

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

78th Legislative Day

November 12, 1997

Speaker Madigan: "The House shall come to order. The Members shall be in their Chairs. The House shall come to order. The Members shall be in their Chairs. We will be led in prayer today by Representative Coy Pugh, who is the Assistant Pastor with the Fernwood United Church in Chicago, Illinois. The guests in the gallery may wish to rise to join us in the invocation. Reverend Pugh."

Pugh: "Shall we pray. Our Father, Father of our ancestors, Abraham, Isaac and Jacob. We are constantly amazed and often startled by the miracle of our own lives. Our minds are full with the involvements, issues and problems of our daily living. When we are most ourselves we remember to do things that not only seems to our minds to be right, true, genuine and authentic, but to do the thing which brings into our whole being, a sense of peace. A sense of health and oneness. We are troubled our Father by the divisions that are within us. The deep conflicts in our spirit which calls us to be at war within ourselves, which calls us to be a House divided against itself. This sense of inner conflict and division is a part of the larger conflict and division that exists among Thy children everywhere. The peace which we seek in our private lives that may be one, is part of the peace that we seek for all Thy children, that they may be one family in Thy presence, living in Thy world. How do we do this, how do we experience this if we 'bled' new, do you think that we would? It is clear to us what is right, what is the ideal thing to do. And all our days we wrestle with loyalty to our ideals, and loyalties to the responsibilities of which we are entrusted. Power involves us in a network of compromises. Help us O'Lord to wait to hear from You. Amen."

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

78th Legislative Day

November 12, 1997

Speaker Madigan: "Roll Call for Attendance. Excuse me, excuse me. The Pledge of Allegiance. We shall we led in the Pledge of Allegiance by Representative Kevin McCarthy."

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

Speaker Madigan: "Roll Call for Attendance. Representative Currie, are there any excused absences?"

Currie: "I'm aware of no excused absences among House Democrats today."

Speaker Madigan: "Mr. Cross."

Cross: "Thank you, Mr. Speaker. If the record would please reflect that Representatives Wojcik and Representative Winters are excused."

Speaker Madigan: "Let the record reflect those excused absences. For what purpose does Representative Shirley Jones seek recognition? Shirley Jones."

Jones: "Mr. Speaker, Utilities will be cancelled for today to a later notice."

Speaker Madigan: "Okay. On the question of the roll call, Mr. Clerk, take the record. Mr. Black."

Black: "I'm sorry, Mr. Speaker. Have you taken the roll?"

Speaker Madigan: "Mr. Clerk, take the record. There being 116 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Black."

Black: "Thank you very much, Mr. Speaker. I'd like to rise to a point of order if I might. Mr. Speaker."

Speaker Madigan: "Proceed."

Black: "On a point of order, and I would like your acknowledgement of our request. Pursuant to House Rule 49, I'm joined by five of my colleagues on this side of the

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

78th Legislative Day

November 12, 1997

aisle, to request a record vote on any Adjournment Resolution, and should that Adjournment Resolution gain the requisite number of votes for passage, I will seek a verification of that. If you would acknowledge my request, Mr. Speaker, I would be most grateful."

Speaker Madigan: "Your request is acknowledged. Thank you. Committee Reports."

Clerk Rossi: "Committee Reports. Representative Gash, Chairman from the Committee on Judiciary II - Criminal Law, to which the following Bills and Resolutions were referred, action taken on November 12, 1997, reported the same back with the following recommendations: 'do pass standard debate' House Bill 2308; 'be adopted' Senate Joint Resolution 22. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measures were reported, action taken on November 12, 1997, reported the same back with the following recommendations: 'to the floor for consideration' House Bill 704, to the Order of Second Reading, House Bill 1185 to the Order of Third Reading, Senate Bill 1128 to the Order of Third Reading; 'to the Order of Concurrence' House Bill 597; Amendatory Veto Motions compliance, Senate Bill 663, Senate Bill 771, Senate Bill 772, Senate Bill 805 and Senate Bill 1072. Messages from the Senate. Mr. Speaker, I am directed to inform the House of Representatives, that the Senate has concurred with the House of Representatives in the passage of a Bill with the following title to wit: House Bill 362, a Bill for an Act to amend the Public Utilities Act, together with Senate Amendments 1 and 2."

Speaker Madigan: "Mr. Clerk, what is the status of House Resolution 248? Mr. Ryder."

Ryder: "Thank you, Mr. Speaker. I rise on a Point of Personal

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

78th Legislative Day

November 12, 1997

Privilege to ask the Chamber to join in good wishes to Representative Bill Black, who celebrated his birthday yesterday. He did that intentionally yesterday so that he would not be required to provide cake for us today. So I would ask that we simply give Representative Bill Black a round of applause in honor of the anniversary of his birth."

Speaker Madigan: "Mr. Clerk."

Clerk Rossi: "House Resolution 248 is in the State Government Administration Committee."

Speaker Madigan: "Mr. Mitchell."

Mitchell: "Thank you, Mr. Speaker. I rise on a Point of Personal Privilege. I'd like to announce to this august Body that former Senator from Prophetstown in the beautiful Rock River Valley is here to visit today, Senator Cal Schuneman."

Speaker Madigan: "On Order of page four on the... excuse me, on page four of the Calendar, on the Order of Total Veto Motions, there appears Senate Bill 194. Mr. Steve Davis. Do you wish to call that Motion?"

Davis, S.: "Yes, thank you, Mr. Speaker."

Speaker Madigan: "Mr. Davis."

Davis, S.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 194 amends Article 22, Division 3 of the Pension Code relating to statutory rights to recover... to the recovery of police officers or fire fighters injured in the line of duty. It deletes the provisions limiting statutory rights to recover damages. It provides that nothing in Article 22, Division 3 prevents a police officer or fire fighter or the family of a deceased police officer or fire fighter from recovery under the Workers' Compensation Act or Workers' Occupational Disease Act."

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

78th Legislative Day

November 12, 1997

This does not apply to the City of Chicago and contains a State Mandates Acts exemption. And it has an immediate effective date. Basically what this Senate Bill does is, allow downstate fire fighters and downstate law enforcement officers to be able to collect Workers' Compensation Benefits just like every other worker in the State of Illinois and I would urge a 'yes' vote to override the Governor's Veto on this. It came over here, it was overridden in the Senate with a vote of 49 to 4. I'd be happy to answer any questions."

Speaker Madigan: "Is there any discussion? Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, it's... I've had some correspondence on this Bill that would indicate there is certainly opposition to it. I'm trying to clarify what that opposition is. For example, someone told me on the telephone that this would allow a downstate fire fighter or a police officer from in effect getting benefits double what anyone else could get. I don't see it that way, but could you address that particular opposition that has been surfacing?"

Davis, S.: "I believe I can Representative, because I too received similar correspondence and I believe that I got that answer cleared up this morning. Under the current law there's about 9 or 10 municipalities in the State of Illinois who have passed ordinances that were allowed them through legislation that was passed out of the Illinois General Assembly in 1963 and these municipalities under the ordinances that were passed allowed fire fighters or police officers to collect one year's salary if they're injured or disabled on the job. However, under this new law, under

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

78th Legislative Day

November 12, 1997

the workers' compensation provisions in this law, what will happen if these cities maintain their current ordinances concerning the police and fire fighters under the ordinance, they can collect up to 80%, under this Bill they will only be able to recover another 20% from workers' compensation. So, there's in no way they will be able to collect more than 100% of their compensation."

Black: "Well, and I appreciate that, in other words there's a coordination of benefits. They're going to made whole they're not going to be... it isn't like playing the lottery and they might hit extra money, they're going to be treated the same as any other worker, correct?"

Davis, S.: "That's my understanding, yes Sir."

Black: "How long have police and fire fighters been covered under workers' compensation? This isn't a relatively recent phenomena is it?"

Davis, S.: "No, I believe that they've been covered since 1972, Representative."

Black: "All right. And perhaps you can shed light on another argument that I've heard and that is that a municipal ordinance would preclude a claim being filed on workers' compensation. I admit I'm not an expert on that but I didn't think that anything could preclude a worker's right to file under workers' compensation."

Davis, S.: "Apparently, there was a court case that addressed just the issue you were talking about and the Appellate Court ruled that the local ordinance did preclude the fire fighters and the policemen from collecting workers' compensation benefits. And I believe that this piece of legislation was designed to rectify that situation."

Black: "One last question, Representative. Did you ask Economic and Fiscal Commission for a Pension Impact Note by any

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

78th Legislative Day

November 12, 1997

chance?"

Davis, S.: "I believe there's a Fiscal Impact Note from the Illinois Economic and Fiscal Commission. A Pension Impact Note that reads that Senate Bill 194 as engrossed would have little or no fiscal impact on any downstate police or fire fighters pensions funds."

Black: "Well, that was my... I had indicated previously that I thought that was the case and I'm glad to know that you've requested that note and I appreciate you answering the questions, I think you've clarified the issue. I join with you in supporting your Motion for an override."

Davis, S.: "Thank you, Representative."

Speaker Hannig: "Representative Bergman."

Bergman: "Mr. Speaker, would the Sponsor yield for a question?"

Speaker Hannig: "Yeah, he indicates he will."

Bergman: "Representative, I too, also, have had a number of correspondences on this Bill and I've tried over the last month to get as much information on it as I could. As I understand today, it only... this legislation will only affect three municipalities that have enacted local pension ordinance and there's been much talk in communications with my office about the practice of double dipping, which I think have already been addressed. But could you clarify for me, I'm under the understanding that unless we override this Veto, that in fact, fireman will be able to lose some benefits that they have now with regard to temporary disability payments for fire fighters who are out of work for longer than a year and compensation for permanent disability such as the loss of an arm or a leg and also that compensation for disfiguring burns could be lost. And this is some coverage that firemen and policemen have enjoyed for over 23 years that I can determine and perhaps

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

78th Legislative Day

November 12, 1997

you could address those concerns?"

Davis, S.: "Okay, thank you, Representative. Yes, let me read from an analysis here that possibly can clear up some of what your question was. It's where a municipality enacts one of the ordinances listed above, 'the fire fighter is prohibited from seeking any other statutory or common law recovery for this same type of benefit'. What this means is, that the fire fighter or his survivors cannot seek recovery under the Workers' Compensation or Workers' Occupational Disease Act. Such a prohibition can work a severe hardship on a fire fighter and his family, since benefit levels under the Workers' Compensation and Workers' Occupational Disease Act are much higher than those provided by under Division 3. The death benefits under the Workers' Compensation Act will amount to several hundred thousand dollars over a lifetime and the medical benefit must be for all and not merely a portion of the medical expenses as mandated under Division 3. So yes, by passing this law we allow the fire fighters and the policemen in downstate Illinois to be able to recoup medical expenses and lost time wages just the same as every other worker in the State of Illinois."

Bergman: "Thank you for your indulgence in answering my questions. I'd be happy to support your Motion."

Davis, S.: "Thank you."

Speaker Hannig: "Representative Stephens."

Stephens: "Thank you, Mr. Speaker. On a Point of Personal Privilege. We are honored today to be joined by the... in the House, by Major General Wallace, who is the Commander of the ROTC Army Cadet Command at Fort Monroe, Virginia. And all of the ROTC Cadets representing each of the universities with a ROTC Unit in Illinois, are here today."

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

78th Legislative Day

November 12, 1997

They're in the West Gallery. I'd like to get a warm Illinois welcome to the ROTC Cadets and Major General Wallace."

Speaker Hannig: "Welcome to Springfield. Further discussion? Representative Cross."

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

Speaker Hannig: "He indicates he will."

Cross: "Representative, can you tell us or explain to us why the City of Chicago is not included in this Bill?"

Davis, S.: "Well Representative, I don't know the answer to that. I would assume that the City of Chicago is also covered under the Workers' Compensation and Workers' Occupational Disease Act and are not affected by the Division 3..."

Cross: "Mr. Speaker."

Davis, S.: "... of the Pension Code."

Cross: "With all due respect to Representative Davis, we can't hear on this side of the aisle. The place is an up for grabs right now."

Speaker Hannig: "Let's have a little order in the Chamber. A little order in the Chamber, please. Okay, Representative Cross."

Cross: "I didn't hear any... Steve I didn't hear any of the answer."

Davis, S.: "Representative, I'm not sure what the answer to that is. I would only be giving you an assumption, my assumption being that..."

Cross: "Were they in it at one time?"

Davis, S.: "...the fire fighters and the police officers in the City of Chicago are currently covered under the Workers' Compensation Act."

Cross: "Well apparently they were originally in the Bill and they

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

78th Legislative Day

November 12, 1997

were taken out. Is there a reason why they were taken out?"

Davis, S.: "I don't have the answer to that question, Representative, I'm sorry."

Cross: "We're not hurting those covered in the City... that would be covered under the City of Chicago are we?"

Davis, S.: "I'm sorry."

Cross: "Are we going to be harming those people in the City of Chicago if the rest of the state will now be helping?"

Davis, S.: "Well, Representative, I don't believe that we would be. If we were, I'm sure that there would be some opposition from the Chicago Fire Fighters and the Chicago Policemen. And to my knowledge they are not opposed to this Bill."

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

Speaker Hannig: "Representative Parke."

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

Speaker Hannig: "He indicates he will."

Parke: "Representative, I apologize, I just can't hear your answers. So, I'm going to have to try and ask again, there's so much noise on the floor, you and I will work on this. But my municipal governments are adamant about opposing this Bill and their argument is that, that it could easily end up being double payments to somebody injured in a workers' comp related injury and that it could end up that the injured worker could be making more income by being disabled than when he was working. Do you believe that to be true?"

Davis, S.: "No I do not, Representative. That is certainly not my understanding of the Bill. It is not my understanding of the intent of the Bill. And I might add that the municipalities that do have this ordinance to pay the fire

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

78th Legislative Day

November 12, 1997

fighters and the policemen one year's salary have the right to repeal those ordinances. So, those ordinances are not written in stone and there's only 3 to 10 municipalities that are in opposition to this piece of legislation and those municipalities that have enacted the ordinance can turn around tomorrow and repeal those ordinances and bring their fire fighters and their policemen in under the Workers' Compensation Plan in the State of Illinois. And or they may choose to continue to keep the ordinance. But under this Bill, it is my understanding that there is no way that a fire fighter or policeman can recuperate more than 100% of their salary."

Parke: "How do you know that? I know you said it's not the intent. According to the Northwest Municipal Conference who is adamantly opposed to this legislation, they say that it could be, that their interpretation of their lawyers that it could be. Now, are you just basing on your intent or are you saying that emphatically there's no way if this Bill passes that they can earn more money than when they were working?"

Davis, S.: "Both Representative. It's certainly not the intent and I have been told by the people who support this Bill that there is no way that a fire fighter or a policeman will be able to recuperate more than 100% of their salary. If they happen to be under this current program, where there's an ordinance enacted where a police officer can recover up to 80% of his salary for one year, he can recuperate only 20% under the workers' compensation laws in the State of Illinois. That's my understanding."

Parke: "Well Representative, why don't you just let things be the way they are? Because it's my understanding under the ordinance that they will end up getting more benefits than

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

78th Legislative Day

November 12, 1997

the workers' comp initiative would give them, so, therefore, why not just leave it the way it is because they can get more money that way than going through workers' comp?"

Davis, S.: "I don't believe that that's true, Representative. I think that the workers' compensation benefits are better than the current law provides under the the ordinance. And that's one of the reasons why the policemen and the fire fighters in downstate Illinois want to be covered under the workers' compensation laws in the State of Illinois like every other worker."

Parke: "Thank you, Representative. To the Bill. Ladies and Gentlemen of the House, I know it's hard to focus on this legislation. This is the first Bill, there is a lot of discussion but I will tell you that many municipalities are opposed to this legislation, simply on the presumption that this could end up providing more money to the injured worker, the injured fireman, than they could get if they were working. So, therefore, it takes the incentive away of these injured men and women to be able to go back to work. Now, I would presume that many of them will because they just don't want to be off work. But there will be some that will see this as an opportunity to receive a lot of money...especially if you take the tax consideration in that could easily be more than the take home pay that they had while they were working. I know that's not the intent that the Sponsor wants to do. Most of us voted for this Bill when it was in here, but I think the Governor's Veto of this on behalf of municipal government to have another unfunded mandate which you have to be aware that if you vote for this you're voting against the municipal governments and putting out another unfunded mandate that

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

78th Legislative Day

November 12, 1997

many of you have said over the years that you would not do. As much as this is well intended and I would really love to help the firemen, I think that this Bill is not going to achieve what we ought to have and therefore I must respectfully rise in opposition."

Speaker Hannig: "Representative Steve Davis, to close."

Davis, S.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I have to tell you that Senate Bill 194 is the exact same Bill that 114 of us voted for in the House. House Bill 718 passed out of this Chamber with 114 votes. It's the exact same Bill. Some of the issues that have been raised during the debate I think that I clarified very well. Also, the Governor's Veto Message failed to note that the... neither the Pension Code nor the Public Employees Disability Act mandates the payment of medical cost. Only the Workers' Compensation Act mandates the full payment of injured or related medical expenses to the fire fighters and to the workers of the State of Illinois. So once again, I would encourage an 'aye' vote to override this Veto. It was overridden in the Senate with a vote of 49 to 4. Most of you voted for this in the first time around and I would like to have just your 'aye' vote on this today. Thank you."

Speaker Hannig: "The question is, 'Shall Senate Bill 194 pass?' The Veto of the Governor notwithstanding. All in favor vote 'aye'; opposed 'nay'. The voting is open. This requires 71 votes and this is final action. 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 107 voting 'yes' and 6 voting 'no', and this Motion having received the required Three-Fifths Majority, the Motion to override prevails, and Senate Bill 194 is

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

78th Legislative Day

November 12, 1997

declared passed notwithstanding the Governor's Veto. Senate Bill 548. Representative Crotty. Oh, excuse me. Representative Black, for what reason do you rise?"

Black: "Yes, thank you very much, Mr. Speaker. A point of order."

Speaker Hannig: "Yes, state your point."

Black: "As I stated earlier, on any Motion or Resolution for Adjournment, it would be my desire under Rule 49 and being joined by five of my colleagues on this side of the aisle, to request a record vote on any Motion or Resolution to adjourn and should that Motion get the requisite number to pass, we'll seek a verification."

Speaker Hannig: "Yes, thank you, Representative Black."

Black: "Thank you."

Speaker Hannig: "We will grant you that at the appropriate time. Senate Bill 548, Representative Crotty. Representative Crotty. Representative Crotty on Senate Bill 548. Okay, out of the record. On the Order of Concurrences. House Bill 597, Representative Saviano. Representative Saviano. On the Supplemental Calendar #1, under the Order of Concurrences, is House Bill 597. Representative Saviano and Santiago. Okay, out of the record. On the Supplemental Calendar, on the Order of Amendatory Veto Motions, Senate Bill 663. Representative Scully. Amendatory Veto Motions, on Supplemental Calendar #1, is Senate Bill 663. Representative Scully. On the Motion to accept. Out of the record. Senate Bill 771, Representative Scully. Representative Scully, you also have 771. Out of the record. Okay. Senate Bill 805, Representative Biggins. Representative Biggins. On the Amendatory Veto, accept? Representative Biggins. Senate Bill 805."

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

78th Legislative Day

November 12, 1997

Biggins: "Thank you, Mr. Speaker. I move to accept the Amendatory Veto, the Governor's Amendatory Veto of Senate Bill 805. It amends the Death Management Practices Act and is supported by the Department of Financial Institutions and a number of credit counseling service centers throughout Illinois. The Catholic Charities and the Metropolitan Credit Services Organizations. It's been worked out with the full participation of nonprofit debt service firms that are regulated by the Department of Financial Institutions in our state."

Speaker Hannig: "This question will require 71 votes. Is there any discussion? Is there any discussion? Representative Black is recognized."

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

Speaker Hannig: "He indicates he will."

Black: "Representative, in the underlying Bill, there was a fee increase that impacted certain financial institutions. Is that fee increase still in this... the Governor didn't amendatorily veto that out did he?"

Biggins: "The fee increase is still in the Bill."

Black: "And, refresh my memory. Who does that impact or what kind of institution would that impact?"

Biggins: "It impacts the consumers that receive credit counseling services."

Black: "Okay. Thank you very much."

Speaker Hannig: "Representative Biggins to close."

Biggins: "Well, I would urge an 'aye' vote on this Amendatory Veto."

Speaker Hannig: "The question is, 'Shall the House accept the Governor's specific recommendation for change with respect to Senate Bill 805?' All in favor vote 'aye'; opposed

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

78th Legislative Day

November 12, 1997

'nay'. The voting is open. This requires 71 votes and this is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Motion there are 88 voting 'yes' and 24 voting 'no', and this Motion having received the required Three-Fifths Constitutional Majority, the House accepts the Governor's specific recommendation for change on Senate Bill 805, and this Bill is declared passed. Representative Saviano, I believe, is now in the Chambers. On House Bill 597, on the Supplemental Calendar, on the Order of Concurrences, Representative Saviano."

Saviano: "Thank you, Mr. Speaker. I would move to nonconcur."

Speaker Hannig: "The Gentleman moves that we nonconcur in the Senate Amendments to House Bill 597. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the House does not concur with the Senate Amendments. Back on the Order of Amendatory Veto Motions, is Senate Bill 1072. Representative Phelps. Is the Gentleman in the Chamber? Representative Phelps. Out of the record. Representative Phelps is now in the Chambers. On Senate Bill 1072, Representative Phelps."

Phelps: "Thank you, Mr. Speaker. I move to accept the Amendatory Veto language to Senate Bill 1072 regarding the ratio of funds that we expect from the federal level special ed and the language the Governor offered is good enough to live with."

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

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

Speaker Hannig: "He indicates he will."

Black: "Representative, I believe this Bill got a unanimous vote

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

78th Legislative Day

November 12, 1997

in the House, but that was some time ago and I can't remember everything that is in it. Thank you, Mr. Speaker, I couldn't even hear my own question. Representative Phelps, it would appear to me that the Governor's Amendatory Veto did not significantly change the underlying Bill that put a cap if you would or limitation on the amount of federal special education dollars that the State Board of Education could allocate or appropriate for administrative costs. Now, that's the underlying Bill. Let me make sure I understand the Amendatory Veto. It does not change that in any way shape or form does it?"

Phelps: "That's my understanding. I believe we're talking about the change only focusing on the aggregate level of the Part B Discretionary Funds that the state board uses that reflects for administrative reasons in FY97, excluding, I believe, any carryover funds but increased by the 3% for FY98 and 3% for every year thereafter. And so it really just guards the aggregate... be sure that the aggregate of the IBEA Funds Part B discretionary funds exceed the amount in the FY97, beyond the 3% that we're allowing."

Black: "All right, but with that language of the aggregate, then it could... it would be possible... in my opinion, it would be possible to exceed your 25%. Because if they can go back and add in an unexpended balance or additional funds, then it would seem to me they could exceed the 25% cap."

Phelps: "I don't believe that's the intended effect. I don't believe it will happen if you're expressing concern that it still will happen?"

Black: "I just want to make sure that with the addition of a word or two like aggregate amount, then it would not be possible or it would not be interpreted as being able then to say, 'well this year we can transfer or administratively eat up

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

78th Legislative Day

November 12, 1997

32% of SPE dollars. Because this area, and I know it's... I know you've been... you've worked very hard on it, this is an area where we constantly underfund the local districts. And I want to make certain that we're not doing anything that would allow a loophole if you will, it may be too strong of a word or a backdoor or any other means where the 25% cap on special ed funds for administrative purposes could be exceeded."

Phelps: "Right, you know the original purpose of the Bill is to make sure that at least 80% of the Part B Funds, you know, flow directly to our local schools, districts and special ed joint agreements. So, with the language that the Governor offered, the only thing I can really interpret, unless I'm missing something, would still accomplish pretty close to what I intended, except evidently they're getting some protection, no more beyond the 97...FY97 levels and then a built in factor of 3% thereafter. If that still gets close to 80%, which evidently it does, I don't know the exact figure, then I'm satisfied."

Black: "Does your file reflect any correspondence from any of our special education cooperatives?"

Phelps: "Mr. Speaker, I couldn't hear his question. Could I..."

Speaker Hannig: "Let's have a little order in the Chamber. A little order in the Chamber please. Representative Black, could you repeat the question?"

Black: "I suppose we could get their attention if I'd say there might be some language on a late fee in here, but I won't do that. Representative, have you heard from any special education cooperatives that have had an opportunity to digest the Governor's language? And if so, are they in accordance with it or... I haven't heard from any of them and that always makes me nervous as to whether or not they

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

78th Legislative Day

November 12, 1997

are aware of how the Bill was changed?"

Phelps: "There is an agreement between state board and the special ed districts...administration, yes. So, that's been discussed and cleared, I've heard from them."

Black: "Alright, then that would appear, if they've not expressed any concern then evidently the intent of the original Legislation still stands."

Phelps: "No, they're in agreement with the Amendatory Veto."

Black: "Okay, thank you Representative."

Phelps: "Thank you."

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

Phelps: "Merely move for your action please and we have an agreement between the special ed's administration, the districts that are involved and the State Board of Education. So I'll appreciate your votes."

Speaker Hannig: "The question is, 'Shall the House accept the Governor's specific recommendation for change with respect to Senate Bill 1072?' This 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? Have all voted who wish? Mr. Clerk, take the record. On this question there are 114 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 Senate Bill 1072, and this Bill is declared passed. On the Order of... on the Supplemental Calendar, on the Order of House Bills-Third Reading, is House Bill 1185. Representative Burke. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1185, a Bill for an Act amending the Naprapathic Practice Act. Third Reading of this House

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

78th Legislative Day

November 12, 1997

Bill."

Speaker Hannig: "Representative Burke."

Burke: "Thank you, Speaker. For those Members who have been here, they're quite familiar with this particular profession. The naprapathic profession of course is an alternative medical practice. It is just recently been licensed and as a technical matter, any malpractice action that would be taken against a naprapath currently, could only be supported by the testimony of a medical doctor, an M.D. Similarly to what the chiropractors in our state would experience in a malpractice action, only a chiropractor could testify in a chiropractic malpractice action, and that's what we're asking for in this House Bill 1185. It simply states that only a naprapath would testify in a malpractice action against a naprapath, and I would ask for the Body's favorable consideration. I'd be prepared to answer any questions."

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

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

Speaker Hannig: "Yes, Representative."

Black: "The Representative was indicating that this Bill does something, and my electronic analysis in our floor file indicates it doesn't do anything. Has this Bill been amended or is it still a vehicle?"

Speaker Hannig: "Mr. Clerk, would you give us the status of the Bill? Has it been amended? Mr. Clerk. Mr. Black, we're going to see if any Amendments have been adopted and what the status is."

Black: "Thank you. Is there a naprapath in the House?"

Burke: "Got a sore back? We'll get you one."

Speaker Hannig: "Mr. Clerk, is there any Amendments?"

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

78th Legislative Day

November 12, 1997

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

Speaker Hannig: "Okay, so there have been no Amendments Representative Black."

Black: "Well, in that... let me pursue my inquiry then and perhaps the Chair could...with the Sponsor. The only thing that I have on this Bill and I quote in both the electronic and the paper copy it says, 'the necessity of license, no person shall practice or attempt to practice naprapathy without a valid license as a naprapath issued by the department'. Now, that doesn't jive with his explanation of what the Bill does. It looks to me like this is a Vehicle Bill in its current form."

Burke: "Mr. Speaker."

Speaker Hannig: "I think Representative Burke can answer that question."

Burke: "The Representative is absolutely correct. There is no language in here now and I would ask at this time that the Bill be taken back to Second for the purposes of introducing an Amendment."

Black: "Ahhhhhhhhhh."

Speaker Hannig: "Mr. Clerk, return this Bill to the Order of Second Reading at the request of the Sponsor. Okay, on page three of the Calendar, under the Orders of Total Vetoes, is Senate Bill 35. Representative Parke."

Parke: "Mr. Speaker, Mr. Speaker. Can you pull this from record and come back in about ten minutes please?"

Speaker Hannig: "So, you want to hold this Motion? Yes, okay. Out of the record. Page two of the Supplemental, under the Order of Amendatory Veto Motions, is Senate Bill 772. Representative Scully. Before Representative Scully is recognized, Representative Giles, for what reason do you rise?"

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

78th Legislative Day

November 12, 1997

Giles: "Thank you, Mr. Speaker. On a point of Personal Privilege."

Hannig: "Yes, state your point Representative."

Giles: "Thank you, Mr. Speaker. Mr. Speaker, on the House Floor, we have a distinguished Gentleman on the Floor. He's an ex-State Representative; moreover today, he's the Recorder of Deeds of Cook County. We have the Honorable Jesse White. Let's congratulate Jesse White."

Speaker Hannig: "Welcome back to Springfield, Jesse. Okay, Representative Scully on the Motion."

Scully: "Thank you, Mr. Speaker. I move to accept the Governor's Amendatory Veto of Senate Bill 772. The Amendatory Veto addresses the issue of mandatory sentencing which was part of Senate Bill 772, was the most controversial aspect of this Bill. It removes the provisions for mandatory sentencing, and I move that we accept the Amendatory Veto."

Speaker Hannig: "And on that question, the Parliamentarian has ruled this requires 71 votes. Representative Cross."

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

Speaker Hannig: "He indicates he will."

Cross: "Representative, can you tell us with the language of the Governor, does your Bill allow for probation under this offense?"

Scully: "Yes."

Cross: "Is that the main... the substantive change of his lang... of his Amendatory Veto language?"

Scully: "Yes."

Cross: "And this is the Bill that you sponsored as I know, Representative, if I'm not mistaken, Kosel did, to address the issue of the problem in Crete, is that correct? The hit and run accidents or accident?"

Scully: "The issues addressed in this Bill were certainly brought

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

78th Legislative Day

November 12, 1997

to our attention by the very unfortunate incident in Crete. It is really intended not to address that problem. It's intended to address a flaw in the law today which we thought should be addressed to stiffen the penalties for leaving the scene of an accident."

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

Speaker Hannig: "Representative Black."

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

Speaker Hannig: "He indicates he will."

Black: "Representative, bear with me. I recall, has there been a court decision on the underlying Bill that indicated that there was a problem in that it did not give enough discretion to a court, i.e., the driver may not have known that he or she hit something, in fact, it may have been a deer or is that a totally unrelated case?"

Scully: "It is not a totally unrelated case, but the issue recently addressed by the Illinois Supreme Court, regarding the actual knowledge of the driver, is not a part of this Bill and was not intended to be a part of this Bill."

Black: "Well, in fact, that is what has me confused, because you know, how you vote on this, may put some of us in a trick bag. The underlying Bill, I think, was a Bill in response to something that occurred in or near your district and I got the impression that it was a tough, a very tough, but very fair Bill to close off an existing loophole when somebody said. 'Well, I didn't know I hit anybody, and therefore, I... you can't charge me with reckless homicide or some very strong penalty.' And I thought you had closed that loophole and now if I understand this AV, it opens it back up again."

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

78th Legislative Day

November 12, 1997

Scully: "Mr. Black, I'm sorry, I didn't hear your last ten seconds."

Black: "By allowing this to be a probational offense, does it not, for those of us who voted for your Bill in its original form, could we not then be subject to criticism that we accepted a watered down version of your Bill? There really isn't a get tough on the hit and run driver Bill."

Scully: "I disagree Mr. Black. I think Senate Bill 772 increases penalties in a very substantial manner. The original House Bill... Senate Bill 772, additionally provided for mandatory sentencing. Mandatory sentencing was merely one component of Senate Bill 772 which generally makes the penalties much more strict for leaving the scene of an accident. It also increases the reporting requirement, dropping the time period within which an accident must be reported, from 3 hours to 1 hour. Increases the penalties. It also increases the time period within which a person could apply for reinstatement of a license. The mandatory sentencing was only one component of a Bill to make it tougher on people who commit the crime of leaving the scene of an accident."

Black: "Okay, now, let me make sure I understand this. The judge... under the Amendatory Veto language, does the judge have the discretion to grant probation or if you had a jury trial, would the jury then be instructed that after hearing the evidence, the defendant could be given probation, would not necessarily have to have a sentence of incarceration?"

Scully: "Mr. Black, this Bill does not address the issue of jury instructions."

Black: "Okay. Does his language then get at what the discretion

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

78th Legislative Day

November 12, 1997

of the judge would be?"

Scully: "The Amendatory Veto gives judges discretion. It removes the mandatory sentencing requirement."

Black: "Well, I'll defer to your judgement and you've indicated that you think it's... obviously you've moved to accept the language and the incident that prompted it happened in your district. In your opinion, as amendatorily vetoed, the Bill still is better, far better than the existing statute?"

Scully: "Yes, Mr. Black, this Bill is... makes the law far better than the status quo."

Black: "Okay. All right, thank you very much."

Scully: "Thank you, Mr. Black."

Speaker Hannig: "Representative John Turner."

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

Speaker Hannig: "He indicates he will."

Turner, J.: "Representative, I believe that Representative Kosel had sponsored a Bill, forgotten the number on it, before, and regards the same subject matter and it seems that with the acceptance of the Amendatory Veto, that your Bill now does exactly what Representative Kosel's Bill did before. Is that correct? Do you agree with that?"

Scully: "I don't know whether this makes the two Bills identical, Mr. Turner. I do know that one of the substantive differences between those two Bills, was the issue of mandatory sentencing."

Turner, J.: "Thank you. As I recall, the only difference between the Bill that we have before us now and the Bill previously sponsored by Representative Kosel, was the question of whether or not the judge would have discretion to give probation. As changed with the Amendatory Veto, your Bill does now allow for a court to give probation in the proper

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

78th Legislative Day

November 12, 1997

circumstances does it not?"

Scully: "That's correct."

Turner, J.: "And you're not certain as to whether or not that is exactly now, the same language as Representative Kosel had in her Bill?"

Scully: "That's precisely correct. I cannot tell you whether or not the two Bills are now identical."

Turner, J.: "And for the record, was the previously sponsored Bill by Representative Kosel, House Bill 1369, do you know that?"

Scully: "I do not."

Turner, J.: "All right, thank you. That's all the questions I have, Mr. Speaker."

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

Scully: "I ask for your affirmative vote on this Motion to accept the Governor's Amendatory Veto."

Speaker Hannig: "The question is, 'Shall the House accept the Governor's specific recommendation for change with respect to Senate Bill 772?' 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 114 voting 'yes' and 1 voting 'no', and this Motion having received the required Three-Fifths Constitutional Majority, the House accepts the Governor's specific recommendation for change to Senate Bill 772, and this Bill is declared passed. Representative Parke, would you like to run... okay. We're still waiting then? Representative Lindner, for what reason do you rise?"

Lindner: "Thank you, Mr. Speaker. I would like the record to reflect that I meant to vote 'aye' on Senate Bill 194."

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

78th Legislative Day

November 12, 1997

Speaker Hannig: "The record will so reflect. Representative Carol Ronen, for what purpose do you rise?"

Ronen: "Thank you, Speaker. I rise for information to the Members who are part of the Committee on Children and Youth. There is a misstatement in the schedule for tomorrow. The Committee on Children and Youth will meet at 8:30 tomorrow in room... the room that is listed, not at 8:00 o'clock. It was listed twice, but so for Members who are on the Committee on Children and Youth, the committee will meet at 8:30 in the room listed on that Calendar. Not at 8:00 o'clock, at 8:30. Thank you."

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

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think inadvertently on the Calendar, there was a meeting posted for Elementary and Secondary Education at 8 a.m. in the morning. That is not correct. There will be no meeting, Elementary and Secondary Education."

Speaker Hannig: "Senate Bill 473, Representative Scott."

Scott: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. Senate Bill 473 was a Bill to add circuit judges to the number of circuits. Passed overwhelmingly through this Chamber. The Bill was totally vetoed by the Governor, the override of that veto passed, I believe it was unanimously in the Senate and is here and I would ask for a favorable vote to override the Governor's Veto."

Speaker Hannig: "The Gentleman has moved for the override of Senate 473. Is there any discussion? There being none, the question is, 'Shall the House override the Governor's Veto of Senate Bill 473?' All in favor vote 'aye'; opposed 'nay'. The voting is open. This requires 71 votes. Have all voted who wish? Have all voted who wish? Have all

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

78th Legislative Day

November 12, 1997

voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no', and this Motion, having received the required Three-Fifths Majority, the Motion to override prevails and Senate Bill 473 is declared passed, notwithstanding the Governor's Veto. Representative Deuchler."

Deuchler: "I rise on a Point of Personal Privilege. Mr. Speaker, I wanted to announce that tomorrow morning, Thursday morning, the COWL meeting will be held in D-1 of the Stratton Building at 8 a.m. Steve Schnorf will be the speaker on the uninsured children, and I want to request that all COWL members plan to attend that meeting, 8 a.m. tomorrow, Thursday in D-1. Thank you."

Speaker Hannig: "Thank you, Representative Deuchler. Representative Black."

Black: "Yeah, Mr. Speaker, an inquiry of the Chair. I could not hear the previous speaker. The order in this Chamber leaves a little to be desired. I think you would agree."

Speaker Hannig: "I would agree, Representative Black."

Black: "Did the previous speaker say there is a 'towel' meeting? Towel? No, I thought you said a towel meeting. And since I only brought three over here this week, I thought maybe I'd show up. Is it towel or COWL? Oh, COWL. Can I go? Oh, alright. Are you sure that's legal?"

Speaker Hannig: "On Page 4 of the calendar is (Sic-Senate Bill) 561. Representative Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to override the Governor's Veto of Senate Bill... to Senate Bill 561. This Bill clarifies that the... and limits the authority of the Human Resource Investment Council to make policy decisions. The council under this Bill will be further limited in its advisory

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

78th Legislative Day

November 12, 1997

role essentially, and the council which now... in addition which the council will be able to make recommendations directly to the General Assembly. This council was created, as you probably know, to serve as the State Advisory Board pertaining to work force preparation policy questions. And it serves the state function pursuant to the... in conjunction with the federal Job Training Partnership Act. So, I think the Governor fell short of his interpretation what we wanted to do, and I think the message stated that the increased emphasis on the advisory nature of the Human Resource Investment Council in its relationship with the educational institution, he thought was already clear enough in the law. We just feel that we need to have the council make recommendations directly to the General Assembly and that would be an improvement in the capacity of the existing council. So, I appreciate your support. This is no big deal. It passed out of the Senate overwhelmingly and we appreciate your 'aye' vote."

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

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

Speaker Hannig: "He indicates he will."

Black: "Representative, this Bill passed unanimously the first time that it went out. Bear with me. I was talking to a member of the press and I never want to ignore anybody who buys ink by the railroad car full, so, be that as it may, what precipitated, and forgive me if you've already said this, what precipitated the Governor's Veto?"

Phelps: "I don't believe I have a direct response to that or discussion with anyone what was the rationale. I can only assume that he was fearful that these provisions would

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

78th Legislative Day

November 12, 1997

require the General Assembly to ratify the recommendations and that possibly could hamper the council's efforts to build a more of a unified system. I don't know that's... his fears I don't think are really well taken, but evidently to report back the recommendations to the General Assembly with something he did not want to see take place."

Black: "Representative, I appreciate that. Do you have the Senate vote on the override? Do you have that in your file?"

Phelps: "I don't have it in front of me but I believe it was pretty substantial and I'm sorry I don't have the numbers but I thought it was pretty substantial."

Black: "Representative, I was checking with staff, and it seems to be the veto may focus on the Committee Amendment that says, 'any temporarily adopted goal and strategies that are not ratified by the General Assembly would be deemed revoked', and evidently, that's the Amendment that the Governor thought would really throw a wrench into the smooth operation of this Bill. Is it your intent that the General Assembly have veto action or veto power or maybe that's the wrong way to phrase it, in other words, anything that would be done by this committee would be subject to review by the General Assembly. Is that your intent?"

Phelps: "Yes, yes it is."

Black: "May was a long time ago. Why did that Amendment come up? I don't remember what the concern was that precipitated that Committee Amendment."

Phelps: "I can't either to be honest with you."

Black: "Well, I don't know whether it was something that you know, we just didn't want to be left out of the process or whether somebody thought they saw a real opportunity for abuse of legislative oversight or what. I just can't

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

78th Legislative Day

November 12, 1997

remember the genesis of that Amendment and that's what the Governor's Veto message seems to focus on."

Phelps: "Well, I think the bottom line is clear to me that the Governor just fears that he does not want the General Assembly to have to ratify all the recommendations that it underlines the authority of the council on many of these policy recommendations and I thought that was why we're elected. Maybe they get too specific in nature but usually you know, we deal with the general question enough not to take away a council's authority and so, I don't think that's the intent. Some of these questions that involve educational matters and the State Board of Education and higher education, I think we need to look at as a General Assembly."

Black: "Well, I guess that's what I'm having trouble with. This is an Advisory Committee, correct?"

Phelps: "Yes."

Black: "All right. And if they come up with a temporary goal that has no force of law or resolution and they say, 'well, we think that Illinois should move towards a IGAP Test in the 4th grade rather than the 3rd grade', and that would be advisory in nature, do we really want to put ourselves as a block on what an advisory committee might recommend? I mean, before it could have the force of law, we'd have to act on it anyway."

Phelps: "Well, no, and the way you stated it, probably not would be the best situation for us, but if we remove the authority of the council to adopt what I'm after, the work force preparation that the Job Training Act has involved this... the connection with the educational provisions that we struggle with, and in the development of those goals, instead, the council may recommend such goals and policies

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

78th Legislative Day

November 12, 1997

that are now to be transmitted to the Governor and the General Assembly. Now, it's just to the Governor. Now it just goes to the Governor. So, this clarifies that the council cannot impose any further duties or requirements on the State Board of Ed, higher ed or the Community College Board without coming to the General Assembly."

Black: "I think I see what you're getting at Representative. My only fear is that I would hate to think we would put this kind of caveat on every advisory commission or council that we create."

Phelps: "No, I agree."

Black: "You know, we could... it's kind of like mandate waivers, I mean, we could sit here all day and act on advisory notices, goals, you know, I don't think that's your intent, is it?"

Phelps: "No it's not, and that's where we get into... if you're saying we'd be micromanaging, but since this involves the Job Training Partnership federal float, you know, through money and policies, then I think we need more of a direct hand in it rather than just going to the Governor but..."

Black: "All right. I... it comes to me now as to why... this Amendment had something to do with Goals 2000 or National Education Plan as I recall..."

Phelps: "That's one thing."

Black: "...and I think some of the supporters wanted some kind of oversight so that..."

Phelps: "Right."

Black: "...a committee wouldn't just say, 'by the year 2000, all students will wear blue suede shoes in Illinois schools', and we'd have nothing to say about that, right?"

Phelps: "That's right."

Black: "Well Representative, if it was good enough for Elvis,

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

78th Legislative Day

November 12, 1997

it's good enough for you isn't it?"

Phelps: "Are the Ten Commandments posted somewhere in... okay?"

Black: "That would be okay with you too, wouldn't it? All right. Representative I appreciate you answering the question. My only fear is... it seems innocuous on its face but I just hope..."

Phelps: "No, I agree."

Black: "...we don't get to the place where we want legislative oversight over every advisory council, committee, study group or whatever."

Phelps: "No, I realize that's not feasible."

Black: "Since you've agreed with that I understand that."

Phelps: "Yeah, we would never get anything done if we had to do that all the time."

Black: "Thank you very much."

Phelps: "Thank you."

Speaker Madigan: "There being no further discussion, Mr. Phelps to close."

Phelps: "Thank you, Mr. Speaker. I merely just ask for an 'aye' vote. This is one of those that passed out of the Senate with substantial support and overwhelmingly through here in the spring, so we ask to override the Governor's Veto."

Speaker Madigan: "The question is, 'Shall this Bill pass, the Veto of the Governor notwithstanding?' This Motion requires 71 votes. This is final action. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 114 people voting 'aye'; 0 voting 'no'. This Motion, having received the required Three-Fifths Majority, the Motion to override prevails, and this Bill is declared passed, notwithstanding the Governor's Veto. On

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

78th Legislative Day

November 12, 1997

Page 6 of the Calendar, there appears a Motion relative to Senate Bill 1120. Representative Erwin."

Erwin: "Thank you, Speaker. There are two Motions filed regarding Senate Bill 1120. Having voted on the prevailing side of Senate Bill 1120, I would move for an immediate consideration of the first Motion which would suspend Rule 65(a) of our Rules that would permit a reconsideration of the vote by which Senate Bill 1120 passed. So it first asks for the immediate consideration of the first Motion to suspend Rule 65(a)."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker, an Inquiry of the Chair."

Speaker Madigan: "State your inquiry."

Black: "Yes. The Representative referenced House Rule 65(a) on a Motion to Reconsider. Is she asking that Rule 65(a) be suspended?"

Speaker Madigan: "Yes."

Black: "All right. Okay, I understand that. I'll hold my question until later. So she's not asking it to be reconsidered under 65(a), she's asking that we suspend 65(a)?"

Speaker Madigan: "That's correct."

Black: "Thank you."

Speaker Madigan: "This Motion requires 60 votes. Is there any discussion? Representative Kubik."

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

Speaker Madigan: "The Lady yields."

Kubik: "Representative, I think I know what you're going to do. I think with all the confusion that we've had today, could you please explain perhaps what you're trying to do so we all know what we're voting for, and maybe that's a good

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

78th Legislative Day

November 12, 1997

idea this time?"

Erwin: "Thank you, Representative Kubik. I would be happy to. As one of those who voted on the prevailing side of Senate Bill 1120 at... let me see if I can get... at 6:25 p.m. on October 30th this was a piece of legislation which had a House Amendment #7 added to it. It was an Amendment that substantially changed the way cable television in Illinois may apply late fees. It is an Amendment that was considered in the House Rules Committee and effectively deleted everything after the Enacting Clause. The underlying Bill was a Bill that Representative Holbrook had sponsored, and indeed the board still said Storm Water Management Control when we considered this. Although House Amendment #7 was far from a technical Amendment, it was immediately considered, Representative Kubik, for adoption on the House Floor and it indeed was adopted by a voice vote. So then at 6:25 p.m., the day we were leaving during the last segment of the Veto Session, I along with, I suspect, a number of my colleagues was not fully apprised let me say, of everything that was in this Bill and I would dare say that even had anyone had the opportunity really as we clearly could have and should have done as Members, to have fully read this Bill. The simple fact is that the timing of it came so quickly that it would have been very difficult to have fully understand all the ramifications of this particular issue. Many of us have since learned that this is definitely more complicated than it was originally represented and while I don't cast any really aspersions on anyone here, I do think that it is a serious enough issue that this House should take the time to reconsider the Motion and allow for a much more thorough debate on the issue of cable late fees. And so, yes indeed, having voted

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

78th Legislative Day

November 12, 1997

on the prevailing side, I am seeking to suspend the rule, Representative Kubik, that requires us in our own rules that we adopted we say that we can reconsider within one legislative day which this is. However, the Bill has been sent to the Senate and I do understand that. So, I am seeking to suspend that rule first and then the second Motion asks for an immediate consideration of the vote by which Senate Bill 1120 was approved."

Kubik: "Mr. Speaker."

Speaker Madigan: "Mr. Kubik."

Kubik: "Mr. Speaker, if I could, Parliamentary Inquiry?"

Speaker Madigan: "State your point."

Kubik: "I guess I'm trying to understand, given the Representative's explanation. The Representative, Representative Erwin has indicated that the Bill is already in the Senate. However, we're suspending a rule to... we're suspending a rule and voting on a Motion when the Bill isn't in the House. So I guess my question is, what's the point? Why are we doing this if the Bill is in the Senate? While I realize the political significance of this, it seems rather odd that we're now... does this not set a precedent for all Bills that may end up over in the Senate and I see this as a potential legislative land mine, and I would appreciate the Chair's guidance on this issue."

Speaker Madigan: "Sure."

Kubik: "Well you know..." Speaker Madigan: "Mr. Kubik, the best response I can give you is to say to you that the Lady has put this Motion. And I believe, that based upon your comments, that you accurately understand the Motion and the consequences of the Motion. That's the best answer I can give you, Sir. I'm not trying to be evasive. But to the best of my ability, I'm answering your question."

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

78th Legislative Day

November 12, 1997

Kubik: "Well, Mr. Speaker, then I guess from the answer that you've given me, you acknowledged that the Bill is in the Senate, and that we are voting on a Motion to reconsider a Bill that's no longer in this Chamber. Is that an accurate reflection of your response?"

Speaker Madigan: "Mr. Kubik, you should not read anything into my comments other than what I said. Have you finished your point?"

Kubik: "Well, maybe I can speak to the Motion now that..."

Speaker Madigan: "Please proceed, Representative."

Kubik: "Representative Erwin, I certainly appreciate why a vote on this particular Motion is politically advantageous. However, I would bring to the notice of the Body that if this Motion prevails, this means that any Bill that is sent over to another chamber and sits in another chamber, and has not advanced, and we have not advanced more than one legislative day, we are now going to reconsider those Bills. Frankly, for the long term, Ladies and Gentlemen, I think this is a rather dangerous precedent to set. And while I surely recognize that we all would love to have a vote that might be a little bit different than we originally cast, or at least have something on the record, I ask you to consider the ramifications of what we're about to do. As I understand it, when a Bill goes over there if one legislative day has not passed and we now decide that we wish to reconsider that Bill, I'll tell you this could be a real sticky situation in future Legislatures. So, Ladies and Gentlemen, I suggest to you that this is a very long range, a bad Motion long range, and, Representative Erwin, while I certainly recognize what your intents are, I'd ask you to consider this very carefully and perhaps there's another way we can address this issue by a

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

78th Legislative Day

November 12, 1997

Resolution or something else rather than set up what I think is a horrible precedent that will dog future Legislatures for years to come. So, I would go so far as to ask you to withdraw your Motion, but if not, I, strictly on the merits of the Motion and the precedent that it might set, this has nothing to do with the issue, strictly on the precedent that it sets, would be opposed to your Motion."

Speaker Madigan: "Representative Erwin."

Erwin: "Thank you. Representative Kubik, I am very appreciative of your comments and really do not disagree. Let me say that it would be the... according to LIS the Senate has not even read our action into the record. So for all practical purposes, the Bill as Senator Rock used to say, you know, could be in somebody's refrigerator in this building. We don't really know. The Senate may be in possession of the Bill. If it is, if it is, there is no action, and in fact, that has been recorded by the Legislative Information System. I would argue that it is a very dangerous precedent for this Chamber to consider very substantive legislation in an Amendment out of the Rules Committee with no committee hearing. In the Rules Committee, it was... from the Rules Committee to the Floor and adopted by a voice vote, so... and to have a consideration at 6:52 p.m., I'm arguing that is a dangerous precedent as well. And as you point out, clearly one would hope that this kind of thing wouldn't happen very often. So I guess since I filed the Motion as quickly as I learned of the circumstances and learned more about actually this issue, I am argu... and I filed the Motion on November 4th as quickly as I could at that time, Representative Kubik, it may in fact, not have been sent over to the Senate. It is not unprecedented for a House Sponsor to ask that a Bill be returned with no

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

78th Legislative Day

November 12, 1997

action being taken. I guess I am just trying to pursue any legitimate course that seemed available to me. So it is with that, and with full appreciation for your concern, which I share, that I will not withdraw the Motion."

Speaker Madigan: "Mr. Lang."

Lang: "Thank you, Mr. Speaker. I rise to state that just as when we voted on this Bill previously, I have a potential conflict and I'll be voting 'present' on this Motion."

Speaker Madigan: "Representative Mulligan"

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

Speaker Madigan: "The Sponsor yields."

Mulligan: "Representative Erwin, in sponsoring this... are you just not... you're not particularly making a comment on the Bill but on the procedure and that perhaps we didn't have adequate time to discuss the Bill?"

Erwin: "Well, Representative, I think that indeed I would not be moving to reconsider this if I had felt that we had had a full and open discussion of all the relevant issues. So I think that it was, it was done in a manner that did not fully apprise all of the Members. And so, that's why I'm asking for a Motion to suspend a rule so that we can reconsider the vote."

Mulligan: "To the Motion. I do not feel that this is a bad thing to do, to call it back and take a look at it. After we voted on this Bill, my initial feeling was I was not happy with it but then I looked over the Bill. For the most part there are many good parts of the Bill dealing with company's late charges in the way that they did and having gone through the fact that we are looking at people that are charging late charges on things that we're paying for in advance and the way we're doing it. There were many excellent parts of the Bill except for perhaps the initial

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

78th Legislative Day

November 12, 1997

amount. But I do feel that many of us felt it came up unexpectedly, we did not have an opportunity to really look at it. I think the Bill can stand that scrutiny. There are some parts of it that maybe aren't as good as others but we pass other legislation that's like that. I think the main part here is the manner it happened at the end of the day with less than adequate time to go through something that said storm water management rather than a change of fees. And I think in that instance I feel that I can certainly support the Lady's Motion to take a look at this Bill again."

Speaker Madigan: "Representative Monique Davis."

Davis, M.: "Mr. Speaker, thank you. I rise in support of the Lady's Motion. Based upon the fact that this Bill did not come through public utilities and usually when we are voting on issues, they have come through a committee, they have had an airing in a committee and there's some history to that Bill. In this instance that has been stated, we did not have that opportunity in the Public Utility Committee, and I would like to see that Bill go to that Committee and have some hearing or just take another vote in this Body. I certainly support the Lady's Motion."

Speaker Madigan: "Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker. You know all of us around here at some time or other maybe make a mistake on a vote that we've made not because at the time we made that decision we thought we were in error, but after the facts come out and so forth, then we realize well you know we've gotten more information now maybe we did make a mistake. But I agree with Representative Kubik here that I'm not sure that we should be messing with the process and voting for this Motion. I may yet, I don't know, but let me tell

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

78th Legislative Day

November 12, 1997

you, I think that our course of action would be, since that Bill is over in the Senate, to go over and talk to your Senator and say, 'Senator since we voted for this piece of legislation, new information has come about, and I think I've made an error in voting for this piece of legislation. Would you please give it special consideration, and if there's not an Amendment or a change to that piece of legislation, please vote against it.' And if it should come back here with an Amendment on it that we don't like we then have that option to vote against that piece of legislation or for it if it is changed when it comes back to this Chamber. Now if it should pass the Senate, then we can all write the Governor and prevail upon him to veto this piece of legislation. Personally, I don't think this piece of legislation will see the light of day in the Senate. So what are we doing? We're standing here you know publicly saying, well we might have screwed up, therefore, by this changing in the rules and so forth that we're going to make everything right. Well, maybe we will in our own minds but let me tell you something, the fact of the matter is, that Bill did pass out of here and new information has come around. Some of it may be a little blown out of proportion but still the general consensus is that we were in error in passing this legislation, so, I understand what you're trying to do Representative, but I'm not sure that this is the right process to go through. I think we ought to stand up and say, we made a mistake, our rules are set, let's now go to the Senate and tell them to vote this piece of legislation down. So, I'm sorry. I don't think I can support your Motion. Not that it's a bad idea because publicly we would be saying we are making a mistake, but we can do that by talking to our Senators as

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

78th Legislative Day

November 12, 1997

well. Thank you."

Speaker Madigan: "Representative Erwin to close."

Erwin: "Thank you, Speaker. I do fully appreciate the comments of others. I guess that on November 4th as I did get a transcript of the Floor debate and I do understand that apparently a prior Amendment which was later ruled out of order that had the same verbiage as House Amendment #8 was apparently considered in State Government Committee, so, I will certainly stand corrected on that. All of this points up to me, though, that there was a great deal of confusion regarding this and I am admitting that I... if I as I think a number of my other colleagues feel that we had not fully apprised ourselves I am simply trying to use whatever vehicles are available to us to reconsider this issue. And certainly, Representative Hartke, we would all urge the Senate to do a better job on this than we did. So thank you."

Speaker Madigan: "The question is, 'Shall House Rule 65(a) be suspended?' This requires 60 votes. Those in favor vote 'aye'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 73 'ayes' and 34 'noes', and the Motion is adopted. Representative Erwin."

Erwin: "Thank you, Speaker. The second Motion that is on the calendar is a Motion having suspended Rule 65(a) to permit the immediate reconsideration of the vote by which Senate Bill 1120 was approved by this House and I would move for consideration of that Motion."

Speaker Madigan: "Mr. Black"

Black: "Thank you very much, Mr. Speaker. An Inquiry of the

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

78th Legislative Day

November 12, 1997

Chair."

Speaker Madigan: "State your inquiry."

Black: "With the suspension of Rule 65(a), could the Chair enlighten me as to what authority, what rule we now have any authority to reconsider a Bill that's no longer in this Chamber?"

Speaker Madigan: "I thought you might do that for me."

Black: "Well I'll be glad to give you my response."

Speaker Madigan: "It's been suspended. It's around here somewhere but it's been suspended."

Black: "I think since the rule is suspended, I'm trying to be as helpful as I can, Mr. Speaker. The Ladies Motion is out of order. There's no mechanism now to reconsider."

Speaker Madigan: "Yeah, I think your point is well taken, and therefore, the Chair shall rule that the Lady's Motion is out of order for the reason stated by Representative Black."

Erwin: "Thank you, Speaker. While I respectfully disagree with the Chair's ruling and with Representative Black's new interpretation, although if he's looking for a second job he may apply for Parliamentarian. I would urge all of those who unwittingly, unknowingly or otherwise did not fully apprise themselves of all of the ramifications of Senate Bill 1120, to join me in urging the Senate to be more thoughtful on this issue than indeed the House was. And with that I will withdraw the Motion."

Speaker Madigan: "Mr. Black. Mr. Black, the Chair is prepared to adjourn."

Black: "Yes, Mr. Speaker. We would like a Recorded Roll Call Vote on the Motion to adjourn should it get the requisite number to pass. I would seek a verification."

Speaker Madigan: "Mr. Clerk, what time tomorrow?"

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

78th Legislative Day

November 12, 1997

Clerk Rossi: "11:00 a.m."

Speaker Madigan: "Representative Currie moves that the House stand adjourned until 11 a.m. tomorrow morning providing Perfunctory time for the Clerk. Those in favor of the Motion signify by voting 'aye'; those opposed by voting 'no.' Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 60 'ayes' and 57 'noes'. There has been a request for a verification. Mr. Clerk, read the names of those voting 'aye'."

Clerk Rossi: "Poll of those voting in the affirmative: Representatives Acevedo. Boland. Bradley. Brosnahan. Brunsvold. Bugielski. Burke. Capparelli. Crotty. Currie. Julie Curry. Dart. Steve Davis, Monique Davis, 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. Harold Murphy. Novak. O'Brien. Phelps. Pugh. Reitz. Ronen. Santiago. Schakowsky. Schoenberg. Scott. Scully. Silva. Slone. Smith. Stroger. Turner, Arthur. Woolard. Younge. and Mr. Speaker.

Speaker Madigan: "Mr. Black."

Black: "Yes."

Speaker Madigan: "Would you verify Representative Schakowsky in the center aisle?"

Black: "I might move to reconsider at a later time, but that would be fine."

Speaker Madigan: "Okay. Thank you."

Black: "Are you ready, Mr. Speaker?"

Speaker Madigan: "Yes Sir."

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

78th Legislative Day

November 12, 1997

Black: "Yes, Representative Bradford."

Speaker Madigan: "You're correct. The Gentleman is missing."

Black: "Oh, I see someone over there. I was about to compliment Representative Bradford on losing a great deal of weight. But, be that as it may, been to Jenny Craig. Representative Slone."

Speaker Madigan: "The Lady's in her chair."

Black: "In the Chair, or her chair? Her chair, confused me. Representative Giles."

Speaker Madigan: "Giles. Mr. Giles. Mr. Giles has just entered the rear of the Chamber and is walking down the center aisle."

Black: "Representative, try and stay in the Chamber until we adjourn will you? Earlier in the day it was very hard to hear. I thought the Chair said Representative Burman. Is there a Representative Burman now, or was it Burke?"

Speaker Madigan: "That Gentleman is missing also."

Black: "Mr. Burke is missing?"

Speaker Madigan: "Mr. Burke's in his chair."

Black: "I see. Well he's surrounded by staff on his naprapath Bill. I couldn't see. Representative Gash is not in her chair. Is she in the Chamber?"

Speaker Madigan: "Representative Gash is next to Mark O'Brien. You know him."

Black: "Yes I do, as a matter of fact. He made me a very lucrative offer. Representative Gash are you standing? I'm sorry, all right. Nothing further, Mr. Speaker."

Speaker Madigan: "Thank you, Mr. Black. There being 60 votes on this Motion, the Motion is adopted and the House does stand adjourned until 11 a.m. tomorrow morning, providing Perfunctory time for the Clerk."

Clerk Rossi: "House Perfunctory Session will come to order."

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

78th Legislative Day

November 12, 1997

Introduction and First Reading of Resolutions. House Resolution 269, offered by Representative Barbara Currie; House Resolution 270, offered by Representative Morrow; House Resolution 271, offered by Representative Bost; House Resolution 272, offered by Representative Schakowsky; House Resolution 273, offered by Representative Lang. The Resolutions are assigned to the Rules Committee.

Introduction and First Reading of House Bills. House Bill 2391, offered by Representative Tim Johnson, a Bill for an Act to amend the Private Detective, Private Alarm, Private Security and Locksmith Act of 1993; House Bill 2392, offered by Representative Saviano, a Bill for an Act to create the Surgical Assistance Practice Act; House Bill 2393, offered by Representative Klingler, a Bill for an Act to amend the Illinois Pension Code; House Bill 2394, offered by Representative Granberg, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act; House Bill 2395, offered by Representative Gash, a Bill for an Act in relation to alternatives to dissection; House Bill 2396, offered by Representative Daniels, a Bill for an Act concerning education; House Bill 2397, offered by Representative Gash, a Bill for an Act to amend the Toll Highway Act; House Bill 2398, offered by Representative Hoffman, a Bill for an Act to amend the Counties Code.

First Reading of these House Bills. Committee Reports. Representative Saviano, Chairman from the Committee on Registration and Regulation, to which the following Resolution was referred, action taken on November 12, 1997, reported the same back with the following recommendations: 'be adopted' House Resolution 252. House Perfunctory Session will come to order. Committee Reports. Representative Barbara Flynn Currie, Chairperson from the

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

78th Legislative Day

November 12, 1997

Committee on Rules, to which the following measures were referred, action taken on November 12, 1997, reported the same back with the following recommendations: 'to the Floor for consideration' House Bill 1185, Amendment #1. Senate Bill 382, to the Order of Second Reading; to the Order of Concurrence, House Joint Resolution 12; to the Order of Nonconcurrence, Senate Bill 56; Amendatory Veto Motions, compliance, Senate Bill 317, Senate Bill 368, Senate Bill 369, Senate Bill 786 and Senate Bill 878. Approved for consideration, House Bill 1400, Senate Bill 56 and House Joint Resolution 12. There being no further business, the House Perfunctory Session will stand adjourned. The House will reconvene in Regular Session tomorrow, November 13th at 11 a.m."