

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

77th Legislative Day

October 30, 1997

Speaker Hannig: "The hour of 9:00 having arrived, the House will be in order. The Members will be in their seats. Will all unauthorized personnel please retire from the chamber. We will be led in prayer today by Elder Keith Sawyer with the Church of Jesus Christ of the Latter Day Saints in O'Fallon, Illinois. Elder Sawyer is the guest of Representative Ron Stephens. Guests in the gallery may wish to rise for the invocation."

Elder Sawyer: "So, pray together. Oh God, our Father, which art in heaven, we hallow Thy name. Oh God, we are grateful to be safely in our places this day. We are thankful for the opportunity we have to serve. We understand that Thou hast instructed that they, those who would be greatest, must be servants of all. We understand as we serve in this Body and that we serve the people and as we serve our fellow beings, we are only in Thy service as Thy prophets have instructed. We ask Thee to bless each one here, individually, and this House as a Body, and that they may have the wisdom to do the needful and the courage to choose the right, that they may step up to the difficult and overcome the obstacles. We ask for health and well-being of those who so willingly serve. We ask that we remember our families, our priority, that our families are our first priority, that they sacrifice that we may serve. Help us to keep them uppermost in our minds. We are privileged to serve our country in this area, to serve this great state. Watch over us all, every Member of this Body, that all might be well, that minds might be clear, that there may be no impediments to thinking or deliberating, that the decisions made here will be for the people and for the good. Understanding that we are but stewards of all that Thou hast given us to watch over. We pray to Thee and ask these

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

77th Legislative Day

October 30, 1997

many blessings in the name of the Holy Creator of heaven and earth. Amen."

Speaker Hannig: "We will be led in the Pledge today by Representative Connie Howard."

Howard - 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 Hannig: "Roll Call for Attendance. Excused absences, Representative Bost."

Bost: "Good morning, Mr. Speaker."

Speaker Hannig: "Good morning."

Bost: "On the Republican side of the aisle, we have one excused absence, Representative Bill Black."

Speaker Hannig: "Representative Barbara Currie on excused absences on our side of the aisle."

Currie: "Thank you, Speaker. I know of no excused absences among House Democrats."

Speaker Hannig: "Thank you. Mr. Clerk, take the record. There are 117 Members answering the Roll Call. A quorum is present. On the Order of House Bills - Third Reading, page 3 of the Calendar, House Bill 2328, Representative Boland. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2328, a Bill for an Act to amend the Illinois Pension Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Boland."

Boland: "Thank you, Mr. Speaker. This House Bill is basically the same as House Bill 251, which we passed out of here with 114 Sponsors and Cosponsors and passed, I believe, unanimously in the Senate and the Governor amendatorily vetoed 251 (sic-House Bill 251) and so, rather than go through that hassle, we decided to run an exact same Bill

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

77th Legislative Day

October 30, 1997

except with his changes that he had put into the Amendatory Veto and so, basically, it's the same Bill with some minor changes. I would ask for an 'aye' vote."

Speaker Hannig: "The Parliamentarian informs me, Representative, this requires 71 votes. Is there any discussion? Representative Cross."

Cross: "Representative, will the Sponsor yield?"

Speaker Hannig: "He indicates he will."

Cross: "Representative, is this language identical to what was contained in the Governor's veto on 251 (sic-House Bill 251)?"

Boland: "Yes, this Bill is exactly like 251 (sic-House Bill 251), but incorporates his language changes. He had two changes, one that put the new member... this expands the TRS Board by one person, an annuitant, retired teacher, and this makes the term the same as the others. That was one change he made. Second change he made was to the... that he would get to appoint the chairperson, so that's incorporated into this Bill."

Cross: "Representative, which committee did this come through? I don't remember... we aren't sure which committee..."

Boland: "This Bill came through State Government Committee last week."

Cross: "Last when?"

Boland: "Last week. I believe it was last Thursday."

Cross: "Was that the day that our Procurement Bill didn't get called? You adjourned real early? Is that the day we're talking about?"

Boland: "Yes, that's the same day."

Cross: "The day where, you know, where we talked about open government calling out our Bills and you guys adjourned right away? Yeah, I remember. I was there. Okay, thank

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

77th Legislative Day

October 30, 1997

you very much."

Boland: "Thank you."

Speaker Hannig: "Representative Mitchell."

Mitchell: "Thank you, Mr. Speaker. I just rise in strong support of 2328 (sic-House Bill 2328). I really don't understand why Representative Boland has to go through this again. He did a fine job of presenting the Bill before. I still support this Bill. This gives our retired teachers a little more voice in their own destiny. I think it's a great concept and I support Mike for running it. Thank you."

Speaker Hannig: "Representative Hoeft."

Hoeft: "Thank you, Mr. Chairman (sic-Speaker). As the Republican Pension Chairman... spokesperson, I fully support this. This should go out of here with total uniform support. It's a good Bill, well compromised, nice job."

Speaker Hannig: "Representative Boland to close."

Boland: "Well, thank you very much, all of you on both sides of the aisle for the great support you've had for this, and I know on behalf all of the retired teachers, they thank you and appreciate an 'aye' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Seventy-one votes required. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes', and 0 voting 'no', and this Bill, having received a Three-fifths Constitutional Majority, is hereby declared passed. Representative Moffitt, for what reason do you rise?"

Moffitt: "Mr. Speaker, I rise to a point of personal privilege."

Speaker Hannig: "State your point."

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

77th Legislative Day

October 30, 1997

Moffitt: "I would like to report that we have another Member who has advanced another year in age. We'd like to recognize him today and the question was asked earlier this week if someone was providing cake. I'm pleased to report that this person is providing cake. He's not so old, but what he remembered. Would you please help honor Mark Beaubien and his birthday today."

Speaker Hannig: "Happy Birthday. On the Order of House Bills-Third Reading is House Bill 2364, Representative Winkel. Twenty-three sixty-four. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2364, a Bill for an Act relating to membership on the governing boards of public universities. Third Reading of this House Bill."

Speaker Hannig: "Representative Winkel."

Winkel: "Thank you, Mr. Speaker. House Bill 2364 is the Bill that gives the student trustee a vote on our boards of trustees for universities and colleges in Illinois. It's the same as House Bill 923 that we passed unanimously, nearly unanimously, last spring, with the exception... with a couple stylistic changes and it includes the Governor's Amendments that he had in his Amendatory Veto. Everything is in there except it does restore the student's right to have a campus-wide referendum to select the student trustee, and I would urge passage of this Bill."

Speaker Hannig: "This Bill will require 71 votes. Is there any discussion? Is there any discussion? Representative Winkel to close."

Winkel: "I would ask you to vote 'yes' on House Bill 2364. Thank you."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Requires 71

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

77th Legislative Day

October 30, 1997

votes. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes', and 2 voting 'no', and this Bill, having received a Three-fifths Constitutional Majority, is hereby declared passed. On the Order of Second Readings, House Bill 2333. Representative Currie. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2333, the Bill has been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

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

Clerk Bolin: "House Bill 2333, a Bill for an Act concerning taxes. Third Reading of this House Bill."

Speaker Hannig: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. This measure is intended to keep alive the discussion of a change in the way we tax the leasing of automobiles as against their sale. I would appreciate your support and be happy to answer your questions."

Speaker Hannig: "Representative Parke."

Parke: "Speaker, will the Sponsor yield?"

Speaker Hannig: "She indicates she will."

Parke: "This is a new piece of legislation, Representative? This is a new Bill?"

Currie: "It is."

Parke: "And you put an Amendment on in committee?"

Currie: "Yes."

Parke: "Did that Amendment become the Bill?"

Currie: "No."

Parke: "What did your Amendment do?"

Currie: "Deleted the enacting clause."

Parke: "Say that one more time, I can't hear."

Currie: "Deleted the enacting clause. It was a simple technical

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

77th Legislative Day

October 30, 1997

Amendment."

Parke: "And what does the Bill, the underlying Bill do now?"

Currie: "The... it does identically what was passed overwhelmingly by the House and the Senate in Spring Session. It changes the way..."

Parke: "Is that House Bill 601?"

Currie: "Yes, precisely."

Parke: "And the Governor vetoed that outright, or did he Amendatory or line item it?"

Currie: "Outright."

Parke: "And what was... and what was the reason for the Governor's outright veto of this?"

Currie: "Cost."

Parke: "The cost. And now, since that Bill is sitting on the Calendar, you want to now put a new Bill in that does the same thing that the other Bill did. Why don't we just put the ability to override the Bill?"

Currie: "Well, first of all, I think that there may be some changes in the way we approach this issue as we go into the second week of the Veto Session. There may be some other methodologies. There may be further discussions between the State Department of Revenue and the leasing entities and the automobile manufacturers, so this is not final action by this chamber. There would have to be a return visit of this issue to us before anything final could happen, but in order to keep that issue alive for further discussion during the Fall Veto Session, we thought it wise to introduce a new Bill."

Parke: "So, you... so, your plan is to send this to the Senate, where they're going to take some additional action and amend it and then send it back to us. Is that what you're seeing happening?"

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

77th Legislative Day

October 30, 1997

Currie: "I think that's quite possible."

Parke: "And you mentioned the Illinois Manufacturers' Association..."

Currie: "No, I meant the car manufacturers."

Parke: "The car manufacturers?"

Currie: "Yes."

Parke: "And you worked with our side of the aisle on this legislation, or is this initiative coming between you and that special interest and your guys, or do we have cooperation from our side, also, on this?"

Currie: "The Bill came out of the Revenue, the Amendment came out of the Revenue Committee and the Bill came out of the Revenue Committee by a unanimous vote."

Parke: "Thank you, Representative. I understand."

Speaker Hannig: "The Parliamentarian informs me that this will require 60 votes and on that question, Representative Kubik is recognized."

Kubik: "Thank you, Mr. Speaker. Will the Lady yield?"

Speaker Hannig: "She indicates she will."

Kubik: "Representative, I feel good about this Bill, I really do."

Currie: "I knew you would."

Kubik: "Yeah, I really feel good about this Bill, particularly because of the Sponsor."

Currie: "Thanks."

Kubik: "As I understand it, for the other Members of the Body, although I don't particularly agree with the way we're doing this, my understanding is that some discussions are ongoing with respect to this Bill and that the manufacturers and the Department of Revenue have sat down and have reached somewhat of a tentative agreement on this issue, is that correct?"

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

77th Legislative Day

October 30, 1997

Currie: "I had thought that was correct, but my understanding now is that the Governor's office would like to re... reestablish those discussions, but yes, there at least is some proposal on the table that would alter the way the tax is collected from the way it is addressed in this Bill."

Kubik: "Do you have any commitment from the department that those discussions will be fruitful? My understanding was that the automobile people entered the discussions in good faith, recognizing that there would be a Bill at the end of the process, otherwise... and that's why they've, so graciously, not pushed for the override."

Currie: "I do not have a clear commitment from the Governor's office that there will be a Bill at the end of the day, but I do have a commitment from the Governor's office that they will reassess the initial legislation and their counterproposal and it would be my hope and it would be my guess that there will be a Bill at the end of the day."

Kubik: "Well, seeing that you're now a convert to the cause, as one who... I'm glad to see you're on board, so that gives me some sense of hope here that we're going to accomplish something, but I would hope that we would. I think that the majority on both sides of this Capitol agree with this issue and we should put it to rest, finally, and I would support the Bill."

Currie: "Thank you."

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

Currie: "I'd appreciate your 'aye' votes."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this

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

77th Legislative Day

October 30, 1997

question, there are 116 voting 'yes', and 0 voting 'no', and this Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Amendatory Vetoes is House Bill 540. Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to override the Governor's Amendatory Veto of House Bill 540. This is a Bill that, I think, passed unanimously in the House and, I think, unanimously in the Senate. The Bill involves site inspections by not-for-profit interest groups at state mental health facilities. When we first passed the Bill, we were all convinced that having outside agencies come in and do site inspections was a good thing, both for the patients and for the General Assembly as these experts would go in, take a look around and give us some feedback as to what they saw there and probably also propose legislation. So, when we passed this, we've had a very good Bill that passed both chambers, I think, unanimously. The Governor's override really gutted the Bill. The Governor turned the oversight of this back to the Inspector General, and while the Inspector General does a very fine job, it's little like the fox guarding the chicken coop. He's indicated the Attorney General should certify the people who would do... the Inspector General will certify the people who will do this and would have the right to reject those who were involved in lawsuits against the State of Illinois. To say that someone is a not-for-profit who is an objective source overlooking the department and the facilities and then to say that, if through their inspections, they're involved in a lawsuit because they see abuses and then that lawsuit would lead to them not being able to do further inspections, is saying that if somebody is doing their job, they should not be

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

77th Legislative Day

October 30, 1997

able to continue to do their job. So, by overriding... so by amendatorily vetoing this Bill, what the Governor has basically done is change the Bill from one that does something very important, which is to give us further oversight, to a Bill that really does nothing at all. Accordingly, I would ask your support on this Override Motion."

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

Ryder: "Thank you, Mr. Speaker. I stand in strong opposition to the Gentleman's Motion for the following reasons. We have all supported inspector generals. We believe they are a good idea and yet, in this circumstance, in this particular circumstance, the Gentleman believes that Inspector Generals can't do as good a job to do what they're trained to do than the Auditor General. Well, the Auditor General looks at programs and checks where the money went, does the debits and the credits. They're good folks. They do a nice job, but the Inspector General is just that. The people that we have selected to be part of the organization's oversight, that don't report to the facility, don't report to the chain of command, they report directly to the director and to us. Remember, they're the ones we put there in the first place. Now, there's another part of this Amendatory Veto that I think is very good, and that is the discussion. Once the litigation starts, and we've all seen this with the litigation that has been started by the ACLU and some other organizations, once that begins, then instead of doing discovery as the court requires, they'll use the inspect... the Auditor General or the Inspector Generals reports that are there to try to improve, they'll use those against the litigation and

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

77th Legislative Day

October 30, 1997

getting their discovery on the cheap. Once a lawsuit is filed, the rules of court should govern discovery, not using the Inspector General and their reports to get the discovery on the cheap, and even more importantly than that, if we truly believe that the Inspector General is supposed to do their job, and I do, and I submit that the Gentleman who is making the Motion to override does, as well, then let's let them do their job. Let's not, not have them have the additional obligation of worrying about if I do a bad report, is this going to cause more litigation that's going to slow down the progress? And let's not have the folks that are running the facilities saying, 'I don't want this Inspector General Report coming back in a fashion that further causes problems for me in this litigation.' Let us separate the courts and the court procedure from this process. So I believe that we should let the Inspector Generals do their job. We all put them into that position to improve the well-being of those folks that are receiving service and in this circumstance, I think, although well-intentioned, the Gentleman's effort to override the Governor's Amendatory Veto is based on false beliefs and I think the Governor, in this case, and it will probably be an exception because we've overridden about everything else the Governor's done over the last few days. On this occasion, what the Governor did was absolutely correct. We should support the veto and not override it, and I would urge those who are concerned about this, let the Inspector General do their job. Don't make the Auditor General do the Inspector General's job. Let us support the Amendatory Veto and vote 'no' on this Motion to Override. Thank you, Mr. Speaker."

Speaker Hannig: "The Motion to Override will require 71 votes.

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

77th Legislative Day

October 30, 1997

Representative Cross is recognized."

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

Speaker Hannig: "He indicates he will."

Cross: "Representative, it's been a little noisy in here. We have not been able to follow the debate. Can you tell us... can you tell us or give us some examples of the nonprofit entities that would be allowed into these facilities?"

Lang: "The Alliance for the Mentally Ill, the Mental Health Association of Illinois, and other such organizations."

Cross: "Are there any groups... have you delineated those groups in the Bill or is it just groups within the industry that are going to have access? Could any not-for-profit have access to these facilities?"

Lang: "These are consumer groups, Representative, and the original Bill put... had guidelines that would be created by the department to determine who would be able to do these site inspections, and I remind you that... and the previous speaker, that you both voted for this Bill, previously."

Cross: "Well, let's just maybe forget for a moment our other vote and let's talk about this Bill. Does your... does this veto Motion provide those same guidelines as earlier for the not-for-profit groups that you just talked about?"

Lang: "The Governor has, in his Amendatory Veto, has put in different guidelines and more restrictive guidelines. So, what he has basically said here is that each medical director of each facility can create their own guidelines, therefore, there would be no uniform standard. So the medical director at Elgin might say that a particular not-for-profit organization can visit there under his guidelines, but the director at Chicago Reed or Tinley Park

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

77th Legislative Day

October 30, 1997

may say, 'No, we don't want this particular person here, for whatever reasons we have.' And so, this Bill would leave us with no uniform guidelines, thus rendering the proposal very difficult to administer."

Cross: "Lou, wouldn't it be prudent to let the individual directors of these facilities make these decisions as opposed to a bureaucracy set up at the state level? I mean, why are we letting a wider, broader group make a decision versus the person who is really in charge of the individuals in the facility?"

Lang: "Because all the state mental health facilities should be run under the same guidelines. If you leave it to the subjective viewpoint of each facility director, then what you have is a facility director who may not like a particular group or not like the particular person that is the leader of that group and then may subjectively say for whatever reason they have, 'You can't come in here,' and that would be inappropriate. If the purpose of the Bill is to allow these not-for-profits to come in and help us protect the people that live in those facilities, even temporarily, then it seems to me that we should have a uniform state policy, and not allow a policy whereby each facility has their own set of rules, and we're not creating a new state bureaucracy, the state... the Department of Human Services needs to create one set of rules for all facilities under the original Bill."

Cross: "The Mental Health Association, with these changes, my understanding, opposes the Bill now. Is that correct?"

Lang: "That is not my understanding. No one has indicated to me... oh, with these changes, yes. The advocacy groups that were involved in the writing of this, and by the way, the section regarding guidelines for certification were

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

77th Legislative Day

October 30, 1997

written by the department, not by me, the advocacy groups that were involved in writing this opposed the Amendatory Veto."

Cross: "But didn't they originally support the Amendatory Veto language, the Mental Health Associations?"

Lang: "Not to my knowledge. If they did, they did not communicate that with me. There may have been some confusion by some people on the board who felt that they would rather have some Bill, than no Bill, but I have since then convinced just about everybody that this Bill, as written, is not a Bill we want to accept, and if the Override Motion is defeated, I will not proceed with a Motion to accept because in its current form, this Bill does nothing for the residents of mental health facilities."

Cross: "Well, to the Bill, at least for those of us that are paying attention and care about this Bill. I think there are some serious deficiencies now, at least for people on our side of the aisle, and I think... I would encourage people to take a hard, hard look at the Bill in its present form. It's irrational, it makes very little sense and I would encourage a 'no' vote."

Speaker Hannig: "Representative Mulligan."

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

Speaker Hannig: "He indicates he will."

Mulligan: "Representative Lang, you're saying that if we override the veto, you're not going to pursue the original Bill?"

Lang: "If we override the veto, we'll have the original Bill."

Mulligan: "You'll have the original Bill. Well then, why would you not want the medical director to have some say in how a group would come through the facility? Are you saying that they have no right to limit...?"

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

77th Legislative Day

October 30, 1997

Lang: "This does not deal with the guidelines for what the people can do when they're in the facility. This deals with the certification of who can come to the facility and if the medical director at one facility says, 'You can come here,' and the medical director at another facility says, 'I don't like you very much, you've caused me some trouble in the past, but every other medical director may think you're a good guy, but I don't, so you can't come in here,' then we have standards that are not uniform in terms of certifying, and that might also serve as precedent for other medical directors saying, 'Well, if the director over here doesn't like you, you can't come in here either.' And I think that's inappropriate. It's particularly inappropriate in situations where, as the Governor has suggested, he has suggested that if one of these agencies goes into a facility and sees something they don't like and it somehow leads to a lawsuit and that lawsuit is for the purpose of protecting patients from abuse, that somehow, that expert who has seen that abuse, is now going to be disqualified from going into other facilities and there is no... the Governor left no provision in this Amendatory Veto for recertification of some of the quality people that go into these places that might later be told they can't come there, so they're now rejected from one facility. It might lead to rejection from all the facilities. The original Bill said that the department will determine the guidelines for who is qualified to go into the facilities. Of course, the medical director at each facility has to determine where they can go, who they can see, whether the proper releases have been signed if they're going to talk to patients. But the individual director should not create policy for the Department of Human Services."

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

77th Legislative Day

October 30, 1997

Speaker Hannig: "Excuse me, excuse me, Representative. The Rules Committee is meeting immediately in the Speaker's Conference Room. Rules Committee is meeting immediately in the Speaker's Conference Room. Proceed."

Mulligan: "Representative, my understanding of the Amendatory Veto is different than what you're explaining. My understanding was that the Auditor General would be able to certify these groups and the Amendatory Veto changes it to the Inspector General. The Auditor General, in my estimation, has no ability or no qualifications to judge on groups that would visit a mental facility, a mental health facility, where the Inspector General should have some idea of what groups would be viable for going in and taking a look at it, and whether... is it political to have the Auditor General rather than the office of the Inspector General when the Inspector General for mental health seems to be the logical person to have some say in this?"

Lang: "Well first, this is the most minor part of the problem with the Bill, but let me give you two problems with the Governor's Amendatory Veto on this section, but let me again say, it's the most minor part of the Bill. First, the whole point is that the Inspector General works for the executive branch of government. The Inspector General, while she does a very fine job, someday we may not have this Inspector General, and this Inspector General may also have a problem with a particular group for whatever reason she may have. So, we need a more independent source. That's the first problem, but your premise is faulty, Representative, relative to the use of the Auditor General. The Auditor General is not going to pick these people. The Department of Human Services would create the guidelines under the original Bill, and only certain groups would

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

77th Legislative Day

October 30, 1997

qualify under those guidelines. The Auditor General, under that Bill, would simply do the formal certification process. The certification process would take place after the Department of Human Services had set up all of the guidelines, and after these guidelines are set up, there's only going to be a handful of organizations that could possibly qualify. The Auditor General would just simply certify those people."

Mulligan: "But you're saying that it's the department that's setting the guidelines and not the Auditor General, but if the Auditor General has the ability to decide which organizations are going in, he's going to be the one that qualifies them, not the department and not the Inspector General, who has the charge of protecting the clients, or the patients, in those facilities from any kind of abuse or neglect."

Lang: "But although the Inspector General is one we like today, the fact is that the Inspector General works for the executive branch of government. The fact is that the Inspector General works for an oversight function of the Department of Mental Health, or now the Department of Human Services, facilities. Accordingly, in terms of bringing in these outside groups, that person does not have the full range of objectivity we would like to see in terms of making sure that the... all of the appropriate groups that can do good work to give us information as to what's going on in the mental health facilities, gets an opportunity to be in there. You wouldn't want for some reason, because of pressure from the executive branch, or pressure from the medical directors that could be brought to bear on the Inspector General, that Inspector General to reject certain advocacy groups that could help us, simply because there's

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

77th Legislative Day

October 30, 1997

a loss of objectivity. Our job is to make sure there's no loss of objectivity."

Mulligan: "Well, Representative, I think the same thing could be said about a change in who the Auditor General is as you're saying is a change in the Inspector General and also the Inspector General has a full-range of knowledge of what groups should be, where the Auditor General doesn't, and I think that you're making a mistake here in changing that, or trying to change it and going back to the original Bill and I also think that there are a handful of groups that everyone knows are the qualified groups that have been doing this for a while that more than likely will be the ones that will be certified anyway, and if you go along with what the Governor does in the Veto, and then see that it's not working, you can always change it later, as would I because I'm very interested in what goes on there."

Lang: "Representative, the Amendatory Veto says that if any of the advocacy groups that are qualified are involved in assisting litigants who are the people in the facilities or directly involved in litigation involving the department, they're automatically decertified. They're automatically disqualified from going into a facility, even if it's a facility that's not involved in the lawsuit. So, if the Alliance for the Mentally Ill is involved in helping a litigant or involved in a lawsuit involving the Tinley Park Mental Health Center, not only under this Amendatory Veto, are they decertified and disallowed from going into Tinley Park, but they're disallowed from going into Chester, into Reed, into all the other facilities. Now, the whole point of these advocacy groups is that they have an interest in seeing to it that there's no abuse, no neglect and that the people that are in these institutions are properly cared

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

77th Legislative Day

October 30, 1997

for. And if they see abuse, and if they see neglect, and if that moves them to be involved in a lawsuit to protect those people, then why should they be decertified from doing further work? What it says is, 'Look, if you cause us trouble, you can come into these facilities, but if you cause us trouble, you're out.'

Mulligan: "But, Representative, they're not decertified permanently, and as a lawyer, don't you rather see that there is a problem here of someone that is involved in litigation can do an unannounced check of some sort? They still can get access. They still can go in, they just have to go through a legal mechanism because they're involved in a lawsuit. Some groups are very litigious and continually bring these lawsuits whether they have merit or not because they want certain changes and they feel that gives them leverage. As a lawyer, you should understand that."

Lang: "Under the Amendatory Veto, you are wrong. There is no provision for recertifying people. The Amendatory Veto says that if the Alliance for the Mentally Ill is involved in a lawsuit, or even like take it down, if they're involved in advising a litigant in a lawsuit, they are decertified and there is no provision for them to be recertified. So, if you take the three, four, five different advocacy groups, that of which we are all aware, who could be doing this work, if they're touring a mental health facility, and they see abuse, and they counsel a patient about that abuse, which is their job, conceivably after a year or two, none of these people will be certified and there is no provision to recertify them in the Amendatory Veto. And so, the Governor will have rendered this Bill null and void."

Mulligan: "I disagree with you. I think they can apply for

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

77th Legislative Day

October 30, 1997

certification again at any time and if the lawsuit for that particular institution has merit, I don't see why they wouldn't be certified again and I think that you're really creating a problem here by allowing them to continue to go in, in the midst of a lawsuit, and I don't understand, as a lawyer, how you would not see that. Quite frankly, there are groups that have valid concerns over a lawsuit and other groups that have ulterior motives and I think that there is nothing wrong with saying, 'We're going to take a look again at why you're there and what you're doing and when you're going in... when you already have litigation going, I think that you need to go in under the principles of what you would be doing as part of that lawsuit, not as someone that is going around witch-hunting for other things, and I think that's what the concern is here and I think it is valid.'

Lang: "Representative, if the Amendatory Veto said that if you file a lawsuit or involved in a lawsuit regarding a facility, you would be decertified from going into that facility until the litigation was over, I would agree with you, but this says that if they're involved in litigation regarding one facility, they are decertified from all of the facilities and there is no provision for reinstatement."

Mulligan: "Can't they just apply again? It does not... the Bill will not... but it does not bar them from reapplying again."

Lang: "It does bar them because the Governor says in his Amendatory Veto that they are decertified. It doesn't say they can apply again. It says they're disqualified."

Mulligan: "Well, I think we just have a disagreement over what the Amendatory Veto actually does and I think that if it

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

77th Legislative Day

October 30, 1997

proves that what you say is true, you can always come back again and change it. Thank you."

Speaker Hannig: "Representative Lang to close."

Lang: "Well, thank you. Every once in a while it's good to have a spirited discussion here, but I want to talk to, particularly, Members on the other side of the aisle who, since there's been debate on an Override Motion, perhaps they'd be inclined to just vote against it. We're talking about the people who are in mental health facilities in the State of Illinois, and you agreed with me, unanimously, or virtually unanimously, that we should have site inspections by these private advocacy groups who are experts in the field. I'm here to tell you that the Governor's Amendatory Veto will render that Bill null and void. It guts the Bill. It says that the Inspector General can determine on her own or his own, if we have a different one, who can visit, who cannot visit. It said that the medical director of each facility can determine who can visit, who cannot visit, which means that we will not have a uniform set of rules, so that a quality advocacy group can visit one facility and perhaps not another facility. It says that if these advocacy groups do their jobs, and uncover problems in facilities and report them, then they can be decertified permanently for doing what we have asked them to do in House Bill 540. And so, I urge you to do the right thing and protect the patients in state mental health facilities. Let's go back to the original Bill. Let's let the advocacy groups go in there and do their job, protect the patients, and give us the information we need to make the Department of Mental Health facilities work better. Please vote 'aye' on this Override Motion."

Speaker Hannig: "The question is, 'Shall House Bill 540 pass,

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

77th Legislative Day

October 30, 1997

notwithstanding the Governor's specific recommendations for change?' This Motion requires 71 votes. All in favor vote 'aye'; opposed 'nay'. The voting is open. This is final passage. 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 58 voting 'yes' and 56 voting 'no', and the Motion fails. Representative Zickus, for what reason do you rise?"

Zickus: "Thank you, Mr. Speaker. I rise on a point of personal privilege."

Speaker Hannig: "State your point."

Zickus: "We are honored to have here today, visitors. The Honorable Romy Palmer, who served in this House in the 76th through the 79th General Assembly, and the Honorable Herb Huskey, who served in this chamber from the 78th through the 83rd General Assembly. So, please welcome them all back to the Illinois House."

Speaker Hannig: "Welcome back to Springfield. House Bill 752, Representative Bugielski."

Bugielski: "Thank you, Mr. Speaker, Members of the House. Hopefully, this will not take as long as the previous Bill. I move to accept the Amendatory Veto on House Bill 752. House Bill 752, if you remember, was the 'do it yourself school funding' that we talked about. It overwhelmingly, unanimously passed out of this chamber, as well as the Senate. If you remember during the debate, I mentioned that this is an innovative idea and that we should try it. If it works, fine, it works. If it doesn't, we would get rid of it, and I mentioned this to the Governor's office too, and all of the change was is that he put a sunset date in there that we would start it after the 1998 tax year, for two years, and then we would look back at it in the

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

77th Legislative Day

October 30, 1997

year 2000 to see if it's beneficial to us. If it isn't, then we would get rid of it and I was for this idea from the very beginning so I accept his Amendatory Veto and I ask that all of us concur with him. Thank you very much."

Speaker Hannig: "This Motion will require 60 votes. Representative Cross."

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

Speaker Hannig: "He indicates he will."

Cross: "Bugs, just to confirm... there is a two-year sunset... there is two-year sunset language that remains in the Bill even with the Amendatory Veto. Is that correct?"

Bugielski: "Correct."

Cross: "Okay, thank you. I see no reason why we shouldn't be supporting it. Thank you very much."

Speaker Hannig: "Is there any further discussion? There being none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'yes' and 0 voting 'no'. This Motion, having received the required Constitutional Majority, the House accepts the Governor's specific recommendations for change, and this Bill is declared passed. Representative Hartke is recognized."

Hartke: "Well, thank you very much, Mr. Speaker. The Democrats would request a caucus in Room 114 for a couple of hours."

Speaker Hannig: "The Caucus... the Democrats will meet in Room 114. Do we have a time frame in mind when we'll come back, Representative?"

Hartke: "Well, I expect we'll probably be back here by lunch, about noon."

Speaker Hannig: "About noon, okay. Representative Tenhouse is

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

77th Legislative Day

October 30, 1997

recognized."

Tenhouse: "Thank you, Mr. Speaker, Ladies and Gentlemen. Since the Democrats are going to be having such a good time in 114, we thought we hate to be left out, so we'd like to have our Conference in Room 118 at the same time. Thank you."

Speaker Hannig: "Democrats in Room 114. Republicans in Room 118. Representative Mulligan."

Mulligan: "Mr. Speaker, that changes. I was going to ask yesterday, Speaker Madigan invited me to your Caucus, and I was actually going to ask if that invitation held up, but I have to go to the Republican Caucus, I'm sorry, too bad."

Speaker Hannig: "Well, we'll miss you, Representative. Okay, so the House will stand at ease until the hour of noon."

Speaker Hannig: "The House will be in order. The Members will be in their seats. Mr. Clerk, Committee Reports."

Clerk Bolin: "Representative Eugene Moore, Chairman from the Committee on Revenue, to which the following Amendment was referred, action taken on October 30, 1997, reported the same back with the following recommendation: 'be adopted' Floor Amendment 4 to House Bill 2363."

Speaker Hannig: "At this time we are going to adopt the Adjournment Resolution. This is not a Motion to adjourn, but simply the adoption of the Resolution. Mr. Clerk."

Clerk Bolin: "House Joint Resolution 38, offered by Representative Currie, be it Resolved by the House of Representatives of the 90th General Assembly of the State of Illinois, the Senate concurring, herein, that when the House of Representatives adjourns on Thursday, October 30, 1997, it stands adjourned until Wednesday, November 12, 1997 at 1:00 p.m., and when the Senate adjourns on Thursday, October 12, 1997, it stands adjourned until

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

77th Legislative Day

October 30, 1997

Wednesday, November 12, 1997, at 12:00 noon."

Speaker Hannig: "Representative Currie moves for the adoption of the Resolution. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the Resolution is adopted. On the Order of Amendatory Vetoes, House Bill 1051, Representative Brunsvold. Representative Brunsvold. Out of the record. House Bill 2161, Representative Scott. Proceed."

Scott: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2161 made some changes to the Sanitary District Acts of 1917 and 1936. The Governor had two Amendatory Vetoes, one was technical in nature, the other dealt with the provision in 2161 which had previously provided in the original Bill that sanitary districts who acquired property were never allowed to... essentially, never allowed to sell that property after condemnation was completed. This Amendatory Veto says that they can't do that for 10 years, that they can't sell that. I believe that accomplishes the intent of what the original legislation was, which was to not have sanitary districts acquire property through condemnation and then turn right around and sell the property. I think the Governor's Amendatory Veto is well-placed and I would move that we accept the Amendatory Veto language."

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

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

Speaker Hannig: "He indicates he will."

Cross: "Doug, we had heard absolutely nothing you said over here."

Scott: "Okay."

Cross: "It's rather crazy and chaotic. Can you... I remember this Bill and I think you and I debated it, or discussed it

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

77th Legislative Day

October 30, 1997

last spring and, if I'm not mistaken, it deals with sanitary districts and the ability that once they condemn property, their inability to sell."

Scott: "Right."

Cross: "Is that the underlying... the gist to the underlying Bill or the Bill, still?"

Scott: "Yeah. Actually, this Bill started off originally, Tom, as just a notice provision when sanitary districts were going to annex property into their district. That's the way it started and there were several other provisions that were added to it. I think you had, during the debate this spring, you had some concerns over this prohibition that was in the original Bill that would stop sanitary districts from condemning property and then ever being able to sell the property again. So, I would think the Governor's Amendatory Veto language would speak right in line with what you were arguing for back this spring."

Cross: "So, and I'm sorry, Doug, and I'm not trying to be difficult. It is hard to hear over here. What is his language do to your Bill?"

Scott: "It does two things. One is, it makes a technical change to reconcile a couple of section numbers that just necessary technical change. The second thing is, it takes the provision that was in the original Bill that said, 'If a sanitary district condemns property, they can never sell it.' The Amendatory Veto changes that to say they can't sell it for 10 years. So, it accomplishes the original goal, which was to not have sanitary districts condemn property and then turn right around and sell it for development or other purposes. But it doesn't hamstring them to the fact that they will never be able to sell the property because, as the Governor pointed out in his

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

77th Legislative Day

October 30, 1997

message, circumstances might change and the district might have acquired it for all the right reasons intending to use it for sanitary district purposes, and then have to sell it later on if those circumstances change. So, I think his language is very good and I think it accomplishes what you were looking for last spring when we debated the Bill back then."

Cross: "I'm trying to read through it as we're talking, Doug. Am I reading correctly that the... in the event the sanitary district wants to sell, they don't utilize the property for whatever reason, do they have to make an offer to the original... to the original landowner?"

Scott: "Yes."

Cross: "Is there any language in here dealing with price at that time or is it market value of 10 years later?"

Scott: "No, it just says they have to offer it to him for sale or lease. It doesn't restrict them in terms of the price that they have to negotiate from them."

Cross: "All right then, if the district cannot reach an agreement within 60 days, then the district should be... should be free to sell or lease the land to others?"

Scott: "Yes."

Cross: "And nothing in the language, the Governor's language, that puts a price or mandates a price? It's just market value, open price?"

Scott: "Right, and I think that's fair because I don't think you want to hamstring either party to the negotiation there."

Cross: "Does your Bill, as amended, with the Amendatory Veto language, apply, and maybe it did in the original form, apply to every sanitary district in the State of Illinois?"

Scott: "No, just the ones that are constituted under the Acts of 1917 and 1936. There are some that aren't under either one

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

77th Legislative Day

October 30, 1997

of those."

Cross: "And I'm not... and I'm not trying to be difficult. Do you know... I mean, is that the bulk of them, Doug?"

Scott: "Yeah, that's almost all of them."

Cross: "Would that include the Chicago... the Metro San...?"

Scott: "No, that's under a different Act, I believe."

Cross: "But the bulk of the sanitary districts downstate are included under here?"

Scott: "Yes."

Cross: "Is there any reason why you limited it to just those two years, two Acts? How come you didn't include everybody?"

Scott: "Those were the two Acts that cover the bulk of sanitary districts in the state. It's not the years, it's just when those Acts were adopted."

Cross: "No, I understand that, but I guess I ask... I just want to make sure... we should have included them all. All right, thank you for answering the questions. I think the language makes it an even better Bill and I think I would urge everybody on our side to vote 'yes'. Thank you."

Scott: "Thanks, Tom. I agree with you."

Speaker Hannig: "This will require a three-fifths vote for passage. Representative Scott to close."

Scott: "Thank you, Mr. Speaker. I agree with Representative Cross. I think the Governor's language actually took a good Bill that does a lot of good things for sanitary districts and makes it better and I'd ask that... I'd move that we accept the Amendatory Veto language."

Speaker Hannig: "Okay. The question is, 'Shall the House accept the Governor's specific recommendations for change with respect to House Bill 2161?' All in favor vote 'aye'; opposed 'nay'. The voting is open. This is final passage and 71 votes are required. Have all voted who wish? Have

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

77th Legislative Day

October 30, 1997

all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'yes' and 0 voting 'no', and this Motion, having received the required Three-fifths Constitutional Majority, the House accepts the Governor's specific recommendation for change regarding House Bill 2161, and this Bill is declared passed. And returning back to Representative Brunsvold's Bill, House Bill 1051. Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I move to accept the Governor's Amendatory Veto on House Bill 1051. Ten fifty-one (sic-House Bill 1051) had a provision that was added that would have named Site M, which is a wildlife area, a Department of Conservation's area, west of here in Cass county, about 15,000 acres would have been named after former Senator Babe Woodyard. Since that time, the Governor has gone to Senator Woodyard's area and named a site there, through family's request and agreement by Executive Order to name that site in his area after Babe Woodyard. I've talked to the Governor's... Governor about this and agree with his taking the language out that would mandate we name Site M for Babe Woodyard, so the family agrees to do this and I would move to accept the Amendatory Veto of the Governor."

Speaker Hannig: "Is there any discussion? Seeing none, the question is, 'Shall the House accept the Governor's specific change, recommendations for change with respect to House Bill 1051?' All in favor vote 'aye'; opposed 'nay'. The voting is open. This is final passage and this requires 71 votes. 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 115 voting 'yes' and 0 voting 'no', and this Motion, having received the

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

77th Legislative Day

October 30, 1997

required Three-fifths Constitutional Majority, the House accepts the Governor's specific recommendation for change regarding House Bill 1051, and this Bill is declared passed. On the Order of Second Readings on the Calendar on page 2, is House Bill 1685. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1685 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Barbara Currie, has been approved for consideration."

Speaker Hannig: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. This is a proposal from the State Board of Education. It encompasses four separate provisions. First, responds to the recommendations from the State Board Committee that we required by legislation passed here about the assessment of student achievement. As you know right now, children are tested in grades 3, grade 5, and grade 12, and this recommendation is to do additional testing in grade 6 and 9 and 10. The proposal will insure that we don't lose more than \$341 million in federal Title One funds. It does respond to requests made by this Assembly that we have a way of holding our education system accountable and tracking achievement at various levels of student growth. Secondly, the Bill provides for changes in the make-up of the Advisory Council on the education of children with disabilities. Recent federal changes require us to insure that a majority of the members of that committee are either adults with handicaps or the parents of children who have handicaps. This legislation would accomplish that goal. Third, the measure provides for very limited opportunities for expedited hearings in cases in which disabled children pose serious danger in the classroom. The legislation is

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

77th Legislative Day

October 30, 1997

tightly drawn. I know of no opposition and finally, there is a revision in this measure of school sprinkler requirements, better to track and reflect the legislation that Representative Cowlshaw passed a year or two ago. I would be happy to answer your questions and would appreciate your support for the Amendment."

Speaker Hannig: "And on that question, Representative Hoeft."

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

Speaker Hannig: "She indicates she will."

Hoeft: "Representative Currie, we talked about this yesterday, and again, when we are taking a whole mess of Bills and putting them together, 11 different Amendments, we have in this Bill some very good things, very good things, and some that are not. The first Amendment deals with testing. And I will say emphatically, it is the biggest setback in school reform that we will be dealing with in this decade. It was really interesting when this was presented yesterday. They're talking about the State Board of Education taking over the testing, IGAP testing, 32 different tests for students in the State of Illinois. It was interesting to note that not one educational group came forward in support of this. Not the IEA, not the IFT, not the PTA, not the Illinois Principals, not the School Board Association, not the Superintendents' Organization. My first question is, Representative Currie, are any of these organizations in favor of this change?"

Currie: "Representative, I do not know. I do know that there were no opponents in committee yesterday."

Hoeft: "In fact, there was an individual from the IEA that came forward and said, 'We are really, really reluctant, and I can't make a negative or a positive.' I've talked to all these organizations and to say that they are neutral is

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

77th Legislative Day

October 30, 1997

wrong. They are really queasy about this. Let's take a brief history of Illinois testing through the State Board of Education. IGAP has been given over the last two years, and district after district in this state has said, 'This is a flawed test.' They've given it, but because of problems, it did not indicate what it was supposed to. The State Superintendent has each year held news conferences saying that the results don't make sense and, in fact, we have to look at reading score improvement and/or changing the examination. How are we going to move from six tests that can't be administered properly, to 32 tests? Mr. Speaker, I'm going to ask some questions of some of the Members here and if you would not mind, I really would like people to listen to this. We have in this chamber, a number of educators. Joel, would you have been a better teacher..."

Currie: "No, sorry. No. No. No. No. No. No.."

Hoelt: "...if, in fact, they had 32 tests? Monique, would the classroom climate have been better in your classroom if the State Board had testing? Bob Biggins, Jerry Mitchell, Don Moffitt, Buggy, Webber, would you have had a better school if they had had 32 tests given? Would you have been a better teacher? Is there anyone here that is a teacher who is active or otherwise? Vince Persico, is this going to help create a better classroom environment, a better learning environment in the state? It will not. It cannot. We're taking time away from the children. We are losing local control. We are taking the entire structure of education in Illinois and turning it top down. Let me give you a little information on the reforms in education in Illinois and also the nation. The reform movement in this nation says that decisions have to be made on site,

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

77th Legislative Day

October 30, 1997

site-based management. And with site-based management, the teacher in the classroom makes the decision, along with his or her colleagues and the principal. This is State Board making the decision for you. This could mean a fundamental change in the state with the State Board having its goals and objectives and then testing. Our basics in this will be changed to the point where local control is lost. Is there any educator in this Assembly that will say that he would have been or she would have been a better educator, had these tests been available while they were teaching? This is a horrible Bill. Ten years from now, people will come and they will look back and they will say, 'What were they thinking when they turned over to the bureaucracy a Bill, a power, that the bureaucracy had shown time and time again that they could not competently follow through with?' The State Board is not a testing institution. They weren't set up for that, and they have shown through their recent actions that they can't even follow through with their responsibilities they presently have. Let me make one statement. I don't think that there is a school system in the State of Illinois who has gone through such mismanagement over the last two years as the State Board. And we're turning over testing to them. Does this make any sense for the 900 other school districts in the state? There's not an educational institution, not an educational group in this state, other than the State Board, that supported this Bill. Representative Currie, there were four people at the table in support of this. Mike Hernandez, State Board; Lynn Haeffele, State Board; Don Payton, State Board; Joe Spagnolo, State Board. Was there any other group that testified that this was of value? The answer is, 'no'. I would ask that this be divided and

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

77th Legislative Day

October 30, 1997

taken out of this Bill because there are some very good things in this Bill, the other Amendments. But I think this is a step backwards for the children in the State of Illinois, and a major step backwards for the classroom of this state. Any educator here, on this Floor, who believes that this is a step forward, I would like them to have them go on record. If not, I think we got the message. This is going to hurt the children in the state. Thank you."

Speaker Hannig: "Representative Roskam."

Roskam: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Like Representative Hoeft, I, too, rise in opposition to Floor Amendment #1. You know, I think at a time when we're trying to enhance the local control, when we're trying to enhance the local decision-making, this is an initiative, although well-intentioned, that runs clearly in the opposite direction. As we are trying to resist goals 2000 initiatives, frankly, from Washington D.C., as we're trying to say, 'Let's free up teachers' time in the classroom, let's give teachers and local educators the ability and the authority to make decisions.' This is not the time to entrust the State Board of Education, with all due respect to them, with this incredible authority. There's no guarantee in this Bill that it will manifest itself in subjective standards, I mean in objective standards. But rather these standards that will be promulgated in the tests and so forth that will be elicited will be very subjective. If this were going to set forth that some common sense things, two plus two equals four, that we can all agree on, standard language skills and so forth, then I wouldn't be as reluctant as I am today to vote in favor of this Bill. But there's no guarantee that that's going to happen and, in fact, the past conduct, as

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

77th Legislative Day

October 30, 1997

Representative Hoeft has so eloquently pointed out, has, I think, brought into question the ability of the State Board of Education to adequately handle this. On this measure, Mr. Speaker, I would ask for a Roll Call Vote and if it gets close, would request a verification. And I would urge my colleagues to vote 'no' for Floor Amendment #2 and support local control of education. Thank you."

Speaker Hannig: "Representative Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise of support of Amendment #1 to House Bill 1685. In the Education Committee, there was registered, no opposition. It is true that the State Board of Education offered the positive comments as far as trying to explain this new assessment, but yet, it's not new. Let me explain for those who may not have been in the committee, so you won't be confused. I would not be in support of further strain on the local school districts and teachers' responsibility in increasing the number of hours of testing. I don't think that can be justified. But this does not reflect an increase in testing. This reflects exactly where we are at today. Now, it would not if quality first had been implemented and we were under that schedule, but we are not. And the only other thing that could be additional is Prairie State Testing for seniors. We're not even sure that would take any more than an hour, depending on how the implementation of resources are looked at. So, what this, in essence, comes down to is that, I hear debate... you can't have it both ways, folks. You can't ask on one hand for teachers to be accountable and that the school districts produce a measurement that shows that they're doing the job according to what we think the majority of this Assembly and the majority of nationwide,

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

77th Legislative Day

October 30, 1997

of views from Washington, as well as each state looks at. So, that's how we've established this. So, we want accountability from teachers, and then you say, 'Well, the State Board or whoever has such a harsh domination over what goes to local schools' districts.' That is untrue. State board has not decided on anything in a vacuum. We have to put our stamp of approval to it, we, as the majority of the General Assembly that represent the rest of the state. They can't do anything without our approval. But yet on the other hand, I heard testimony in here, the idea that we also need to depend and rely more on the rule-making process. And the rules that are made have more of a... to me, more of a slant of domination without input from the General Assembly, the very thing you're criticizing, you're reinforcing on the other hand. That's what I mean by you can't have it both ways. And as far as local control, right now the local school districts can decide if they even have the Iowa Basic Skills Test. Don't have to have it. If you want to throw it out, all you will have, period, will be this 25 hours plus the Prairie State if they even want to keep that, they don't, bring it back to us, maybe we will repeal that. Personally, I don't think it has a great value when a senior is looking out the window, he already has been approved to go to Vanderbilt University and he's worrying about this test, he's going to pass it or not, I don't think so. So, we do a lot of things here by a rule-making process that's worse than if you want to criticize what the majority in this General Assembly were elected to do. Folks, let's make teachers accountable. Let's give them fair instructions and measures to go by. Thank you."

Speaker Hannig: "Representative Mitchell."

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

77th Legislative Day

October 30, 1997

Mitchell: "Thank you, Mr. Speaker. The problem we have is that the alliance, nor the teachers that I have talked to, and I don't know where the IEA is on this particular issue, Representative Currie, but I'm not so sure we can stay within the 25 hour max that we have said that we would devote to testing. I don't know of a test yet that makes a teacher accountable, especially when the test itself does not test individuals. We're still at a point where we're testing to compare one district to another. That was never the purpose and never the intent of IGAP. The whole IGAP series is so misconstrued and so confusing that superintendents around this district are saying, 'Let's get the House in order before we move forward.' I agree with Representative Hoeft that at this point, I think it's a step backward. There is so much work that has to be done, so much communication that has to be done before we move forward with testing. I'm afraid we're going to wind up with a situation where we move forward about two steps on testing and then somebody is going to say, 'No, this isn't the right direction, hold it.' We've done that two or three times and that's not the House's problem; that problem lies within the State Board. There are problems there; we all know that. It's time to get the House in order before we try to determine what teachers need to be held accountable to. For heaven sakes, we're going to have to determine where we're at before we know where we're going, and we don't know where we're at. Superintendents now are saying, we devote too much time. Now we're adding the layer of tests. We've got to stick with basics, we're not doing that. We're testing at almost every grade level, and we're being assured that we think we can stay within the maximum amount of time devoted to testing. Well, let's

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

77th Legislative Day

October 30, 1997

devote the maximum amount of time to teaching and not to testing. I don't think that Amendment 1 is the right way to go at this point, and I think we better revisit this issue. Thank you."

Speaker Hannig: "Representative Lopez. Representative Lopez."

Lopez: "Thank you, Mr. Speaker, and I rise in opposition to this Amendment. Representative Hoeft could not have said it better. He hit it right on the nail, along with Representative Mitchell. Something needs to be said about local control, and this is a clear example of how testing should be done. And I rise in opposition, and I urge colleagues on this side of the aisle to take a good look at this and vote 'no'. Thank you."

Speaker Hannig: "Representative Currie, to close."

Currie: "Thank you, Speaker and Members of the House. Representative Hoeft made one excellent point and that is that there is no opposition to this measure. You should know that this Bill passed the Senate by an overwhelming majority last spring. Let me remind you, third, that we would not be in the business of determining this new schedule had it not been a centerpiece of the Quality First Plan proposed and implemented by Representative Hoeft's own majority. There is nothing in this legislation that upsets the balance between state and local control over education curriculum, over education decisions. We have a responsibility to find out how accountable our school districts are. We also have a responsibility not to lose \$350 million in federal funds. The discussion about this Bill has focused on red herrings and inaccuracies. We are not increasing testing time. We have new standards that the Quality First Legislation asked for, now we have them. Now it is time to move. I appreciate your 'aye' votes on

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

77th Legislative Day

October 30, 1997

this sensible piece of legislation."

Speaker Hannig: "The question is, 'Shall Amendment #1 be adopted?' All in favor vote 'aye'; opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 75 voting 'yes' and 38 voting 'no'. Representative Roskam on the verification? The Gentleman withdraws the request for a verification and the Amendment is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "House Bill 1685, a Bill for an Act amending the School Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Currie, on the Bill."

Currie: "Thank you, Speaker. I think the Bill has been well debated. I appreciate your 'aye' votes."

Speaker Hannig: "The Parliamentarian informs me this will require 71 votes. Is there any discussion? There being none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 91 voting 'yes' and 25 voting 'no'. And this Bill, having received a Three-fifths Constitutional Majority, is hereby declared passed. House Bill 2329. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2329, the Bill has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments."

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

Clerk Rossi: "House Bill 2329, a Bill for an Act amending the Mental Health and Developmental Disabilities Administrative

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

77th Legislative Day

October 30, 1997

Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. As many of you know, I'm the Chairman of a... I like the way the board reads, Mr. Speaker. Can we fix that?"

Speaker Hannig: "I think the Clerk writes those."

Lang: "Some people... is it possible we could fix that? At any rate... at any rate, I'll try to be serious as we do this. As many of you know, I'm the Chairman of a bipartisan task force dealing with the mental health situation in Illinois. We've had some visits to some mental health facilities. We've had some meetings and hearings, as well. At our most recent hearing, we discussed several issues and during those hearings, there were some agreements by the Department of Human Services, the Mental Health Division, to make some changes in some of their procedures. This Bill embodies those agreements. This is a Bill that got out of committee this week with no opposition at all. The changes are as follows: First, it was apparent that the state mental health facilities today use various different forms for intake, for discharge, for diagnosis, and many of the community providers and others doing follow-up were reporting that because of the different forms, the different facilities were using, they were having difficulty following diagnosis and treatment and discharge, so the department had agreed that it was appropriate to have uniform documentation for each of their facilities. That's part of this Bill. The other part of this Bill deals with the issue of certification of beds for Medicaid, federal reimbursement, and the testimony at the hearings was that the requirements to be certified by the Federal Government are the minimum requirements for good patient

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

77th Legislative Day

October 30, 1997

care, not the maximum, but the minimum requirements; and many on the committee, on both sides of the aisle, felt that it was appropriate that all beds in the state mental health facilities be certified by the government. Yet it was apparent that not only were some beds not certified, but it was apparent that the department purposely decertified some of the beds because they didn't want to spend the money that it took or take the time that it took to make sure those beds were properly certified, and the committee indicated to Mr. Peters that we felt it was appropriate that all beds be certified so that first the state would get all the possible reimbursements necessary and proper from the Federal Government and second, more importantly, to make sure that in no bed were we thinking that there was any chance that we were subsidizing substandard care, and Mr. Peters, without waiting for us to really ask him to do this, Mr. Peters at the hearing said, 'Well, we will now make sure that every bed in every state facility is certified,' and the second part of this Bill would assure that within a reasonable time frame, all beds in all state mental health facilities would be certified for federal reimbursement. Those are the two things the Bill does. I'd be happy to answer your questions."

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

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

Speaker Hannig: "He indicates he will."

Cross: "Inquiry of the Chair, I guess, before I proceed with questions."

Speaker Hannig: "Yes. Yes, Rep..."

Cross: "Is there a particular reason this Bill came through State Government as opposed to maybe health care? Is there... is

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

77th Legislative Day

October 30, 1997

anyone... could we get an answer?"

Speaker Hannig: "Representative, the Rules Committee assigns various Amendments and Bills to the committees that they feel most appropriate and certainly there are times when it may seem that more than one or two or three committees could be appropriate, but we have to make our best judgement. So, the Rules Committee put this Bill in whichever committee and they took action and it's here."

Cross: "Will the Sponsor yield, then?"

Speaker Hannig: "He indicates he will."

Cross: "Representative, can you give us the... and maybe this was discussed in local government, I'm not sure, but can you tell us the Department of Human Services' position on this Bill?"

Lang: "The Department of Human Services agreed in the task force to do this. Now, in the committee it is true that their representative came forward and indicated that they were concerned that perhaps this should not be in statutory form and they were concerned that perhaps they couldn't meet the requirements by a given date; but I assured them, privately, as I assure you today, that our concern is less with whether the Federal Government actually has the certification done by that date, as I am with the department complying with the necessary minimum federal requirements to make sure that they do eventually get certified, so what we want to do is make sure that there's not any substandard care in any state bed in the mental health area."

Cross: "Representative, it just appears, at least on its face and I'm sure you'll try to correct me if I'm wrong, but we... we're creating more paperwork, more certification, more standards, and it appears that by doing all of that, or

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

77th Legislative Day

October 30, 1997

attempting to do all of that, we are shifting away from the quality of care issue, and we're requiring the facilities to spend all their time with paperwork, all their time to be certified at the neglect of the patient. Why do we want to create more paperwork and give up care?"

Lang: "Representative, this Bill is about quality of care. This isn't about more paperwork, this is about different paperwork. Let's... and that's only part of the Bill. Let's discuss the issue of paperwork. My Bill doesn't say we need more papers, my Bill says, 'Let's have every state facility use the same documentation.' We have community providers, after patients are discharged from mental health facilities, who cannot understand the diagnosis form, who look at two different patients coming out who may have come from two different mental health facilities and the forms are completely different. The discharge requirements are completely differently written, different places and it's leading the community providers and it's leading other professionals who are trying to help these folks to be confused about the discharge plan, to be confused about the diagnosis. That's why Ann Patla, at my hearing said that, yes, she felt it was appropriate that there be uniform documentation, so she agreed to do that. This would not be here today had the department not indicated that they felt it was appropriate for patient care. Relative to the certification of beds, this is exactly about quality of care. That's exactly what it's about. The testimony at my committee, Mr. Cross, the testimony was that the federal requirements for reimbursement were the minimum requirements to ensure us a proper standard of care, and where we have state beds that are not meeting that standard of care, it is clear that we may have state beds that are

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

77th Legislative Day

October 30, 1997

substandard. In addition, the department, Mr. Peters indicated to us, had purposely decertified many beds, and Mr. Peters said, 'Well, perhaps we shouldn't have done that.' Yes, the federal requirements are the minimum reasonable standard and if we have purposely, purposely decertified some of the beds, then those beds may not have the same standard. It may be below that minimum standard of care, and they did it because they did not have the time, did not want to spend the money, and were not able to properly certify those beds and since on both of these issues, Miss Patla and Mr. Peters both indicated that these were things they would do, that's why this Bill is before us today."

Cross: "So, we've... you've agreed with them, they've agreed with you, it needs to be done. They're going to do it and now we're saying, 'Now I'm going to shift gears on you. We're going to codify it or we're going to make it part of the statute even though you've told us you're going to comply on your own and you agree with what I am doing.' Why do we now have to say, 'Here are a list of rules we've got to follow, there are 10 of them, there are 15, there are 20 and if you don't do them, we're setting the state up to be sued as we often do,' and you know as well as I do, there are numerous groups out there that are going to make sure that every 'i' is dotted, every 't' is crossed and if they're not done just right, we're going to be in Federal Court and we're going to be defending another lawsuit and spending hundreds and thousands and millions of dollars because we were anxious to push something into place contrary to what the department wanting to do in the first place. Why do we need to do this if they're willing to comply?"

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

77th Legislative Day

October 30, 1997

Lang: "I'll give you two reasons. The first reason is that there is a history in State Government over a long period of time of state agencies not doing what they've said they are going to do, And second... actually there's three reasons. Second, there was no time frame on the guarantee made to me in committee by Mr. Peters and Miss Patla, and third, and perhaps most important, I don't know if Mr. Peters and Miss Patla are going to be there any longer. They could decide to leave and go on to greener pastures any day. Certainly, after the next gubernatorial election, which is only one year off, we may have new people in those positions. There is no guarantee that the substandard care that is given in some of those decertified beds is going to be improved. The only way to insure it is through statutory means."

Cross: "What history..."

Speaker Hannig: "Representative Cross, your five minutes has expired. I'm not trying to shorten the debate to the point where you can't make your point, but some of the Members would like to go home."

Cross: "One more question."

Speaker Hannig: "And so could you... yeah, one more question would be just fine."

Cross: "Representative, what history has there been in this area where the department has not complied?"

Lang: "Well, there's all kinds of history in this area. There was a whole class action suit in Federal District Court regarding what the department did and what they didn't do and that case is settled. I don't want to go through the details of it, but every state agency in the State of Illinois for a very long period of time and probably every state agency and every state in the Union decides they're going to do something and it doesn't get done. I'm not

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

77th Legislative Day

October 30, 1997

indicating that it was malicious, or they lied, or they did it purposely. I'm just simply saying that things are said in committee oftentimes here by a state agency and for whatever reason, lack of resources, lack of will, it doesn't get done. Now, since the department indicated that both of these things are the right thing to do, it should be in the statutes."

Cross: "All right. Real quick in closing. This is a classic example and I guess the differences of political philosophy. If you want more government, if you want more bureaucracy, if you want more paperwork, if you want to set the state up to be sued, which is inevitably going to happen because we're going to create all kinds of hurdles, all kinds of bureaucracy, go ahead and vote for this Bill. If you trust the department, they've said they're going to do this. There's no reason to indicate or reason to believe they're not going to comply with their own rules they're going to set up, then you vote 'no'. There's absolutely no reason, whatsoever, to vote for this Bill. Thank you."

Speaker Hannig: "This Bill requires 71 votes for passage. Representative Ryder."

Ryder: "Thank you, Mr. Speaker. To the Bill."

Speaker Hannig: "To the Bill."

Ryder: "The Gentleman has the system upside down. He is saying that we must look to the Federal Government to tell us how to take care of facilities in the state. He's saying that the Federal Government's standards, health care, finance authority, should set the standards for the state. He's saying that we should spend our precious time and dollars, that could otherwise be used in direct patient care, to comply with the paperwork of the Federal Government rather than the local... rather than the state. We all know that

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

77th Legislative Day

October 30, 1997

there are concerns about how we care for those folks who are in long-term care. I share those concerns. I also believe that you solve the problem, not by saying, 'We'll adopt the federal standards,' but you solve those problems by direct care, whether it's in long-term care, health care, mental health, developmentally disabled. In any of those circumstances, if you visit the facilities, they'll tell you they're drowning in paperwork now. All you're doing is saying, 'Oh good, we'll give you more paperwork and we'll expect you to do that paperwork, as well.' It is the reverse of the devolution of authority. States should have more responsibilities here, not to assign those responsibilities to the Federal Government. States should take more control, not delegate by saying, 'Well, whatever the Federal Government says, that's okay with us.' It's our responsibility. It should be our standards. We should be the ones that should take control of the situation, not by allowing some bureaucrat in Washington D.C. to say this is the way to properly place a check mark on your piece of paper and, by the way, send me an extra piece of paper so that I can substantiate that that check mark was made by you. Let's get back to direct patient care, not more paperwork. Please reject the well-intentioned legislation that we have before us today, the summation on the board, notwithstanding."

Speaker Hannig: "Representative Mulligan."

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

Speaker Hannig: "He indicates he will."

Mulligan: "Representative Lang, I'm very curious why if this Bill which was discussed in your task force with very few Members there, and I do not remember all the things that you say, I remember the standardized forms, why it would go

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

77th Legislative Day

October 30, 1997

to State Government? Where on State Government the only person in State Government that was at that hearing was you. The only person that's on that task force probably is you except for the fact that you have a large number of Democrats on the task force and very few Republicans. I don't understand why you did not let it go through a good hearing, when my understanding from the department is there's a negotiating meeting set for Monday. Why would you now be trying to push this Bill through at this time?"

Lang: "Well, Representative, I'm not on the Rules Committee. The Rules Committee assigned this to that committee. I had no idea it was going to that committee."

Mulligan: "Representative Lang, I find it hard to believe that the position you hold in your Caucus would not allow you to have some say where this Bill would go. So, please don't tell me that."

Lang: "Representative, Representative, the issues involving this legislation are so critical and so important that this would have gotten out of any committee in the House of Representatives."

Mulligan: "You could have had a meeting of Human Services this week and presented this Bill to people who actually might have been there or might have discussed it, and when we discussed this in your task force, quite frankly, the discussion was centered around that the certified beds weren't being used and how much does it cost to certify a bed because the requirements are higher according to staffing and was it worth it for us to do that at that expense when we might put the money elsewhere?"

Lang: "You also recall that Secretary Peters indicated that they were unwilling to increase the standards on those decertified beds, so he purposely decertified beds and that

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

77th Legislative Day

October 30, 1997

it was costing the State of Illinois money because we weren't getting full federal reimbursement, and he indicated at that hearing that he would see to it that all the beds were certified to make sure that not one single mental health patient in Illinois in a state institution was receiving substandard care and to make sure we were getting all of the possible reimbursement from the Federal Government we could possibly get."

Mulligan: "Representative, I don't think, if I remember correctly from that hearing, that Secretary Peters ever said that he felt that anybody was getting substandard care and, besides that, I think he also testified to the fact that one of the reasons they went ahead and decertified beds was because they didn't have people that were eligible for medicare to use all of them."

Lang: "On the other hand, he also said that there were some beds where we were not getting federal reimbursement. Now, we have enough trouble in the State of Illinois balancing our books. We have enough trouble finding money for education and for all the other things we need money for. We should not be throwing money away because we cannot meet the federal guidelines to get reimbursed."

Mulligan: "Representative, since we can't seem to agree on a figure of what it costs to certify a bed, wasn't there some question as to whether it costs more to certify the bed than the reimbursement we were getting back and, particularly, if the certified beds were not going to be used by a pair of patients that were eligible for medicare... or medicaid, I'm sorry?"

Lang: "The question was asked of Secretary Peters but he did not know the answer, but even not knowing the answer, he agreed with the assertion that every single bed in Illinois, in

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

77th Legislative Day

October 30, 1997

our mental health facilities, ought to be certified by the Federal Government because he agreed with the two witnesses we had, who also stated before that committee that the federal standards are the minimum reasonable standards for patient care."

Mulligan: "I think that Miss Patla said she would look into getting more beds certified. I don't think the Secretary ever agreed to that, in my recollection, while he was there, and I think there was some question about the cost, which we never verified what the cost would be. So if you aren't going to be eligible for medicaid and you're going to use that bed at an increased cost where you might place the money elsewhere, and you're increasing staffing requirements where you may put the staff somewhere else not to certify a bed, and also, if I'm not mistaken, in this Bill you've incorporated site visits. What has the site visiting had to do with the Bill that we just earlier went along with the Governor's Amendatory Veto on? Is this putting those requirements back into this Bill?"

Lang: "No, all that's in this Bill are the two issues I indicated are in this Bill."

Mulligan: "All right. So you took all the site visitation out of this and just put back in...?"

Lang: "That is correct."

Mulligan: "Why would you not wait until the next week of the Veto Session when you could bring this before a committee, such as Human Services, where there are Members that are on your task force, and when the negotiations with the department are supposed to take place on Monday, why would you go ahead with this Bill now and put many of our Members on a vote which they may find objectionable until they get all the facts about what's happening?"

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

77th Legislative Day

October 30, 1997

Lang: "Well, I don't understand, Representative, we have all the facts. We have Miss Patla representing the Mental Health Division who said that it was the appropriate thing to do to make all of the documentation uniform."

Mulligan: "I have no problem with that."

Lang: "We have Secretary Peters who's the person in charge of a multi-billion dollar agency who said, 'You know, Committee Members, you are right. We should make sure, not just for reimbursement, not just because of an issue of cost and money, but because we're dealing with patient care. We have to make sure that we have the... every patient in every mental health facility has at least a reasonable minimum standard of care, and to insure that, I will see to it, Representative Lang,' said Secretary Peters, 'that every single bed in every state mental health facility is certified.'"

Speaker Hannig: "Representative Mulligan, your time is expired. Would you like to make a closing statement?"

Mulligan: "I'd like to make a closing statement."

Speaker Hannig: "Yes, please."

Mulligan: "I also would like to request a verification if this Bill should get the correct number of votes for its passage."

Speaker Hannig: "And if it does, we will honor your request."

Mulligan: "One more time I would like to state, quite frankly, that I was at that hearing and I do not remember Secretary Peters saying the things that Representative Lang says that he said, and what Ann Patla said does not speak to what Secretary Peters said. The other thing... issue is the cost of certification and the fact that they're going to have negotiations on this at the beginning of the week and I think we can wait until the second week of the Veto

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

77th Legislative Day

October 30, 1997

Session. The part about putting forms, could be put in another Bill. I agree the forms should be uniform and everyone should be required to pass the same criteria as far as forms go, but I do not think that we should discuss the issue of certification until we have all the facts, the cost, and where we could be using the money, and if those beds would actually be used by patients that are eligible for medicaid and I would urge a 'no' vote on this."

Speaker Hannig: "Representative Lang to close."

Lang: "Thank you. Mr. Speaker, before I proceed, the Chair has ruled this needs 80... 71 votes... "

Speaker Hannig: "That's right."

Lang: "...but, Mr. Speaker, the original Bill had an immediate effective date but the Amendment, which became the Bill, does not have an immediate effective date and I would ask the Chair to review its ruling."

Speaker Hannig: "We'll have the Parliamentarian look at it. Representative, the Parliamentarian has examined the Bill and with the Amendment, it requires 60 votes."

Lang: "Sixty votes, Sir?"

Speaker Hannig: "Sixty votes with the Amendment."

Lang: "Thank you. Mr. Speaker... "

Speaker Hannig: "Representative Lang to close."

Lang: "Thank you, Mr. Speaker. Ladies and Gentlemen, we've heard a lot here about additional paperwork. This Bill has nothing to do with additional paperwork. We've heard about federal oversight. This Bill has nothing to do with federal oversight. This Bill has to do with two very simple but important things. They both deal with patient care. One is that the documentation in the state mental health facilities today is different. We have different discharge forms, different diagnosis forms in all the state

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

77th Legislative Day

October 30, 1997

facilities, and so, when we send patients out into... to our community providers, who are a very important link in the mental health community, they can't always read these forms. They're comparing apples to oranges. They have asked for the ability to be able to see all of these documents and have them look the same, so they can be compared. As a result, we oftentimes have discharge plans that can't be carried out and that seriously cuts into quality of care issues. The Director, Miss Patla, indicated that she thought that was appropriate and would see to it that the documentation was moving toward a uniform state. We've given her time to do that in this Bill. Second, the testimony at the task force has indicated very clearly that the federal standards for certifying beds for reimbursement, are the minimum standards that make sense for good patient care. Mr. Peters, the Secretary of this department acknowledged that. He said, 'Well, you're right, we ought to do this and I will endeavor to do this.' We should do it to make sure that we get every single dollar we can get from the Federal Government. We should do this to make sure that no state bed is a bed that anybody could possibly think has substandard care. In addition, he acknowledged that he purposely decertified some beds. In other words, certain beds in state facilities were moved below that minimum standard of care and then we could fairly conclude that many patients in those beds might not have proper staffing levels, might not be treated properly, might not be getting at least the minimum standard of care. So Mr. Peters, himself, said, 'Let's make sure the General Assembly knows, the patients know, the families know and the Federal Government knows that every patient is getting at least the minimum standard of

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

77th Legislative Day

October 30, 1997

care that the Federal Government prescribes, which is a standard of care higher than ours.' If we're about the business of proper standard of care and proper caring for our mentally ill, then we must start to do these things. I strongly urge your 'aye' votes and I appreciate your time. Thank you."

Speaker Hannig: "Okay. Representative Cross, the original Bill had an effective date and would require 71 votes, but the Sponsor correctly pointed out to the Chair that the Amendment deleted the effective date and the Bill now requires only 60 votes. Representative Cross."

Cross: "What is the effective date, then?"

Speaker Hannig: "It would be June... June 1, 1998 would be the effective date if this were to be law, as we vote on it today."

Cross: "June first?"

Speaker Hannig: "Nineteen ninety-eight."

Cross: "Okay, thank you very much."

Speaker Hannig: "So the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. There has been a request for a verification. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 58 voting 'yes' and 59 voting 'no'. Representative Lang requests Postponed Consideration. House Bill 2363. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2363 has been read a second time, previously. Amendments 1 and 2 were adopted in committee. No Motions have been filed. Floor Amendment #3, offered by Representative Barbara Currie, has been 'approved for consideration'."

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

77th Legislative Day

October 30, 1997

Speaker Hannig: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. Amendment 1 are various clean-up provisions from the Department of Revenue, things which must be in place before the end of this calendar year. They are complicated, excluding intangibles from sales factor for the corporate income tax, restoration of the tax treatment of trusts under the Income Tax Act that was changed inadvertently in an earlier measure extending some tax statutes for a period of time for credit claims, a correction on a Bill that we passed last year dealing with domestic help and a correction to the county public safety sales tax collection. Amendment 2 is clean-up on a proposal that passed overwhelmingly in both chambers, permitting municipalities to let low-income seniors avoid the municipal telephone tax. All this does is to clarify how and who will make the determination whether those individuals qualify and then finally, Amendment #4, is a measure that would enable local governments and investors to take advantage of certain federal tax credits by clarifying that lease backs do not involve property tax payments. I know of no opposition to any of these provisions and I would appreciate your support for these three Amendments."

Speaker Hannig: "On Amendment #3, Representative Parke."

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

Speaker Hannig: "She indicates she will."

Parke: "Representative, on whose behalf are you carrying this legislation?"

Currie: "The Department of Revenue and the Taxpayers' Federation and other groups that were concerned about technical problems invited me to introduce Amendment #... I believe, maybe the board should clarify, I believe that we're

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

77th Legislative Day

October 30, 1997

talking about Amendment #1, which would be replaced by Amendment #2, Amendment #3 and Amendment #4. So, Amendment 2 incorporates those provisions from the Department of Revenue. Amendment #3 was proposed by various telecommunications carriers and is supported by the Municipal League and the Department of Revenue. That has to do with, how do you determine if a municipality wants to let people avoid the telephone tax? How do you determine if they meet the eligibility standard? And Amendment 4 was proposed by the Chicago Transit Authority, which has been engaged in profitable lease back arrangements from investors who are able to access federal tax credits. It is clarifying that existing law does not provide for property tax obligations for leasees who then lease back immediately the property as long as that property is used and managed for and by governmental purposes and agents. But, Speaker, do you want to correct the board? It should be Amendments 1, 2, 3, and 4."

Speaker Hannig: "They were filed individually. We... we're going to adopt them one at a time."

Currie: "Oh, I'm sorry, I explained all of them."

Speaker Hannig: "That's okay, Representative."

Currie: "Okay."

Speaker Hannig: "Representative Parke, do you have any further questions?"

Parke: "Yes, on Amendment #4, is this only..."

Speaker Hannig: "Why don't we adopt..."

Currie: "Why don't we adopt... yeah..."

Speaker Hannig: "Representative Parke, we need to really adopt Amendment #3. Do you have any other further questions on that?"

Currie: "And 2. No, we have to adopt 2, as well."

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

77th Legislative Day

October 30, 1997

Speaker Hannig: "Well, the Clerk indicates that 1 and 2 are adopted. Mr. Clerk, what is the status of this? Let's clarify this for the Body. What is the status of this Bill, the Amendments?"

Clerk Rossi: "Committee Amendments 1 and 2 have been adopted to the Bill. Floor Amendments 3 and 4 have been approved by the Rules Committee for consideration."

Speaker Hannig: "So, on Amendment #..."

Currie: "No, Amendment #4 was recommended for adoption by the Revenue Committee this morning."

Speaker Hannig: "Okay, so we're going to do Amendment #3..."

Currie: "Amendment #3 came to the floor, I just don't remember that we adopted Amendments 1 and 2. They were recommended for adoption..."

Speaker Hannig: "The Clerk indicates that they were adopted in committee."

Currie: "But they... okay, okay. Yes, you're right, you're right."

Speaker Hannig: "Okay. So, 1 and 2 were adopted in committee. We're doing #3. Representative Parke, do you have any further questions?"

Parke: "Yes, on Amendment #3, this is... #3 has been put in by... on the request of the Department of Revenue?"

Currie: "No, that was Amendment #1 and 2. It was the Telephone Carriers who wanted to clarify who would take responsibility for establishing eligibility under the opportunity local governments have to say that low-income seniors don't have to pay telephone taxes."

Parke: "Okay, is the Illinois Municipal League signed off on this?"

Currie: "Yes."

Parke: "And on #3, as far as you know, no municipal government

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

77th Legislative Day

October 30, 1997

nor have you heard any opposition to this in committee?"

Currie: "There was no opposition."

Parke: "Did that Amendment pass... never mind. Thank you."

Speaker Hannig: "All in favor of Amendment #1, say 'aye'; opposed 'nay'. The 'ayes'... I'm sorry Amendment #3, say 'aye'; opposed 'nay'. The 'ayes' have it and Amendment #3 is adopted. Any further Amendments?"

Clerk Rossi: "Floor Amendment #4, offered by Representative Barbara Currie, has been 'approved for consideration'."

Speaker Hannig: "Representative Currie on Amendment #4."

Currie: "Thank you. This is the Amendment that I briefly explained thinking we were doing all of the Amendments at once. This Amendment would clarify as declarative of existing law that in entities which for purposes of purely paper transactions that offer federal tax credits that private entities in those circumstances leasing immediately back public property to the public entity for solely public purposes are not liable for property taxes. Again, I know of no opposition and I'd appreciate your support."

Speaker Hannig: "Representative Parke."

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

Speaker Hannig: "She indicates she will."

Parke: "Thank you. Representative, who are you doing this on behalf of?"

Currie: "This proposal came from the Chicago Transit Authority. As I say, they have been engaged in these lease back operations at benefit to Chicago Transit Authority users. It is my understanding that other local governments are interested in this kind of arrangement. Federal tax credits are available and because sometimes lawyers are risk'avers, it seemed important to make sure that the investor community would maintain interest in these

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

77th Legislative Day

October 30, 1997

opportunities by clarifying statutorily that property taxes were not an issue."

Parke: "You mentioned that a agency in the city is doing this. Is our other agencies, other municipal governments or charities doing this?"

Currie: "I know, for example, that in New York when Richard Ravidge was running the MAC, or whatever it was, I know they used these creative financing mechanisms quite extensively. I'm not clear about how many other units of government in Illinois take advantage of these excellent opportunities, but I'm told, for example, Naperville has been looking into it, but I can't give you a list. I do know that there are great advantages to the investors supplied, not at our state expense, but by the Federal Government, and there are substantial financial opportunities for our local governments if we clarify the law."

Parke: "Do you know of any opposition to this?"

Currie: "No, I do not. The Department of Revenue has looked at the language. They've taken no position. The assessors' offices have looked at the language to make sure that it's tight, that there aren't loopholes for folks to use property for private purposes and use this as an opportunity to avoid payment of property taxes."

Parke: "So, for the time being, until or if, the Federal Government closes it, it's available and ought to be used and we're codifying that."

Currie: "Exactly."

Parke: "Thank you."

Speaker Hannig: "Is there any further discussion? Then the question is, 'Shall we adopt Amendment #4?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the

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

77th Legislative Day

October 30, 1997

Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "House Bill 2363, a Bill for an Act amending the Illinois Income Tax Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Currie."

Currie: "Thank you, Speaker. I think we've well-discussed the Bill. Clean-up language for the Department of Revenue. Clean-up language for local governments that decide to abate telephone taxes for certain individuals and an opportunity to clarify as declarative of existing law, the lack of property tax obligations for these lease back arrangements with local units of government. I'd appreciate your 'aye' votes."

Speaker Hannig: "And the question is, 'Shall House Bill 2363 pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. This Bill requires 71 votes for passage. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'yes' and 0 voting 'no', and this Bill, having received a Three-fifths Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 2322. House Bill 2322."

Clerk Rossi: "House Bill 2322, a Bill for an Act amending the Illinois Insurance Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. Some years ago the Legislature decided that in order to insure no discrimination against members of minority groups in state insurance exams, that we create a committee to recommend

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

77th Legislative Day

October 30, 1997

how those exams should be administered. During the period of time that the exams proposed by that committee were in effect, minorities did significantly better than they had earlier done in showing good rates of passage on those exams. In 1992, the Department of Insurance chose another methodology for offering those exams. Since that time, there has been a decrease in the ratio of minorities as against whites passing the exam. What this legislation would do would be to restore the exam requirements that were in existence until 1992. I'd be happy to answer your questions about this measure and I'd appreciate your support to make sure that we give members of minority groups adequate opportunities to practice the insurance business in the State of Illinois."

Speaker Brunsvold: "This Bill requires 60 votes. Representative Brunsvold in the Chair. Is there any discussion? On that question, the Gentleman from Kendall, Mr. Cross."

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

Speaker Brunsvold: "The Sponsor yields."

Cross: "Representative, how did this come about? Is there a reason that this Bill is being sponsored or for a particular group or entity?"

Currie: "No, the issue has been one that's been discussed ever since the committee was first created by statute and recommended a particular methodology for an exam intended to be free of racial bias. The representatives of the Golden Rule Insurance Company have been tracking the effectiveness of the initial exam and comparing it with success rates on a successor examination used in the department since 1993. Their statistical analysis suggests that the later exam, the successor exam, has not produced results as encouraging as those of the earlier methodology.

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

77th Legislative Day

October 30, 1997

So, in order to try to make sure that our tests are not racially biased, this legislation proposes a return to the earlier methodology that seemed more effective in eliminating racism."

Cross: "So, would it be fair to characterize this as... we're doing this purely for the benefit of Golden Rule? They didn't like what we did, so we're going to change the rules to accommodate them."

Currie: "No, no, no. We are doing this... sorry, it was Golden Rule that provided the statistical analysis that seemed to show that the discrepancy between minority and white applicant success was lower with the successor methodology than with the earlier one. Golden Rule does not administer tests. They're not a test administrator looking to be hired by the Department of Insurance. They are, as we should be, concerned to make sure that our professional licensing examinations are as free from racial bias as we can make them."

Cross: "Apparently, there was some litigation involving Golden Rule over this issue, Representative, is that correct?"

Currie: "I believe it was that litigation that led to the formation of the committee that is described in the statute. That committee then provided a methodology for exams so, as I say, the intent was to make sure that these were not race biased exams. The exam that was used from 1991 to 1993 seems to show significantly less racial difference in the outcome than the successor exam. So, the idea here is to return to a methodology that seems least likely to provide bias in the test results as between African-Americans and white applicants."

Cross: "Why do we want to help just Golden Rule? It doesn't seem... it seems like where they didn't like what happened,

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

77th Legislative Day

October 30, 1997

they litigated, they got results and now we're back to help them again."

Currie: "As I say... your point might be valid were Golden Rule the people that administer or create the test, they aren't. They hire insurance agents. They have an interest, as good citizens of this society, as we have an interest as good lawmakers in seeing to it that we get rid of race bias in exams that are administered by our Department of Insurance. They stand nothing to gain from passage of this legislation except the knowledge that we are making sure our systems are bias free. That's exactly what we stand to gain by passage of this legislation, as well."

Cross: "All right, thank you very much."

Speaker Brunsvold: "Representative Parke. Representative Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Brunsvold: "She indicates she will."

Durkin: "Representative, could you... let me ask this question. What other agencies in Illinois presently utilize this type of methodology?"

Currie: "I'm not aware of any that do..."

Durkin: "Okay."

Currie: "... and I'm not aware of what the pass/fail rates are in other agency tests."

Durkin: "Do you know approximately how much this will cost the Department of Insurance on an annual basis to utilize this type of program?"

Currie: "The department actually has told me that they don't know how they would administer it, yet they were able to supply a fiscal note that suggested two million dollars. My guess is that they're talking through their hat. They probably don't have a clue as the exam, the methodology that's

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

77th Legislative Day

October 30, 1997

referred to in this legislation, is methodologies that we have employed in the past. I find that figure startling at best."

Durkin: "Nothing further."

Speaker Hannig: "Representative Winters."

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

Speaker Hannig: "She indicates she will."

Winters: "If I understand this Bill, what you're trying to do is force a return to a methodology which looked only at differences on testing results, comparing white and black groups. Is that a fair statement?"

Currie: "I would not frame it that way. I would say that what we're trying to do is to make sure that the test questions that are asked effective in determining who would be a qualified real estate... insurance agent are the least likely to inadvertently include factors that result in discrimination against members of minority groups, whether those are African-Americans, Hispanics, or Asian-Americans."

Winters: "Don't we currently, though, the way the test is set up, it considers all minorities, whether they be American Indian, whether they be Hispanics, whether they be African-Americans, whether they be Asian-Americans, Pacific Islanders. All of those are lumped together as a minority group and then we say, 'Are we finding discriminatory results in the test between the majority population and minorities?' Is that a fair representation of our current method?"

Currie: "I could give you the numbers that our statistical analysis gave and I would suggest that the real question is whether the department wouldn't like to make these determinations between each of the minority groups and the

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

77th Legislative Day

October 30, 1997

white majority applicants. Here, for example, are what happened on the black scores before the shift, before the shift in 1992, 51% passed, afterwards 45% on the A&H exam. On the life exam before, when we used the initial methodology, over 63% and afterwards, under 57%. So, the department, under this legislation, would certainly be free to choose the least racist questions with the comparison for each minority group and I would anticipate that, that is what they would do."

Winters: "What you gave me would... But what you gave me was statistics comparing the black results. Is that correct?"

Currie: "And white, yes."

Winters: "Okay. Now, how does that affect, however, if there are other minority groups who may have been discriminated against on the test? We will have no way of knowing in the future if we do approve this Bill, we will have no way of knowing whether or not they, in fact, are having a more difficult time passing the test because we are excluding them. Is that correct?"

Currie: "There is no reason to think that we would exclude them. There's every reason to think that the department's examiners would use the same calculations in deciding which questions to use when considering what to include in terms of whether there is some implicit racism or cultural difference that might affect outcomes for, for example, Hispanics or other ethnic minorities."

Winters: "Another... another issue I have is what do we do if the present test administrator, the company that writes the test has, to my understanding, indicated that they cannot, they cannot write a test that they would feel comfortable administering. They will probably pull out of the market. There probably are not others... if the company that is

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

77th Legislative Day

October 30, 1997

currently doing it, does not feel capable of dealing with this new methodology you have, if we don't have any other people in the private sector who wish to do this or feel capable of doing it, does that mean that State Government will have to take over that particular function of testing?"

Currie: "I can't imagine that there are not test administrators out there who would not welcome the opportunity to respond to an RFP from our Department of Insurance and provide these services for us."

Winters: "But we could, in fact, see much higher cost of developing a new test. The fear that the State Legislature will again come in and make them change their methodology. The risk to those companies would obviously be higher. The premium that they... or the charge that they will have to impose on the test takers may, in fact, rise simply discriminating against additional low-income people. In fact, what you may create is a situation where we end up with fewer people striving for that first rung on the economic ladder of success by raising the test fees will have said to people that don't have the wherewithal, already, 'Well, I'm sorry, but there's this initial hurdle you have to pass. We're raising that barrier, so find someplace else that you can find a job instead of in the insurance business.'"

Currie: "Representative, I would suggest that if the department pegs the cost at two million dollars, it's the department that's going to be eating the cost, not the test takers, not the applicants. If the Legislature is clearly on record as saying that we will not book culturally and racially biased exams for the opportunity to become an agent in the insurance field in the State of Illinois, I

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

77th Legislative Day

October 30, 1997

would think the Legislature would have put the matter to rest and that any company coming in, if the current company doesn't want to compete, would feel quite confident and comfortable that the standard is set. It's the right standard and there's no reason to think we would turn our backs upon it."

Speaker Hannig: "Representative Winters, your time is expired.

Do you have a closing statement you'd like to make?"

Winters: "Yes, if I could, please."

Speaker Hannig: "Yes."

Winters: "Two arguments. One, this is not going to be eaten by the Department of Insurance. The additional cost will be eaten either by the test takers or by the taxpayers. Two, the present situation does not discriminate against minorities. There are discrepancies between different minority populations. I don't believe this Bill moves us in the right direction. Thank you."

Speaker Hannig: "Representative Lopez."

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

Speaker Hannig: "She indicates she will."

Lopez: "How will this affect the Hispanic community?"

Currie: "I would think that the test administrators would make sure that the test questions do not reflect cultural bias against people who are African-Americans, against people who are Hispanic, against people who are Asian-Americans. That's the methodology that used to be employed in methodology, that while the litigation focused on African-Americans, the methodology was determined to throw out those questions, not use those questions that showed the largest difference along racial lines. There's no reason you can't employ that methodology with respect to any ethnic group."

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

77th Legislative Day

October 30, 1997

Lopez: "Now, I understand what you're trying to say, how you feel about it, but that language is not in the Bill. So, in other words, the administrator is going to make the decision based on what he or she feels, not basically what you feel. So, I have a very serious problem with this Bill because I think that if you're going to look at minorities as a whole, then we need to look at minorities as a whole, not just one black and white. It's just not fair."

Currie: "Well, there's no... as I say, it is my clear intention and I cannot imagine the Department of Insurance would not implement this Bill were it to become law, in ways that do not discriminate against any ethnic, any racial group seeking applicants as insurance brokers or agents. So, this is about ending racial discrimination. The fact is that the test since 1993 has seen a lower, a decreasing proportion of African-Americans succeeding in passing the state test. We believe because the methodology that the new test employs does not make sure that racial bias is out before the test is determined. I understand the department doesn't like this interference, but if we care about fair play, if we care about equal opportunities for people of every racial minority, I would encourage us to support this measure."

Lopez: "To the Bill. I have serious problems when we pit one minority group with another minority group, and I think it's totally unfair and I urge my colleagues, especially those who have Hispanics in your districts, to look at this very seriously because this could be viewed as a vote against Hispanics, and so I urge a 'no' vote. Thank you."

Speaker Hannig: "Representative Eugene Moore."

Moore, E.: "Yes, Representative Currie, what do you mean by 'race baiting' in these tests?"

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

77th Legislative Day

October 30, 1997

Currie: "What I mean is when you see substantial differences between minority success rates and white success rates, the earlier methodology sought to make sure that the test was as free of bias as it could be. The results from those tests, after the new methodology came in, showed better pass rates for African-Americans than we used to see. When the new test came in after 1993, we saw again a drop in the success of African-Americans seeking to become certain kinds of insurance agents in the State of Illinois. It seems pretty obvious that if we go back to the methodology that narrowed the gap, we would be doing racial justice a favor."

Moore, E.: "Another question, how did this particular Bill, you know, get into State Government as opposed to Insurance? Was there a particular reason why it was in State Government as opposed to Insurance so we could really debate this issue?"

Currie: "I don't remember where this suggestion came from. Maybe State Government was meeting and Insurance was not."

Moore, E.: "Okay, Well, Representative Currie..."

Currie: "This is a very important issue of racial fair play and racial justice."

Moore, E.: "Okay, Representative Currie, is it possible to get this Bill taken out of the records for the time being, so we can just sit down and discuss this Bill and then see exactly what it is?"

Currie: "I think that we'd like to proceed with the Bill. Let's see if there are other people who wish to debate at this point?"

Moore, E.: "Well, then we really can't support the Bill at this present time. We would have to vote 'no' on this particular Bill because we're not sure exactly what this

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

77th Legislative Day

October 30, 1997

Bill is. So, I would urge my colleagues on this side of the aisle to vote 'no' on that Bill."

Speaker Hannig: "Representative Tom Johnson."

Johnson, Tom: "Yes, will the Sponsor yield?"

Speaker Hannig: "She indicates she will."

Johnson, Tom: "Representative Currie, have there been any complaints from the minority community, from either the black or Hispanic community that you are aware of about these exams?"

Currie: "I believe that is why Golden Rule did the statistical analysis of which I earlier spoke. Complaints because people were not passing at the rates that they had enjoyed when that initial methodology, approved by this Assembly, went into effect."

Johnson, Tom: "Well, can you give me specific examples of any of those complaints? You say you believe there's some complaints. The reason I ask is, you know, number one, I have a question as to, how do we create a race-based licensing exam? Do they exist? And secondly, I guess I've been asking my black caucus members here to explain this to me and they have no idea of what this is or how conceivably we can have a race-based exam."

Currie: "Well, wait a minute..."

Johnson, Tom: "Now, that's a community that you are trying to protect here and they're representing it and I've asked them all these questions and I can't get an answer."

Currie: "Well, of course, it's often suggested that certain tests do reflect racial bias, not perhaps intentionally, but cultural and racial biases has been charged creep into exams for firefighter or exams like the Student Achievement Test, many kinds of exams that are used in the employment sector. My point is that after the department dropped the

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

77th Legislative Day

October 30, 1997

methodology, that saw an increase in the number of African-Americans succeeding on these exams, after they dropped that methodology in favor of another, on the A&H exam, the percentage of black applicants who passed, was reduced to 88% of the former percentage. And on the life exam, it was reduced to over 89% of the former percentage. That suggests to me that the methodology may have permitted cultural and race bias to creep back into the exam questions."

Johnson, Tom: "Did they give you any example of a specific question? I'm trying to understand what is a race-based question as it relates to a license question?"

Currie: "The original methodology said that when there are huge disparities between black and white successes on particular questions, you throw those questions out. Maybe the question has to do with things that are known and acceptable in one culture, but not in another. No one is arguing. I am not arguing that there is an effort on the Department of Insurance to deny opportunities to African-American applicants, but it is not unusual for tests to include bias distortions that may make the end result a result that is disparate in its outcome."

Johnson, Tom: "Well, to the Bill. I just feel here that this is an attempt, evidently, by some special interest, to do something here when, in fact, the people of the State of Illinois and especially the minorities, are so well-represented in this chamber by the black caucus, by the Hispanics, and yet, when we talk to these individuals on the floor here today, they are even unaware of the Bill say anything about the content or about whether or not we've got problems with this exam. Now, it would seem to me that if we're going to pass legislation that affects

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

77th Legislative Day

October 30, 1997

those communities that are, in fact, represented in here, and specifically to them, we ought to at least owe them the respect and courtesy to take this out of the record, talk to them and let's find out, the bottom, whether we got a problem or not, otherwise, I would suggest that this only can be a special interest Bill and I would urge a 'no' vote if you persist on going ahead."

Speaker Hannig: "Representative Mautino. Yes, Representative Currie."

Currie: "Speaker. Speaker. Speaker. Speaker. At Representative Eugene Moore's request, I would ask the acquiescence of the Chair in taking this Bill out of the record for five minutes."

Speaker Hannig: "Thank you, Representative. The Chair will now go to the Order of Total Overrides, and on that Order is House Bill 27. Representative Hartke. Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker and Members of the House. I move to override the Governor's Total Veto of House Bill 27. As you recall in the past, we have given sales tax exemption on farm machinery and equipment. We also have an exemption for mining equipment in the State of Illinois for those companies that mine coal. Well, what was left out when we did that, was the aggregate miners and those are the individuals that mine our crushed rock and gravel and sand and limestone and so forth. Most of these quarries are in the northern area in the State of Illinois and that's where the road building is done and we do some in Southern Illinois, but this piece of legislation would exempt the sales tax on that equipment that is used in mining the aggregates in the State of Illinois and I'd appreciate your support for the override vote and I'd be

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

77th Legislative Day

October 30, 1997

happy to answer any questions."

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

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

Speaker Hannig: "He indicates he will."

Cross: "Chuck, is this the Bill... this is a... was suggested by the Aggregate Producers?"

Hartke: "Yes, it is. This piece of legislation estimated by some to cost revenues of about \$1.7 million all the way up to \$2.3 million, depending upon whose figures you want to look at."

Cross: "All right, and they remain supportive of this with... even with the Governor's veto, they still like..."

Hartke: "Yes, they still want to see it overridden. It's a... Tom, it's an issue of fairness because those individuals that are coal mines, and so forth, in Southern Illinois, use this same type of equipment to... that are used in the aggregate mining. It's like saying, 'Well, you get the sales tax exemption from the tractor that you're buying if you plant corn, but if you plant soybeans, you can't.' Well, in this situation, the same equipment is used, or type of equipment is used in mining of coal, as well as the aggregates, but in the language that we've just exempted coal mines."

Cross: "Chuck, it's more than... I just want to make sure it's more than just coal, it's a..."

Hartke: "No. No. No."

Cross: "...so I've got a limestone quarry up in my area, their equipment would be exempt, as well?"

Hartke: "Yes, the rough mining equipment. Right now it... right now, we do exempt coal mine... coal mine equipment, but we do not exempt the aggregate, the sand, the gravel, and the

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

77th Legislative Day

October 30, 1997

quarries in your area."

Cross: "All right. Okay. Thank you. Notwithstanding the Veto, it's a good Bill, thank you."

Hartke: "Well, thank you very much. This piece of legislation did pass the House, an overwhelming majority and passed the Senate without objection."

Speaker Hannig: "Okay, Representative Ryder."

Ryder: "Thank you, Mr. Speaker. Would the Sponsor of the Motion yield for a question or two, please?"

Speaker Hannig: "He indicates he will."

Ryder: "Thank you. Representative, in other cases, for example, farm equipment in which a sales tax is not collected, the product is also not subject to sales tax when it's sold, is that correct? When you sell corn and beans, you don't pay sales tax?"

Hartke: "Yeah, most instances, yeah."

Ryder: "Right. Aggregate, which is rock, right?"

Hartke: "Yes."

Ryder: "Okay, when you sell rock, is there a sales tax collected on that?"

Hartke: "You know, I don't know, but that same rock that is used on the roads, I don't know that it is. I know that limestone is not when we spread it on our fields."

Ryder: "All right. Limestone is subject to sales tax?"

Hartke: "I don't think so because it would be used in agriculture production spread on the fields."

Ryder: "Okay. All right. I've been informed by a source that rock is subject to sales tax when it is used in decorative or landscaping."

Hartke: "That could be."

Ryder: "Okay. It is not subject to tax when it is used for a government work, which would be the..."

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

77th Legislative Day

October 30, 1997

Hartke: "Most of the..."

Ryder: "I mean, that's logical if you're talking about road work or something like that."

Hartke: "Right, right."

Ryder: "Okay. So, my question is, there should, therefore, be a net loss of revenue as a result of this. Is that correct?"

Hartke: "Yes, and I think that's true and I think I just mentioned that. Estimates are between \$1.7 million and \$2.3 million, as I recall."

Ryder: "Mr. Speaker, I'm sorry, this Gentleman is giving me pearls of wisdom and I cannot hear them."

Hartke: "Let me speak up just a little bit, Tom. Can you hear now?"

Speaker Hannig: "Okay. Let's have a little order in the chamber. A little order in the Chamber so the Gentlemen can debate the Bill."

Hartke: "The Department of Revenue has estimated about \$1.7 to, I think, \$2.3 million dollars worth of sales tax would be not-forthcoming if we were to pass this legislation."

Ryder: " Okay. And that would be the total loss because there's no sales tax gained elsewhere to cover that up? That would simply be a loss with no gain, Is that fair to say?"

Hartke: "There may be, simply because in the big picture of things, Tom, we have that equipment probably available here in Illinois, and they can go out of state to buy that equipment. Now we will provide those jobs in sales in the State of Illinois. It's just like the farm equipment sales, you know, we were chasing our farm machinery dealers out of the State of Illinois. Since we have exempted that, we have saved equipment dealers to stay here."

Ryder: "Okay. The total amount doesn't seem to me to be great. The principle, I think however, is one that's worth

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

77th Legislative Day

October 30, 1997

examining."

Hartke: "I think the principle is one of fairness, Tom, because this same equipment, if you use it in a coal mine, is sales tax exempt. This same equipment, if it's used in a quarry, is not."

Ryder: "Okay. Representative, I understand your comparison. Would you not, however, agree that in Illinois, coal mining is clearly a distressed industry. We're losing jobs there and the trend is in the wrong direction and, as a result, one could justify the removal of sales tax on coal mining as an attempt to help an industry that's in trouble. Is there any indication that the aggregate industry is also in trouble?"

Hartke: "I can't answer that. I really don't know, Tom."

Ryder: "Okay, neither do I, neither do I, so I think there may be a circumstance that's different there even though you may be talking about the similar kinds of equipment. You're presenting a vexing problem for some of us and we'll do our best to evaluate correctly and vote whatever we deem best. Thanks for your time in answering questions."

Hartke: "Thank you very much."

Speaker Hannig: "Representative Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Real quickly, just to support the Gentleman's Motion to Override. This Bill received broad bipartisan support in the Spring Session mainly because it's a fairness Bill and the aggregate producers represent those in trade associations that produce crushed stone, sand, gravel, agricultural lime, slag manufacturers. We know that it's been unfair, the fact that they haven't been treated the same in exemption for machinery and equipment used to produce these particular products. So, this will

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

77th Legislative Day

October 30, 1997

help a lot of small operators throughout the state and certainly down in my district and I urge your support for the override."

Speaker Hannig: "Representative Hartke to close."

Hartke: "Well, thank you very much, Mr. Speaker. Like it's been stated earlier, this piece of legislation passed both Houses, overwhelmingly. It is a fairness issue. Looking at my analysis, and so forth, looking at the equipment that would be exempt from this piece of legislation, I would think that Caterpillar and John Deere, major manufacturers of heavy equipment in the State of Illinois, bulldozers and drag lines and the big trucks used at the quarry site, all of these things are produced here in Illinois, and if we could encourage those purchases to be made here in Illinois, it would provide jobs, and so forth, so I'm not sure it's a net revenue loss. I think it would be good for the people of the State of Illinois to put forth this exemption. I'd appreciate your support."

Speaker Hannig: "The question is, 'Shall House Bill 27 pass?' The Veto of the Governor, notwithstanding. This Motion requires 71 votes. All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 98 voting 'yes' and 17 voting 'no', and this Motion, having received the required Three-fifths Majority, the Motion to Override prevails, and House Bill 27 is declared passed, notwithstanding the Governor's Veto. House Bill 968, Representative Brunsvold. Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 968 is a replating program for 9 million vehicles in the State of Illinois. We have not

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

77th Legislative Day

October 30, 1997

done this since 1983. More constituents of mine have asked and I have received more letters from around the state saying, 'When are we going to get new plates?' Well, the time has come. The Governor vetoed this Bill and now the Governor and the Department of Transportation is looking for a gas tax, I'm sure you saw it in the paper. Gas tax at three and a quarter percent and a \$17 license plate fee increase. Well, ... mid 70's, Ladies and Gentlemen, Governor Thompson was elected and he requested a gas tax. Well, seven years later in 1983, we had the first gas tax that Governor Thompson had requested, and I happened to be one of the individuals that voted for that gas tax. I appreciate the efforts by Governor Edgar and Kirk Brown from the department on their efforts to try to increase money to the Road Funds, and I could support that issue. I think they are doing a job that's necessary and this Bill has nothing to do with trying to divert any efforts that they're doing. We cannot, however, avoid the replating process. The Governor's Message said that we're going to lose \$7 million a year on this. Well, I have to disagree, respectfully, with the Governor. Most of you received my letter that indicates that the State of Iowa, and I only picked the State of Iowa because they have recently done a replate and it's been 12 years since they have done it. West Virginia has just done it, Tennessee is another state that has recently replated and they all have come up, along with the study done by the state... or Council of State Governments that said there is an avoidance rate of approximately 4 to 7% on the replating. That means people are not buying their stickers. Now, this can cost our state a lot of money. In fact, it's costing us millions and millions of dollars a year. The Department of

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

77th Legislative Day

October 30, 1997

Transportation, here in Illinois, Mr. Brown has also signed off on Secretary of State Ryan's study that says that there's a 4% avoidance here, minimum. So, even the Department of Transportation realizes that there's a problem. Now, what is their effort here? You and I both know that it is nice to give new plates if you increase the plate fees. We understand that. The problem is, is that this Bill... is a replating \$17 going to pass? I don't know. Is the gas tax going to pass? I don't know. We cannot wait, however, and tie this Bill to that Bill. If we do that, we're not going to have new plates. This has become a safety issue in this state. Right now, we have many, many law enforcement groups have sent you letters, the Sheriffs' Association, the Fraternal Order of Police, the Association of Police Chiefs, Mothers Against Drunk Drivers, Crime Stoppers, the National Association of Sheriffs have all said that we are in a serious situation with our plates. They are unreadable, they have no reflectivity anymore and we should proceed right now with the replating. Let me state one important point. There is no fee increase in this Bill. There are no fees added to this Bill at all. This remains at \$48 per plate as it does today. Seventy five cents is used to start the replating process and that will be paid back through the avoidance... collection of the avoidance monies which should equal about \$30 million. So, are we losing money in this? Well, you can argue that point but we're also going to get it back. So, I would ask for your support in the override of the Governor's Veto, on House Bill 968."

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

Cross: "Thank you, Mr. Speaker, just a couple of questions."

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

77th Legislative Day

October 30, 1997

Representative, I'm not sure if you covered this, but in your list of proponents, did you include... point out that MADD Mothers... Mothers Against Drunk Drivers are for this Bill?"

Brunsvold: "Who was that, Representative?"

Cross: "I want to make sure people know that MADD is for this. I don't know if you listed that."

Brunsvold: "Yeah. MADD's for this. The law enforcement groups... of course the Automobile Dealers' Association, Manufacturers' Association, the Association of Rehabilitation Services, who produces the plates, of course, are for it, Macon Industries, there's a long list of supporters."

Cross: "Where's the Governor's office on this?"

Brunsvold: "The Governor's office vetoed the Bill, and I think they vetoed the Bill and rightfully so because..."

Cross: "Oh, that's right, I'm sorry. Thank you."

Speaker Hannig: "Representative Tenhouse."

Tenhouse: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. After that fine line of questioning, it's awfully hard to follow up. But first of all, before I lose my train of thought, I would... Mr. Speaker, I would ask that should this receive the requisite number of votes, that... I ask for a verification of that Roll Call, before we begin here."

Speaker Hannig: "Representative, that will be granted."

Tenhouse: "Would the Sponsor yield for some questions?"

Speaker Hannig: "He indicates he will."

Tenhouse: "First of all, Representative Brunsvold, how much will replating cost before there are any claims of off-setting revenue?"

Brunsvold: "About \$30 million over a period of years."

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

77th Legislative Day

October 30, 1997

Tenhouse: "What Road Fund Programs will be eliminated or cut if the off-setting revenue doesn't materialize?"

Brunsvold: "No programs I know, because the revenue is going to be secured from the avoidance factor, which I think we can prove in the letters from many, many other states and the studies done by the Council of State Governments, along with the Secretary of State's own Task Force."

Tenhouse: "As I understand the claims that have been made, it's mentioned that those people that are violating the registration will be motivated to reregister because a new style plate will make the old style plate more obvious to police. The gradual replacement of old plates will come over a period of years and will leave a legitimate mixture of old and new license plates. Doesn't this kind of defeat what you're talking about as far as the motivation of offenders to reregister? And doesn't that really reduce the revenue that's going to be claimed to offset the cost of replating?"

Brunsvold: "Every vehicle is going to have to have new plates on it. Now, our suggestion to the Secretary of State was that we do this in one year. Now, I'm going to leave it up to the Secretary of State to do as he wishes and the Bill does that but, you know, he wants to do it in three years, we suggested he do it in one year and he could recoup the losses at the cost of the plates."

Tenhouse: "Going back and using the argument that's been used as far as the increased registration bringing in additional revenue, if that's legitimate, then why did registrations not increase dramatically the last time that Illinois reissued license plates?"

Brunsvold: "It all depends, Representative, on how you count the numbers."

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

77th Legislative Day

October 30, 1997

Tenhouse: "But why didn't it? I mean..."

Brunsvold: "Well, if you don't count the numbers coming from the counties that take the registrations, then you're not going to realize that."

Tenhouse: "But that's the real proof."

Brunsvold: "My objection is, why do all these other states and all the studies indicates there is an avoidance of about 5%, and Illinois is the only exception? It doesn't make any sense."

Tenhouse: "But I guess when we start... but, Mr. Sponsor, as we talk about this, isn't it true... why would we not look at the history as far as Illinois is concerned, because we are a unique state? Why wouldn't we look to what happened with the Secretary of State's numbers as real proof, not state police reports of percentages of citations of unexpired... of expired stickers?"

Brunsvold: "The numbers that were done back in 1983, were done in different areas, county numbers, you had state numbers, those numbers were not counted correctly from my information. We cannot have everyone else, in fact, the task force and the studies done by the State Council of Governments, neighboring states with a 5% avoidance. We know we have an avoidance of at least 4% by the Secretary of State's own task force."

Tenhouse: "Another question, I guess, Representative. If the Bill rakes off 75¢ for every registration and deposits it into a special fund to pay for replating, why does the Bill also exempt replating costs from the Road Fund Appropriation Cap for the Secretary for State?"

Brunsvold: "Are you talking about the money in the budget that's for the plates? You have to have that money up front to start the process of making the plates. We have to start

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

77th Legislative Day

October 30, 1997

making these plates immediately, if we're going to be ready for replating, and that money has to be up front."

Tenhouse: "Are you expecting the cost of the plate to be even higher than the 75¢ can pay for?"

Brunsvold: "Not really. The facility in Decatur, a handicapped facility in Decatur, makes the plates. They're going to be in a process of putting a lot more people to work. We're going to be spending money there. They're going to have to start immediately if we pass this Bill, to start making plates. The budget... the Governor signed the budget and did not line item out the money for the replating process, it is still in the budget."

Tenhouse: "Mr. Speaker, to the Bill. I guess as we're getting closer and closer to the holiday season, I can't help but think that we've got the Easter Bunny and the Tooth Fairy all wrapped up into one. If anyone really believes that by issuing new plates over a five year period, that we're going to get enough additional revenue to offset that, I find that extremely hard to believe. And for those of us in downstate Illinois who have struggled with rough highways, I think the last thing on earth I'm going to do is vote for a \$35 million diversion from the Road Fund. I like to drive on better roads, and as you know how tough it is right now downstate on some of those highways now, I'm sure as heck not going to vote to take \$35 million more out of that Road Fund. Thank you."

Speaker Hannig: "Representative Noland."

Noland: "Thank you, Mr. Speaker. I, too, rise in support of this Bill and to my colleague to the left. You know, as a downstater, I don't want to divert funds... money from the Road Fund, but the Iowa numbers don't lie. They've had success and we can do the same thing in Illinois. The

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

77th Legislative Day

October 30, 1997

important issue is these plates are warranted for five years. Most of these plates are six, eight, ten years old, some fourteen-years-old. The reflectivity is gone, there is a safety factor. Law enforcement endorses this Bill and in my home community, they build these plates right there at a rehab facility, a disabled workshop and it's a great program. Ladies and Gentlemen, please support the override of House Bill 968."

Speaker Hannig: "Representative Woolard."

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

Speaker Hannig: "He indicates he will. He indicates he will."

Woolard: "Representative, I think there has been some states in the neighborhood of Illinois that have replated in recent past. Do we have any history from how the revenues that came in, in that state reflected as far as cost or gain or increase in registrations?"

Brunsvold: "I have placed a letter on everybody's desk from the State of Iowa and the Iowa Department of Transportation. It has 12 years of not replating and their numbers indicate they have a strong 5% avoidance in that state, and they're recouping their money faster than they thought they would, and actually, the letter got to the desk and I think our Department of Transportation Secretary called the Iowa Transportation of Secretary and did a little debate with him, on him sending me this information. Well, that's the kind of things that have been going on with this Bill. Little strange things have been going on with the Bill, but the information is strong there and you should look at the letter from Iowa because it has some very good facts in it about how much money we're going to get back into the fund. Right now, we're losing, we're losing about \$7 million a

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

77th Legislative Day

October 30, 1997

year, just on replating. Add that up every year. It's going to be a lot more than \$35 million if you go back to 1985 and multiply seven million times that many years, you're going to find you're going to up to almost \$100 million in lost revenue, because we haven't replated."

Woolard: "Representative, I have the Chief of Police of Herrin, Illinois with me this afternoon, and he's up here lobbying me because he says this is a major safety issue. Is there any data or statistical information or have there been several of these police agencies and groups that have indicated to you that they're having difficulty identifying culprits in road accidents, et cetera?"

Brunsvold: "Many of the letters we received, Representative Woolard, from the law enforcement area indicates the plates are becoming unreadable. The reflectivity is gone. The blue on the plates is faded to a point where they can't be read. The rust is taking over on a lot of plates, taking out some of the numbers, and that's why you see law enforcement on this. If we don't do this now, folks, we're not going to do this. If you put it on the Gas Tax Bill with a \$17 plate fee, it's not going to happen. We need to do it now, just for the safety issue."

Woolard: "To the Bill. I agree with the Sponsor of this legislation. I think that it's definitely a safety issue. I think that we have proven beyond the shadow of a doubt that there is a good chance that we will recover at least most, if not all, of the additional monies that might be spent in replating. I think this is a kind of thing that we should be about. Never should we allow anything to detour us putting the best, safest conditions for the traveling public on the highways today. I stand in support, strong support of House Bill 988 (sic-968)."

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

77th Legislative Day

October 30, 1997

Speaker Hannig: "Representative Stephens."

Stephens: "Well, thank you, Mr. Speaker. Just to make sure that everyone is aware of those who are opposed to the replating Bill 968 (sic-House Bill). The Associated General Contractors of Illinois, Consulting Engineers' Council of Illinois, the Illinois Association of Aggregate Producers, the Association of County Engineers, the Citizens for Better Highways, Concrete Pavement Association, the Department of Transportation, Road Builders and the Society of Professional Engineers, there is a very clear message here. You're taking money out of the Road Fund for replating program. These folks are interested in building and maintaining highways in downstate Illinois. If you share that interest in building and maintaining highways in downstate Illinois, you have to stand in opposition to this Bill. It's as clear as that. With all due respect to the Gentleman who is the Sponsor of the Motion, we simply disagree. We don't want to take money out of the Road Fund. This is an unfunded rip-off of the Road Fund, and we don't want to be any part of it. Thank you, Mr. Speaker."

Speaker Hannig: "Representative Hartke."

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

Speaker Hannig: "He indicates he will."

Hartke: "Representative Brunsvold, we have heard a lot of rhetoric out here about this costing the Road Fund by some \$35 million that would be transferred to do this replating. Have we had any experience from what our neighboring states are doing when they replate? What happens with that system then?"

Brunsvold: "Absolutely, Representative Hartke. We have many, many states that we have contacted, and using the letter

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

77th Legislative Day

October 30, 1997

from Iowa, West Virginia, Tennessee, many of these states that have gone through the replating process and we have letters from, have all come to the same conclusion. There's about a 5... 4 to 7% average about 5% avoidance in every state. Even our task force here by George Ryan has come up with a minimum of 4% avoidance. Yes, we're going to get this money back. I understand what a couple of the Representatives said about taking money from the Road Fund. That's going to come back, and the statements that, you know, we don't want to take money away from the contractors. I cannot believe the contractors of this state would want people to travel around in unsafe conditions with plates that can't be read, and individuals with plates that could actually get away with a crime because no one could read their plate. That's why law enforcements is on there, and I can't believe the contractors in this state would want that to happen."

Hartke: "Thank you, I just wondered if you read the same correspondence I did. I had a letter from, I think it was Iowa, where they did replating, and so forth, and in the first six months they realized \$10 million more because of avoidance of registration in the plates. Now, I think if we do that here in the State of Illinois, this will not cost us anything, it may to start with but we're going to make it up and those individuals that reregister, and so forth, and replating fees that we're going to get, and so, I stand in support of this legislation. We all want good law enforcement. We want individual... our law enforcement to be able to recognize those individuals. We want us to be safe on the roads, so, I urge your support for this override."

Speaker Hannig: "Representative Steve Davis."

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

77th Legislative Day

October 30, 1997

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

Speaker Hannig: "He indicates he will."

Davis, S.: "Representative Brunsvold, it's my understanding, as a cosponsor of this piece of legislation that we really are not robbing the Road Fund, is that correct?"

Brunsvold: "Absolutely not. Absolutely not."

Davis, S.: "My colleague from Madison a while ago, from Madison County a while ago, mentioned that we, as downstate Legislators, are protective of the Road Fund. And I too, myself, am protective of the Road Fund, but this is not a raid on the Road Fund in the State of Illinois. I have another question for you, Representative. Since 1983, vehicle owners in the State of Illinois have spent \$48 a year for a little sticker. What is the total cost approximately that they have paid for a 14 year old license plate?"

Brunsvold: "They have paid over \$700 a piece for their license plate and collectively, they have paid over \$5 billion in fees to the Road Fund. It seems to me like we can get one lousy little plate for \$5 billion."

Davis, S.: "Representative, I seem to remember some discussion that we've had in the last couple of years about monies being spent out of the Road Fund for the Peotone Airport. Is that happening right now as we speak?"

Brunsvold: "I don't know, that seems to be the argument. I don't know if that's going on right now, but it seems to be... questions are being asked of Secretary Brown about how much money is going to the Peotone area, I don't know."

Davis, S.: "Isn't it true that we take approximately \$35 million out of the Road Fund and transfer it to the Secretary of State's office in the State of Illinois?"

Brunsvold: "Yes."

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

77th Legislative Day

October 30, 1997

Davis, S.: "And what do we get for that money?"

Brunsvold: "Not much."

Davis, S.: "To the Bill, Mr. Speaker. I can understand downstate Legislators being concerned about this Bill if it were to take monies out of the Road Fund. However, Representative Brunsvold, as he has testified, has assured us that we are not raiding the Road Fund to replat license plates in the State of Illinois, and I think that our taxpayers and the people who are paying these fees deserve new license plates in the state. I would hate to go back to my district and tell the people that, no, I couldn't vote to give them a new license plate. I, also, don't want to go back to my district and tell my law enforcement officials that I had to vote against you because of some misinformation about the Road Fund. I think all of us can rest assured that if we vote to override this Bill, that we can go back into our districts and we can please our constituency. Thank you."

Speaker Hannig: "Representative Schakowsky."

Schakowsky: "Mr. Speaker, I move the previous question."

Speaker Hannig: "The Lady has moved the previous question. The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the main question is put. Representative Brunsvold to close."

Brunsvold: "Ladies and Gentlemen, it's time to replat in this state unless you are ready to vote for the gas tax increase and the \$17 plate fee increase. I tried to get \$2 when I went around the floor last spring, I couldn't even do that. So, I'm asking you today, we need the new plates simply for a safety factor to start with. Law enforcement has asked us to do this, they are in support of the Bill. We need to do this, not only for them, but also, for our

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

77th Legislative Day

October 30, 1997

constituents who have gone as much as 14 years without a new plate. They paid \$5 billion collectively into the fund, let's give them a license plate, just one. I ask for your 'aye' vote."

Speaker Hannig: "The question is, 'Shall House Bill 968 pass?' The Veto of the Governor, notwithstanding. This Motion requires 71 votes. All in favor vote 'aye'; opposed 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? There has been a request for a verification, so vote your own switches please only. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on this question, there are 72 voting 'yes' and 42 voting 'no', and Representative Tenhouse has requested a verification. Please poll those... Mr. Clerk, please poll those voting in the affirmative? Representative Tim Johnson, for what reason do you rise?"

Johnson, Tim: "Could I have leave to be verified?"

Speaker Hannig: "Representative Tenhouse, does Representative Johnson, Tim Johnson, have leave? You have leave."

Clerk Rossi: "Poll of those voting in the affirmative: Acevedo. Bergman. Biggert. Biggins. Bradley. Brady. Brown. Brunsvold. Bugielski. Burke. Capparelli. Churchill. Coulson. Cowlshaw. Cross. Julie Curry. Daniels. Dart. Davis, Steve. Deuchler. Fantin. Feigenholtz. Flowers. Fritchey. Giles. Hannig. Hartke. Hoeft. Hoffman. Holbrook. Johnson, Tim. Jones, Lou. Jones, Shirley. Kenner. Kosel. Krause. Kubik. Lang. Lindner. Lopez. Lyons, Eileen. Lyons, Joseph. McGuire. Meyer. Moore, Andrea. Mulligan. Noland. Novak. Pankau. Parke. Persico. Phelps. Pugh. Ronen. Roskam. Rutherford. Santiago. Schakowsky. Scott. Silva. Smith. Stroger.

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

77th Legislative Day

October 30, 1997

Turner, Arthur. Turner, John. Wirsing. Wojcik. Wood.
Woolard. Younge. Zickus. Mr. Speaker."

Speaker Hannig: "Representative Tenhouse. Representative
Tenhouse, Representative Churchill asks leave to be
verified?"

Tenhouse: "Yes. Representative Howard?"

Speaker Hannig: "I'm sorry, what was that?"

Tenhouse: "Representative Cowlshaw."

Speaker Hannig: "Representative Cowlshaw. Is the Lady in the
chamber? How is she recorded, Mr. Clerk?"

Clerk Rossi: "Representative Cowlshaw is recorded as voting in
the affirmative."

Speaker Hannig: "Remove her. Representative Novak asks leave to
be verified. Thank you, Representative Tenhouse."

Tenhouse: "Representative Bugielski? I see him over there now."

Speaker Hannig: "Okay. He's in his seat."

Tenhouse: "Representative Dart?"

Speaker Hannig: "Representative Tom Dart. Is the Gentleman in the
chamber? He is in the rear of the chamber."

Tenhouse: "Representative Feigenholtz?"

Speaker Hannig: "Representative Sara Feigenholtz. Is the Lady in
the chamber? The Lady is not in the chamber. Mr. Clerk,
remove her. Yes, Representative Pankau asks to be
verified."

Tenhouse: "Yes, that's fine."

Speaker Hannig: "She... leave. Representative Smith, Mike Smith,
asks leave to be verified. Thank you, Representative. Any
further?"

Tenhouse: "Representative Lang?"

Speaker Hannig: "Representative Lou Lang is near the well."

Tenhouse: "I'm looking in the wrong place, Lou. Representative
Scott?"

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

77th Legislative Day

October 30, 1997

Speaker Hannig: "Representative Doug Scott. Is the Gentleman in the chamber? He's sitting over by Mark O'Brien."

Tenhouse: "Representative Art Turner?"

Speaker Hannig: "Representative Art Turner. Is the Gentleman in the chamber? The Gentleman is not in the chamber. How is he recorded, Mr. Clerk?"

Clerk Rossi: "Representative Art Turner, is recorded as voting in the affirmative?"

Speaker Hannig: "Remove him."

Tenhouse: "I have no more requests."

Speaker Hannig: "Representative Feigenholtz has returned to the chamber. Mr. Clerk, would you restore her? Representative Persico has returned to the chamber, Mr. Clerk. Had he been removed? Indicates that he has not been removed, and Representative Art Turner has returned to the chamber. Mr. Clerk, restore him to the Roll Call, and on this question, there being 71 voting 'yes', and 42 voting 'no', the Motion, having received the required Three-fifths Majority, the Motion to override prevails and House Bill 968 is declared passed, notwithstanding the Governor's Veto. Mr. Clerk, read House Bill 2321."

Clerk Rossi: "House Bill 2321. The Bill has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Speaker Madigan, has been 'approved for consideration'."

Speaker Hannig: "Amendment #2, Speaker Madigan. Speaker Madigan."

Madigan: "Mr. Speaker and Ladies and Gentlemen of the House, when this Bill was first considered in committee, there was a request from the Governor's office to defer action on the Bill and in complying with that request, the Bill was shelved, heard a later day in committee and so the

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

77th Legislative Day

October 30, 1997

Amendment would restore the Bill to its original form, so I move for the adoption of the Amendment."

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

Madigan: "Withdraw the Amendment."

Speaker Hannig: "Withdraw Amendment #3?"

Madigan: "Yeah."

Speaker Hannig: "Or 4?"

Madigan: "Mr. Speaker."

Speaker Hannig: "Yes, Mr. Speaker."

Madigan: "Withdraw Amendment #3."

Speaker Hannig: "Okay. Mr. Clerk, what is the status of Amendment #3?"

Clerk Rossi: "Amendment #3 has been withdrawn by the Sponsor."

Speaker Hannig: "Okay. Amendment #3 is withdrawn. Is there any further Amendments?"

Clerk Rossi: "No further Amendments have been 'approved for consideration'. A ... notes that have been requested on the Bill have been filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read the Bill. Excuse me. Representative Cross, for what reason do you rise?"

Cross: "Thank you, Mr. Speaker. Can you now just clear things up for us and tell us what Amendments have been adopted, either in committee or on the floor?"

Speaker Hannig: "Yes, we will have the Clerk do that. Mr. Clerk."

Clerk Rossi: "Committee Amendment #1 and Floor Amendment #2 have been adopted to the Bill."

Speaker Hannig: "Okay, Representative Madigan. Excuse me. Mr.

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

77th Legislative Day

October 30, 1997

Clerk, do you have further?"

Clerk Rossi: "House Bill 2321, a Bill for an Act to amend the Toll Highway Act. Third Reading of this House Bill."

Speaker Hannig: "Thank you, Mr. Clerk, and now, Representative Madigan."

Madigan: "Mr. Speaker and Ladies and Gentlemen of the House, this Bill is in response to an outstanding court order in Cook County, which has provided that the Illinois Toll Road Authority must come before the Legislature to receive an annual appropriation in order to have authority to spend money for the ordinary expenses of the toll road. The exact language would provide that the special fund in the State Treasury, which is labeled the 'Illinois State Toll Highway Authority Fund', that that fund shall be considered always appropriated for the purpose of repayments of debt service and other bond obligations. Therefore, in terms of the repayment of debt, there will be a continuing appropriation. But going on, the language further provides that the ordinary and contingent expenses of the Authority's annual operations are subject to annual appropriation by the General Assembly for each fiscal year. The Bill is immanently simple. All it says is that the Toll Road need not come to the Legislature to get authority to retire debt. But, in terms of spending money for ordinary operations, it must come to the Legislature, as a whole variety of other agencies are required to come to the Legislature every year. And I move for the passage of the Bill."

Speaker Hannig: "The Parliamentarian has ruled that this Bill requires 71 votes. Representative Biggins is recognized. Representative Biggins. Okay. We'll get back to Representative Biggins. Representative Parke."

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

77th Legislative Day

October 30, 1997

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

Speaker Hannig: "He indicates he will."

Parke: "Speaker Madigan, I understand that the Governor also has a plan that I read in the newspaper where he's issued a press release on it. I'm interested in that plan whenever it comes forward. Have you had an opportunity to see, or does your staff know what the Governor's plan is, and how yours differs, since I haven't seen his yet?"

Madigan: "I read the Governor's press release. And what it would provide is that through the adoption of legislation, the Toll Road would be considered a unit of local government. Even though the Board of Directors would continue to be appointed by the Governor, even though the Board of Directors would continue to be confirmed by the State Senate, and even though the press release provides that there be a whole series of reporting requirements from the Toll Road to the General Assembly. So, it's a very interesting concept that one agency in the State of Illinois, which potentially could service the area from the Wisconsin line down to Peotone, would be designated a unit of local government by the Legislature, even though the Governor still appoints the members of the Board, confirmed by the Senate, a whole series of reporting requirements to the Legislature. And let me add, that the Auditor General of this state would audit the annual report of the Toll Road."

Parke: "So primarily, you're just thinking that... that just isn't a valid concept and that you'd rather have the General Assembly appropriate the funds for the tollway and be accountable annually to that responsibility?"

Madigan: "Yes."

Parke: "And why do you think that? What are you trying to

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

77th Legislative Day

October 30, 1997

achieve with the legislation? What do you see that, if we pass this Bill, and it becomes law, what will be better for the people of Illinois than the way it is now?"

Madigan: "My purpose is to respond to the court order because the court order, which said that the Toll Road Authority is in violation of the Constitution when it does not come to the Legislature for its annual appropriation. I feel we ought to comply with that court order. And that court order has provided for a death date of December 15th, in terms of the operation of the toll road. I regret that Mr. D'Esposito, the Chair of the Toll Road Authority Board, has seen fit not to comply with the court order. I think he ought to do it."

Parke: "Is it... If we make the tollway budget... if we comply with the intent of the court decree, and make it accountable to the Legislature, aren't we in fact politicizing the tollway and saying that, you know, as a Legislator, I represent 94,000 people just like you do and every Member of the General Assembly. But if it's up to the appropriation process and the Leaders, the four Leaders and the Governor, have a major say on that appropriation, ought not we... I mean, won't we then, in fact, end up having it very political, and at the whims of the Leaders of the various Bodies, where now there seems to be some autonomy to some degree? Do you see that as a danger that I'm trying to just point out?"

Madigan: "I don't think you would bring politics into the Toll Road any more than the Legislature brings politics into every state agency that comes before the General Assembly, agencies such as the Department of Mental Health, the State Board of Education, the Department of Children and Family Services and, Terry, I have to say that it's difficult to

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

77th Legislative Day

October 30, 1997

imagine that there could be more politics in the Toll Road than we have today."

Parke: "Will we have an opportunity to judge the Governor's Bill if and when it's presented? Will we have an opportunity in the House to vote on that one also?"

Madigan: "The Bill hasn't been presented, and I would assure you that it clearly would get a committee hearing."

Parke: "And so, if it passes muster in committee, it would be brought to the floor, and we'd have an opportunity..."

Madigan: "Oh, sure. Sure. If the votes were there in committee, it would be on the floor."

Parke: "Thank you."

Speaker Hannig: "Representative Kubik."

Kubik: "Thank you, Mr. Speaker. Would the Sponsor yield for a question or two?"

Speaker Hannig: "He indicates he will."

Kubik: "Representative Madigan, as I understand your Bill, it's broken into two parts, which is that the bonds are a continuing appropriation, and then the operating expenses would be... they'd have to come before the Legislature. My question relates to the bond portion. Does the system that you envision... Would the Toll Road have to come to the Legislature in order to float any new bonds or would they have that ability to do it independently of the Legislature?"

Madigan: "Mr. Kubik, I'm sorry for the delay, but my attorney advises me that there's a section of the state law today, which gives the Toll Road Authority the ability and the authority to go ahead and issue their debt, and we're not changing that."

Kubik: "Now, and it's been awhile since we've done this, as I understand it, what normally happens is when we create a

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

77th Legislative Day

October 30, 1997

new route, you know, they have to come to us for authorization to do that. Is that still the same methodology that they'll be required to do?"

Madigan: "Yeah, we're not changing that either."

Kubik: "Okay."

Madigan: "This is a very tightly drawn Bill. It's only a few words in the Bill."

Kubik: "You know how a word or two, all hell can break loose, but... okay so, we're not touching that at all, and they can reissue those bonds without having to come from... to the Legislature."

Madigan: "Because of the continuing authority that's already in state law."

Kubik: "Okay. Okay. That answers my question. Thank you."

Speaker Hannig: "Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker. Mr. Speaker, we were in committee together and had a number of questions. And I just want to make sure that the Body understands the line of questions I'm going to go and ask you aren't necessarily subject to suggesting that the idea of the operations be appropriated, that I have a problem with that... or that the idea of the continuing debt service, that I've got a problem with that. Those two I understand are very clear here, but the conflict that I'm having with this piece of legislation comes from the interpretation, and I now have a full copy of the Paine-Webber Analysis suggesting that if this legislation goes through, that the \$930 million in debt that we have outstanding for the tollway would have to be refinanced. In refinancing that, it would have an approximate cost of \$26.7 million and... I appreciate that with Mr. Kasper's counsel, and now I see Representative Schoenberg and Representative Gash and Representative Moore

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

77th Legislative Day

October 30, 1997

collectively counseling on this. Is there any substantial financial analysis group who is opinionated differently to suggest that perhaps, that this will not happen as what the Paine-Webber memo would suggest to the Bureau of the Budget?"

Madigan: "Mr. Rutherford, would you permit Representative Schoenberg to answer that question?"

Rutherford: "I would be delighted to."

Speaker Hannig: "Representative Schoenberg."

Schoenberg: "Thank you, thank you, Mr. Speaker. Mr. Rutherford, in response to your question pertaining to the Paine-Webber Analysis dated October 27, 1997, that analysis addresses the issue of \$930 million worth of outstanding tollway bonds. Yet, it only addresses one option available to the General Assembly with respect to the treatment of these bonds. This was a topic of discussion at the joint committee hearing of the Appropriations Committees for Public Safety and General Services and Government Oversight. And at that time, we alluded to earlier testimony and earlier discussions of previous hearings where several other options and alternatives were presented to discuss this very issue. Speaker Madigan has very prudently sought to take an initial step forward in preserving the current value of \$930 million worth of Toll Highway Authority Bonds. However, there are other options available to not only preserve the value of these bonds, but there are even options available to enhance the value of these bonds. Yet, unfortunately, neither the Toll Highway Authority nor the Bureau of the Budget solicited those other options. So, you are indeed correct in your assessment of the cost involved for refinancing. However, the bonds which are outstanding for the Toll Highway

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

77th Legislative Day

October 30, 1997

Authority fall into different categories. Some of those bonds can indeed be refinanced. However, some of those bonds cannot be refinanced, because they have been refinanced, previously. By virtue of their previous refinancing, any subsequent refinancing would result in a loss of their tax exemption, which is why we need to consider more than one option. However, the Authority and the Bureau of the Budget for Paine-Webber only requested one option, and there are, indeed, other alternatives available, which could even lower the costs or provide savings for Illinois taxpayers."

Rutherford: "I appreciate that answer, and I don't necessarily suggest that may not be different, but during committee hearing, I asked the Speaker, who at that time, I understand, was getting his counsel from Mr. Kasper, while having the Chairman of the Toll Authority sitting at the table, who specifically cited that this was the response to the question. Now, at that time, I suggested to you, Mr. Speaker, that I would ask you this question on the House Floor. Have you attained other professional financial written advice to suggest that what the Paine-Webber Analysis has is not correct? I heard everything Representative Schoenberg said, and I don't necessarily suggest that there may not be other options, but coming from a Member of the House and a member of staff suggesting is a lot different than a professional financial outside advisor. So the question simply is, have we gotten another professional opinion outside of the one that the tollway has already asked for?"

Madigan: "Just Mr. Schoenberg's, that's the only one."

Rutherford: "I stand in opposition to the legisla... no, I would suggest though that if this does proceed through the

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

77th Legislative Day

October 30, 1997

process, that the problem I'm going to have with this is, today we do not have anyone professionally versed enough in the financial world having given us a written opinion. I respect Mr. Schoenberg's opinion on it. I know he probably is coming in parroting some responses from others on the outside world, but I think in light of what we are about to consider doing here, we may want to go forward and have some actual documentation that this would not have a financial impact of \$28 million. Thank you, Mr. Speaker."

Speaker Hannig: "Thank you, Representative. Representative Coulson."

Coulson: "Thank you, Mr. Speaker. I just wanted to let the Body know that I will be voting 'present' on this Bill, because my husband's law firm is involved in this lawsuit, and I would like to not have any appearance of a conflict. Thank you."

Speaker Hannig: "Thank you, Representative. Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. First, let me rise in strong support of House Bill 2321. There's no reason that the Tollway Authority should not be responsible and accountable to us. There's no reason that we should not be an oversight function over their budgets, and in fact, the previous court decision has affirmed that. I find it interesting, the conversation about what Governor Edgar's proposal will be. His press release seems to indicate that to get around the issue of it being a State Government entity, the Governor wants to refer to it as a local government entity. And apparently, a local government entity that would stretch from the Wisconsin border all the way to Peotone, because that's where our tollways are. It's a pretty large unit of local

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

77th Legislative Day

October 30, 1997

government. But be that as it may, I want to address the issue of these bonds and the refunding of the bonds. For all the talk about Paine-Webber, let's get a couple of things straight. First of all, although the Chairman of the Tollway Authority indicates that these refunds would be due, he has apparently never asked and certainly has never received, to my knowledge, any opinion of the Tollway Bond Council. Where is the opinion? We haven't seen that opinion. So, to just simply come before the House of Representatives and tell us that a refund is due, based on his own belief, without even getting an opinion from his own Bond Council seems to me to be a bit off base. There's also no record of the trustees for the bondholders stating on the record anywhere that a refund would be due. No notice has been given to Authority... to the Authority by the trustee, nor has any notice been given by the trustee to the bond holders that they might be due a refund. If a refund is due, why haven't we heard from the trustee on this issue? The bond documents would seem to indicate that there could only be a refund if there is a super majority of bondholders making the request. Since the interest rates are likely to be more favorable, it's unlikely they are going to make that request. Relative to the Paine-Webber discussion by the previous Representative, Paine-Webber was simply asked, 'What would it cost if a refund was due?' But Paine-Webber never gave an opinion as to whether a refund would be due. Paine-Webber wasn't asked whether a refund would be due. Paine-Webber was only asked to give the numbers in case of a refund, and even those numbers did not calculate that there would be interest rate savings of almost \$10 million. So, Ladies and Gentlemen, there certainly are issues relative to these

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

77th Legislative Day

October 30, 1997

bonds, but I wonder what the Chairman of the Toll Highway Authority is thinking when he comes before us and he says... gives us numbers, tells us that these things will be due, refunds will be necessary, when, in fact, he has no opinion of his own Bond Council. The trustee of the bonds has never indicated that they believe a refund is necessary, and when the Paine-Webber Report that's been discussed doesn't say we will need to do refunds, but only tells us what those amounts will be if we need to do refunds. Let's not vote 'no' on this Bill because of allegations that there will be some difficulty. In fact, everything before us today indicates that there will need to be no refunds, and that the carefully crafted legislation by Speaker Madigan is exactly that, one that will protect the bondholders, one that will protect the budget of the State of Illinois. And surely the idea of Speaker Madigan to affirm in this Body, the good decision of the court on this issue, to make sure that we are accountable for the money of the toll road, to make sure that money is wasted, that money is not squandered, to make sure that the money is used for the purposes that the users of the tollways have demanded is good law, and we should proceed today to vote 'yes' on this good Bill."

Speaker Hannig: "Representative Biggins."

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

Speaker Hannig: "He indicates he will."

Biggins: "Representative Madigan, a fiscal note has been filed. Can you tell us the results of the fiscal note?"

Madigan: "I believe that you're interested in a sentence at the end of one of the paragraphs which reads, 'That depending upon these definitions, interest rates, the ultimate legal

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

77th Legislative Day

October 30, 1997

and financial structure of a refunding,' which has been questioned by Mr. Schoenberg, could be equal to approximately 10 to 20 basis points, nearly \$27 million and a refunding of \$900 million."

Biggins: "Thank you. To the Bill. That finally came as a result of Paine-Webber's Report, which was kind of glossed over I think a little quickly. It's a very serious matter, because this money will only come from the tollbooths, and this is what the estimated cost is of the state assuming control of the Toll Authority, a total of somewhere between \$19 and \$27 million dollars. Where will it all come from? From the toll payers. Additionally, since the credit rating of the state is lower than the credit rating of the Toll Authority, the amount of money that it takes to operate the Toll Authority will increase, and that is the reason for this swing of between \$19 and \$27 million dollars. Moodys has placed a credit rating watch on State Toll Highway Revenue Bonds as of two days ago. This morning in the Bond Buyer Online, a statement makes... is read, that says, 'All three major rating agencies agree that appropriation by the state could jeopardize the ability to pay debt service and since June, have placed the Authority on credit watch with negative implications.' So what does this mean? It means that the \$27 million that's already been collected will have to be paid in interest rates and the total... that monies will be gone. It also means, in a sense, the ones that live up near the tollways can be optimistic and hope that the tollbooths will come down December 15th, and the rest of the state will all pay probably from the Road Fund, from IDOT, to operate all those roads that they don't pay for right now. However, another problem is that there will be the possibility the toll roads will become so filled on

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

77th Legislative Day

October 30, 1997

December 15th or empty, if they have to be closed, that the traffic problems we have now will be minuscule in comparison. We'll be just like the freeways; Kennedy, Eisenhower, and Dan Ryan. Additionally, there's a 100,000 members of the Service Employees Union of Illinois that are against this takeover, have been actively working this week to alert the Members of this Body that their members don't want to have the state take over this Authority without a plan for the employees. This is a very high risk, very dangerous and very, very bad public policy, and very much danger for the safety of the citizens in the tollway area. If you're downstate, you want to take over the tollway, well, get your checks out, because you are going to be starting to pay for them. If you're upstate, and you put at risk your families, your ability to go to hospitals and go to work, by the government taking it over, the same government that gives you the Department of Corrections and DCFS, I strongly urge a 'no' vote by all Members of this Assembly."

Speaker Hannig: "Representative Morrow."

Morrow: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. If I didn't hold in high regards the comments of the previous person that just spoke, I would laugh rivers of tears. He told the downstaters that if this Bill passes, to watch out for your checkbooks. Well, I say to my downstate colleagues, you've already written a check to the Tollway Authority. And I'm going to tell you how. When the IDOT, the Department of Transportation considers a new road within this state, IDOT purchases the land. In many instances, after we decide that, no, this is not going to be a freeway, that it's going to be a tollway, IDOT basically quitclaims the land over to the Tollway

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

77th Legislative Day

October 30, 1997

Authority. Now, several weeks ago, there was a hearing, a joint hearing, with Jeff Schoenberg's committee of General Services, and my committee dealing with Public Safety. One of the questions that I asked Secretary Brown, who heads IDOT, that when you quitclaim land over to the Tollway Authority, does the Tollway Authority reimburse you for the land that you purchased? His answer was, no. So, we've already given the Tollway Authority monies out of a public transportation agency where many of our citizens, in paying a gas tax, funds that. Second... second, there's a lot of co-mingling of revenues that we are authorized IDOT to spend, and they go and reappropriate that money to the Tollway Authority. House Bill 2321, it is high time that this Bill becomes law. There should be green votes on House Bill 2321, and for several reasons. Yesterday, the Executive Director of the Tollway Authority came before my committee, the Appropriation on Public Safety, and he made several conflicting statements. One of his statements was that he relishes legislative oversight of his agency. My response to him was that if you want legislative oversight, then why are you spending \$200,000 in legal fees, challenging the court's decision? Yesterday, my committee considered an Appropriation Bill for the Tollway Authority. He opposed the Appropriation Bill, because he said that there was no language in the Bill dealing with the bond issues that affect the Tollway Authority. But yet, he championed the Governor's press release of giving local oversight. And I asked him, I said, 'Had you read the first paragraph on the second page of the Governor's press release that said if we have local oversight of the Tollway Authority, that there is no need to refinance that \$930 million in bonds.' So, my question to the Executive

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

77th Legislative Day

October 30, 1997

Director of the Tollway Authority is, 'Get your story straight, get it straight.' I also told him that if you thought you caught hell in my committee yesterday, wait till next spring when we can look at your budget, line item by line item, and I think that's where the real issue is on this. They don't want us to know where they spend the money and who the contracts go to. And just to hear the complaints of some of the homeowners out in New Lenox and in Providence, on how basically their land is being taken from them for the acquisition of a tollway to a airport that has not been authorized by the General Assembly, that shows you the arrogance and the wastefulness of taxpayer dollars. It is time that we get legislative oversight of the Tollway Authority. It should be nothing but green votes on House Bill 2321."

Speaker Hannig: "Representative Fritchey."

Fritchey: "Mr. Speaker, I just want to announce for the record I have a potential conflict in this matter and, accordingly, will be voting 'present'."

Speaker Hannig: "Thank you, Representative. Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. My friends, today is the first major step in bringing the Berlin Wall of transportation funding in Illinois down. This step's been long overdue. Since the Illinois Toll Highway Authority was initially created for the limited purpose of financing new road construction, it has grown and grown and grown to the size of a beast with an insatiable appetite for spending. Spending the dollars of you and me, and for those of us who live in the suburbs, we've been subject to two parallel agencies and unchecked spending and a lack of oversight for far too long. It's

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

77th Legislative Day

October 30, 1997

regrettable that we have to face a December 15th court order to respond in a responsible and cost efficient manner, but unfortunately, the Toll Highway Authority has engaged in a Russian Roulette legal strategy which will leave us with no recourse other than a court ordered receivership if we fail to comply with the state's Constitution. This is a constructive initial first step, not just because we have to respond to a court order, and not just because there... every several months we read about double pensions or land deals or proposed pay raises or Taj Mahal headquarters, or some other fact that we find distasteful with how public dollars are being spent. This is a larger issue than that. We're all being solicited, our views, on an increase of the state's gas tax in order to meet the state's transportation needs. There simply is no way of adequately addressing the state's transportation needs, especially with a declining share of dollars for meeting those transportation needs without looking at the larger picture. This is much larger than any individual scandal or negative incident. This is about how do we prioritize our transportation spending in Illinois. Up until now, the road building community has fed off an all you can eat buffet. Unfortunately now, they're going to have to begin ordering from the menu. It doesn't mean that we all... It doesn't mean that we all can't make responsible choices and can't provide adequate accountability measures. This is a significant first step, it's long overdue, and the only reason that you can justify voting against this Bill, is if you, too, want to engage in a Russian Roulette strategy. If you do so, I'd encourage you to look in the chamber before you pull the trigger. Thank you."

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

77th Legislative Day

October 30, 1997

Speaker Hannig: "Representative Doug Scott."

Scott: "Thank you, Mr. Speaker. I move the previous question."

Speaker Hannig: "The Gentleman has moved the previous question. The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the main question is put. Speaker Madigan to close. Representative Cross, I think, wants to be recognized for a verification. Is that correct?"

Cross: "Yes, Mr. Speaker."

Speaker Hannig: "And we acknowledge that request, Representative."

Cross: "Thank..."

Speaker Hannig: "Madigan, to close."

Madigan: "The Bill has been adequately debated. I request an 'aye' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Speaker Madigan."

Madigan: "We request Postponed Consideration."

Speaker Hannig: "The Gentleman has requested Postponed Consideration, and so ordered. Mr. Clerk, House Bill 282. Out of the record. Mr. Clerk, what is the status of House Bill 2321?"

Clerk Bolin: "House Bill 2321 is on the Order of Postponed Consideration."

Speaker Hannig: "Would you return that Order to the... return that Bill to the Order of Second Reading? Representative Monique Davis, for what reason do you rise?"

Davis, M.: "Thank you, very much, Mr. Speaker, for giving me this opportunity. I know that the Session is in very, very

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

77th Legislative Day

October 30, 1997

serious business, but we would be remiss if we did not recognize some eighth grade students from Lawrence Elementary School in the balcony from Chicago's south side. The school is named after the first African-American male astronaut, Lawrence, who recently received full-fledged membership as an astronaut. So let's have a warm welcome... Harris, I'm sorry, to the school, and it's Connie Howard's district. These are eighth graders who are learning about government firsthand. We welcome you and thank you very much, young people."

Speaker Hannig: "Welcome to Springfield. Representative Cross."

Cross: "Inquiry of the Chair. Is House Bill 2321 on Postponed Consideration? Are we prepared to vote on the Bill again?"

Speaker Hannig: "The Bill has been on the Order of Postponed Consideration at the request of the Sponsor."

Cross: "Okay."

Speaker Hannig: "The Sponsor then asked the Bill be returned to the Order of Second Reading and, as you know, under House Rules it would get one additional vote, potentially."

Cross: "Do you want to clarify or elaborate on potentially?"

Speaker Hannig: "Let's put it this way, at the Speaker's request, this will get one additional vote."

Cross: "That's a pretty good elaboration. But is it..."

Clerk Rossi: "The Rules Committee will meet immediately in the Speaker's Conference Room. The Rules Committee will meet immediately in the Speaker's Conference Room. Committee Reports. Representative Todd Stroger, Chairman from the Committee on Local Government, to which the following Amendments were referred, action taken on October 30, 1997, reported the same back with the following recommendation: 'be adopted' Floor Amendments 2, 3, & 4 to Senate Bill 1120."

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

77th Legislative Day

October 30, 1997

Speaker Hannig: "Mr. Clerk, we're going to read the Override Motion for House Bill 282. Representative Woolard."

Speaker Brunsvold: "Representative Brunsvold in the Chair. House Bill 282, Mr. Woolard."

Woolard: "Thank you, Mr. Speaker. House Bill 282, we would like to override the Total Veto of the Governor. I think that everyone recognizes that these have got two Senate Amendments, which became the Bill and we're talking about Representative Moffitt's issue of taking the biodegradable and biocomposite materials that are made from corn and soybean products and giving them a 5% credit, tax credit. Also, there's an additional tax credit of 5% on any pollution control equipment commonly known as scrubbers for the coal mining areas of this state, especially in those financially distressed counties that have been identified by the Department of Commerce and Community Affairs. This is a very good piece of legislation. I think it would probably stimulate the economy in regions that are in much need of some kind of stimulus. I would encourage your support for the Total Override Veto... or override of the Total Veto that the Governor placed on this Bill."

Speaker Brunsvold: "The Gentleman has asked for an override. Is there any discussion on his Motion? The Gentleman from Knox, Representative Moffitt."

Moffitt: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I certainly think this could, with the tax incentive there, it could actually create jobs. I know one of the plants that makes Environ, an environmentally friendly material, is looking at additional locations and this could be just the incentive. It even has a sunset in here. It's not a permanent tax incentive, I believe it was five years, and I think any loss of revenue would be offset

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

77th Legislative Day

October 30, 1997

by creation of additional jobs and improved markets. I urge an 'aye' vote. Thank you."

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

Woolard: "We need your help on this very important issue."

Speaker Brunsvold: "The question is, 'Shall House Bill 282 pass?' The Veto of the Governor, notwithstanding. The Motion requires 71 votes. 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 this question, there are 112 voting 'yes', 4 voting 'no', 0 voting 'present'. This Motion, having received a required Three-fifths Majority, the Motion to Override prevails, and House Bill 282 is declared passed, notwithstanding the Governor's Veto. Mr. Clerk, House Bill 496. The Gentleman from Cook, Representative Turner."

Turner, A.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. I move for the override of the Governor's Veto on House Bill 496. The rationale for asking for this override is that in discussion with staff, I believe that with the Supplemental Appropriation Bill, we will be able to fund this program. As you know, this Bill passed out of the House by a vote of 114 to, I think, maybe 3 with objection. This program is a program that is run through the Department of Commerce and Community Affairs. The Community Economic Development Association and those groups that are affiliated with this program are very much willing to get started. We're looking now at only a half year's funding for the program and where we initially had hoped to fund it at a tune of \$600,000, we are talking now \$300,000

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

77th Legislative Day

October 30, 1997

that, I believe, will be available at a supplemental appropriations. So, I move for the override of House Bill 496."

Brunsvold: "The Gentleman has moved for the override and on that Motion, is there any discussion? Seeing none, the question is, 'Shall House Bill 496 pass?' The Veto of the Governor, notwithstanding. The Motion requires 71 votes. This is final action. All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. This Motion, having received 114 'ayes', 1 'no', 0 'presents' received the required Three-fifths Majority. This Motion to Override prevails and House Bill 496 is declared passed, notwithstanding the Governor's Veto. On the Order of Second Reading, House Bill 2321. The Gentleman from Cook, Represen... Representative Hannig in the Chair."

Speaker Hannig: "Thank you. And Representative Cross, for what reason do you rise?"

Cross: "Mr. Speaker, we were on Postponed Consideration, and now you're wanting to go back to Second Reading. There's been a standing practice in this Body that once you take a vote on Third Reading, you've waived your right to go back to Second. We've taken a vote, we've talked about the substance of a Bill, we've taken a vote, we've actually had a Roll Call and then you put it on Postponed Consideration."

Speaker Hannig: "That's correct."

Cross: "To now ask us to go back to Second and change the complexion of this Bill and start over, is inappropriate. Now, if you want to start over with a new Bill that's one thing, but once we get to the point of Postponed

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

77th Legislative Day

October 30, 1997

Consideration, you waive that right."

Speaker Hannig: "I do not believe that's correct, Representative, because many times Bills on Postponed Consideration are amended to become less controversial and subsequently pass in a modified form, and that's been the practice that I know of in all the years that I've been in the House, Representative, and that's then..."

Cross: "Well, I think this is another example, unfortunately, of the ambiguities in the Rules. There's no provision, but the argument would again be that you've waived any right to go back to Second."

Speaker Hannig: "I think that's the choice of the Sponsor, whether he or she wishes to amend that Bill, and that's partly the purpose of a Postponed Consideration, but that's really neither here nor there. The Rules do provide that Bills on Postponed Consideration can be moved and can be..."

Cross: "Where can you... can you provide for us... with a... parliamentary inquiry. Where in the Rules does it allow specifically for a Bill to leave Postponed Consideration and then brought back to Second?"

Speaker Hannig: "Representative, it's always been the long-standing practice to allow Members to move Bills back from Third Reading, whether they're on Postponed or not on Postponed, for the purposes of amending the Bill to make them in the form that the Sponsor wishes, so that he or she can present them on Third Reading."

Cross: "Where do we find that in the Rules? You said a minute ago that it's in the Rules, it's outlined and that's how it would allow us... We don't see it."

Speaker Hannig: "It's been the long-standing practice, Representative, and we've extended that option to all

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

77th Legislative Day

October 30, 1997

Members on both sides of the aisle for Bills on either Postponed or Bills that are on Third Reading, not on Postponed, to bring them back for purposes of an Amendment."

Cross: "So now we're going back to Second. Is it the intention of the Chair and the Rules Committee to sit down and have a committee hearing so we can consider the Amendment that I assume you're going to try to place onto the Bill since we're back to Second?"

Speaker Hannig: "Representative, I'm informed that the Rules Committee has indeed referred an Amendment to the floor for consideration on this Bill."

Cross: "It has been the long-standing custom, at least in the year and a half that you've been in charge, that we take Bills from Rules Committee to the... to an actual committee hearing and not put them on the floor and now you're wanting to change that custom."

Speaker Hannig: "That's not the case for Amendments that are technical in nature and this Amendment is technical in nature..."

Cross: "Changing the effective date is what we're calling now a technical change?"

Speaker Hannig: "That's what the Rules Committee has so ruled."

Cross: "Okay, thank you."

Speaker Hannig: "Representative Madigan."

Madigan: "Mr. Speaker, the Amendment would eliminate the effective date in the Bill and I move for the adoption of the Amendment."

Speaker Hannig: "All... Representative Cross on the Amendment."

Cross: "Well, first of all, I have a question. When will the... when will this make the Bill effective? And then, I would ask for a Roll Call and a verification."

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

77th Legislative Day

October 30, 1997

Speaker Hannig: "Let's get into proper order, first. Mr. Clerk, Committee Reports."

Clerk Rossi: "Representative Currie, Chairman from the Committee on Rules, to which the following Amendment was referred, action taken on October 30, 1997, reported the same back, recommend 'be adopted' Floor Amendment #4 to House Bill 2321."

Speaker Hannig: "Representative Madigan has moved for the adoption of that and on this... that question, Representative Cross, could you restate your question?"

Cross: "Well, I have several questions. One, our computers are not showing the Amendment. I'd appreciate it if that could be addressed by the Clerk. Second, what is the effective date? Third, we'd like a Roll Call vote. Fourth, we'd like to verify the vote."

Speaker Hannig: "You'll be granted a Roll Call vote and a Verification, Mr. Cross."

Madigan: "Mr. Cross, the Amendment would eliminate the effective date, therefore, the Bill could pass today with 60 votes and the effective date of the Bill would be July 1, 1998."

Cross: "What effect does that, under the current lawsuit, where we've allegedly been given a time-frame, what significance is this Bill if it's not effective until July 1? The second question I would ask is, what do we do in the event the Supreme Court reverses the decision of the Circuit Court and why are we considering that? In light of that, and I guess the follow-up question would be, have we taken into account or anticipated the reversal by the Supreme Court in this Bill?"

Madigan: "Mr. Cross, the Toll Road Authority appealed Judge Schiller's decisions to the Supreme Court and asked for an expedited hearing. The request for an expedited hearing

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

77th Legislative Day

October 30, 1997

was denied. So the status of the court action today is that there will be no further court action before December 15th. My stated purpose from the very beginning of this consideration of this Bill, was that I'm attempting to comply with the court order. I failed to receive 71 votes, therefore, the Bill did not pass with an immediate effective date. I'm going to do the next best thing, which is to pass this Bill with 60 votes, if I can do that. But throughout, my intent, to the best of my ability, is to comply with the court order and not ignore the court order."

Speaker Hannig: "Representative Cross, are you concluded?"

Cross: "Yes. Mr. Speaker, to the last question I have asked. What if any... how have you provided in your Bill, as amended, language that would anticipate the reversal by the Supreme Court?"

Madigan: "Mr. Cross, if for some reason the Supreme Court were to reverse the Circuit Court, we wouldn't need this Bill. This Bill is an attempt to respond to the court order."

Cross: "I guess that's my point. Why... we pass this Bill, it goes to the Senate, it's signed by the Governor and we don't need it. From a timeliness standpoint, we have a Supreme Court that has said, 'We're reversing the Circuit Court.' And I'm just asking, is there language in this Bill repealing, that would have an effect, I guess, of a repealing in the event the Supreme Court reverses the Circuit Court?"

Speaker Madigan: "No."

Cross: "Thank you."

Speaker Hannig: "Representative Coulson. Representative Coulson. Please turn on Representative Coulson."

Coulson: Oh yes, I'm here. I would like to just reiterate, I

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

77th Legislative Day

October 30, 1997

will be voting 'present' on this because of the former conflict I mentioned. Thank you."

Speaker Hannig: "Thank you, Representative. Representative Biggins."

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

Speaker Hannig: "He indicates he will."

Biggins: "Representative Madigan, instead of advancing this measure, would you consider putting this aside and having Members of this side and your side sit down with the Toll Authority people and perhaps consult the bonding people in New York to avoid the possibility of a \$19 to \$28 million charge to the people that use the tollway?"

Madigan: "Mr. Biggins, that's nice to say now. This matter was filed several days ago. It was before the committee twice, it's been on the floor. The only response I've gotten from the Toll Road Authority is a bunch of baloney, you know, a bunch of fabrications designed to stop this, hoping that somehow the court system will reverse itself. Let me state again, my only purpose is to be responsive to the court order. If there are those in this Body or in the Toll Road Authority that don't want to be responsive to the court order, so be it, but as far as I'm concerned, speaking for myself, acting for myself, I'm going to be responsive to the court order."

Speaker Hannig: "Representative Clayton."

Clayton: "Will the Sponsor yield, please?"

Speaker Hannig: "He indicates he will."

Clayton: "Okay, thank you. Some of the concerns... of course we would love to, you know, just not have to pay tolls in our area as you would, but there are some concerns with regard to the Legislature assuming this role. And I guess I'm looking for assurances. One of the concerns, there...

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

77th Legislative Day

October 30, 1997

well, I want to bring up two, but one of them is the possibility of any of the toll funds being diverted for use other than on toll roads."

Madigan: "Representative, let me respond by stating my view of the larger issue. So, speaking for myself, I'm not a 'shut down the toll road person'. I'm not a 'shut down the toll booth person'. I'm not one who wants to take the money and divert it for other purposes. I use the toll road from time to time. I don't mind paying the toll, because the road's in good condition. Those are my personal views."

Clayton: "But there would be no assurances that... I mean, that would be your view, but not necessarily the view of the Body?"

Madigan: "Yeah, right, right. Correct."

Clayton: "Okay. The other concern that would go right along with that would be that, in fact, the Body would be able to eliminate tolls and then we would really be in a fix with regard to how to maintain the existing roads and knowing how difficult it would be to increase the gas tax to assume that role."

Madigan: "The Legislature could do that without regards to whether or not the Toll Road Authority would be required to come before the Legislature for an appropriation. We could offer a Bill today which would simply say, 'End the tolls and let's make it a free road and the state, through whatever fund, will pick up the expenses.'"

Clayton: "Thank you for your responses. To the Bill."

Speaker Hannig: "To the Amendment."

Clayton: "Yes. Excuse me, to the Amendment. I still am left with the concerns that have been expressed with regard to exactly how our... the Legislature's oversight role would be used? I urge a 'no' vote."

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

77th Legislative Day

October 30, 1997

Speaker Hannig: "Representative Meyer."

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

Speaker Hannig: "He indicates he will."

Meyer: "Speaker Madigan, several years ago, this Body passed legislation that enabled the tollway, as it currently is, at Route 355 and I-55, to be extended southward to New Lenox. Will anything in your legislation that you're proposing today, impact on the ability of the toll road to be extended as this Body has already approved?"

Madigan: "The answer is, no."

Meyer: "Thank you."

Speaker Hannig: "Representative Mulligan."

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

Speaker Hannig: "He indicates he will."

Mulligan: "Speaker Madigan, this Amendment just changes the effective date which eliminates the current effective date of being immediate. So then it would make the effective date July 1st of 1998?"

Madigan: "Yes."

Mulligan: "Doesn't it make it a moot point with the courts then, if you move the date past so that it's not in effect immediately?"

Madigan: "As I said earlier, my intent is to the best of my ability to be responsive to the court order. I was unable to pass the Bill with 71 votes, so I'm going to attempt to pass it with 60 votes. So, to the best of my ability, I'm responsive to the court order."

Mulligan: "I understand that, but if it doesn't become law until July and the court says we have to do it by December, how does this work? I don't understand it?"

Madigan: "This is a House Bill in the House. I presume if it

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

77th Legislative Day

October 30, 1997

reaches the Senate it will be considered by the Senate. By the time the Senate finishes consideration of it there may be more than 71 votes in the House to approve the Bill."

Mulligan: "Oh, okay. That's all I wanted to know. Thank you."

Speaker Hannig: "Representative Hassert."

Hassert: "Will the Sponsor yield?"

Speaker Hannig: "He indicates he will."

Hassert: "Speaker Madigan, Representative Meyer just asked you a question about the extension of the... or expansion of the Toll Way Authority and particularly the... I'm concerned about the 355 going south through Will County, which we did designate that a couple of years back. You indicated that this would not have an effect on it, but my understanding, there's another Appropriation Bill, House Bill 2350, that does not include the monies for that expansion of that south leg of the tollway. Could you respond to that?"

Madigan: "Yes. The appropriation numbers, the numbers in the Appropriation Bill were taken from the Toll Road Authority in terms of their current year expenditures or their current year's spending. So, all we did was to go to the Toll Road and get their numbers and put them into the Bill."

Hassert: "Just to follow up on that. I mean, do you feel that this could somewhere down the line, in fact, at subject to appropriation of this Body, to take that money away from expanding that roadway down through Will County? Because Representative McGuire was on this. I mean, this is very important to our area."

Madigan: "You know that they have the authority to issue debt for the construction of the road, and once they do that, they're obligated to pay whatever debt they've taken on. That would relate to the construction. So, once they come

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

77th Legislative Day

October 30, 1997

in here for appropriations, why all of us are looking at the debt that they've incurred. And since that's an agency of the state, I think it's an agency of the state, today, some people don't, the state would be obligated. Just like the state's obligated under any debt that's incurred by state agencies."

Hassert: "Just to make it clear, then. We would not have the power then to overrule them on issuing that debt?"

Madigan: "Correct. It's a contract."

Hassert: "In concept."

Madigan: "Once it's issued, it's a contract."

Hassert: "But if it's not issued to this point, does this Bill require oversight to the point that we agree every year on their projects to go forward, just like we do with IDOT or any other subject of appropriations?"

Madigan: "We would review the expenditures for operation. We would review the expenditures for operation."

Hassert: "Okay. I'm still... that doesn't... to me, that doesn't make sense because you'll view the operational expense, just like normal maintenance type expenses and that, but issuing new debt. Basically, they haven't issued this debt according to this House Bill 2350. That was not part of this appropriation for this year. What would happen next year if the Toll Way Authority came in to us under this Act and wanted to issue those bonds to build that extension? Would we have the power of this Body to overrule their decision?"

Madigan: "My understanding of all of this is that we adopted a Resolution which authorized the construction of that road. Today, Illinois law provides a continuing appropriation for the purposes of debt repayment. We don't change that in this Bill. We continue with the authorization in Illinois

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

77th Legislative Day

October 30, 1997

law for a continuing appropriation for debt purposes. All we're attempting to do is to require that in terms of ordinary operation and maintenance, they have to come in for an appropriation. If you are one who buys into the position of the toll road, you can raise one issue after another to defeat this Bill. It just depends on whether you, as a Member of the General Assembly, want to be involved in reviewing the money that's spent at the toll road."

Hassert: "Speaker Madigan, just one more question. Just so I'm clear in my mind because this is very important to the people in Will County is... this appropriation does not include... this new appropriation does not include the monies for that south extension that is already, basically, somewhat started. Am I correct?"

Madigan: "All right, Mr. Hassert. What you've been saying is correct in terms of, not this Bill, but the next Bill, the Appropriation Bill. The Appropriation Bill does not provide spending authority for the matter which is being held because of the environmental impact statement and then what they call the refunding bonds."

Hassert: "Thank you, Speaker Madigan, just to the Bill. This does concern me. I think people, in particular Representatives from Will County, should really take note of this because this could lead to the next Bill, that we will not have funding for expansion of the south leg of 355, which is a very important area. Representative McGuire, Representative Novak, I wish you would take note to this because this is an important area, an important vote to Will County. So, please pay attention. Thank you."

Speaker Hannig: "Representative Madigan to close."

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

77th Legislative Day

October 30, 1997

Madigan: "Mr. Speaker, the Amendment removes the effective date of the Bill. I move for the adoption of the Amendment."

Speaker Hannig: "The question is, 'Shall Amendment #4 be adopted?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 61 voting 'yes' and 52 voting 'no'. Representative Cross, do you wish a verification? Okay. Mr. Clerk, Poll those voting in the affirmative."

Clerk Rossi: "A Poll of those voting in the affirmative: Representatives Acevedo. Boland. Bradley. Brosnahan. Brunsvold. Burke. Capparelli. Crotty. Barbara Currie. Julie Curry. Dart. Davis, Monique. Davis, Steve. Erwin. Fantin. Feigenholtz. Flowers. Fritchey. Gash. Giglio. Giles. Granberg. Hannig. Hartke. Hoffman. Holbrook. Howard. Jones, Lou. Jones, Shirley. Kenner. Lang. Lopez. Lyons, Joseph. Mautino. McCarthy. McGuire. McKeon. Moore, Eugene. Morrow. Murphy. Novak. O'Brien. Phelps. Pugh. Reitz. Ronen. Santiago. Schakowsky. Schoenberg. Scott. Scully. Silva. Skinner. Slone. Smith. Stroger. Turner, Art. Wood. Woolard. Younge. And, Mr. Speaker.

Speaker Hannig: "Now, Representative Cross, the Amendment requires only a majority of those voting. You know that, of course and so..."

Cross: "I do know that."

Speaker Hannig: "...and certainly, you're within your rights to proceed and so, please, do."

Cross: "I'm going to. Representative Bradford. I'm sorry, wait, let me..."

Speaker Hannig: "That's an old habit there, Representative, that

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

77th Legislative Day

October 30, 1997

you're going to have to change."

Cross: "All right, I'm sorry. I've got a few more names...
Representative Hoffman, I apologize. I got the wrong one."

Speaker Hannig: "I'm sorry, did you say Representative Hoffman?"

Cross: "Hoffman, yes. I certainly said the right one."

Speaker Hannig: "Representative Hoffman? Is the Gentleman in the
chambers? Is the Gentleman in... Mr. Clerk, how is he
recorded?"

Clerk Rossi: "Representative Hoffman is voting in the
affirmative."

Speaker Hannig: "Remove him. Representative Cross."

Cross: "Representative Slone?"

Speaker Hannig: "Representative Slone is in the center aisle."

Cross: "Representative Phelps?"

Speaker Hannig: "Representative Phelps. The Gentleman is in his
seat."

Cross: "Representative Dart?"

Speaker Hannig: "Representative Tom Dart? Is the Gentleman in
the chamber? The Gentleman is in the rear of the chamber.
Can you see him? Yes, Representative."

Cross: "Inquiry of the Chair. I thought it was our understanding
Representative Fritchey had a conflict, did I see a 'yes'
vote there? Maybe, ...I thought we understood that he had
noted a conflict."

Speaker Hannig: "Representative, do you have any...
Representative, do you have any additional questions?"

Cross: "Representative Giglio?"

Speaker Hannig: "Representative Giglio. The Gentleman's in his
seat. Representative Cross, the Gentleman was in his
seat."

Cross: "Okay. Thank you."

Speaker Hannig: "On this question, there are 60 voting 'yes' and

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

77th Legislative Day

October 30, 1997

52 voting 'no' and the Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments, but a Fiscal Note, a Balance Budget Note, a Judicial Note, and a State Debt Impact Note, as amended by #4, have been requested on the Bill and has not been filed."

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

Madigan: "Relative to the Fiscal Note, I move that it does not apply."

Speaker Hannig: "Speaker Madigan has moved that the Fiscal... Did you say Fiscal Note?"

Madigan: "Yeah."

Speaker Hannig: "The Fiscal Note does not apply. Representative Cross, on that question."

Cross: "We'd like a Roll Call and a verification."

Speaker Hannig: "A Roll Call and a verification."

Cross: "And a question of the Sponsor."

Speaker Hannig: "And a question of the Sponsor, proceed."

Cross: "Mr. Speaker, is the suggestion that there is absolutely no fiscal impact to this Bill, whatsoever?"

Madigan: "My Motion has been made because there's a note filed already that properly speaks to the fiscal impact of the Bill."

Cross: "We have a six month to a eighth month delay, now. How can we now argue that it is inapplicable, but it wasn't earlier?"

Madigan: "Because the note was designed to respond to what the cost of the Bill would be. What are you so afraid of, anyway?"

Cross: "It's not my Bill, but there's obviously a cost difference between now and later."

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

77th Legislative Day

October 30, 1997

Madigan: "Why is everybody so afraid to look over this agency? I can't figure it out. What goes on out there?"

Cross: "I'm not... Are you asking me? I'm not on as a cosponsor."

Speaker Hannig: "Okay. Speaker Madigan has moved that the Fiscal Note is not applicable. All those in favor vote 'aye'; opposed 'nay'. The voting is open. This requires the majority of those voting. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 59 voting 'yes' and 53 voting 'no' and... Representative Cross, do you persist in a verification?"

Cross: "If you could go through the names, please."

Speaker Hannig: "Yes. Mr. Clerk, read those voting in the affirmative."

Clerk Rossi: "A Poll of those voting in the Affirmative: Representatives Acevedo. Boland. Bradley. Brosnahan. Brunsvold. Bugielski. Burke. Capparelli. Crotty. Currie. Curry. Dart. Davis, Monique. Davis, Steve. Erwin. Fantin. Feigenholtz. Flowers. Gash. Giglio. Giles. Granberg. Hannig. Hartke. Hoffman. Holbrook. Howard. Jones, Lou. Jones, Shirley. Kenner. Lang. Lopez. Lyons, Joseph. Mautino. McCarthy. McGuire. McKeon. Moore, Eugene. Morrow. Murphy, Harold. Novak. O'Brien. Phelps. Pugh. Reitz. Ronen. Santiago. Schakowsky. Schoenberg. Scott. Scully. Silva..."

Speaker Hannig: "Mr. Clerk. Mr. Clerk, Representative Cross withdraws his request for a verification. Speaker Madigan."

Madigan: "Mr. Speaker, relative to the Judicial Note, I move that it does not apply."

Speaker Hannig: "Let me announce that on the question of the

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

77th Legislative Day

October 30, 1997

Fiscal Note, there are 59 voting 'yes' and 53 voting 'no', and the Fiscal Note is inapplicable. And now, Speaker Madigan moves that the Judicial Note be ruled inapplicable. Is there any discussion? Representative Cross."

Cross: "Mr. Speaker, once again, we would ask for a Roll Call vote and verification."

Speaker Hannig: "The question is, 'Is the... is the Judicial Note inapplicable?' All those who agree vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 59 voting 'yes' and 53 voting 'no'. Representative Cross, do you persist? Representative Cross withdraws his request for a verification and the Judicial Note is ruled inapplicable. The request for a Judicial Note is ruled inapplicable. Representative Cross, the Chair will rule that the Balanced Budget Note and the State Debt Impact Note, those requests are out of order and the Parliamentarian will explain the ruling."

Parliamentarian Kasper: "Representative Cross, the Balanced Budget Impact Note is applicable only to Bills that make Supplemental Appropriations. This Bill is not a Supplemental Appropriation Bill, therefore that request is out of order. The State Debt Impact Note is fairly self explanatory, also. It applies only to Bills which increase state debt, which this Bill does not do. And unlike the Judicial Note Act and the Fiscal Note Act, there is no provision in those Acts which provide for a vote of the Members as to the applicability of those notes, so therefore, these two notes, unlike the previous two, are not subject to a vote."

Speaker Hannig: "And on that question, Representative Cross."

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

77th Legislative Day

October 30, 1997

Cross: "I'd like to... I make a Motion to override the... both the Parliamentarian and the Speaker. And a Roll Call vote. I'd like two Roll Call votes."

Speaker Hannig: "And the question is, 'Shall the Chair be sustained?' All those in favor of sustaining the Chair vote 'aye'; those opposed vote 'no'. This requires 71 'no' votes to overrule the Chair. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 59 voting 'yes' and 54 voting 'no', and the Chair is sustained. Representative Cross."

Cross: "I don't have... I withdraw my Motion with respect to the Parliamentarian."

Speaker Hannig: "Thank you. The Parliamentarian thanks you, as well. Are there... Representative... What's the status of this Bill, Mr. Clerk?"

Clerk Rossi: "The Fiscal Note and the Judicial Note have been ruled inapplicable. The Budget Balance Note and the State Debt Impact Note have been ruled out of order, so the notes have been complied with."

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

Clerk Rossi: "House Bill 2321. A Bill for an Act amending the Toll Highway Act. Third Reading of this House Bill."

Speaker Hannig: "Speaker Madigan."

Madigan: "Mr. Speaker, I think the Bill has been adequately debated. I would just request an 'aye' vote."

Speaker Hannig: "And on that question, Representative Ryder."

Ryder: "Mr. Speaker, I rise at a point of parliamentary inquiry. In the time that I've been in the General Assembly, I have never recalled a circumstance in which the Parliamentarian, while at the same time ruling on issues before the General Assembly from the podium, and in fact, this Parliamentarian rules into the microphone. We almost had a vote. We

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

77th Legislative Day

October 30, 1997

probably could have sustained a vote against him the last time, and then he leaves the podium to go to the floor in order to advise on an issue that is obviously a very partisan one. I've never recalled that taking place. I wish it to be duly noted in the manner of a parliamentary inquiry, that the Parliamentarian, the person we call upon to interpret the rules in a fair and just manner, also seeks to give counsel in that partisan fashion. I appreciate the opportunity to make note of that activity. Thank you, Mr. Speaker."

Speaker Hannig: "Yes, Representative, the Parliamentarian is here to advise all of us and I'm certain that he can do a fine job of that. Representative Ryder."

Ryder: "Yes, Mr. Speaker. I heard the quality of that advice when he charged on our side and verbally assaulted one of our Members. If that is the quality of parliamentarian advice that he is issuing, perhaps he might want to stay on his side of the aisle in the future. Thank you for the opportunity to respond to you, Sir."

Speaker Hannig: "Thank you, Representative Ryder. Representative Cross, on the Bill."

Cross: "First of all..."

Speaker Hannig: "Yes."

Cross: "...I'd like to verify this Bill, this vote."

Speaker Hannig: "Certainly, Representative."

Cross: "And then, will the Speaker yield... will the Sponsor yield?"

Speaker Hannig: "The Sponsor will yield."

Cross: "Mr. Speaker, it's obvious that this Bill, even if it passes, has absolutely no meaning now, given the court's ruling in the immediate effect. Would you consider the Governor's proposal now, given the fact that this,

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

77th Legislative Day

October 30, 1997

obviously, is not going to go anywhere, it means nothing?"

Speaker Hannig: "Speaker Madigan."

Madigan: "Mr. Cross, I think it means something that, I expect the majority of the Body will vote that the Toll Authority ought to come in here for an appropriation. I said, I think that the passage of the Bill, I think it will pass with 60 votes. I think that it indicates that there's a majority of the House that feels that the Toll Authority ought to come in here for an annual appropriation for operations. I think that's significant, and as I said at the beginning, I'm only attempting to respond to the court order. I'll do that to the best of my ability. Concerning the Governor's plan, Mr. Cross, all due respect to you, all due respect to the Governor, all due respect to Mr. D'Esposito, it's a bunch of smoke and mirrors. It's a bunch of smoke and mirrors, and you don't have to respond in public, but you know it is."

Cross: "Thank you."

Speaker Hannig: "Representative Coulson."

Coulson: "Thank you. Not to bore the Assembly here, but I will be voting 'present' again on this because of my husband's law firm's involvement in the case. Thank you."

Speaker Hannig: "Representative Biggins."

Biggins: "Thank you, Mr. Speaker. I want to echo Representative Cross' comments. We've taken a bad Bill and made it worse by taking the only thing in the Bill that was any good, which was the effective date. As the court has ruled on December 15, this entity may no longer exist. We'll have one Bill that'll be effective until June or July of 1998, but we will have an expressway system that may or may not be open from that time period of December 15, until we get it open, and we don't know when that will be. So, I don't

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

77th Legislative Day

October 30, 1997

think this has been a real addition to this Bill. I urge a 'no' vote."

Speaker Hannig: "Representative Fritchey".

Fritchey: "Mr. Speaker, for the record, I'll be voting 'present' due to a potential conflict."

Speaker Hannig: "Thank you. Representative Mulligan."

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

Speaker Hannig: "He indicates he will."

Mulligan: "Speaker Madigan, I hope you will indulge me. This is not an area that I am familiar with, nor do I sit on any of the committees, but in my area, the toll road is very controversial, and with all the press and things that have happened, I think people in my district think what's going to happen is that the tolls are going to be removed by us taking that over, and I don't see that happening. I'm curious to know, does the tollway generate enough revenue to be self-sustaining without adding money from either the Road Fund or the General Revenue Fund?"

Madigan: "Representative, they have collected so much money, they've built all those roads, rebuilt 294, and had plenty of money for all of the extravagance that has happened there for several years. They're flush in money."

Mulligan: "I don't know that for a fact and, quite frankly, if something were to happen and as we have suburbs that are expanding, we're looking at possibly having more toll roads. I'm curious, if it doesn't generate enough money, are we able to raise the tolls or is that only the Toll Road Authority that has that ability to raise the tolls?"

Madigan: "The Toll Road Authority will set the tolls."

Mulligan: "So if they decide..."

Madigan: "The Toll Road Authority will set the tolls."

Mulligan: "If they decide not to set the tolls or raise them..?"

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

77th Legislative Day

October 30, 1997

Madigan: "Then they won't have... I presume that maybe they wouldn't have enough money to pay for their operations."

Mulligan: "Representative Clayton asked you a question about the money coming in and being raided for other purposes other than the toll road, which is, of course, interesting to those of us that drive on them all the time, and you answered, it wouldn't be your intent but you also answered that it might be the intent of the Body to do that. So, that really doesn't give us much assurance that that wouldn't happen. And so what do we do then if we shut down the toll roads for the people that live in my area as far as the traffic congestion?"

Madigan: "I don't think it's any different than any other agency or group coming before the Legislature asking for money. We make spending decisions everyday, every year, and we're called upon to decide to spend money in one place and not in another. The toll road will have plenty of people who are advocates for maintaining the toll road money right where it is for the purpose of the toll road. It's just part of the Legislature."

Mulligan: "I think the wrong impression has been just... well, I think the wrong impression has been given by the press and the tone of the discussion of the toll road in the paper by many people, because I think it's going to give the wrong impression to the people of my district as to what's actually going to happen, and I'm very concerned that we're going to take this over, and there will not be enough money there at some point, and that the General Assembly will have to appropriate funds from other areas."

Madigan: "I must object to your use of the word, 'takeover'. This agency would not exist except for action of the Illinois General Assembly. There would be no Toll Road

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

77th Legislative Day

October 30, 1997

Authority, except once upon a time, this Legislature, with the signature of the Governor, passed a Bill to create the Toll Road Authority. We're not taking over anything. This has been part of State Government from the very beginning."

Mulligan: "No, I meant the obligation for the appropriation for the toll road."

Madigan: "I would object to the use of the word, 'obligation'. I mean, you will be called upon to review the appropriation as you're called upon to review appropriations for a whole variety of agencies."

Mulligan: "Thank you."

Speaker Hannig: "We have debated this for a long time and we will allow one additional questioner, Representative Hassert, and then we will go to the Roll Call."

Hassert: "Will the Sponsor yield? Speaker Madigan, just if this Bill passes, so I can reemphasize, if this Bill passes, you will have a trailer Bill, the Appropriation Bill of 2350, which does not have the funding for the south extension of 355. Is that correct?"

Madigan: "That's correct."

Hassert: "So, I just want to reemphasize to Representative McGuire and some of the Will County Representatives that this could potentially kill our 355 extension, so just to make that clear. Thank you."

Speaker Hannig: "Representative Madigan to close."

Madigan: "Just request an 'aye' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. It requires 60 votes and there has been a request for a verification. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 63

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

77th Legislative Day

October 30, 1997

voting 'yes' and 48 voting 'no' and Representative Cross requests a verification. Is that correct? Mr. Clerk, read those voting in the affirmative."

Clerk Rossi: "Poll of those voting in the affirmative: Representatives Acevedo. Boland. Bradley. Brosnahan. Brunsvold. Bugielski. Burke. Capparelli. Crotty. Currie. Julie Curry. Dart. Davis, Monique. Davis, Steve. Deuchler. Erwin. Fantin. Feigenholtz. Flowers. Gash. Giglio. Giles. Granberg. Hannig. Hartke. Hoeft. Hoffman. Holbrook. Howard. Jones, Lou. Jones, Shirley. Kenner. Lang. Lindner. Lopez. Lyons, Joseph. Mautino. McCarthy. McGuire. McKeon. Moore, Eugene. Morrow. Murphy. Novak. O'Brien. Phelps. Pugh. Reitz. Ronen. Santiago. Schakowsky. Schoenberg. Scott. Scully. Silva. Skinner. Slone. Smith. Stroger. Turner, Arthur. Woolard. Younge, and Mr. Speaker."

Speaker Hannig: "Representative Cross, questions of the affirmative."

Cross: "Representative Santiago?"

Speaker Hannig: "Representative Santiago. Is the Gentlemen in the chamber? Is the Gentleman in the chamber? Mr. Clerk, how is he recorded?"

Clerk Rossi: "Representative Santiago is recorded as voting in the affirmative."

Speaker Hannig: "Remove him. Representative Cross, anything further?"

Cross: "Hoffman?"

Speaker Hannig: "Representative? I'm sorry, I didn't hear you."

Cross: "Representative Jay Hoffman?"

Speaker Hannig: "And Lou Jones is asking for leave. Is that okay? Okay, so that will be granted. Representative Jay Hoffman. The Gentleman is in the rear."

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

77th Legislative Day

October 30, 1997

Cross: "Representative Giles?"

Speaker Hannig: "Representative Giles is in his seat."

Cross: "Representative Giglio?"

Speaker Hannig: "Representative Giglio. Is the Gentleman in the chamber? The Gentleman is in the rear of the chamber on your side of the aisle, Representative."

Cross: "Representative Woolard?"

Speaker Hannig: "Representative Woolard is in his chair in the rear of the chamber."

Cross: "Representative Reitz?"

Speaker Hannig: "Representative Reitz. Representative Reitz is in the back of the of the chamber. There he is, wave... waving his hand."

Cross: "Representative Bugielski? Bugielski. I apologize for the mispronunciation."

Speaker Hannig: "Representative Bugielski. Representative Bugielski. Is the Gentlemen in the chamber? I'm sorry, someone is pointing and I don't see him. Representative Bugielski, would you wave for the Chair so we can find you? I don't see him. Mr. Clerk, how is he recorded?"

Clerk Rossi: "Representative Bugielski is voting in the affirmative."

Speaker Hannig: "Remove him. Representative Cross, Representative Bugielski is in the rear of the chamber. Mr. Clerk, would you restore him, please? Representative Cross."

Cross: "If you will give me one second, please?"

Speaker Hannig: "Certainly, Representative. Representative Cross, Shirley Jones is asking leave to be verified."

Cross: "By all means."

Speaker Hannig: "Thank you, Representative."

Cross: "Representative O'Brien?"

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

77th Legislative Day

October 30, 1997

Speaker Hannig: "Representative O'Brien. The Lady is in the center of the aisle on the Democratic side."

Cross: "Representative Crotty?"

Speaker Hannig: "Representative Crotty is in her seat. Anything further?"

Cross: "Oh, yes, I have got several more I want to... Representative Harold Murphy?"

Speaker Hannig: "Representative Harold Murphy. I'm sorry, you said, Harold Murphy, is that correct?"

Cross: "Yes, Mr. Speaker."

Speaker Hannig: "Representative Harold Murphy is in the rear of the chamber. Mr. Murphy was in the rear of the chamber."

Cross: "All right. Representative Dart?"

Speaker Hannig: "Representative Tom Dart. The Gentleman is in the rear of the chamber on your side of the aisle."

Cross: "Oh, it's good to have him over here. Representative Brunsvold?"

Speaker Hannig: "Representative Brunsvold. Mr. 'Replating' is right here in the front of the chamber."

Cross: "Put his request in for the first plate. We're going through our list if you could just indulge us a few more moments."

Speaker Hannig: "Certainly."

Cross: "Representative Burke?"

Speaker Hannig: "I'm sorry, Representative, who did you say? Representative ... Representative Cross, I couldn't hear who you said."

Cross: "Representative Burke?"

Speaker Hannig: "Dan Burke? Representative Burke is in his seat. And Representative Schakowsky is in the center of the aisle asking leave to be verified. Anything further?"

Cross: "Yes. Yes, a few more."

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

77th Legislative Day

October 30, 1997

Speaker Hannig: "You're not having very good luck, Representative."

Cross: "Persistence, though, is the key here, Mr. Speaker."

Speaker Hannig: "It looks like Representative Lindner and Hoeft are looking for leave to be verified. I don't know."

Cross: "There you guys go again, trying to ask the questions. It happened when the Sponsor did the Bill. Now let me... let me just proceed here. Representative Granberg?"

Speaker Hannig: "Representative Granberg. The Gentleman is in his seat, as always."

Cross: "Representative Mautino?"

Speaker Hannig: "Representative Frank Mautino is in the rear of the chamber at his seat."

Cross: "Representative Bradley?"

Speaker Hannig: "Representative Bradley is in his seat."

Cross: "Representative Charles Morrow?"

Speaker Hannig: "Representative Morrow is standing next to the Speaker."

Cross: "Representative Deuchler."

Speaker Hannig: "I'm sorry. Representative Sue Deuchler? Could we have order in the chamber, please? Representative Sue Deuchler. Is the Lady in the chamber? Is the Lady in the chamber? Mr. Clerk, how is she recorded?"

Clerk Bolin: "Representative Deuchler is recorded as voting in the affirmative."

Speaker Hannig: "Remove her."

Cross: "Representatives Lindner and Hoeft?"

Speaker Hannig: "Did we not give them leave, Representative?"

Cross: "No, I did not, Mr. Speaker, but I ask that they be verified."

Speaker Hannig: "Okay. Representative Lindner. Representative Lang, for what reason do you rise?"

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

77th Legislative Day

October 30, 1997

Cross: "Oh, come on. This is in the middle of a verification, Mr. Speaker."

Lang: "Thank you. Mr. Speaker... Mr. Speaker, a point of order, Sir."

Cross: "What on earth is the point of order? We have to finish this verification."

Speaker Hannig: "The Gentleman asks... has risen on a point of order. So, let's see what his point of order is."

Lang: "Mr. Speaker. Mr. Speaker, not three minutes ago you acknowledged that Mr. Hoeft and Mrs. Lindner were in the chamber. They were in the chamber with their vote on the board. I don't care if they left or not, the Chair acknowledged that they were in the chamber. They cannot be taken off this Roll Call, Sir, and I would ask the Chair to so rule."

Speaker Hannig: "That's not the ruling of the Chair, Representative Lang. They were not verified. The Chair was speaking with the verifier, but they were not given leave and that is correct."

Cross: "I would persist with Hoeft and Lindner, please."

Speaker Hannig: "I'm sorry, so Representative Doug Hoeft?"

Cross: "Yes."

Speaker Hannig: "Is the Gentleman in the chamber? The Gentleman is not in the chamber. Mr. Clerk, how is he recorded?"

Clerk Bolin: "Representative Hoeft is recorded as voting in the affirmative."

Speaker Hannig: "Remove him. I'm sorry, Representative Cross."

Cross: "Representative Lindner? And then... yes, Representative Lindner."

Speaker Hannig: "Representative Lindner. How is the Lady recorded? Well, actually, is the Lady in the chamber? Let's give her an opportunity, if she so wishes to appear."

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

77th Legislative Day

October 30, 1997

The Lady is not in the chamber. Mr. Clerk, how is she recorded?"

Clerk Rossi: "Representative Lindner is voting in the affirmative."

Speaker Hannig: "Remove her. Representative Cross, do you have any additional requests?"

Cross: "Nothing further."

Speaker Hannig: "On that question, there are 59 voting 'yes' and 48 voting 'no', and this Bill is declared lost. Mr. Clerk, what is the status of House Bill 2331? Read the Bill."

Clerk Rossi: "House Bill 2331 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Currie."

Clerk Rossi: "House Bill 2331, a Bill for an Act amending the Public Utilities Act. Third Reading of this House Bill."

Currie: "Thank you, Speaker and Members of the House. This is a Vehicle Bill, which we are sending to the Senate in the event that there is an agreement on the clean-up language to Senate Bill 700 that we passed in the spring. That provided for deregulation of the telecommunications' market. There is since a concern that there were some flaws in the measure and we have agreed to try to send this to the Senate so it would be available for use in the event agreement is reached."

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

Ryder: "Thank you, Mr. Speaker. Will the Sponsor yield for questions, please?"

Speaker Hannig: "She indicates she will."

Ryder: "Thank you. Representative, I apologize. I think you were honest with the chamber and indicated that this is a

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

77th Legislative Day

October 30, 1997

Vehicle Bill. There's no substance to this, is that correct?"

Currie: "That is right. There is still discussion carrying forward among various interest groups involved in telecommunications. They are concerned that there are some flaws in Senate Bill 700, and we thought that it made sense to pass this along... move this along so that in the event agreement is reached, we could... we could corroborate it."

Ryder: "Thank you very much for the completeness of your answer. Unfortunately, the Bill is not as complete as the answer that you just provided and therefore, as a result, we are unable to support passage of a Vehicle Bill at this time, and I would ask my colleagues to vote in the negative on your Motion."

Speaker Hannig: "And this will require 60 votes. Is there any further discussion? Seeing none, Representative Currie to close."

Currie: "Well, it seems to me a good idea to correct flaws before a flawed measure finds its way into our consumer... telephone consumers' lives. So, the reason that there's no substance is because discussions are continuing, and I would urge my colleagues to help make sure that we do the job of telecom deregulation well, not badly. If you care about that, vote 'yes'."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. Representative Cross, for what reason do you rise?"

Cross: "I have my light on for a request for a verification, Mr. Speaker."

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

77th Legislative Day

October 30, 1997

Speaker Hannig: "Representative Cross, we will recognize you for a verification."

Cross: "Thank you."

Speaker Hannig: "Okay. Representative Cross has asked for a verification on this Bill. Mr. Clerk, read the names of those voting in the affirmative."

Clerk Rossi: "Poll of those voting in the affirmative: Representatives Acevedo. Boland. Bradley. Brosnahan. Brunsvold. Bugielski. Burke. Capparelli. Crotty. Currie. Curry. Dart. Davis, Monique. Davis, Steve. Erwin. Fantin. Feigenholtz. Flowers. Fritchey. Gash. Giglio. Giles. Granberg. Hannig. Hartke. Hoffman. Holbrook. Howard. Jones, Lou. Jones, Shirley. Kenner. Lang. Lopez. Lyons, Joseph. Mautino. McCarthy. McGuire. McKeon. Moore, Eugene. Morrow. Murphy. Novak. O'Brien. Phelps. Pugh. Reitz. Ronen. Santiago. Schakowsky. Schoenberg. Scott. Scully. Silva. Slone. Smith. Stroger. Turner, Arthur. Woolard. Younge. Mr. Speaker.

Speaker Hannig: "Okay. Representative Cross, do you have any challenges to those voting in the affirmative?"

Cross: "Representative Santiago."

Speaker Hannig: "Representative Santiago, is the Gentleman in the chamber? Is the Gentleman in the chamber? Mr. Clerk, how is he recorded?"

Clerk Rossi: "Representative Santiago is voting in the affirmative."

Speaker Hannig: "Remove him."

Cross: "Nothing further."

Speaker Hannig: "Okay, Representative Currie has asked for Postponed Consideration, and she has... and she's within her rights. So this Bill will go on Postponed Consideration. Mr. Clerk, read House Bill 1120. Excuse

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

77th Legislative Day

October 30, 1997

me, Mr. Clerk, it's Senate Bill 1120."

Clerk Rossi: "Senate Bill 1120, the Bill has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Brunsvold, has been 'approved for consideration'."

Speaker Hannig: "Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #2 strikes everything in the Bill and adds a provision for recording of deeds. Right now, if someone comes in with a lot number or a number for a piece of property, the Recorder of Deeds has to look up the description of that property. It takes a lot of time and expense to do that. This would only pertain to recording of fees when you have document numbers or property tax numbers, index numbers. So, it does not refer to any other type of transaction in the Recorder of Deeds' office. This would raise the fee for those recordings from \$1 to \$4, and the Bill would apply to all counties in the state. Every Recorder of Deeds in every county in the state would be included in this Bill. I would be happy to answer any questions."

Speaker Hannig: "And on the Amendment, Representative Turner, John Turner, is recognized."

Turner, J.: "Thank you, Mr. Speaker. I have a parliamentary inquiry."

Speaker Hannig: "Yes, Representative, state your point."

Turner, J.: "My inquiry is how this Bill arrived on the House floor? Did it go through the committee process?"

Brunsvold: "It is my understanding that this Amendment was approved by the Local Government Committee of the House."

Turner, J.: "But that was a different question. My question is,

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

77th Legislative Day

October 30, 1997

as to the Bill, itself, it's my understanding that it's in the Rules Committee."

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

Clerk Rossi: "The Rules Committee advanced this Bill to the Order of Senate Bill - Second Reading."

Turner, J.: "Further inquiry. Was this Bill not voted on before and did it not fail in the Spring Session?"

Clerk Rossi: "The answer to that is, no."

Turner, J.: "The Bill did not fail in committee in Spring Session? The answer to that is, no."

Speaker Hannig: "Did it fail the House Floor? Is that what you said or the committee?"

Turner, J.: "In committee."

Speaker Hannig: "Representative, they're looking on the screen, but I think that it's within the prerogative of the Rules Committee to send Bills to the House floor, any Bill that resides in the Rules Committee. Well, they're checking for your answer."

Turner, J.: "Well, assuming the... I think your answering that it did fail in the committee in the spring, subsequently then, was put back in the Rules Committee and apparently now, you've made an attempt to bring it from the Rules Committee straight to the floor and the inquiry would be, by what authority would you do so? There is a specific rule that we have adopted in this House, Rule 22-e, which sets forth the procedure by which a rule... "

Speaker Hannig: "Representative, would you repeat that so the Parliamentarian, who is now off the phone, can hear it? The Rule?"

Turner, J.: "Rule 22-e, which I believe will refer him back to another rule, which is 18, and if you look through Rule 18, you will not find anything there authorizing the Rules

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

77th Legislative Day

October 30, 1997

Committee to bring this after the Bill has been defeated, to, directly to the House Floor."

Mike Kasper: "Representative, I believe that the operable rule in this instance is, House Rule 18 and House Rule 15, and House Rule... I'm sorry, House Rule 19. House Rule 19-a provides that all legislative measures that fail to meet the applicable deadline established under Rule 9, for reporting to the House by a standing committee and then it skips some irrelevant text, are automatically re-referred to the Rules Committee. That's what happened in this case. This Bill failed to meet the applicable deadline for reporting by the Local Government Committee, therefore, pursuant to operation of Rule 19-a, this Bill was re-referred to the Rules Committee. Pursuant to Rule 15-d, the Rules Committee may advance any legislative measure pending before it to the House, which is how that Bill came to be on the Order of Senate Bill - Second Reading. You see, the Bill was in committee, pursuant to Rule 19 was referred to the Rules Committee and then the Rules Committee pursuant to this Rule, referred it to the Calendar."

Turner, J.: "The procedural scheme, Mr. Parliamentarian, that you are describing would apply in situation, where at the end of Session, the Bill went back to the Rules Committee. What happened in this instance is that the Bill was defeated in committee, therefore what you have cited is the inapplicable rule and the rule that I have cited being Rule 22-e, is the applicable one, thereby you are prohibited from bringing this directly to the House Floor from the Rules Committee."

Mike Kasper: "Representative, in response to that inquiry, and I will find the citation to the rule in a minute. Our rules

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

77th Legislative Day

October 30, 1997

provide that a Bill which fails on a 'do pass' Motion in committee once, remains in committee and does not, in fact, declared lost. So, because this Bill was not voted down on two Motions in committee, it remained in this Local Government Committee and then was subsequently referred to the Rules Committee when the committee deadline passed and the Bill had not been considered favorably."

Turner, J.: "Therefore, there is no purpose, whatsoever, for Rule 22-e if we're going to skip the committee process under your interpretation. That would be the effect and therefore, you would be simply suggesting, I guess, to the House that 22-e has no applicability, whatsoever."

Mike Kasper: "Representative, House Rule 22-e applies to the instance in which this Bill... for example, had failed to receive a favorable vote in committee prior to the deadline for committees, at which time all Bills in that committee are referred to the Rules Committee. So, this instance here, this rule that you're referring to, covers that period of time in which this Bill remains in the Local Government Committee. Since that time has passed, and the Bill was referred to the Rules Committee, that rule is no longer applicable."

Speaker Hannig: "Representative, do you wish to debate the Bill... or the Amendment, I should say?"

Turner, J.: "All right. This is a House... a Senate Bill with House Amendments, is it not? It's a further inquiry from the Parliamentarian."

Speaker Hannig: "Yes, it's a Senate Bill, and we're debating, or we soon will debate House Amendment #2."

Turner, J.: "Then does the Senate Bill have House Amendment #2 incorporated in it as we stand here today then, before we go on to have argument on it?"

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

77th Legislative Day

October 30, 1997

Speaker Hannig: "I'm sorry. What was the question again?"

Turner, J.: "It does have a House Amendment on it?"

Speaker Hannig: "Mr. Clerk, are there any House Amendments on this Bill?"

Clerk Bolin: "Amendment #1 was adopted in committee."

Speaker Hannig: "So, Amendment #1 was adopted in committee and is on this Bill."

Turner, J.: "The board has... "

Speaker Hannig: "We're preparing to debate Amendment #2. Representative, would you like to debate... "

Turner, J.: "Yeah, further question of the Parliamentarian and certainly this is something we visited earlier this afternoon. In the committee hearing, and as much as the Amendment's presented in the committee hearing this afternoon, were Senate Amendments rather than House Amendments. We would state that it's out of order now to present this Bill in its current form to the House."

Speaker Hannig: "Representative, I'm told that the Rules Committee sent the House Amendment to the House committee, who considered the Bill, who considered the Amendment and sent it to the floor, and that's where we are at this moment."

Now we're prepared to debate the House Amendment to the Senate Bill."

Turner, J.: "Well, the report of the Committee on Rules, signed by Representative Currie, Chairman, also Majority Leader, has a... the sign, and again the title of the report is, The Report of the Committee on Rules, 90th General Assembly, states that Senate Amendments were sent to the Local Government Committee. This is a House Amendment."

Speaker Hannig: "Representative, it's the ruling of the Chair

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

77th Legislative Day

October 30, 1997

that the Amendments were duly considered by the House committee, and that they are in order under our House Rules, and we're ready to proceed... we're ready to proceed on the Bill, and Representative Andrea Moore wishes to rise on a point of order. Representative Moore."

Moore, A.: "Thank you, Mr. Speaker. My point of order is that regardless of what has been approved by the committee, this Amendment has not been distributed to the Body. It is not on the computer, nor has it been distributed as paper, so it is not debatable until that distribution occurs."

Speaker Hannig: "We'll have the Clerk look into that. Representative Moore, is it on your computer yet? Representative Andrea Moore."

Moore, A.: "For clarification, Mr. Speaker, there are four House Amendments that are currently on. Is this Amendment #2?"

Speaker Hannig: "Yes, Representative."

Moore, A.: "Thank you, Mr. Speaker, I was in error, it is in the computer."

Speaker Hannig: "Thank you, Representative. Representative Skinner on the Amendment."

Skinner: "I wonder if the Gentleman could refresh our memories as to what this is all about. Is this a fee increase, and if so, how much, and for what counties?"

Brunsvold: "This is a fee increase for recording of deeds when an individual or title company, for example, would go in and designate a number for a property and then the Recorder of Deeds would have to look up the legal description and go through the efforts to do that. The fee would go from \$1 to \$4. Now, if that's a large amount of money, then maybe they ought to go in there with a legal description."

Skinner: "Is this a recording? I mean, if someone buys a house and they record the deed, is the fee going up \$3, then?"

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

77th Legislative Day

October 30, 1997

Brunsvold: "If they bring the lot number in or the index number where they don't have the legal description and the recorder has to go about finding that legal description, then it doesn't affect any other fees, no."

Skinner: "All right. This is a look-up fee that will primarily be utilized by title companies?"

Brunsvold: "Repeat that. I did not understand that."

Skinner: "It is a fee for title companies that don't have the lot and block number, basically."

Brunsvold: "Well, it's for anyone. I mean, it's not designated for a title company. If an instance where someone comes in with a lot number of Matthew Heights or something like that, lot #5, but no legal description and want a court deed for that, I don't think that would happen very often, but they would charge them an extra \$3 to do that, a \$4 fee to look up the legal description."

Skinner: "Well, as I think about it, the people most likely to be charged this extra money are people that aren't title companies, they're people right off the street that may know their address... "

Brunsvold: "Could be, yes, could be."

Skinner: "Could we have a Roll Call on this?"

Speaker Hannig: "Yes, absolutely, Representative."

Skinner: "Thank you."

Speaker Hannig: "Representative Ryder. Representative Ryder does not wish to speak. Representative Brunsvold to close."

Brunsvold: "Thank you, Mr. Speaker, I would just ask for your support on this Amendment and ask for the adoption of Floor Amendment #2."

Speaker Hannig: "And the question is, 'Shall Floor Amendment #2 be adopted?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted

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

77th Legislative Day

October 30, 1997

who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 41 voting 'yes' and 67 voting 'no', and the Amendment fails. Any further Amendments?"

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

Speaker Hannig: "Representative Brunsvold. Representative Brunsvold requests that this Bill be taken out of the record."

Clerk Bolin: "Attention, there is a Rules Committee Meeting in the Speaker's Conference Room, immediately. Rules Committee Meeting in the Speaker's Conference Room, immediately."

Speaker Brunsvold: "Representative Brunsvold in the Chair. House Resolution 258, Representative Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. House Bill... I'm sorry, House Resolution 258 is a Resolution paying honor to Dr. Margaret Burroughs. Dr. Margaret Burroughs is the founder of the DuSable Museum of African-American History on the south side of Chicago, and she is celebrating her eightieth birthday this Saturday. Dr. Burroughs has contributed immeasurably to the continued garnering of historical information and artifacts in reference to the Africans who are in America today. Dr. Burroughs is a former staff member of the American Forum for International Study of both the University of Ghana and the University of the West Indies in Jamaica. The woman has truly been phenomenal in her contributions to American society. Last year she came to the General Assembly and she paid homage with gifts and awards to, at that time, Speaker Daniels and, of course, Speaker Madigan, and to Pate Philip and to Emil Jones. She recognizes that the Leadership in the General Assembly has

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

77th Legislative Day

October 30, 1997

been very helpful in obtaining the funds needed to expand the DuSable Museum. So, this Saturday, we're going to honor her and I'd be very grateful if all Members would join me in providing this Resolution in celebration of Dr. Margaret Burroughs' eightieth birthday. Thank you, Mr. Speaker."

Speaker Brunsvold: "Is there leave to add all Members of the House to the Resolution? Leave has been granted. The Lady has asked for the adoption of House Resolution 258. All in favor say 'aye'; all opposed 'no'. The 'ayes' have it and the Resolution has been adopted. House Resolution 251, Mr. Clerk. Two fifty-nine, excuse me. Representative Coulson. Representative Coulson moves for the adoption of House Resolution 259. All in favor say 'aye'; all opposed 'nay'. The 'ayes' have it and the Resolution's been adopted. Good job, Representative Coulson. Mr. Clerk, what's the status of House Bill 2365?"

Clerk Rossi: "House Bill 2365 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments. A Fiscal Note and a State Mandates Note have been requested on the Bill, as amended, and the notes have not been filed."

Speaker Brunsvold: "Take the Bill out of the record. Mr. Clerk, House Resolution 250. Wyvetter Younge, Representative Wyvetter Younge moves for the adoption of House Resolution 250, a Death Resolution. All in favor say 'aye'; all opposed 'no'. The 'ayes' have it, and the Resolution has been adopted. House Resolution 251, Mr. Clerk. Representative Wyvetter Younge moves for the adoption of House Resolution 251, another Death Resolution. All those in favor say 'aye'; opposed 'nay'. The 'ayes' have it, and the Resolution has been adopted. Mr. Novak, the Gentleman

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

77th Legislative Day

October 30, 1997

from Kankakee, for what purpose do you rise?"

Novak: "Yes, Mr. Speaker, an inquiry of the Chair.

Speaker Brunsvold: "State your inquiry."

Novak: "Have we received any communications from the Senate concerning Amendment #2 to House Bill 362?"

Speaker Brunsvold: "We have not, Mr. Novak. I don't believe they're going to send it over."

Novak: "No E-mail? No, you know, MCI communication or AT&T or United States Postal Service, or anything like that?"

Speaker Brunsvold: "Nothing. Nothing, the line is dead."

Novak: "Okay, thank you. Thank you, Mr. Speaker."

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

Bost: "Yes, Mr. Speaker. I was just wondering if a Motion to Adjourn would be in order?"

Speaker Brunsvold: "It's not in order at this time."

Bost: "Well, I thought I'd try."

Speaker Brunsvold: "Mr. Clerk, Rules Committee, immediately."

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

Speaker Brunsvold: "House Resolution 249. Mr. Clerk. Representative Currie moves for the adoption of House Resolution 249, dealing with a salute, mostly music, on his 25th. All in favor say 'aye'; all opposed 'nay'. The 'ayes' have it and the Resolution has been adopted. Mr. Clerk, House Resolution 255."

Clerk Rossi: "Committee Reports. Representative Barbara Flynn Currie, Chairman from the Committee on Rules, to which the following Amendment was referred, action taken on October 30, 1997, reported the same back with the following recommendation: 'be adopted' Floor Amendment 8 to Senate Bill 1120."

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

77th Legislative Day

October 30, 1997

Speaker Hannig: "Mr. Clerk, what is the status of Senate Bill 1120?"

Clerk Rossi: "Senate Bill 1120 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2 failed. Floor Amendment #3, offered by Representative Brunsvold, has been 'approved for consideration'."

Speaker Hannig: "Representative Brunsvold. Withdrawn. Amendment #3 is withdrawn. Are there any further Amendments?"

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

Speaker Hannig: "Withdrawn, that Amendment is withdrawn. Are there any further Amendments?"

Clerk Rossi: "Floor Amendment #6, offered by Representative Holbrook."

Speaker Hannig: "Mr. Clerk, withdraw that Amendment. Are there any further Amendments?"

Clerk Rossi: "Floor Amendment #7, offered by Representative Brunsvold."

Speaker Hannig: "Representative Brunsvold, on the Amendment."

Brunsvold: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #7 actually was the Amendment #3 and previously has been withdrawn. Back last spring, I had a Bill, House Bill 999, which dealt with the Cable Industry, and in committee there was some concern about charges, delinquent payments by cable companies. Right now, the state statutes are silent on how much a cable company can charge for late fees. This Amendment would address that issue and it outlines, a fee shall not be imposed unless the following things are followed: Number one, they must have written notice. Two, you must be warned on the face of the notice, the due date must be there, no earlier..."

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

77th Legislative Day

October 30, 1997

you must 30 day notice and then there is placed upon that, a \$5 cap on how much they can charge for late fees. So, we're actually capping the charges for late fees which was really requested by... in debate in committee by Representative Leitch, who brought that issue up that he was very concerned that they were overcharging on late fees. Now, if they go out to turn service..."

Speaker Hannig: "Representative, Representative Brunsvold moves for the adoption of the Amendment. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "Floor Amendment #8, offered by Representative Holbrook."

Speaker Hannig: "Representative Holbrook."

Holbrook: "Thank you, Speaker. Amendment #8 makes a very small technical change to allow for the special specific computer to handle 9-1-1. I understand in Lake County there was a... assistant state's attorney ruled that they couldn't buy this specific piece of equipment and it only handles a very short portion and I'd move for its adoption."

Speaker Hannig: "Representative Holbrook moves for the adoption of House Amendment #8. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Is there any further Amendments?"

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "Senate Bill 1120, a Bill for an Act amending the Counties Code. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Holbrook."

Holbrook: "Mr. Speaker, on the first portion of that, I'd like to defer to my colleague, Representative Brunsvold, who was handling the late fee criteria for the..."

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

77th Legislative Day

October 30, 1997

Speaker Hannig: "Representative Brunsvold."

Brunsvold: "This Bill now simply contains two provisions. The provision on the Amendment I described, capping the late fees, and then the provision for 9-1-1, which Mr. Holbrook had placed on there, which clarifies language for his state's attorney, and those are the provisions on this Bill now and I would ask Mr. Holbrook simply to ask for the passage of Senate Bill 1120."

Speaker Hannig: "And on that question, Representative Turner."

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

Speaker Hannig: "He indicates he will."

Turner, J.: "Representative, just for clarification as to the fee structure you're setting forth in your statute, as I understand it, in reading the Bill, there are, first of all, certain criteria that have to be met before a fee can be imposed. Is that correct?"

Holbrook: "Yes, Sir."

Turner, J.: "And is one of those criteria that there must be an existing delinquent balance of at least \$10?"

Holbrook: "Yes, it must be a \$10 balance or they can't charge a fee."

Turner, J.: "Actually for specification, it says, 'more than \$10 dollars'. So, it would not include \$10."

Holbrook: "Exactly, exactly."

Turner, J.: "All right, and if we had that delinquent balance of more than \$10 there, in essence, by this Bill we would allow two fees, is that correct, to be imposed?"

Holbrook: "Not necessarily. You could allow them if they have to go out as a cable company to the consumer's residence or to make collection. That's going to be more expensive than sending a \$5 notice that you haven't paid."

Turner, J.: "All right, what I'm really trying to get at is, I

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

77th Legislative Day

October 30, 1997

look at the Bill, it looks like we would authorize the collection of a delinquency fee and authorize the collection of a collection fee."

Holbrook: "No, that's not my understanding. Only under certain conditions and really the \$10 fee here is what is presently being done. It's current practice right now."

Turner, J.: "Okay, what is the maximum fee under the Bill that can be imposed?"

Holbrook: "Fifteen dollars, if both conditions were met."

Turner, J.: "And in no circumstance would a fee then be allowed in excess of \$15?"

Holbrook: "That's my understanding."

Turner, J.: "Are such fees being imposed today as we speak?"

Holbrook: "Actually, probably higher fees are being imposed right now because there's no language. We have no control over what they charge so the fee for delinquent could be \$25 right now, because we really have no control over what late charges they're giving right now."

Turner, J.: "So, there's no statute that prohibits a fee to be imposed right now, and what this does is cap the maximum fee that can be imposed, and that is \$15 under certain conditions."

Holbrook: "Exactly. Yeah, certain conditions. Most late fees, if they're charged, will be \$5."

Turner, J.: "All right, I think I'm clear on that provision, and hopefully everyone else is. The other provision, which was Amendment #8, has to do with the term 'sophisticated system', and what is it that you're trying to clarify in the statute with regard to that language?"

Brunsvold: "Representative Holbrook, I think I can answer it because I was... originally did 9-1-1 legislation, but in the legislation described, things that can be purchased

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

77th Legislative Day

October 30, 1997

with 9-1-1 money and the state's attorney in that area was a little reluctant to allow a certain purchase. He was uncertain of it. This simply clarifies the language for him so he can let the 9-1-1 board purchase this special equipment for processing 9-1-1 calls."

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

Speaker Hannig: "Representative Cross."

Cross: "Thank you, Mr. Speaker. Just a couple questions of the Sponsor. Will he yield?"

Speaker Hannig: "Yes, he indicates he will."

Cross: "Leaving the fee section a moment, Representative, it looks like this would be what I would characterize as a consumer-friendly Bill in that it's providing or actually requiring written notice to customers, cable customers, of policies of the cable company. Am I reading that correctly?"

Brunsvold: "Where are you located on the Bill, under what number?"

Cross: "Let me just look at that one more time. Well, I'm on Amendment 7 and I'm really... it's really... it's all throughout it."

Brunsvold: "Yes, #1, yes it would say it is a policy of the cable company. Yes, that's covered under #1."

Cross: "Right, I mean, we've got a requirement of the company to warn the customer in writing before a fee is imposed. I mean, I guess my point, and I don't want to belabor, Joel, is that this is a Bill that protects and gives notice to consumers and that's a good reason to be supporting this Bill, which...okay."

Brunsvold: "Absolutely, this is actually going to strengthen the customers' position so he's not overcharged on late fees, and we know there are going to be late fees."

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

77th Legislative Day

October 30, 1997

Cross: "All right. I just want... all right. So, I just want to make sure that putting a burden on the cable company to protect the consumer."

Brunsvold: "Exactly, Representative."

Cross: "All right. It looks like a great Amendment and Bill and would urge an 'aye' vote. Thank you."

Speaker Hannig: "Representative Lang."

Lang: "Thank you, Mr. Speaker. I have a potential conflict in this matter, so I will be voting 'present'."

Speaker Hannig: "Thank you. Representative Schakowsky."

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

Speaker Hannig: "He indicates he will."

Schakowsky: "The motivation for this Bill, I understand, is that there are some companies that are charging more than \$5, is that it?"

Brunsvold: "There's no limit to how much they can charge right now."

Schakowsky: "Are there companies that are charging more than \$5?"

Brunsvold: "I would guess so, yes."

Schakowsky: "Well, what is the point of this Bill if not to reign in the companies so that they don't charge more than \$5?"

Brunsvold: "Well, they are charging more than \$5, there's no limit. I mean, this is a cap of how much they can charge. This is a consumer-friendly Bill."

Schakowsky: "Do you know how... well, I'm trying to find out if it really is or if this is a Bill that gives license to charge \$5 when, in fact, they may be charging a good deal less. I don't know what the late fees are. Do we have an average of what the late fees are?"

Brunsvold: "It's my information Chicago Cable charges \$10 for a late fee."

Schakowsky: "Chicago Cable..."

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

77th Legislative Day

October 30, 1997

Brunsvold: "Of a 32 dollar bill."

Schakowsky: "Pardon me. Charges \$10 on a 32 dollar bill?"

Brunsvold: "It is happening, yes."

Schakowsky: "Okay, thank you."

Speaker Hannig: "Representative Biggert."

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

Speaker Hannig: "He indicates he will."

Biggert: "Representative, you said that there are two parts to
this Bill,

Brunsvold: "Yes."

Biggert: "9-1-1 and the cable fee. Is there anything else in
this Bill? Has the underlying Bill been removed?"

Brunsvold: "Everything's been removed but these two provisions."

Biggert: "Thank you."

Speaker Hannig: "Representative Brunsvold to close."

Brunsvold: "I simply ask for your support in passage of the
Senate Bill 1120."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in
favor vote 'aye'; opposed 'nay'. The voting is open. This
Bill requires 71 votes to pass. 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 78
voting 'yes', 34 voting 'no', and this Bill, having
received a Three-fifths Constitutional Majority, is hereby
declared passed. Representative Currie now moves that,
allowing Perfunctory time for the House, that the... for
the Clerk, that the House stand adjourned until Wednesday,
November 12 at the hour of 1:00 p.m. All in favor of the
Amendment... of the proposal say 'aye'; opposed 'nay'. The
'ayes' have it and the House stands adjourned."