

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

136th Legislative Day

December 2, 1998

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

Assistant Pastor Crawford: "Let us pray. Almighty and eternal God who have created us in Thine own image, we stand this moment in humble gratitude for all the mercy that You bestowed upon us, You have ordained to rest upon us. I pray most gracious Father that You abide with us, and that You inspire all of our thoughts, pervade our imaginations, suggest all of our decisions, order all of our doings, be with us in our silence and in our speech, in our haste and in our leisure. So, I ask that You fill our minds with wisdom and understanding. Fill our hearts with love, joy and gladness, both now and forevermore, this we kindly pray. Amen."

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

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

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

Currie: "Thank you, Speaker. Please let the record show that Representatives Phelps and Ronen are excused today."

Speaker Madigan: "Let the record reflect those excused absences. Mr. Cross."

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

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Speaker Madigan: "Thank you. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 116 people responding to the Attendance Roll Call. There is a quorum present. Mr. Clerk."

Clerk Bolin: "Message from the Senate. A message from the Senate by Mr. Harry, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has passed a Bill of the following title, in the passage of which I am instructed to ask concurrence of the House of Representatives; Senate Bill 1, a Bill for an Act to amend the School Code.' Committee Reports. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measures were referred, action taken on December 2, 1998, reported the same back with the following recommendations: 'for consideration' for Senate Bill 200, referred to Second Reading, Standard Debate; Senate Bill 618, referred to Second Reading, Standard Debate; Senate Bill 785, referred to Second Reading, Standard Debate, and Senate Bill 1598, referred to Second Reading, Standard Debate. Concurrence: House Bill 646, Concurrence Motion approved for consideration; House Bill 887, Concurrence Motion approved for consideration. House Bill 887, Motion to Concur in Senate Amendments 1 and 2 approved for consideration. Nonconcurrence: Senate Bill 299, approved for consideration. Amendatory Veto Acceptance Motions: Senate Bill 1203, Senate Bill 1599, Senate Bill 1386 and Senate Bill 1838, Motions have been approved for consideration. Supplemental Calendar #1 is being distributed."

Speaker Madigan: "Mr. Clerk, Resolutions."

Clerk Rossi: "House Resolution 681, offered by Representative McCarthy."

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WHEREAS, The members of the Illinois House of Representatives wish to honor the 1998 Carl Sandburg Varsity Girls' Volleyball Team from Orland Park, Illinois; and

WHEREAS, Led by Varsity Coach Joann Holverson, Assistant Coaches Jeff Krohn, Lori Wierzal, and Connie Bartlett, this fine team shows school spirit and professionalism on and off the court; and

WHEREAS, The team is made up of: Jenny Yarmoska, Stephanie Brandys, Katie Engel, Annie Raggio, Caryn Pehr, Anneliese Williams, Lindsay De Adam, Megan McDonough, Kim Melinauskas, Nicole Kwasigroch, Mary Cassidy, Sarah Kustok, Erika Lange, Kelly Anderson, and Amy McMahan; and

WHEREAS, The school Principal is Jack Baldermann; the Athletic Director is Cliff Eade; and the Sports Coordinator is Mike Polz; and

WHEREAS, The Carl Sandburg Eagles' colors are royal blue and gold; the 15 girls that make up the volleyball team are backed by a school made up of 3100 students; and

WHEREAS, The Carl Sandburg Varsity Girls Volleyball Team concluded their 1998 season as the Illinois Class AA State Champions; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETIETH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we salute the Carl Sandburg High School Girls Volleyball Team; may they continue to have success both on and off the court; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Eagles. Adopted by the House of Representatives."

Speaker Madigan: "The Chair recognizes Representative McCarthy."

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McCarthy: "Thank you, Mr. Speaker, on behalf of myself, Representative Crotty, and Representative Kosel, I'd like to present to the chamber, the AA State Volleyball Champions for 1998, from Carl Sandburg High School in Orland Park. These are the girls from the State AA Champions, I'd like you all to welcome them today. And I'd also ask the chamber to approve House Resolution 681. Thank you, Mr. Speaker."

Speaker Madigan: "The Gentleman has moved for the adoption of the Resolution, all those in favor signify by saying 'aye'; all those opposed by saying 'no'. The 'ayes' have it, and the Resolution is adopted. Mr. Clerk."

Clerk Rossi: "Introduction of Resolutions. House Joint Resolution 74, offered by Representative Monique Davis, is referred to the Rules Committee."

Speaker Madigan: "On page 2 of the Calendar, on the Order of Amendatory Veto Motions, there appears Senate Bill 1203, Mr. Saviano. Mr. Saviano. On the same Order, there appears Senate Bill 1599, Mr. Winkel. Mr. Winkel on a Motion, on Senate Bill 1599."

Winkel: "Thank you, Mr. Speaker. Thank you, Mr. Speaker. Ladies and Gentlemen, Senate Bill 1599 is here on a Motion to accept the Governor's recommended changes. The underlying Bill is a State Board of Education initiative. It would allow the state board to do an audit of educational service centers just as they already can do for regional superintendents' offices. Also, in addition, it clarifies state aid for truancy alternative and optional education programs, as well as education.... adult education programs. It also establishes a formula that's been agreed to, a statewide formula for allocating funds for regional state schools' programs. Mr. Speaker, I'd

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like to yield my time to Representative Scully. Mr. Speaker."

Speaker Madigan: "Mr. Winkel."

Winkel: "I'd like to yield the balance of my time to discuss this Motion to Representative Scully. You want to take it out of the record?"

Speaker Madigan: "Mr. Scully."

Winkel: "Mr. Speaker."

Speaker Madigan: "Mr. Winkel."

Winkel: "Apparently, there's no need to yield that... I would ask for a favorable vote on the Motion to Accept."

Speaker Madigan: "The Gentleman moves to accept the Governor's Amendment to Senate Bill 1599. Those in favor, signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 111 voting 'yes', there are 3 people voting 'no', this Motion, having received the required Constitutional Majority, the House does accept the Governor's specific recommendations for change regarding this Bill. Mr. Saviano on Senate Bill 1203."

Saviano: "Thank you, Mr. Speaker and Members of the House. I would move to accept the Amendatory Veto of Senate Bill 1203. The underlying Bill, which we accept, would create special service areas, that unincorporate areas of townships, that residents would vote on a referendum to create a special service area to approve their infrastructure such as lighting, curb work, streets, et cetera, so, I would ask that we accept the Amendatory Veto. Thank you. To Senate Bill 1203."

Speaker Madigan: "The Gentleman moves to accept the Governor's

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Amendment to Senate Bill 1203. Is there any discussion? There being no discussion, the question is, 'Shall the House accept... Mr. Black.'

Black: "Thank you very much, Mr. Speaker. If you would have your Chief of Staff remove his paraphernalia from the board, he's covering up Republican lights once again. We're not... We're ending as we began, with chichanery going on up there at the Speaker's rostrum."

Speaker Madigan: "Mr. Black, it was my material. My notes..."

Black: "... they were your notes?"

Speaker Madigan: "... that covered up... that covered your light."

Black: "They were your notes, Mr. Speaker?"

Speaker Madigan: "It was my notes, right."

Black: "Well, in that case, I apologize, but I'm sure that it was your Chief of Staff who put them over the Republican side of the aisle. I know you wouldn't do that."

Speaker Madigan: "All right."

Black: "Would the Sponsor..."

Speaker Madigan: "Sponsor yields."

Black: "... outstanding fellow would he yield? And he does, yes. Representative Saviano, this... does this impact all townships throughout the State of Illinois?"

Saviano: "It only affects Cook County, Representative."

Black: "I'm sorry, Cook County... it only impacts Cook County?"

Saviano: "Only Cook County. Over 3,000,000 residents."

Black: "All right. And... in your opening remarks, and they were very clear and concise, but I couldn't hear all of the uses that the property tax revenues might be used for. Does your Bill specifically indicate what they can do if they pass a referendum or can they do anything they want to?"

Saviano: "The referendum would be very specific in the

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geographical area of the township that it would be... the special assessment which would apply. Those residents would have to put it on the ballot by petition, and the referendum would have to be successful to accomplish an assessment service area for a specific purpose, such as infrastructure repairs, streets, lighting, et cetera."

Black: "And would the special purpose have to be placed on the ballot so you'd know exactly what you were voting for?"

Saviano: "It would be as specific as you could get on something like that, but the residents of that area obviously would have knowledge of the proposed improvements that that special service area assessment would fund."

Black: "All right, so if the residents of a township wanted a special assessment area for flood control, that's certainly within the scope of your Bill, correct?"

Saviano: "That is correct."

Black: "And this is a referendum to be advanced at the town meeting, or is it a referendum that would be voted on in a general election?"

Saviano: "It'd be a referendum at an election, whether it's municipal or general or whatever it would..."

Black: "Okay. All right. Thank you very much, Representative."

Saviano: "Thank you."

Speaker Madigan: "Is there any further discussion? There being no further discussion, the question is, 'Shall the House accept the Governor's specific recommendations for change with respect to this Bill?' This is final action. Those in favor, signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 84 'ayes', 30 'noes'. This Motion, having received the required Constitutional

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Majority, the House does accept the Governor's specific recommendations for change regarding this Bill. For what purpose does Mr. Schoenberg seek recognition?"

Schoenberg: "Thank you, Mr. Speaker. I'd like to rise on a point of personal privilege. When... sometime ago, when House Bill 1699 had been considered establishing a cancer registry. As one of the cosponsors, legislative intent had been read into the record; however, that was inadvertently incomplete. There were... and what I'd like to do very briefly, is for the record, read into... read the entirety of it. For House Bill 1699, the Bill amends the statutes concerning the department's health and hazardous substance registry which is commonly referred to as the cancer registry. The Amendment was designed to give the department authority to protect the identity of those individuals with various cancers report to the registry. In addition, the language still allows for the disclosure of cancer registry information by date of diagnosis, type of cancer and zip code as long as it does not reveal patient identity. The Bill, furthermore, assists the Illinois Department of Public Health in filling its mission of studying the incidence of cancer while reassuring patients with rare cancer... or cancers, that they only strike certain groups of individuals that they identify... that their identity is confidential. The Bill prohibits the release of information that would identify an individual, while leaving intact the ability of the department to release information for research purposes of public... or public disclosure. This legislation was in no way intended to address the May decision from the Fifth Appellate District. Thank you very much."

Speaker Madigan: "Mr. Clerk. Mr. Clerk."



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

Speaker Madigan: "Mr. O'Connor."

O'Connor: "Thank you, Mr. Speaker. I've a Motion of the desk to discharge from the Rules Committee for further consideration House Bill 3615 and to advance that measure to the House floor for immediate consideration."

Speaker Madigan: "Mr. O'Connor, that Motion is out of order. Representative Kosel."

Kosel: "I'd like to make a Motion to Override the Chair. I have over 600 postcards in my office alone from people, in just Orland Township, asking for this Bill to be released from rules."

Speaker Madigan: "The Motion is out of order. Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative Currie, Chairperson from the Committee on Rules, to which the following items were referred, action taken on December 2, 1998, reported the same back with the following recommendations: 'to the floor for consideration' House Joint Resolution 74; and 'to the Order of Concurrence' House Bill 525."

Speaker Madigan: "Page 2 of the Calendar on the Order of Total Veto Motions, there appears Senate Bill 1210, Mr. Wait. Mr. Wait."

Wait: "Mr. Speaker, I believe Representative Kosel has a Motion before the Chair."

Speaker Madigan: "Mr. Wait, you have been recognized on Senate Bill 1210. Do you wish to proceed? Make a decision."

Wait: "Yes."

Speaker Madigan: "What's your choice?"

Wait: "We'll move ahead."

Speaker Madigan: "Please proceed."

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Wait: "Mr. Speaker, I move to overrule the... override the total veto of the Governor on Senate Bill 1210. Basically this Bill would clarify a Bill that we passed last spring in which... would say that firemen and policemen could collect under workmens' compensation, and we inadvertently left out the language saying that the state mandates would not apply. The Senate overruled the Governor 57-0, so I'd hope that the House would do the same."

Speaker Madigan: "The Gentleman moves to override the veto of the Governor. On that question, the Chair recognizes Mr. Steve Davis."

Davis, Steve: "Thank you, Speaker, Ladies and Gentlemen of the House. I rise in support of the Gentleman's Motion, the veto of Senate Bill 1210. I believe that the Governor was mistaken in his veto message on this. It's very simple. It's some cleanup language that was meant to be put into an earlier Bill that passed through the House and the Senate, Senate Bill 194. Very simple language, very simple cleanup language on this Bill, and it passed overwhelmingly in the House earlier. It passed overwhelmingly in the Senate, and the Senate has already overridden Senate Bill 1210, and I would encourage all the Members in the chamber to support the Gentleman's Motion."

Speaker Madigan: "Mr. Hartke. Does not seek recognition. Does anyone else wish to speak on this Motion? Mr. Wait to close."

Wait: "Thank you. I would just ask that the House support and override this Motion, similar to the what the Senate did, and ask for your support for the fire and police of the State of Illinois."

Speaker Madigan: "The question is, 'Shall this Bill pass the veto of the Governor notwithstanding?' This Motion requires 71

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votes. This is final action. Those in favor signify by voting 'aye'; those opposed by voting 'nay'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 115 'ayes', 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 vetoes... the Governor's veto. Mr. Clerk."

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

Speaker Madigan: "On Supplemental Calendar #2, there appears House Bill 525, Mr. Leitch."

Leitch: "Thank you, Mr. Speaker, I would move that the House nonconcur with Senate Amendment #1 to House Bill 525."

Speaker Madigan: "The Gentleman moves to nonconcur in the Senate Amendment. Those in favor say 'aye'; those opposed say 'no'. The Motion is adopted. On Supplemental Calendar #2, there appears HJR 74, Representative Monique Davis. Representative Monique Davis."

Davis, Monique: "The light's out. Thank you very much, Mr. Speaker. House Joint Resolution 74 is... it's a Resolution that asks that a waiver in reference to substitute teachers be denied. We're strongly of the opinion that teachers should be either endorsed or fully qualified to be in the classroom for a full year. And this Resolution was seeking 90 days in which to allow a substitute to teach, and this Resolution would demand that teachers are in classrooms and not substitutes for the full year. And I would urge an 'aye' vote, or passage."

Speaker Madigan: "The Lady moves to adopt HJR 74. Mr. Black."

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

Speaker Madigan: "State your inquiry."

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Black: "Thank you. I was under the impression that all mandate waivers had to be on one Resolution, and I think there were nine or ten as I best recall, pending. And fur... I'm trying to remember if we don't do that, then the ones that aren't on this Resolution, I assume, pass or are approved."

Speaker Madigan: "We think you're right."

Black: "I really don't know, but I... what I don't think is... I don't think we can vote on each mandate waiver separately. I thought they all had to be rolled into a Resolution, and would have to be the same Resolution in both chambers. And my question... my inquiry... Is this the only mandate waiver that we will be seeking to deny?"

Parliamentarian Kasper: "Representative Black, on behalf of Speaker Madigan, our interpretation of the statute and the regulations regarding mandate waivers, is that any Member of the Assembly may file a Resolution to disapprove any number of the waiver requests that have been submitted. So, each Member has the right to submit a Resolution regarding all, or one, or any number in between, of the Resolutions for consideration by the Body."

Black: "All right, and I think we need to check further on that, but the next question obviously would be, does the same Resolution because it's HJR... obviously the same Resolution must be adopted verbatim by both chambers in order to take effect under this Resolution then. This would have to then go to the Senate?"

Parliamentarian Kasper: "Yes, Representative, that's my understanding."

Black: "Okay. All right, I... further inquiry. As you know, I'm trying to become computer literate, and this isn't on our computer. Is that some fault of the system, or..."

Speaker Madigan: "Mr. Black, is this matter on your system? Is

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this matter on your..."

Black: "We're downloading now. It wasn't on the system, it may be when the graph tells me it's downloaded. Would the Clerk of the House be able to give us the benefit of his wisdom? Is it on the system, in fact?"

Speaker Madigan: "Mr. Clerk."

Clerk Rossi: "The Resolution at this time is not on your laptop. It is being passed out, the way we used to pass them out years ago, hard copy."

Black: "Yes. The rules still allow for that, as I recall, in case the laptops are not current, it does allow for a paper to be passed out, correct? So much for a paperless society. Mr. Speaker, in all due respect to the Sponsor of the Resolution, and I do have some questions about the Resolution, the House is in complete chaos, you can't hear anything, there are lobbyists working the floor, it's my understanding that a Motion was made by one of my Members, and it was totally ignored, others have their lights on. I have seen you run this House, and I know what you are capable of. And I don't see why any of us should do any work under these conditions. You can't hear, you can't... you don't even know what you're voting on. Now let's either bring this House to order or let's go home. This has been the most ridiculous efforts at a Veto Session I've seen in thirteen years. You've got people voting on things they don't even know what they're voting on. Now I know you can bring order to this chamber. If you can't, then adjourn."

Speaker Madigan: "Mr. Black. Mr. Black, would you identify the lobbyists that are on the floor?"

Black: "Stand up. Look at all of them. Look at all of them, about 80 of them stood up. Why are there 150 people on the

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floor of this House? If you aren't an elected Member, or a member of the key staff, why don't you get off the floor, right now? All of you over there, all of you back here, and all of you over here, leave the floor, please for God's sake you've got people voting on things they don't even know what they're voting on. Now, Mr. Speaker, you are the ultimate responsible party for order in this chamber. Look around, you've got the best seat in the House. This is an outrage. If you can't bring order to the chamber, let's adjourn or recess, this is ridiculous."

Speaker Madigan: "All staff will leave the floor. All staff will leave the floor. All staff will leave the floor. All liaisons off the floor. All liaisons off the floor. Representative Cowlshaw on the Resolution. Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. First, Mr. Speaker, I would like to ask if we could please have a Roll Call that is a recorded vote on this Resolution?"

Speaker Madigan: "Yes."

Cowlshaw: "Thank you very much, Mr. Speaker. This is simply a request on the part of an individual school district in Illinois to provide it with a little more flexibility in the staffing of its schools. This is a very modest request. It is, in fact, in keeping with the intent of the mandate waiver legislation in the first place, which was to take into account the situations that differ from one school district to another, and when there are unique circumstances, to enable the school district to accommodate those circumstances. That is the first reason why I believe that this denial should be... should be voted 'no' on, in that it seems to me, we should permit the school district to have the flexibility it seeks. Secondly, if we

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are going to start voting on every individual request for a mandate waiver, we are probably going to have to extend the Spring Session next year at least until the first of July. This is a very bad precedent. We have a process by which we put together agreed lists between the House and the Senate of what will be granted and what will be denied. Every Member of both chambers has an opportunity to take part in that process. I would suggest that that is the way that we should proceed in the future, and that if you wish to have... become an advocate for one particular request, or if you wish to disapprove of one, you can take part in that process, and everyone is always welcome to do so. So, I not only believe that this should... that the... a 'no' vote is appropriate on this, because of the issue itself that is included in the Resolution, but I believe that as a matter of respecting of orderly process in the Legislature, that is still another reason to vote 'no', and I thank you, Mr. Speaker, for your willingness to have this vote recorded."

Speaker Madigan: "Sure. Thank you. Representative Davis to close."

Davis, Monique: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. First of all, we cannot, in one breath, say we are raising standards for teachers, we're offering state endorsements for teachers, and then allow people who are not endorsed in any subject, to teach a full year. This Resolution does not allow a district to hire a substitute for more than 90 days. Ninety days is five months of a school year. Our children have enough obstacles to overcome. They should not have to overcome the staffing of a classroom with people who are not qualified to teach a subject or a grade level. The reason the State of Illinois

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has put standards in place, is to protect the learning of our children. We are always talking about raising the level, raising the standards for teachers, raising the requirements for teaching certain subjects, and if we allow a district to put a substitute in that classroom for the whole school year, the rest of our legislation means absolutely nothing. The children in the State of Illinois deserve to have qualified, certified teachers in those classrooms, and that's the reason that this statute was placed in the School Code. We realize substitute are needed, but they should not be there for 180 days or the entire school year, and that's the purpose of this legislation. And we urge an 'aye' vote on this Resolution."

Speaker Madigan: "Mr. Parke, did you wish to speak to this Resolution? Mr. Parke."

Parke: "Thank you, Mr. Speaker, I would. I would ask if the Sponsor of this Resolution would yield?"

Speaker Madigan: "Representative Davis yields."

Parke: "Thank you. Representative, didn't we, in the last two years, and maybe you can help clarify, didn't we pass legislation that allowed people who had some real life experiences, to go into the classroom and to work with the students to bring that kind of a experience that maybe a certified... a teacher may not have actually had? Didn't we pass something recently in the last two years?"

Davis, Monique: "We passed about three pieces of legislation, Representative. One is for provisional teacher, and that means that person teaches a particular subject for a particular period of time based upon them gaining further knowledge in that teaching area. Another one is, Teach America where they're working on higher degrees while they



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come into the classroom and teach, but they're also attending school as they come into the classroom, and preparing themselves to become certified people."

Parke: "How is this different then? What is this school district..."

Davis, Monique: "This... What this Bill says, Representative, is that a school district can hire a substitute teacher for more than 90 days. And what that means is, you can hire a substitute for the entire year of teaching rather than an 8th grade teacher, rather than a biology teacher, in some instances, it may be a lot cheaper for the district, but it's very harmful for the educational process in that particular school district. This particular law, that prohibits the hiring of a substitute for over 90 days, is because usually a substitute is not committed to teaching the full school year. Usually, a substitute teacher is not particularly qualified in a subject area. You know the State of Illinois, Representative, offers endorsements. If I go and prepare myself to teach science, and then I take a test at the State of Illinois, they will determine whether I'm qualified to be an endorsed science teacher. That qualifies me over a regular teacher who doesn't have that endorsement. There are reading endorsements, there are English endorsements, can you imagine, Mr. Parke, Representative, having an art teacher teach English for an entire year? Can you imagine a person who say... who has not taught in five years, but wants to come in and be a substitute, being allowed to teach your children for the entire year? It's not fair to the children, and all we're doing is what the state has said what we want to do, and that's relatively have high standards in the classroom. If we expect results in that classroom, we must be responsible

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for who we put before our children."

Parke: "Well, who would approve... I mean would the superintendent with the say of the school board approve these substitute teachers, is that how they were... how they appeared in that school district?"

Davis, Monique: "No, it would simply be a selection by the principal of someone in the school building."

Parke: "But ultimately, isn't the superintendent and that school board accountable and responsible for what happens in the school?"

Davis: "Well they may be, I guess... many school districts have different regulations and rules for how people are hired. For example, in the City of Chicago, a principal hires directly from the local school. There are other areas where you must go to the school district and be hired by the superintendent. So, that's one of the reasons why the State of Illinois has developed standards, standards that apply to the entire state. And one of those standards is, the teacher before a child, meets the requirements before they can be placed on staff for a full year in that classroom. What... how does it benefit a child who is attempting to learn algebra, to have a substitute teacher in that class for a full year who is certified as a kindergarten teacher? I'm substituting, I'm a kindergarten teacher, but I want to substitute. I'm not committed to the full year, but I want to work for awhile. So, I meet this body, and I put this body in front of some algebra children, or children who should learn algebra, and for a whole year they are denied the education we're responsible for providing for them. That's the purpose of this Bill. To give standards across this state to all children about who stands before them to teach."

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Parke: "Well, you know it seems to me that we cannot always know the situation that happens. I remember sitting in on the Chicago school reform legislation and hearing testimony from teachers who were educators in the City of Chicago, who were upset that they were putting just people into the classroom that did not have the experience that they expected teachers to have, but that the school district had difficulty filling those slots. Is this a area that that they had trouble getting teachers to come into?"

Davis, Monique: "I don't believe, Representative, that they would have trouble getting teachers into a particular spot for a whole year. Now, don't forget, lets say I'm a teacher of science and I go out on a maternity leave, and I'm gone five months, this Bill allows that teacher to be replaced by a sub for five months. But it does not allow that district to bring in someone for 180 days. In other words, for the rest of that school year the children deserve and will get a certified classroom teacher."

Parke: "Are there other school districts doing this, Representative?"

Davis, Monique: "No, they're not. Not to my knowledge, Representative. We have one district to make this request, only one."

Parke: "And so what we're saying now, with your Resolution, is that they cannot put a substitute teacher into the classroom for longer than five months?"

Davis, Monique: "For longer than 90 days. That is absolutely correct, Representative."

Parke: "Ninety days. Thank you for your time."

Davis, Monique: "You're very welcome, Sir."

Speaker Madigan: "Representative Tom Johnson."

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

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Speaker Madigan: "Sponsor yields."

Johnson, Tom: "Representative, before the committee, was there any testimony presented or any evidence presented by any of the teachers, who actually are teaching in the particular district seeking this request? Were there any teachers that objected to this particular request?"

Davis, Monique: "Well, lets see. I remember the debate. You know, this is a debate that really has gone on for approximately a year. And I think we did have two teachers to testify in our committee a few weeks ago."

Johnson, Tom: "Well, I think those were teachers from the Teachers Union, but not from the partic..."

Davis, Monique: "That's where they usually come from."

Johnson, Tom: "... but not from the union... not from the district."

Davis, Monique: "But teachers usually come from the union. Teachers represent... or representation from the union usually are teachers."

Johnson, Tom: "Okay, but as far as I know and I sit on that committee, we had no testimony objecting to this particular request in this situation, coming from anybody within the district itself seeking the request."

Davis, Monique: "No, there was no one from the district seeking the request."

Johnson, Tom: "Okay. There is nothing currently that prevents any regular classroom teacher from being absent more than 90 days, correct?"

Davis, Monique: "Usually if a teacher is going to be absent past 90 days they're asked to take a leave of absence, which means someone else can go into that classroom."

Johnson, Tom: "Okay, but currently there is nothing that prevents a teacher from being absent more than 90 days?"

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Davis, Monique: "Absolutely nothing."

Johnson, Tom: "Okay. Wouldn't it be in a students best interest, presuming that you have a sensitive board and superintendent and principal and so on, that where we know a teacher is going to be absent, maybe they're going to be absent 110 days because of surgery or whatever. Wouldn't you admit that it's in the students best interest to have continuity of one teacher for 110 days than to let a teacher be in there 90, and now we're going to give them another substitute for an additional 10 or 15 days?"

Davis, Monique: "It has been my experience, that when one takes a leave, and one knows that after 90 days or 5 months it is very possible that someone else can be placed into your position, it usually hastens the return of the person who is off. For example, we had a person a few years ago who had surgery on a hip, and had to take a leave for a particular time. So, knowing that after 5 months someone else can be assigned that position, you see, it makes for greater stability for the classroom. Now what you're implying is, wouldn't it be better for the children if one substitute remained in that class longer than the 5 months or 90 days. It may not, Representative Johnson. It may not be better if you have an art teacher who hadn't taught in 15 years and decided to come back and be a substitute, and is placed in a class of biology. A substitute, perhaps a teacher who taught P.E. 10 years ago and decided to come back and be a substitute, and somebody sticks this warm body in a classroom to teach 5th graders biology or botany. The purpose of the Illinois State Legislature setting the standards that we have set for classrooms, the purpose for us setting those standards, was to in most, or most cases that we can be responsible for, make sure the person in

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front of your child teaching is a qualified, certified person. Substitutes generally come into a situation for two or three days. Usually a person has the flu, or Johnny broke his leg and Mom's got to take him to the doctor, get him stabilized. Usually a substitute is committed to two or three days. Rarely do you have a substitute teacher committed to teaching 180 days. Now, the attempt here, of course... the attempt is to prevent certified, qualified, capable, endorsed people from being required to be in those classrooms, and we'd make an awful mistake to remove those standards. We talk about Tom, you and I have discussed this..."

Johnson, Tom: "Are you finished?"

Davis, Monique: "... and we talk about raising the standards of the teachers in the classroom. Well on the one hand do you raise the standards of the teacher in the classroom, and then on the other hand say a substitute, who's qualifications we don't know has the same and equal right to that classroom as a qualified, certified, endorsed teacher? Come on, Representative, you have children."

Johnson, Tom: "Are you finished?"

Davis, Monique: "No."

Johnson, Tom: "Okay."

Speaker Madigan: "Please, can we bring our..."

Johnson, Tom: "Can I move to the Bill?"

Speaker Madigan: "Please, Mr. Johnson."

Johnson, Tom: "I'd rather not ask any more questions at this point."

Speaker Madigan: "Mr. Johnson. Mr. Johnson."

Johnson, Tom: "I don't really disagree with what the Representative is saying, but I do happen to know that this Legislature a few years ago, decided that it was very

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important that we return some local control to our school boards and to our individual schools. And in doing so, we passed the mandate waiver Bill. Because we had faith and trust that our local schools and our boards knew what was in the best interest at given times with the resources that they had available to handle their own problems. In this particular case, and we are talking about one request by one school district here, is to take care of a situation that is going to require a substitute for more than 90 days in the classroom. Now, I submit that it is in our interest to make sure that we support our local school districts when they see that this need arises, that in fact they can act in the best interest of the child and provide continuity, and I am convinced that no school board or teacher is going to put a substitute who is unqualified or uncertified in a classroom that is going to watch that class for more than 90 days. Now maybe the history in the City of Chicago is different, but it is not in our area. And I believe that we, as a Legislature having established a policy that we all agreed upon in here a couple of years ago was a good one, but this is a absolute perfect case in which we need to put our trust and confidence back in that school board to do the right thing for the best interest of the children in that particular classroom. I would urge a 'no' vote on this particular request, meaning that we will approve the individual school's request for this mandate waiver. Thank you."

Speaker Madigan: "Mr. Hoeft."

Hoeft: "Thank you, Mr. Speaker. I'd like to... this is really an interesting debate in that we are talking about some fundamental questions, and they are very legitimate to explore. I would like to remind this chamber of our rules.

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And the rules say once we make the decision on a waiver for one school district, then the state board is bound to allow that waiver to occur for every school district at that point. So this is not for a single school district, this is for everyone of the 900 school districts in the State of Illinois. Very, very important. Secondly, we are not talking about 180 day waiver, we're talking about once this is established it's 180 days this year, then the next, then the next, then the next. This is perpetual openness to noncertified individuals in your classroom. You're going to have to stand before your school system and say to the parents, 'Why is a home ec. teacher teaching calculus five years in a row?' This is a very interesting fundamental question of local control and I respect Representative Johnson's philosophy of that, and also Representative Davis who is saying certifications out of this Bill is accepted because this will become then the state board's responsibility for granting this for every school district in the state that requests it. So, this is a fundamental change in our educational system, and is something, I think we've got to spend a lot of time focused on. It is an important question. Thank you, Sir."

Speaker Madigan: "Mr. Mitchell."

Mitchell: "Thank you, Mr. Speaker. To the Bill. Everything that Representative Hoeft said I was about to say. He's absolutely right, and a perfect example of this is what's happened with physical education across the State of Illinois in the education circles. We approved a mandate waiver for one school district to start with at the junior, senior high school level in physical education. Now we have waivers even down in the elementary for various things, and the physical education program in Illinois



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schools is pretty much decimated. Whether that's good or bad, I'm not judging on at this point. As a former phys ed teacher though you can imagine where my allegiance lies. But, this is definitely a certification issue. If we, in fact, grant this waiver, there is no reason to have certified teachers in the State of Illinois anymore, because we won't have it. If we think that's important, and we thought it important enough to battle that battle for the last two Sessions to see how we should change certification of teachers, than we ought to not grant this waiver. I urge my colleagues to take a real hard look at this, because this is the... this is definitely a fundamental change in education... public education in the State of Illinois. Thank you."

Speaker Madigan: "Mr. John Turner."

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

Speaker Madigan: "Sponsor yields."

Turner, J.: "Representative, the last two speakers have indicated that any vote that this chamber makes today will then be binding upon all school districts because of some rule. Do you agree with that?"

Davis, Monique: "Well what it says, Representative, is once we grant the waiver for this particular school district, we're opening the door for the other 900 and some school districts to also request to have substitutes in front of our kids the entire year rather than certified, qualified people."

Turner, J.: "Our staff has prepared an analysis, and our staff does a very good job, and I think that they're correct most times. Anyway in that analysis, it says that the General Assembly has addressed this issue on three previous occasions. Two such requests were approved in the spring

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of '97, and one request was denied in the spring of '98.

Do you know that to be true or untrue?"

Davis, Monique: "To my knowledge, Representative Turner, we have never approved the request to leave a substitute in a class over 90 days. We have never approved that. Beecher Park, I think requested it one year, and we voted 'no'. To my knowledge we have never approved this waiver. This is one of those waivers we have always denied."

Turner, J.: "Well is it your understanding that if we allow this waiver today, if the same question comes up in a different school district next year, that we are then bound to allow that as well, because that's not my understanding at all of the law?"

Davis, Monique: "Representative, if... what is happening just as Representative Mitchell stated, what is happening is, we're being told, 'You passed or you allowed this waiver for blank, blank school district so now how can you deny mine?' This is what we're being told for holiday waivers. This is what we're being told for physical plant waivers. This is what we're being told for some other... physical education waivers, and it becomes a snowball. We look at the history and say, 'Well, yes, we did pass that, so how can we deny this particular Representative?' Let's not set a precedent for lowering the standards in any district's classroom, and then we as responsible Legislators won't have to worry about it, Representative Turner."

Turner, J.: "Thank you, Representative. I think you've shed some light on what my question was, and I think the way you've just analyzed it is correctly. It indeed may set a precedent that the General Assembly might choose to follow, but it... contrary to what the last two speakers indicated, I don't believe that if we vote on this waiver one way

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today that we are bound to vote the same way if the same request is made from a different school district next year. I think that we have in fact done just the opposite, that on different kinds of issues..."

Davis, Monique: "...well we may not..."

Turner, J.: "...and I think the way you explained it, Representative, was correct. And I would just like to say that I think that the Members should vote upon this request based upon for what it is, not what it might do in the future, because the General Assembly can certainly deny a request next year or grant a request next year regardless, even if it is the same type of request, regardless of how you vote today. Thank you."

Davis, Monique: "Well, Representative, we were just really being very supportive of having certain standards equal across the board in every district. One of the things... schools may not have the same amount of money in every district, they may not have the same number of classrooms, they may not have the same kind of beautiful buildings, but one of the things the State of Illinois can be a little proud of is having a standard for teachers who are assigned to classrooms on a yearly basis. We have not abridged those standards for any district and I think the concern is that once we do it for one district, we're going to find a number of other requests rolling in. Now it's my feeling, Representative Turner, that we can't have it both ways. We can't say to the Press, that we've got to raise the standards of teachers, and they have to do this before they're certified, and we have to give... make them accountable, and at the same time, allow a school district to bring in people who are not... or won't be accountable. Who don't have the knowledge of a particular subject in a

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particular area. You see, we can look at your child or my child, or the children in this school district, and all of those standards for those teachers should be equal. Now I know that people get sick, and we need substitutes. People have family members at home ill and we need substitutes, but we must not allow a school district to hire a substitute for that whole year because they think it's cheaper. In the long run, those of us who pay taxes will pay for that. Our children deserve people qualified, certified, educated and committed to teach."

Turner, J.: "Well Representative, is this school district in your Representative District?"

Davis, Monique: "No it is not."

Turner, J.: "Who would be the Representative that has this school district?"

Davis, Monique: "I have no idea."

Turner, J.: "What is their position, do you know?"

Davis, Monique: "They have not contacted me, nor have they spoken today."

Turner, J.: "Do you know whether the Representative who has this school district in their Representative District is on your side of the aisle..."

Davis, Monique: "I do not know."

Turner, J.: "...because I think I'd like to hear from them today?"

Davis, Monique: "I do not know, Representative Turner, and I'll be honest and tell you I chose not to know. And the reason is, as much as I may like that Representative, the issue is who do I place before children to teach? In this particular district, do I say, 'Your teachers don't have to be certified and endorsed, but on this particular district, they must have gone through those courses, taken those

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tests and passed them.' Those standards should be the same."

Turner, J.: "Thank you, Representative. That's all the questions I have, Mr. Speaker."

Speaker Madigan: "There being no further discussion, the Chair once again recognizes Representative Davis to close. And she indicates that she's prepared to go to Roll Call. Okay. The question is, 'Shall the Lady's Motion to adopt the Resolution be adopted?' Those in favor, vote 'aye'; those opposed vote 'no'. This Motion requires 60 votes. 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 105 people voting 'aye', 10 people voting 'no'. The Lady's Motion to adopt the Resolution is adopted. Mr. Black."

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

Speaker Madigan: "State your inquiry."

Black: "I didn't want to bring this up, obviously the Resolution was going to pass, but in going through material I find some language that says 'Any... when a waiver is filed, a waiver request or disapproval request is filed in the General Assembly, we only have 30 days to act on it.' When was this filed?"

Speaker Madigan: "Mr. Clerk."

Black: "For my... as far as I know it could have been filed so long ago the Midlothian School District is resolved by now. I don't know. Mr. Clerk, if I might, I believe this was filed September 21st. If you could verify that for me. And I'm not very good at math, but I have a hunch the 30 days may have expired. Yes, Mr. Speaker? If you hadn't run all the staff off the floor, maybe some staff member could have... could get us an answer."

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Speaker Madigan: "You're right. Good point, Mr. Black. As usual, one good point after another."

Black: "I do the best I can, Sir."

Speaker Madigan: "Mr. Black, could I ask for an exception from your rule so that Mr. Kasper could come to the podium and respond to your question?"

Black: "He's one of the lobbyists that I was referring to, Mr. Speaker."

Speaker Madigan: "This would be an exception to the Black Rule."

Black: "I ah... this one time, but remember..."

Speaker Madigan: "We understand, one time only."

Black: "You owe me now."

Speaker Madigan: "Right. Mr. Black. Mr. Black, Mr. Kasper is attempting to prepare himself to respond. In the meantime, I would like to recognize Representative Zickus for the purpose of an announcement."

Black: "Yes, outstanding. We certainly concur."

Zickus: "Thank you, Mr. Speaker. We've been privileged today to be joined by some guests from the Moscow region of Russia. They are fire chiefs in the Moscow region, and I'm going to introduce Ron Kubicki, who is the President of the Northern Illinois Alliance of Fire Districts, explain what this exchange program is about and to make the introductions."

Ron Kubicki: "Thank you. I'm very honored to be here and I'll keep this brief because I know you want to go home. We have an exchange program with the Russian Fire Guard right outside of the Moscow region. And this program has been in effect for two years, and this is the second delegation that has come from Moscow to view our services, to try to enhance their service over there, to make their service better and to protect more lives there. Our interpreter, George, will introduce, real quick, their names, and they

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have a presentation to present to the State of Illinois...  
the people of the State of Illinois through the Speaker."

George: "I'd like to introduce you, Boris, he is the Chief of the  
'Podask' Region, the Moscow region, a really large region.  
Then they have a chief, Serguei Diakov. He's the Chief of  
Klin region, that's another large area in Moscow region.  
We also have head of... representative from a gas company  
which works with harmful materials, Vladimir. And we also  
have Minister of Financing for the Klin region of Moscow  
region and this is Victor. Thank you. And they have a  
little present for the State of Illinois."

Unknown: "Hello."

George: "From the face of Russian delegation, to me to the House  
of Representatives of the State of Illinois. To wish you  
the best in your job, in your hard job, for the best of the  
population of this state. And I'd like to give you a gift,  
to the state, from the Moscow region of Russia."

Speaker Madigan: "Mr. Black. Mr. Kasper is ready."

Parliamentarian Kasper: "Representative Black, on behalf of  
Speaker Madigan I believe that your point is not well  
taken. The Section..."

Black: "I'm shocked. I had high hopes..."

Parliamentarian Kasper: "... I believe you'll agree this time,  
Representative Black. Section 2-3.25(g) of the School Code  
provides that the General Assembly may disapprove the  
report of the state board in whole or in part within 30  
calendar days after each House of the General Assembly next  
convenes after the report is filed. The report, which you  
pointed out, was filed on September the 21st. The General  
Assembly next convened on November the 17th, which was the  
1st day of the Veto Session. Accordingly, the General  
Assembly has 30 days from that date, November 17th, to

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disapprove. Today is the 2nd of December, therefore, it is within the time permitted by the Code."

Black: "And I appreciate that. I think you've cleared that up. My only question... follow-up question is, do you count a Perfunctory Session day?"

Parliamentarian Kasper: "No, I do not believe that a Perfunctory Session day meets the definition of convening..."

Black: "All right."

Parliamentarian Kasper: "...under the Code."

Black: "I concur with your reasoned response and I appreciate that, because there was some confusion about it. I very much appreciate you clearing that up. And on behalf of the Members of our side of the aisle, we wish you the very best in your new endeavors, and as far as we're concerned, you can leave today."

Speaker Madigan: "On Supplemental Calendar #1 on the Order of Concurrence, there appears House Bill 646, Mr. Cross. Mr. Cross. Mr. Cross on 646."

Cross: "Thank you, Mr. Speaker, I move to nonconcur on Senate Amendments."

Speaker Madigan: "The Gentleman moves to nonconcur on Senate Amendment #1. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Gentleman's Motion is adopted. The House shall stand at ease for the purpose of a meeting of the Consumer Protection Committee. Mr. Lopez, do you wish to announce where you're meeting? Mr. Lopez."

Lopez: "Room 114, immediately."

Speaker Madigan: "So the House will stand at ease waiting the return of the committee. The Clerk for an announcement."

Clerk Rossi: "The House schedule for the 1999 Spring Session is being distributed. Attention Members, the House will convene in five minutes. The House will convene in five



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minutes."

Speaker Madigan: "Mr. Clerk. Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative Lopez, Chairperson from the Committee on Consumer Protection, to which the following item was referred, action taken on December 2, 1998, reported the same back with the following recommendation: 'be approved for consideration' Floor Amendment #4 to Senate Bill 1598."

Speaker Madigan: "Mr. Lopez. Mr. Ryder, Supplemental Calendar #1. Mr. Ryder."

Ryder: "Thank you, Mr. Speaker. I would rise and ask for the adoption of Amendment #4 to Senate Bill 1598."

Speaker Madigan: "Mr. Ryder, the Clerk advises me that there is an Amendment #3, which is pending."

Ryder: "I would ask to withdraw that please."

Speaker Madigan: "Withdraw Amendment #3, and the Gentleman moves to adopt Amendment #4."

Ryder: "Sir."

Speaker Madigan: "Mr. Ryder could you restate your Motion?"

Ryder: "I wish to adopt Amendment #4, Sir."

Speaker Madigan: "All right. The Gentleman moves to adopt Amendment #4. Those in favor of the Amendment say 'aye'. The Chair recognizes Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "What does Amendment #4 do?"

Ryder: "Amendment #4 becomes the Bill. I'll be happy to debate it in the Amendment stage or in the Bill stage at your discretion, Mr. Black."

Black: "So Amendment #4 becomes the Bill. Is it on the system?"

Ryder: "Excuse me?"

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Black: "Is it on our system or do we have to download?"

Ryder: "I do not know, you should ask the Clerk."

Speaker Madigan: "The Amendment is on the system. You may want to update it, but Amendment #4 is on your laptop."

Black: "I have an inquiry of the Chair. At what point do we pursue our concerns about the Amendment, after you've adopted the Amendment and address our concerns on the Bill as amended, or do we address our concerns as to the Amendment?"

Speaker Madigan: "Well, Mr. Black, I think that that's your decision to make. I think I heard Mr. Ryder ask you, 'When did you wish to address the Bill?' If you wish to address the Amendment now, proceed."

Black: "I'll defer to my colleague, and if the Amendment is adopted, then we can, I'm sure, receive full and fair debate on the Bill as amended."

Speaker Madigan: "I've been advised that there's another Amendment being printed. Mr. Clerk, pursuant to the objection of Mr. Black, take this Bill out of the record. On the Order of Supplemental Calendar Amendatory Veto Motions, there appears Senate Bill 1386, Mr. Dart. The Chair recognizes Mr. Dart."

Dart: "Thank you, Mr. Speaker. I move to accept the Governor's Amendatory Veto of Senate Bill 1386. His Amendatory Veto made some technical changes so that this references the Best Interest Section of the Marriage and Dissolution of Marriage Act and makes some clarifying language as well, and I'd move to accept his Amendatory Veto."

Speaker Madigan: "The Gentleman moves to accept the Amendatory Veto. The Chair recognizes Mr. Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

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Durkin: "Representative, what exactly is... was the change that the Governor made on this Bill?"

Dart: "What he does, Jim, is he makes reference to the specific Section dealing with the best interests of the children, Child Section of the Marriage and Dissolution of Marriage Act, because the Bill as it was originally drafted did not have that, and it made it sound as if the factors listed in the Bill were the exclusive considerations where that wasn't the intent and that was an oversight."

Durkin: "Okay. Are one of the things that the Governor did was to remove the Section which gave the child the ability to basically trump the decision of a court if the court finds that it's not in the best interests of a child?"

Dart: "Yeh. It was."

Durkin: "They can overrule the... a court's decision. That's one of the things which the Governor is not allowing the child to make that decision, correct?"

Dart: "Yeh. Correct, correct."

Durkin: "Which is consistent with... also it is with sex offenders I know in the Section above that, which strictly makes it if... gives visitation rights if it's in the best interests of the child which is determined by the court, correct?"

Dart: "Correct, correct."

Durkin: "Great. Thank you very much."

Dart: "Thank you."

Speaker Madigan: "Is there any further discussion? There being no further discussion, the Chair recognizes Mr. Dart to close."

Dart: "I'd appreciate a favorable vote."

Speaker Madigan: "The question is, 'Shall this Bill pass not with... excuse me... the question is, 'Shall the House

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accept the Governor's specific recommendations for change with respect to this Bill?' All those in favor, signify by voting 'aye'; all those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 people voting 'aye', 0 voting 'no'. This Motion, having received the required Constitutional Majority, the House does accept the Governor's specific recommendations for change regarding this Bill. On the same order, there appears Senate Bill 1838, Mr. Rutherford."

Rutherford: "Thank you, Mr. Speaker, I appreciate it. I would move to concur with the Governor's Amendatory Veto. The Bill... underlying Bill set up five family services voucher pilot programs. There was a... actually a very minor clerical error in the original Bill drafting, and it was suppose to have changed Section 4.1, and the Bill actually passed out of here saying Section 4."

Speaker Madigan: "The Gentleman moves to accept the Governor's Amendment. Is there any discussion? There being no discussion, the question is, 'Shall the House accept the Governor's specific recommendations for change with respect to this Bill?' This is final action. All those in favor, signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 114 people voting 'aye', 0 voting 'no'. This Motion, having received the required Constitutional Majority, the House does accept the Governor's specific recommendations for change. Mr. Clerk, Senate Bill 1598 is on the Order of Second Reading. Mr. Ryder has moved to adopt Amendment #4.

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Those in favor, say 'aye'; those opposed say 'no'. The 'ayes' have it, the Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Madigan: "Third Reading. Read the Bill for a third time."

Clerk Bolin: "Senate Bill 1598. A Bill for an Act to amend the School Code. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Ryder."

Ryder: "Thank you, Mr. Speaker. As amended, this Bill deals with Amendment #4. It creates the Illinois Wine and Spirits Industry Fair Dealing Act which is, and its primary purpose is to preserve the three-tier liquor distribution system in Illinois. One that goes back to the time of the repeal of prohibition. The purpose of it is to provide, in somewhat the same measure, to those in the hard liquor and wine distribution level, the same protection that is similar protection to the beer industry distribution level, which is already a precedent setting act within the State of Illinois. We had a full and thorough discussion in committee, and I would be happy to answer the questions of this Body on the Bill as amended."

Speaker Madigan: "Mr. Black."

Black: "Mr. Speaker, an inquiry of the Chair, if I could? How many Amendments have been adopted to the Bill?"

Clerk Rossi: "Floor Amendments 1, 2, and 4 have been adopted to the Bill. Floor Amendment #3 was withdrawn."

Black: "Floor Amendment #4 then becomes the Bill?"

Clerk Rossi: "It was adopted to the Bill."

Black: "It was adopted? All right. So there's only Floor Amendment #4 on the Bill at this time, correct?"

Clerk Rossi: "Floor Amendments 1, 2 and 4 have been adopted to

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the Bill."

Black: "You said Amendment #3 was withdrawn or never adopted, right?"

Clerk Rossi: "Yes, Sir."

Black: "Okay, thank you. Mr. Speaker, would the Sponsor yield?"

Ryder: "Yes."

Speaker Madigan: "Sponsor yields."

Black: "Representative, Floor Amendment #4 I believe I heard you say, becomes the Bill, is that correct? Assuming passage, that becomes the Bill?"

Ryder: "Representative, it is the Bill now. The Amendment passed. The Amendment became the entire Bill, and therefore, Amendment 4 is the Bill."

Black: "And is there an effective date in Amendment 4?"

Ryder: "Yes, there is."

Black: "What might the effective date be?"

Ryder: "The effective date is 1, June, 1999."

Black: "So it does not have an immediate effective date, correct?"

Ryder: "Specifically it does not have an immediate effective date."

Black: "All right. You said it was to preserve the current three-tier distributorship for liquor... hard liquor and wine business in the State of Illinois. Do we currently have a three-tier distributorship for the liquor and wine industry?"

Ryder: "Yes, Sir, we do. The same as in the beer industry."

Black: "Is the existing Act the same as the Three-Tier Beer Distributors Act?"

Ryder: "I do not wish to be stated that it is the same because there are some differences, but it was patterned after the Beer Distributorship Protection Act, and it certainly has

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the same intent."

Black: "Any change made in Amendment #4, could that, in fact, create a problem with the existing Beer Distributors Act?"

Ryder: "None to my knowledge."

Black: "I first heard about this Amendment sometime this morning. Has it... I'll grant you I'm not always on top of every issue, it's very difficult for any of us to do that, or be so involved, but I don't recall any discussion on this in the last two years. Has this surfaced rather suddenly?"

Ryder: "No, Sir. This Bill in previous forms, had been filed and proposed by the father of current Representative Mautino, I think that's almost eight or ten years ago. It has been filed and pursued by the current Representative Mautino at least three times during his tenure in this Body."

Black: "Was it in fact, filed at anytime during the 90th General Assembly?"

Ryder: "I do not know."

Black: "All right. Mr. Speaker, if I could, to the Motion before us. There's no one that I trust on this floor anymore than the Gentleman making the Motion, and we use a lot of words in this chamber, but I'm sincere and I mean that. I trust Representative Ryder on anything that he does, and anything he tells me. I've always been able to take his word to the bank, and I'm sure that's the case here. My concern is, this pops late in the Veto Session, but there is tomorrow. I've not had a chance to digest what this Bill could do to distributors in my district who are relatively small distributors in the overall scheme of the Illinois liquor distributors. If the Gentleman would, and I certainly would defer to his judgement, I see no reason since it has no immediate effective date, why we could not withhold action on this Bill until first thing tomorrow. I would at

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least like the opportunity to call back to my district, and it's after 5:00 o'clock, I don't want to call somebody at home or try to track them down. I simply would like to know what the impact is on those liquor distributors, and there are fewer and fewer of them, and I think that's what the Gentleman is trying to address. But I'm not comfortable voting on something that may be... I don't know. I haven't had time to digest it. It may be a significant change in the way we do business in Illinois. And if I'm asked to vote on that, I would at least like to talk to the few people in the business who may live in my district, and would expect me to cast the most informed vote that I can on this issue, that obviously will have some impact on their business. Is it good? Is it neutral? Could it conceivably be bad? I don't know that at this time, and I would respectfully ask the Gentleman to withdraw his Motion and let us at least talk to people back home, and we can vote on this first thing tomorrow morning. In the absence... in the absence of any willingness on the Sponsor to do that, and again it's not aimed at the Sponsor, he is one of the few people on this floor whose word I trust, and I think everybody on this floor knows that he is a man of his word. But I am not comfortable voting on something that appears to be a significant change in the way business is conducted in Illinois in the liquor and wine industry when I have not had any time to check with the people who make their living in this business. I don't want to sit here tomorrow after this vote, and say uh-oh another cable TV bill. Why didn't I ask a question. Why didn't I do something. Why didn't I say something. Well I'm on record. I've said something. In all due respect, I think I would probably support the Bill once I



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get a chance to ask people back home what it does, what they think the impact is. I owe my constituents that much, we all do. And if we're bound and determined to bring something out after 5:00 o'clock at night, and it could be a significant change in the way we do business in Illinois, then I would simply tell the Sponsor I am not prepared to vote 'aye' or 'nay' on this issue at this time. I will vote 'present' and I will urge my colleagues to vote 'present' until we all get a chance to review this Bill, review the language, know a little bit more about its genesis, and the impact that it might have, not only on a Chicago distributorship, but I'm interested in Vermilion and Iroquois Counties. And once I get that interest... that my constituents would want me to call them, and want me to find out about, then I would be prepared to vote 'aye' or 'nay'. And I think from the very perfunctory glance that I've had at this, that I would in fact, probably, vote 'aye' but I'm not prepared to do that at this time. I'm not going to file a Motion to reconsider, and rant and rave a day from now, or a month from now, that we've done another cable TV bill. I don't think that is this... I don't think that's in the same category, but I've been burnt once, I'm not going to stand here in good faith and be burnt twice, and I don't think that's the speaker's... the Sponsor's intent. In fact, I know that it isn't, but I'm not comfortable with it. This is a very complicated far-reaching piece of legislation, and I don't like the process by which it is brought to the floor at the last minute with a... shall we say less than a complete full fare and open committee process on an issue that most of us are not up to speed on. I need time to study this. If we can do it tomorrow, that's fine that will give me

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time to do my work as an elected official. If we can't, I intend to vote 'present', and I would urge my colleagues to vote that way as well."

Speaker Madigan: "Mr. McCarthy."

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

Speaker Madigan: "Sponsor yields."

McCarthy: "The Clerk... the Clerk reported that the 1st and 2nd Amendments are still on the Bill as well as the 4th Amendment. Now in committee, we talked that the 4th Amendment became the Bill, and the feeling was that there were no other Amendments on it. Could you tell me what is correct?"

Ryder: "What is correct is that the 4th Amendment repealed all that came before, and is an exclusive content of the Bill itself."

McCarthy: "But the 1st..."

Ryder: "So, while the 1st and 2nd Amendments had been adopted, the 4th wiped that slate clean, started afresh."

McCarthy: "Okay, so for all intent and purposes, the 4th Amendment is the only thing that is on this Bill today?"

Ryder: "Let me even state it more clearly, Representative. It is my intent that Senate Bill 1598 is to be exactly the same as, and no more than, Amendment 4 which you and I just spent an hour discussing a little earlier this afternoon."

McCarthy: "Okay. One thing that... just so I'm not just going on my feelings of what happened in committee. But in committee, am I correct in assuming that this not only gives the wine and distillers the protection... the distributors of those... protections that the beer distributors now have, but also goes farther than that?"

Ryder: "Representative, you make a good point, and allow me if I can, to explain just a little bit... a little more than

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answering your question, if I may, Sir?"

McCarthy: "Okay."

Ryder: "There are three levels in Illinois. There is the manufacturers, which in the case of spirits, would be the manufacturers of hard liquor. Those are the folks that put it in the bottles. There are in the wine industry, those that grow it and put it in the bottle. I call those the manufacturers. They then under our laws, deal through distributors, that's the middle layer, and it is the distributors that we wish to protect under this piece of legislation. And then the third is the retail level where you and I go to purchase this product. Those three levels were created when prohibition was repealed as a means of avoiding the very things that occurred during prohibition and prior thereto. As a result, we have had for a number of years, those three levels. The distributors are what I refer to as the middle level. They are the ones that take the product and then build the markets at the retail level where they distribute it. This is simply to preserve that three-tier relationship, and not allow very large groups, by that I mean, the folks who manufacture, and who have consolidated immensely, and right now about 40% of those folks are not even Illinois, in fact they're not even United States' corporations, they are foreign corporations who have purchased and controlled that manufacturer. To avoid them at their whim from terminating the distributorships, or changing them radically and unfairly to eliminate the distributors."

McCarthy: "Okay. Thank you. To the Bill. I think that as we discussed in committee today, other than the beer distributors, and some card dealers which we weren't even quite sure what their protections were, there is no other

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industry in the State of Illinois that would have the protections that we are giving to these distributors through this legislation. The Distilled Spirits Council, the Wine Institute, both testified strongly against this. They both said that this was a way of protecting the distributors, the 12 largest distributors in the state especially, and also being a hinderance for any small or minority-owned distributors to ever get into the business. I think that Representative Black's terming of this could be another cable television Bill, I think is very adequate and appropriate. I think that we could be passing something here that is going to give these people protections that are uncalled for. The system is working today, and the system will continue to work without these protections, but I think that the distillers and the wineries of this state, and the other states, should have a choice in what distributor they work through, and that choice is built on a business climate, what's good for the business will continue, if it's not good for the business they will not do this just out of spite. I mean, they are there to sell the product. It's worked over the system without all these extra protections, and I think we are building these protections into the system for the big guy, and I think in the long run this is going to hurt the consumers, and I strongly encourage all the Members to vote 'no' on this legislation."

Speaker Madigan: "Mr. Lawfer. Mr. Lawfer."

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

Speaker Madigan: "Sponsor yields."

Lawfer: "Representative, I have a small winery in my area and they sell most of their wine at retail. If this was enacted, and they at some time seeked to have a

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distributor, how would that relationship evolve, and would this be a relationship that they could enter into and then maybe later resolve that relationship?"

Ryder: "Representative, if that relationship exists now and they have a license to sell their product at retail, there is nothing within this Act that would change that relationship, or their ability to sell at retail."

Lawfer: "They do not have a relationship with a distributor at this time."

Ryder: "I'm sorry I didn't hear you."

Lawfer: "They do not have a distrib... a relationship with a distributor at this time."

Ryder: "No, I understand that, but you indicated they had the ability to sell retail, and they do sell their product on a retail basis. On that understanding, they would be able to continue to do so. It doesn't require any change in the law as it currently exists, but rather to set standards for future changes."

Lawfer: "But in other words at some future date, say they chose to sell some of it through a distributor, how would they be affected?"

Ryder: "If they chose to sell through a distributor and they set any contractual standards, they would then have to show good cause as defined within this piece of legislation to materially alter, change or terminate their relationship with that distributor."

Lawfer: "What would... how could they terminate a relationship then with a distributor? What would be necessary?"

Ryder: "The contractual agreement between the manufacturer, in this case the winery, and the distributor, sets certain standards. Those standards are such that if the distributor doesn't meet those standards, that is grounds

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for termination."

Lawfer: "Say the winery in this case was unhappy with the distributorship, then could they terminate it under those conditions?"

Ryder: "They have to be unhappy for a reason. And that reason has to be good cause, and the good cause has to be defined as indicated under the language here, but yes they may de... terminate the agreement therefore."

Lawfer: "Is this a change then from the current contract that they may have if they were in business or doing that through a distributorship under the current legislation?"

Ryder: "Representative, I have received notice that will answer your question for your winery. With leave of the House, I would ask to return this Bill to Second Reading for purposes of Amendment #5."

Speaker Madigan: "Mr. Clerk, place the Bill on the Order of Second Reading. Mr. Clerk, are there any Amendments?"

Clerk Rossi: "Floor Amendment #5 has been filed to the Bill, and is assigned to the Rules Committee."

Speaker Madigan: "Mr. Clerk, do you have an announcement?"

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

Speaker Madigan: "Will the Members of the Rules Committee go to the Speaker's Conference Room? Is Representative Currie on the floor? Mr. Turner. Mr. Arthur Turner. Mr. Arthur Turner."

Ryder: "Mr. Speaker, if you would excuse me for a moment so that I can accommodate the Rules Committee, I'll be happy to return."

Speaker Madigan: "Sure. Please."

Ryder: "Thank you."

Speaker Madigan: "Please. Thank you. Mr. Clerk."

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Clerk Rossi: "Committee Reports. Representative Currie, Chairperson from the Committee on Rules, to which the following item was referred action taken on December 2, 1998, reported the same back with the following recommendation: 'be approved for consideration' Floor Amendment #5 to Senate Bill 1598."

Speaker Madigan: "Mr. Clerk, who is the Sponsor of the Amendment?"

Clerk Rossi: "Representative Wojcik."

Speaker Madigan: "On the Amendment, Representative Wojcik."

Wojcik: "Thank you, Mr. Speaker and Members of the House. The Amendment takes out the issue of Illinois wineries. It does not allow them to have to adhere to that Act, so therefore they are removed. California wineries are not there yet, but I'm planning on working on that in the next Session."

Speaker Madigan: "All right. Mr. Ryder."

Ryder: "Mr. Speaker, this is a friendly Amendment. I agree to it. I asked Representative Wojcik to indicate my cosponsorship of the Amendment. I ask the Body to adopt it."

Speaker Madigan: "Those in favor of the Amendment say 'aye'; those opposed say 'no'. They 'ayes' have it, the Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. Mr. Ryder on Third Reading."

Ryder: "Thank you. The Bill as amended, excludes Illinois wines. As a result, the other procedures within the Bill remain the same, Illinois vineyards are excluded. Representative Lawfer, your immense power is such that we adopted an Amendment during your questioning to answer your inquiry, Sir. I am awe stricken at your abilities."

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Speaker Madigan: "Mr. Black. Mr. Black."

Black: "Mr. Speaker, since the Bill was taken back to Second then back to Third, can I make an inquiry of the Chair?"

Speaker Madigan: "State your inquiry."

Black: "Yes. I've looked at the Bill. Obviously the Amendment changes the title of the Bill. Pursuant to House Rules this Bill should be read on... three times, and I don't believe that there is any way that that has happened or can happen today, and I would like the Chair to so rule."

Parliamentarian Kasper: "Representative, pursuant to Article IV, Section 8(d) of the Illinois Constitution which provides 'a Bill shall be read by title on three different days in each House.' This Bill has been read on three separate days. There is no requirement in the Constitution nor in the House Rules nor in any statute governing the legislature that requires the title of the statute..."

Black: "That's fine."

Parliamentarian Kasper: "...the title of the Bill to be the same on each of those three separate days."

Black: "I'll defer to your judgement, but if you'll look back through the minutes about a year ago, your side raised this issue and the answer was different. The Bill's title has been changed. It will not have been read three times. I don't understand. This now makes me a little bit more perturbed. It appears to me that someone is bound and determined to ram this Bill through the House today, and I don't understand that, and when I don't understand something, you can do it, but you're not going to do it with my support."

Speaker Madigan: "Mr. Novak."

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

Speaker Madigan: "Sponsor yields."



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Novak: "Yes, Representative Ryder, for the benefit of all of us in the chamber here... that's right, smile very nice... could you tell... tell me who is for this Bill? Could you list the organizations who are for this Bill?"

Ryder: "Representative, I'd be happy to tell you except the analyst who was... did the work on this is still waiting outside because of some comments that were made earlier about getting staff off the floor. So while taking care of that I think it's fair to say, Sir, that distributors and some retailers..."

Novak: "Okay, let me stop you... can I stop you right there, Representative?"

Ryder: "Yes you may."

Novak: "You said distributors. Can you name the distributors? I know there's some big, big distributors in this state, so how about naming them for us?"

Ryder: "There are indeed. There are indeed. None of whom have spoken to me."

Novak: "Well, I mean... I mean you're the Sponsor of this Bill, you must know that some of the names of these large liquor distributors, especially in a 12,000,000 people state. I mean..."

Ryder: "Representative, thank you for allowing our staff on the floor. I appreciate that. He's been able to give me some information. He tells me that there is a distribu... a very large distribution company by the name of Judge and Dolph who is..."

Novak: "... okay."

Ryder: "... interested in this..."

Novak: "... and who owns Judge and Dolph?"

Ryder: "Sir, I don't know. I do not know."

Novak: "Is it safe to say Mr. Judge and Mr. Dolph own Judge and

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Dolph?"

Ryder: "I've never met any of those..."

Novak: "I mean, is there anybody that owns a sports team that owns Judge and Dolph?"

Ryder: "Sir, I don't know. Are there sports teams in Chicago now?"

Novak: "Yes, there are, they use..."

Ryder: "The Cubs have finished."

Novak: "...ice skates."

Ryder: "The Cubs have finished. They had a great year and I appreciate that."

Novak: "Okay. Does Mr. Wirtz own Judge and Dolph?"

Ryder: "I do not know."

Novak: "Okay. All right does Mr. Reinsdorf own Judge and Dolph?"

Ryder: "I do not know."

Novak: "Okay. Can you tell me any other groups that any of the other... who are some of the other distributors?"

Ryder: "Let me tell you that, in committee we had testimony from your compatriot, Mr. Mautino, who listed several distributorships of which he had first hand and practical knowledge. I assume he will address the issue later on. I have not been in direct communication with any distributorship, Sir."

Novak: "Okay. All right. Well thank you, Representative. Now, on the other side of the coin."

Ryder: "Yes, Sir."

Novak: "The distillers. Could you name the distillers who are opposed to this Bill?"

Ryder: "None have addressed their opposition to me. There were some who registered opposition in committee."

Novak: "Okay."

Ryder: "And I'm sure the committee records would show that. I

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didn't take note of them. I was a little nervous about presenting the Bill, so I tried to focus on my part."

Novak: "Let's see. Let's think a little here."

Ryder: "Okay."

Speaker Madigan: "Mr. Novak."

Novak: "Yes, Sir."

Speaker Madigan: "Could you bring your remarks to a close?"

Novak: "Yes, I will. Would Joseph Seagram be a distiller?"

Ryder: "Say that again, please."

Novak: "Joseph Seagram's Corporation be a distiller?"

Ryder: "They're certainly a distillery."

Novak: "Would then.... then they would be opposed to this Bill?"

Ryder: "I do not know that. I'm sorry, Representative, I don't remember who filed in opposition or who filed in proponent."

Novak: "Okay. And one other question. Why was the wine industry taken out of this Bill?"

Ryder: "It was part of the committee process, Sir. During the committee, I thought relevant questions concerning Illinois wines being at a disadvantage, it is not my intention to place Illinois wines at any disadvantage. I like to promote the product, and there were some in the committee asked if I would accept an Amendment that excluded Illinois wines. I said, 'Of course I would if it could be accomplished.' And much to my surprise it was accomplished, and as a result that's the reason the committee process worked."

Novak: "Okay. Mr. Speaker, I just have one more question. Representative Ryder, could you just tell me in 30 seconds what was the position of the... why did the wine industry feel that they would be at a disadvantage if this Bill would become law?"

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Ryder: "Illinois wine, Sir. The wine industry..."

Novak: "Illinois wines, right?"

Ryder: "...testified in opposition."

Novak: "Why would they... why did they feel that they would be at a disadvantage should this Bill become law?"

Ryder: "Because the Illinois wine industry is an emerging, yet small industry compared with other national wine industries, and as a result, they felt that they may be at a competitive disadvantage in this circumstance, more out of fear, I would add than out of actual knowledge. I felt that accommodating and removing any fear for the Illinois wine industry was a worthy goal and I accepted the Amendment based on that."

Novak: "Thank you."

Speaker Madigan: "Mr. McCarthy."

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

Ryder: "Sure."

Speaker Madigan: "Sponsor yields."

McCarthy: "Once again, the Wine Institute did make it very clear that they would prefer for the entire wine industry to be exempted out of the Bill, and not just the Illinois wine industry."

Ryder: "But... Representative, you're exactly correct. They made that clear in committee. They made it clear to me after committee. However, I was responding to a specific Representative who was a member of the committee..."

McCarthy: "Well, I agree with that."

Ryder: "... and her concern, and I feel that I've kept my word in that regard."

"McCarthy: "I think you have done that, but I did want to make it clear for the former speaker that the wine industry wanted

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the entire wine industry out of the Bill, and actually wanted the Bill to go down to defeat. But the... once again, this Amendment #5 may make it one little bit less intolerable... this Bill, but this Bill is still correctly titled 'The Big Distributor Protection Act of 1998'. These distillers and Joseph Seagram is listed as one of the opponents of the Bill on my list along with Jim Beam brands, Brown-Foreman, Hiram Walker, United Distillers and Vintners, Bacardi, The Wine Institute, and the Distilled Spirits Council of the United States. These companies are firmly opposed to this Bill because they think that they should have a right in this country to determine what distributor they should go through, and they should not be bound to a distributor for the rest of their existence. And I don't see how we can say that any industry should be handled in that way. And I can tell you that I didn't mention earlier, but the price of distilled spirits and wines from outside the State of Illinois will most likely rise because of this legislation because if a distributor has a product that cannot be taken away from him, what is going to stop him from raising the profit margins on that product. I think this is a terrible Bill. It came out of Consumer Protection. If we want to really protect the consumers in the State of Illinois, we should vote 'no' on this Bill. Representative Black asked for the Bill to be held until tomorrow. I wish that would happen too. Because I think the more people read this Bill, the more people would vote against this Bill, but if it has to go to the vote today, I would urge all my colleagues to vote against this or else you're going to get stained with a news story in the next couple of days about how you stood up for the big guys and once again handed it to the

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consumers of our state. Thank you."

Speaker Madigan: "Mr. John Turner."

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

Speaker Madigan: "Sponsor yields."

Turner, John: "Representative, Representative Black earlier had asked you to hold this Bill until tomorrow so we could look at it. You never did respond to his request. I would make the same request. Why can't we do that so we'll have a chance to review the measure?"

Ryder: "Representative, it was my understanding, and I apologize to Representative Black if he asked me a question to which I did not respond given the fact that he was so complimentary to me in his remarks. I thought that he was making a statement. My intention is to proceed with the Bill for two reasons; one, I believe it is necessary in order to seek... to obtain the ultimate passage, for us to take action today so the Senate can concur with the Amendment tomorrow, and secondly, but far more importantly, the Bill does not have an immediate effective date. It has an effective date as with all the other legislation that doesn't have an immediate effective date, June 1999. It does not go into effect immediately. I don't believe we are making an error. Everyone is entitled to their own opinion. If you persuade me that I am wrong, and you've done it on other occasions I might add, we have an opportunity to change what we did today."

Turner, John: "I believe we're scheduled for Session in early January so..."

Ryder: "Yes we are."

Turner, John: "As to your first assertion, we can certainly wait until tomorrow and then the Senate would be back in January. Would that not be correct?"

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Ryder: "That is correct although I've not been very good at predicting what the Senate will do. I think your track record is a little better on that."

Turner, John: "Well, perhaps. As to germaneness, it is my understanding that an Amendment must be germane to the original Bill. Does this Amendment, or either of these Amendments, germane to the original Bill?"

Ryder: "We're only dealing with one Amendment, and I obviously believe it's germane, but I'm not the person who should give you that ruling."

Turner, John: "How so?"

Ryder: "Representative."

Turner, John: "You said you believe it's germane, how is it germane?"

Ryder: "I believe that portions of the underlying Act dealt with alcohol, and as a result, I believe it's appropriate."

Turner, John: "What portion of the underlying Act? I didn't see that."

Ryder: "The original Bill. I misspoke."

Turner, John: "With regard to the United States Constitution, isn't there a prohibition in limiting the right to contract? And does this not violate that?"

Ryder: "I don't believe that... no, Sir, I don't believe it violates the right of contract, because I believe just as the previous Act... Beer Industry Fair Dealing Act, I believe it is within the ability of the General Assembly to set standards, and indeed we do, to establish remedies, administrative or judicial, and indeed we do. And that, and in only that way is this Bill and the content thereof, appropriate and I believe constitutional. However, you're far more experienced as a lawyer than I. I think this is one on which fair-minded people could disagree. My opinion

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is that it is indeed constitutional. The opponents of the Bill have suggested that a similar Bill was vetoed by George Bush in Texas, because Governor Bush felt that it was unconstitutional. Frankly I would agree with Governor Bush because that had a two-year retroactive portion of the Bill, which in my opinion, would make it unconstitutional under our Constitution or under the Texas Constitution. This does not contain that same fatal flaw."

Turner, John: "Thank you."

Speaker Madigan: "Mr. Mautino. Mautino."

Mautino: "Thank you, Speaker Ladies and Gentlemen of the House. I rise in support of this legislation. It is not new legislation. This legislation... actual language was drafted back in 1983. It was voted on in this House in 1992. And what it does, in effect, is say that as a distributor my relationship with the supplier, and I will tell you that I am... I have been a distributor, and my family has spent that... their lives inside that business and I know this Act, and what this Bill will do. I wish we had passed it five years ago instead of having 12 Illinois distributors, we would have had 47. As a distributor, I will go out and I will build a market, I will invest capital, I will hire Illinois people. Now because a wine or a spirits company has been bought out by someone else, that line can be pulled substantially devaluing the business. What this says is for a local business, if you're going to come in show cause. Tell me what I have done wrong, give me 90 days to correct it to your satisfaction, and similar to what we do in the beer industry, if I cannot do that then you do have the right to find another distributor. But for the time that I have invested in this product, for the people that I have



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trained, for those in the market that I have trained to do this, pay what that product is worth. Someone mentioned that car dealerships has it... has something like this. That's correct. If you take away a Ford, how do you replace a Ford dealership? You have seriously devalued a business through no fault of its own. And that's what we're looking at... addressing in this legislation. We looked at it in 1983. It passed out of here in 1992. Now back in those days, you can look to Bloomington, to Gordon Breen, over to Rock Island to the Maurer family, who had 100% placement, did a good job on their products. To the Mautino family, they did a great job as well. One phone call, mine came in 1991, because this company had been bought out by another company we're going to give these products to your competitor. All well and good, you may want to go back to court and fight that, but the shelf space is gone, the time and the market is gone. You do not make up that ground and your business has been seriously devalued. So this sets a framework very similar to what was structured under the Beer Industry Fair Dealership Act on highly regulated industries. So a lot of the things that you hear, the reference to the cable Bill, all those things that were brought up are not correct. It's saying these are Illinois positions. Had we passed this five years ago, a lot of the smaller companies that got destroyed by major manufacturers consolidations, throughout no fault of their own and had no recourse, would probably still be here. That's what this Bill says, and actually it does not have one of the provisions in it that the Beer Industry Fair Dealership has, and that is payment of fair market value. That's something that probably will come down the line. But it is a starting point that should have

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been done probably in '83 when we had 100 and some or back in the 90's when we still had 47 companies out there. You build your communities, you provide jobs and you want to know that at any given time, someone cannot come in and take the livelihood of the distributors, their families at will on a product that is not easily replaced. That's why there is a separate code, and as I said, I'm no longer in that business, but I think I have a better understanding than most people under the dome, because that's where we have been, and that's where we've lived at. It's a protection for the people who do the work, and make sure their investments do not get undercut. That's what this Bill says, and that's what it does in reality. I would ask for your support of this legislation. Those Illinois wine companies who do a great job, will have distributors. The prices will not go up because we are market driven. If you can't buy a Seagrams, you're going to buy CC. There are other products along those lines, and those who are in the business understand that, because there is a law which allows for recourse, it's not going to drive some of the red herrings you've heard today. The real fact is this Bill is a little late, but I'm glad to see it's here and it will protect businesses that have made investments in your community and their people who work and live in Illinois. Thank you."

Speaker Madigan: "Mr. Capparelli."

Capparelli: "A question to the Sponsor?"

Speaker Madigan: "Sponsor yields."

Capparelli: "Mr. Ryder, I notice you had an Amendment that takes out the Illinois wineries, is that right? Would you consider an Amendment to take out all wines?"

Ryder: "Representative, I would be happy to consider a separate

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Bill that would do that in the new General Assembly, but I'm keeping my promise to a colleague that I made in committee to exclude Illinois wine. That Amendment's been adopted and I'm happy to accommodate that. I'd like to look at the issues for wines that are outside the State of Illinois. I'm not as quick to give them the same consideration that I am wines that are grown within the State of Illinois."

Capparelli: "All right, thank you."

Speaker Madigan: "Mr. Ryder to close."

Ryder: "Thank you, Mr. Speaker. I don't think the meager words that I could express would equal those of others who have spoken on behalf of this Bill. I appreciate Representative Wojcik and her assistance to modify the Bill. I hope that engenders her support and others, and I would ask for a favorable vote. Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. And on this question there are 69 'ayes'... 69 'ayes', 35 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on the Order of Supplemental House Calendar #1, on the Order of Nonconcurrency, there appears Senate Bill 299, Mr. Novak. Mr. Novak, 299."

Novak: "Yes, thank you, Mr. Speaker. I now move to refuse to recede from House Amendment #1 on Senate Bill 299, and request a Conference Committee."

Speaker Madigan: "You've all heard the Gentleman's Motion, those in favor say 'aye', those opposed say 'no', the 'ayes' have

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it the Motion is adopted. Is there anything further to come before the House? The Chair is prepared to adjourn and recognizes Mr. Hartke."

Hartke: "Thank you very much, Mr. Speaker and Members of the House. The Democrats would request an immediate caucus in Room 114 upon adjournment."

Speaker Madigan: "For the Democrats there's a caucus immediately after Session, and the Chair recognizes Representative Currie who moves that the House does stand adjourned until 10:00 a.m. tomorrow morning. Those in favor say 'aye', those opposed say 'no', the 'ayes' have it, the Motion is adopted. The House does stand adjourned until 10:00 a.m. tomorrow morning."