

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

97th Legislative Day

February 22, 2000

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by Reverend David Constien of the Immanuel Lutheran Church in Mokena. Reverend Constien is the guest of Representative Kosel. Would the guests in the gallery please rise and join us in the invocation and the Pledge of Allegiance."

Reverend Constien: "Eternal Lord, Ruler of all, in the words of George Washington we acknowledge and praise You as the great author of every public and private good. And as he wrote in his first inaugural address, 'since the propitious smiles of heaven can never be expected on a nation that disregards the eternal rules of order and right which heaven itself has ordained', so may You graciously regard those who have been set in positions of authority among us, that each gathered here today may be guided by Your spirit, be high in purpose, wise in counsel, firm in good resolution and unwavering in duty. Thank You, Father, for George Washington, for all presidents who've served through the years, for our Governor, for all leaders in our nation and states, for the privilege of service to You and our people, for the freedoms and opportunities in this great land. Most of all, thank You for Your Lordship and love in sending Your son, Jesus Christ, to redeem us from our injustices and failures. By Your spirit lead us to confess and eliminate from our sinful hearts all temptation toward greed and self interest, so that the people of our state may be governed quietly and peaceably for their security and for the advancement of their happiness. When times are prosperous, let our hearts be thankful, and in troubled times do not let our trust in You fail. Defend our liberties and grant Your wisdom to this House for just,

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wise, and faithful service to the honor of Your holy name. And gracious Lord we also bring before You our prayers and concern for Brent Hassert as he has undergone surgery this morning. Uplift him in Your powerful hand and grant according to Your good and gracious will all the healing that he needs. Strengthen him, encourage him and grant him a quick recovery. Hear us in Jesus name, Amen."

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

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

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

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

Speaker Madigan: "Mr. Poe."

Poe: "Mr. Speaker, let the record show that Brent Hassert is excused today."

Speaker Madigan: "Mr. Clerk, take the record. Being 115 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative Julie Curry, Chairperson from the Committee on Appropriations-Elementary and Secondary Education, to which the following measure/s was/were referred, action taken on February 22, 2000, reported the same back with the following recommendation/s: 'do pass Standard Debate' House Bill 4564; 'do pass as amended Standard Debate' House Bill 3987, and House Bill 4563; 'do pass as amended Short Debate' House Bill 4562, and House Bill 4565. Representative Barbara Flynn Currie,

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Chairperson from the Committee on Rules to which the following measures were referred, action taken on February 22, 2000. Reported the same back with the following recommendations, 'to the floor for consideration'. Floor Amendment #1 to House Bill 1776. Floor Amendment #2 to House Bill 1776. Floor Amendment #2 to House Bill 2985. Floor Amendment #1 to House Bill 3009. Floor Amendment #2 to House Bill 3049. Floor Amendments 1 and 2 to House Bill 3287. Floor Amendment #2 to House Bill 3315. Floor Amendment #1 to House Bill 3420. Floor Amendment #1 to House Bill 3435. Floor Amendment #1 to House Bill 3485. Floor Amendment #1 to House Bill 3538. Floor Amendment #3 to House Bill 3831. Floor Amendment #1 to House Bill 3841 and Floor Amendment #2 to Senate Bill 563."

Speaker Madigan: "On the Order of House Bills-Second Reading, there appears House Bill 2961, Mr. Smith. Is Mr. Smith in the chamber? Do you wish to move that Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 2961, a Bill for an Act amending the School Code. Second Reading of this House Bill. Amendment #1 was adopted in Committee. No Motions have been filed. No Floor Amendments approved for consideration. A fiscal note and a state mandates note have been requested on the Bill as amended and the notes have not been filed."

Speaker Madigan: "Mr. Smith, Mr. Black has been busy as a bee and he's filed requests for fiscal notes on your Bill. So, the Bill shall remain on the Order of Second Reading. Mr. Hartke, 3037. Do you wish to move the Bill? Mr. Clerk, what is the status of 3037?"

Clerk Rossi: "House Bill 3037, a Bill for an Act amending the Motor Vehicle Franchise Act, Second Reading of this House Bill. Amendment #1 was adopted in Committee. No Motions

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have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Third Reading. House Bill 3093, Mr. Granberg. Has anyone seen Mr. Granberg? If anyone sees Mr. Granberg, would you direct him to the chamber? Mr. Giglio. Mr. Giglio on House Bill 3106, do you wish to call the Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 3106, a Bill for an Act amending the Illinois Insurance Code. Second Reading of this House Bill. Amendments 1 and 3 were adopted in Committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Third Reading, House Bill 3117. Representative Silva. Silva? I see. Could the chamber recognize the appearance of Representative Granberg? Mr. Granberg on House Bill 3093. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 3093, a Bill for an Act amending the Rivers, Lakes, and Streams Act. Second Reading of this House Bill. Amendment #1 was adopted in Committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Third Reading. Representative Silva, did you wish to move House Bill 3117? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 3117, a Bill for an Act amending the Managed Care Reform and Patient Rights Act. Second Reading of this House Bill. Amendment #1 was adopted in Committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Third Reading. Mr. Steve Davis, do you wish to move House Bill 3267? Mr. Clerk, what is the status of the

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Bill?"

Clerk Rossi: "House Bill 3267 has a fiscal note request that is pending."

Speaker Madigan: "The Bill shall remain on the Order of Second Reading. Mr. McGuire on House Bill 3309, do you wish to move the Bill? What is the status of the Bill?"

Clerk Rossi: "House Bill 3309, has a fiscal note and a state mandates note request pending."

Speaker Madigan: "The Bill shall remain on the Order of Second Reading. Mr. Schoenberg on House Bill 3430. Mr. Schoenberg. Mr. Steve Davis on 3455 (sic-House Bill). Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 3455, a Bill for an Act amending the Environmental Health Practitioner Licensing Act. Second Reading of this House Bill. Amendment #1 was adopted in Committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Third Reading. Mr. Schoenberg, do you wish to move the Bill? Mr. Clerk, what is the status of House Bill 3430?"

Clerk Rossi: "House Bill 3430, a Bill for an Act in relation to hate crimes. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Holbrook, do you wish to move 3360? Mr. Clerk, what is the status of 3360?"

Clerk Rossi: "House Bill 3360, a fiscal note request has been filed on the Bill and it is pending."

Speaker Madigan: "The Bill shall remain on the Order of Second Reading. Representative Younge. House Bill 3500. Do you wish to move the Bill? The Lady indicates that she wants to leave the Bill on Second Reading. House Bill 3852, Mr.

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Steve Davis. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 3852, a Bill for an Act concerning liens. Second Reading of this House Bill. Amendment #1 was adopted in Committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Third Reading. House Bill 3861, Mr. Brunsvold. Is Mr. Brunsvold in the chamber? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 3861, a Bill for an Act amending the Wild Life Code. Second Reading of this House Bill. Amendment #1 was adopted in Committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Third Reading. House Bill 3901. Mr. Fowler, do you wish to move the Bill? Mr. Fowler, 3901. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 3901, a Bill for an Act concerning Illinois Correctional Employee Memorial license plates. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 3966. Representative Younge, 3966. Do you wish to move the Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 3966 has outstanding note requests."

Speaker Madigan: "The Bill shall remain on the Order of Second Reading. House Bill 4300, Mr. Hoffman. Mr. Jay Hoffman. Is Mr. Jay Hoffman in the chamber? House Bill 4341, Representative Currie, 4341. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 4341 has an outstanding fiscal note request."

Speaker Madigan: "The Bill shall remain on the Order of Second

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Reading. House Bill 3223, Mr. Turner. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 3223, a Bill for an Act concerning fees for administrative review of nonmoving traffic violations. Second Reading of this House Bill. Amendment #1 was adopted in Committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Third Reading. House Bill 3981, Representative Klingler. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 3981, a Bill for an Act to create the Higher Education Real Opportunities Act. Second Reading of this House Bill. Amendment #1 was adopted in Committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Third Reading. House Bill 1776, Representative Hamos. Is Representative Hamos in the chamber? House Bill 2985, Representative Crotty. For the purpose of an Amendment, Representative Crotty. The Amendment was just approved by the Rules Committee. So, Mr. Clerk, what is the status of the Bill? On House Bill 2985, Representative Crotty. Mr. Clerk, once again, there are two Amendments. Was one Amendment adopted in the Committee?"

Clerk Rossi: "House Bill 2985, a Bill for an Act amending the School Code. Second Reading of this House Bill. Amendment #1 was adopted in Committee. No Motions have been filed. Floor Amendment #2, offered by Representative Crotty, has been approved for consideration."

Speaker Madigan: "Representative Crotty on Amendment #2. Turn on Representative Crotty. Representative Crotty."

Crotty: "Mr. Speaker, if I'm not mistaken, Floor Amendment... There is no Floor Amendment. The Amendment that was okayed in Committee is the Bill."

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Speaker Madigan: "Mr. Clerk, is there a Floor Amendment #2?"

Clerk Rossi: "Floor Amendment #2 is what we're considering."

Speaker Madigan: "All right and who's the Sponsor of Floor Amendment #2?"

Clerk Rossi: "Representative Crotty."

Crotty: "I stand corrected, there was one... just the language. I don't... so, yes, I would like to move it. And what that did, the Floor Amendment #2, is just change from 6th grade to 7th grade, in the Bill."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Crotty: "It also puts in a couple of purposes... exactly staff development. And I thought that was okayed in Committee and I'm sorry."

Black: "Is she still presenting the Amendment, Mr. Speaker?"

Crotty: "I'm through."

Black: "Floor Amendment #2?"

Speaker Madigan: "I was amazed Mr. Black, that she actually interrupted you. That's something I would never do."

Black: "Mr. Speaker, you and I've been here long enough the know when, there was a little more decorum present, particularly to a senior Member like me, but I... That's all right, we'll do the best we can."

Speaker Madigan: "So, Representative Crotty, I do believe that Mr. Black wants to interrogate you. Mr. Black."

Black: "Yes, thank you. Representative, I heard you say there was no Floor Amendment. I assume that this is, in fact, your Floor Amendment and was not filed by someone else in your name, correct?"

Crotty: "That's correct. What I... I had the Amendment at the



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time of Committee but it was not given to the Committee in time, so I said it would be a Floor Amendment. So, I'm sorry, Mr. Black."

Black: "Okay. On the Reading Improvement Block Grant Program Funds, should your Bill be signed into law, excuse me, I'm sorry, should this Amendment be adopted to the Bill, is there a mechanism whereby the current distribution of money will be changed by this Amendment?"

Crotty: "This Amendment... the funding mechanism is going to be a separate line budget, line item in the budget, that the State Board of Ed said that they would be happy to appropriate in the year 2001."

Black: "All right. On page, the first page of Floor Amendment #2, line 14, referring to a school district having a population exceeding 500 thousand inhabitants. Is that current law or does your Amendment change current law?"

Crotty: "That is current law."

Black: "Okay. So, the only school district, correct me if I'm wrong, and now I'm back on page 4. Is the only school district the Amendment refers to, or the Amendment pertains to, would that be the City of Chicago?"

Crotty: "No."

Black: "Okay. Where... on page 4, given the fact that on page 1 it references a school district of more than 500 thousand people and that is only the City of Chicago. Now, back on page 4, 5, and I assume page 6, I see a great deal of language that has been changed, but I don't see that there's any underlying change in the school district that it would apply to. Can you direct me? What am I not seeing here?"

Crotty: "The only thing that this Amendment does is take the language that was in the Bill that took the reading grants

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only up to 4th and 6th grade, whether it be a work study grant or whether it would be a reading grant. And it changes it to go from 7th through 12th grades in all the school districts that have these grants now. That's all it is to change, is extending it."

Black: "All right, is it changing it to grades 7 through 12 at the expense of the elementary grades?"

Crotty: "Absolutely not. That's why this revision was made. I wanted to make sure that it, in fact, does not take any dollars from our early childhood grants for the remedial readers. This is a separate grant, taking kids from 7th through 12th grade, in reading."

Black: "All right, and I think that's the key that I need you to illuminate for me. You're adding grades to the reading improvement grant block, grades 7 through 12."

Crotty: "Correct. The Bill as it was written said 6 through 12."

Black: "Okay."

Crotty: "But the grant already goes to 6th, so we changed it from 7th through 12th."

Black: "So, you're not changing the underlying, I assume, K-6 grant program. Are you then, expanding the pool of grant dollars or will it be essentially the same amount, the same number of dollars, but now have to go K-12 which might dilute grant dollars available to an elementary school, for example, in my district?"

Crotty: "Absolutely not. I met with Superintendent Max McGee, to make certain that those dollars would not be stretched all the way to the 12th grade, that those dollars would remain intact. And this is a block grant that will go from 7th through 12th, separate from the grant that we have now."

Black: "So, are you anticipating a separate appropriation to reach the upper grades, not at the expense of the lower

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grades? I often maintained that if we don't reach them by the 6th grade it's probably too late. And I just want to make certain that it is not your intent to make a finite amount of money now stretch K-12, rather than K-6. Is it your intent and, in fact, is there an appropriation Bill to increase the amount of dollars in the reading improvement grant block line item?"

Crotty: "Yes it is and the State Board of Ed reassures me that that's their intent, also."

Black: "Okay, now, one last question."

Crotty: "Sure."

Black: "Is there anything in your Bill or is it your intent that should the appropriation not be made, that the appropriation might, in fact, remain static? I see no mechanism in your Amendment that would then say, 'Adding 7 to 12 is contingent upon funding.'"

Crotty: "The State Board of Ed has recognized that there are kids that still would need that help in reading."

Black: "Oh, most definitely, I don't disagree with that."

Crotty: "And so they have assured me that their intent is to help those kids through 7 through 12, especially, in lieu of us instituting these new tests."

Black: "Okay."

Crotty: "It's important the kids read the tests."

Black: "And I have no quarrel with that. What I want to make sure is, and you know, we've read a couple of surprises here in the last few months about what we thought ISBE was going to do, for example, on new teacher initiative that didn't, in fact, happen quite the way we thought it would. I just want to make certain that in the next school term, I don't get a call from a principal or a reading instructor saying, 'You've added the upper grades and now I lose some

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dollars.' It's hard enough to do what they're asked to do now and if we dilute the number of dollars by increasing the grade level served, that's really a concern that I have."

Crotty: "And it was a concern of mine also, that's why this Amendment was drafted."

Black: "All right, okay. I know you to be a person of your word and I would assume that you have an agreement with the state board that, you know, if we try to be... If we try, as we probably should, to extend this to a K-12, I would hope that ISBE makes certain the additional dollars for 7 through 12 are in the budget and that they don't draw down badly needed dollars from K-6 to serve the expanded population. And you've said that that is certainly your intent and that's good enough for me. And I appreciate your indulgence."

Speaker Madigan: "Is there further discussion? There being no further discussion, the question is, 'Shall the Amendment be adopted?' Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Requests for fiscal notes have been filed relative to the Bill as amended, so the Bill shall remain on the Order of Second Reading. Representative Novak on 3009 (sic-House Bill). Mr. Novak. Mr. Novak, 3009. Do you wish to call the Bill? There's an Amendment. Okay."

Novak: "Mr. Speaker, in speaking with the Majority Leader, she indicated to me that the Amendment is going to be referred to Committee. We have an Amendment on this Bill, filed, I understand. If you wish to have the Amendment called on the floor, I'll be more than happy to present it."

Speaker Madigan: "The Clerk advises me that the Amendment's on the floor."

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Novak: "The Amendment is on the floor, Sir?"

Speaker Madigan: "Yes."

Novak: "Okay."

Speaker Madigan: "So, Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 3009, a Bill for an Act amending the Environmental Protection Act. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Novak, has been approved for consideration."

Speaker Madigan: "Mr. Novak on Amendment #1."

Novak: "Yes. Thank you, Mr Speaker, Ladies and Gentlemen of the House. Floor Amendment #1 to House Bill 3009 makes some technical adjustments in the Bill. In the original Bill we talked about, with respect to the violators that violate the leaf burning ban in those nonattainment areas around the state, that they could be subject to a civil penalty. We wanted to put it along in lines with an administrative citation, which is merely like a traffic ticket. It would make the enforcement aspect of the law much more easier to enforce. So, that's one aspect of it. The other aspect is provides for an 18-month window upon the effective date of this Act. So, in other words, if this would go to the Governor's desk and he were to sign it, it would go into effect immediately, but the actual ban would not take effect for 18 months after the effective date of the Act. So, it would give the municipals plenty of time to make adjustments, the affected municipals, plenty of time to make adjustments to concur with the enforcement of the law. Be more than happy to entertain any questions."

Speaker Madigan: "Mr. Novak moves for the adoption of the Amendment. The Chair recognizes Mr. John Turner."

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

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Speaker Madigan: "The Sponsor yields."

Turner, J.: "Representative, I wasn't clear what the Amendment does."

Novak: "Well, Mr. Turner, as I indicated, number one, there is a provision dealing with administrative citations. I think under the original part of the Bill we had a civil penalty in there for a person who violates the Act. Okay? That's in the nonattainment areas of the state. This Bill only covers a small portion of the state where population is concentrated. So, we wanted to make it easier in conjunction with the EPA that supports the legislation and the Pollution Control Board. We simply made it an administrative citation, which is like a traffic ticket for those people, those agencies that will enforce the Act. The other part deals with providing an 18-month window to allow the municipalities that are affected by this Bill to comply with the letter of the law."

Turner, J.: "You say it's just an administrative penalty."

Novak: "Yes."

Turner, J.: "Is there like then a limit on the administrative penalty?"

Novak: "Right. The fines are stipulated in the Bill. There's a first, second and third offense fines."

Turner, J.: "I'm trying to find those. What would... Representative, I'm trying to get an idea. Are we talking about a maximum \$500 fine or a thousand dollar fine or 10 thousand?"

Novak: "No. I believe the first fine is 250, I believe or 200. Second is... I don't have it in front of me."

Turner, J.: "It looks like it's 100 for the first violation, 250 for a second... "

Novak: "Right. One, 250 and 500."

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Turner, J.: "And 500 for a third, does that sound right?"

Novak: "Yes. That remains the same.

Turner, J.: "All right, Representative, is there a certain size of municipality that the Bill would only apply towards or in, or does the population of a municipality make any difference?"

Novak: "No, it does not. The benchmark here in this Bill, and that's in the underlying part of the Bill, deals with the nonattainment areas in the state. That's where the air quality is the poorest and that's where most of the area within a nonattainment area is required to have their automobiles tested annually for vehicle emissions. So, if you live in the City of Springfield, or if you live in Logan County, this does not affect you, Representative Turner."

Turner, J.: "All right, Representative, thank you."

Novak: "Thank you."

Speaker Madigan: "Mr. Novak moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Mr. Novak, there are requests for fiscal notes, so the Bill shall remain on the Order of Second Reading. Representative O'Brien on House Bill 3049. O'Brien, 3049. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 3049, a Bill for an Act concerning higher education. Second Reading of this House Bill. Amendment #1 was adopted in Committee. No Motions have been filed. Floor Amendment #2, offered by Representative O'Brien, has been approved for consideration."

Speaker Madigan: "Representative O'Brien on Amendment #2."

O'Brien: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #2 to House Bill 3049 would address

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some concern that were raised in Committees and what it says is that for incoming students, freshman and transfer students, they would receive the notification as to the disease of meningitis: how it is spread among university students, the availability of the meningitis vaccine, the number of cases transmitted per year. But it would only apply to incoming students."

Speaker Madigan: "Mr. Black"

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. To the Amendment. Anything that gets the word out on this illness... having gone through this a few months ago, even though I'm, as the doctor said, 'How could somebody as old as you get a disease that's supposed to be to college age?' This is nothing to fool with and anything you can do to educate the, not only the college population, but all of us that might be susceptible to a case of meningitis, I will stand with you all the way. And the Amendment, I think, is technical in nature and we should pass your Bill out of here as quickly as possible and hopefully, get it signed into law. I commend you for your work."

Speaker Madigan: "Representative O'Brien moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it, the Amendment is adopted. Mr. Clerk, are there requests for notes?"

Clerk Rossi: "There's an outstanding request for a fiscal note as amended."

Speaker Madigan: "The Bill shall remain on the Order of Second Reading. Mr. Scott, House Bill 3287. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 3287, a Bill for an Act to create the Local Planning Technical Assistance Act. Second Reading of



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this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Scott, has been approved for consideration."

Speaker Madigan: "Mr. Scott on Amendment #1."

Scott: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 3287 is a creation of the Urban Revitalization Committee. It came after a number of meetings with that Committee around the state. House Bill 3287 provides for local planning technical assistance to be administered through the Department of Commerce and Community Affairs. Floor Amendment #1 makes some technical changes to the original Bill as it was put into place. These are changes that were shared with the Committee before it left the Committee. I'd ask for adoption of Floor Amendment #1."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, the language of the... there's some language in the Amendment that concerns me, saying that 'the technical assistance grants must be made in metropolitan areas of the state'. In the underlying statute, is there not a definition of 'metropolitan area' by population?"

Scott: "I believe you're correct, Mr. Black."

Black: "Well, the point I'm getting to is, I think we're leaving out, I think the Amendment would leave out any community in my legislative district, which has been expressed to me... a concern has been expressed to me by some local officials."

Scott: "That's certainly not the intent of doing that. The

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intent of doing that and then we thought that areas such as yours may be able to take part in that because of either, in the two areas that we're trying to go for, right, are large growth areas and areas that have declining growth, as well. So, I'm not sure if that would fit into either one of... whether you would fit into either one of those two criteria."

Black: "Okay, I... "

Scott: "See, in Section 20 in the Amendment, that was changed. The Amendment actually changes that to say that 'the prioritization should be that communities facing higher than the average of state growth or have declined in population the past five years'. And the rationale there was, when we went around the state we found that the areas that needed the most help with this planning assistance were areas either where the growth was jumping out ahead, they were growing out faster than their clothes, or in areas that were poorer communities that were experiencing declining population and simply couldn't afford to do this kind of planning themselves."

Black: "Okay. I had to... as I've said, I've had some concerns expressed to me. Maybe you and I can talk about it between now and Third Reading... "

Scott: "That'd be fine. I'd be glad to."

Black: "... So that... I only have one city in my district that does have a planning department, but that city is only 35 thousand in population."

Scott: "Is that Danville? Yeah."

Black: "And he just wants to make certain that cities that are trying to overcome the dramatic changes we saw beginning about 1980, that we would not be excluded from that because of some definition or population trigger and that's his

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concern."

Scott: "That's not the intention, so I'll be glad to talk about it with you afterwards."

Black: "That's fine. Okay, thank you."

Speaker Madigan: "All right. Mr. Scott moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Mr. Clerk."

Clerk Rossi: "Floor Amendment #2 offered by Representative Scott has been approved for consideration."

Speaker Madigan: "Mr. Scott on Amendment #2."

Scott: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #2 simply adds one criteria of what this technical assistance can be used to help plan for. And I would ask for its adoption."

Speaker Madigan: "The Gentleman moves for the adoption of Amendment #2. There being no discussion, those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Mr. Clerk."

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Place the Bill on the Order of Third Reading. The Chair recognizes Mr. Tom Cross for the purpose of an announcement."

Cross: "Thank you Mr... "

Speaker Madigan: "Give your attention to Mr. Tom Cross."

Cross: "Thank you, Mr. Speaker. We have over here a get well card for Representative Hassert. As you know, most of you know, he's having surgery today at Northwestern and will not get out... through his surgery 'til about 3:30, but everyone could come sign a card, I know it would mean a lot to him. So thank you, Mr. Speaker."

Speaker Madigan: "Representative Hamos, do you wish to call House

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Bill 1776? It's on Second Reading. The Amendments have been approved for consideration by the Rules Committee. The Bill was concerned with election reform. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 1776 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Hamos, has been approved for consideration."

Speaker Madigan: "Representative Hamos."

Hamos: "Mr. Speaker, when you say that these have been approved for consideration, they do not have to go back to the Committee?"

Speaker Madigan: "If the Bill has been reported to the floor then there's no need to go to the Committee."

Hamos: "Okay."

Speaker Madigan: "So, I believe the Clerk has advised us that there are at least one Amendment here that could be considered on the floor."

Hamos: "I have two Amendments and I'm planning to file a third one. So, I'd like this called when I file my third one. Thank you."

Speaker Madigan: "So the Bill shall remain on the Order of Second Reading. House Bill 3315. Mr. Delgado. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 3315 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Delgado, has been approved for consideration."

Speaker Madigan: "Mr. Delgado on Amendment #1."

Delgado: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #1, basically what it does, is in agreement with some of my colleagues on the other side

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which would put this Bill into a pilot program with the Illinois State Board of Education to create after-school programs in schools throughout the State of Illinois with a chosen number of approximately 40 and it addresses some of the concerns of some of my colleagues on the other side of the counter, of the aisle, if you will. And it does have a sunset provision so that we can at least begin to look at after-school programs. I would ask for an 'aye' vote."

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

Clerk Rossi: "Floor Amendment #2, offered by Representative Delgado, has been approved for consideration."

Speaker Madigan: "Mr. Delgado."

Delgado: "All right, Amendment #2 is a continuation of Amendment #1, which puts specific language in sunseting this pilot program, indicating the number of schools meeting, 40, and it is a technical Amendment to the first part and I would ask for an 'aye' vote."

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

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. House Bill 3420, Mr. McCarthy, 3420. Mr. Clerk, are there Amendments ready for consideration? The Clerk advises that the Amendments which were filed have been approved for consideration by the Rules Committee. The Gentleman wishes not to call his Bill. Mr. Scott on House Bill 3485. Mr. Clerk."

Clerk Rossi: "House Bill 3485, a Bill for an Act amending the

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Abandoned Housing Rehabilitation Act. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Scott, has been approved for consideration."

Speaker Madigan: "Mr. Scott."

Scott: "Thank you Mr. Speaker. House Bill 3485 amends the Abandoned Housing Rehabilitation Act. Floor Amendment #1 is a technical change that makes the first part of the Bill in the preamble comply with what we're doing later on in the Bill and I'd ask for its adoption."

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

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, I think Floor Amendment #1, if my file is in order, is a little more than technical and I'm confused as to why you would want to remove the requirement that the property being acquired be tax delinquent for the previous two years."

Scott: "Well, actually that's the Bill, Representative, that's what the Bill does. The technical Amendment is to make the preamble which refers to tax delinquency to take that portion out. So that's what the preamble does, it's not... this isn't more than technical, that's what the Bill actually did when it left Committee. The Floor Amendment #1 just makes the preamble comply with what the rest of the Bill actually does. So, you may want to discuss that, but that's probably better left for Third because... "

Black: "All this talk about the preamble I think I'm back in 7th grade civics. In other words, if I understood you correctly, and I'm always amazed at what class... if you

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lawyers will just share with us what class you take for just one semester on how to make the English language so complicated. Does the Amendment, in fact, remove a requirement in the underlying Bill that the property must have been on the delinquent tax rolls?"

Scott: "No. That's what the purpose of the underlying Bill is, is to remove that particular section... "

Black: "Okay."

Scott: "...about tax delinquency. In the preamble, there's a list a things saying, 'for purposes of this Act we're looking at houses that are: a nuisance, tax delinquent, blah, blah, blah'. What this will do is take out that portion of it because we're saying later on in the Bill, we don't think that it has to be tax delinquent for this Bill to apply."

Black: "Well, then let's focus on that for just a second."

Scott: "Sure."

Black: "Would it be good public policy to be going after a property that, in fact, is not delinquent on the tax rolls?"

Scott: "I'm glad you asked. I think it's great public policy. Let me tell you exactly why. In a lot of municipalities, in especially smaller ones, the nonhome rule municipalities that don't have a lot of the same tools that the home rule guys have, there are properties that have sat abandoned for a long time, years and years. In Rockford I can give you a specific examples. We had some people down in Committee testifying about that. Of four properties that are right across the street from a school, that have been vacant for 9, 10, 11 and 14 years. They've been abandoned, nobody's lived in them. What's that done is forced the deterioration of the property rates of the other houses

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around them. But what the owner does, if there are no exterior code violations, the city can get on them for that and then he can fix them. He can keep the lawn mowed, right? And pay the taxes and leave'em sit there for all that time. Well, what happens is, drug dealers use them as places to sell drugs out of. People will break into those houses, there's a fire hazard as a result of that. And then you got neighbors who are very, very concerned about the impact of those particular houses. The Abandoned Housing Rehab Act is an old Act. It's been around for a lot of years, but nobody uses it. And the reason nobody uses it is because of this particular clause that's in there, they can't get at'em. If they are tax delinquent, yeah, you can go at'em in a different way. But this still requires that the house be adjudicated by a judge to be a nuisance, as well as having been abandoned."

Black: "Okay. So, there is due process."

Scott: "Oh, absolutely."

Black: "Somebody who has faithfully paid taxes on a piece of property with the idea of, at some point in the future I'm going to really, rehab and remodel and make this a prime rental property. He or she will still have adequate due process and notice that, in fact, we're going to declare this an abandoned property and we're going to take it over and we're going to tear it down."

Scott: "Well, you're not going to tear it down. See, that's the beauty of this Act. It's a rehab Act, it's not a demolition Act. Now, what happens is, the owner gets notice that a not-for-profit entity would like to take that house over and rehab it and use it for housing. The owner gets full notice of that, can come into court and claim that any time within a two-year period after the judge



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gives an order that, 'yes, it's an abandoned property and yes, it's a nuisance to the neighborhood. The not-for-profit group can start to work on rehabbing that property...'"

Black: "Okay, sure."

Scott: "Any time within two years after that the owner can come back and say, 'I want to reclaim my property.' And they're allowed to do that, as a matter of right, under this particular Act. So, what we're trying to do is for that person who legitimately says, 'somewhere down the road this is something I want to do', but in the meantime, their house is a nuisance on the neighborhood. This is a way to kind of jump-start that process a little bit."

Black: "But if the owner retains the rights to the property say 18 months, 20 months, after a community-based organization has begun to rehab the house, does the owner then have to reimburse the community-based organization?"

Scott: "Yes."

Black: "Okay, all right."

Scott: "Yes, and there's a formula in the law to do that. We changed that, actually, a couple of years ago. Part of the reason why nobody ever used it was because there was a formula that was based in part on the assessed valuation of the area, so people weren't getting out of it what they put into it. We changed the formula so that the not-for-profit group gets whatever they put out of it plus interest, plus a management fee, if they've been renting it out. So they're not going to get hurt."

Black: "Okay, all right. And now it begins to make sense. And there is adequate protection under the existing statute as to what constitutes an abandoned house or are you adding to that?"

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Scott: "No, that's already there."

Black: "All right."

Scott: "'Abandoned' is defined in the statute."

Black: "I was going to say with this compressed legislative schedule that we're on, I think I'm only home on Saturdays, so I want to make sure I'm protected... "

Scott: "No, I don't think that would be abandoned."

Black: "One might question that. But I appreciate your indulgence, it's much more clearer now, thank you."

Scott: "Great. Thanks for the questions."

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

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. Mr. Lang on House Bill 3831. Mr. Lang. Mr. Clerk, what is the status of the Bill? Mr. Lang, the Clerk advises me that Amendments #1 and 2 have been adopted and now there is an Amendment #3. Did you wish to consider Amendment #3? Mr. Clerk, on Amendment #3."

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

Speaker Madigan: "Mr. Lang"

Lang: "Thank you, Mr. Speaker. Amendment #3 simply changes the effective date. I would ask your support."

Speaker Madigan: "Those in favor of the Amendment say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Mr. Lang, I'm advised that there are requests for notes which have not been filed and so the Bill shall remain on the Order of Second Reading. Mr. Moffitt, did you wish to call House Bill 3435? Mr. Clerk, what is the

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status of the Bill?"

Clerk Rossi: "House Bill 3435, a Bill for an Act amending the School Code. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Moffitt, has been approved for consideration."

Speaker Madigan: "Mr. Moffitt."

Moffitt: "Thank you, Mr. Speaker. Amendment #1 would make all provisions in this Bill subject to the Truth in Taxation Act. It was an Amendment dealing with tax levies but it would say that we would still have truth in taxation apply and that's what the Amendment does."

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

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. Mr. Brunsvold, did you wish to call Senate Bill 563, 563 Senate Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 563, a Bill for an Act amending the Hospital Licensing Act. Second Reading of this Senate Bill. Amendment #1 was adopted in Committee. No Motions have been filed. Floor Amendment #2, offered by Representative Brunsvold, has been approved for consideration."

Speaker Madigan: "Mr. Brunsvold on Amendment #2."

Brunsvold: "Thank you, Mr. Speaker. Amendment #2 was requested by Committee and it narrows the Bill further so that it puts a sunset of 18 months on the legislation and changes a 'shall' to 'may' at the second paragraph of the the Bill. That's what it does and I ask for the adoption of Amendment

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#2."

Speaker Madigan: "The Gentleman moves for the adoption of Amendment #2. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. Mr. Clerk, on the Order of House Bills-Second Reading, there appears House Bill 3309. What is the status of that Bill?"

Clerk Bolin: "House Bill 3309, a Bill for an Act to amend the Disabled Persons Rehabilitation Act. Second Reading of this House Bill. Amendment #1 was adopted in Committee. No Floor Amendments. No Motions filed. The notes requested on the Bill have been withdrawn."

Speaker Madigan: "The Bill shall be placed on the Order of Third Reading. Mr. Righter on House Bill 3538. Dale Righter. Is Dale Righter in the chamber? Mr. Durkin, House Bill 3841. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 3841, a Bill for an Act to amend the Code of Civil Procedure. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Durkin, has been approved for consideration."

Speaker Madigan: "Mr. Durkin."

Durkin: "Thank you, Mr. Speaker. Floor Amendment #1 to House Bill 3841 exempts the Department of Correction from a temporary writ requirement and it pertains to detainees who are subject to an independent inquiry."

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

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Clerk Bolin: "No further Amendments."

Speaker Madigan: "Third Reading. Mr. Righter, do you wish to call your Bill, House Bill 3538, on Second Reading? Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 3538. The Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Righter, has been approved for consideration."

Speaker Madigan: "Mr. Righter."

Righter: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment 1 to 3538 would simply add to the Bill language including the circuit clerks' facilities. This Bill deals with increasing penalties for those who steal from evidence lockers in police institutions. This Amendment would add circuit clerks' offices in recognition that some of the more populated areas in the Northern part of the state use circuit clerks' offices for storage of evidence."

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

Clerk Bolin: "No further Amendments."

Speaker Madigan: "Third Reading. Mr. Black. Mr. Black on House Bill 3169. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 3169, a Bill for an Act in relation to exemptions from real property taxes. Second Reading of this House Bill. Amendment #1 was adopted in Committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 3850, Mr. Leitch. Mr. Leitch, 3850. Mr. Clerk, what is the status of the Bill?"

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Clerk Bolin: "House Bill 3850, a Bill for an Act concerning state monies for medical schools. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Leitch, House Bill 3979. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 3979, a Bill for an Act to amend the Illinois Vehicle Code. Second Reading of this House Bill. Amendment #1 was adopted in Committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Hoeft, (sic-House Bill) 3173. Mr. Hoeft. Mr. Hoeft. Mr. Moffitt. Mr. Moffitt. Mr. Sommer. Mr. Sommer on (sic-House Bill) 4340. Mr. Clerk, what is the status of the Bill? It's House Bill 4340."

Clerk Bolin: "House Bill 4340, a Bill for an Act concerning military funeral honors. Second Reading of this House Bill. Amendment #1 was adopted in Committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Wirsing on (sic-House Bill) 3993. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 3993, a Bill for an Act to amend the Public Community College Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Wirsing on (sic-House Bill) 4265. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 4265, a Bill for an Act concerning career scholarships. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Wirsing, (sic-House Bill)

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2992. The Gentleman does not wish to call 2992. Mr. Brady on (sic-House Bill) 4118. Mr. Brady. Mr. Brady. The Clerk advises me that there are requests for notes on 4118, so the Bill shall remain on the Order of Second Reading. Mr. Brady on 4119. Mr. Tom Ryder. Is Mr. Tom Ryder in the chamber? Mr. Ryder on (sic-House Bill) 4266, on the the Order of Second Reading. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 4266, a Bill for an Act in relation to adult education. Second Reading of this House Bill. Amendment #1 was adopted in Committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 4347. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 4347, a Bill for an Act to amend the Illinois Pension Code. Second Reading of this House Bill. Amendment #1 was adopted in Committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Myers on House Bill 4092. Mr. Myers. Mr. Clerk, what is that status of 4092?"

Clerk Bolin: "House Bill 4092, a Bill for an Act concerning county officers. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Myers on (sic-House Bill) 4267. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 4267, a Bill for an Act to amend the Unified Code of Corrections. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Tom Johnson on (sic-House Bill) 4093. Mr. Clerk, what is the status of the Bill?"

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Clerk Bolin: "House Bill 4093, a Bill for an Act concerning higher education. Second Reading of this House Bill. Amendment #1 was adopted in Committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. McAuliffe on (sic-House Bill) 4138. Michael McAuliffe. Andrea Moore on (sic-House Bill) 4483. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 4483, a Bill for an Act in relation to breast feeding. Second Reading of this House Bill. Amendment #1 was adopted in Committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Back on House Bill 4138. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 4138, a Bill for an Act to amend the Clerks of Courts Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. John Turner on (sic-House Bill) 3112. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 3112, a Bill for an Act to amend the Code of Civil Procedure. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 4116, Mr. John Turner, 4116. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 4116, a Bill for an Act to amend the Sexually Violent Persons Commitment Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Representative Kosel. Renee Kosel. Mr. Tom Cross on (sic-House Bill) 4165. The Gentleman does not wish to call the Bill. Mr. Biggins,



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(sic-House Bill) 3120. The Gentleman does not wish to call the Bill. Mr. Biggins, (sic-House Bill) 3428. What's the status?"

Clerk Bolin: "House Bill 3428, a Bill for an Act to amend the Property Tax Code. Second Reading of this House Bill. Amendment #1 was adopted in Committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. O'Connor, (sic-House Bill) 4029. Mr. O'Connor. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 4029, a Bill for an Act to amend the School Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Beaubien on House Bill 3995. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 3995, a Bill for an Act concerning cigarette taxes. Second Reading of this House Bill. Amendment #1 was adopted in Committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Saviano, (sic-House Bill) 3225. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 3225, a Bill for an Act concerning compensation of the Cook County Sheriff's Merit Board. Second Reading of this House Bill. Amendment #1 was adopted in Committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Tenhouse on (sic-House Bill) 4280. Mr. Tenhouse. Mr. Daniels on (sic-House Bill) 3559. Mr. Black. Mr. Black. There's a Bill by Mr. Daniels, (sic-House Bill) 3559. Do you think he wishes to call the Bill? Mr. Tenhouse, can we deal with 3559 by

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Mr. Daniels? Did you wish to move that Bill? Mr. Tenhouse. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 3559, a Bill for an Act concerning industrial hemp. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Mr. Tenhouse."

Tenhouse: "Thank you, Mr. Speaker. We want to hold the Bill at the present time on Second."

Speaker Madigan: "All right, so House Bill 3559 shall remain on the Order of Second Reading. Mr. Tenhouse, you have House Bill 4280. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 4280, a Bill for an Act to amend the Illinois Public Accounting Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Bill Mitchell, House Bill 2880. Bill Mitchell. Mr. Bill Mitchell, do you wish to call your Bill? House Bill 2880. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 2880, a Bill for an Act to amend the Cemetery Care Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Mitchell, (sic-House Bill) 2888. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 2888, a Bill for an Act to amend the Criminal Code of 1961. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Winkel, House Bill 4450. Do you wish to call the Bill? Mr. Clerk, what is the

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status of the Bill?"

Clerk Bolin: "House Bill 4450, a Bill for an Act establishing the Illinois Military Flag Commission. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Is Representative Kosel in the chamber? Representative Kosel, do you wish to call your Bills? There's a House Bill 3053. This Bill shall remain on the Order of Second Reading. There's a House Bill 3319. Mr. Clerk, what is the status of that Bill?"

Clerk Bolin: "House Bill 3319, a Bill for an Act to amend the School Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 3881. What is the status of that Bill?"

Clerk Bolin: "House Bill 3881, a Bill for an Act concerning open meetings. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Acevedo, House Bill 3989. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 3989, a Bill for an Act to amend the Criminal Code of 1961. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Acevedo, (sic-House Bill) 4148. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 4148, a Bill for an Act to amend the Criminal Code of 1961."

Speaker Madigan: "Mr. Acevedo, the Clerk advises me that there are requests for notes on 4148. So the Bill will have to remain on the Order of Second Reading until the notes are

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filed. Mr. Hannig on House Bill 4030. Mr. Clerk, what is the status of the Bill? Mr. Hannig, the Clerk advises me that there are requests for notes on this Bill. So the Bill will have to remain on the Order of Second Reading. Mr. Clerk, what about (sic-House Bill) 4593?"

Clerk Bolin: "House Bill 4593, a Bill for an Act in relation to evidence. Second Reading of this House Bill. Amendment #1 was adopted in Committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Is Mr. Giles in the chamber? Mr. Giles, Calvin Giles. Calvin Giles, we've called your House Bill 4593. Mr. Clerk, put that Bill on the Order of Third Reading. On the Order of House Bills-Third Reading, there appears House Bill 2947. Representative Crotty. Representative Crotty on the Order of Third Reading. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2947, a Bill for an Act to amend the Children and Family Services Act. Third Reading of this House Bill."

Speaker Madigan: "Representative Crotty."

Crotty: "Thank you, Mr. Speaker. House Bill 2947 is corrective legislation to clarify that the provisions of the juvenile justice reform provisions of 1998 do not prevent the disclosure of records that reveal malfeasance or nonfeasance on the part of DCFS. It also clarifies that any party to litigation under the Juvenile Court Act of 1987 may copy those case documents for the purpose of sharing those documents with other parties in litigation."

Speaker Madigan: "The Lady moves for the passage of the Bill. The Chair recognizes Mr. Tom Cross."

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

Speaker Madigan: "Sponsor yields."

Cross: "Representative, what's DCFS's position on this Bill?"

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Crotty: "DCFS is for the Bill. There is no opposition to the Bill."

Cross: "Did they testify to that in Committee?"

Crotty: "Yes, they did."

Cross: "There's absolutely no opposition, whatsoever."

Crotty: "Absolutely none."

Cross: "Does this only apply to the Juvenile Court Act?"

Crotty: "Yes, it does."

Cross: "And who suggested this Bill?"

Crotty: "Pardon me?"

Cross: "Whose idea was this to introduce this Bill?"

Crotty: "This was brought to our attention through an editorial at the Chicago Tribune and the Sun Times. And no one really knows the genesis, how this ever got into that Juvenile Bill. So it's correcting a misdemeanor that just the idea that the department would be able to bury any negligence on their part was never the intent of anyone that worked on that Act."

Cross: "Under what circumstances would these records be released or revealed, Representative?"

Crotty: "Only if there was malfeasance or nonfeasance by the department, its agencies underneath it."

Cross: "First of all, who's going to make the determination whether there was malfeasance or nonfeasance and who's going to have standing or the authority to obtain or request this information?"

Crotty: "Whoever would get the record, it would again give them the ability to be able to disclose that, redisclose that."

Cross: "What do you mean whoever would get the... who has'em now? Who has the information now?"

Crotty: "Guardians, state's attorneys, any parties to any litigation."

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Cross: "I'm reading the language in the Bill that you're attempting to change, 'nothing in this section prohibits or prevents the redisclosure of records'. Why do we need to have a redisclosure of records? I guess that's maybe the question here."

Crotty: "That would be a person who was a guardian that would want to be able to disclose this information to the media or to the State Legislature, any of us that feel that that's something that we should take action on."

Cross: "Representative, I guess I have a couple of concerns. One, I'm concerned about having information about a child that's abused and neglected given to the press. Is that what you're talking about doing? You're giving reports of an abused child to the media?"

Crotty: "Not with identifying information. But, if in fact, that same child was under the Department of Children and Family Services and placed. And, if in fact, that caseworker did not go back and visit that home in four, six, eight months, and that child turned out to be abused. And unfortunately, we have had cases where the abuse has even caused death. And if there's already media coverage because people have tried to get a hold of the DCFS or the caseworkers to come out, and something happens to that child, those records should be made public."

Cross: "So, if you're claiming there's the fault on a worker at DCFS, we're not saying that it's enough that DCFS disciplines that person? That's not sufficient? You want the media to know about the fact that there's been malfeasance, so we can try the person in the media? That sounds like where we're headed with this."

Crotty: "In most of those cases the media have already disclosed some of the details. But yes, I do believe, and it is the

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belief that we should not hide any caseworker under the rug. We shouldn't be putting any of this information under the rug where we cannot, in fact, step in and help the children that may be in abusive foster homes."

Cross: "So let me ask you this, Representative, in a situation where DCFS has decided that there wasn't malfeasance, they've investigated the case. But on the other hand, and they have the expertise. Isn't there an inspector general within the DCFS Department now, someone to kind of oversee?"

Crotty: "Yes."

Cross: "So, we have the Director of DCFS, we have management level people, then we have an inspector general. Those people are going to investigate this charge of malfeasance and they may find out that the employee didn't do anything, they may make a determination that the person didn't do anything wrong. Okay? That can happen. Do you agree?"

Crotty: "Certainly."

Cross: "But at the same time, we're going to release this person's name that works for DCFS, along with the facts of the case, the reports, to the media. So, in effect, we're gonna let the media determine or the public determine whether this person's guilty of malfeasance or nonfeasance, is that... that's the set up we're about to allow for."

Crotty: "If they find themselves that there has been no malfeasance or nonfeasance, there's been no neglect on the Department or its agency's part, then that would be the end of it. But if in a case, we would be notified through the press or any other venue, I think we should be able to or anyone else should be able to look at the records and find, if in fact there has been neglect on the Department's part, then we are notified and we do deal with it, instead of

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covering it up."

Cross: "So, are you suggesting we abolish the Inspector General's Office within DCFS, because apparently we don't believe they can do an adequate job in disciplining their employees?"

Crotty: "Well, and if we allow this current law to actually be enacted, then the Department can, in fact, operate behind closed doors and it has been found that the Department does not want to: a) do that or to be perceived in doing that."

Cross: "I suspect the trial lawyers are probably for this Bill, are they not? Because I can see attorneys lining up at DCFS's door asking for internal reports. Is that prohibited under your Bill or will they be allowed to have access. Trial Lawyers?"

Crotty: "I have not heard from the trial lawyers. I worked on this with Patrick Murphy, who is the Cook County Public Guardian and DCFS and there was no opposition and I did not hear from one of the attorneys."

Cross: "But there's nothing that would prohibit attorneys from outside the confines of DCFS of having access to these reports, is there not?"

Crotty: "They would have to be a party of a case of litigation, in order to get the records."

Cross: "I guess, Representative, what litigation are you talking about? That's not what the Bill says."

Crotty: "Any cases before the court, there's only two sentences in this Bill and it's the last sentence."

Cross: "Well, there are about 50 thousand kids under the care of DCFS. Under your Bill now, we're going to let 50 thousand attorneys in the State of Illinois have access to every report of DCFS. Is that your intention? And every media outlet in the state or the country, for that matter. And



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we're going to start saying, 'either we're gonna to let the media try people in the press or we're going to let trial lawyers start suing DCFS on a daily basis. Is that your intention?"

Crotty: "Right now they're able to access those records, that's already in the Bill. What we're saying is that they can make copies of it if, in fact, they're in litigation with a case, malfeasance or nonfeasance by the department."

Cross: "Is there any reason why you didn't define 'malfeasance' or 'nonfeasance' in your Bill?"

Crotty: "There was no reason, it's case law."

Cross: "There's case law that defines 'malfeasance' and 'nonfeasance'? Do you know what cases define that under the context of your Bill?"

Crotty: "There's nothing specifically in the statute, but malfeasance and nonfeasance have been used in court cases."

Cross: "So who's going to make the determination, since we have no statutory definition of 'malfeasance' or 'nonfeasance', whether or not the media will have access to this information? And I know there's some columnists, you know, that work in the State of Illinois that sometimes have field days with DCFS. Are they going to make a determination whether or not something is nonfeasance or malfeasance? Who's going to make that determination, Representative?"

Crotty: "If I'm not mistaken, there is... I don't know if they... it's not a board, but there is a committee that, in fact, investigates cases for DCFS and they will determine whether there was malfeasance or nonfeasance. From my recollection with conversations with the Department, they have said that there is a committee that is set up for that."

Cross: "So, whatever their definition of 'malfeasance' or

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'nonfeasance', we're gonna just rely on what we think this board... we think a board exists, but we're not sure."

Crotty: "Well, the Department, when I worked on this, the Department had mentioned that there is a committee, because I had asked that."

Cross: "Pardon me?"

Crotty: "In my conversations with the Department, they do have a review board that goes over the cases when there has been allegations of neglect. So if, in fact, there was neglect or a caseworker not, in fact, following the rules and regulations and it would cause a child harm, that would cause the malfeasance or nonfeasance."

Cross: "Well, Representative, I'm a little concerned about the fact that we're going to open up to scrutiny people's employment with DCFS, even after they've been, and maybe rightly so at times, disciplined. But to say to everybody in the world, here's someone's employment record, I think, is risky and I really wonder if we're going to set up a scenario where no one's gonna want to work for DCFS because they feel the threat of media attention. So, I appreciate your answering the question."

Crotty: "Certainly."

Speaker Madigan: "Representative Mulligan. Your light is on."

Mulligan: "I'm sorry, I didn't think that you called on me."

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

Speaker Madigan: "Sponsor yields."

Mulligan: "Representative Crotty, from different analyses that I have, my feeling is the Department is only partially for this Bill, is not totally behind it. And the problem that I have with the questions that you're answering is I'm unclear where you place the Office of the Inspector General in determining or investigating what's actually going on in

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DCFS. I think that there are a lot of problems with this Bill that might be cleared up if you would take it from the record and we could have a brief meeting about it with DCFS and some other people. Because it seems to me that in my discussions with them when I have casework coming through my office, they're always very careful in what they want to tell, because in many instances there's allegations involved against parents that haven't been proven yet. I'm just a little concerned with the way this is stated as to who actually is going to get this information and under what circumstances. It seems to me that some of it may or may not then be closed into a court record and I just think we need a little more information on the Bill and I would like to see what the Department's actual position is."

Crotty: "In Committee, the Department has worked out any problems that they may have ever had. They feel very strongly that if, in fact, there has been some mishandling of any case whereas a child was in danger that that should be released."

Mulligan: "If it strictly involves a Department worker on many instances a lot of that work is privatized and sent out to individual caseworkers and the only part that the Department plays in it now is to monitor the organization that they gave it to to do the casework. And in some instances, how do you ferret out what is malfeasance upon the individual caseworker without revealing the actual extent of the charges against parents, some of which have not been proven and are only alleged? And many times the Department errs are to the side of always protecting the child, so if there is an allegation that's not totally proven, they move the child out of the home and then the burden is on the parent or the stepparent to get that child

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back. In the meantime, we may be arguing that the person that's doing the casework is doing a bad job. Where do you determine what's actually given out, so that the privacy of both the child and the parents are still protected without that going to the public? And I have a concern about that. And in my analysis, I have two different analyses, I think the Department draws the line and I don't know if this Bill actually does that. What bar do you move above to allow this information to go out to the public?"

Crotty: "If, for example, the Department is notified that there has been neglect, in one of their... either an agency or within their own department placing. And if, in fact, they look into that and find out that there was some abuse or some neglect. And then they also, through investigating, find out that one of their employees or an agency that they have employed has not been there and was notified of the same, that there was some neglect or abuse, but for whatever reason, did not go into the home and check on that. And then there was a child that was hurt by the person in charge, their guardian, then those records and if there are lawsuits should come forward on that, then in fact, those records should be released. But even if the Department wanted to disclose those, they would, and they couldn't."

Mulligan: "I think that there still is a problem with this. First of all, when I have a constituent service that involves DCFS and I do some for a lot that aren't even in my district. I go back to the Department and then I ask them and if I don't like the answer then I go to the inspector general and I have them investigate on top of it. In the meantime, some of the information that is coming to me is not just about the caseworker or the people that are

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providing case management services, you also get information that pertains to both the children and the parents. Now, if there's alleged drug abuse, if there's alleged sexual abuse, that all reflects back on the parents and in the case of determining whether there is malfeasance on the part of the Department, I don't think they can judge that themselves. I think that's the purview of the Office of the Inspector General and also in the meantime, in those discussions they're always very careful in what they tell me as a State Representative. Very rarely do I find out the intimate details of a case unless the person that has come to me with a complaint has told me. They're very careful about what they let me know if a parent or a stepparent's been charged with sexual abuse and that's why the child is removed or if it's alleged drug abuse. I mean, there are a lot of things that I think could come out in this and I don't know if this is narrowing right in on what you want. I think it would be a good idea not to hang a lot of people out in a boat without having a meeting and at least talking with DCFS and finding out how they intend to implement this. And that's why we have the Office of the Inspector General, which I think does a great job, quite frankly."

Crotty: "And this... if you look at the second line, I mean, there's two sentences and they're very clear, that proceeding under the Juvenile Court Act, that means cases that are already brought to trial, that in fact, the Department needs to release that information."

Mulligan: "Most of the hearings are closed. You can't just walk into a hearing and hear what's going on and what my second sentence says is... "

Crotty: "And we're not look... Oh, I'm sorry."

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Mulligan: "... 'Nothing in this Section prohibits or prevents the Department or a party in proceeding under the Juvenile Court Act of 1987 from copying records, reports, or case files for the purpose of sharing those documents with other parties to the litigation.' Who are those other parties? Who can copy things and who can they share it with? And if the press is bringing this to you, then is the press expecting to have this information shared with them?"

Crotty: "'Parties to the litigation' could be the judge, the attorneys, the Child Death Review Team, families, anyone that is party to litigation brought against some neglect or abuse or a death of a child."

Mulligan: "Foster parents?"

Crotty: "If they're party to this litigation."

Mulligan: "It depends on what's case management, how far you consider litigation. Are you talking about litigation that would be suing the Department for malfeasance or are you talking about litigation in adjudging a parent competent or fit?"

Crotty: "I'm sorry, Representative, what was the question?"

Mulligan: "The question is, 'What kind of litigation?', litigation against the Department for malfeasance or litigation that is terminating parent's rights or saying that a parent is unfit? Which types of litigation are you allowing this type of information to be photocopied and introduced into the record?"

Crotty: "It's in Section 35.1, which is the Section that we're amending. 'Reports of injury or abuse to children', says, 'shall not be open to the general public.' But they are available to all the other people listed there, so those are the people that... "

Mulligan: "What line is that?"

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Crotty: "Line 11... line 12, the 'Department reports of injury or abuse to children.'"

Mulligan: "Well, that line says, 'they shall not be open to the public.'"

Crotty: "'But they can be disclosed by the Department to juvenile authorities when necessary for the discharge of their official duties'. So, they already are allowed to do that. And they're all listed there on who the juvenile authorities are."

Mulligan: "I'm sorry, I wasn't in the Committee that this came out of but I still find this to be problematic because I think it will allow too much disclosure on things that have been very closely held as confidential and I think the Department of the Inspector General already does that. And it says in the first part of the Section that you have to certify in writing that you're not going to give it to certain people and yet in the next part, you're changing the law to say that you can photocopy and disclose, but you're not obligating whoever has that additional information from not disclosing it, say, to the press. And I think when you're in litigation, the person has not been proven or adjudged guilty, or unfit yet, and yet you're letting information out that may prove to be wrong later. I find this to be a problem."

Crotty: "And I want to reiterate that the Department has conceded to this language. They are perfectly fine with this language. There is no opposition at all. And they testified to that."

Mulligan: "Will they then use this language to do away with the inspector general?"

Crotty: "I didn't talk to them about anything other than what's before you on House Bill 2947. And that's all. I mean,

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they were there, they testified, they were in favor of it."

Mulligan: "This is not a Department Bill, you got this from Patrick Murphy?"

Crotty: "He was a party to it, along with the Department."

Mulligan: "I'm sorry, what's the genesis of the Bill? Patrick Murphy and Cook County..."

Crotty: "Well, he did recommend some changes to it and... but not the specific language."

Mulligan: "But when you first said it to Representative Cross, you mentioned that it was in the newspaper. What I'm trying to determine is, who brought this Bill to you? Was it the Department? Was it Patrick Murphy? Did you get the idea from the newspaper? Where did we get this idea for this Bill?"

Crotty: "It came forward through Patrick Murphy and looking at the Bill that, in fact, what we're saying is the Department can keep information to themselves on critical cases where there could be negligence on the Department's part. And the Department of Children and Family Services, most certainly and emphatically, wanted to make sure that that was not their intent."

Mulligan: "All right, so what the Department is doing is they're responding to Patrick Murphy by going overboard to say that's not their intent. But the Office of the Inspector General has always been able to investigate this. If I have a case, casework that comes through my office that says, we have a problem with the Department, I talk to them and then I talk to the Office of the Inspector General. Have you ever looked at her reports on things? I mean, that's who basically, monitors the Department. I don't think the Department, even though they want to appear to be open or whatever, I don't think they need to be tried in



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the press or specifically, by Patrick Murphy."

Crotty: "And what the Department has said to me is that for years they've always been known to be a secretive group, protecting their own and not being there for the children under their care. And they want to make sure that that's not representative in the legislation that was passed in 1987. So, that's why they came forward and testified in Committee that they are not opposed to this. That, in fact, they don't want to take three steps back. They want to continue forward and I think that they've been doing a better job, seeing that their mistakes are known to us and some of those major mistakes have caused deaths to children and I think it puts everybody on their toes to know that they cannot sweep things under the rug, nor do they want to. So they really are in support of this legislation."

Mulligan: "Thank you."

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

Mulligan: "I'm done, I'm still uncomfortable with this Bill but thank you for answering the questions."

Speaker Madigan: "Thank you, thank you. Representative Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. I rise for a point of personal privilege and it is my honor to introduce our Comptroller, Dan Hynes."

Speaker Madigan: "Mr. Tom Dart."

Dart: "Thank you, Mr. Speaker. To the Bill. Just to clarify things just a tad here. There's been a lot of misinformation about what exactly this Bill's about. I have a similar measure in a Bill of mine that's out there right now. This Bill came about because approximately two years ago, in the course of the Juvenile Justice Bill,

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there was a drafting error which removed this ability for the Department to release this information. It was not intentional. A lot of people tried to lay it at the doorstep of DCFS that they were trying to all of sudden to hide stuff from people. And they truly weren't. This was something that came about through a drafting error. The Department is fully in favor of this. When it was brought to their attention that now all of a sudden they were not going to be able to release this information, they said that wasn't our intent, we had no intention of doing that. So this was a mere correction of a problem that had occurred. But more importantly, who out there in their right mind could be opposed to revealing acts of malfeasance and nonfeasance when it comes to our children who are in the child welfare system? Come on, the old Department of Children and Family Services was all for that. They were all for brushing things under the carpet and making sure no one knew what was wrong. And every time we tried to make changes here they tried to stop them and said that there was nothing wrong. But lo and behold, we had children who were getting further injured and children who were dying. Okay? They were dying. By us opening things up and allowing this information out, it exposed where the problems were. We were able to correct those problems and everybody was happier for that. We need to continue that. As I said, anybody who thinks that the best way to encourage the Department to do well, and to do their job well is to cover stuff up, not show it to people, has got to be thinking and looking at things a little bit strangely here. This is a Bill that's very straightforward, it's to correct a drafting error that occurred a couple of years ago. And as I say, at the heart

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of it, it comes down to the question of whether you believe that we should be, knowing what the problems are with the department that deals with our most vulnerable kids or whether we should cover them up. It's either for exposing this or covering it up. It's an easy choice, folks."

Speaker Madigan: "Representative Crotty to close."

Crotty: "Thank you. For the record, these two simple sentences really free the kids that we have under our care from being neglected or abused any further. So with that in mind, I ask for a favorable vote. Thanks."

Speaker Madigan: "The Lady moves for the passage of the Bill. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? One person has not voted. Mr. Kenner, did you wish to vote? Did Mr. Kenner wish to vote? The Clerk shall take the record. On this question, there are 115 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Bost. Mr. Bost on House Bill 3880. Mr. Clerk, read the Bill.

Clerk Bolin: "House Bill 3880, a Bill for an Act to amend the Unified Code of Corrections. Third Reading of this House Bill."

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker, Members of the House. House Bill 3880 is a Bill that we've seen before. House Bill 3880 requires that in Illinois Department of Corrections that if someone requests a visit for the doctor in-house, there's a \$2 co-pay. This was passed out of the House last year and then the Governor added some language to make sure that there would be no care denied based on the fact that they would not have funds. Or if the person continued to, or

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had a reoccurring disease or a chronic illness and basically, that language is now included in this Bill and I bring it before the House and be glad to answer any questions."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. The Chair recognizes Mr. Skinner."

Skinner: "Would the Gentleman tell us if someone is raped in prison is that someone going to have to pay \$2 to get a rape test?"

Bost: "What this is, is for nonemergency request. So I would assume that that would be an emergency request and based on that, I would say they would not have to pay."

Skinner: "Thank you."

Speaker Madigan: "Is there any further discussion? There being no further discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Mr. Black. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2949, Representative Currie. Representative Currie, House Bill 2949. Representative Currie. Representative Currie, Barbara Currie. The Clerk advises me that it's Julie Curry. Do you wish to call your Bill?"

Curry: "Yeah."

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

Clerk Bolin: "House Bill 2949, a Bill for an Act to amend the School Code. Third Reading of this House Bill."

Speaker Madigan: "Representative Curry."

Curry: "Thank you, Mr. Speaker, Members of the House. House Bill

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2949 amends the School Code and deals with the supplemental state aid grant or the poverty grant. Back in 1996, when the Education Funding Reform Act was passed, it created a four-tier system for awarding the poverty funds or the poverty grants that we awarded to school districts, previously. It created four categories of poverty concentration, a concentration level that included poverty between 20% and 35%, a second category of 35% to 50%, a third category of 50% to 60% and the final category of poverty concentration level above 60%. What this Bill specifically does, is it amends the grants that fall in the concentration level between 20 and 35%. When the Bill was originally passed, all the other three categories received annual adjustments except for school districts that fell in the concentration level between 20 and 35%. The grant amount was \$800 per student, per year and we would like to increase it from \$800 per pupil to \$1,000 per pupil. This legislation would affect more than 130 school districts across the state. It would cost an additional \$6.6 million and I would appreciate your support."

Speaker Madigan: "The Lady moves for the passage of the Bill. The Chair recognizes Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, you mentioned the cost factor, has the State Board of Education included that money in its budget request?"

Curry: "No, they did not."

Black: "Do you have any reasonable assurance that the money, in fact, will be appropriated to these poorest of the poor school districts?"

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Curry: "Representative Black, today in our Appropriations Committee, Elementary and Secondary Education, we passed out the State Board's budget and we amended that to include the money for this legislation."

Black: "Okay, so it is, in fact, legislation that is being trailed by appropriation language, correct?"

Curry: "Correct."

Black: "All right. I don't see any of the State Board of Education officials over there by you. I was just curious, the general state aid formula, to the best of my knowledge, has never been funded since its inception. I don't think the general state aid formula has ever been fully funded. Is that your understanding?"

Curry: "That's my understanding."

Black: "I've always wondered what might happen to money that goes to school districts had the general state aid formula ever in its history, in the last 25 years been fully funded. So, what you're attempting to do with this legislation is to direct dollars to those districts, searching for the right word, we have to be politically correct, with a higher preponderance of low-income students than most school districts around the state contend with."

Curry: "That's correct."

Black: "Have any studies been done to indicate some of the costs incurred? If a district has a low-income count or a free lunch count approaching 50% of the enrollment, has the State Board ever commissioned a study to indicate that it, perhaps, might be more costly to try and educate those students than say, and I don't want to mention one by name, but there are school districts in the state who do not have a preponderance of low-income students?"

Curry: "Representative, to my knowledge they have not. But it's

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certainly an issue that we've discussed in our committee, especially when it comes to determining the poverty concentration level for each individual school district which has primarily relied on the census count from now almost ten years ago."

Black: "Right. Thank you very much, Representative. Mr. Speaker, and Ladies and Gentlemen of the House, to the Bill. Now, make no mistake about it. I don't want to mislead any of my colleagues on either side of the aisle. When you get a Bill like this, obviously, some school districts will gain a few dollars, some school districts will gain nothing. I guess the ultimate question should be to fund this, do some school districts lose money? And I think the Representative answered that by saying, in effect, she has a companion appropriation Bill so that her intent would not be to shift resources from a school district not having the low-income count to those who do. All I can tell you is that, until we can come up with a way, if we ever can, maybe the wisdom of Solomon is needed, to address this question of equity in the way we fund education. There are districts whose low-income count, whose free lunch count, whatever criteria you want to use, have a number of students from homes that do not have the resources that others are fortunate enough to have. And that does present some problems for that school district, in that many of these children do not come to school at the same level with a readiness to learn as other districts around the state are fortunate to see. I know my wife is a remedial math instructor and often tells me of the difficulties that she faces with kids who come to school at kindergarten or first grade and literally have not been read to or have no books in the house and cannot count to

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three, do not know their address and as she has pointed out to me several times, it takes a great deal of teacher time and a great deal of resources devoted to try and bring these kids up to grade level in those critical first three years of education. I understand the concerns that some of our colleagues have about Bills like this, but until we can come up with a funding mechanism that brings more equity to the process, unfortunately, I know of no other way to do it than the way Representative Curry is attempting to do this. I think the investment you make in these children, in the districts, that I'm sure would prefer not to qualify for the additional money, all I can say is I think the investment you might make in these districts will pay off in lower costs to you and your taxpayers in the future. At least that would be our hope. I rise in support of the Bill."

Speaker Madigan: "Mr. Skinner."

Skinner: "Mr. Speaker, I rise for two reasons. One, to introduce the most recent retread Legislator, Senator Peter Roskam, who has graced us with his presence today. And number two, to oppose this Bill. It is not a coincidence that the State of Illinois is shaped like a funnel. And if Ross Perot were here he would accurately observe that there's 'a great sucking sound' going on in this Bill. Six point two million dollars is going to be sucked out of the metropolitan area of the State of Illinois to go to far downstate and middle downstate. We have already a school aid formula that has poverty concentration. That ought to be enough, Mr. Speaker. We cannot continually keep writing checks to school districts downstate."

Speaker Madigan: "Representative Jerry Mitchell."

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



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Speaker Madigan: "Sponsor yields."

Mitchell: "Representative Curry, I was in Committee when your esteemed superintendent from Decatur presented this Bill. My understanding is that these numbers are based upon the census count of 10 years ago?"

Curry: "That's correct."

Mitchell: "And we have no mechanism to adjust in any way, the amount of money going to these districts. Once you become in a certain category you have to wait ten years, no matter how your population changes, no matter how your industry changes within a community, is that correct?"

Curry: "That's correct and I just pointed out again, Representative Mitchell, that this category, this concentration level that we're talking about, there's been no annual adjustment for these school districts for three years."

Mitchell: "Okay. In deference to my colleague who keeps telling us about 'the great sucking sound', that's totally erroneous. Number one, it takes no money from the suburban districts, unless you say that the additional appropriation that Representative Curry put into the Bill should go to those districts that are the most wealthy. I think you need to look at students themselves and the type of education that a district can afford to them. That's what this Bill is about. I stand in strong support of the Representative's Motion and I hope that everyone with a concern for children will vote for this Bill. Thank you."

Speaker Madigan: "Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. Just a comment. Although this Bill goes to low income, I think we have failed to recognize increasingly in years what happens to districts that have a large number of immigrants, or English as a

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second language. Where the district may have had a reasonable amount of money to spend on education, but now what's happening is more and more resources of the district are going toward educating those children and not the programs that they've previously sponsored. So, although I think it's an interesting concept to worry about low income. I think we now have to start also looking at the addition of districts that have high change-over in population, particularly to English as a second language, because I think it over-stresses their resources and not just to general low-income population."

Speaker Madigan: "Representative Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. I would just like to ask one question. Representative Curry, will this have a positive or negative effect on Chicago?"

Curry: "It has no impact on Chicago."

Davis, M.: "It has no impact on Chicago."

Curry: "You're in a higher poverty concentration level, so this has no impact on the Chicago Public Schools. You have received an annual adjustment for the last three years, every year. The school districts that fall in the 20 to 35% poverty concentration level have remained at the same funding level, this \$800 per student per year, for the last three years. The only thing, Representative, that this legislation asks you to do is increase the funding level from \$800 per year to \$1,000 per year, an increase of \$200 per student."

Davis, M.: "All right, thank you."

Curry: "Thank you."

Speaker Madigan: "Representative Curry to close."

Curry: "Thank you, Mr. Speaker. I would just ask support from this Body for this very important downstate Bill."

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Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; 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 101 people voting 'yes', 14 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. John Jones, House Bill 3293. John Jones, 3293. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3293, a Bill for an Act amending the Illinois Community Development Finance Corporation Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. Hannig in the Chair."

Speaker Hannig: "Representative Jones."

Jones, J.: "Thank you, Mr. Speaker. House Bill 3293 does just a couple of things, it's real simple legislation. The State Treasurer, Judy Baar Topinka was a part of the Illinois Community Development Finance Corporation and the Auditor General suggested that she be removed from that. This simply removes her, makes the Director of Commerce and Community Affairs, the chairman of that committee and the additional members appointed by the Governor pursuant to this amendatory Act of the 91st General Assembly shall serve for an additional term of two years; thereafter, each such member shall serve for a term of five years as in the case of the other members. And there was one question in Committee on this. We was waiting to be sure that the Director of the Department of Commerce and Community Affairs was in agreement and she is totally in agreement, so I would just ask for a favorable vote."

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

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Hoffman: "Yes, will the Sponsor yield?"

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

Hoffman: "Yes, Representative, did you say that this no longer dissolves the Community Development Finance Corporation or it does?"

Jones, J.: "No, the only thing we're doing is removing the State Treasurer, Judy Baar Topinka, off of that board."

Hoffman: "Okay. So the board is incorrect then, is that correct?"

Jones, J.: "That's incorrect."

Hoffman: "Okay. Now this was a recommendation of the Auditor General, it's my understanding, right?"

Jones, J.: "The Auditor General recommended to the State Treasurer that she be removed off of this board."

Hoffman: "So, I thought that the Auditor General sought the dissolution of this Community Development Finance Corporation."

Jones, J.: "That is correct, Representative, but we ran into a little opposition on it. So, we're just removing the Treasurer."

Hoffman: "So, we're not doing what the Auditor General requested?"

Jones, J.: "No, but I think if you'll reflect back to when the Governor gave his Budget Address and his State of the State Address and together there, he made the remark that several boards that are nonexistent or nonactive right now, should be dissolved. I think you may see that in the future, but not with this Bill."

Hoffman: "Well, we'll go along with it, Representative. It's just that I think if it's not doing anything, we probably should look at the dissolution of it."

Jones, J.: "I totally agree with you, but I think you'll see a

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Bill a little later that'll deal with several boards,  
Representative Hoffman."

Hoffman: "Thanks, Representative."

Jones, J.: "Thank you."

Speaker Hannig: "Representative Jones to close."

Jones, J.: "I would just ask for a favorable 'aye' vote, Mr.  
Speaker."

Speaker Hannig: "And the question is, 'Shall this Bill pass?'  
All in favor, vote 'aye'; opposed 'nay'. The voting is  
open. Have all voted who wish? Have all voted who wish?  
Have all voted who wish? Record Representative Fritchey as  
'aye', Mr. Clerk. Have all voted who wish? Mr. Clerk,  
take the record. On this question, there are 113 voting  
'yes' and 0 voting 'no'. And this Bill, having received a  
Constitutional Majority, is hereby declared passed. Mr.  
Clerk, read House Bill 2970."

Clerk Bolin: "House Bill 2970, a Bill for an Act to amend the  
Surface-Mined Land Conservation and Reclamation Act. Third  
Reading of this House Bill."

Speaker Hannig: "Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker, Members of the House.  
House Bill 2970 amends the Illinois Surface-Mined Land  
Conservation and Reclamation Act. This piece of  
legislation was brought to us by the Illinois Aggregate  
Producers Association and it's a rewrite of the  
Surface-Mining Act in the State of Illinois, a minor  
rewrite. It's being supported by many, of course, in the  
industry. There is some opposition to it. This makes it  
easier and more effective for surface-mined operators to  
run their business and it's easier by DNR to keep track of  
what's going on. I would be happy to answer any  
questions."

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

Skinner: "Mr. Speaker, will the Sponsor yield?"

Speaker Hannig: "He indicates he will."

Skinner: "Our analysis says that this provides, 'the length of a permit for conservation reclamation is extended from three to ten years'."

Hartke: "That's correct."

Skinner: "Now, currently, does the reclamation have to occur within three years after the permit, I mean after the mine is closed?"

Hartke: "This has to do with the permits to operate in a certain section of the mine. They would like to extend that permit for ten years, so that it gives them a better business approach. Machinery and equipment that they have to buy, this permit would be good for ten years to mine a certain area."

Skinner: "What acreage? What is the acreage?"

Hartke: "I really don't know how to answer that question by acreage. But we're talking about aggregate producers, that's producers of sand, gravel, and stone; not huge areas, we're not talking about surface-mining of coal, we're talking about a set area. It may be three acres, it may be ten acres. Maybe the most is, you know, 30 acres in an area."

Skinner: "Well, Representative, with all due respect, Representative Franks and I and Representative Lindner represent the area that has about 80% of the aggregate mining in the state."

Hartke: "I understand that."

Skinner: "And if you fly over our area it sort of looks like a moonscape. So, you're suggesting that it's a very few

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acres is a gross understatement of what actually is happening in our area. I'm trying to figure out what this does. Should Representative Franks be worried about this Bill?

Hartke: "I don't think so."

Skinner: "Why not?"

Hartke: "Why should he?"

Skinner: "Because he represents an area that has massive amounts of gravel and if this is going to cut down on the reclamation requirements that exists now, that would be not good."

Hartke: "I don't think this affects the reclamation of the mines at all. How do you reclaim a gravel pit? How do you reclaim a quarry, a stone pit? I mean it's not like reclaiming surface-mining for coal or things like that to put it back in the farming operation."

Skinner: "Sure it is. Absolutely it is. They get turned into golf courses. They get turned into residential areas. They get turned into industrial subdivisions. I mean land is at a premium in the Chicago Metropolitan Area and gravel pits are extremely valuable land. They get, I mean, the vulcan pit in Crystal Lake is being turned into a 400 acre lake that the City of Crystal Lake is going to own. I mean, what I'm trying to figure out is, what's the reason for this Bill? And all that you have told me is that it is better for business, that they can, if they're leasing machinery that they can amortize it over ten years rather than three years. Is that the basic difference?"

Hartke: "That makes a whole lot of difference."

Skinner: "Who is opposed to this Bill?"

Hartke: "Right now, the only individuals that I know of that are opposed to this Bill is the Illinois Municipal League

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because it has... "

Skinner: "What about the Illinois Environmental Council, why do they oppose it?"

Hartke: "Because it preempts home rule and it also ensures that there's not double bonding."

Skinner: "Why is the Illinois Environmental Council opposed to it?"

Hartke: "The Illinois Environmental Protection Agency is neutral on this. The Illinois Environmental Council just opposed in general. Nothing specific."

Skinner: "But why?"

Hartke: "I think the Illinois Environmental Council would be opposed to anything that we do to the surface, anywhere and anything. They're opposed to running roads, they're opposed to cutting down a tree, they're opposed to most things."

Skinner: "All right now, the Municipal League is opposed to it because it preempts home rule, much as the legislation that you and I support with regard to guns preempting municipal, you know, having statewide standards, is that correct?"

Hartke: "Right now, I've been told that there is no home rule unit that has bonded or controls an area where quarries are."

Skinner: "Is there a change in the reclamation standards? Do they have to put topsoil on or can they cover it with moss?"

Hartke: "Mr. Skinner, to answer your question, in Amendment #1 that was adopted in Committee, Amendment #1 replaces those things that the EPA had objected to in the Bill. Right now they're neutral on this Bill."

Skinner: "I don't think that answers the question. Currently, when reclamation occurs in a gravel pit, they have to put



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soil on top."

Hartke: "That's correct and I answered your question correctly, because we're reinstating that provision that says, line 11 in the Bill, it says, 'capable of supporting vegetation shall be to cover the minimum depth of four feet with soil or other material, in accordance with sound, soil conservation practice as prescribed by the director.' That was put back into the Bill Amendment #1 in Committee."

Skinner: "What is the grade of the edges of the gravel pit? Is there any change in that?"

Hartke: "No."

Skinner: "Well, Representative, perhaps Representative Franks will have additional questions. It certainly affects his district as much as mine. Thank you."

Speaker Hannig: "Representative Black."

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

Speaker Hannig: "He indicates he will."

Black: "Representative Hartke, Illinois is known for having some of the most strict reclamation laws of the 50 states. That's a fair statement, wouldn't you say?"

Hartke: "Yes, if you said it, it's a fair statement."

Black: "I think you and I have visited... weren't you with me when we went to the former strip mine, place over around, I think it was Carlinville? We were...at one time we were looking at maybe purchasing the land as a field trial site. It was a reclaimed strip mine. There was several Legislators that went. I don't know whether you were with us on that trip, but the point..."

Hartke: "Mr. Black, I don't recall that but... "

Black: "The point is, in my district in Vermilion County, I think even today, probably has the greatest amount, known amount,

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of coal underground of any county in the state. Now we have, we only have one active coal mine left and it's a slope mine, it is not a strip mine. But thousands of acres have been strip mined in Vermilion County over the last 75, 80 years. I think one of the most beautiful state parks in all of Illinois is Kickapoo State Park which is built on reclaimed strip mine land. A lot of people think these are just hills and valleys that occurred naturally, but it does show what one can do with reasonable laws in reclaiming strip mine land. It's, in fact, a beautiful park. As I understand your Bill, you're not weakening the reclamation laws."

Hartke: "Not at all."

Black: "Still has to be topsoil, right?"

Hartke: "Absolutely."

Black: "Still has to be vegetation, correct?"

Hartke: "Yes."

Black: "Simply streamlines the permitting process, which as I understand, the Department of Natural Resources is not opposed to."

Hartke: "They're not opposed to this at all."

Black: "There's nothing in this Bill that would indicate that the old strip mine company in my county, I think, was called Harmattan Mine. There's nothing in the Bill that would indicate that the Harmattan Mine could come to the Vermilion County Courthouse at noon on Friday and be digging up acres of land by noon Monday, right?"

Hartke: "You're correct."

Black: "Still have a hearing process, right?"

Hartke: "Still has the hearing process, everything is the same. This does not affect strip mining for coal at all and I think I mentioned that in my opening remarks."

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Black: "Yeah. And there are aggregate producers in my county, as well as yours."

Hartke: "Yes."

Black: "Gravel and sand now seem to be worth more in the market than strip mine coal. And again, you're not weakening the reclamation standards of those mining operations in your Bill, right?"

Hartke: "Absolutely right. What we're talking about is the permit process, we're extending that time period. We're also talking about the bonding that takes place with that."

Black: "Still public notice, still due process, still a public hearing."

Hartke: "Absolutely correct."

Black: "I don't see anything wrong with the Bill and if anybody wants to see what you can do with reclaimed strip mine land, I invite them to Vermilion County and see what I think is the premier state park in the state, Kickapoo State Park. Ninety-eight percent of that was strip mined land many, many, many years ago when they don't follow some of the practices they do now and the Department is to be commended and even back in the Civilian Conservation Corps days. That is a beautiful state park, it shows what can be done with a little common sense and a reasonable law that you're not weakening. I stand in support of your Bill."

Speaker Hannig: "The Gentleman from Jo Daviess County, Representative Lawfer."

Lawfer: "Thank you, Mr. Chairman, will the Sponsor yield?"

Speaker Hannig: "He indicates he will."

Lawfer: "Representative, this was in front of Ag Committee and I believe got unanimous support."

Hartke: "That's correct."

Lawfer: "In that regard, the Bill mentions mining and so on."

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What exactly are we talking about? Are we talking about coal mining or are we talking about other types removal of rock or substance?"

Hartke: "Representative Lawfer, we're talking about surface mining. We're talking about stone, sand, gravel, limestone, those things that, you know, are dug out of a pit, huge hole in the ground. We're not talking about coal at all in this Act."

Lawfer: "In other words, we're talking about what we might recall up in our area, quarries?"

Hartke: "Yes, a quarry."

Lawfer: "And this puts into effect and clarifies the amount of reclamation that has to be accomplished in regards to the quarrying operations?"

Hartke: "The same language that was in the original Act is still there. There was some desire by the aggregate producers to remove the requirement for the four-foot overburden to put back over topsoil and so forth, to remove that portion of it, because very little of that was done. As you know as well as I do, when you do a quarry, where you dig the sand and gravel out, you're digging a hole in the ground. Well, it doesn't make a whole lot of sense to put four foot of topsoil over the bottom of this huge quarry or the sides of the hills that are there. But there's objection with that from the Department and so they reinstated that right back in, in Amendment #1."

Lawfer: "Representative, I think you've done a lot of work on this and it did have the support of the Agriculture Committee. Thank you very much."

Speaker Hannig: "The Lady from Lake, Representative Moore."

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

Speaker Hannig: "He indicates he'll yield."

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Moore: "I just, I understand that it's only the permit process. This is an administrative type change in the law, it's not the actual process of the mining that's going to be changed. Did the Environmental Council testify in Committee?"

Hartke: "No."

Moore: "So, they just signed in. Did they ever come and talk to you?"

Hartke: "No."

Moore: "So, you really don't have any idea why they're opposed?"

Hartke: "No. The Bill carried out of Committee '14' to '0'."

Moore: "Yes, I understand and this is only a permit situation other than the Environmental Council. And the Municipal League is opposed because of a bonding?"

Hartke: "The Municipal League is opposed simply because it would exempt home rule from this Bill."

Moore: "I see, it would preempt home rule?"

Hartke: "Yes, and to the fact that possibly, some home rule unit in the future may want to become involved. Right now, as far as I know, there are no home rule units now that govern the bonding and the permitting of quarries under the Act."

Moore: "Thank you, Representative."

Speaker Hannig: "Representative Hartke to close."

Hartke: "Thank you very much, Mr. Speaker and Members of the House. I would just ask for a favorable vote on this good piece of legislation that helps the gravel, stone, and sand quarries and miners in the State of Illinois. You know, we build Illinois with the gravel and sand and rock that comes out of these quarries and if we can make their business more profitable for them, and more efficient, I think we should do it and I appreciate your support on this Bill."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in

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favor vote 'aye; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 93 voting 'yes', and 20 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 3286."

Clerk Rossi: "House Bill 3286, a Bill for an Act amending the Illinois Banking Act. Third reading of this House Bill."

Speaker Hannig: "Representative Persico."

Persico: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3286 amends the Illinois Banking Act. It provides that any transaction a bank can perform may be performed on its own behalf and an affiliate of the bank. Basically, this Bill eliminates any perceived restrictions on affiliate banking in Illinois. It conforms to Federal Law and it is supported by the Illinois Bankers Association, the Corporate Fiduciary Association, and Community Bankers. I would answer any questions that you might have on this Bill."

Speaker Hannig: "And on that question, the Chair recognizes Representative Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield? Representative can you just explain to me in nonbanking language what... does this impact my banking ability? If I have a branch in a small town and I find myself in another small town 30 miles away at their branch, and I need to withdraw money or I need to make a deposit, it doesn't impact me in any way, right?"

Persico: "No, none whatsoever. What it does is branch banking can already do this, this will let affiliate banks do the same thing that branch banking does and although the

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Commissioner of Banks has always interpreted this law in a very liberal way, this closes any room for interpretation."

Black: "So, it has no real impact on the consumer, the person who is using the bank, doesn't make it more difficult to do business. It's strictly a technical change on how banks do business with banks? Would that be a fair assumption?"

Persico: "Exactly, it lets the affiliate bank which is really basically only one left in Illinois and that's the Harris Bank and Trust in the City of Chicago and allows them to do the same thing that other banks do."

Black: "All right, okay. Thank you. And in a nonrelated issue, Representative, may I just say when you have those glasses on, that you look like the quintessential banker and you inspire great trust in me."

Persico: "And I wish I had their... "

Black: "So, I intend to vote for your Bill."

Persico: "And that's a first, too."

Speaker Hannig: "Representative Franks, the Gentleman from McHenry."

Franks: "Due to a potential conflict, I'll be voting 'present', thank you."

Speaker Hannig: "Thank you Representative. Representative Persico to close."

Persico: "I just ask for your support on House Bill 3286."

Speaker Hannig: "So the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 111 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 3205. Representative Delgado."

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Clerk Bolin: "House Bill 3205, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Delgado."

Delgado: "Thank you, Mr. Speaker and Members of the House. 3205 will allow for direct Medicaid reimbursement to licensed clinical psychologists, licensed clinical social workers, and licensed professional counselors. This Bill, what it basically will do, will open up some room for our clinical social workers that provide so much of our day-to-day therapy sessions for many, many of our constituents and aren't able to get billed directly to them and must be affiliated with another facility. And this will definitely create an arena to allow them to get directly reimbursed by Department of Public Aid. Provides much, much needed services in many of our districts and districts like mine, where many, many of our young people and adults receive services through clinical social workers and will put us on a well, if you will a nice even playing field. This Bill will basically open it up and expand the amount of services that'll be available to many, many of our families and I would ask for an 'aye' vote."

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

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. To the Bill. You know, we often are engaged in an adversarial action here and I guess that's part of the process. Nothing generally escapes without scrutiny from one side or the other. Let me just take this opportunity to congratulate the Sponsor and to thank the Sponsor for working with us. He's a man of his word. He held the Bill on Second. The Amendment eliminated, as far



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as I know, most of the opposition from the Department, if indeed not all of the opposition, from the Department of Human Services. And I think it's a classic example that when we sometimes don't let the middle aisle divide us and we become overly partisan, I think we can bring an idea and strengthen it and make it even better. So, I know of no opposition to the Bill in its current form and that is testimony to the Sponsor's willingness to work with all parties to where we have what I would categorize as a Bill that's 95%, if not 100% agreed to. I do thank you."

Delgado: "Thank you."

Black: "Because I know that there were times when you didn't want to hold the Bill and you thought we were trying to give you a hard time. But it's all worked out and I really appreciate your willingness, not only to follow your word as you did most definitely, but to work with the Department and craft a Bill that I think is imminently workable and doable and I intend to vote 'yes' and I again thank you."

Delgado: "Well, I want to thank you for those kind words, Representative. Many of us, those on your side of the aisle assisted and I want to give thanks to all those who helped us craft this most important piece of legislation."

Speaker Hannig: "And now the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes', and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 3558."

Clerk Rossi: "House Bill 3558, a Bill for an Act amending the Abandoned Mined Lands and Water Reclamation Act. Third

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Reading of this House Bill."

Speaker Hannig: "The Gentleman from Jo Daviess County, Representative Lawfer."

Lawfer: "Thank you, Mr. Chairman, Ladies and Gentleman of the House. What this does is extends a period that money can be spent from this Act. What this is, there was a portion of money, roughly \$26 thousand that was held for mine museums and so on. There was a mine museum in my area, in Jo Daviess County, Galena, applied for this money. The time had run out for this money to be allocated. What this Bill only does is extends the period of time that that money can be utilized. They have accepted the application from the mine museum in Galena and if this Bill passes it will be utilized. And at that time, it will be the complete expenditure of that line item and it's not anticipated that there will be any additional funds go into that and yet it can be used for what it was intended to. I'd be glad to answer any questions."

Speaker Hannig: "Is there any discussion? Is there any discussion? Representative. There being no discussion, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes', and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 3236. Representative Lang. Mr. Clerk, take that Bill out of the record at the request of the Sponsor. Mr. Clerk, read House Bill 3981 for Representative Klingler."

Clerk Rossi: "House Bill 39... "

Speaker Hannig: "That Bill's out of the record. Mr. Clerk, read

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House Bill 3859 from Representative Hoffman."

Clerk Rossi: "House Bill 3859, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Hoffman."

Hoffman: "Yes, Ladies and Gentlemen of the House. House Bill 3859 would provide that each Class I rail carrier, according to federal regulations operating in this state, would establish a counseling or trauma program and make counseling or other services available to crew members directly involved in an accident resulting in death or a serious injury. In addition, what the Bill provides is that the trauma counseling program must be filed with the Illinois Commerce Commission whose sole responsibility is to make it available for public inspection. As you know, we've had some terrible tragedies in this state over the past few years involving railroads and individuals and ultimately, not only do the victims of the vehicle suffer but also there are victims who drive the railroads (sic-trains). We believe that this is something that is needed. We've worked for many years in conjunction with the Railroad Association, the United Transportation Union, the Brotherhood of Locomotive Engineers that come up with a Bill that everybody can agree to. This is that Bill and I believe that everyone in this chamber should join me with an 'aye' vote."

Speaker Hannig: "Is there any discussion? The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I simply rise in support of the Gentleman's Bill. He has done a great deal of work in making what I think is a very fair statement and that is an Agreed Bill. I have a brother-in-law who is a railroad engineer and he

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could tell you or anyone involved in an accident, while driving one of those behemoths could tell you of the trauma and the difficulty caused when one of those trains hits an individual or a car because that's something that you're just not... the person in the car is not going to win that argument. And if it happens to you, as it's happened to people in my family, they need some time and some resources to recover. It is not just a fact of going to work, killing somebody and saying, 'Oh well, it was an accident, it couldn't have been avoided, and by the way, your next shift starts tomorrow morning at 8:00.' It's not quite that simple. And I think that the Sponsor should be commended for working with both the railroads and labor in crafting a Bill that all agree to. And on behalf of those train crews, and I wish there were never, would never be another train crew involved in a fatal accident, but I don't think that's going to happen in my lifetime. It's a reasonable Bill. Put yourself in their shoes and I think you would also say it's not something you just shrug off and get ready to go to work the next day. An 'aye' vote is the right vote."

Speaker Hannig: "Representative Moffitt."

Moffitt: "Thank you Mr. Speaker. I too, just rise in strong support on this Bill and worked with the Sponsor and the parties in the past and the fact that they over time, now have come together, this is real progress and I'm glad to see it. And I think, you know, we need to represent a town, a strong railroad town, that being Galesburg, Illinois and have many constituents who have faced this over the years. Obviously, it's something you hope never happens and is a rare item, but when it does happen there's a definite need for this trauma counseling and

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assistance. We need to make sure that when they do go back to work that they're ready and so I just rise in strong support of this and commend the Sponsor for putting it together. Thank you."

Speaker Hannig: "Representative Hoffman to close."

Hoffman: "Yes, thank you Ladies and Gentlemen of the House. I would like to thank the previous two speakers. They, along with all the Members of the Transportation Committee, really worked exceedingly hard to make sure that we come up with an agreement. Ultimately here, we're talking about ensuring that the families and the individuals who drive the railroads (sic-trains) that are involved in these terrible, terrible tragedies can go on with their lives. I think that's the least we can do and I ask for an 'aye' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes', and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of House Bill 3126?"

Clerk Bolin: "House Bill 3126 is on the Order of House Bills-Third Reading."

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

Clerk Bolin: "House Bill 3126, a Bill for an Act amending the Illinois Public Aid Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Lyons."

Lyons, E.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3126 is a modification of last year's

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House Bill 1232, sponsored by Representative Julie Hamos. This is the Child Support Pays Bill. This is the Bill that will allow the pass through of noncustodial parent support going to custodial parents. The last Bill we had required that two out of every three dollars go to the custodial parent. This simple modification which would allow half of that money to go to the custodial parent. In other words, if we collect \$88 million, 44 million of that has to go to the Feds and the rest would go to the children as opposed to what's happening now. Thirty-five million goes to the state and only 9 million goes to the children. This Bill will correct that. This has also addressed the concerns of the Department of Human Services that had reservations about this Bill inasmuch as we were collecting, we were giving out more than we were collecting. Right now, this Bill would address that concern. This Bill passed out of the... in it's former form under Representative Hamos where we would give two out of three dollars, passed this House overwhelmingly. This modification passed out of the Committee overwhelmingly and I would hope you continue to support this Bill 'cause it's the right thing to do. I'd be happy to answer any questions."

Speaker Hannig: "Is there any discussion? There being none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'yes', and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, would you please read House Bill 4160?"

Clerk Rossi: "House Bill 4160, a Bill for an Act amending the

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Illinois Public Aid Code. Second Reading of this Bill. Amendment #1 was adopted in Committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 4161."

Clerk Rossi: "House Bill 4161, a Bill for an Act amending the Nursing Education Scholarship Laws. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 3636."

Clerk Rossi: "House Bill 3636, a Bill for an Act amending the Liquor Control Act of 1934. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 3986."

Clerk Rossi: "House Bill 3986, a Bill for an Act amending the Criminal Code of 1961. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 4072."

Clerk Rossi: "House Bill 4072, a Bill for an Act amending the Criminal Code of 1961. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 2899."

Clerk Rossi: "House Bill 2899, a Bill for an Act concerning Military Memorials. Second Reading of this House Bill. No

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Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 3233."

Clerk Rossi: "House Bill 3233."

Speaker Hannig: "Mr. Clerk, Mr. Clerk, let's take that out of the record at the request of the Sponsor. Mr. Clerk, read House Bill 4043."

Clerk Rossi: "House Bill 4043, a Bill for an Act amending the Liquor Control Act of 1934. Second Reading of this House Bill. Amendment #1 was adopted in Committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 4466."

Clerk Rossi: "House Bill 4466, a Bill for an Act amending the Illinois Gas Pipeline Safety Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 4651."

Clerk Rossi: "House Bill 4651, a Bill for an Act concerning local governments. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration. A fiscal note has been requested on the Bill and the note has not been filed."

Speaker Hannig: "Okay. Mr. Clerk, we'll hold that on the Order of Second Reading. Mr. Clerk, would you read House Bill 4030."

Clerk Rossi: "House Bill 4030, a Bill for an Act amending the School Code. Second Reading of this House Bill. No



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Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 3420."

Clerk Rossi: "House Bill 3420, a Bill for an Act to amend the Illinois Vehicle Code. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative McCarthy, has been approved for consideration."

Speaker Hannig: "Representative McCarthy."

McCarthy: "Thank you, Mr. Speaker. House Amendment #1 relieves some of the concerns from the Department of Revenue and also the Secretary of State's Office. This was a Bill that basically allowed electronic filing by the Secretary of State's Office. The Amendment #1 made sure that all payments... to do with taxes would be handled by the Department of Revenue. They wanted to make that clear and I think we're happy to have them clear that up. The second part, basically by the Secretary of State, said that all of the current consumer protections for people who held paper titles would also be the same for those who hold electronic titles. So I would ask you to pass Amendment #1."

Speaker Hannig: "On the Amendment, is there any discussion? There being none, all in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 3465."

Clerk Rossi: "House Bill 3465, a Bill for an Act amending the Criminal Code of 1961. Second Reading of this House Bill. Amendment #1 was adopted in Committee. No Motions have

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been filed. No Floor Amendments approved for consideration."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 4341."

Clerk Rossi: "House Bill 4341, a Bill for an Act amending the Freedom of Information Act. Second Reading of this House Bill. Amendments 1 and 2 were adopted in Committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Hannig: "Third Reading. Mr. Clerk, would you read House Bill 3119."

Clerk Rossi: "House Bill 3119, a Bill for an Act amending the Good Samaritan Food Donor Act. Third Reading of this House Bill."

Speaker Hannig: "The Lady from Cook, Representative Coulson."

Coulson: "Thank you, Mr. Speaker and Ladies and Gentlemen. This Bill amends the Good Samaritan Food Donor Act to exempt donors of day-old bread to charities from civil liability. I'd appreciate a 'yes' vote."

Speaker Hannig: "Is there any discussion? There being... Okay, Representative Black is recognized on this question."

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

Speaker Hannig: "She indicates she will."

Black: "Representative, there must be, that I know of, six day-old bread stores in my district. I mean, it's been there for years. You mean, all the time I go in and buy day-old bread, I was violating the law? I mean, is this law necessary?"

Coulson: "This is necessary. What's happened in our district, is you can buy day-old bread but if a donor wants to donate day-old bread to a charity, they have been told that may

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have civil liability and so we're trying to make it so that good samaritans who want to donate day-old bread to a charity, like a food pantry in your district or my district, that they would be able to do that."

Black: "In other words, I can go to, I think and forgive me, I think speech is protected on the House Floor, I hope I don't get sued. But I think there's a Sunbeam outlet store and it's know that it's a pick-up from yesterday and you can go in there and the price is discounted. You mean to tell me I can go in and buy day-old bread, and subject the company to no liability, but if at the end of the day I want to give it away, I could be subject to liability?"

Coulson: "According to some attorneys we have spoken to, if a large corporation donates that bread, they could be subject to some liability. And they have asked us in my district to try to limit that. It does not limit... "

Black: "And it may well be. And if that's the case, then it might be time to resurrect the moratorium on law school graduation. You know, I mean, I can't... I mean, I'm just incredulous that a lawyer or a group of lawyers would say I could go in and buy day-old bread, day-old sweet rolls, day-old bagels at 4:00 in the afternoon and that's fine. But if at 4:30, the same store, out of the goodness of their heart, wants to donate it to a homeless shelter, they could be held somehow liable. That just does not make any sense to me, whatsoever."

Coulson: "And Mr. Black, it doesn't make sense to me and that's why we're trying to pass this piece of legislation to exempt them."

Black: "Well, in other words, we could position this Bill as a blow for common sense, right?"

Coulson: "Absolutely."

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Black: "For God knows there's not enough of that out there. I appreciate your indulgence. Still doesn't make a lot of sense, but if this is what we have to do, so that corporations can willingly give day-old bread, bagels, what have you, to homeless shelters, then for crying out loud, let's do it."

Speaker Hannig: "Representative Coulson to close."

Coulson: "I would appreciate a 'yes' vote and thank you. By the way, we have a day-old bread from the Rathskeller right here, if anyone wants some."

Speaker Hannig: "Thank you, Representative. The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes', and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 2979."

Clerk Rossi: "House Bill 2979, a Bill for an Act concerning child support. Third Reading of this House Bill."

Speaker Hannig: "The Lady from DuPage, Representative Bellock."

Bellock: "Thank you, Mr. Speaker. I'm speaking to Bill 2979, which is a Bill that was passed through this chamber unanimously last year and then was dropped in the Senate Rules when it was combined and left out of another Child Support Bill in the Senate. This Bill provides that financial information obtained pursuant to subpoena and proper notice shall be admitted into evidence without further foundation on default support proceedings. What this Bill will do would be help to expedite default child support proceedings. I'd be glad to answer any questions."

Speaker Hannig: "Is there any discussion? The Gentleman from

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Cook, Representative Joseph Lyons."

Lyons, J.: "Thank you, Speaker, Ladies and Gentlemen of the House. I rise in strong support of this Bill. It was the right thing to do last year and it's one of the few things that we can take our hat off that we've tried to do in a positive way for the child support issue in Illinois and I would certainly encourage everybody on both sides of the aisle to vote 'yes' for this Bill. Thank you."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'yes', and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 3180."

Clerk Rossi: "House Bill 3180, a Bill for an Act amending the Unified Code of Corrections. Third Reading of this House Bill."

Speaker Hannig: "Representative Durkin."

Durkin: "Thank you very much, Mr. Speaker. House Bill 3180 basically states that the burden of proof... we're changing the law as it exists right now. The law states that, when there is a determination made by a facility director in DMH about an individual who was previously found not guilty by reason of insanity, if there is a determination, a question in court, challenging that petition, the burden now will be placed on the person, the defendant, or any person who is filing on his behalf. Very simple, the previous law states that if the individual files a petition for release following a determination from the DMH, that person has the burden of moving forward. However, the law previously

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states right now that if someone files on his behalf, the burden is on the state. We're making it consistent by placing it on the person or someone on their behalf to be the petitioner, the one that has to move forward in the court of law to approve some type of custody status change."

Speaker Hannig: "And on that question, the Gentleman from Cook, Representative Lang is recognized."

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

Speaker Hannig: "He indicates he will."

Lang: "Representative, as I understand it, many of the advocates for the mentally ill are opposed to this legislation. Can you give us some of the background relative to their concerns and what your response to those concerns has been?"

Durkin: "Well, quite frankly, they just think that the status as it exists is fine. There was no substantive reason that they'd given me why this Amendment is necessary. They basically have stated that more people will stay inside the Department of Mental Health. We're talking about individuals who were found not guilty by reason of insanity, people who technically were found guilty of the offence but because of the lack of criminal, as we call it, the appreciation to commit the crime, they were found NGRI. That's not the case. All this is doing is telling that we are putting the burden of proof on that individual who is filing on that person's behalf when a determination is made from the facility director that a custody change is appropriate."

Lang: "And was it the Cook County State's Attorney that drafted this Bill?"

Durkin: "Cook County? Yes."

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Lang: "So this was specifically in response to the Lee Robin case, was it not?"

Durkin: "I think that this is one of the issues that arose in Lee Robin. I would agree with that, yes."

Lang: "Now, in that particular case, the State's Attorney of Cook County argued to no avail that this person should not be released. I know it's on appeal now, but at least in the Circuit Court of Cook County, the state's attorney lost, correct?"

Durkin: "They lost at that point, when Judge Flannery had approved of the release of Lee Robin, as you well know a number of years ago, butchered his wife and drowned his young daughter and 18 days later the Department of Mental Health said that he had, after he was found not guilty by reason of insanity, the Department of Mental Health said that he was in remission and he's on his way to recovery"

Lang: "So, if this Bill were to pass and a future case similar to the Lee Robin case, rather than the state's attorney in any of the 102 counties having to prove that the person should stay in the mental health center, it would require the petitioner to prove that they are ready to be released, so it switches the burden of proof, is that right?"

Durkin: "That's correct."

Lang: "Now, does this burden fall on the NGRI defendant him or herself or does it fall on the Department?"

Durkin: "The Department is to maintain the role as being an expert for the actual hearing. The burden is not going to be placed... I've spoken to the Department and the Department has stated that they do not file the petitions. Their role in these types of settings is when a person is committed to the Department of Mental Health, after they have been found not guilty by reason of insanity, is to

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submit 60-day reports to the court to show what type of change, whether or not they feel that there is any type of custody status change which is necessary. And that is strictly their purpose is to give an opinion. They are not the person who is filing on behalf. It would be the defendant or someone on his behalf. It would be... who files a petition and they should have the burden to move forward as the petitioner and the state should have the burden of defending, rebutting that challenge, if they feel it's appropriate."

Lang: "Well, so are you changing the role of the Department in this as well? Under today's law, didn't the Department join in the petition that was filed by Lee Robin and affirmatively asked for his release?"

Durkin: "The Department of Mental Health, if I'm not mistaken, had made a recommendation that he was ready for release and Lee Robin through his attorney, I believe, filed that petition, for the change in custody to reintegrate him back into the community."

Lang: "So, under this Bill, the Department would not be in essence joining in to that request, but acting as an expert witness. Would the Department be required to testify? Would the administrators of a given state mental health facility be required to testify as to their views as to whether this person ought to be released?"

Durkin: "As they presently do with these types of cases. They would still maintain the same role."

Lang: "Well, but I don't think it's the same role. Under today's law, isn't it the case that the Department is in essence the petitioner? Doesn't the Department, in essence, say to the court today, 'This man or woman is ready to be released? Here's their petition, we join in this



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petition.' And then the burden falls on the state's attorney to say they agree or they don't agree.' But under your Bill, at least under your explanation, it seems that you're saying that not only does the burden of proof shift, but also the Department's role changes because the Department is no longer, in essence, a joint petitioner."

Durkin: "Well, my understanding of the role of DMH when I was talking to DMH over this issue is that they do not take and they prefer to stay as the expert. They are not the person who is the petitioner, they're the ones who make a recommendation through the court, through their 60-day report. They, in essence, are not the petitioner. That is my understanding of the law and of the way that it is currently being applied in the courts today."

Lang: "But nevertheless, no petition is ever filed for the release of such a person unless the Department has capitulated in advance. Is that correct?"

Durkin: "Not necessarily, I mean there could be a situation where the Department disagrees, but a Lee Robin, on his own behalf, can make that recommendation and petition to the court, that is under the statutes, I believe that he has that right."

Lang: "Do you know of any situations where that has occurred?"

Durkin: "Not off the top of my head, no."

Lang: "In the Lee Robin situation, in fact, the Department acted as an advocate for Mr. Robin, did they not?"

Durkin: "They did and as an advocate, I think that all the more reason why that the burden should rest on the people who are pushing, and seeking his reintegration back in the community. Their opinions stated that Lee Robin should be back in the community. I would disagree with the findings in the way that they made their recommendation when they

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had found that there were five different triggering mechanisms which made him, perhaps aggravated, in which they did not put under any type of controlled testing in DMH to see how he'd react in society. That's why I think, under the situation we are now that anybody who is seeking his release or on his behalf, ought to be able to prove it in court. That's all this does."

Lang: "What is it you want the petitioner to prove in court?"

Durkin: "They have to prove that the individual, the person who was found not guilty by reason of insanity, he is to prove that he is no longer a danger to himself or society in the near future. That is the standard."

Lang: "Well, when you say no longer a danger to himself, are we talking about a mental health standard? Are we talking about a criminal law standard? What standard are you referring to? Because you could say that the person is no longer a danger to himself from the point of view of an expert criminologist, but it wouldn't necessarily have any bearing on this individual person's dangerous propensities toward himself or others. I'm simply trying to pin you down, Representative, on what it is you want this hearing to show. As you know, I chaired the House Mental Health Committee, and as you know, we've had extensive hearings into these issues and I'm trying to get your take on what you're going after."

Durkin: "Well, what I'm going after is that if a person who has been previously found not guilty by reason of insanity, if they are seeking a release and they want their custody status changed to a noncustodial status, that they or the person who's filing on their behalf are the persons who have to prove their case in court. That right now under, there is case law which says that, 'Proof by clear and

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convincing evidence' is the standard used. That is what case law says for these types of discharge hearings."

Lang: "Well, wouldn't the advocates say that mental health experts ought to be making these decisions and not anybody else? Isn't the shifting of the burden of proof troublesome to the advocate simply because you're stigmatizing the mentally ill, when you do this?"

Durkin: "I don't think so. First of all, we're talking about a group of individuals who are mentally ill. But in the Department of Corrections today there's 296 people who have been found not guilty by reason of insanity, 89 of them for murder, 69 for attempt murder, 3 kidnappings, 36 for arson, 26 for sex offenses, 53 for other types of crimes against a person. I don't think it stigmatizes 'em. First of all, there are people who avoided responsibility under the laws that we defined a number of years ago by creating the insanity statute. However, we realized that at the time that they were, first of all, these people were not found innocent, they were found NGRI, because they lacked the mental capacity to appreciate the criminality of their acts. I don't think it shifts the burden. By shifting the burden, we're just saying that, 'Prove your case in court.' I don't read it any differently that if you want this person out, move forward and just make your case."

Lang: "Well, Ladies and Gentleman, thank you, Representative. To the Bill. As I think most of you know, the House Mental Health Committee has worked on a very close and bipartisan way to study issues regarding mental illness in Illinois. We have a very poor delivery system of mental health services in our state which needs to be improved. In the process of studying this, we've taken a look at 'not guilty by reason of insanity' defendants. These people have been

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not convicted of any crime. I think while I understand what the Gentleman is attempting to do, and while I have fought long and hard to keep Mr. Robin in the Elgin State Mental Hospital because I don't think anyone's convinced me that he's safe on the streets of Illinois. The fact is that this proposal does stigmatize the mentally ill. It sets them up to prove something they don't have to prove today. It seems to me that we have a responsibility, once we allow in the law a provision that allows for not guilty by reason of insanity, that these folks should not be singled out to say that they've avoided a punishment for a crime that they've done. They have not committed a crime in the eyes of the law. They've committed an act. It's a violent act, it's a terrible act, but it's not a crime. And so we need to rely on a system that does not stigmatize these folks, but that makes sure that they are not released until they jump through certain hoops. I have a Bill that we'll probably be getting to later in the week that passed unanimously in the House Mental Health Committee to set up some of these hoops, to make the system fair for those who are mentally ill, who have committed these violent acts but also protect society. This Bill is in my view overboard, overkill. In my view, this Bill does not go where it needs to go to protect both society from potentially dangerous people and the mentally ill themselves. Accordingly, while I understand the Gentleman's intent, I would recommend 'no' votes."

Speaker Hannig: "The Gentleman from Cook, Representative McKeon."

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

Speaker Hannig: "He indicates he will."

McKeon: "I'd just like to follow up a little bit maybe at a more basic level on the previous questioner's questions and

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remarks. According to the data that I have, in the last five years there's only 39 people that have been released under the existing law. Is that correct? If we could have some order in the House, Mr. Speaker. My understanding only 39 people have been released in the last five years. Is that correct?"

Durkin: "I don't have that information. If you believe it's correct, then you know, I'll defer to you on that."

McKeon: "What I don't understand and I feel very strongly with Representative Lang about the stigmatization effects in almost the implications of double jeopardy here, is what problem are you trying to fix? What is the problem that needs legislative action? What are you trying to remedy?"

Durkin: "What I'm trying to remedy is something which makes complete sense when you look at it the way that we deal with insanity in Illinois. That when a person asserts the defense of insanity, it's their burden to establish by clear and convincing evidence in a courtroom that they are insane. We're saying that when they are... and if they are successful they are remanded to the Department of Mental Health. Right now, the standard, when there is a request made for a custody change from the secured facility down to a nonsecured facility that... which to me doesn't make any sense. If there is a determination and the person who is... files a petition for that person's release to change the custody status, the state has to be the one who has to be the petitioner to establish that he's not ready for release. However, if Lee Robin says that, 'I'm ready' and he files his own petition, he is the petitioner and the state is the rebuttal. So there's an inconsistency and so what we're saying is that if Lee Robin or if someone on his behalf files a petition for... to change his custody status

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to a lesser... to a noncustodial and to integration back into the community, that they should have the burden of moving forward and establishing their case in court, as we do and the way we handle the insanity defense. That if they are seeking the change in their status, they should petition, they should move forward and make the change. They should prove their case."

McKeon: "But see, I don't understand your logic here. When the person was originally in criminal court, that was a criminal proceeding. And we use a standard of proof, a burden of proof which is much higher. And that determination was made, 'not guilty by reason of insanity', at a higher burden of proof. In the petitioning process that you're talking about, this person is not being retried in a criminal proceeding, but it's almost akin to a civil proceeding within the mental health system and I don't understand your logic, your rationale, why the standard of proof should be the same in the second situation which is a mental health determination and not a criminal issue, as it was in the original case."

Durkin: "Well, this Amendment and the way that we have dealt with these issues are directly under the Criminal Code. And this portion of this Amendment is under the Criminal Code. We're not shifting, not increasing the burden, we're just stating that the same burden states under the law. It's just moving one group to be the petitioner and allowing the state to be the defendant on both cases. The person who responds, if they feel it's necessary. We're not shifting, we're not raising the burden though, Larry. That's the misconception."

McKeon: "All right, but getting back to the simple question. What is the problem and what does this legislation fix?"

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That is totally unclear. I don't see that there is a problem. The existing system seems to work. Can you point to a failure in the system why we need this legislation?"

Durkin: "Absolutely, I think that it's very simple that if a person, like I keep repeating this, but the fact is I firmly believe and along with the state's attorney that in these scenarios where individuals who have under the law, they have avoided responsibility 'cause they were found NGRI. They committed these crimes. These are serious crimes, too. Remember these people are in there. That they are going to seek release back into the community, that they should be the ones who should prove to the court, that's all they're saying, them or someone on their behalf. That's all this law does. It does not change what the burden of proof is, what the existing burden of proof is, all it states is that if you believe that you should be back in society then you should make your case before the court."

McKeon: "I'm deeply troubled by your argument. We come, obviously, from different perspectives. One of a prosecutor and someone else who has been an advocate in the mental health area. I think these systems are different. To the Bill, Mr. Speaker. That in the original case we are dealing with a criminal case and a determination was made that this person was not guilty by reason of insanity. After a period of time, when one or more parties feels that this person is safe to return to the community, this isn't a criminal trial. It's much more akin to a civil proceeding to determine the mental competence of this person to return or be reintegrated into the community. The Sponsor has not convinced me that there is anything broken here, that the system needs to be fixed. It's been

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working. The data we have over the past five years indicate 39 people have been released under the existing provisions and none of them have been reincarcerated for a violent offense. I urge a 'present' or a 'no' vote."

Speaker Hannig: "The Lady from Cook, Representative Lyons."

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

Speaker Hannig: "He indicates he will."

Lyons, E.: "Jim, you and I had this discussion about the opposition. Those mental health alliance people are concerned about the fact that where they would get representation."

Durkin: "That's already in statute. Under by statute, they have to be represented by counsel. That's required under the existing statute. That's not going to change."

Lyons, E.: "So, would that be the Attorney General's Office?"

Durkin: "Court appointed or... no Attorney General, I spoke to the Attorney General that would not... DMH would be the expert making the opinion. They would be an expert, they would be a witness. Attorney General would not be participating in that proceeding."

Lyons, E.: "Okay, so if it was someone on behalf of the person, then that... if it was the facility, they would have to hire a lawyer?"

Durkin: "The facility doesn't... I talked to DMH facility, they'd make an opinion to the court but filing the petition for a change before the court, if it states if it's on their behalf. It has to be by the defendant or someone on their behalf, then they have either appointed counsel or public defender that makes that, who represents them, it's not the Attorney General."

Lyons, E.: "Okay, so if they want to, the defendant wanted to present the case on their behalf and they had a public



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defender originally because they were indigent..."

Durkin: "They could."

Lyons, E.: "They would have a public defender again?"

Durkin: "If they're indigent and they could not afford counsel then they would be in that same position."

Lyons, E.: "Now, if they could not afford counsel, then they would have to have a public defender again?"

Durkin: "Correct."

Lyons, E.: "To present their case as to why they think they are now..."

Durkin: "That's correct. That's already the statute right now, correct."

Lyons, E.: "Well, what I'm trying to understand, Jim, is, is the case that the mental health people made inasmuch as there is no means for them to present a case like that. That's what I'm failing to understand."

Durkin: "Well, the Department of Mental Health before, in existing and they will in the future be the witness who makes that opinion before the court. I mean, if... could you repeat the question?"

Lyons, E.: "You're saying that they have to hire an attorney."

Durkin: "Well, Lee Robin had his own attorney. He had the wherewithal to hire an attorney but if he doesn't then, either a court-appointed lawyer or public defendant would represent that individual."

Lyons, E.: "I see. And in the case of someone on their behalf, the same would apply. They would either hire somebody..."

Durkin: "Absolutely."

Lyons, E.: "Or they would get somebody appointed by the court."

Durkin: "That's the way the statute reads, correct."

Lyons, E.: "To present that case. And so, I'm still not understanding the opposition to this Bill, inasmuch as

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their claiming that that is not possible for them to do."

Durkin: "I don't see what the significant opposition should be to this Bill because all it is, is stating that if a person who is found guilty of a crime, found not guilty by reason of insanity, that if they were seeking release from the Department of Mental Health they should just have to prove their case. Them or someone on their behalf, just have to prove their case before the court."

Lyons, E.: "So, that they will have to be the presenter of the evidence if they are fit and the state would rebut that."

Durkin: "The state would have the responsibility, if they do object. I mean, there may be cases in which they don't have opposition, but if they do object, then they would have to rebut the evidence, correct."

Lyons, E.: "Okay."

Durkin: "Their responsibility hasn't changed. They are still going to have to, they would be the respondent rather than the petitioner when it's on someone's behalf."

Lyons, E.: "And presently if someone declares that they are fit, it's up to the state to either agree with that or disagree with it."

Durkin: "That's the law and that's what's going to continue, correct."

Lyons, E.: "That's the present case."

Durkin: "And that is with this Amendment, that continues as well. 'Cause they may decide when the petition's filed that you know, we don't have any disagreement with the recommendation from the 60-day report."

Lyons, E.: "And would this reduce costs in any way, shape, or form for the state's attorneys office?"

Durkin: "I don't think it's... no, it's not going to change any of the costs. I mean that's what was an issue about that

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before, but it's not going to change the cost factor. I mean they still have a role, they still have a responsibility in these hearings. It's not going to change."

Lyons, E.: "So the main concern here is that it's up to the person filing to present their case for fitness... "

Durkin: "That's correct."

Lyons, E.: "...as opposed to the state's attorneys office presenting the case that they are not, they are or they are not fit."

Durkin: "Right, presently their obligation is to prove a negative when it's a petition that's filed on their behalf. It's saying that if the individual or someone on their behalf files that petition, you are the one who should move forward and make their case and allow the state then, if they meet their burden, if they do, the state has to rebut that evidence or that whatever finding they've made in their case."

Lyons, E.: "And to address the concerns of those who are opposed to the Bill, you're saying there is a mechanism in place for representation for those people who are deeming themselves fit or someone on their behalf."

Durkin: "That's already spelled out in the statute, correct. That they have to be appointed by counsel, either appointed counsel or public defender. If they're indigent."

Lyon, E.: "Thank you."

Speaker Hannig: "Representative O'Brien."

O'Brien: "Thank you. Will the Sponsor yield?"

Speaker Hannig: "He indicates he will."

O'Brien: "Representative Durkin, I just have a question. You testified in Committee and I want to make sure that this is clear that there were, I think you said that there were

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five instances where if the state had not been involved that somebody that shouldn't have been released would have been released because the institution or the person that's been committed had, you know, brought forward their proof that they should be released and the facility said, 'Yes, you should be released.' And it was only because the state came in and said, 'Wait a second, we disagree with that', that this person actually remained committed and is still receiving treatment rather than going out in the community. If this Bill passes, would that be affected at all?"

Durkin: "It doesn't change. The state would still have... it places the burden on the individual or someone on his behalf to move forward if they agree. If there is a recommendation out of DMH that, you know, this person, you know, let's change his custody status to a noncustodial status, move him back in society. The state would still... all it's doing is just stating that you make your case, you're the petitioner. The state, you're the respondent."

O'Brien: "So, it doesn't and the reason that I voted 'no' in Committee was because I guess I didn't really understand this. So, it's not taking the state out of this system and removing that check and balance, because that's something that was very important to me."

Durkin: "No, no, absolutely not. They still have the obligation as a respondent to rebut the case if they choose, when the petition is filed."

O'Brien: "And there also isn't going to be a situation where they're not going to be notified of that petition, right?"

Durkin: "No, I think that they're always going to have notification because that is always brought to the court. They have to file with the court. The notices from DMH, the 60-day notices are brought to the court which the court

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gives the defense and the state to show the status of this individual and what type of progress they're making in DMH. That wouldn't change that."

O'Brien: "Thank you, Representative Durkin."

Durkin: "Thank you."

Speaker Hannig: "Representative Bellock."

Bellock: "Thank you, Mr. Speaker. Will the Speaker (Sic-Sponsor) yield?"

Speaker Hannig: "He indicates he will."

Bellock: "I'd like to ask, is the Bar Association still opposed to this Bill? They're listed as an opponent."

Durkin: "I don't believe they've changed their position, no."

Bellock: "And did you work at all with the mental health groups on this Bill?"

Durkin: "I worked with the State's Attorney Association and the state's attorney."

Bellock: "State's attorney, not the mental health groups."

Durkin: "No, no."

Bellock: "Do you know why the Bar Association was opposed?"

Durkin: "I think, pretty much, the same opinions that the previous speakers who had opposition to the Bill. The same arguments that they had formulated."

Bellock: "Well, it's a complicated issue, but in the end it seems to me that the state's attorney by not defending them later on in the issue, that doesn't the indigent person, the mentally ill, indigent person, who defends them when it's time?"

Durkin: "Public defender or appointed counsel and that's already by statute. That is already in the statute."

Bellock: "Then I don't understand why the groups are in such opposition."

Durkin: "I've never quite figured it out, either. It's just

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stating if a person, first of all, who has been found, they have been charged with a felony, a crime. They were not found innocent, 'cause there is a separate... when it goes to the judge or the jury, they were not found innocent, they were found not guilty by reason of insanity. And then they are remanded for an indefinite period to the Department of Mental Health. When Department of Mental Health states that we think that this person is ready to go back into society, all this is stating is that the individual, the Lee Robin, let's use him as an example, Lee Robin, or if somebody else files a petition on his behalf, has the burden of moving forward and proving to the court that this person no longer poses a danger to himself or society in the near future. The state's attorney then would, if they were in objection to it, they would respond and rebut that case that was made by the petitioner or the person on their behalf."

Bellock: "Won't that be extremely difficult for that indigent person who's mentally ill to represent, to get... "

Durkin: "Absolutely not, I mean their counsel is provided, they have to be at this point, in these proceedings. "

Bellock: "Thank you."

Speaker Hannig: "Representative Durkin to close."

Durkin: "Thank you very much. This is a... while I appreciate the concerns that some individuals have, but this is a very simple Bill. A long time ago when we created the insanity statutes, we did it for a reason, that certain people should not be held at the same level of responsibility as people who have the specific intent, the mens rea to commit certain crimes. However, we're not saying that they should be completely absolved of the responsibilities, that's why we created NGRI. Put them in the Department of Mental

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Health 'cause perhaps that someday they could be reintegrated back into society. All this states is that the Department of Mental Health says that these people can be brought back to society, that you have to prove your case before the court. Very simply proposition. I would ask for your support."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 75 voting 'yes', and 35 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 4300."

Clerk Bolin: "House Bill 4300, a Bill for an Act in relation to child custody. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Now, for some announcements, Representative Morrow."

Morrow: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. On the Calendar, the Approp Committee on Public Safety is due to meet at 8:00 a.m. tomorrow. That hearing has been moved back to 9:00 a.m. I would like all the Members on the Committee, on the Appropriations of Public Safety to be there at 9:00 a.m. sharp. We will be voting on Amendments and budgets to agencies in that Committee. So, please, be in Room 114 at 9:00 a.m. sharp. Thank you."

Speaker Hannig: "Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker. I'd like to notify the members of the Appropriations Committee for General Services and Government Oversight that we are scheduled to

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meet tomorrow at 8:00 a.m. We will push that back one hour to 9:00 a.m."

Speaker Hannig: "Representative Smith."

Smith: "Thank you, Mr. Speaker. I would like to inform the Members of the Agriculture and Conservation Committee that our meeting scheduled for tomorrow morning has been cancelled. However, we do have a meeting today at 4 or immediately after Session. Thank you."

Speaker Hannig: "Yes, and on that order of business, there's been a Committee Schedule that's been distributed. At this time, we'll ask the Clerk to read that schedule for all that are interested in the Committee Schedule for this afternoon. Mr. Clerk."

Clerk Rossi: "The following committees will meet immediately after Session. The Agriculture and Conservation Committee will meet in C-1. The Elections and Campaign Reform Committee will meet in 122-B. The Elementary and Secondary Education Committee will meet in Room 114. The Human Services Committee will meet in D-1 and the Labor and Commerce Committee will meet in Room 118. At 5:00, the following committees will meet: the Judiciary II-Criminal Law Committee in D-1; the Local Government Committee in C-1; the Registration and Regulation Committee in 114; the Revenue Committee in 118, and the State Procurement Committee in Room 122-B. In addition, the Constitutional Officers Committee that is scheduled for tomorrow to meet in C-1 at 9:00, will meet at 9:30. Repeating, the Constitutional Officers Committee that is scheduled to meet tomorrow in C-1 at 9 a.m., will meet at 9:30 a.m."

Speaker Hannig: "Any other announcements? At this time, Representative Currie moves that allowing perfunctory time for the Clerk, that the House stand adjourned till



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tomorrow, February 23rd, at the hour of 11 a.m. All in favor of the Motion say 'aye'; opposed 'nay'. The 'ayes' have it and the House stands adjourned."

Clerk Rossi: "Being no further business, the House Perfunctory Session stands adjourned."