy tickets for a University of Illinois basketball game and distribute them to all the precinct committeemen, Republican or Democrat or both, likely be a Republican, but I don't know, I'm pretty bipartisan in that respect, and I take a group of 15 precinct committeemen, and I've done that, to athletic events, I usually don't even accompany them because I don't have... I get rid of my tickets before I can even use them myself. My son goes along, he's a relative, and arguably that's somebody that's covered under this Act. Now I hope it isn't. I hope a lot of these hypotheticals that are given are not."

Kubik: "Representative, that would be a political use of the campaign fund. It is not a personal use, and it would be utilized."

Johnson, Tim: "Well... it's arguably a personal use if my son's there. He's a member of my family. He's enjoying the game."

Kubik: "But Representative, you're taking how many? Twenty precinct committeemen?"

Johnson, Tim: "Whatever."

Kubik: "Whatever, to the game. That is... the reason that you're doing that is to further a political... "

Johnson, Tim: "Right, right."

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

130th Legislative Day

May 22, 1998

Kubik: "... event. Now, the fact that you bring your son with you is not of consequence. The fact is that you are bringing a group of people. You are involved in a political activity, and it would be allowable under the law."

Johnson, Tim: "Well, perhaps."

Kubik: "No, it would be allowable under the law."

Johnson, Tim: "I know... let me tell you why I say perhaps. The reason I say 'perhaps', Representative Kubik, is because my son is a member of my family, obviously, and he's a precinct committeeman as well, and sure, the other 19 are clearly okay. That's for a political purpose, but do I have to divide out my son or somebody that's connected with me somehow?"

Kubik: "No, you would not."

Johnson, Tim: "I don't think the Bill, specifically, addresses that issue. It is so broad. I look at this Bill and I see the gift ban applies to us. You know, everybody wants to bang ourselves, Constitutional Officers and judges, spouses, immediate family, and also, full-time, part-time, and contractual employees. Then I see the prohibited gift sources, which covers, potentially, virtually anybody and then I see a list of exceptions that numbers 18, then I see another group of exceptions that numbers another 20 or so. The bottom line is, this is an extensive Bill. It's a huge Bill and the product of good faith efforts on your part, Representative Kubik, and a number of others, as well, but here we are, in the last hours of this General Assembly, debating something that is extensive, that has such a list, that it arguably, not by your intention, maybe not by our intention, but certainly by the... by the interpretation of some future tribunal, whether it's a judicial tribunal, the

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

130th Legislative Day

May 22, 1998

State Board of Elections, covers situations that are in a gray area now, and I've practiced law long enough to know that what we pass down here now, and what we intend to do now, is in many cases, either over interpreted so broadly that it's almost unrecognizable, or in some cases, under interpreted or under interpreted by people that we didn't have any connection with, didn't know anything about the legislative history, didn't know anything about Representative Kubik or Representative Johnson, and some of our concerns. All I'm concerned about is this, we ought not in the rush of doing something to please the editorial writers for the Chicago Sun Times or the News Gazette or anywhere else, and I respect those newspapers. They're good newspapers. They do a great job and in good faith they've written those editorials. But this Bill is something that is so subjective, so subject to interpretation and so, frankly, constituting a 'can of worms' that it's something that's going to come back to haunt all of us and it's going to be one of those things that you're going to have two or three cases and say, 'Gosh, I never knew that was covered,' and you're going to have innocent people go down the tubes who are good faith people who either serve in this General Assembly or who just work for the state and I don't think that's your intention. I know that's not the intention of the Bill, but I certainly believe in looking at what I've been able to look at in a massive Bill, that that's the way somebody's going to interpret it now and in the future. If we're lucky, maybe it won't happen, but it's very, very unlikely. I think something needs to be done. I think we do need to make progress. I think we need to have a major effort to try to overhaul some of the potential abuses or

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

130th Legislative Day

May 22, 1998

actual abuses of an existing system. I completely agree with that. Representative Hannig made some of those points of which I agree, but this product, at this late hour, when virtually nobody in here, including, I would suggest, most of the members of the media, have any clue what's in here. They just know it's ethics. So, we all want to be ethical. I want to be ethical, too. I am ethical. You're ethical. I think virtually everybody in here is ethical, but being ethical and complying with the letter and spirit of a statute that's going to go on the books that we don't know what it does, is something that's real dangerous territory, and again, I commend the Sponsor as one of the most honorable guys I've ever served with. One of my best friends, and other people who are concerned with this issue, Mike Lawrence, Paul Simon, good people, but I'm telling you, we need time to look at this Bill, we need time to examine it so that, maybe as Representative Fritchey says, maybe we need to expand it in some areas, but maybe in other areas, it either needs to be contracted, made... apply to the real world, or at least defined so that we know what we're violating before we violate it."

Speaker Madigan: "Representative Slone. Representative Slone. Representative Silva."

Silva: "Thank you, will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Silva: "I had a couple of short questions. Are there any provisions there related to citizenship? If a noncitizen gives you a contribution, does that violate the law?"

Kubik: "There's nothing about that in this Bill, Representative."

Silva: "I know that on previous Bills, that was in, it was included. That's no longer there?"

Kubik: "It's not included in this Bill."

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

130th Legislative Day

May 22, 1998

Silva: "Thank you."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, the hour grows late. Just a few questions. I, like everyone in the chamber, is trying to make sense out of this. Under the Bill, could a Legislative Leader of any of the four caucuses call a Member into his or her office, solicit that Member for a contribution to a gubernatorial candidate or any other state official?"

Kubik: "Would you ask the question again?"

Black: "Yes. Under your Bill, could a Legislative Leader of any of the four caucuses call another Legislator into his or her office to solicit that Legislator for a campaign contribution to a gubernatorial or other state constitutional officer candidate?"

Kubik: "Representative, they are on state property, the answer would be, they cannot."

Black: "So, the only way you could do that would be, either through the mail to your personal residence or if you had a full time campaign office. Would that be correct?"

Kubik: "I think there's probably a number of ways you could do it, but the bottom line is, you could not do it on state property."

Black: "Okay. Just two or three more questions. Who determines the fair market value of a service, a material, or anything of value that, anything that I would use in a campaign; a consultant, a media person, someone to write brochures. It says, 'fair market value', I shall not pay more than that. Who determines what the fair market value is? If I win the

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

130th Legislative Day

May 22, 1998

election, the fair market value may be everything I have.

If I lose, I may not pay them anything."

Kubik: "It is my understanding, Representative, that in that instance that the issue would go to the State Board of Elections for determination. I would point out, however, I would point out, however, Representative, if you read the language, it states that it must clearly be in excess of fair market value. So that... you know, I mean, think we can probably... "

Black: "... Sure."

Kubik: "Just agree as to the value of a certain consultant, but if there is a clear, clearly in higher than market value, then it may be a violation."

Black: "But someone is going to make a subjective value whether I paid in excess of fair market value. I mean, I'm not in Chicago. I'm sure a consultant would be much more expensive in Chicago than in my district. So, it's a subjective decision, right?"

Kubik: "It would be determined by the, in this instant, it would be determined by the State Board of Elections."

Black: "Okay. You are in the media business. Let me ask you a question that, quite frankly, I've not understood for many years. Under fair market value, if I am a small business owner, I can go to a newspaper and I can buy advertising space on a contract rate, and maybe it costs me \$10 an inch for a retail ad. As a political candidate, I have to pay the highest applicable rate. Now, am I going to get in trouble for doing that? As a business person, I could pay 8 to \$10 an inch, but as a political candidate, under most of the laws that I'm familiar with in the print media, I must pay the highest applicable rate on their card for that ad."

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

130th Legislative Day

May 22, 1998

Kubik: "Representative, you would pay the rate that you have to pay for that particular ad. It would be, unless it was clearly above the established rate, so if the established rate is that one, then that would be the market value."

Black: "Okay. Two last... just two more questions. It says you cannot pay any person's tuition or other educational expenses. I have attended, and hope to attend, many seminars, one, two summers ago in Boston on workers' compensation, paid the tuition, and expenses to go to that out of my campaign fund. Would that now be prohibited?"

Speaker Madigan: "Mr. Black."

Black: "Yes. Yes, Sir."

Speaker Madigan: "Mr. Black, I must apologize. I was not giving all of my attention to you."

Black: "I'm shocked. I'm shocked."

Speaker Madigan: "Are you in dialogue with Mr. Kubik?"

Black: "Yes, I just... the question I just asked him, yes..."

Speaker Madigan: "I'm sorry I interrupted."

Black: "Well, that's all right. Would that be classified as a face to face solicitation or whatever? The question I asked is, if I go to a seminar, there are some even in Springfield. The Taxpayers Federation offer an excellent seminar on property taxes, et cetera. There may be a \$10 cost. The workers' comp was more expensive. Can I pay for that out of campaign funds?"

Kubik: "Representative, under the... under this Bill, you would be allowed to do that."

Black: "Alright. Now, my last question has to do with the 90 day ban. I'm confused because there is conflicting language. Session days do not include perfunctory or committee only days. Can I go, can I have a fund-raiser during the last week of Session as long as it's a Monday and it's called a

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

130th Legislative Day

May 22, 1998

perfunctory day?"

Kubik: "Representative, as I understand it, you can have a fund-raiser if it is a perfunctory day, a non-Session day, as long as the Senate is not in at the same time."

Black: "So, the 90 day exemption is really, has a large loophole in it."

Kubik: "No, it isn't a loophole it is... "

Black: "Okay."

Kubik: "... the days that we are here in Session."

Black: "All right. I have no further questions. Thank you very much, Mr. Speaker. I thank you for... you've done on this. I appreciate your efforts. Thank you."

Speaker Madigan: "Representative Slone."

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

Speaker Madigan: "Sponsor yields."

Slone: "Mr. Kubik, what would be the effective date of this legislation if it is passed?"

Kubik: "January 1, 1999."

Slone: "And who, if anyone, would be in charge of providing guidance for elected officials to make sure that they... to help them in complying with the Act?"

Kubik: "Representative, using the example of the gift ban, each caucus in the General Assembly would have an ethics officer who would be appointed to give advice to the Members as to what is allowable and what is not."

Slone: "Thank you."

Speaker Madigan: "Representative Andrea Moore."

Moore, A.: "Thank you, Mr. Speaker. I would like a point of clarification from the Sponsor on the issue of some of the activities that occur at our district offices, as an example. If you share your district office with someone and you both lease from a private individual, is that

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

130th Legislative Day

May 22, 1998

entire office considered state property?"

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

Moore, A.: "If you lease... if you jointly lease an office space from a private individual and your half of the lease is paid with your district office funds, is the entire office space considered state property?"

Kubik: "Well, Representative, who would the other half of the lease be with? I mean it is..."

Moore, A.: "Well, it's with a private individual. I happen to share my office with someone because I can't afford to pay the entire space by myself."

Kubik: "Representative, I think the answer to your question would be... I think the answer to your question would be that if the space is identified as your space, that portion would be considered state, but if there is no identification, then it would all be considered state."

Moore, A.: "So, if there are equal windows on each side and one side says, Andrea Moore and the other side says Susie Cupcake on it, then it would be... it would be... this half would be non-state and this half would be state, is that right?"

Kubik: "If the lease delineated how the space was divided, then you would be able... yes it would have to delineate how the space is divided."

Moore, A.: "In... specifically, in the lease or just by obvious use, if you have individual offices?"

Kubik: "Representative, if there was an obvious..."

Moore, A.: "Delineation."

Kubik: "...delineation, then that would an appropriate use of state space. So, you know, it would depend upon the space and it would depend upon the lease."

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

130th Legislative Day

May 22, 1998

Moore, A.: "And so under those kinds of circumstances would I be allowed to keep a computer in her office and a telephone in her office, and use that anyway that was appropriate for campaigning?"

Kubik: "Representative, as I understand it, that is not addressed in this Bill. What is addressed is face to face solicitation. So, that example would not be addressed in this Bill. It would be face to face solicitation."

Moore, A.: "Well, there was some discussion about use of computers, as an example, for solicitation and if the computer happens to be in your district office, even though you own it, there was a previous speaker that said you... that that would not be appropriate you could not use that computer for any kind... anything that could at all be construed to be related to campaign and funding."

Kubik: "Representative, as I understand it, under existing law it is... "

Speaker Madigan: "Representative Mulligan. I'm sorry."

Kubik: "Wait. I need to finish this question for Representative Moore."

Speaker Madigan: "Representative Moore."

Kubik: "Okay. Let me..."

Moore, A.: "Just as a point of order, Mr. Speaker, I would like to tell you that I have been sitting here reading this Bill very attentively, because I have been involved in this legislation since the day I got here, and I was Chairman of the Elections Committee for two years. I am not now at the end of this legislation, and you cannot get a copy of this Bill in this chamber or in this building. It can't be downloaded off of our machines. The Senate side has closed. We are going to pass a Bill and leave this chamber and not know what we voted on, and not even have a copy of

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

130th Legislative Day

May 22, 1998

it to even look it up. I would like to at least be able to get some of these questions that are so important..."

Speaker Madigan: "Representative, when I looked at your light, the light was off. So, I apologize. Please, proceed."

Kubik: "Representative."

Moore, A.: "I would like a 118 of them on the floor here so we all have a copy."

Kubik: "Representative, to respond to your question."

Moore, A.: "My question, okay."

Kubik: "To respond to your question."

Moore, A.: "So, you..."

Kubik: "As I understand it, under existing law it would not be advisable for you to mix state and political activity, okay, under current law. What we're talking about, is face to face solicitation, but what my point is that under existing law it would not be advisable to mix those two operations."

Moore, A.: "Okay. I think that does answer that one question for me. Thank you very much."

Speaker Madigan: "Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. I'm sorry that it's late we're asking these questions, but this Amendment should have come before a committee so it would of had a due amount of discussion. There are a great number of things in this Bill that I think are going to wipe the smiles off a lot of faces once they're charged with some of these offenses. And I'm going to preface my questions to Representative Kubik, by saying during the break I walked over to the Senate after the Senate had voted on this and talked to a couple of Senators, just to ask some of the same questions I had asked in caucus. Our caucus took a very hard position on what was ethical and what was not."

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

130th Legislative Day

May 22, 1998

The Senators that I asked these questions of, took a much looser position on what was ethical and what was not, which gave me a great deal of concern over how they passed this Bill in the other Body, because the same questions that I asked that I would hold myself to a different standard, they answered with a lot looser way of doing it, and that makes me very nervous. Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Mulligan: "Representative Kubik, I know you've worked hard on this Bill, but I will draw your attention, I did happen to get a copy of the Bill, although I got it rather late this evening, and I'd been doing other things so I haven't been going through, but as I turn pages here and there, I find interesting questions that I think may be of interest to people. On page 56, at the bottom of a page it says, 'The name of a person who is not paid a civil penalty imposed against him or her under this Section shall not appear on any ballot for any office in any election while the penalty is unpaid.' Now, what I'm curious to know is, if you are charged with an offense a few days out or a month out from the end of the campaign and you're not adjudged yet, guilty or not, is that considered that the fine is owed until that statement... you have some judgement against you?"

Kubik: "Representative, what this particular provision refers to is, if you violate the law and violate the campaign law and you have not only gone through the adjudication but the fine process and have not paid the fine and continue not to pay the fine, that is when this provision would take effect."

Mulligan: "What if Joe Doe files against me or is planning on filing against me a half a year to a year before the election campaign and he starts collecting campaign funds,

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

130th Legislative Day

May 22, 1998

and he's not very adept and I find maybe five, six, seven offenses at \$5,000 apiece, he can't get on the ballot then if he owes \$25,000, perhaps, because he doesn't have the money to pay the fines. Is that not possible under this Bill?"

Kubik: "Representative, the intent in this Section is to ensure that the penalties that are assessed under the Election Code are paid. That is the intent of this Section."

Mulligan: "But doesn't it mean that if that person does have campaign violations and has those fines that he cannot.. he has to pay them before they can get on the ballot?"

Kubik: "If the individual has been adjudicated, the fines have been assessed, and that individual has refused to pay, yes, that is the case."

Mulligan: "I have a couple of different bodies of concern. One is the Bill itself and one is the semantics of the Bill. In the Bill, on page 12, it starts enumerating how many different bodies can have Ethics Commissions and how those commissions shall be made up. In some instances, such as the State Treasurer, they can appoint whoever they want, seven members to a commission. They may be judging on their own ethics and they've appointed all the members, I don't understand that part of the Bill."

Kubik: "Representative, there was some debate upon this issue, and the reason that, that we have elected to take this position is that each one of the statewide officers is elected statewide, and therefore they are accountable to all the people of the State of Illinois. They were elected by the same people, whether they're the Governor or they're the Comptroller. What the Bill provides is that none of the... that a majority of those that no more than four can be of one political party in this... in this Ethics

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

130th Legislative Day

May 22, 1998

Commission, but that each Constitutional Officer will have a commission."

Mulligan: "On page 14, number 15... or 5 rather, where it says, 'The Ethics Commission of the Treasurer shall be seven commissioners appointed by the Treasurer', where does it say they have to be of different parties?"

Kubik: "Section 45, Page 13, Line 511, with respect to each of the Ethics Commission designated in the following item. No more than four of the seven people can be from one political party."

Mulligan: "I find that."

Kubik: "Okay."

Mulligan: "It also states in your Bill that each commission may employ necessary staff persons and may contract for services that cannot be satisfactorily performed by staff. In Section 55, powers and duties are many according to to any kind of legal, I think even to subpoena and on down. How many commissions will there be, and how many approximately staff members and extra services do you think the state could possibly be contracting for at any one time, and what cost do you think this will cost?"

Kubik: "Seven commissions. Representative, there will be seven of them. We would hope and we would assume that they would act responsibly and reasonably and would hire staff as they deem appropriate. So, but I don't know exactly what that would be."

Mulligan: "Our Leaders' Commission is also there to advise us before we file any kind of statements?"

Kubik: "You would have an Ethics Officer."

Mulligan: "All right. So, whoever is on this commission, or whatever staff, we are to rely on them that they are giving us adequate advice?"

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

130th Legislative Day

May 22, 1998

Kubik: "Well, you know, they would be an Ethics Officer. I would certainly hope that they would provide solid and reasonable advice to the membership."

Mulligan: "All right. I would like to move to some of the semantics now. In my district office, before I was elected, after I was elected, I have always purchased all of my technology out of campaign funds, as I think many people have, mainly because state allowances, until recently, were meager compared and I have changed my computers and upgraded three times in my three terms. I have a program on my computer that was developed by a friend who I attributed, you know, in-kind contributions to, but it's a specialized program that crosses all kinds of different things and of my district and other people who have contributed to me. I probably have all the registered voters and other people and maybe 60% of those entries have entries, everything from whoever writes me a letter on an issue to who may have given me a campaign contribution. I update that with volunteers and with additional staff that I pay out of campaign contributions, I'm scrupulous about this. But now I've got a primary challenge and in the primary challenge I want... I'm sponsoring a Bill in the Illinois General Assembly and I'd like to send out a letter, to people who have written me on a certain issue that I have a Bill up on that I would like them to know what I'm doing. It could be judged a campaign issue or campaign type letter if I had nobody and I did the same thing running against me, it might not be. So, how do I determine what I'm going to do now with all my database in my campaign office or in my district office?"

Kubik: "Representative, it really has nothing to do with this Bill. We don't address that issue in this Bill. We just

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

130th Legislative Day

May 22, 1998

addressed the issue of face to face campaign contributions."

Mulligan: "But if you can't answer a phone in your district office, how can I generate a label list that may have on it people that are directly interested in what I may be doing during a campaign season?"

Kubik: "I'm sorry, would you repeat your question? I apologize."

Mulligan: "How can I generate a label list off of campaign... off of computers that are my own out of my district office on a legislative issue during a primary campaign season when I'm in Session, when an opponent may charge that that letter could be used as campaign because it's promoting that issue?"

Kubik: "Representative, again we don't address that issue in this Bill. We just simply address the issue of face to face contribution. The issue you're talking about is a matter that is in current law."

Mulligan: "The State Board of Elections is the ones that's supposed to enforce or determine whether an issue is or is not a campaign violation?"

Kubik: "Representative, they have the jurisdiction over the Election Code and the questions of personal use in this Bill."

Mulligan: "What happens if someone charges you with something, how long does the State Board decide, or have to take, to find out if that's actually a violation, particularly, if it's during a campaign season?"

Kubik: "Representative, as I understand it, the State Board meets on a monthly basis and would address those issues as they meet."

Mulligan: "I'm going to bring up an issue that I brought up in caucus. When I first ran, I had a recount and it was

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

130th Legislative Day

May 22, 1998

during the primary season so I had a large legal debt, part of which was pro bono and I requested from the State Board a ruling on how to file that campaign contribution, in-kind, or whatever, because it was not really during the campaign it was cost related to a recount and they would not give me a ruling. They said the only way I could get a ruling is if someone filed a complaint. So, my opponent waited until three weeks before the next election and filed a complaint so that I had to go in and then get the ruling, look bad in the press, spend a day sitting there and spent \$3,000 on lawyers' fees to straighten this out. They would not give me a ruling before this. How are you going to settle something like this so that you can get a ruling on an issue so that you don't find out afterwards, after someone charges you, that this is not correct?"

Kubik: "Representative, under this Bill, we've not... we have not required the State Board of Election to change the powers and duties that they have. So..."

Mulligan: "So, you're out of luck?"

Kubik: "Well, I... no I wouldn't say that, but I think that your... they will offer a... an opinion on the personal use ban."

Mulligan: "That's the kind of question that I would have liked to have seen the State Board come before us in committee and answer, because that has always been a sticking point with me, the fact is, if you can't get a ruling from them until someone files a complaint that's just fraught with mischief for any candidate."

Kubik: "Representative, I'm sorry."

Mulligan: "Pardon me?"

Kubik: "You had a question?"

Mulligan: "No, I mean I... How can you fix that? I think..."

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

130th Legislative Day

May 22, 1998

Kubik: "Well, Representative, under this Bill..."

Mulligan: "First of all it bothers me to pass anything that says it needs a Trailer Bill."

Kubik: "Okay."

Mulligan: "My feeling is this needs a Trailer Bill, number one. Number two, I mean, this is the kind of question that if we had come to committee, someone could have gotten an answer from the State Board because I think it needs to be addressed. Because if their position is they won't give you a ruling until somebody charges you with something and somebody waits to charge you, you know the last month of a campaign, you got a problem."

Kubik: "Representative, under the personal use portion of the Bill, and this is on page 41, the Bill indicates that the board shall also have the authority to render rulings and issue opinions relating to the compliance of this Section. So, on the personal use portion, they will be able to render opinions and, and... and offer... issue opinions."

Mulligan: "Representative, I understand you've worked very hard on this, and I think some of the provisions are... are good. Others, I think, have a lot more secondary work to be done and they need a Trailer Bill. You know, I really find doing this at this hour and being forced to look bad if we don't vote for something we think is not correct, is a real problem. I have a problem with doing this kind of legislation. I had a problem, you know, just like we passed the School Bill at the last minute and I was told there's going to be a Trailer Bill to take care of the administrative cap and we've been fighting over it for months. I don't like passing legislation that I feel has holes in it. And having had this experience before, and always bending over backwards in campaign, I find that

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

130th Legislative Day

May 22, 1998

there's a lot of problems here and I would like more assurances from the State Board of Election on how we're going to do some of these things, and I'd like a few things tied up in this Bill."

Kubik: "Representative, I could respond to what you've said. I didn't choose the timing of this Bill."

Mulligan: "I understand that it is not your fault."

Kubik: "Yeah, and... and... but..."

Mulligan: "And you've been most gracious even though I sound a little shrill, it's not at you, it's at the frustration..."

Kubik: "I just wanted you to understand that I didn't choose the timing on this Bill."

Mulligan: "I understand, it's the frustration of having to deal with this at this late date with a lot of people that think it's real cute politics. I don't, I take this very seriously. I have rough campaigns. I try to be scrupulous in what I do, and I don't like taking the blame for what other people do, nor do I like being put in a position where you have passed a Bill that can create mischief for everybody here."

Speaker Madigan: "Ladies and Gentlemen, everyone has spoken that wanted to speak. And before we go to Mr. Kubik, we'll go to Mr. Stephens on a point of personal privilege which will be very brief. Mr. Stephens. Mr. Stephens."

Stephens: "They're sleeping in the east gallery. Mr. Speaker, thank you very much and I just a moment before we take this vote. Monday is Memorial Day, Representative Wojcik, just came up and stuck a little flag on my lapel. There used to be... there was a day when the General Assembly used to pause and sing a song and say some kind words about our veterans and I just thought that before we left this evening that we could take a moment just to... maybe a

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

130th Legislative Day

May 22, 1998

moment of silence in remembrance of our fallen veterans and in anticipation of Memorial Day. Thank you, Mr. Speaker."

Speaker Madigan: "Okay. We're all in the right frame of mind for the vote. Mr. Kubik, do you wish to speak further? Or can we just go to the vote? Mr. Kubik."

Kubik: "Mr. Speaker, I would just simply like to tell all the Members that I appreciate the discussion that we've have had. I would make the point, I'd make two points. The first point is that this Bill is... is the product of a lot of work. I recognize the timing is not the best on this Bill, however, this Bill will be the most substantial change in campaign finance law in over 20 years. It is a Bill that can pass. It is a Bill that will make a difference, and I would appreciate your support of Senate Amendment... of the Concurrence Motion on Senate Amendment #1. Thank you."

Speaker Madigan: "The Gentleman moves that the House does concur in Senate Amendment #1. 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? Have all voted who wish? The Clerk shall take the record. On this question, there are 102 people voting 'aye', 3 people voting 'no'. The Motion that the House does concur in Senate Amendment #1 is adopted. And this Bill, having a Constitutional Majority, is hereby declared passed. The Chair has received a Motion from Mr. Johnson relative to HR 530. The Gentleman is requesting leave to discharge the committee. Is there leave? Leave is granted. The matter is before the House. Mr. Johnson. Tim Johnson."

Johnson, Tim: "Yes, thank you, Mr. Speaker, Members of the House. This Bill simply urges the Illinois Special Olympics

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

130th Legislative Day

May 22, 1998

Committee to develop a system for back-up events when their events are rained out. I don't know of any opposition to this. It's bipartisan, it speaks in the spirit of a great event and just to make it greater."

Speaker Madigan: "Those in favor of the Resolution, vote 'aye', those opposed vote 'no'. The 'ayes' have it. The Resolution is adopted. The Chair wishes to thank everyone for their fine work during the Session and to wish all of you a very, very happy summer. We will see you on November 17th. Representative Currie moves that the House does stand adjourned until November 17th at 1:00 p.m., providing perfunctory time for the Clerk. Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. The Motion is adopted."

Clerk Rossi: "House Perfunctory Session will come to order. Introduction of Resolutions. Senate Joint Resolution #69, offered by Representative Schoenberg, is assigned to the Rules Committee. House Joint Resolution 70, offered by Representative Eugene Moore, is assigned to the Rules Committee. Introduction of First Reading of House Bills. House Bill 3888, offered by Representative Roskam, a Bill for an Act to amend the Unified Code of Corrections. First Reading of this House Bill. There being no further business, the House Perfunctory Session stands adjourned."