

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

24th Legislative Day

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Speaker Hartke: "The House shall come to order. Members will be in their chairs. The guests in the gallery may want to join us for the invocation. We'll be led in prayer today by the Reverend Greg Williams, of the Bethel Baptist Church, in Odin, Illinois. Reverend Williams is the guest of Representative Granberg. Reverend Williams."

Reverend Williams: "Let us pray. Almighty, we come into Your presence right now, acknowledging You and thanking You for all the blessings You give us each and every day Lord that we take for granted. I ask right now in a special way that You give courage to each person in this place Lord, to make decisions, to make the right choices, for themselves, for the people of this state, Lord, and the children. I ask that You give them strength to carry out those decisions. That You give them wisdom to right those decisions. That You lead and guide and direct each word that is said in these chambers. And that all the glory goes to You. For the betterment of this state and our towns, Lord, and we give You all the glory and all the praise, in Your name we pray it, Amen."

Speaker Hartke: "We'll be led in the pledge today by Representative Carole Pankau."

Pankau - 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 Hartke: "Roll Call for Attendance. Representative Poe, do you have a report of the Republican side of the aisle?"

Poe: "Yes, Mr. Speaker. Let the record show that all the Republicans are present today."

Speaker Hartke: "Representative Currie."

Currie: "Thank you, Speaker. Please let the record show that

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Representative Ronen is absent today."

Speaker Hartke: "Mr. Clerk, take the record. One hundred and seventeen Members answering the roll call, there is a quorum present."

Clerk Rossi: "Committee Reports. Representative Frank Mautino, Chairperson from the Committee on Appropriations-Public Safety, to which the following measures were referred, action taken on March 10, 1999, reported the same back with the following recommendations: 'do pass as amended Short Debate' House Bill 2513 and House Bill 2542."

Speaker Hartke: "On page 65 of the Calendar, on Third Reading, appears House Bill 1845. Representative Bassi. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1845, a Bill for an Act amending the Illinois Marriage and Dissolution of Marriage Act, Third Reading of this House Bill."

Speaker Hartke: "Representative Bassi."

Bassi: "Thank you, Mr. Speaker. This particular Bill amends the Illinois Marriage and Dissolution Act to the effect, that it allows visitation for grandparents who have had an established relationship with the child, have since been barred from seeing the child, and then after a 90 day period, can take it before a judge who will, if it is in the best interest of the child, allow visitation rights for the grandparents."

Speaker Hartke: "Is there any discussion? Is there anybody standing in opposition?"

Bassi: "No, there's no opposition. Or at least none that's been reported to me."

Speaker Hartke: "Seeing that no one is seeking recognition, the question is, 'Shall House Bill 1845 pass?' All those in favor will signify by voting 'aye'; those opposed vote

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'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 1845, there are 110 Members voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 67 of the Calendar, appears House Bill 2351. Representative Acevedo. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2351, a Bill for an Act amending the Illinois Vehicle Code, Third Reading of this House Bill."

Speaker Hartke: "Representative Acevedo."

Acevedo: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This 2351 is an initiative of the City of Chicago. Currently, state law allows for it to be a Class 2 felony if a false auto theft vehicle report is made to a peace officer. Currently, throughout the City of Chicago and some other cities throughout the state, they have civilian employees taking these reports. What we're trying to do here is make it a Class 2 felony if you also make a false report to a civilian employee designated by the police department. And I ask for a favorable vote."

Speaker Hartke: "Does anyone stand in opposition? The Chair recognizes the Gentleman from Cook, Representative Parke."

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

Speaker Hartke: "He indicates he will."

Parke: "Thank you. Representative, in committee when you presented this Bill, did anybody put a slip in to oppose it?"

Acevedo: "No, it was... no, there was not. I only had one proponent, the City of Chicago."

Parke: "And it was... it came out of committee 28 to nothing?"

Acevedo: "Twenty-nine to nothing."

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Parke: "Twenty-nine? And it... does this affect any other municipal area other than the City of Chicago or is this statewide?"

Acevedo: "I'm sorry, I can't hear you, Representative."

Parke: "I said, was this just for the City of Chicago or is this for statewide?"

Acevedo: "This would be statewide."

Parke: "And it says that the sheriff offices and various police departments, was there any cost to local government or local police departments for this?"

Acevedo: "No, not that I know of, Representative. Right now, these civilians that we're talking about are already hired by the police departments."

Parke: "Sounds like a pretty good Bill. Thank you, Representative."

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

Silva: "I just wanted to inform you that my voting button was not working on the last vote, and I would have voted 'aye'. And if you could... if the Clerk could make a note that I am here. Thank you."

Speaker Hartke: "The record will so reflect. The Journal will so reflect. Representative Acevedo to close."

Acevedo: "I ask for a favorable vote."

Speaker Hartke: "The question is, 'Shall House Bill 2351 pass?' All those in favor signify by voting 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 2351, there are 116 Members voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 62 on the Calendar, on

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Third Reading, appears House Bill 1138. Representative Boland. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1138, a Bill for an Act concerning advisory questions of public policy, Third Reading of this House Bill."

Speaker Hartke: "Representative Boland."

Boland: "Thank you, and Mr. Speaker, House Bill 1138 codifies a court ruling that has held that nonhome rule municipalities and counties are able to place an advisory referendum on the ballot. Actually, this is probably... well, it is legal right now, a court ruling has held that, but there was some confusion in the past because of a decades old advisory by Attorney General Hartigan, that said that only home rule counties and municipalities, so, we wanted to clarify that. Townships, all townships can now place advisory referendums on, and so, we're just clarifying and making sure that all counties and municipalities, if they wish, it's a permissive legislation, they have to vote by majority of their board to place an advisory referendum on the ballot. No, it's not. Not first Bill."

Speaker Hartke: "Is there any discussion? Does anyone stand in opposition to this Bill? The Chair recognizes the Gentleman from Cook, Representative Parke."

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

Speaker Hartke: "He indicates he will."

Parke: "Representative, was there any opposition in committee on this Bill?"

Boland: "No, it was passed out on Attendance Roll Call."

Parke: "How is this different than current statute? Can't they do this anyway? Why do we have this piece of legislation at all?"

Boland: "Well, there was a question that by the nonrule, counties

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and municipalities because of what I had said, a previous Attorney General, Neil Hartigan, decades ago, had said that only home rule counties and municipalities could do this. Well, then there was a later court ruling that said, no, it really, you know, all counties and municipalities can do that, but there's still been some confusion, you know, from the advice sometimes given from the State Board of Elections, and so forth, so we just wanted to clarify it and make sure once and for all that everybody know that all counties and all municipalities can place this on the ballot."

Parke: "Whether it's nonhome rule or home rule?"

Boland: "Right, right, all of them."

Parke: "Is this codifying any law as far as you know or is this going to be just a clarification of the law?"

Boland: "It's basically a clarification. It just codifies the court ruling that said this."

Parke: "Who asked you to put this Bill in?"

Boland: "I had some people that were trying to put advisory referendums on and they had gotten conflicting advice from county clerks or from the state board, that you know, some said yes, some said no, and so, it was just a confusing situation."

Parke: "And this came out of committee 11-0?"

Boland: "Yes."

Parke: "Thank you, Representative."

Boland: "Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, Representative Boland to close."

Boland: "I just ask for a 'yes' vote. Thank you very much."

Speaker Hartke: "The question is, 'Shall House Bill 1138 pass?' All those in favor will signify by voting 'aye'; those

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opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 1138, there are 113 Members voting 'yes', 0 voting 'no', and 1 Member voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 60 of the Calendar, appears House Bill 525. Representative Bradley. Excuse me, Representative Bellock. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 525, a Bill for an Act to amend the Election Code, Third Reading of this House Bill."

Speaker Hartke: "Representative Bellock."

Bellock: "Mr. Speaker, thank you. House Bill 525 amends the Election Code. It provides that the Township Officers Electoral Board, may meet to hear and pass upon objections to nominations at the county courthouse or township offices. Up till now, it has just been at the county courthouse. This Bill was supported by the Illinois Township Officials."

Speaker Hartke: "Is there any discussion? Does anybody stand in opposition? The Chair recognizes the Gentleman from Cook, Representative Durkin. The Chair recognizes the Gentleman from Vermilion, Representative Black."

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

Speaker Hartke: "She indicates she will."

Black: "Representative, is this a Township Officials of Illinois initiative?"

Bellock: "Yes."

Black: "Right. So, they brought the Bill... the concept to you?"

Bellock: "Right."

Black: "And as far as you know, did anyone sign in opposition to

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the Bill when it was heard in committee? I mean, was there a witness slip signed by..."

Bellock: "No."

Black: "...anyone standing in opposition?"

Bellock: "No, there was no one in opposition."

Black: "Okay, and the Bill is straightforward? It just simply says the electors can meet in the township village hall?"

Bellock: "Right. This is a technical correction."

Black: "Technical correction of existing law?"

Bellock: "Right. It means that they no longer... they still can meet at a county courthouse, but they can also meet at their township offices."

Black: "Is there a reason why Representative Cross is a hyphenated cosponsor of the Bill?"

Bellock: "I think he just supported the idea of the Bill."

Black: "I think you have a good Bill. Once again, I'm amazed... when I first came down here, freshman Legislators usually didn't sponsor Bills. If they did, it was to name the state flower or the state bird, and this is a piece of substantive legislation, and I think it's a very good Bill. I don't know if... would you be willing to remove Representative Cross as a hyphenated cosponsor?"

Bellock: "I'd have to ask Representative Cross."

Black: "Representative Cross is in the chamber? Representative, would you consider coming off this Bill? It's a very good Bill, but with your name on it there might be a problem with the Bill. Perhaps she could put somebody else on the Bill, like me."

Bellock: "That's what I was just going to ask."

Black: "Well, as you can see, Representative Cross is extremely tied up with this Bill, so, I appreciate your indulgence on this legislation, and commend you for working diligently on

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behalf of the Township Officials of Illinois. But I will be bringing you a Bill to name the state bird or something more, you know, a little heavier in your first year, okay? I... but you do have a lot of help on this Bill other than the only weak link I see up there, but we'll deal with that later. I'm sure they'll remove him in the Senate. Thank you."

Bellock: "Thank you, Representative."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, Representative Bellock to close."

Bellock: "Thank you very much, and I ask for your support."

Speaker Hartke: "The question is, 'Shall House Bill 525 pass?' All those in favor will signify by voting 'aye'; those opposed voting 'no'. Vote 'no'. The polling is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 525, there are 116 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 37 of the Calendar, appears House Bill 195. Excuse me, that's page 57. Representative Brunsvold. (195). Out of the record. On page 67 of the Calendar, appears House Bill 2617. Representative Franks. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2617, a Bill for an Act concerning support, Third Reading of this House Bill."

Speaker Hartke: "Representative Franks."

Franks: "Thank you, Mr. Speaker. This Bill would amend the Illinois Administrative Procedures Act in a slight way. What it would do, it would allow a court to direct the Department of Professional Regulations. If one is 60 days or more delinquent in their child support payments, and

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asking that department to place a hold on that individual's professional license. It basically streamlines the process. We don't have to go through so many administrations, and the court can make the finding on its own. And I'd ask for due consideration."

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

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

Speaker Hartke: "Reluctantly, he says yes."

Black: "Representative, do you have a... are you aware of a Supreme Court decision in Illinois... maybe someone over there can give me the cite. I can't remember the case, that clearly stated that a driver's license can only be suspended for a Vehicle Code offense?"

Franks: "There was a case that said that, however, the Legislature in its infinite wisdom had passed a law taking care of that technical problem, putting child support and driver's licenses together."

Black: "Has... are you aware of any lawsuit that has been filed stating that we may have overstepped our authority by, in effect, passing laws that the Supreme Court said we should not do?"

Franks: "Not... I am not aware of any situation."

Black: "All right. Under... under your Bill, Representative, at what point, at what point would a individual who's in arrearage on child support lose his or her driver's license? What will be the steps taken to then deny that individual his or her ability to drive a vehicle?"

Franks: "This... my Bill does not change anything with the driver's license. Our current law is 90 days, where we can petition. The only difference, what this Bill does, is it

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allows the court to have a finding defacto, that the individual has been more than 90 days, or 60 days in arrearage on their child support, depending on whether it's a professional license or a driver's license."

Black: "If it's already allowed under the current law, then what is your Bill doing? What's different about your Bill than is already embodied in current law?"

Franks: "Now, what this Bill does differently, is it allows the court to have the determination instead of having to go through different departments. What it basically does is cut bureaucratic red tape, and help our families collect their child support."

Black: "Who would bring the action in the court? The Department of Child Support, through the Department of Public Aid, or the individual who alleges that he or she is owed child support?"

Franks: "It would not change the way in which these can be brought. Right now, both the department and the individual can bring those types of actions, and this would not change that at all."

Black: "I'm sorry, Representative. Mr. Speaker, this is the heart of the issue, and I could not hear his response."

Speaker Hartke: "Would we tone down the rhetoric in the chamber and give the speakers your attention, please."

Black: "I would appreciate that, Mr. Speaker, because this is at the heart of the issue. Who brings the action? How is this action brought to deny someone the right to drive? He said there's no change, but I didn't hear his answer."

Franks: "There is no change. Right now an individual can bring this action and petition the court that... then the departments would have to have a finding. Here what I'm asking is for... once the court determines that there is a

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defacto deficiency and the individual is not complied with the court mandated obligations, then the court can have a finding and then forward that on to the departments where it needs to go, whether it be the Secretary of State or whether it be to the Department of Regulations."

Black: "All right. So the court will take the action, and summarily suspend or deny driving privileges?"

Franks: "No. No, no the court will send it on to the different departments."

Black: "Okay. All right, now, what rights of due process does the individual have? Am I going to be notified, for example, that a court hearing has been scheduled to deny my professional license or to deny my driver's license?"

Franks: "Of course. All individuals will have the full panoply of procedural safeguards, which they enjoy now. There is no change in that status."

Black: "Does... does it specifically say that in the Bill? Can you quote a line or a page number where it specifically states I have that protection?"

Franks: "No, I can't because it's already there. It's not changing the law in any... in anyway. We're not talking about the notice requirements, those are already in another part of the Civil Procedure Code."

Black: "Okay, Mr. Speaker, to the Bill if I might."

Speaker Hartke: "To the Bill."

Black: "One of the... one of the dangers that we run into here when people present a first Bill, is that sometimes other Members may think we really have no objection to the Bill, that we're just doing part of the normal hazing, I guess if you would, on a first Bill. That's not my case. I have some serious reservations about this Bill and dozens that will follow, about denying someone the right to drive,

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denying someone the right to practice their profession by suspending their professional license based on the issue that they may be in arrearage on child support. My opposition to this, and the reason I will vote 'present' on this Bill, I find that the Department of Child Support is very good at identifying deadbeats who are not deadbeats. Almost every constituent case that I have in my district, where they have intercepted a tax return, or they have issued a notice of arrearage, you later find out that that person is not in arrearage, and in fact, does not owe child support. Now we're going to turn these people over to a court of law. He says it is referenced elsewhere in the statute, I don't know that. I'm telling you that if you vote for this Bill, you're going to put some of your constituents at risk. Because the current system does not do a very good job of identifying those people, who in fact, may have an arrearage. They do a wonderful job of going after people with an income tax intercept, for example, who 9 weeks or 6 months after the fact, we find, oh my goodness, they were not in arrearage. Now that's one thing to try and get their income tax refund back, it's quite another to try and get their driver's license back, or their license reinstated to practice their profession. The minute you suspend that driver's license, if the person is not in arrearage, I'll guarantee you they will be then, because there's no way for them to get to work. Because I don't have a Chicago Transit Authority in my district, if you don't drive, you can't get to work. I would urge my colleagues to look very carefully at this Bill. You are granting extraordinary powers to courts. I'm not sure that the rights of due process will be fully protected, and I'm here to tell you that as sure as you vote for this and it

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becomes law, the first person that gets their license suspended will most likely be someone who, in fact, is not in arrearage in child support. I know, I've seen it, I've dealt with cases, and that's why I intend to vote 'present'."

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

Lang: "Thank you, Mr. Speaker. Unfortunately this Bill's too important to give Mr. Franks a hard time as we usually would do with a freshman. I rise in support of this Bill. This would be a little part of a very large package I have had for some years regarding debt collection in the State of Illinois. You know, child support is only one portion of the \$7,000,000,000 the taxpayers of the State of Illinois owe the state. We need to do a better job collecting it. Certainly in the area of child support those that do not pay their child support obligations are doing a disservice, not only to their children, and... to... their family members, but do a disservice to all taxpayers as our constituents are forced to foot the bill for many who are not living up to their obligations as parents. This is a step in that direction, and yes, it can be considered to be harsh, but we should be harsh in this area. Where people are not paying their child support, we need to find new tools to get them to pay it. Taking away their driver's license, taking away their professional licenses, taking away their fishing licenses, whatever it takes to get individuals that owe money to their children to pay the money that they owe. Their obligations as parents must be paramount to whatever liberties we wish to give them to practice their profession or anything else. Of course we want them to practice their profession, but

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when you're harsh with individuals such as this, they then are ref... are forced to come to the table and do what's right. When we threaten them with summary criminal contempt, as I do in one Bill, that makes people pay. When we threaten them with the loss of their livelihood or the loss of their driver's license, that makes people pay. To those that have hobbies in the State of Illinois that require a license, the threat of losing that license will make people pay. We have a responsibility to get people to pay their child support obligations. Not only for the sake of the children, but for the sake of the budget of the State of Illinois. We are forking out millions of dollars a year to people who we would not have to give money to if their ex-spouse presented the funds they were supposed to pay for the use of the children, for the benefit of the children. And so Representative Franks has an excellent Bill here. This will get people to pay their child support obligations. It is our obligation to do everything we can do to get people to make those payments, and I would urge an 'aye' vote."

Speaker Hartke: "This Bill is on Short Debate. Is there further discussion? The Chair recognizes the Gentleman from Kendall, Mr. Cross."

Cross: "Thank you, Mr. Speaker. Just an inquiry of the Chair. Is this a Representative Lang Bill or Representative Franks' Bill?"

Speaker Hartke: "It is Representative Franks' Bill."

Cross: "All right, I wasn't sure based on that last editorial, but a... Will the Sponsor yield?"

Speaker Hartke: "Would you care to move this off of the Short Debate?"

Cross: "Yes. I think everyone on our side joins me, or most

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everybody."

Speaker Hartke: "Your request has been granted. Yes, Mr. Franks will yield."

Cross: "Representative, some of us missed some of your answers to Representative Black. What's the genesis of this Bill?"

Franks: "The genesis of this Bill is, I've been approached by many... frankly, its been women in my district. It's most of this has been deadbeat dads, who have not taken their familial and societal obligations seriously enough. This Bill is aimed at people who have the means, but just aren't willing to take care of those obligations. And I've had many people come to me and explain how they just can't make ends meet because their spouse isn't doing what he was supposed to have done. And as a result, we have to pro... we gotta make sure that people take care of their obligations. And there's no greater obligation than to your family."

Cross: "So this Bill would apply to women as well as men? So if a women doesn't pay, you want to go after women?"

Franks: "Absolutely. Yes, Sir."

Cross: "Now, I thought... this Bill, among other things, allows for the suspension of a driver's license, is that correct?"

Franks: "Yes, it does."

Cross: "And do we not currently do that?"

Franks: "Yes, we do."

Cross: "And so... I think Bill asked this. Why are you doing the same thing then?"

Franks: "This is different in the sense, that a court can find that the individual has not taken care of his or her obligations and can make a petition directly to the Department of Professional Regulations that... to suspend that individual's professional license."

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Cross: "You mentioned that you wanted people to fulfill their obligation. Under your Bill, are you suggesting that I could lose my real estate license, or I could lose my law license?"

Franks: "Yes."

Cross: "How am I gonna fulfill my obligation if I no longer have a license to sell real estate or to practice law, or to be a physician?"

Franks: "As soon... the point is, you're not fulfilling your obligations now if you're not paying your child support. So, the fact of the matter is, if you have your license what's the difference? So if you have the threat that you're gonna lose that license, then you should definitely take care of those obligations. And you will have a procedural safeguard, and that you will be warned, and you will have some time to take care of this."

Cross: "What's your procedural safeguard? I don't see any in the Bill. Can you point out to me which page the procedural safeguard is?"

Franks: "No. It would be in the Code of Civil Procedure. When one is presented with this petition, one would have an opportunity to respond and take care of that obligation."

Cross: "Where in the Code of Civil Procedure does it outline now or refer to the ability to yank someone's real estate license away from them because of a contested divorce case? I don't see that anywhere in the Civil Procedure Code."

Franks: "I believe it's in Section 1 of the Nonsupport of Spouse and Spouse and Children Act."

Cross: "All right, do you believe that, or is that... I guess, obviously, everyone wants child support paid, but I'm very concerned about the realtor, the pharmacist, the attorney, the physician, the nurse, the dentist, the dental

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hygienist, the electrician, that because of an ugly divorce case, a petition for arrearage or back child support gets filed just to harass, and then as a result we yank a license away, inappropriately. And I still don't see any safeguards that you have mentioned anywhere in this Bill, Representative."

Franks: "I'm interested in protecting our children and our families. And the procedural safeguards we have is that the court would have to have a finding that the individual hasn't made his or her payments, and that individual is behind."

Cross: "No one is arguing with you about the... taking care of our kids. Those of us who have kids, or don't, all agree with ya. But do we really want to take away an individual man or woman's right to... the ability to earn an income which allows them to pay the support? When your Bill sets up a mechanism to take that ability away."

Franks: "The only reason that they'd have any chance of losing that license is because they are not paying their income... their support payments."

Cross: "How are they going to pay the income when they no longer have a job?"

Franks: "They already have a job, and they're not paying."

Cross: "Okay. So they go to court because of an irate spouse, ex-spouse, and they get a license suspended, they no longer have the ability to earn an income. So how are they gonna then pay the child support?"

Franks: "Well, hopefully, they'll have an opportunity to reinstate by paying this. I'm sure the court will give them some time before their license is suspended."

Cross: "There have been some court cases, as Representative Black mentioned, that question the connection between the payment

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of child support and the ability to drive or have a driver's license, or the child support issue as opposed to the professional regulation issue or license. And there have been some contests and there have been some rulings. And I believe you said they were favorable rulings to that current, that former law, or the current law. Are you not setting up another lawsuit filed by someone who suffers under this, which means that could be thrown out as well as all the other prior cases, isn't that a potential?"

Franks: "I don't believe so, because we already have this law. The only thing that's really being changed is that the courts can have a finding and then forward it on to the appropriate departments, instead of having to wade through bureaucratic red tape to have these findings."

Cross: "You're a lawyer, aren't you, Representative? Aren't you... you would agree that any Bill that passes out of this chamber is subject to a lawsuit, would you not?"

Franks: "Oh, anything is subject to a lawsuit."

Cross: "So what I'm suggesting is, you're right. Now that you filed this, and assuming it becomes law, you are running the risk of invalidating all the other laws that have passed in the area of collecting child support and taking away driver's licenses. Is that what you want to do?"

Franks: "I don't agree with that analysis."

Cross: "There is that risk."

Franks: "It's... I really don't see that risk at all."

Cross: "If a court ruled your Bill unconstitutional, you would agree there's that possibility? That your Bill could be ruled unconstitutional, would you agree with that?"

Franks: "Every Bill could be deemed unconstitutional."

Cross: "Including this one."

Franks: "And this Bill has already passed in substantially

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similar form except now we're letting a court make a determination. I really don't see any further risk for any unconstitutional grounds."

Cross: "Would you disagree that the court doesn't have the authority now to take away a driver's license?"

Franks: "I don't believe the court has the authority now to take away a driver's..."

Cross: "Can they do that with what's called... give someone a restricted driving permit?"

Franks: "Oh, sure, but that's that's for driving under the influence."

Cross: "You sure there's not other cases of that, Representative?"

Franks: "Not that I'm aware of."

Cross: "Are there any other creatures... are there any other spots in the Civil Code of Procedure or Criminal Code that deal with Family Financial Responsibility Driving Permits, I've never seen that before?"

Franks: "I'm not sure. I'm not sure."

Cross: "Well, you should ask, because it's in your Bill. On page 10, line 8, are you familiar your Bill?"

Franks: "Yeah."

Cross: "There may be other places in your Bill that deal with Family Financial Responsibility Driving Permits."

Franks: "Okay, okay."

Cross: "Do you know any other places in the statute that refer to those?"

Franks: "No. No, not in this... no, not in this."

Cross: "Pardon me?"

Franks: "No, not that I'm aware of."

Cross: "So in this situation, if my driver's license is suspended, I can get a Family Financial Responsibility

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Driving Permit?"

Franks: "Yes."

Cross: "Who issues that?"

Franks: "That would be through the Secretary of State."

Cross: "So the judge suspends and the Secretary of State issues a Family Financial Responsibility Driving Permit?"

Franks: "Right."

Cross: "Isn't there a little room for conflict there, where the judge is suspended, and then now we're talking about... you've talked about bureaucratic red tape... isn't there a little bureaucratic red tape in the Secretary of State's Office?"

Franks: "No, because the court would make that order, and the Secretary of State would have to follow that order."

Cross: "I thought you just said the Secretary of State did it."

Franks: "No, the court would... the Secretary of State follows the court's order. Well we do that now when we have judicial driving permits, for instance, when you have a driving under the influence conviction."

Cross: "So what if the... what if the court decides that they want to vacate the suspension? How long... what does a person do to get their driver's license back?"

Franks: "Well, the court would then forward it on to the Secretary of State, and hopefully, it would be taken care of in all due haste."

Cross: "That... hopefully, but I mean there's the potential of several months, perhaps, of not getting a driver's license back if there was a mistake in the suspension."

Franks: "Of course, there's always the potential for mistakes, but I have more confidence in our Secretary of State's Office than that."

Cross: "What do you do in the situation of an out-of-state person

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who has not paid their support? Does this Bill take care of those deadbeat dads?"

Franks: "We would not have jurisdiction over an out-of-state parent."

Cross: "Where in this Bill again, Representative Black talked to ya... let me back up, would you... the person that loses their real estate license, would they have a family financial responsibility real estate license to allow them to continue to work, in any way, so they would have some income?"

Franks: "No, this would not allow for that. What it would give is the person time to take care of their other obligations."

Cross: "Where does it say that there'd be... is that in the Code of Civil Procedure also, that they'd have more time? Maybe... I think your staff person can help you on that if you just keep talking to her."

Franks: "Could you repeat that? I'm sorry, I didn't hear your question."

Cross: "Where in here would... does it say that you would have time to correct the loss of your business license? I don't see that anywhere."

Franks: "No, its not, it's not in here, because it's the..."

Cross: "So there is no way to cure it, you either have it or you don't."

Franks: "Well the court... when you get the summons or the petition, at that time you're gonna know that you've gotta... either you are behind or you're not. And if you're not behind, you obviously go to the court and you prove that you're not behind, and then you have nothing to worry about. But if you are behind in your obligations, by the time you get to court, hopefully, you'll have taken

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care of that or worked out a suitable payment arrangement to take care of your obligations."

Cross: "I'm sorry... we keep... you keep using the word hopefully, I think that's a concern for all of us. That you have a Bill that you think solves something, but you're really not sure of all your answers, and I think that's a concern for not only myself but others, Representative Franks. One final issue in the area of support, there's been a lot of discussion to shift the area of noncompliance over to the Attorney General's Office, away from the Department of Public Aid. Do you sup... do you support that in the attempt to make sure people are paying support?"

Franks: "That's not part of this Bill."

Cross: "Well don't you think that... there are many that believe that the Attorney General could handle the issue of support, and taking care of 'deadbeat parents'. Are you concerned about deadbeat parents?"

Franks: "That's why I have this Bill, Mr. Cross."

Cross: "So would you support a better way even than this, if it exists?"

Franks: "Absolutely, whatever we can do to help our families I'll support 100%."

Cross: "All right. So you would support a move to the Attorney General's Office, if you thought that would work better?"

Franks: "Yes, I would."

Cross: "Okay, thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Kane, Representative Lindner."

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

Speaker Hartke: "He indicates he will. Ladies and Gentleman, we've talked about this Bill for about 30 minutes. Let's

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make our remarks brief."

Lindner: "Yes, I just have one brief question. I, too, really am concerned about people paying their child support, but following up on what the last two speakers talked about, I'm very concerned about people losing their professional licenses. And I don't see anything in your Bill concerning the procedure. What happens, you know, if a real estate agent, a lawyer, a doctor, what happens if they do lose their license? It could be a very contentious divorce case where people are fighting over the support and bringing tons of financial documents into court. If they do lose their license, what is the procedure that they have to go through to get it back? How long does it take? Have you talked to all the agencies that regulate the licenses of professions to find out just what that procedure would be?"

Franks: "That individual would have to petition back with the Department of Regulation, or if it's the State Bar for instance. But our Bill does address that on page 10, line 2. Once the offender is in compliance, or has agreed to pay all the required amounts to the support and maintenance, or to a garnishment, then that license would be reinstated."

Lindner: "But I mean do you know, is the depart... is the department... have you worked this out with the individual departments so that they're going to reinstate the license the next day, that a court order is presented or what kind of procedure would the person have to go through?"

Franks: "I don't think..."

Lindner: "I don't know this, so that's why I'm asking."

Franks: "No, I don't think the procedure was changed at all, because now if someone is suspended, they still will have to go to the same departments. It'd be the same procedures

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as always."

Lindner: "But that's what I'm asking, what are those procedures, how long does it take in the different departments?"

Franks: "I'm unaware of the lag time."

Lindner: "Okay. So you don't know how long it would take for somebody to get their license returned."

Franks: "No. No. No. But we're not... we're not changing that at all."

Lindner: "Okay. All right, thank you."

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

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

Speaker Hartke: "He indicates he will."

Durkin: "Representative, I know there has been a lot of discussion about the... the due process notions of this Bill. First of all, this may have been asked before, but who's gonna be charged with prosecuting this... these violations?"

Franks: "Nothing has changed."

Durkin: "Who is gonna be charged with prosecuting these actions in a courtroom against the person who is in arrears?"

Franks: "It would either be the... the spouse who has not received, or a department, I guess, on a Sua sponte Motion, could do it themselves if they saw, if they saw fit."

Durkin: "Does this Bill provide that it states that either it will be representatives from the department... a lawyer for the Department of Public Aid or the State's Attorney or the Attorney General, will be charged with pursuing this matter?"

Franks: "No, we haven't changed the present law at all. It's just, it's just as it is now."

Durkin: "Well what's the... could you... what is the present law

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on this then? Who is charged with enforcing in a courtroom this procedure?"

Franks: "It's the Department of Public Aid."

Durkin: "Does the Department of Public Aid, do they... so it's their attorneys who will be in there courtroom who will be enforcing these orders, correct?"

Franks: "Or, the individuals who are harmed, an individual on his or her own motion, as well."

Durkin: "So a person who believes that they have been deprived of these benefits, they can petition the court? They can walk into court, and on their own motion, they can state that my ex-husband is in arrears and I would like for you to have... the court to issue an order which is going... to suspend his... his professional license, and his driving privilege, correct?"

Franks: "Not that simplistic, they would have to prove, they'd actually have to prove it. Anyone can file a motion. They'd have to prove that in a court, though."

Durkin: "All right. Well, I'm kind of curious why you a... it states that if a person in arrears for more than 90 days, why did you pick this... it talks about 90 days for driving privileges, and 60 days for the professional license. Why have you made a distinction between the two?"

Franks: "We left it as it was."

Durkin: "I'm sorry."

Franks: "We left it as it was for the driver's license."

Durkin: "Now I... there was some discussion before about the notice. Who is going to be charged with having to provide notice to the person who is alleged to be in arrears?"

Franks: "That would be the petitioner."

Durkin: "Okay, and what type of notice is required under this Act?"

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Franks: "Under the Civil Code. It would be the same as what's presently required under the Civil Code."

Durkin: "Well, I'm still trying to learn civil law a little bit, maybe you can educate me a little bit. What is the Civil... what are the... what is the Civil Code, under the Administrative Code, require for notice under these proceedings? Is it ac... is it publication or is it personal service, is it mail?"

Franks: "However it is under the Civil Code, I know you need personal service if you know where the individual resides, if not I'm... I'm not positive of what the exact ramifications are under the Civil Code, but this isn't amending the Civil Code at all on those publication or notification requirements."

Durkin: "All right. Is there any type of provision here which will allow for some type of exigent circumstance for this person to a... let me give you an example. You have a man who is a blue collar worker who is injured on the job. He is estranged from his wife. They've divorced and he his not able to work for a period of time and he's not able to provide the support. Is there anything in this Act which will allow for this type of exigency to defeat this type of claim?"

Franks: "Oh, absolutely. As long as the person agrees that he will pay the required amounts, and we can work out a payment schedule. But the fact of the matter is, the person has to take care of those obligations."

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

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

Leitch: "Thank you very much, Mr. Speaker. I don't think there's anyone on the floor of the House that would disagree with

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the intent of the Gentleman's Bill. But I would encourage everyone to recall what Representative Black said, and to recall your own experience in your own district offices, with the total... total too often in confidence, that we run into, with respect to child support, and yes the very significant problems we've had with KidCare, and with a whole host of other programs which simply are not being administered in effective fashion. And why are those programs not being administered in an effective fashion? I will tell you why, because it is the wisdom of this House that we have passed for... on four separate occasions, to get a computer system that worked in the Department of Public Aid. We started passing legislation in that direction in 1992, and again in '94, and again in '96, and again in '98, and last year, this House appropriated \$14,000,000 for a system in Public Aid that would work and that would be successful and would straighten out most of these problems. And the real kicker here is, the Feds are on the hook for 83% of that system. This is a databased computer system that we should have had years ago. And the reason we haven't had it years ago is because of the reluctance of CMS to act on the Public Aid recommendation. Well, Ladies and Gentlemen of the House, that recommendation is due again in about another week. And so I hope you, as well as certainly I, will be watching CMS to make sure that they accept the Public Aid recommendation and put in Illinois, a modern relation database system that will straighten out, not only so many of the problems that we now have in child support, and there are many, but will also help us implement KidCare and all the other important programs that we enact. And so I must say to you watch with me. We need that system so that then this may be a

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reasonable Bill. But until that system is up and running, and until we have addressed these programs, I would respectfully recommend a 'present' or a 'no' vote. Because this Bill, in the absence of a system that is going to work, is only gonna create more and more problems. Thank you, Mr. Speaker."

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

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

Speaker Hartke: "He indicates he will."

Parke: "Representative, I've listened to the discussion on the floor and it seems to me that we already allow the opportunity for license... driver's licenses to be taken by various state agencies, if they're in arrears of paying child support. I also, it was my understanding, that the Department of Professional Regul... Registration and Regulation can take the licensure already for nonpayment of child support. And I don't think anybody should not be paying child support who has a responsibility of doing so, because if we don't, ultimately you and I and the taxpayers of this state have to foot that bill. Why... what is different with this, if we already have the ability to do what you want to do through your Bill?"

Franks: "No, that's a good question because there was a lot of tangents that went off on. And the real crux of the issue here, is that the court can make the determination now and send it directly to the departments and to cut through a lot of the procedural red tape. And it's also an extra safeguard to have a court look at this as well, instead of just relying on departments whose data may be inaccurate."

Parke: "Now, let me ask you this. If you go to the courts, will they... will it just make it a longer process of removing

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someone's driver's license or their professional designation? Won't it just take longer to go to the court? Why... if we have the ability to do what you want to do in your Bill already, taking it to court just el... elongates the process and when they have the ability to do it now, we don't need this Bill. I mean yes, you want to take it to court, but what are you achieving by taking it to court?"

Franks: "Actually, it would streamline the process. Because the court on its mo... on its finding, can then direct the requisite departments to place the license in suspension."

Parke: "I don't know how it could be quicker."

Franks: "It would save... it would save... it would save a lot of time, because it wouldn't have to go through all the departments."

Parke: "So you're ... are you going... is your Bill repeal..."

Franks: "No."

Parke: "...the various statutes and nuances of law that says you can do this already? Are we repealing that?"

Franks: "No, it only augments it. It gives us an extra opportunity to take it to the courts."

Parke: "No, I'm not buying that then. Because either you repeal it and let the courts deal with it, or you're gonna make it a longer process because if someone says... if you set up the court as the final resolution of this, and I lose my driver's license, I'm going to court. And I'm gonna ask for an injunction to stop from taking my driver's license. And in essence what you're doing is you're making it more difficult to get deadbeats to pay their bills because now they have recourse. With your Bill you're gonna give them recourse to go to court."

Franks: "I respectfully disagree with that analysis."

Parke: "Tell me then if you don't agree with it, how do you

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streamline it if you already can do these things and they can already have it taken away? How do you streamline it with this?"

Franks: "It creates an alternative. It gives us another option. And for the court to find on its own motion. It could save a lot of time and help a lot of families."

Parke: "Yes, but today's court system is extremely bogged down. This is not gonna have a high priority. It's gonna be like any... every other piece of court business. It'll be mundane. It will be in the minutia of the courts. I don't... Thank you, Representative. I understand what the Representative's trying to do. I just have serious concerns whether or not we're doing this... I also have concern about allowing due process for those people who go to court on this issue. I want deadbeats to pay their bills but I also want the system to work fairly for every citizen, and I don't know about you, but I have had people falsely told by various state agencies that they're in arrears of child support, when in fact, they're current. And I'm concerned about this Bill doing away with due process for those men and women who, in good faith, have paid their child support, but the system has either lost it or not caught up with it. And now you're gonna talk about taking away their driver's license privileges, and their professional ability to make a living. I understand what the Sponsor wants to do, but I think this needs more work."

Speaker Hartke: "Representative Franks to close."

Franks: "Thank you. I believe that this Bill would actually provide more protection rather than less protection. And it's a strong statement for those who are shirking their familial and societal obligations. I would urge a 'yes' vote."

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Speaker Hartke: "The question is, 'Shall House Bill 2617 pass?'

All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this issue, there are 100 Members voting 'yes', 2 people voting 'no', and 15 Members voting 'present'. And this Bill, after 45 minutes of discussion, is declared passed. Representative Righter, for what reason do you rise?"

Righter: "Point of personal privilege, Mr. Speaker."

Speaker Hartke: "State your point."

Righter: "Ladies and Gentlemen of the House, I would like to introduce to you, members of the Merry Miller Junior High basketball team and their cheerleaders who are in the balcony right above me. In the City of Georgetown in my district, after a lot of hard work and dedication, they placed 4th this year in their state tournament, and I would ask that they be given a hand. Thank you, Mr..."

Speaker Hartke: "Congratulations. On page 66 of the Calendar, appears House Bill 2218. Representative Biggins. Mr. Clerk... excuse me. For what reason does Representative Acevedo rise?"

Acevedo: "Mr, Speaker, a point of personal privilege."

Speaker Hartke: "State your point."

Acevedo: "As we all know, down in Springfield, Representatives from the City of Chicago, they're not here. Most of the news from the city, but, if you've been reading the Sun Times today on the front page, a Chicago police officer has been killed in the line of duty yesterday. We just want to let them know, the family, that our prayers are with them along with the fellow officers who are still on duty, and can we take a moment of silence?"

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Speaker Hartke: "Yes, we will. Thank you, Representative, for bringing that to our attention. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2218, a Bill for an Act amending the Northeastern Illinois University Law, Third Reading of this House Bill."

Speaker Hartke: "Representative Biggins."

Biggins: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 2018, 2218, amends the Northeastern Illinois University Law. But, Mr. Speaker, if I may, but I did put in a slip requesting additional sponsors be listed, including Representatives Giles, Pugh and Harold Murphy. If you can check into that, I'd appreciate it. These are... we are all, and there are others in this chamber who are graduates of Northeastern Illinois University in Chicago, and there are many... there are some I have missed, so I'd like to add more. If you'll please let me know as this Bill progresses, which I hope it will do today, but in legislation that was enacted in 1995, we changed the administration of many of the members of the State Board of Higher Education, and there are many changes that were requested by Northeastern Illinois University's Board. And with the concurrence of the Board of Trustees, its chairman and the President of the University, this legislation was proposed and has passed to the floor today. I'd be glad to answer any questions about it, and I request your favorable support."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Lady from Cook, Representative Erwin."

Erwin: "Thank you, Speaker. I rise in strong support of this Bill and would like my colleagues to know that it passed out of the Higher Education Committee unanimously, so I urge an 'aye' vote."

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Speaker Hartke: "The Chair recognizes the Gentleman from DeKalb, Representative Wirsing."

Wirsing: "Thank you, Mr. Speaker. I, too, rise in support of this piece of legislation. For me in particular, it's extremely important because it's been an opportunity for the Northeastern Board of Trustees to make an assessment to improve the way that the board operates and functions on behalf of the Northeastern University. And as we passed legislation back in 1996, which created these boards of trustees, I think this is a good example of how well they are working. And as Representative Erwin already indicated, it passed out of committee unanimously, and certainly has my strong support. Thank you."

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

Feigenholtz: "Thank you very much, Mr. Speaker. I, too, am proud to be a cosponsor of this Bill with Representative Biggins. He and I and a few other Members of the General Assembly are graduates of Northeastern Illinois University, and I know that he's worked hard on this Bill, and I appreciate it and encourage all of the Members to support it. Thank you."

Speaker Hartke: "Representative Biggins to close."

Biggins: "I would also like to add Representative Silva to the list of sponsors, and request a favorable vote."

Speaker Hartke: "The question is, 'Shall House Bill 2218 pass?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 2218 there are 116 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill having received the

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Constitutional Majority, is hereby declared passed.
Representative Novak."

Novak: "Yes, Mr. Speaker. On House Bill 2218, I'd like to be recorded as 'aye'."

Speaker Hartke: "The Journal will so reflect. On page 56 of the Calendar, appears House Bill 67. Representative Garrett. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 67, a Bill for an Act concerning agency performance review, Third Reading of this House Bill."

Speaker Hartke: "Representative Garrett."

Garrett: "Mr. Speaker, Ladies and Gentlemen of the House. Thank you for giving me the opportunity to present my first Bill in the General Assembly. House Bill 67 is a Bill that will ensure oversight mechanisms to make Illinois government agencies more accountable. This will work in two ways. One, it will establish... the agencies will establish and agree to objectives in standards. Secondly, we will be able to determine the results of those objectives and standards by making agencies more accountable to taxpayers. In Governor Ryan's speech, his Budget Address, he talked about how important it is for government agencies to have oversight. And I would just like to read a couple of the lines from his speech. He says, 'That it is important that we ensure that we have efforts to initiate a comprehensive approach to government wide strategic planning plus a full-scale performance review to evaluate our programs and regulatory effectiveness. The way in which this would work, as an example, is that if an agency like IDOT were to allocate a \$100,000,000 to pave 500 miles of road, we would find out at the end of the year, whether or not, an agency like IDOT actually did accomplish this. In fact, if they did pave the roads and if they didn't, where did those

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funds go? The Auditor General in his annual report, made comment of how important performance reviews are. Just let me take a second to read what he said. He said, 'Performance audits directly impact and improve agency operations'. In 1998, the Auditor General released 5 major performance audits. State agencies accepted many of the audit recommendations to correct and improve operations. I ask for a favorable vote on this."

Speaker Hartke: "The Chair recognizes the Gentleman from Vermilion, Representative Black for discussion."

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

Speaker Hartke: "She indicates she will."

Black: "Representative, did you present the Bill or were you closing?"

Garrett: "Pardon me?"

Black: "Did you present the Bill or did you close on the Bill?"

Garrett: "I'm presenting the Bill."

Black: "That was the most convoluted presentation I've ever heard in my life."

Garrett: "Thank you."

Black: "That's a reward I'm not sure you want to win. Representative, did you in fact, not state in committee that this Bill would probably require the Bureau of the Budget to add additional employees?"

Garrett: "I would imagine. They've had an opportunity..."

Black: "You would imagine."

Garrett: "I'm not finished. I believe they've had an opportunity to weigh in on this and we have not received any fiscal note from them that says that there will be additional funding required."

Black: "Well, in fact, doesn't it say in the fiscal note, that

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this Bill is... I'm paraphrasing, the Bill is so vaguely drafted that the fiscal impact is not reasonably subject to estimation?"

Garrett: "Representative Black, it's my impression that if we can pass this bipartisan Bill through the House and hopefully through the Senate, that we'll be able to work with the Office of Budget and find ways in which we don't have to add another layer of government. In fact, by passing legislation like this, we will be able to save hundreds of thousands of dollars and maybe even millions of dollars, because we will make sure that we understand how accountable our state agencies are. And let me just add to that, Representative Black, that when I campaigned, people said to me on a daily basis, how important it is to make sure that our state agencies are accountable. This is a bipartisan effort that I hope you would join me on."

Black: "Yes, I can tell by the cosponsors up there on the board, how bipartisan this Bill is. It's all Democrats."

Garrett: "I would ask you to be a cosponsor, Representative Black."

Black: "Who's going to be the Senate Sponsor?"

Garrett: "Pardon me?"

Black: "Who's going to be the Senate Sponsor if we assume this Bill survives its brief journey to the... across the rotunda?"

Garrett: "You know, I'm glad you asked me that, because I've had several people ask to be a Sponsor in the Senate once we pass it through the House, so, I don't think we're going to have any problems with that. Again, I'm hoping that this is a bipartisan effort."

Black: "Well, you can hope all you want to, but this is one individual who says this is not a bipartisan effort. Who

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is going to be the Senate Sponsor if the Bill gets over there?"

Garrett: "I'm not... you know, I'm not sure right now. I'm not going to..."

Black: "So, you're portraying this as a bipartisan effort, but you can't even tell me who the Senate Sponsor might be. I thought you might say Senator Philip. That would certainly indicate to me that it would be a bipartisan Bill. Have you talk to President Philip?"

Garrett: "Representative Black, does it really make any difference who the Sponsor is? If it's good legislation, if it does what it's suppose to do, shouldn't we be working together?"

Black: "Representative, you want to take this Bill out of the record and get yourself calmed down and bring it back in a few minutes?"

Garrett: "No, I don't. No, I don't."

Black: "You don't want to do that, do you?"

Garrett: "I would like you to be a cosponsor, Representative Black."

Black: "If you use my name in debate one more time, I'm going to be able to speak for four hours."

Garrett: "You're a good speaker."

Black: "Representative, take a look on your Bill, and I'm not harassing you because this is your first Bill, if this is the best... if this is the best you can do, I would seriously suggest you take it out of the record and talk to staff. But, if you don't want to do that, let's just go through this vaguely worded Bill..."

Garrett: "All right."

lack: "...and see what you asking here."

Garrett: "Let's go through it, I'm ready."

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Black: "On page 2, page 2 of the Bill, line 31, you're saying that the Bureau of the Budget may hold hearings on any matter under this Act. Under existing statute, does the Bureau of the Budget have the statutory authority to hold hearings?"

Garrett: "Representative Black, I am saying 'may hold hearings'. There may be ways in which we can simplify the process in which the Office of Budget is involved in this. This is a Bill in which we will hopefully come together, both Republicans and Democrat, I... Democrats and identify ways in which we can make our state agencies accountable. And I will ask you, Representative Black, if in your district, your constituents would want you to vote for a Bill that would make state agencies more accountable?"

Black: "Representative, in my district if I presented a Bill as vaguely drafted as this, they'd give me a holy dickens, I'll tell you that right now. And I... let me go back to the question that I asked you, and just answer the question if you'd be kind enough to do that. Under existing statute, may the Bureau of the Budget hold hearings?"

Garrett: "I don't know. I'm assuming..."

Black: "Would you ask staff if they think..."

Garrett: "If they wanted... no, you know what, I'm assuming that if they wanted to hold hearings, that they have that... there is a provision for them to hold hearings."

Black: "You're assuming..."

Garrett: "Yes, I..."

Black: "...that if they want to hold hearings, they can hold hearings. Does that mean..."

Garrett: "My staff has said for me to say page 2, line 31, and apparently they're saying that the Office of Budget does have the right to hold hearings."

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Black: "So, we're assuming that they have the right to hold hearings."

Garrett: "No, I've been told that they..."

Black: "I've been here for a while, I've never heard of them having a hearing..."

Garrett: "I've been told..."

Black: "...but, who knows, maybe they can hold a hearing. Let me ask you some additional questions. Your Bill says under Section 10 (d), subsection (2), the Bureau of the Budget is required to work with agencies to determine acceptable measures of workload, output, and outcome. Does the Bureau of the Budget staff have any training in determining what are acceptable measures of workload, output, and outcome?"

Garrett: "Representative Black, it's my hope that the Office of Budget will be willing to work with state agencies to ensure that objectives in standards are met. I think that is the very least that they should do. This is something that we need to do. Other states have this kind of a program in place, and we need to move closer toward achieving the same kind of goals. We're not talking about adding another layer of government, what we're talking about is finding some simple ways in which agencies must be made more accountable, so, we will find out if what they set out to do, is done."

Black: "Ohhhhh Representative, I... you know, I hope that everybody pays their taxes, but I've found in the past that is not generally the case. On page 3 of your Bill, line 5, the Governor, in cooperation with the Bureau of the Budget, shall establish and adopt achievement goals for each functional area of State Government. Do you define achievement goals anywhere in your legislation?"

Garrett: "No, because I think that would be the responsibility of

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the Governor in concert with the Office of Budget. I think... Representative Black, the point of this is to get different agencies to come together. It's exactly what the Governor has proposed in his Budget Address. It's exactly what the Auditor General has proposed."

Black: "Well, Representative, I'll try again. How is a Bureau of the Budget analyst to determine what is an acceptable workload for the Department of Children and Family Services? For the Department of Corrections? How is that individual working for the Bureau of the Budget, how is that individual going to determine what is an acceptable workload for a correctional officer in a maximum security prison in the State of Illinois?"

Garrett: "Representative Black, I think you have taken it down to another level. What we're attempting to achieve here is, if for instance, the overall goals of IDOT are to pave 500 miles of roads, at the end of the day or the end of the year, we have to find out if these budgetary goals and objectives have been met. This is not, again, creating another layer. It's actually finding ways in which we can determine if our state agencies are doing their jobs."

Black: "I, I thought..."

Garrett: "I think you're adding too much to it."

Black: "...that's what the Auditor General did. Where's the Auditor General's role in this?"

Garrett: "The Auditor General at the very end, after the agencies have come forward with their objectives, will submit a report that says, yes, those objectives have been met at the end of year 2000, as an example. And then the Auditor General will submit that report to the General Assembly. And then, as in the past, we will be able to determine what agencies may need special attention. Isn't that what the

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voters of Illinois want?"

Black: "I think what the voters of Illinois want, are clear, concise, pieces of legislation that set out exactly what you want to do, and spells out exactly who is going to do it, and exactly on what time frame. And, I've been trying to get the point across to you for 15 minutes. Your Bill doesn't do any of those things."

Garrett: "Representative Black, I don't think it is our job to establish the exact goals. I think that's the job of the Office of Budget, along with the agencies. That's why they are here."

Black: "What, that's why they're here in the chamber or where?"

Garrett: "I think you know what I'm saying."

Black: "That's why... well, no I don't."

Garrett: "That's why they are here."

Black: "Are you telling me that this is why the Bureau of the Budget was started?"

Garrett: "I am telling you that you are... all we want to do is simplify a process. We want to find out if agencies are accountable, we're not adding another layer of government. This is not going to cost taxpayers any money. In fact, it will save us millions of dollars. It's something your constituents, Representative Black, will endorse."

Black: "Representative, if you want to come to my district and tell my constituents what they endorse, you come right ahead. I would love to be on a program with you in my district and have you explain this Bill to my constituents."

Garrett: "I'd be happy to do that, Representative."

Black: "I don't think you would, but I'll certainly invite you. Just about the time the next election cycle is around, I'll be more than happy to invite you down to my district to

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explain this piece of legislation."

Garrett: "Thank you. I will be there."

Black: "Mr. Speaker, to the Bill. I have tried to explain to the Representative, and I can understand where she's trying to go with this Bill, but the fact is, she can't handle the facts of her Bill. This Bill doesn't do anything. She's portraying it has some kind of mystical, magical, mystery tour, that's going to solve all the problems of State Government. And, it doesn't do that at all. In fact, it creates more confusion. Now, that's what her constituents must want. More confusion. God knows that people are upset with the confusion in government. Let me just leave you with a few salient points of what this Bill does. It says, we must create a six year long-term plan. Well, how do you do that with an administration that may change every four years? It goes on to say, and using catch phrases like, 'long range strategic plan for State Government'. 'Achievement goals', not defined. 'Long-term forecast', not defined. I suppose that means whether it's gonna rain Saturday or Sunday. 'Long-term forecast', a week, a month, a year or a decade, it doesn't say. 'Achievement goals' are to be determined for each functional area of State Government. Does that mean a budget goal, a personnel head count goal, an output goal, or does it mean all of them put together? In all due respect to the Representative, this Bill is so vague and so drafted, as I guess to be politically correct or something, it doesn't really do anything but continue to obfuscate, and I dare say, in my district, people are tired of vague, catchy phrases in government. If you want to rework the Bill, I'll be glad to support it, but I stand in abject and serious opposition to this Bill, as it is written."

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Garrett: "Representative Black..."

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

Skinner: "First, Mr. Speaker, would you be so kind as to put the timer on. I don't want to overstay my, you know, my..."

Speaker Hartke: "... Proceed."

Skinner: "I wonder if the Sponsor could define 'bipartisan' for me?"

Garrett: "You want me to define 'bipartisan'?"

Skinner: "Yes. You should know, I'm looking..."

Garrett: "I would say that sitting in the..."

Skinner: "I'm looking at... you should know, I'm looking at the sponsors of your Bill."

Garrett: "You're welcome to be a sponsor, Representative Skinner."

Skinner: "No, that's not the question. You said this was a bipartisan Bill."

Garrett: "It's a bipartisan effort because it doesn't... it crosses party lines. In my district as you know, I had both Republican and Democrat support me. I know that both Republicans and Democrats would endorse this kind of a concept. It is not a partisan concept. It is something that appeals to both sides of the aisle."

Skinner: "But Representative, there are no Republicans up there on the board..."

Garrett: "I welcome you to be a cosponsor."

Skinner: "...and as... and as cosponsors you have Representative Giglio and Representative Erwin, and so far, they haven't become Republicans."

Garrett: "Now, Representative Skinner, I would hate... I would hate for this Bill to go down because Republicans haven't decided to be cosponsors."

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Skinner: "Did you ask Republicans to be cosponsors?"

Speaker Hartke: "Your time is expired. Representative Lang. Further discussion?"

Lang: "Of course, Mr. Speaker. You don't have to put the timer on for me. Thank you very much."

Speaker Hartke: "We could, you know. Proceed, Mr. Lang."

Lang: "What is this one minute business? Anyway, I rise in support of the Lady's Bill. I couldn't tell, you know, sometimes we give freshmen a hard time around here. This is one time I couldn't tell whether Mr. Black was giving her a hard time or seriously has a problem with the Bill. Looks like he seriously has a problem with the Bill. This is a good idea to find out what state agencies are doing. You know, I sit in committee after committee, and state agency people come before those committees and they don't know what is going on in their own state agencies. They tell us that they're opposed to something because of cost. They never tell us why if they oppose the actual concept, they never tell us what we ought to do in a long range way to make their agencies better, they only tell us we can't afford it. Our function is to deal with what we can afford and what we can't afford. The Lady's got a good idea here to review each agency every couple of years. I would recommend 'aye' votes."

Speaker Hartke: "Representative Garrett to close."

Garrett: "I'm asking for everybody's favorable vote on this. It's a very important Bill. I think we can be specific if there is a need for specifics. But, I think that we need to vote on this and hopefully in a bipartisan way, because I think this does party lines, and thank you very much for the time."

Speaker Hartke: "The question is, 'Shall House Bill 67 pass?'"

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All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted wish? Have all voted who wish? Mr. Clerk, Mr. Clerk, take the record. On House Bill 67, there are 101 Members voting 'yes' and 15 Members voting 'no', and 'Member voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 57 of the Calendar, appears House Bill 214. Representative Black, would you like to call your Bill? Representative Black, would you like to call your Bill? Out of the record. On page 60 of the Calendar, appears House Bill 669. Representative Bost. Mr. Clerk, call the... read the Bill."

Clerk Rossi: "House Bill 669, a Bill for an Act amending the Unified Code of Corrections. Third Reading of this House Bill."

Speaker Hartke: "Representative Bost."

Bost: "Thank you, Mr. Speaker, Members of the House. House Bill 669, adds to a Bill that... piece of legislation that was done in the 90th General Assembly. Basically what it does is, it requires a \$2.00co-pay, whenever those that are incarcerated in the State of Illinois either go to a medical doctor or a dental appointment through the state. What it does is it is... it is put in place to discourage flagrant...abuses that occur in the system. It is supported by the Department of Corrections and I'll be glad to answer any questions."

Speaker Hartke: "Does anyone stand in opposition? Seeing no one is seeking recognition the question is, 'Shall House Bill 669 pass?' All those in favor will signify by voting 'yes'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted

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who wish? Mr. Clerk, take the record. On House Bill 669 there were 115 Members voting 'yes'; 0 voting 'no' and 0 voting 'present'. And this Bill, having received the Constitutional Majority is hereby declared passed. On page 57 of the Calendar, appears House Bill 195, Representative Brunsvold. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 195, a Bill for an Act concerning vehicles. Third Reading of this House Bill."

Speaker Hartke: "Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 195 is a Bill we have seen here in this House before. It is a replating Bill passed out of here two years ago and passed out of the Senate two years ago. We have support from then Secretary of State, George Ryan, and we now have support from Secretary of State Jesse White. So he has had, in fact, press conferences indicating he is very supportive of the replating process here in Illinois. We have not done this since 1984, Ladies and Gentlemen. We have not replated for that many years and it's time. This Bill would set up a 75¢ fund at the Secretary of State's Office for replating. That 75¢ would come out of the \$48 plate fee. Now that is a very minor amount since the drivers in this state have paid \$5,000,000,000 over the last few years and have not received a new plate. The numbers that are generated here are interesting folks because the Council on State Government's Report indicates there is a 5% avoidance factor around the nation in people not buying their stickers for their plates. Our own task force indicates from the Senate that it was 7%. The 75¢ from the plates would take about \$7 million from that \$48 fee. The evasion factor, if you use 3.8%, would generate about 17 million.

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So it doesn't take much to figure out that we're going to gain some money on this process of replating. So that is very simply what the Bill does. It's got a lot of support. The law enforcement groups around the state are very supportive of it and have supported it. The editorials from the newspapers around the state have supported replating and said it's time that we replate in the State of Illinois. This Bill does that and I would ask for your support."

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

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

Speaker Hartke: "He indicates he will."

Black: "Representative, what is the current cap on road fund diversion? How many millions of dollars?"

Brunsvold: "Pardon, Bill? What was that question?"

Black: "What is the current cap on the millions of dollars that are diverted from the road fund? Where do we have that capped now? Do you know?"

Brunsvold: "Hundred and thirty million, Representative."

Black: "And we're at that cap, are we not?"

Brunsvold: "Yes, we are."

Black: "Does your Bill raise the cap?"

Brunsvold: "For replating only."

Black: "How much..."

Brunsvold: "It raises the cap."

Black: "How much does it raise the cap? From the current 130 million to how many million?"

Brunsvold: "Nine point one million dollar loan I'm told, Representative."

Black: "For how many years, Representative?"

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Brunsvold: "One time."

Black: "Is there a payback provision in the legislation?"

Brunsvold: "The evasion factor would be used, the money to pay back to the fund."

Black: "I guess what I'm after, are you permanently raising the cap on diversion or are you just doing a window and then lower the cap back to its 130 million at some point in the future? Is that specifically mentioned in the Bill?"

Brunsvold: "This Bill actually gets around the cap, Bill. It sets up its own little fund in the Secretary of State's Office for replating. So it's kind of away from the cap requirements from the information I've received from the Secretary of State's Office."

Black: "Okay. There have been a number of proposals floated. Now does this proposal add any fee to the current license plate cost?"

Brunsvold: "No, it does not, Bill. The plate fee is \$48. It remains \$48. Seventy-five cents of that goes into the Secretary of State's replating fund, from which the language says he is periodically to replate. So that 75¢ stays there in that replating fund and is used periodically, as the Bill says, for the Secretary of State to go ahead and do new plates."

Black: "But is the Bill silent as to if you raise the cap, does the Bill specifically say for how many period of years that the cap will be increased?"

Brunsvold: "It says... The Bill says in addition to any moneys appropriated."

Black: "Okay. So you said about a \$9 million diversion of road fund money?"

Brunsvold: "Well, the fiscal report from the DOT says seven million."

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Black: "Okay. Now I assume that that entire \$7 million diversion from the road fund will be taken from projects only in Chicago, like the Dan Ryan. You're not going to take any of the \$7 million out of downstate road fund money are you?"

Brunsvold: "I'd like to think that, Representative, but it's kind of spread across the board. Really, Representative, I... it's my idea that the up-front money, which would be about \$9 million, would come from GRF. I've talked to our budget people, to Representative Hannig, about doing that and talked to the Governor's people about doing that. I do not want to affect the road fund any more than I have to, Representative Black."

Black: "Well, I... and I think that's admirable given the condition of some of our roads and bridges. I guess the only other question I would ask you and it's really not pertaining to the Bill, just my own curiosity. Has there been any discussion or included in the Bill, perhaps, will we get a new license plate design or I assume that's an administrative function of the Secretary of State."

Brunsvold: "Yes. I talked to Jesse White and they are in the process of looking at new designs right now."

Black: "Well, I know he played for the Chicago Cubs years ago. I'd kind of like to see a Chicago Cub motif on the plate except around Metro-East, and then if you wanted a Cardinal plate around Metro-East, I guess that'd be all right."

Brunsvold: "I'll mention that to Jesse."

Black: "Thank you. All right, thank you very much, Representative. Thank you, Mr. Speaker."

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

Erwin: "Thank you, Speaker. Will the Sponsor yield for a few

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questions?"

Speaker Hartke: "He indicates he will."

Erwin: "Representative Brunsvold, this Bill is similar to a Bill you had in the last General Assembly?"

Brunsvold: "Exactly the same."

Erwin: "Okay. Two years ago or a year ago?"

Brunsvold: "Two years ago in 1997..."

Erwin: "Two years ago."

Brunsvold: "...it went out of here."

Erwin: "Right. I was concerned two years ago and I remain very concerned today that given the infrastructure needs in this state and most particularly in Cook County and the collar counties, the mass transit needs are so significant today that I'm just very concerned that we would be utilizing funds that could be used for infrastructure, both mass transit, road, highway and bridge dollars on replating. I think that we ought to be willing, if we want to replate, to simply increase the license plate fee if you want a new plate. If you don't need a new plate, well, then you know you don't need... and phase it in. And I know we discussed this two years ago and I'm sympathetic to what you're attempting to do. But for anybody that's concerned about infrastructure needs in Cook County, the collar counties, the roads downstate don't look much better than the roads in my neck of the woods, I am just very concerned that this is a diversion away from what we really ought to be concentrating on. So unfortunately, Representative Brunsvold, I will not be supporting this again."

Brunsvold: "Representative Erwin, I don't want to take any money from the road fund. Actually, every year, if you use a 5% avoidance factor which is pretty well standard from Iowa, from all the states around us, we're losing \$22.3 million a

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year. We're losing that much money. It costs \$7 million a year to replating, so we're actually going backwards by not replating. We need to get these people that aren't paying their plate fees to pay their plate fees. Now I'm willing to... I'll say in front of everyone here on the House floor, I'm willing to look at a gas tax and probably would support it. I'm looking for, you know, a plate fee increase has been suggested. You know, we could even be for that. If everybody on this floor is willing to vote for something like that, I'm with them. But until that happens we've got to address this issue because this is becoming critical right now with the way the plates are. And I think actually, if you look at numbers, we're actually losing money."

Speaker Hartke: "This Bill is on Short Debate. Representative Brunsvold to close. Okay. Representative Parke."

Parke: "Thank you, Mr. Speaker. I would ask that this be removed from Short Debate and we have the required number."

Speaker Hartke: "Granted. Granted."

Parke: "Mr. Speaker, may I..."

Speaker Hartke: "Yes, proceed."

Parke: "May I proceed? Thank you, Mr. Speaker, I appreciate that. This is an important... I think this is an important Bill because this is the crux of a lot. I understand what the Representative is trying to do with this, but there's a discrepancy whether it's 7 million or 8.7 million. But, Ladies and Gentlemen, even though the Sponsor is well-intended on this Bill this is going to be over \$40 million diverted out of the road fund over five years. Now I don't know how many throughout the legislative chamber here, of you, have asked IDOT for road repairs in your legislative district, but I know I have. And if you keep

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allowing the diversions, do you know that there is a \$400 million diversion out of the road fund right now and this is going to exacerbate the problem. Representative Brunsvold has an idea that's good and it has merit, but if you keep diverting money out of the road fund you're not going to get your projects taken care of in your own legislative districts. Good, worthwhile projects. Now if this is an overall package and we're going to include it with some kind of an increase in fees or something and include that all in one package, I think that's the way to go. But for us to be voting for this Bill at this time sends the wrong signal to the voters of Illinois. Ladies and Gentlemen, I would either ask you to vote 'no' or vote 'present' on this legislation, and I cannot understand how my downstate colleagues could vote for this when they realize that one of the major areas for downstate Legislators is that road fund and to allow another \$40,000,000 over five years is just an inappropriate. I'll remind the Body that IDOT is adamantly opposed. If this was just a merely idea they wouldn't be so opposed, but on top of that the Illinois Road Builders Association is opposed because they know that this will take money out of the road fund. The Associated General Contractors is opposed and Association of County Engineers is opposed. I would ask the Body to not pass this and ask the Representative to work with the Secretary of State and the Governor to find an overall package to approach this huge problem, not on a piecemeal, Bill by Bill basis. Thank you."

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

Johnson, Tom: "Will the Sponsor yield?"

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Brunsvold: "Yes."

Johnson, Tom: "Joel, I have a couple of very basic questions and I think that we as a Body ought to be addressing it. I think there is probably uniform agreement in this Body that we would like to support new license plates and I don't think that there's any disagreement on that. What I don't fully comprehend on what we do, and I'm not sure I ever will, but we are anticipating approximately 800 to 900,000,000 new tax dollars coming in in revenue this year. That's natural revenue growth to the State of Illinois. Last year we had, I think, about 1.2 billion. My guess is we'll have increases in that range this year and probably the year thereafter. Now what we're doing here, as I understand it, is we want to divert an extra \$7,000,000 or \$8,000,000 as the case may be, from the road funds. And as you know we've done that over the years on a number of things. If this is such a high priority for everybody in this chamber... You know, we talked about rainy day funds. Why in the world don't we just appropriate 7,000,000 out of the next 800,000,000 of new dollars that we're getting towards these license plates and be done with it. I don't understand."

Brunsvold: "Tom, I would..."

Johnson, Tom: "Could you explain that?"

Brunsvold: "I would be glad to do that. In fact, I suggested the... that money for replating be done and totally out of the general revenue fund. I've made that suggestion. It's not always been accepted by a lot of people. I've got a Bill that's still in the Constitutional Officers Committee that would raise the plate fee from 48 to \$50, which would take care of the replating forever, really. But, that, I don't think would pass on this House floor. So I'm looking

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at a problem here..."

Johnson, Tom: "Well, are you going to support..."

Brunsvold: "...of where we get the money."

Johnson, Tom: "Are you... Are you going to support putting 500,000,000 or 600 or 700,000,000 whatever the case may be, into a rainy day fund and explain to our taxpayers that we need to bank dollars with our Treasurer to invest for us while we turn around and raid road funds to get \$7,000,000? I don't get it."

Brunsvold: "Well, this is not a raid, Representative. We're losing \$22,000,000 a year in just evasion."

Johnson, Tom: "I know. But with this revenue growth..."

Brunsvold: "We're losing money."

Johnson, Tom: "I know. ...revenue growth."

Brunsvold: "Well, how you going to, you know... Over the last five years we've lost a hundred million..."

Johnson, Tom: "Okay."

Brunsvold: "...from people that don't pay for their plates."

Johnson, Tom: "I understand, Joel, you're as frustrated as I am, but to the Body. I think that, you know, we as a Body need to come together and some items, and there's very few in here, that basically everybody agrees. And in this case we all agree we want license plates. The estimated cost of these plates is 7 or \$8,000,000. We're looking at natural revenue growth that has been staggering for the last couple of years and is continuing to grow. Now, you know, let's get serious and let's allocate 7,000,000 of that new growth and let's get these plates done, and I just request that everybody start looking at it more in that terms as opposed to looking at how much money we can sock away in the Treasurer's Office on rainy day funds. Let's not take the money and then take and shortchange ourselves in the areas

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of roads and bridges just so we can get license plates when we are putting money in the bank. That does not make sense to the taxpayers and it certainly doesn't make sense to me and maybe some day I'll understand it all."

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

Novak: "Yes, thank you, Mr. Speaker. I rise in support of this Bill and I understand from the previous speakers there's a certain degree of anxiety about supporting this Bill. But I think we're all of the understanding that transportation is going to be the big picture this year as far as our budget is concerned and other substantive pieces of legislation. So this is just one little part of the puzzle, Ladies and Gentlemen. I think we need to keep pushing this subject, move it over to the Senate because Senator Parker, I believe, on the Senate side is going to be sponsoring a similar Bill. But whatever the final outcome of these Bills is and whatever the final outcome of this entire transportation package. And that not only means funding for road projects and maintenance and new roads and other items as far as that's concerned, but it also includes this subject of highways and there's the seat belt issue and there's a number of other issues out there that all, all circle around the transportation issue. So let's put our anxieties aside. Let's move this Bill forward, move the issue forward, keep it on the table so, you know. We've got the ugliest license plates in the United States of America. Haven't touched them since 1983, so it's about time we replated and get the scoff laws off the street that have been skirting the law for so many years as Representative Brunsvold indicated. So I would urge my Democratic colleagues on the aisle to vote 'yes'.

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

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

Speaker Hartke: "He indicates he will."

Mautino: "Representative Brunsvold, let's see. What was the increase in registrations in Iowa after they completed replating in 1997?"

Brunsvold: "There was about a 5%, I believe. The year was running about \$20,000,000 in Iowa. Is that what your numbers said? If I recollect what the Iowa numbers were."

Mautino: "The Department of Transportation had figured it about 2 1/2% is what they were looking at on there. This... Now the legislation on its face does not raise the cap?"

Brunsvold: "No. This sets up a fund in the Secretary of State's Office."

Mautino: "Okay. On that, and I share some of the concerns about the road fund as well and also agree with you that if there's something to be done out of general revenue fund it..."

Brunsvold: "Yes."

Mautino: "...should be done there."

Brunsvold: "That's fine. I'm willing to take that avenue."

Mautino: "I think you should because also you may want to take a look when the... in '91 when the, '89, I think it was, when the last round of taxes and diversions road fund went through, there was some language they'd put in that stated that any agency or director, by appropriation or any other means, may not divert the caps. And in just looking at the way that this Bill is structured, this may be doing that in direct opposition to what the statute had said at that time. Is that... Have you looked into that yet?"

Brunsvold: "That has not been brought up. I don't... No one has

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really raised that point and I think it's a kind of... it's a different situation here with this fund."

Mautino: "Okay. I guess the concern is that it still does circumvent the cap which was part of that legislation and language that was structured so that it couldn't be done. I would much rather see this done through the... through general revenue as opposed to the road fund."

Speaker Hartke: "Further discussion? Seeing no one is seeking recognition, Representative Brunsvold to close."

Brunsvold: "Thank you. A lot of good points brought up on the floor. Tom Johnson had a good point. I'm willing to do general revenue funds. I think we're in the process now of finding out if we... if that's the way we can go and I hope we can. No one here on the floor wants to take any money out of the road fund and me included. We need to get to a point where we can... we can do a plate process. We are one of the only states in the nation that doesn't have some plating process to go... that we should go through and a situation where our automobile drivers who have paid \$5,000,000,000 now and have not received a new plate yet. So I think we need to do this. Let's continue this process, get this Bill over to the Senate where we can look at it over there. Also, and see if we can get some general revenue funds to do this. I ask for your support."

Speaker Hartke: "The question is, 'Shall House Bill 195 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. Representative Brunsvold, what is your pleasure? This Bill is on Postponed Consideration. Ladies and Gentlemen, we've worked two hours on Bills and we've

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passed 10 Bills out of the House in two hours. At that rate we'll be here 45 hours to pass Bills from Third over to the other chamber. That's this week. On page 64 of the Calendar, appears House Bill 1687, Representative Brady. This Bill is on Short Debate. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1687, a Bill for an Act amending the Bingo License and Tax Act. Third Reading of this House Bill."

Speaker Hartke: "Representative Brady. Out of the record. On page 62 of the Calendar, appears House Bill 1111, Representative Coulson. House Bill 1111. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1111, a Bill for an Act to amend the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Hartke: "Representative Coulson."

Coulson: "Thank you. This Bill creates the offense of theft of on-line services, and we passed it out of the House last year unanimously and I would appreciate a similar vote this year."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall House Bill 1111 pass?' All those in favor will signify by voting 'yes'; those opposed voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... Have all voted who wish? Mr. Clerk, take the record. On House Bill 1111, there are 114 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 58 of the Calendar, appears House Bill 264, Representative Giglio. This is on Short Debate. Representative Giglio. Mr. Clerk, read the Bill."

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Clerk Rossi: "House Bill 264, a Bill for an Act concerning plumbers. Third Reading of this House Bill."

Speaker Hartke: "Representative Giglio."

Giglio: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I bring before you House Bill 264. You know, I've been down here, this is my third year, and the trade of plumbing has often taken a beating here in the House and the butt of our jokes in outside of the House and in the committee meetings, but it's a highly regulated profession. We provide clean, safe drinking water for people across the state. We're responsible for the transfer of raw sewage from residents, schools, nursing homes, hospitals often ridden with bacteria and disease. The issue of cross-connection control devices and in many instances of back-siphoning at dentists' offices and funeral homes are clear examples of why the high levels of training and regulation is needed. The Department of Public Health has strict laws, annual licensing and continuing education for plumbers. The issue of advertising, if I can quickly give a little bit of history, has changed over the time in issue of plumbing. Historically, the advertiser was required to get a signed affidavit from the advertiser that they were, in fact, licensed to do plumbing. Since that has been repealed it's been a free-for-all with no concern whether or not the advertising meets any... meets any of the licensing qualifications. Now it's not untypical to open the 'yellow pages' and find Chuck's Rent-A-Husband and others advertising to do plumbing. What this Bill will do is it will require the, after a hearing, it will require the Department of Public Health to issue a disconnect order to the Commerce Commission and shut down that advertised telephone number and leave no forwarding numbers to them.

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And I think that today we can send a strong signal and I would ask for your favorable support."

Speaker Hartke: "Is there any discussion? Seeing none, the question is, 'Shall House Bill... Excuse me. The Chair recognizes Representative Cross. Representative Cross."

Cross: "Yeah, my light switch wasn't working. Will the Sponsor yield?"

Speaker Hartke: "He indicates he will."

Cross: "Representative, this deals with the plumbing industry?"

Giglio: "That's correct."

Cross: "Why... No one on our side, I noticed... We're having trouble hearing. Can you tell us who the opponents are of this Bill?"

Giglio: "The opponents that had filed slips in the committee - the Commerce Commission had filed a slip in committee as well as, I believe, GTE, Sprint."

Cross: "Can you tell us the source of their reasoning behind their opposition?"

Giglio: "Well, the Commerce Commission is opposed to it because the stop order would come from them. The additional burden it would place on them. And GTE the same way, the burden of them being required to shut that service off."

Cross: "What's the cost of this, Representative?"

Giglio: "The fiscal impact that, I don't believe and I know what it is overall, certainly it would be minimal on each individual case. We are not setting a precedence here in Illinois with this either, Representative Cross."

Cross: "All right, I'm going to yield to Representative Durkin."

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

Durkin: "Thank you, Mr. Speaker. Will the Sponsor yield for one short question?"

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Speaker Hartke: "He indicates he will."

Durkin: "Representative Giglio, can you explain to me why the telecommunications industry is opposed to this Bill?"

Giglio: "Well, they would be opposed to it because they would be the ones who would have to shut that phone service off."

Durkin: "Well, is this a mandate on the industry then? On the telecommunications industry?"

Giglio: "Representative Durkin, we're not setting earth-shattering legislation here. This is already being done with household goods carriers. If they are, in fact, not licensed by the state the Commerce Commission, and they're advertising to be a mover of household goods, the Commerce Commission can do the same thing. And if I can read from a memo from the Commerce Commission. 'In order to transport household goods for hire between points in Illinois, a carrier is required to be licensed by the Commission.' One excellent way to put unlicensed carriers out of business is to disconnect the phone numbers they give in their 'yellow page' ads."

Durkin: "Well, you convinced me. Thank you very much."

Giglio: "Thank you."

Speaker Hartke: "Further discussion? Representative Mulligan."

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

Speaker Hartke: "He indicates he will."

Mulligan: "Representative Giglio, what happens if there's a wrong telephone number in the ad and some poor party whose phone number it is is disconnected because this guy hasn't got a license?"

Giglio: "That was one of the original concerns of the Commerce Commission and in the Amendment it was re-drafted to address just that."

Mulligan: "On the material you just read to Representative

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Durkin, is that actually a law in Illinois or is that just a suggestion?"

Giglio: "No, that's law in regards to the household goods carriers you're referring? That's law."

Mulligan: "And how many other areas do we have in Illinois where someone's telephone number is disconnected?"

Giglio: "I wouldn't venture to guess. I don't know."

Mulligan: "I think this is a little extreme, quite frankly, and I think that there is quite a bit out there that could cause a whole lot of problems. I can understand why the telecommunications people are against this. I understand what you're trying to do here but it seems a little exaggerated. It's a word I could best come up with. I mean, I can see just a whole lot of problems, particularly if someone's phone number is actually put in there as a misprint rather than the actual number of the entity that's placed in the ads. I would think they would have a heck of a time getting themselves back on and straightening it all out. I just... This is a hard Bill to support. I'm sorry, Representative."

Speaker Hartke: "Further discussion? Seeing no one is seeking recognition, Representative Giglio to close."

Giglio: "Thank you. I'd simply ask for your favorable support."

Speaker Hartke: "The question is, 'Shall House Bill 264 pass?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 264 there are 77 Members voting 'yes', 37 Members voting 'no', 3 Members voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 60 of the Calendar, appears House Bill 542,

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Representative Cowlshaw. This is on Short Debate.

Representative Cowlshaw, would you like to call your Bill?

Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 542, a Bill for an Act concerning taxation. Third Reading of this House Bill."

Speaker Hartke: "Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. This is a very simple Bill. It is presented as a response to a recent ruling by the Illinois Department of Revenue which would impose sales taxes and other forms of state taxes on the proceeds from those fund raising events held by PTA organizations and other groups that are supportive of our public schools as well as our private schools, and who raise money that is needed in order to provide the things that are needed by the children that are not necessarily covered by the amount of state funding that we provide for our schools. It seems to me to be incredible that on the one hand we are often criticized because the state does not adequately fund its public schools. I believe there is some merit in that criticism. And then, on the other hand, we turn around and take away part of the money that has been raised by moms and dads as volunteers trying to raise money locally even beyond what can be raised through property taxes, to hold something like one of the things that's held in one of the school districts in my area is an infant clothing exchange. Moms who have infants who have outgrown clothing, wash the clothing and mend it and make sure it's in good condition and bring it to the school to be re-sold to someone else with a younger child or who is expecting a child. That is much cheaper to buy the clothing that way and, yet, now after almost forty years of holding that same type of fund

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raising event and never having to pay sales taxes on it, now, the State of Illinois says, when you sell one of those little infant garments that's used to a mom who wants to use it for her infant, you have to charge sales taxes on it. I believe that that is simply wrong, that it is our obligation as the State of Illinois to foster volunteerism, to make things as easy as possible for the folks back home, the moms and dads who want to volunteer to do this. And, most certainly, having to keep all this paperwork and provide the kinds of things that volunteers are not normally expected to do in order to comply with this recent ruling of the department, seems to me to be something that not only discourages volunteerism in general but it's a detriment to the funding of our local school districts. I would point out to you that this applies all over Illinois, so wherever ya live your volunteers, your moms and dads, your PTAs can have these events and the money will stay right there to help your schools and your kids. It's a simple Bill. It's good for kids, it's good for schools. I'd be glad to answer any questions."

Speaker Hartke: "This is on Short Debate. Standing in opposition is Representative Lang."

Lang: "Thank you, Mr. Speaker. I'm not sure it's opposition, but if the Lady would yield I have some questions."

Speaker Hartke: "The Sponsor will yield."

Lang: "Thank you. Representative, I know you said that the amount this would cost is indetermined...undetermined, but do we have any estimate at all?"

Cowlishaw: "Representative Lang, I had the request in to the Department of Revenue a long time ago about giving some fiscal impact note, or whatever, and I have talked not only to them on the phone but also to the person who came to the

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committee; and they tell me there is simply no way whatsoever that they can make even a wild guess as to how much this might... how much money might be involved in this. And I think, Sir, that that's partly because they're not exactly sure which of the PTAs and groups like that throughout the state are already paying sales tax because they believe they're obligated to, and how many are just kind of ignoring that and not knowing that, they have no way to make an estimate."

Lang: "Well, can you tell us how many are paying today? How many PTA groups are paying today?"

Cowlshaw: "Representative Lang, if the Department doesn't know, surely I don't either."

Lang: "All right. The Department is opposed. Now we know the Department always opposes any kind of Bill for any kind of tax cut, even if it was a \$1.98, but they do pose some interesting questions. For instance, if the PTA starts to sell things that retailers in the local community could sell, could we not eat into local sales tax dollars that we might otherwise be getting?"

Cowlshaw: "Well, I would suppose the infant clothing exchange I mentioned earlier is minimizing the numbers of brand new garments purchased at Marshall Field's for new babies. But on the other hand, for families with more than one child that's probably a great advantage to be able to buy clothing that is far less expensive and I think somehow that Marshall Field's will survive."

Lang: "Well, I think maybe they will. The other question I have is, why do we limit this to a PTA? What about the Boy Scouts or the church group or other groups at the school, the people raising money for the band or other groups like that? Why do we limit this just to the PTA?"

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Cowlshaw: "As a matter of fact, Representative Lang, this isn't... you don't have to be called a PTA for this Bill to apply to you. As long as you are a volunteer group that consists of parents and you do this as an effort to raise money for a public or private school, then this would apply. However, you're quite correct in that it would not apply to something like a scout troop or a group affiliated with the local YMCA or any of those kinds of things. This is only if the money is to be used to benefit a school, public or private. But it does have to be an elementary or secondary school, this does not apply to higher education."

Lang: "Is it your intention then that separate groups within a school that might have a fund raising event, whether it be the band or the chess club or whoever it might be, if they have a bake sale or sell clothing or sell some other kind of goods, is it your intention through the Amendment to the Bill that they be exempt as well?"

Cowlshaw: "The group must consist at least partly of parents. So any group that is just students this would not apply to."

Lang: "But if they had a parent volunteer who was helping them run the bake sale..."

Cowlshaw: "That's right."

Lang: "...then the band could have a bake sale and not have to pay the sales tax?"

Cowlshaw: "That is correct."

Lang: "I'm going to support your Bill, Representative. I do think you may want to take a look in the Senate at some Amendment to this that more clearly states your intention relative to school groups and who they are because anybody can just simply add a parent and say, well, now we're exempt from taxes. So I think you... I think you want to

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take a look at this but I'm prepared to support your Bill."

Cowlshaw: "Representative Lang, I believe that is an excellent suggestion on your part."

Lang: "Well, thank you very much."

Cowlshaw: "And you're quite right, I did not intend this to apply to groups like the chess club. I don't intend this to apply to that. I intend this to apply only to those groups that are the equivalent of a PTA, a parent/teacher organization that is out there attempting to supplement the state and local funds in order to support those schools. But I want... do want to point out to you this includes private schools as well, which is the reason why the Catholic Conference of Illinois is in favor of this Bill."

Lang: "Thanks. I would just encourage you to work with the Department of Revenue and others to clear the language up so we all know what it's suppose to be. Thank you."

Cowlshaw: "I will be delighted to do that and thank you for your suggestion."

Speaker Hartke: "Further suggestion? The Chair recognizes the Lady from Cook, Representative Monique Davis."

Davis, M.: "I deeply thank you, Mr. Speaker. I just want to ask why is the Municipal League opposed to your Bill and, also, why is the Department of Revenue opposed?"

Cowlshaw: "Money."

Davis, M.: "Oh, do you know about how much?"

Cowlshaw: "No. As I responded to Representative Lang, the Department of Revenue has virtually no way to make any estimate about how much money is involved as far as what revenue might otherwise have accrued to the Department. And, of course, the position of the Municipal League is based on the fact that the municipalities of this state get a small portion of the money collected in sales taxes in

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keeping with however much is collected within that given municipality. So to the extent that they can no longer count on a sales tax from a local PTA, they might be suffering a slight decrease in the amount of available revenue."

Davis, M.: "Mary Lou, I'm surprised nobody filed a fiscal note."

Cowlshaw: "I'm sorry, I couldn't hear..."

Davis, M.: "I said, I'm surprised that no one filed a fiscal note on this Bill. I'm really surprised."

Cowlshaw: "The Department of Revenue did file a fiscal note."

Davis, M.: "And you didn't get a response?"

Cowlshaw: "The fiscal note says they have no idea how much... what the impact is."

Davis, M.: "How many functions per year are they allowed in which there is no tax, they don't have to pay tax on?"

Cowlshaw: "I believe the current law is two. I'm not certain of that, but I think it's two."

Davis, M.: "So, currently, the PTA can hold at least two events and not pay any sales tax?"

Cowlshaw: "Well, it depends entirely upon what type of event it is. Because if the ruling, the recent ruling, the Department of Revenue is interpreted in some ways it might mean that they can't have any kinds of events that are exempt from sales taxes, if, in fact, what they are doing is things like selling used clothing."

Davis, M.: "All right. I plan to support the Bill. However, I do have great concern about the fiscal impact on the state and since we don't know what that fiscal impact might be it just leaves me with a little concern. However, I will support the Bill."

Cowlshaw: "Thank you very much, Representative."

Speaker Hartke: "Representative Cowlshaw to close."

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Cowlshaw: "In fairness to our schools and the moms and dads back home, I would greatly appreciate your support for House Bill 542. Thank you very much."

Speaker Hartke: "The question is, 'Shall House Bill 542 pass?' All those in favor will simply vote 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 542 there are 116 Members voting 'yes', 0 voting 'no' and 1 person voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Speaker Turner in the Chair."

Speaker Turner, A.: "On the Order of Third Readings, page 64, Short Debate. House Bill 1512, Representative Burke. Standard Debate. Representative Burke. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1512, a Bill for an Act to amend the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Turner, A.: "The Gentleman from Cook, Representative Burke."

Burke: "Thank you, Mr. Speaker and Members of the Body. House Bill 1512 would ask that we ban the sale and possession of laser sights. And this is the... In fact, we had a recent murder in the City of Chicago. An officer, a Chicago police officer was recently killed and the weapon that was used, indeed, was equipped with a laser sight. These are very serious concerns. Certainly the NRA has voiced opposition to this matter, but for the life of me can't understand how any sportsman would be interested in using a laser sight. It seems more unlikely that there would be any sportsmanship involved with this particular device. It is a guaranteed hit if you use this particular technology

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on your weapon. We are not talking about laser pointers in this legislation, we are simply talking about laser sights that are designed for immediate hit. There is no mistake, you cannot miss your target if a laser sight is used and I'd be happy to answer any questions."

Speaker Turner, A.: "The Gentleman from Vermilion, Representative Black."

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

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

Black: "Representative Burke, is there anything that could be construed in this Bill as being retrospective in nature, i.e., let's say I already own a lawfully purchased and lawfully owned firearm with a laser sight that I use for target practice or varmint hunting. Am I... must I surrender my laser sight under your Bill?"

Burke: "No."

Black: "So there is, in effect, a grandfather clause, correct?"

Burke: "Yes."

Black: "All right. And what would the effective date of your legislation be?"

Burke: "I'd have to see with the Chair. I'm not certain what the... I think it's a uniform effective date for..."

Black: "Okay."

Burke: "...the Bill."

Black: "In the underlying Bill, and staff pointed out something that I should have caught and I'm sorry that I didn't, it mentions the transferability of a laser sight. I mean, if I... All right. If I... If I own a laser sight and I give it to my brother am I then guilty of a felony?"

Burke: "The first offense would be a Class A misdemeanor and I would think it would be probably similar to a weapon that

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you would own legally, and transferring that to a member of your family or any other individual would not be entitled to possess that particular weapon."

Black: "Now what if I transfer it prior to the effective date of the Bill? Then I'm not... it's not covered under this legislation at all, correct?"

Burke: "No, it is not."

Black: "All right. If I... I guess where I'm confused, after the effective date of your Bill would a retail establishment even be able to offer a laser sight for sale?"

Burke: "That's the whole point of the legislation, Representative. Indeed, we are asking that this particular device be banned, the sale of this device be banned and the possession, after the effective date of the legislation, would be banned."

Black: "But if I already', if I own one currently and I wish to take it to a gun show and sell, trade, barter my laser sight, will I still be able to do so?"

Burke: "I would... My intention is that you should not be able to do that."

Black: "Was there any testimony in committee in opposition to the Bill?"

Burke: "There was none. Oh, yes, I beg your pardon. The NRA did offer testimony."

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

Burke: "The Illinois State Rifle Association, the NRA."

Black: "Thank you very much."

Speaker Turner, A.: "The Gentleman from Jackson, Representative Bost."

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

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

Bost: "Representative, and I understand what you're trying to do

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here but as... as my constituents deal with, quite often laser sights are used around farms to get rid of varmints and it's an advantage when hunting certain animals and it is a great advantage. I understand your wanting to protect police officers and stop the violence that occurs in cities with the use of this; however, is there another way that you can see that we can do this because now we have several people out there that have laser sights. We can't trade them. After this legislation comes into effect I can't go to Hicks Trading Post in Pinckneyville, Illinois and present my gun that has a laser sight on it and trade it and get a better gun or whatever for hunting varmints after this legislation is put in place. What is your suggestion on that?"

Burke: "Well, our problem in the City of Chicago is that the varmints are those that are using the laser sights, the gang members. It would be wonderful if we could create legislation based on geography, but unfortunately that's not at our disposal. And I can certainly understand the concern of those that would find a practical use for the device such as removing vermin from the farm property and so forth. There are certainly other techniques, as you well know, to dispose of those varmints but, literally, this new technology has become a very very serious concern for law enforcement throughout our state. We're finding that it's being used more often by gang members, by criminals, than it would be used for practical purposes. And certainly, as Representative Black inquired, any device that is currently owned would not be covered under this current legislation."

Bost: "Well, Representative, awhile ago you said that we don't want to regionalize, but we have actually in the State of

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Illinois. There are many cities that have actually banned the use of and the possession of firearms, different firearms and it could be site specific. If you wanted to deal with it and say only in the City of Chicago, we could make this legislation specific, and so it's not an uncommon practice for us to do that. However, what we're saying in this legislation is, is once again because there's a problem, which I agree that there is a problem in the City of Chicago, the rest of the state is going to have to give up all rights and abilities to own and possess certain things that we use, not necessarily to hurt someone, but to actually help our existence in the area in which we live. I have a real problem with the Bill and I hope that all the people that are from the... from downstate would understand this. I hope and I hope that you would reconsider this Bill and possibly take it back to include only the City of Chicago, which might be an idea. We're aggressively going after, in this Bill, a sight or a mechanism for a target, not the actual weapon and I think the legislation is going to be very difficult for downstaters to support. I understand what you're trying to do and... but I would encourage all downstaters to vote 'no' on this particular piece of legislation."

Speaker Turner, A.: "The Gentleman from DuPage, Representative Johnson. For what reason do you rise?"

Johnson, Tom: "Will the Sponsor yield?"

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

Johnson, Tom: "Representative Burke, I'm looking at the Bill itself and unless I'm missing something, this prohibits just the sale and delivery of laser sights. In the State of Illinois it makes that a Class A misdemeanor."

Burke: "That is correct."

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Johnson, Tom: "This does not cover possession of a laser sight or use of a laser sight? The Bill doesn't?"

Burke: "No."

Johnson, Tom: "Okay."

Burke: "We're talking about..."

Johnson, Tom: "Are there... Do you know if this law is in effect in the other 49 states?"

Burke: "At this point, from our study, there appears to be no other legislation that would be..."

Johnson, Tom: "So there would be nothing to prohibit me from going over to Indiana and buying my laser sight and putting it on my gun and proceeding to use it here in Illinois?"

Burke: "That is right."

Johnson, Tom: "Well, this...it makes it very difficult, don't you think, to... I guess you can go to the stores and the shop owners and enforce it at that level, but you're hitting our merchants and saying you can't sell what is a lawful product and has been lawful and is used for lawful purposes in Illinois but you can go over to Indiana and get whatever you want. Now I'm not sure that's what we want to do. What I think, and Jimmy Durkin had a Bill that we passed out of committee that goes to the unlawful use of a laser sight, and I think that's really where we ought to be targeting our efforts. And when somebody uses a laser sight unlawfully, that a pointing it at a peace officer or anybody else, if we want to expand Durkin's Bill I would suggest that that's a more realistic way to go. I think this is pretty unenforceable as far as people using it."

Burke: "The reference you made to Representative Durkin's Bill, that is simply the misuse of the device and that would be such as pointing a laser..."

Johnson, Tom: "Exactly."

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Burke: "...pointer at a police officer or any other individual in a threatening fashion, so that's an entirely different situation. And in committee I referenced Representative Durkin's Bill. I think this demands the misuse of this particular attachment to a weapon - demands a little more serious attention. Certainly, as you understand, Officer Knight, in the City of Chicago, has just fallen as a result of a criminal using that laser sight. It gives criminals an unfair advantage over our law enforcement personnel. And with respect to your inquiry about other states enforcing this and bringing legislation forward, I know there are several states that are considering similar legislation. This has become a national problem. Since the technology has been available they're finding that this is an unfair advantage. You can use the device at night. In fact, you could be blind in one eye and half blind in the other and still hit your target with the use of this device. And I can understand the other Representative's concern for use of the technology on a farm property and so forth, but, you have to understand where we're coming from. And I think for those of you who believe that this is just a problem in the City of Chicago, you'd better reconsider that thought. It's a very serious matter. These devices are becoming cheaper, more available and we are, in fact, if we don't do something about it today we're going to see far more murders occurring with the use of this device. It's serious and I think we should do whatever we can in this Body to get rid of them and to avoid the opportunity for our citizens to make that purchase and particularly for the criminal element."

Johnson, Tom: "Okay, to the Bill. I don't disagree with any of the statements that Representative Burke has made, I just

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think that this Bill is not focused in the direction it needs to go and that is the focusing on the unlawful use of a laser sight and I think that's really what we need to be about. This Bill means nothing as far as people's access to laser sights. In fact, it would probably make it more difficult for us to track things if all of our people are now going to Indiana, Iowa, Wisconsin and other places and buying products that we don't want them to use unlawfully in this state. And I just think that by prohibiting just sale and delivery, if you really want to get at it then you ought to say it and you ought to put in here that nobody shall possess a laser sight except for law enforcement. And I think Representative Durkin was right on track in the sense of going after anybody who uses one of these sights unlawfully, points it at somebody and I think that's where we need to be focusing our attention. Thank you."

Speaker Turner, A.: "The Gentleman from Madison, Representative Stephens. For what reason do you rise? He indicates he will."

Stephens: "Thank you. Representative, would your Bill prohibit the sale or delivery to an individual or corporation that owns a recreational site that operates a business of laser tag, they would no longer be able to receive those sights?"

Burke: "Currently, Representative, the only exemption would be for peace officers, military and wardens of prison centers."

Stephens: "Oh, thank you, Representative. Mr. Speaker, to the Bill. To clarify what the Gentleman said, if you have in your area and a growing recreational trade has developed in laser tag and it's in a controlled atmosphere, it is an industry that is growing, certainly in the Chicagoland area and we are developing sights downstate, and this Bill, if

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it passes, would ban the sale or delivery for the purposes of use at a recreational site that is a controlled atmosphere. I think for that and other reasons a 'no' vote is the appropriate vote on this Bill."

Burke: "Representative, maybe I need to clarify. This ban would simply be on firearms, so we're not talking about recreational activity here. So we would not be seeking to ban the use of laser pointers in any recreational facility. We are talking about the attachment of a calibrated laser sight on a firearm."

Speaker Turner, A.: "The Gentleman from Cook, Representative Acevedo. For what reason do you rise?"

Acevedo: "To the Bill, Mr. Speaker. First of all I'd like the Clerk to put me on as a hyphenated sponsor. Secondly, Ladies and Gentlemen of the House, let's make no bones about it, these laser sights are for one purpose only and that's to hit its target. On January 9th it did hit its target. Unfortunately, it was a Chicago police officer named Officer Knight. That gentleman will not be going home to his family. Now we have to face the facts that hoodlums, not only in the City of Chicago but out through the State of Illinois, are getting their hands on these lasers that hit the targets. Not only in the City of Chicago are police officers killed, but throughout the State of Illinois. Where we have our police memorial it is not just Chicago police officers down here, it's police officers throughout the State of Illinois, and I think it's very important that we focus on one thing, we take these lasers out of their hands and quit hitting the targets it's not suppose to. We're here not only to protect police officers but we're here to protect citizens throughout the State of Illinois and I urge a favorable vote."

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Speaker Turner, A.: "The Lady from Cook, Representative Mulligan.

For what reason do you rise?"

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

Speaker Turner, A.: "Indicates he will."

Mulligan: "If this has been asked before, Representative Burke, I'm sorry, because I thought I misunderstood the Bill. Does this only prohibit the sale and delivery, it doesn't prohibit the possession?"

Burke: "That is correct and Representative Black had asked earlier."

Mulligan: "So if I ordered from a catalog I could still purchase one?"

Burke: "This would prohibit the delivery."

Mulligan: "Oh, prohibit delivery."

Burke: "So any catalog outfit out there..."

Mulligan: "So if I went out of state I could purchase one and pick it up myself?"

Burke: "Sale or delivery in the State of Illinois."

Mulligan: "All right. So, but if I was in Wyoming and I wanted to purchase this and bring it back myself could I do that?"

Burke: "I don't know how technical we could be with respect to your purchasing in another state and delivering it back to Illinois."

Mulligan: "Well, if I did it myself..."

Burke: "I might argue that that would be, in terms of this legislation, prohibited."

Mulligan: "Is there any other legislation out there right now that you know of that enhances penalties for the use of this in commission of a crime besides this Bill?"

Burke: "As we have referred to before, Representative Durkin had legislation that did indeed pass with respect to the unlawful..."

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Mulligan: "Pointers."

Burke: "...illegal use of laser pointers. Right."

Mulligan: "But not a sight?"

Burke: "Correct. There's a difference between the pointer. You must understand, laser sights are calibrated to that device for absolute accurate target strike. With a laser pointer, certainly one could take a piece of tape and attach that laser pointer to a weapon and possibly get some closer accuracy. But these devices that we are talking about are manufactured, designed and calibrated for absolute target accuracy. There is no way that you would miss your target if you did sight with the laser beam. Now I'm saying, as I mentioned earlier, any individual could hit their target even though they had not used a weapon previously, with the use of this device. You don't have to be familiar with the weapon. You don't even, in fact, have to have good eyesight. If there's a laser sight on that weapon you are guaranteed a strike."

Mulligan: "I understand that and I certainly abhor the use of this in the commission of a crime or a murder and in the hands of mentally defective people. On the other hand, what I'm trying to get at here is, number one, I agree with you on enhancing penalties for the use of it in a crime. I could see if you were outlawing the possession, but you're not. You're outlawing the sale and delivery which I think you can get around. And I'm just wondering if there's a Bill or if you have another Bill that would just enhance the penalties in the use of a crime because I'm not sure if this hits where we're trying to go with this?"

Burke: "It's... I could probably suggest to you that the matter could be enhanced further at the Senate level. I believe that this legislation is a very important beginning to

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discuss the use of the device, how they are being misused in our cities and country throughout the State of Illinois. There is a prevalence of these devices. They're becoming more available. They're cheaper. I think that the legislation will indeed have an impact on the unlawful use of these devices. And, certainly, as we are always interested in passing legislation to deter criminal activity, I think this is a beginning and, certainly, as the other Representatives have inquired, those that have the device currently are not affected. Those that possess the device currently are not affected by this new legislation."

Mulligan: "Representative Parke wanted me to ask rather than have another question, if this would apply to using or a laser sight that would be used with bow and arrow?"

Burke: "We're talking about fire..."

Mulligan: "A crossbow. I'm sorry."

Burke: "Firearms exclusively. Simply..."

Mulligan: "So it would have nothing to do with... But wouldn't they be interchangeable?"

Burke: "The crossbow is not a firearm. So, our language in the Bill specifically identifies firearms so we're not talking about crossbows and arrows and, we again, are not talking about recreational facilities that use paint balls. They are not firearms. So we are very very specific with respect to this device being attached to a firearm."

Mulligan: "I thank you very much. I mean there's parts of this Bill that I think are excellent and other parts that I'm not quite sure of and I'm glad that you took the time to answer the questions again. Thanks."

Speaker Turner, A.: "The Gentleman from Cook, Representative Burke to close."

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Burke: "Thank you, Mr. Speaker. Again, as you've listened to the debate and certainly there are few in our society today that are not familiar with the unfortunate misuse of this latest technology. It goes beyond the pointer. It goes beyond the fact that children have access to this device that literally can indeed cause eye damage. Retinal damage to an individual. We're not discussing that particular subject here with this legislation, we are talking about laser sights on firearms, on pistols, on rifles, on any firearm that would exist and, certainly, again, this gives criminal use...criminals the opportunity to hit their mark without question. Our police departments, our law enforcement personnel throughout the state are at a un...have a very very difficult time. The criminal has an unfair advantage with this device. We're beginning to know how devastating the use of this device can be and I would certainly insist to you that this is a beginning. We must begin to address the subject. We have had too many unfortunate occurrences throughout our state as a result of this device and I would ask for this Body's considerable...favorable consideration."

Speaker Turner, A.: "The question is, 'Shall House Bill 1512 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 54 'yes', 55 'no', 6 'present'. Mr. Burke."

Burke: "Postponed Consideration if you would, Mr. Speaker."

Speaker Turner, A.: "The Gentleman has requested that this Bill be put on Postponed Consideration. On the Order of Short Debate, page 61, we have House Bill 774, Representative Cross. Out of the record. On the Order of Short Debate,

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page 62, we have House Bill 1136, Representative Giles.
Call the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1136, a Bill for an Act amending the
Higher Education Student Assistance Act. Third Reading of
this House Bill."

Speaker Turner, A.: "The Gentleman from Cook, Representative
Giles."

Giles: "Thank you, Mr. Speaker and Ladies and Gentlemen of the
House. House Bill 1136 is a Bill that amends the Higher
Education Student Assistance Act. What this Bill does is
allow a sophomore undergraduate student to be awarded the
Illinois Incentive For Access Grant. This Bill also
increases the number of semesters or quarters that a person
or a student may apply for this particular grant. It
extends the grant from four... from two semesters to four
semesters, from six quarters to... Sorry. From three
quarters to six quarters and this will be effective January
1. The intent of the legislation is to allow and... a
college undergraduate, especially a student in his freshman
year, to be able to apply for this grant for the second
year. The sophomore year. We have found oftentimes that a
student, once they receive the ISAG grant and go on to
receive this grant, they still have hardships in the
sophomore year. And so what this will do is increase this
grant opportunity to a sophomore. The Governor, ISAG, is
requesting \$8,000,000 for the program in FY 2000 and the
Governor has indicated that they will support this program
at that level. I believe the fiscal impact of this Bill is
only \$6,000,000 and I ask for your full support of this
legislation."

Speaker Turner, A.: "The Gentleman from DeKalb, Representative
Wirsing. For what reason do you rise?"

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Wirsing: "Thank you, Mr. Speaker. I rise in support of this Bill, this legislation, and this is, I think, as the Representative has already indicated, this is an extension and an addition to a program that was put in place two years ago. And at that time as we put that program in it was for \$500 for a student just for their freshman level. We also wanted the opportunity to see how the program worked. I think one of the interesting things about this under the current program, as it now operates, well over 60% of the students who are using this...those dollars are community college students here in the state. So the initial program I believe has been very effective, and it was always the intent to expand it into that second year as Representative Giles' legislation now does. So I stand in full support of this piece of legislation. It really has a lot of great value and truly when it says access, it has offered that for many students across the state. I stand in strong support of it. Thank you."

Speaker Turner, A.: "The Gentleman from Cook, Representative Giles to close."

Giles: "Thank you, Mr. Speaker. Once again I'll simply add that the effective date on this legislation is not until July the 1st, which will allow... At this time there's no fiscal impact that will allow... give us a year to prepare for this date. And as Representative Wirsing has said, this legislation will increase, especially freshmen in college, undergrads, to retain their status at the university and we believe that this is a good incentive to help students to complete their college education and I ask for all of your support on this legislation."

Speaker Turner, A.: "The question is, 'Shall House Bill 1136 pass?' All those in favor should vote 'aye'; all those

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opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 117 'yes', 0 'noes', 0 'presents'. This Bill, having received the Constitutional Majority, is hereby declared passed. On page 61, Third Readings, we have House Bill 774, Representative Cross. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 774, a Bill for an Act to amend the Unified Code of Corrections. Third Reading of this House Bill."

Cross: "Thank you, Mr. Speaker and thank you for calling my Bill. This is a Bill that in some respects is technical but in other respects it's not. Under the Vehicle Code now there has at least been the philosophy or the finding of courts that in the event there's some restitution needed, for instance in a DUI case or a reckless driving, the courts had the authority to order restitution as part of a sentence. There's a court case that came down from the first district, primarily in the Chicago area, that said, because there's not a Section in the Vehicle Code that deals with restitution or speaks of restitution, you can't order restitution in a case where something involves the Vehicle Code. This Bill merely says that under the Vehicle Code you can order restitution, which you may have some judges in your area that are already doing that. This will ensure that they continue it. I don't know of any opposition and I'd appreciate an 'aye' vote. I'll try to answer any questions."

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

Hoffman: "Will the Sponsor yield?"

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

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Hoffman: "Representative, this is not going to be used for any other purpose other than this. This is not intended to be a shell Bill or a vehicle Bill in any way."

Cross: "Representative, no, this is not shell, vehicle, anything. This is... it's I know it's a pretty small straightforward Bill. As the first district court has said, you can't order restitution under the Vehicle Code. So this is designed to make sure we eliminate that problem now and in the future. There may be, Jay, there may be judges that argue that you don't even need to do this. But I think just to be safe we do it and I will verify to you, swear to you, whatever you need, this is not intended as a vehicle Bill. Actually Congressman Blagojevich asked that I sponsor this."

Hoffman: "Swearing would be fine. Could you raise your right hand, please?"

Cross: "You want me to swear or do you want me to..."

Hoffman: "No, it's a good Bill. I appreciate the Sponsor's effort and I support it."

Cross: "Thank you."

Speaker Turner, A.: "Representative Cross to close."

Cross: "I would appreciate an 'aye' vote. Thank you very very much, Mr. Speaker."

Speaker Turner, A.: "The question is, 'Shall House Bill 774 pass?' All those in favor vote 'aye', all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 116 voting 'aye', 0 'nos', 0 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. We are on Third Reading, Short Debate, page 59. We have Representative Hartke on House Bill 379.

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Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 379, a Bill for an Act to amend the Liquified Petroleum Gas Regulation Act. Third Reading of this House Bill."

Speaker Turner, A.: "The Gentleman from Effingham, Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker and Members of the House. House Bill 379 is a very simple piece of legislation and the only people it really affects is those people in the LP gas delivery business. If you're familiar with what they do, is most LP gas companies own their own tanks out in rural residences or maybe in a community and they are allowed by law to fill those tanks at the consumers request. However, if a competitive LP gas company, all these tanks are generally the same, have the same fill requirements and so forth and adapters to fill those tanks, if a competitive company fills their tank with LP gas the owner of the tank or company is liable for anything that goes wrong in that tank. The fines are so small that it's... doesn't hardly make it worthwhile for the... it doesn't make it worthwhile for the state's attorney to go after them for violation of the law. So what this piece of legislation does, it raises the fine to be greater than the current law. So I would appreciate your support for the legislation and would be happy to answer any questions."

Speaker Turner, A.: "The Gentleman from Vermilion, Representative Black. For what reason do you rise?"

Black: "Yes, thank you very much, Mr. Speaker. Before I continue, will the Sponsor yield?"

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

Black: "Representative, you and I are familiar with liquified

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petroleum gas, but on the board it's 'liquee...liquee...liqueefied...liqua...' I think that's spelled...that little dog that works for Taco Bell, I think, spelled that thing up there. I don't think that's spelled right, is it?"

Hartke: "It's apparent... It's apparent that the Assistant Clerk did not spell that correctly."

Black: "The Assistant Clerk? I beg your pardon, the Chief Clerk is in charge wouldn't that..."

Hartke: "Well it could be, could be."

Black: "If you have a misspelled word on a Bill it's ... you can't move it it's a flaw isn't it?"

Hartke: "That's the heading here on LIS."

Black: "Oh, okay."

Hartke: "I don't think you will find a misspelling in my legislation."

Black: "All right. Well, perhaps, Mr. Speaker, you could inform the Clerk maybe it'd be better if he would just put down LP that's the standard designation, or abbreviation for liquefied petroleum we'd accept that. Okay, all right. Representative Hartke, I do have a couple of questions. I, I'm not sure I understand the necessity for the Bill we're talking about... 500 gallons or more, aren't we, in capacity is there a... I can't imagine a company would deliver an LP tank to a residence or a business that would be less than 500 gallons. I tell you what I'm trying to get at Chuck..."

Hartke: "I'm not sure that, I'm not sure that it mentions 500 gallon in the Bill"

Black: "Yeah... what I'm trying to get at, 'cause I don't think you want to make it illegal, you know the little five gallon containers that you can buy at almost any hardware

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store for your barbecue."

Hartke: "Yes"

Black: "And you can go get that filled, if it's a refillable, some of them aren't. But you can take almost anywhere and get that refilled. I want to make sure we're not saying to these people you can only, if it's a fill gas, you can only have it refilled at a fill gas dealer."

Hartke: "The operative word that you talked about is that that a you went and bought a small tank, you then own the tank, I'm talking about tanks that are owned by the LP gas companies."

Black: "Yeah, the the tank that..."

Hartke: "That they place on the farm for the use of the farmer or a house living in a rural area to heat with LP"

Black: "Okay, all right. You may want to take a look at that in the Senate just to make certain that we're not putting these barbecue places at risk you know, because... and a camping trailer the same way."

Hartke: "Most camping trailer LP gas tanks that I'm aware of or those on a pickup truck that's run with LP gas..."

Black: "Okay."

Hartke: "...are owned by the operator of the vehicle or the mobile home."

Black: "Is the lady standing there, is that your staffer?"

Hartke: "Yes, she is."

Black: "Does she know anything about liquefied petroleum? Somehow..."

Hartke: "Let me ask her. She said not as much as me."

Black: "Somehow, I just got that impression. LP usually isn't a real big device in Chicago or whatever."

Hartke: "She's a downstate resident so she may understand."

Black: "Well, all right, I guess, the only concerns I have about

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this, I can't imagine how anybody could fill a tank that would heat your house or your barn, you know, cause most of those are 500 gallons or up and it's not something you can pick up in the back of your truck and take into the local distributor and have the thing filled."

Hartke: "No, let me tell you what happens, Representative Black, many times a company will place a tank on a farm and they will continue to fill the thing maybe for five, six, seven months the company will bill the individual for the LP gas that he has used and all of the sudden they stop buying the gas, stop receiving the gas, and the company 'wonders what's going on here, it's been cold for the last sixty days and they have purchased no LP gas from me and from my company, I own that tank sitting out behind the house or by the barn'. Come to find out, there's a competitor down the street who is actually filling those tanks, the fine of course as it was, was so small the state's attorney ... it is a violation of the law to fill those tanks, but the fine was so small that the state's attorney refused to go after those individuals. This now is a substantial fine and makes it worthwhile and so forth. And puts the bite on the guy who's filling the tank illegally."

Black: "Well, under current law, if it's an FS tank for example, and then all of a sudden I switch and go to Skelgas can FS come out and take the tank? Isn't that reason to break the contract and FS come out and take the tank back?"

Hartke: "Yes, that's, that's probably true absolutely, but the violation of filling that tank is there and it's a violation of the law. They could do that and they probably would, simply because they hadn't been paid for the gas that was probably burnt before the Skelgas fill the tank."

Black: "I guess my only concern, Chuck, is the competitive nature

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of the business and if I enter into a contract with FS and I'm pretty happy with them, but all of a sudden their price goes up, and Skelgas or somebody says you know, I can deliver this 15 cents a pound cheaper. If I understand your Bill, I'm not going to be able to take advantage of that unless I call FS, tell them to get their tank off my property, call Skelgas tell them to sit in a new tank."

Hartke: "That would be the proper procedure, yes, because when you accept that tank on the farm, you say you will use their gas. So, now it doesn't say you are to keep that tank for a year or you have the right to purchase that tank and then you can call whoever you would like to fill that tank."

Black: "Okay. That's what I had forgotten it's been so long, is that proprietary language on the ownership of the tank in the contract?"

Hartke: "I imagine it would be up to the the company. Now in my personal experience I had a local company deliver a thousand gallon tank for my grain drying system. I purchased that tank over a five year lease period. So, now I own that tank and I can call anyone I would like who provides LP gas to deliver to me..."

Black: "All right, so the operative word is who owns the tank, correct?"

Hartke: "The operative word is who owns the tank."

Black: "All right. Thank you. Mr. Speaker, to the Bill, in my years of service here and I've come to know and respect Representative Hartke, let me just say for the record no one, no one in this chamber knows more about gas than Chuck Hartke."

Hartke: "Thank you very much, Representative Black."

Speaker Turner, A.: "Representative Black, Representative Black,

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Representative Black, not only does he know about gas, he is correct on the spelling of liquefied. Spell check, the spell check says it's right. Representative Hartke, to close."

Hartke: "I would just ask for your favorable consideration of House Bill 379."

Speaker Turner, A.: "The question is 'Shall House Bill 379 pass?' All those in favor should vote 'aye'; all those opposed vote 'noes'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 voting 'aye', 0 'no', 0 'present'. This Bill having received the Constitutional Majority is hereby declared passed. On the Order of Short Debate, page, 63, we have House Bill 1304, Representative Durkin. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1304, A Bill for an Act to amend the Criminal Code of 1961. Third Reading of this House Bill."

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

Stephens: "Mr. Speaker, I don't use it that frequently but, my 'yes' button is having difficulty functioning and I just wondered if you can send the electrician back here?"

Speaker Turner, A.: "Representative, that's probably the problem."

Stephens: "It might be frozen."

Speaker Turner, A.: "You should use that green button a lot more often but in the meantime we will send the electrician back there."

Stephens: "I'm, I'm trying, in the spirit of bipartisanship, Mr. Speaker, I'm trying my darndest."

Speaker Turner, A.: "We'll get the electrician there in a hurry

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then in that spirit. Representative Durkin."

Durkin: "Thank you, Mr. Speaker. This is the initiative of the Illinois Attorney General Jim Ryan's Office, and this Bill quite simply tolls the Statute of Limitations on proceedings and motions in which a person seeks to quash a grand jury subpoena."

Speaker Turner, A.: "Seeing no questions, Representative Durkin, the question is 'Shall House Bill 1304 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 114 voting 'aye', 0 'no', 1 'present'. This Bill having received the Constitutional Majority is hereby declared passed. On the Order of Short Debate, page 58, we have House Bill 286. Representative Harris. Read the Bill, Mr. Clerk.

Clerk Rossi: "House Bill 286, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Turner, A.: "The Gentleman from Cook, Representative Harris."

Harris: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 286 amends the Vehicle Code and grants the Secretary of State the authority to suspend for six months the driving privileges of a student who violates a weapons or violence related law in school. Provided that the Regional Superintendent of Schools certifies the violation to the Secretary of State. This Bill has no stated effective date. This Bill was passed 8-0 out of committee. Proponents of the Bill in the past have included in the past the Illinois State Police, Illinois Association of Regional Superintendents of School, and the Illinois Citizens for Handgun Control. Thanks for your

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patience, Mr. Speaker. And I would hope that I would receive a favorable yes vote from everyone in the House."

Speaker Turner, A.: "The Gentleman from Vermillion, Representative Black. For what reason do you rise?"

Black: "Just to see if the Sponsor would yield, Mr. Speaker."

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

Black: "Yes Representative, is this a vehicle Bill?"

Harris: "Yes, it is."

Black: "Mr. Speaker, Mr. Speaker, in all due respect, we have an agreement on both sides of the aisle, we're not calling vehicle Bills, on Third Reading."

Harris: "It's not a vehicle Bill Representative."

Black: "I'm sorry, what?"

Harris: "It's not a shell Bill, I'm sorry. It's not a shell Bill."

Black: "It's a 'may' Bill instead of a shell Bill."

Harris: "Yes."

Black: "We may do this, instead of we shall do this?"

Harris: "That's right."

Black: "Okay, all right. So, evidently, we've had a change in signals here. Representative, this is a very interesting Bill, could you give me the genesis of the Bill? Where did this Bill come from? I get a sense of deja vu here."

Harris: "Well, Representative, I don't know about in your area, downstate where you're from but in my area we've had some cases where the kids have been caught with handguns in their pocket in school, in their lockers and so forth. So, it was brought to my attention that if I would be able to bring this Bill before the House I would be doing something in regards to helping the schools keep these kids from bringing guns to school."

Black: "I never thought I'd live long enough to see the day

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school kids would bring guns to school."

Harris: "All the time. All the time, Representative."

Black: "I'll tell you, it just strikes terror in my heart. I used to be a school teacher back in the good old days."

Harris: "Well, when you was..."

Black: "We did have a drive by shooting in my district, now that I think of it, about a year ago, but when he discharged the gun, it scared the horse and he fell off the horse and we caught him. So, be that as it may, this looks a lot like a Bill that let me think, gosh, who was that guy? Fairly good looking fellow from Skokie as I recall, not ... Lang, Lou Lang, Lou Lang, was this a Lou Lang Bill at one time earlier in the Session?"

Harris: "Mr. Speaker, I've only been here for a short period of time, it could've been."

Black : "So, this was your Bill from day one?"

Harris: "From this day forth."

Black: "You're catching on here real quick, Representative."

Harris: "And, listen, and to add to that I have a cosponsor from across the aisle, here too."

Black: "Who might that be? Mr. Speaker, I don't see any cosponsors name up there on the other side of the aisle on our side of the aisle. Who might that be?"

Harris: "It's a long list."

Black: "Oh, it's a long list"

Harris: "It's a long list."

Black: "Well, you know, I would, I'll tell you what you'd get more support on our side of the aisle if you would delete that last Sponsor, Lang, and put a good Republican name up there like Parke."

Harris: "It's no problem, may I add your name?"

Black: "I'd be honored, I'd be honored."

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Harris: "Would you add Representative Black to my Bill please..."

Black: "Yes, in fact, in fact, Mr. Speaker, put me up there in front of Representative Harris, and we'll take the Bill out of the record for a second. But, barring that I'd be honored to be on this Bill, because, because Representative, even though from this day forth this was your Bill, we voted on this Bill last year. Was a, I've got it right here on the tip of my tongue, in fact, I've got a roll call, it was House Bill 1328, last year, and it was sponsored by Representative, now Lieutenant Governor Wood. And it got 99 'yes' votes, the only 'no' vote was Representative Lang. I think he wanted to vote on the prevailing side so he could bring the Bill back this year. You know I don't see any problem with the Bill other than the supreme court case that you and I have discussed in People vs. Lindner, I don't know if that is Representatives Lindner or not, but the supreme court case was The People vs. Lindner that said in effect you cannot suspend a driver's license for a non-vehicle related case, but I would think violating the law while you're driving a motor vehicle would in fact meet that test, wouldn't you agree?"

Harris: "Yes, I would."

Black: "One never knows, are you planning to ask the supreme court to give us a test ruling by any..."

Harris: "What I'm planning on doing is checking with the supreme court and see whether or not they have grandkids that go to school, and if they do then..."

Black: "You may want to check with Representative Lang before you check with the supreme court. The relationship with the General Assembly and the Supreme Court has been somewhat strained lately."

Harris: "Well, as you know, it's always, we always can change

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that."

Black: "And we're with you. We're behind you, way behind you but we encourage you to go over there and check with the supreme court on this Bill. Actually, Representative, I want to commend you of all the freshman Legislators, you seem to have a forthright simple Bill that does exactly what it says, it has a legislative history, and try as hard as I could to find a reason for trying to kill this Bill, I can't. Other than the fact that now that Lou Lang is off of the Bill it is probably a better Bill all together. So, Mr. Speaker, we passed a law yesterday that's assault and battery against a sports official isn't it, blow that whistle like that?"

Speaker Turner, A.: "I don't think it's passed the Senate yet."

Black: "Well, good luck, I, you know, any House Bill that goes to the Senate generally is on life support before it even gets there. Representative, I just commend you, I think you've done a good job of grasping the process here I think the fact that I know you're surrounded by a staff and then Representative Davis is there helping you as well, and Representative Lang, who quite frankly had no business standing anywhere near your desk, you were perfectly capable of handling this Bill on your own, and I think the reason it will pass, is that you sent Representative Lang back to where he belongs. And I wish you the very best and a long and illustrious career here. And by the way, write when you find out what the supreme court thinks about this Bill will you please?"

Harris: "I will."

Black: "Thank you."

Harris: "Thank you."

Speaker Turner, A.: "Gentleman from Cook, Representative Giglio,

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for what reason do you rise?"

Giglio: "Will the Sponsor yield?"

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

Giglio: "Representative Harris, who's in favor of your Bill?"

Harris: "Bill Black, Illinois State Police, Illinois Association of Regional Superintendents of Schools,..."

Giglio: "I'm sorry, I can't hear you. Can you speak into that mike, Representative Harris?"

Harris: "Okay. Illinois State Police, Illinois Association of Regional Superintendents of School, and Illinois Citizens for Handgun Control."

Giglio: "Is that it?"

Harris: "That's, that's, that's it so far, they told me not to put too many..."

Giglio: "You figure that's the best you can do on your first Bill, three organizations?"

Harris: "No, what it is they told me not to put too many people on here, because they didn't want me to stand up here too long, because the people that's been down here longer than I have might get upset because I'm a freshman."

Giglio: "Well, guess what, you're already been up there too long, but we're gonna keep going with this. What does your Bill do?"

Harris: "Well, it does exactly what it states in the Bill. If you have a..."

Giglio: "All right in that case, why don't you do me a favor, read your, would you read your Bill for me please? What exactly does your Bill say?"

Harris: "House Bill 286 amends the Vehicle Code and grants the Secretary of State..."

Giglio: "No, no, excuse me, just read the language of the Bill, please. Verbatim."

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Harris: "Representative, I'm quite sure, I think your district is hooked next to mine and I'm quite sure that you go hunting in my district sometimes, so if I have to read all of this, I don't know whether I'll allow you to have your hunting license in my district."

Giglio: "It's only six lines, Representative. You can have a staffer read it if you like, if you don't want to take the time to read it, you can get one of them to read it."

Harris: "Would you read it for me?"

Giglio: "No, I get to ask the questions. All right, just the first line."

Harris: "The first line 'has been convicted of Section 24-1.2 of the Criminal Code of 19', oh, this one here? 'has as a student and a school subject to the School Code...'"

Giglio: "Now, see already, all I asked for was the first line and you got to go beyond that, are you trying to get me to vote against this Bill?"

Harris: "Oh no, Representative..."

Giglio: "All right. Thank you. Two more quick questions, how does Representative Slone and the home schoolers feel on this Bill?"

Harris: "Pardon?"

Giglio: "How does Representative Slone and the home schoolers feel on this Bill?"

Harris: "I don't know. I have no idea."

Giglio: "Don't you think it's your responsibility to check with other Representatives, before you introduce the legislation?"

Harris: "They have to drive to school, so I think she'll support it."

Giglio: "And lastly, most importantly, how does this affect the plumbers?"

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Harris: "Well, I'll tell you what it does for the plumbers, it gives them the right to sit on the commode without the top up."

Speaker Turner, A.: "The Gentleman from Cook, Representative Lang, I assume your name was mentioned in debate and you have something to say."

Lang: "Well, Mr. Speaker..."

Speaker Turner, A.: "You're not a plumber, are you?"

Lang: "I... I am shocked and appalled... I believe my name was mentioned in debate 10 or 12,000 times, I rise in support of the Gentleman's Bill. It was a good Bill when Representative Wood had it, it was a good Bill when I had it, and as of today it's a good Bill now that Representative Harris has it. I think he's done an excellent job explaining, I think we should leave him alone and vote on his Bill."

Speaker Turner, A.: "Representative Harris to close."

Harris: "Thank you all. And I would like the full House to give me a 'yes' vote. Thank you."

Speaker Turner, A.: "The question is 'Shall House Bill 286 pass?' All those in favor shall vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk should take the record. On this question, there are 115 voting 'aye', 0 'noes', 0 'presents'. This Bill having received the Constitutional Majority is hereby declared passed. On the Order of Short Debate. The Gentleman from Winnebago, Representative Scott, for what reason do you rise?"

Scott: "Thank you, Mr. Speaker, on House Bill 1304, I'd like the Journal to reflect I would've voted 'yes'."

Speaker Turner, A.: "The Journal so shall reflect. On the Order

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of Short Debate, page 66, we have House Bill 2019.
Representative Hassert. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2019. A Bill for an Act to amend the
Illinois Banking Act. Third Reading of this House Bill."

Speaker Turner, A.: "Thank you. The Gentleman from Cook,
Representative Hassert."

Hassert: "Thank you, Mr. Speaker, Members of the House. This
simply... House Bill 2019 just simply amends the Illinois
Banking Act. Provides that a bank may change it's main
banking premise upon giving written notice of the change to
the Commissioner of Banks. I appreciate your support."

Speaker Turner, A.: "Seeing no questions, the question is 'Shall
House Bill 2019 pass?'. All those in favor should vote
'aye'; all those opposed vote 'no'. The voting is now
open. Have all voted who wish? Have all voted who wish?
Have all voted who wish? The Clerk shall take the record.
On this question, there are 116 voting 'aye'; 0 'noes', 1
'present'. This Bill having received the Constitutional
Majority is here by declared passed. On the Order of Short
Debate, page 61, we have House Bill 747. Representative
Hoffman. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 747. A Bill for an Act to amend the
Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Turner, A.: "The Gentleman from Madison, Representative
Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the
House. House Bill 747 is an initiative that would address
the situation of individuals who work on railroads when
they have a tragic accident. It would allow for trauma and
stress debriefing so that if an individual is working on a
railroad and is directly a crew member that is directly
involved in an accident that causes serious injury or

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causes death that they could at their own discretion take off for three days, a minimum of three days, excuse me, could take off up to three days and they would be able to go through some type of trauma debriefing and some type of trauma counseling. It also would require the Illinois Commerce Commission to adopt rules for implementation and ensures that each rail carrier operating in the state must file it's counseling or trauma program with the Illinois Commerce Commission these shall be available for public inspection. Essentially, what this is, it's an initiative of individuals, such as United Transportation Union and other, others the Brotherhood of Locomotive Engineers who work everyday on trains and they see the terrible tragedies that sometimes befall people in this state as a result of train accidents. What we're saying is we should have a policy in this state to make sure that we don't cause a crew member who is not able to get back in the train, to go back in that train and drive it. They should have some time off, so that, so that we have safety on our rails here in the State of Illinois. I ask for an 'aye' vote."

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

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

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

Parke: "Representative, I guess I'm a little confused. Now, you're saying that you're gonna give crew members three days off, if they are involved in some kind of an accident, is that what you're saying?"

Hoffman: "What we're saying here, is if the crew member believes that he is incapable after one of these accidents, of getting back into the, into the engine and driving that engine, that they should have some time off, yes."

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Parke: "Well, why should the railroads have to pay for this? Isn't this mandatory payment of these salaries if, if they go to this counseling?"

Hoffman: "Well, first of all, I think that the railroads should be more than happy to, because you don't want to have a person who has just been involved in one of these tragic accidents getting back in a rail, in a rail, or an engine, driving that engine, driving this... steel vehicle down a railroad tracks and not having their mind on it and being suffering from trauma from one of these tragic accidents. So, I think that the, I understand that the Railroad Association and their members are against this, but to me it's a safety factor that's gonna save them money in the long run."

Parke: "Why don't you just make it, why don't you just not compensate them? Say if they really want to take this time off because they're, they have some form of mental trauma that they ought to be able to, and why don't you, don't you have collective bargaining on the railroads?"

Hoffman: "There are collective bargaining on the railroads if that's your question."

Parke: "Well, I have to tell you, you know, year after year..."

Hoffman: "Now they could bargain for greater benefits under the collective bargaining, they could bargain for greater benefits this is just a minimum Bill."

Parke: "Why circumvent the collective bargaining? You know, it wasn't 1983 you got collective bargaining in this state. Now, you're turning around and circumventing collective bargaining. You say, well, yes we've got it, but we want to do it legislatively we don't want to use collective bargaining we want that to be for something else. The fact of the matter is, you have collective bargaining, use it,

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if you want them to be compensated make it part of the agreement. If they want time off without pay make it part of the agreement, if they want pay make it part of the agreement. Negotiate this, we ought not to circumvent the collective bargaining process. That is the wrong thing to do, and I will tell you year after year, serving on the Labor and Commerce Committee that's what the union's have tried to do is that when they have earned the right to collective bargaining it's not good enough. They've got to come down here and circumvent that ability and I... to the Bill, Mr. Speaker, I just don't understand now, why we have to do this. Men and women who are involved in those unions have been able to survive and handle the trauma which happens in their jobs and they haven't needed this before and now all of the sudden here it is and we're saying is that anybody can take advantage of this for three days at full salary, full pay, requiring someone else to have to come on board to take the place of that person who has this trauma, and I have no doubt that if they were to hit a car, or hit a person that there would be some trauma, I have no doubt about that, I'm sure I would and you would all be, but the fact is that they ought to have other leaves that we provide for men and women who work, that they ought to be able to do it without compensation. So, Ladies and Gentlemen, I think I understand the sincerity of the sponsor of this, but I think that this is something that ought to be voluntary and ought not to be something that's mandatory and they ought to work with their... with union and management and collectively bargain and work this out and it ought not to be worked out on the floor of the Illinois Legislature."

Speaker Turner A.: "The Gentleman from DuPage, Representative

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Biggins, for what reason do you rise?"

Biggins: "Well, thank you, Mr. Speaker, will the Sponsor yield?"

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

Biggins: "Representative, first of all, is this the correct Bill number up there?"

Speaker Turner, A.: "That's the correct Bill number, Representative."

Biggins: "And, is this a train Bill or a plane Bill?"

Hoffman: "It's a train Bill."

Biggins: Well, thank you. Regarding the, regarding the... Well, can you first tell us the genesis of this Bill, where you got this idea?"

Hoffman: "Basically, where it came from was the United Transportation Union and the the Brotherhood of Locomotive Engineers were concerned about their members who were involved in these types of accidents and some railroads don't have any type of program that would give them days off, when there is an accident that involves great bodily injury or or death."

Biggins: "And was this... and I know that you are close to Representative... former Representative Bradford, was this involved at all in the Bradford Exchange, or with ... was this involved at all in anything he might be doing as a Representative for the union?"

Hoffman: "I have not talked to him about this Bill. Let me just say, Representative, this is... when you talk about accidents, and you talk about trauma, and you talk about people who are on these trains and these tragic accidents that occur, whether it's the Fox River Grove Accident, or something like this that makes some type of a political argument on this type of Bill I think is obscene and I'm offended by it. But it's typical."

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Biggins: "Well, sorry about your feelings, on a... what type of counseling does this provide?"

Hoffman: "What it does, Representative, is it provides that that you shall have some type of counseling or trauma program and that you can have up to three days off."

Biggins: "What I meant by counseling, I mean you mean psychological counseling, what, marriage counseling, what kind of counseling specifically, does the Bill cover? I mean, is it possible someone could be..."

Hoffman: "Representative, what it indicates is that each railroad must develop these these counseling and trauma programs and that they have to file them with the Illinois Commerce Commission for public inspection. It doesn't specifically say that you have to see a certain type of counselor or a certain type program has to be in place. We're gonna leave it up to the railroads and if they come up with some type of program they will then file it with the Illinois Commerce Commission."

Biggins: "So then if you're leaving it up to the railroad and they don't think any counseling is necessary, is that fine with you in this Bill?"

Hoffman: "No, it requires that they come up with some type of a program. Now, the individual, the individual who is either driving the train or is the crew member that was directly involved in this accident, we are leaving it up to that individual to make a determination as to whether they believe that they need the counseling or they the day off. When you talk to experts in this field, about stress different people deal with trauma or stress in different ways. Some people would deal with it by saying, 'I want to go back to work, it's the best way that I can deal for it, with it, and I can do it safely'. If that individual wants

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to do that. They can then do that and they don't go through this program. However, if that individual feels that they need some time off, because of the terrible tragedy that they have experienced this Bill would give them that benefit."

Biggins: "And, this is for railroads that are operating within the State of Illinois that who is, are involved in an accident within the State of Illinois, right?"

Hoffman: "It's accidents in the State of Illinois, yes."

Biggins: "So, if they were on a trip that took them longer than 48 hours to get back to their base, does the Bill state, it says, the Bill states 48 hours after the accident. What if the injured person can't get back to where they're from within 48 hours can they extend that deadline to longer than that?"

Hoffman: "Well, I submit to you, that in certain instances, you wouldn't want that person driving that train."

Biggins: "Well, not driving the train. But, I'm thinking... well maybe there be a large snowstorm, like we've experienced this week and somebody might be unable to be extricated in time to qualify for the 48 hours. Would it allow the railroads a grace period if some reason or other the injured person cannot get their whatever the therapy is within 48 hours? Can you have an Amendment like to a maybe extend it to as time deemed reasonable by a multitude of physicians that would agree."

Hoffman: "Well, what this says... and I'll read you the language it says 'That he or she shall be relieved from duty with compensation and applicable benefits at the site of the accident or within 48 hours of the accident'. So, it doesn't say the he or she would have to go back to their home base to be relieved. What they could do, is they

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could call in and say, 'I'm not able to drive this train, I need a break because we just had this terrible accident'. You wouldn't necessarily have to be back at your home base to take advantage of these benefits."

Biggins: "Thank you."

Hoffman: "Thank you."

Speaker Turner, A.: "I do want to remind the Members that this Bill is on Short Debate. Representative Durkin, the Gentleman from Cook."

Durkin: "Representative, will the Sponsor yield?"

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

Durkin: "Representative, I'm just kind of curious what the function of a... why do we need to file these reports with the ICC and what function will they serve and is this really necessary?"

Hoffman: "Well, the whole idea is to ensure that we have these types of counseling and trauma programs in the state and the only real way that we could think of doing this is making sure that there's essential repository and that's why we're doing it. So then, so then you can you can tell that actually they did it. It's for public inspection, if they're not doing it, then somebody could bring some type of enforcement members to ensure that they are doing it."

Durkin: "Will this allow the Illinois Commerce Commission to come in and will they have to approve the plan or is it just so they can act as strictly as a depository and they are not going to issue an opinion of whether or not this is something that meets some type of criteria, some type of psychological awareness."

Hoffman: "Strictly, a depository they would not have any rulemaking authority at all."

Durkin: "Okay. To the Bill. I think all of us have compassion

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for individuals who are involved in these types of accidents, but as the Representative stated earlier. I also believe that this is a matter that perhaps would be best served in the collective bargaining process. Thank you very much."

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

Lang: "Thank you. I rise in support of this legislation. For those that would like this a collective bargaining issue, it is not that in any way shape or form. This is an issue regarding worker safety, worker health. So for those who would make it something other than that, I think it's an effort to cloud the issue. Representative Hoffman, has a Bill here designed to deal with the health welfare and safety of railway worker's and no it's not so easy for me to say, and I think we should support him in this these folks work very hard, they're in harms way much of the time and they deserve the kind of protection that this Bill provides. I would urge 'aye' votes."

Speaker Turner, A.: "The Gentleman from Madison, Representative Hoffman to close."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would just ask that you give us a favorable roll call on this. What we're saying here is very simply that individuals who drive these trains should not be getting back into the train if they are not capable and they are not mentally capable as a result of some type of terrible accident or trauma that has befallen them. That's as simple as it gets, that's what this Bill does, we heard testimony in Committee about the terrible incidents that have occurred on the rails in Illinois, we don't want a person who is not mentally capable of driving the train, to

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be driving it after one of these terrible accidents. I think it's a safety issue for all the citizens of this state, it's not just a benefit for people who work on the railroad. I ask for an 'aye' vote."

Speaker Turner, A.: "The question is 'Shall House Bill 747 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 56 'yes', 52 'no' and the Sponsor."

Hoffman: "I would request Postponed Consideration."

Speaker Turner, A.: "The Sponsor requests Postponed Consideration. The Bill will be so moved. On the Order of Short Debate, page 62, we have House Bill 1109. Representative Hoeft. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1109. A Bill for an Act to amend the Election Code. Third Reading of this House Bill."

Hoeft: "Thank you, Mr. Speaker, Members of the House. House Bill 1109 is an initiative from the Illinois State Board of Elections to clarify three areas that came up during the year, this would strengthen the capacity for them to defend questions in terms of elections. There is no known opposition."

Speaker Turner, A.: "Seeing no questions, the question is 'Shall House Bill 1189... 1109 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 117 'aye', 0 'noes', 0 'present'. This Bill having received the Constitutional Majority is hereby declared passed. On the Order of Short Debate, page 57, we have House Bill 105. Representative

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Holbrook. Read the Bill Mr. Clerk."

Clerk Bolin: "House Bill 105. A Bill for an Act in relation to Assistance Animals. Third Reading of this House Bill."

Speaker Turner, A.: "The Gentleman from St. Clair, Representative Holbrook."

Holbrook: "Thank you, Speaker, House Bill 105 provides for penalties for those that would damage an assistance dog, like a blind guy, a dog that would help the blind or the hearing impaired. This is similar to an organ statute, which allows for it. Right now, if an assistance animal has been hurt and the... or killed there is very little recourse under our current statute. And What this does, it allows them to come up and have restitutions made. Assistance animals include; guide dogs, hearing dogs, animals trained to pull wheelchairs, to fetch items, and to perform balancing work for those that are impaired. I know of no opposition to the Bill."

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

Morrow: "Yes, will the... would the Gentleman yield?"

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

Morrow: "Representative Holbrook, I'm not necessarily against the concept of your Bill, but I'm concerned about what penalties a person would face if this Bill becomes law, is there jail time in this Bill?"

Holbrook: "No. It's strictly costs of replacing the assistance animal and replacement value of training the assistance animal and fees. There are no criminal penalties."

Morrow: "Well now, what if... what if the the defendant refuses to pay the fines or pen... or refuses to pay to replace the dog. Wouldn't he be then found in contempt of court?"

Holbrook: "As in any other civil case if they refuse to carry out

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the civil judgement, they could be placed in contempt of court. Yes, as any other civil action."

Morrow: "All right, now, when he's charged with this offense what what level of offense is he charged with? Is it a Class A, felony, misdemeanor, or what?"

Holbrook: "You mean contempt of court?"

Morrow: "Yeah... no I'm talking about once he attacks the dog or harms the dog. What charge... what is the charge that that the police would charge him with?"

Holbrook: "This would be civil action there would be no criminal penalties under this portion."

"Morrow: "Well, I'm gonna rise... I'm gonna vote 'yes' on House Bill 105, but maybe we should include some of us in this Bill."

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

Cross: "Could I ask the Sponsor just a few questions?"

Speaker Turner, A.: "You certainly may, go ahead."

Cross: "Thank you. Representative, this Bill has nothing to do with criminal liability, is that correct?"

Holbrook: "Absolutely none. It's strictly civil."

Cross: "And my understanding is now, is if you, you could be charged with criminal damage to property if you hurt a dog, is that correct?"

Holbrook: "Yes, that's... but that's not this Bill. This is strictly civil, on getting restitution for the injured animal."

Cross: "Well, and I... and I understand what... that you should get restitution for the injured animal. But, your Bill seems to go a little further than just restitution for the injured animal, it says that may bring an action for economic damages, which would be the damages for the dog."

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Holbrook: "Yes."

Cross: "Or... and then it says and noneconomic damages, noneconomic damages, I guess would be pain and suffering if something happens to my dog?"

Holbrook: "No, it wouldn't."

Cross: "If I went up and bit your dog on the nose, could you sue me civilly for the pain and suffering that occurred as a result of me biting your dog?"

Holbrook: "I don't know, Representative Cross, I'm not an attorney, but as this Bill is written I take it to mean that those are the attorney fees also, that are covered there that... most people aren't very wealthy that are in this situation and this allows them to recoup the attorney fees in the civil action."

Cross: "I don't have a... necessarily have a problem with the economic damages, Tom, and I don't know if I have a problem with the attorney's fees, but I think you're opening up the door pretty wide and I see this as an initiative in part of the trial lawyers when you talk about noneconomic damages. What... how... what are your defin... what is your definition or definitions of noneconomic damages?"

Holbrook: "If you can't afford the dog you'd have to replace him yourself. This initiative..."

Cross: "That would be economic damages."

Holbrook: "Yes. I guess the mental anguish of losing your dog, I have to assume."

Cross: "Is that, and I'm not... I'm not trying to be cute about this, I think we're... unfortunately we're somewhat going into... you're creating a new cause of action against... and I don't want anyone to hurt any of these dogs that you have listed, or animals I, no one in this chamber is gonna disagree with what you're doing in that respect, no one

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should ever harm one of these animals, in any way. But you're provising a cause of action and allowing for noneconomic damages and I guess my question is why do you have that in the Bill?"

Holbrook: "I was told that that would cover the spectrum... again, this initiative came from the Living Independent Center in our area, where a seeing eye dog had been injured and the lady lost work she had to replace the dog and she had very little to no recourse and they... and this is what I asked to be drafted and this is what it is. I'm not an attorney..."

Cross: "Yeah... and... Tom, I... I'm not trying, once again, to be difficult or cute with you. I don't know, I think the economic damages makes sense. I think the loss of work, if you have to replace the dog, the training, maybe some injury to the dog, that all makes sense. But, I'm really concerned about the noneconomic damages in there, and you have someone next to you, do you really want to go down this road?"

Holbrook: "Again, it's... there may be some mental anguish tied into the loss of the animal and they would have some recourse, then under this Bill to do that, to receive something back."

Cross: "Do you, do you really... Representative, do you think there should be a cap, heaven forbid I use the word cap in this chamber, but should there be a cap on the noneconomic damages under your Bill, which you could see that there should be some limit?"

Holbrook: "I have faith in the jury system on that issue."

Cross: "Well, you're also now, physically impaired person or owner may also bring an action for such damages against the owner of any animal that without provocation of tax and

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assistance animal. I don't know the guard dog world, and once again, I don't mean to make light of it, but isn't it possible that two people are walking down the street and your dog that's not the guard dog or the helping dog, ends up getting into a fight with the assistance dog. We are now, we are now, we are now allowing for a cause of action against the owner of the other dog as well as economic and noneconomic damages, and, Tom, I just don't know that this where you want to go with this."

Holbrook: "Well, the issue of the other animal is exactly the case that this came up. A dog was allowed to roam loose and attacked a seeing eye dog, and they had to have it anesthetized, put it to sleep, because of it. So, on that specific issue, yes, it would be the owner of that animal that causes the problem, by allowing their dog to run illegally, that damaged the assistance animal."

Cross: "You have a pretty good definition of economic damages, Tom, which I would... wouldn't necessarily disagree with. But, do you have any... can you look through your Bill, cause I don't see any definition of what noneconomic damages are if it's... if you really want mental anguish as something one can recover for underneath this Bill."

Holbrook: "Pain and suffering, there is no definition in the Bill, you're absolutely correct. But the mental anguish, the pain and suffering."

Cross: "Well, Tommy, could you perhaps hold this Bill and find out if you really want to move this with noneconomic damages? I don't see that we want to cloud the jury system with animal cases and awarding someone mental anguish over a dog. And, once again, we're all for guard dogs or helping dogs believe me, but to award noneconomic damages and create a whole new cause of action is a major step in

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the world of civil law, and I just don't know if that's where you want to go. Thank you, Mr. Speaker."

Speaker Turner, A.: "Seeing no further questions, the Gentleman from St. Clair to close."

Holbrook: "I'd appreciate an 'aye' vote on this. Thank you."

Speaker Turner, A: "The question is 'Shall House Bill 180... 105 pass'. All those in favor vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all who voted wish? The Clerk shall take the record. On this question there are 111 voting 'aye', 0 'noes', 0 vote 'presents'. And this Bill having received the Constitutional Majority is hereby declared passed. On the Order of Short Debate, page 64, we have House Bill 1763, Representative Hultgren. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1763. A Bill for an Act to amend the Criminal Code of 1961. Third Reading of this House Bill."

Hultgren: "Thank you very much, Mr. Speaker. This Bill provides that it shall be a Class X felony to commit reckless homicide in which more than two or more people are killed. The intention of this Bill is, right now when someone has committed a DUI and there is a reckless homicide that is found by a jury and more than one person is killed. Right now in Illinois that still remains a Class 2 Felony, even if there is more than one person there that has been killed in that accident. What this would do would be allowed... allow for that charge then to be increased to a Class II Felony if there are more than one person who are killed in that reckless homicide or someone is under the influence of either drugs or alcohol."

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

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Black: "Well, the actual reason I rise, Mr. Speaker, is to see if we could adjourn for an afternoon of rest and relaxation. Would that be in the cards?"

Speaker Turner, A.: "Not yet."

Black: "I see."

Speaker Turner, A.: "Not yet."

Black: "Well, that's the answer I expected. So, therefore would the Sponsor yield?"

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

Black: "Thank you. Representative Hultgren, I served in the House many years ago with a Gentleman by the name of David Hultgren, spelled the same way, are you two related?"

Hultgren: "No we are not, not that I know of at least."

Black: "I was going to say, you know Representative Hultgren is now Judge Hultgren. And I just wondered if Judge Hultgren had given you this Bill."

Hultgren: "No he did not, I did receive this recommendation from the state's attorney in DuPage County."

Black: "The state's attorney of what county?"

Hultgren: "DuPage County."

Black: "Where is that exactly?"

Hultgren: "That's in Illinois. Northern Illinois."

Black: "Mr. Speaker, ten thousand comedians are out of work and he has to say... tell me this county is in Illinois. Would you admonish him? All right, consider yourself admonished."

Hultgren: "I'm sorry, it's in Northern Illinois."

Black: "Is it near Lincoln County by any chance?"

Hultgren: "I believe it's not too far from Lincoln County. A little bit north of Lincoln County."

Black: "Mr. Speaker, let the record reflect there is no Lincoln County in the State of Illinois."

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Hultgren: "It's definitely north."

Black: "I think we have somebody who didn't do his homework here. So this came to you from the state's attorney of DuPage County? And we're making this a Class X felony but it's only if the driver of a motor vehicle, am I correct so far, this is only a motor vehicle offense, correct?"

Hultgren: "That's correct."

Black: "All right. And it's only if the driver of said vehicle is found to be under the influence of alcohol or drugs, correct?"

Hultgren: "That's correct."

Black: "Do you have a threshold of what would be under the influence or are you using the current statutory threshold of .08?"

Hultgren: "We are using the current statutory threshold. That person would need to be proven beyond a reasonable doubt that they had been under the influence of alcohol according to the other statutes."

Black: "Okay. All right, so you don't have any threshold built into it, such as a person who is twice the legal limit perhaps should be treated more severely or more harshly than a person at .08?"

Hultgren: "No."

Black: "All right. I hope you're taking notes, I'm giving you some good ideas here. I assume that the individual so charged would have access to a jury trial correct, if he or she so desires?"

Hultgren: "Yes, that's correct."

Black: "All right. Was... I'm surprised we didn't ask for a Corrections Impact Note on this Bill but since we didn't, have you heard from the Department of Corrections as to the anticipated impact on how many people they might expect to

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incarcerate at what dollar amount?"

Hultgren: "I do not believe we've heard from them. It's our anticipation that it would be a minimal impact."

Black: "All right. Is this in... is this in response to the case up in DuPage County where the three high school children were killed in a drunk driving crash?"

Hultgren: "I believe it was... it was a tragic accident there in Naperville where three high school students were killed."

Black: "Okay. Now it's rather clear to me, because my daughter and son-in-law live about four blocks from that intersection and I'm very familiar with that tragedy. Was there... was there a deficiency in existing law? The driver of that vehicle could only be sentenced to... I mean, what was the sentence, do you know?"

Hultgren: "Well, I believe the maximum sentence... I'm not sure what the sentence is on that, or I'm not even sure if it's completed yet, but the maximum sentence is would be a Class II Felony which would be 3 to 14 years. As a Class X felony it would allow it to be anywhere from 6 to 30 years if more than one person has been killed by someone found to be under the influence."

Black: "Okay. All right. Well thank you very much Representative. Mr. Speaker, to the Bill. Again, here is a freshman Representative who brings a good Bill, reasonable Bill, he's done his homework, he presents it in a clear, concise, cogent manner. The genesis of the Bill obviously comes from his district. He's familiar with what caused the tragedy. And he is attempting to answer a deficiency in law, in the sentencing of this individual, who took the lives of three remarkable young people in his area and the punishment really in this case didn't fit the crime. So every once in a while, while I sometimes am

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cynical at the number of freshman we see in each Session, every once in a while a freshman presents a Bill that is well researched, well presented, well thought out, and it's for that matter that I stand in full support of Representative Hultgren's Bill, Representative, former Representative David Hultgren was a seatmate of mine and I'm sure that now Judge Hultgren would also urge us to vote 'aye' on the Bill. Thank you, Mr. Speaker."

Hultgren: "Thank you, Representative Black."

Speaker Turner, A.: "Representative Hultgren to close."

Hultgren: "I would encourage and request a 'yes' vote on this. Thank you."

Speaker Turner, A.: "The question is 'Shall House Bill 1763 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The clerk shall take the record. On this question there 112 voting 'aye', 1 'no', 3 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. On the Order of Short Debate, page 62, we have House Bill 897, Representative Howard. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 897. A Bill for an Act to amend the Illinois Educational Labor Relation Act. Third Reading of this House Bill."

Speaker Turner, A.: "The Lady from Cook, Representative Howard."

Howard: "Thank you, Mr. Chairman (sic - Mr. Speaker). House Bill 897 would restore collective bargaining rights to education employees, including teachers and clerical, technical staff in the Chicago Public Schools and Chicago Community Colleges. This Bill would also delete obsolete language that relates to the right to strike for 18 months after

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enactment of the original law that took effect in July of 1995."

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

Turner, J.: "Well, Mr. Speaker, I wanted to know if the sponsor would yield?"

Speaker Turner, A.: "She indicates she will."

Turner, J.: "Representative, it's kind of loud over here, I know you took some time to explain the measure, but I couldn't hear you. I was hoping maybe you would briefly go over what exactly your Bill does, one more time for me."

Howard: "It restores collective bargaining rights for Chicago teachers and also for Chicago Community College teachers. Chicago Public School Teachers and Chicago Community College teachers."

Turner, J.: "Where did they... you say it restores collective bargaining rights? When were these lost?"

Howard: "In 1995."

Turner, J.: "What were the circumstances?"

Howard: "Well, we passed a Bill here. That resulted in that loss."

Turner, J.: "I'm sorry."

Howard: "We passed a Bill out of this Legislature that resulted in the loss of those collective bargaining rights."

Turner, J.: "There was a specific Bill in 1995. Is that what you're saying?"

Howard: "Yes, that's what I'm saying."

Turner, J.: "Is that part of the Chicago School Reform Bill?"

Howard: "Yes."

Turner, J.: "Does your measure repeal any other portion of the Chicago School Reform Bill?"

Howard: "It's just... this is just limited to the subject matter

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that I just talked about."

Turner, J.: "Well as I understand, Chicago School Reform has been very successful, you agree with that, do you not?"

Howard: "I would say that I would agree with you on that."

Turner, J.: "You do agree with that? Indeed it's been cited by the ultimate leader of the Democratic Party, President Clinton as being one of the successes for education reform in the country has it not?"

Howard: "I've heard that said, yes."

Turner, J.: "Well, with the success that we have found with the Chicago School Reform, based upon the 1995 law, I guess I'm a little curious why do you want to start tinkering with that and repeating provisions of that when we've accomplished so much?"

Howard: "Representative, this Bill would return to those educators the same rights that every other educator in this state has. That is the problem. The other educators in this state have rights that we in Chicago do not have. And that is the purpose of this Bill."

Turner, J.: "Well, I understand that, Representative, but my point was that everyone agrees that the 1995 reform was a success and my question is, why are you tinkering with that successful legislation by repeating a portion of it with your measure today?"

Howard: "I think it can be argued that the success has to do with some extent with the leadership. This will not affect the leadership at all."

Turner, J.: "Could it not be argued that this provision you are trying to put back into the law also contributes to the success of the 1995 reform?"

Howard: "I would say not."

Turner, J.: "Well, why not? I mean, why single this particular

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portion of the '95 Reform out? Why single it out number one, to change, number two, why can you say that it's not one of the contributing factors to the successful '95 Reform?"

Howard: "Representative, this is merely a codification of the current practice."

Turner, J.: "It's a codification of the current practice where?"

Howard: "In the public school system in Chicago."

Turner, J.: "So, it simply codifies what is already taking place, is that what you are saying?"

Howard: "Absolutely."

Turner, J.: "Well then why if it simply codifies what's already taking place why do we need to pass this legislation?"

Howard: "Why not? I guess I try to understand why it is that you want the Chicago teachers to be second class citizens. They're the only teachers in the state that do not have these rights. Why is... why is it that you want them to not have these rights, when it will not be harmful to the schools?"

Turner, J.: "Well, Representative, I am simply trying to ask some questions about your Bill and trying to get responses to them. The last colloquy we had was that you said you are trying to put into Legislation something that is already taking place as a matter of practice. And I believe my query was if it is already taking place why codify it into law, it's already being done. I think that's where we left off before the digression."

Howard: "If there is no statutory protection then anything can just take it away. We want to make sure that does not happen."

Turner, J.: "All right. Well, thank you for the responses, Representative. Mr. Speaker, I note that Mr. Black now has

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his light on, so I will defer any further questions so that he can oppose then, thank you."

Turner, A.: "And we will remind Mr. Black that this is on Short Debate, but we will hear from him. The Gentleman from Vermillion, Representative Black."

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

Turner, A.: "She indicates she will."

Black: "Representative, the Chicago Teachers Union does now have the right to strike do they not?"

Howard: "Yes they do."

Black: "Okay. I recall in the original in the underlined legislation there was a moratorium, and I think that has since expired, correct?"

Howard: "That has been removed with this legislation."

Black: "There are a few items that are still prohibited or removed from the collective bargaining calender, I think they have to do with charter schools, third party services, I'm sure there are others and you probably know better than I, but is it fair to say that the Chicago Teacher's Union does not now have the right to bargain collectively on most most items that affect them, not particularly all, but they do collectively bargain, do they not?"

Howard: "In some instances, yes."

Black: "Okay. But there are still a few areas that are prohibited under the Reform Act?"

Howard: "That is correct."

Black: "Okay. Has a... I, I'm just curious and I really don't know the answer to this. Has Mayor Daley taken a position on your Bill, or anything similar to it about the reinstatement of full bargaining rights?"

Howard: "I have not heard any statement or position that he's

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taken."

Black: "Okay. And I haven't either, Representative, I really have no idea. I would assume that the two people that the mayor put in charge of Chicago School Reform, Mr. Vallas, and is it Mr. Chico? Have they weighed in pro or con on the issue?"

Howard: "It is my understanding that they are opposed."

Black: "Okay. All right. Representative, I appreciate your indulgence, and Mr. Speaker, if I could, to the Bill. I think it's unfortunate, I... Representative Howard works as hard as any Legislator on the floor of the House to represent not only her district, but the people of Illinois to the very best of her ability. And I don't quarrel with what she's attempting to do in this Bill. However, I think we need to take a very close and long look at this. Because, Chicago teachers do in fact bargain collectively all be it not on every matter of working conditions and what have you, but the basics, the salary, etc. They do bargain collectively and they certainly could strike. I guess I would only urge colleagues on both sides of the aisle... unfortunately this becomes a labor management issue, and I think it's much more involved than that I don't think if you vote against this. I don't think labor should say 'well your anti-labor'. And on the... conversely I think if you vote for her Bill I don't think management should say 'well you're antimanagement'. This Bill is much more complicated than that. I have said publicly many times and would say it to the mayor personally if I had the opportunity... Mayor Daley said if we would give him, we the General Assembly, would give him the tools to implement Chicago School Reform, he would do that and he would make the Chicago School System a model

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for large urban school districts throughout the country. You know what, and obviously the mayor and I are different political parties, Mayor Daley has done that and he deserves a great deal of credit as do all of the people that he put on the board and all of the people that have worked so hard to make the Chicago Public School System what is in fact today. People from all over the country, New York, Philadelphia, Miami, Los Angeles are coming to Chicago to see what they've done to a school system that in all due respect to my colleagues that live in Chicago, I think even you could agree that eight or nine years ago most people, even people who lived in the City of Chicago expressed serious, serious concerns about the efficacy and the standards and the quality of education that was being given in the Chicago Public School System. I'm not blaming anybody, it just appeared to be a large school district in some difficulty. And to the mayor's everlasting credit he has taken some legislation, he has reversed that trend, I don't know about any of you, I feel very fortunate... when I was first down here and correct me if I'm wrong, we could count every year towards the end of Session, the Chicago school crisis, to keep us in Session an extra week, or an extra two weeks, or an extra month, and we often would have to have a supplemental appropriation so that the Chicago School District would, in fact, start on time. I don't want to go back to those days and I'm not saying that her Bill would take us back to those days. I would hope that we could vote on the merits of the underlying issue, not a labor issue or a management issue but until you can show me some concrete evidence that what Mayor Daley has done has damaged the quality of life of a Chicago teacher, I can't vote for this Bill. Now, if you bring me evidence to show

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that I am wrong I may change my mind at a point in the future. But I would just caution my colleagues, downstate or whether you live in Chicago or the collar counties. Chicago school reform is working and it is working very very well, and I don't want to vote for anything that might disrupt that continuing transition that would make the Chicago school system into a model of education and opportunity for all children. A model that is attracted nationwide, in fact, I dare say worldwide attention. And there is an old adage that if it isn't broken maybe we shouldn't fix it. And I don't... that's not to say that we can't come back in a year or two and revisit collective bargaining issues for the Chicago Teachers Union. All I am saying is, the Chicago School Reform Package is working, it's working very well I don't think the mayor is asking for this reinstatement and until the mayor does, or until the people intimately involved in carrying out Chicago school reform, I can't in good conscience vote for this. I commend everyone in Chicago for what they have done to the Chicago School System I would ask many of my colleagues to vote 'no', not because we are against collective bargaining rights, that's not the issue, the issue is that whatever Mayor Daley and the Chicagoans have done, it's working and I'd like to give it another year or two of continuation to make what I think will soon be the most outstanding large urban school district in the country, and that being the Chicago Public Schools, so that reason and that reason only I intend to vote 'no' on the Bill."

Speaker Turner, A.: "The Lady from DuPage, Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentleman of the House. Paul Vallas was here this morning

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in this very chamber. He came at the invitation of the Education Committee thanks to State Representative Larry Woolard, he had a lot of interesting things to say and we were all expressing our gratitude to him. I asked him about whether he wanted this or similar changes made in the Education Reform Act that affected the Chicago Schools. He said 'no', he said he is strongly opposed to this kind of change, therefore, Ladies and Gentlemen, if you believe that what Paul Vallas and Richard Daley have done for the Chicago Public Schools is worthy, you vote 'no' on this Bill. If you don't think they deserve any credit for what's happened there you vote 'yes'. It's as simple as that. Thank you, Mr. Speaker."

Speaker Turner, A.: "The Lady from Cook, Representative Davis, for what reason do you rise."

Davis, M.: "Will the Sponsor yield?"

Speaker Turner, A.: "She indicates she will."

Davis: "Representative, what... who's district does this Bill affect?"

Howard: "It affects the District 299."

Davis, M.: "It affects Chicago, and I'm a Chicagoan. I live there. I pay taxes there. I am raising my children there, my grandchildren there. And this is a good Bill. I want teachers to want to come and teach in Chicago. I don't want them to say I'm not going there because they don't have the same bargaining rights as those in other areas. It's an excellent piece of legislation. I saw Mr. Vallas, this morning and he didn't mention a word to me about this Bill. I have passed by the mayor's lobbyists outside, and they haven't said a word to me about this Bill. It's a good piece of legislation, it's codifying what already exists. There's an excellent relationship between our

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labor union and our management. It's an excellent relationship. Let's just codify what is already working. You know, I don't want to become emotional, but I get a little emotional when other people think that they... they're supposed to dictate what happens in my area but I'm not supposed to say anything about what goes on in theirs. Now, I usually support people when they want and need something for the district they're from. And, I'm asking for your support for this Legislation. I commend the sponsor for bringing it before us. Our teachers don't just live in Chicago, our teachers live all over the State of Illinois and they should not be treated differently. Thank you."

Speaker Turner, A.: "I'd like to remind the Members that this Bill is on Short Debate. With that, will Represent... Representative... the Gentleman from Whiteside Representative Mitchell."

Mitchell: "Thank you, Mr. Speaker."

Speaker Turner, A.: "For what reason do you rise?"

Mitchell: "I just want to speak to the Bill, and I've given this considerable thought, I respect the Illinois Federation of Teachers, I respect the IEA, and the teachers unions across the state. I also respect what Mayor Daley has done and what Paul Vallas has done and I was here this morning in committee when Paul Vallas stated publicly that he didn't feel that this legislation would help, in fact, it would hurt the efforts in Chicago. We lived with the Chicago problems for a long time and whether you want to say it or not, it is a part of Illinois and a part of our responsibility. We gave the mayor and we gave Paul Vallas the opportunity and challenged him to change that system, he accepted that challenge and he's done it well. And

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quite frankly, it's a fragile situation and one that needs more nurturing and more time. And I respect the IFT, I respect the Sponsor of this Bill. Representative Howard and I are classmates and I certainly understand where she comes from but folks, it's just not time. Thank you very much."

Speaker Turner, A.: "The Lady from Cook, Representative Howard to close."

Howard: "On the contrary, Representative Mitchell, I think it is time, in fact, this Bill will return to Chicago Educators the same rights that others in this state have. I urge you all to vote 'yes'. Thank you."

Speaker Turner, A.: "The Gentleman from Cook, Representative Cross."

Cross: "Thank you Mr. Speaker, in the event this gets the requisite number of votes we request a verification."

Speaker Turner, A: "Okay. The question is 'Shall House Bill 897 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 60 voting 'aye', 53 voting 'no', 2 voting 'present'. And the Gentleman requests a verification. Mr. Clerk, read the affirmatives."

Clerk Rossi: "A poll of those voting in the affirmative, Representatives Acevedo. Boland. Bost. Brosnahan. Brunsvold. Bugielski. Burke. Crotty. Barbara Currie. Julie Curry. Dart. Davis, M. Davis, S. Delgado. Durkin. Erwin. Feigenholtz. Flowers. Fowler. Fritchey. Gash. Giglio. Giles. Granberg. Hamos. Hannig. Harris. Hartke. Hoffman. Holbrook. Howard. Jones, L. Jones, S. Kenner. Lang. Lopez. Lyons, J. Mautino. McAuliffe.

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McCarthy. McGuire. McKeon. Moffitt. Morrow. Murphy.
Novak. O'Brien. Pugh. Reitz. Saviano. Schoenberg.
Scott. Scully. Silva. Slone. Smith. Stroger. Turner,
A. Woolard. Younge.

Speaker Turner, A.: "The Lady from Cook, Representative Sharp,
for what reason do you rise?"

Sharp: "I'm standing to rise, because my button must not be
working and I did vote 'yes' on this Bill."

Speaker Turner, A.: "The record will reflect that you wished to
have voted 'yes', Representative. Representative Fritchey
requests leave to be verified. Leave is granted.
Representative Cross. Proceed, Representative."

Cross: "Thank you. Representative Hoffman."

Speaker Turner, A.: "Standing down front."

Cross: "Representative Franks."

Speaker Turner, A.: "Say it again. He is recorded as voting
'no', Representative."

Cross: "My mistake, Mr. Speaker. Representative Granberg."

Speaker Turner, A.: "Representative Granberg, is that right?"

Cross: "Yes, Mr. Speaker."

Speaker Turner, A.: "Is Representative Granberg in the chamber?
Is the Gentleman in the chamber? He's not here, remove
him."

Cross: "Representative Davis. Steve Davis. Representative Steve
Davis."

Speaker Turner, A.: "Wait a minute, Representative, there is a
question here as to whether we actually polled the
absentees? Mr. Clerk did we poll the absentees? And if
not, can we do that?"

Clerk Rossi: "The poll of those not voting: Representative
Granberg, Capparelli and Sharp."

Speaker Turner, A.: "Well, Granberg I believe was verified off,

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and he has just returned, so add Representative Granberg back to the Roll Call. Representative Capparelli?"

Cross: "Whose turn is it? Mine?"

Speaker Turner, A.: "Mine."

Cross: "All right, go ahead."

Speaker Turner, A.: "Mr. Clerk... Representative Capparelli, for what reason do you rise? Representative, I assume your switch wasn't working as well. At this point, the record will have to reflect that you wish to have been voted 'aye', but you cannot be added to the Roll Call. Proceed Representative Cross."

Cross: "Representative Wyvetter Younge."

Speaker Turner, A.: "Representative Wyvetter Younge. Is the Lady in the chamber? The Lady is not in the chamber... wait she's coming in the back door. Representative, she's on the floor."

Cross: "Thank you. Representative Bost."

Speaker Turner, A.: "Representative Bost. Representative Bost. Is the Gentleman in the chamber? The Gentleman is not here, remove him from the Roll Call."

Cross: "That will be all, Mr. Speaker. Thank you."

Speaker Turner, A.: "There are... Representative Brady for what reason do you rise? The Gentleman from Cook."

Brady: "Mr... Mr. Speaker, I inadvertently hit on my 'no' button, I'd like my vote changed to a 'yes' please."

Cross: "Mr. Speaker, I... I hope we're not going down that road."

Speaker Turner, A.:M\$"Representative, the record will reflect that you wished to have voted 'aye' and not 'nay' as was originally recorded. The Lady from Cook, Representative Howard, what's your preference?"

Howard: "Yes, Mr. Speaker, thank you. I'd like this Bill to be placed on Postponed Consideration."

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Speaker Turner, A.: "The matter will so be request... the Lady's request will be granted."

Howard: "Thank you."

Speaker Turner, A.: "Page 63, on the Order of Short Debate, we have Representative... I should say House Bill 1279. Representative Johnson, Tim Johnson. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1279. A Bill for an Act to amend the Alternate Fuels Act. Third Reading of this House Bill."

Speaker Johnson, Tim: "The Gentleman from Champaign, Representative Johnson, Tim Johnson."

Johnson, Tim: "Thank you, Mr. Speaker and Members of the House. This Bill received a unanimous vote in the Energy and Environment Committee, amends the Alternative Fuels Act to provide that the EPA shall establish a program of matching grants to retailers of E85 namely Ethanol Blend, the installation of tanks for the E85 blend fuel. Provides that the grant shall be for the lessor of 50% of the cost of installation or \$20,000. As far as I know, it's a noncontroversial measure, it was recommended to me by both Senator Noland and various agricultural groups, it's environmentally good, economically sound and good for the agricultural community particularly in an era where a down turn now in the agricultural economy. I would ask your support. And I won't entertain any questions, just vote 'yes' or 'no'."

Speaker Turner, A.: "Seeing no questions, the question is, 'Shall House Bill 1279 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 116 voting 'aye', 0 'noes' 0

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'present'. This Bill having received the Constitutional majority is hereby declared passed. On the Order of Short Debate, page 59, we have House Bill 392. Representative Lou Jones. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 392, a Bill for an Act in relation to pregnant female prisoners. Third Reading of this House Bill."

Speaker Turner, A.: "The Lady from Cook, Representative Jones."

Jones, L.: "Thank you, Mr. Speaker, Members of the House. House Bill 392 amends the Counties Code and the Unified Code of Corrections, and the County Jail Act. It provides that when a pregnant female prisoner is brought to a hospital from an Illinois Correctional Center, or County Jail, for the purposes of delivering her baby, no handcuffs shackles or restraints of any kind may be used during her transport to a medical facility. It prohibits irons and shackles or waist shackles from being used on a pregnant female prisoner who is in labor. It also provides that a sheriff or a Department of Corrections must provide for adequate personnel to monitor the pregnant prisoner, to from and during her stay at the hospital. And I ask for a favorable vote."

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

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

Speaker Turner, A.: "She indicates she will."

Black: "Representative, do you know how this policy ever got started? I mean did the Department of Corrections ever tell you why this happened or why they felt it necessary to shackle a woman in labor to a hospital bed?"

Jones, L.: "No, I don't know, I don't know... I don't... it

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probably goes back a long time, Representative, and... but, how I got involved in it because I was talking to some medical doctors and they were saying that it's really a strain on the unborn baby when the mother is shackled in that manner. Because, and I said this in committee and some of the men did not appreciate it, but most women understand that when you're in that kind of a pain, that you need to hold onto something. And when you can't do that it puts.. it makes the stress go onto the unborn child. And what we're saying is that in 1999 we don't think... the worst dangerous, dangerous woman criminal in the world is not going to run anywhere when pains is three minutes apart."

Black: "I absolutely agree with you, Representative. I had one of the most profound experiences of my life was to be in the delivery room when my wife gave birth to our son and I can assure you while I was in no physical pain, I did faint dead that way and was looking for something to grab a hold of during that time. I guess as we look back on it now, it's kind of ludicrous, as you say, to think that the woman in labor is going to jump off the bed and run out of the hospital. It isn't going to work. And I'm glad to see that the Department of Corrections, in fact, now supports your Bill and, in fact, I don't believe there's any opposition."

Jones, L: "Well, Representative, they ... it came out also in the reform task force that we have and last year the Department of Corrections also informed me that it would never happen again even though it was a law. It did happen one more time and they were not aware of it, so that's how come I decided to put it into law now and they are in total agreement with this Bill."

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Black: "And I think we all agree that the Department of Corrections obviously has security concerns that they must obviously pay very close attention to. But, in the case of someone giving birth I don't think security concerns should overrule basic common sense and humanity. I simply stand to support your Bill and I can't imagine that it wouldn't fly out of here unanimously and I appreciate the work you've done."

Jones, L: "Thank you, Representative."

Speaker Turner, A: "The lady from Kane, Representative Lindner, for what reason do you rise?"

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

Speaker Turner, A: "She indicates she will."

Lindner: "Yes, to the Bill. I just want to say I rise in support of this Bill. We heard some compelling testimony that Representative Jones had in the Criminal Law Committee. On not only a letter from a woman and how it felt when she was shackled giving birth and the fact that all of our citizens, even though they are in prison, do have certain rights and this was very degrading to her. And, also some medical testimony that it was not only bad for the health of the mother giving birth but for the health of the baby. And that the Department of Corrections does have a guard with these women, so there should not be any security risks. And I would just ask everyone to support this Bill."

Speaker Turner, A: "The Lady from Cook, Representative Jones, to close."

Jones, L: "Thank you, Mr. Speaker and Members of the House. I just thank you for your support and ask for a favorable vote."

Speaker Turner, A: "The question is, 'Shall House Bill 392 pass?'"

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All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 117 voting 'aye', 0 'noes', 0 'presents'. This Bill having received the Constitutional Majority is hereby declared passed. On the Order of Short Debate, page 65, we have House Bill 1785. Representative Tom Johnson. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1785, a Bill for an Act to amend the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Turner, A: "The Gentleman from DuPage, Representative Johnson."

Johnson, Tom: "Mr. Speaker, Members of the House. I'm already getting ribbed on this but it's not what everybody thinks it is. This Bill is a Bill that our state's attorney from DuPage County brought because we, in fact, ran into this problem in a case and I think it also applies to the case, the tragic case, of the Ryan girl in the City of Chicago. And what this would add to the definition for those who don't understand, is the definition of sexual conduct does not currently contain the language or any transfer or transmission of semen by the accused upon any part of the clothed or unclothed body of the victim. And this deals with assaults on children under 13 of age, so less anybody think this is a Monica Lewinsky thing though the President might need to look at this and maybe get his own definition straight. This really deals with the case that we have in Chicago and also we had one in DuPage County where, in fact, this evidence existed, but since it was not contained in the definition of the Code the culprit walked free. So, we're just asking to add this language into the actual

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definition of sexual conduct. Would ask for your 'aye' votes."

Speaker Turner, A: "Seeing no questions, the question is, 'Should House Bill 1785 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 116 voting 'aye', 0 'noes', 0 'presents'. This Bill having received the Constitutional Majority is hereby declared passed. On the Order of Short Debate, page 66, we have House Bill 2016. Representative Shirley Jones. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2016, a Bill for an Act to amend the Environmental Protection Act. Third Reading of this House Bill."

Speaker Turner, A: "The Lady from Cook, Representative Jones. Representative Jones."

Jones, S: "Mr. Speaker and Members of the House. The legislation was introduced by the City of Chicago to ensure that the city gets it's share of money from the use time management funds any sanitary district serving the population over \$1,000,000 shares and the money will be properly devised through the grants by raising the requirements that the Sanitary District must serve a population of at least 2,000,000. The City of Chicago will be assured of getting their share of the funds. I ask for your favored votes. Thank you."

Speaker Turner, A: "Seeing no questions, the question is, 'Shall House Bill 2016 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this

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question, there 117 voting 'aye', 0 'noes', 0 'presents'. This Bill having received the Constitutional Majority is hereby declared passed. On the Order of Short Debate, page 65, we have House Bill 1969. Representative John Jones. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1969, a Bill for Act to amend the Oil and Gas Act. Third Reading of this House Bill."

Speaker Turner, A.: "Where is he?"

Jones, J: "Thank you, Mr. Speaker."

Speaker Turner, A: "The Gentleman from Jefferson."

Jones, J: "House Bill 1969 is a very simple Bill, just adds one member to the Oil and Gas Board. And that member that is to be added is a new member shall be appointed by the director upon the consultation with the Illinois Farm Bureau and must be an active production agriculture farmer. And I would just ask for a favorable 'aye' vote."

Speaker Turner, A: "Seeing no questions, the question is, 'Shall House Bill 1969 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 117 voting 'aye', 0 'noes', 0 'presents'. This Bill have receiving the Constitutional Majority is hereby declared passed. On the Order of Short Debate, page 60, we have House Bill 534. Representative Lopez. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 534. A Bill for an Act to amend the School Code. Third Reading of this House Bill."

Speaker Turner, A: "The Gentleman from Cook, Representative Lopez."

Lopez: "Thank you, Mr. Speaker. I'm presenting House Bill 534 and what it does is amends the transitional bilingual

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education article of the School Code. Beginning July 1, 2003 requires the State Board of Education to implement a test or tests to assess the speaking, reading, writing, and grammar skills of applicants for a certificate in the English language and in the language of the transitional bilingual education program requested by the applicant. This is an attempt to renew, requalify bilingual teachers into the school system and the last legislative mandate to look at the necessary qualifications of bilingual teachers was in 1985, according to the Code. So, it's time for changes and I ask for a 'aye' vote."

Speaker Turner, A: "Seeing no questions, the question is, 'Shall House Bill 534 pass?' All those in favor should vote... I'm sorry. The lady from Cook, Representative Silva. For what reason do you rise?"

Silva: "Will the Sponsor yield?"

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

Silva: "The question that I had, 'Does this work both ways?' For example, we have people who are teaching Spanish speaking children and we're requiring to test them. Is that correct, in English?"

Lopez: "Could you repeat your question again?"

Silva: "The question is for example, we have some teachers that teach Spanish speaking children English. Are they also tested in the Spanish language?"

Lopez: "Yes they will."

Silva: "Is that in the Bill?"

Lopez: "Okay Are you talking about teachers who teach English as a second language?"

Silva: "Well, for example, we have some teachers who are English speaking dominant. And then they're speaking to Spanish speaking children trying to help them make that transition."

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I've been, for example, in classrooms where some of those teachers were not proficient in Spanish, but yet, they were certified as bilingual teachers."

Lopez: "This legislation does not affect the situation that you are referring to."

Silva: "Okay. So essentially, what would this Bill do?"

Lopez: "It just requires teachers, right now currently they are not tested in the reading, writing, speaking. And so what we are doing now is making sure the teachers that are going to be teaching children who are in a bilingual program making sure that they are qualified in those skills and are able to teach our kids those skills. And so, we are just assuring to make sure that we have quality teachers and making sure that just because a person speaks Spanish or Polish or any other language they don't just throw them into a classroom to teach our kids. We want to make sure that they're qualified and that they're capable of teaching our kids."

Silva: "And were requiring that of all teachers. Is that correct?"

Lopez: "Teachers that are bilingual teachers, not all teachers just bilingual teachers."

Silva: "So then you're testing not just teachers whose dominant language is Spanish and are teaching in bilingual programs because we have had problems on that side of it as well. But we're also going to be insuring that teachers are qualified who are teaching and speaking in Spanish that they are functionally literate and truly bilingual?"

Lopez: "Exactly, that's what we're trying to accomplish."

Silva: "Thank you."

Speaker Turner, A: "Seeing no further questions. The Gentleman from Cook, Representative Lopez to close."

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Lopez: "I just ask for a 'aye' vote, this is a very important Bill for, it is sponsored by the Illinois State Board of Education, Chicago Public Schools, the IEA. So I seek support for this legislation. Thank you."

Speaker Turner, A: "The Question is 'Shall House Bill 534 pass?' All those in favor vote 'aye'; those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 116 voting 'aye', 0 'noes', 0 'presents'. This Bill having received the Constitutional Majority, is hereby declared passed. On the Order of Short Debate, page 68, we have House Bill 2721. The Lady from Sangamon, Representative Klingler. Read the Bill Mr. Clerk."

Clerk Rossi: "House Bill 2721, a Bill for an Act concerning sex offenders. Third Reading of this House Bill."

Speaker Turner, A: "The Lady from Sangamon, Representative Klingler."

Klingler: "Thank you, Mr. Speaker. This Bill is an initiative of the Illinois State Police and has two main functions. The first, is to bring the Illinois Child Sex Offender Notification Bill into compliance with Federal Law. As you may know, the Illinois passed the Child Sex Offender Bill about four years ago and after that the Federal Government passed the federal Bill, but the states are now required to bring the requirements of the state into line with the federal Bill. The other, is a number of state initiatives which toughen and strengthen the Sex Offender Notification Bill. Regarding federal mandates the requirements are that sex offenders convicted of more than registerable offense are required to register for natural life, this is opposed to registering for ten years. Persons who are found to be

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sexually violent are required to register every ninety days for natural life and sex offenders convicted of serious sex offenses involving penetration with a child under the age of twelve are required to register for natural life. On the area of state initiatives there are a number, but I would just like point out a few. It provides that law enforcement officers may release additional information contained in the registry to help identify the sex offender. As you know, right now, the police, law enforcement are limited to simply giving out the name and address and the date of birth and the offense. This provision would allow them to include the photograph, information such as the vehicle the person drives, description, weight and height of the perpetrator. It also provides for discretionary release of sex offender information on the Internet or other such media. It also requires juveniles who are adjudicated delinquent to register. Notification, however, is limited to schools and when public safety is at risk then the juveniles would not be on the Internet. An additional important provision, in order to ensure compliance with the Bill is that it mandates revocation of mandatory supervised release or probation for sex offenders who fail to comply with the Act. There are other provisions, but I would be glad to answer any questions."

Speaker Turner, A: "Seeing no questions, the question is, 'Shall House Bill 2721 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 116 voting 'aye', 0 'noes', 0 'present'. This Bill having received the Constitutional

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Majority is hereby declared passed. On the Order of Short Debate, page 61, we have House Bill 758. Representative Lyons. Joe Lyons. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 758, a Bill for an Act to amend the Election Code. Third Reading of this House Bill."

Speaker Turner, A: "The Gentleman from Cook, Representative Lyons."

Lyons, J: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 758 in essence changes the Election Code to change the formula for running for judge in Cook County, in essence. Currently, there is a minimum requirements of 500 signatures in order to run for that position and this floor would not be changed for those circuits that are not affected by this legislation, in other words all the other circuits in the State of Illinois would still have a 500 signature minimum requirement. But, in Cook County where we have 5,000,000 people with 3,000,000 voters and we have judicial candidates running for what, in essence, becomes a lifetime position only coming up every six years for affirmation with a 70% requirement 'yes' vote. This would ask a percentage to be applied towards their requirements on signatures for their petitions based on what is already in existence for Cook County and just to bring that home in real numbers. In the last election in 1998, President John Stroger, David Orr, most of the County Democrats who won at the county wide election received somewhere in the vicinity of 800 to 900,000 votes. These people set the standard of a requirement of .5% four years from now. In other words, people running for state wide position in four years will have to get somewhere in the vicinity of 5 to 6,000 signatures in order to run for county wide election. This Bill takes that requirement for judicial candidates

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and cuts it in half. Basically, it says not .5% but .25%. So in other words, judicial candidates would be required to somewhere in the vicinity of probably about 2500 votes in order to run for county wide judge. So, this initiative is rather straightforward and I would ask your favorable vote on this request."

Speaker Turner, A: "Seeing no questions, the question is, 'Shall House Bill 758... I'm sorry. The Gentleman from Coles, Representative Righter, for what reason do you rise?"

Righter: "Thank you, Mr. Speaker. Because of a potential conflict of interest I intend to vote 'present' on this Bill."

Speaker Turner, A: "Will be so recorded. Seeing no further questions, the question is, 'Shall House Bill 758 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 116 voting 'aye', 0 'noes', 1 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. On the Order of Short Debate, we have Representative Kosel, on page 64, House Bill 1443. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1443, a Bill for an Act to amend the Mental Health and Developmental Disabilities Administrative Act. Third Reading of this House Bill."

Speaker Turner, A: "The Lady from Will, Representative Kosel."

Kosel: "Thank you, Sir. This Bill amends the Mental Health and Disabilities Development Act to provide for a waiting list. The waiting list would be kept in the categories of integrated living arrangements, intermediate care facilities, dan vocational programs, family support,

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respite care, the age of those individuals, the age of their parents and the Representative district that they are from. The list would have to be updated annually. It is a Bill that our disabled community has asked for for a long, long time, has bipartisan support and I would ask for your positive vote. Thank you."

Speaker Turner, A: "Seeing no further questions, the question is, 'Shall House Bill 1443 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 117 voting 'aye', 0 'noes', 0 'presents'. This Bill having received the Constitutional Majority is hereby declared passed. On the Order of Short Debate, page 58, we have House Bill 307. Representative Mautino. Read the Bill Mr. Clerk."

Clerk Rossi: "House Bill 307, a Bill for an Act to amend the the Department of Veterans' Affairs Act. Third Reading of this House Bill."

Speaker Turner, A: "The Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 307 will add 80 beds to the veterans facility in LaSalle, Illinois. This legislation passed unanimously through the chamber last year and got over to the Senate where it was stalled, the Governor's Office had some opposition. Currently, the Governor is on board with the funding for this facility as is the Department of Veterans' Affairs and it will help take care of the 180 veteran long list that we have waiting to get in. There's veterans who are in need of this facility and I appreciate your consideration."

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Speaker Turner, A: "The Gentleman from Vermillion, Representative Black. For what reason do you rise?"

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

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

Black: "Representative, I'm a little confused about one part of the Bill. Is it contingent upon federal funding, the expansion?"

Mautino: "No, but actually what we're looking to do is put the money inside of the bond Bill. It's 14,000,000 and it is and that money, as a matter of fact, Congressman Weller has met with the Governor's Office and is seeking 2/3 reimbursement because that's what we're eligible for on this. So, we end up getting the new facility or the addition built for a third of the cost of the asset."

Black: "Are these just general purpose beds? It isn't an Alzheimer's unit or set aside for any particular..."

Mautino: "General purpose beds."

Black: "Okay. But it is not contingent upon federal funding? If I heard you correctly, we're going to go ahead on the assumption that we will get federal reimbursement?"

Mautino: "Yes, we will. We're going to set the money forward in the bonding program. So, we hope to do this year is use about 300,000 of the 14,000,000 to do the actual design phase of it and architectural program. So, we would have the drawings and the infrastructure set."

Black: "Fine."

Mautino: "And then go in the out years."

Black: "Thank you very much, Representative. Thank you, Mr. Speaker."

Speaker Turner, A: "Seeing no further questions, the Gentleman from Bureau, Mautino to close."

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Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I simply ask for your 'aye' vote on House Bill 307."

Speaker Turner, A: "The question is, 'Shall House Bill 307 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 voting 'aye', 0 'noes', 0 'presents'. This Bill having received the Constitutional Majority is hereby declared passed. On the Order of Short Debate, page 68, we have House Bill 2720. The Lady from Cook, Representative Shirley Jones, for what reason do you rise?"

Jones, S: "Mr. Speaker, I pushed my button to vote 'yes' and it did not come on so, I would like to be recorded as voting 'yes'."

Speaker Turner, A: "The record will reflect that Representative Jones on House Bill 307 wanted to vote 'yes' and we will send an electrician down to your seat. House Bill 2720, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2720, a Bill for an Act to amend the State Employees Group Insurance Act. Third Reading of this House Bill."

Speaker Turner, A.: "The Lady from Cook, Representative Krause."

Krause: "Thank you, Mr. Speaker. I present House Bill 2720, it's an administrative Bill for CMS. It makes a number of technical changes only in the State Employees Group Insurance Act. The legislation is necessary in order to place the State Employees Group Insurance Act into conformance with the Insurance Code as well as, the provisions of the Federal Health Insurance Portability and Accountability Act of 1996. Also, the changes reflect agreements that have been put in place by the recent union

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negotiations. I'd be pleased to answer any questions."

Speaker Turner, A.: "Seeing no questions, the question is, 'Shall the... Gentleman from Vermilion, Representative Black."

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

Speaker Turner, A.: "She indicates she will."

Black: "Representative I'm going to ask you to do something and you certainly don't have to and let me apologize I was trying to get to you before you presented the Bill. Would you be willing to take this Bill out of the record for a day or two? And I will tell you exactly why, I want to here from the Department of Central Management Services as to the lack of action on a computer system for the division of child support. I'd like them to come over and talk to me, I know Representative Leitch and I would like to talk to them. This is their addend Bill and you know sometimes the only way that we can get an agency to respond is to just say we're going to hold your addend Bills until we get an answer."

Krause: "I don't think that that.. I can see what you're saying and I think that we can get CMS in here to answer questions on the computer system. However, this Bill does not relate to that, it relates to issues as to the Group Insurance Act. And I think we should move forward on this Act, we are not helping those that would be benefited by this by holding it up, Representative. Let's bring CMS over here today and ask them to set up a meeting tomorrow on the computer system, but we are not getting back at them by holding off on this Bill. I think that these changes benefit those in the health insurance field and I sincerely believe that we should move this forward. It is technical changes to comply with various Acts. Let's... I'll go with

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you now to CMS and set up that meeting for tomorrow."

Black: "With your assurance, I'm certainly not going to stand in opposition to your request. With your assurance that we'll do that, but I think at some point on administration Bills, departmental Bills, not Governor's Administration, but departmental Bills until we put a unified front and say 'Look we're not...'"

Krause: "Let's go to CMS."

Black: "...we're not going to advance your department agenda until you get some of these question answered, we never can seem to get the questions answered. So, with your assurance that we'll try and set up a meeting, that's fine. And I appreciate..."

Krause: "I will go ahead and contact them today and get that meeting set up."

Black: "Fine."

Krause: "But, I do ask for support to move this Bill forward."

Black: "Okay, I have no problem with the underlying Bill and I appreciate your offer to help see if we can't resolve some of the unanswered questions on a computer system that the division of child support sorely needs."

Krause: "Without a doubt. Without a doubt, I share that, but I do ask for support on this Bill."

Black: "Sure, that's fine. I intend to vote 'aye'. Thank you."

Speaker Turner, A.: "The question is, 'Shall House Bill 2720 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 117 voting 'aye', 0 'noes', 0 'presents'. This Bill having received the Constitutional Majority is hereby declared passed. On the Order of Short Debate, page 60, we have

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House Bill 530. Representative Fritchey. Read the Bill Mr. Clerk."

Clerk Rossi: "House Bill 530, a Bill for an Act relating to political solicitations and contributions. Third Reading of this House Bill."

Speaker Turner, A.: "The Gentleman from Cook, Representative Fritchey."

Fritchey: "Thank you, Mr. Speaker. House Bill 530 will create the inspector campaign contribution solicitation ban. In essence, what this Bill does is require every state department and agency to designate those individuals, whose job it is to investigate, inspect, or enforce regulatory requirements of this state. What the Act would say or what it does say, in fact, is that individuals that have oversight such as this are prohibited from soliciting campaign contributions from the people whose businesses they inspect. Now, this is aimed at businesses as wide ranging as landfills, day care centers, nursing homes, driving facilities, etc. What we don't want are situations where somebody feels that, whether or not they pass an inspection is tied to how many fund raising tickets they buy. Governor Ryan is taking an admirable step in advancing this cause by prohibiting solicitation for campaign contributions from those people under his direct employ. And in so doing, he stated and I quote, 'That the state has a compelling interest in eliminating even a mere appearance of a conflict of interest, undue influence or potential impropriety.' I think that the Governor had the right idea, we're trying to expand upon that idea and take it that much further. This is a idea that is law in a number of states in this country and we're trying to add Illinois to that list. Be happy to answer any questions."

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

Hoffman: "Will the Sponsor yield?"

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

Hoffman: "Representative, in looking at the Bill I understand your intent and I think the idea is one that should be applauded. However, I just have a little bit of concern. How do you define who comes under this Bill? Is it all elected and appointed or hired officials, or who is it?"

Fritchey: "It is not elected officials at all. It is state employees, it's public officers or employees within the agencies. Now, what the Bill provides is that each agency would submit a list. These are the people that have an inspection capacity as part of their job. And that list would be submitted to the Secretary of State. Now, that list will not be definitive. Simply, because somebody is not on that list, does not exempt them from this Bill if there duties, in fact, require inspection, etc. of facilities."

Hoffman: "So, this only applies to the certain workers that are delineated by each elected official or each department head or...."

Fritchey: "The department head or appropriate agency officer would designate these individuals to perform inspections on our behalf."

Hoffman: "And what we're saying here is is this is just anti-solicitation for campaign contributions for another person, I would assume?"

Fritchey: "Correct."

Hoffman: "What if the worker's running themselves?"

Fritchey: "If the worker's running himself, it creates even more of a situation, I would... that activity would be banned."

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You can see the situation if somebody is inspecting a poultry shop let's say, just for example, and they say 'I'm here for your inspection, but before we start I'm having a fund raiser. Would you like to buy some tickets?' Now, I don't think any of us want to worry about the quality of the food that we buy or the safety of our children at a day care facility or the safety of a school bus that our kids ride on. And I think that that hinges on whether or not that person bought a certain number of tickets to a fund-raising event."

Hoffman: "And this this solicitation band, it also, extends to nonworking hours?"

Fritchey: "That is correct. The solicitation band extends to an individual who has inspection authorization over that business. Now, if I.. if my job entails me inspecting driving facilities, that does not prohibit me from soliciting somebody that owns a nursing home that I don't oversee. We're going directly for the nexus between soliciting for campaign funds between the person that you solicit the funds from."

Hoffman: "So, if you work for the Department of Agriculture and that wouldn't prohibit you from soliciting, if you're running for office some type of a contribution from say, a nursing home, which would be under the purview of public health."

Fritchey: "That's correct."

Hoffman: "Okay. I think that this is well drafted and I think that in order to address the a very difficult situation has occurred here in the state. We should vote 'aye'."

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

Speaker Hannig: "Representative Black."

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

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Chair. Is this Bill on Short Debate?"

Speaker Hannig: "Yes, that's correct, Representative."

Black: "I'm joined by the requisite number of Members on my side to remove the Bill from Short Debate."

Speaker Hannig: "Okay, so ordered, Representative."

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

Speaker Hannig: "He indicates he will."

Black: "Representative, Does your Bill specifically define a public officer?"

Fritchey: "Does the... there's not a definition included in the Bill, no."

Black: "Could it be construed that I as an elected official, an elected State Legislator, could it then not be construed that I am a public official?"

Fritchey: "The Bill specified that this is, it prohibits solicitations of individuals that are engaged and I don't want to just read the Bill that you have in front of you, but I think it's important to get this out in the record so everybody can understand it. From soliciting from a person engaged in a business or activity that the public officer employee has responsibility as part of his official duties to investigate, inspect, or enforce regulatory measures necessary to the requirements of a state or federal statute or regulation. Now, that investigation, inspection, or enforcement of measures necessary, I don't think falls within the purview of this. This very question was brought up during committee and I think we addressed it sufficiently and I think that's evidence by the fact that this was passed unanimously out of committee."

Black: "All right you know, but, we we sometimes vote on legislation and then we find out later that's a little more liberally construed and I don't use that word politically

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in any political sense. But, the Bill becomes more liberally construed than what we had originally thought. My concern is that I may be, as an elected State Legislator, defined as a public official. I vote on every licensing Bill that comes to the General Assembly. I also, vote on the additions and addendums to the 250 or however many it is now professions that are regulated by the General Assembly. Now obviously, I don't go out and personally inspect them, but I certainly am in a position where I vote on regulatory legislation on everything from barbers to naprapaths to nurses to doctors. And so, my fear is, that this Bill could be construed that if I go to my barber, and in the course of getting my hair cut invite Gordy or ask Gordy if he would buy a ticket to my barbecue that I might find myself charged with violating a solicitation law."

Fritchey: "Representative, I've got to apologize to you, I was pulled aside on something else. If the gist of what you were asking was whether it can be construed again to cover us in our capacities here. I believe that there is a sufficient distinction between a public official and a public officer and there is a sufficient distinction between the duties of investigating, inspecting, or enforcing regulatory measures to what we do. I don't think... well, we may pass laws here, amend laws, etc., I don't think that falls within the enforcement or inspection or investigation. And when you look through, for example, paragraph (c) of this and you talk about you know, the state agencies designating the covered employees by filing a list and while that list is not exhaustive, I think it makes the intent of the Bill clearer and if that doesn't, this debate sure should make it clear that I don't think by language or construction that this Bill is extending to

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elected officials."

Black: "What about officials who work for us, either in our Springfield or district office?"

Fritchey: "On... On... Once again, I don't think that any of our employees I know my legislative aides don't have the ability to enforce regulatory measures or inspect etc. I understand what you're saying, It's not only a valid question, it's the precise question that should be asked to this and I believe that we've addressed it sufficiently in the language of this. This language went through several revisions prior to being filed and that was one of the considerations that was taken into account."

Black: "I think that's critical and as you know, the Gift Ban Act, for example, last year is now being construed depending on who is looking at the issue that you cannot go to a lobbyist's house for dinner. And you know in some cases, we've even put a spouse in a position where it becomes a little strange and we often forget to look at how some of these things can be construed once they are signed into law. If you tell me that there is no fear or no danger that an elected officer or an elected office holder could be held under violation of this Act by innocently soliciting someone to buy a ticket to a barbecue who is a, as I said a barber or an architect or even an employee of a state agency. You say that I don't have to worry about that. I'm not covered, if I ask and I don't coerce, I just ask someone I know who works for the Department of Children and Family Services, for example, if they'd like to buy a ticket to my barbecue. I'm not then going to have to answer a charge from that employee that I somehow illegally solicited them?"

Fritchey: "In the work that I did on this prior to filing this,

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which was somewhat extensive and this is an idea it's been floated around in this state for several years. The issue is has never arisen in other states that have similar language. Now, I'm not going to sit here and or stand here and tell you that somebody couldn't make the claim that we're covered, but I don't think it's a claim that has any merit."

Black: "All right, well I'm not an attorney and I'm hopefully, hoping that those who are will ask additional questions about this because I certainly don't want to vote for or against it based on information that may or may not be, you know, that I may or may not fully understand. I just, because I see all kinds of problems. If somebody were to rule that State Representatives and or State Senators would be covered under this then, I don't know how you'd go out and sell a ticket to anything, quite frankly, and that's a fear that I have. But, I do appreciate your indulgence and will certainly be anxious to see if there's any further debate in illumination of the Bill. Thank you very much, Mr. Speaker."

Speaker Hannig: "Representative Durkin."

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

Speaker Hannig: "He indicates he will."

Durkin: "Representative, the way I read this Bill, are you saying that a person who is a candidate or a treasurer of this committee cannot...summarily cannot accept a campaign contribution from someone they regulate?"

Fritchey: "No, what the Bill says is that they cannot knowingly accept funds that were received in contravention of the Act."

Durkin: "Okay, the way I read Section A, it states that they cannot solicit or receive a contribution from anybody if it

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is in violation of Chapter 33-3.1 of the Criminal Code, which is the bribery portion of the Criminal Code. So, I think that the way I read it is that you can solicit somebody who from you regulate, it just cannot be with the intent to influence that person as the way it is define under the bribery statute."

Fritchey: "33-3.1 is the new Section that's created under the Act and that is the inspector campaign contribution band."

Durkin: "Where... Maybe let's... Maybe we're not on the same page, I'm looking at... under your Bill it is subsection (a) under 9-25.2 it says, 'no candidate or treasurer of a political committee may knowingly receive or hold on behalf of a candidate of the political committee any contribution solicited or received in violation of Section 33-3.1 of the Criminal Code of 1961,' which is the bribery Section under the Criminal Code."

Fritchey: "What I'm looking at and I have what you have in front of you. I then go down to page 2 of the Bill, line 28, which is 720ILCS5/33-3.1 New and in this new Section is the inspector campaign contribution solicitation ban."

Durkin: "All right, I think I'm just a little bit confused, I mean I'm going to support the Bill, but I think that what I see here under subsection (A) it states that you cannot solicit or contribute if you do it with the intent which is covered under the bribery Section of the Criminal Code. So, I think that someone who's being regulated can make a contribution 'cause they feel that this person is a doing a fine job and they want to keep them in public office and they are not doing it with the intent to influence that person to make a decision or bribe somebody as you have under this, under this Act."

Fritchey: "This doesn't have anything to do with how the monies

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were given as opposed to how the money was obtained. If an inspector obtains the funds from somebody who may oversee or may inspect."

Durkin: "Okay, what I'm just trying to say is that under the Section of this Code there seems to be an out for somebody who is regulated by, who regulates somebody and then they will say that I made this contribution and it was not with the intent to influence anybody 'cause and I have not met the elements of the bribery Section."

Fritchey: "I think with the help of my able staff here, I can answer the confusion here. The bribery Section is 33-1 of the Criminal Code, this refers to 33-3.1 of the Criminal Code."

Durkin: "I could have read it wrong. What is 33-3.1, 33.3-1 (sic-33-33.1) of the Criminal Code of 1961?"

Fritchey: "33-3.1 is this new Act the campaign solicitation ban. 33-1 is bribery."

Durkin: "My mistake. All right, I just wanted to make sure 'cause it was unclear in my head and I...."

Fritchey: "You got me somewhat unnerved, but I'm glad that we don't have an issue and I still have your support."

Durkin: "All right, my only, I think this is a good Bill my only concern is that, since we are walking on egg shells with the new Ethics Act is that I would not... I would be... I'm not going to ask for anybody who works in my district office if I have a fund raiser if they're going to write a check voluntarily to me. I'm going to have to keep them from doing that because I think we're all, right now, very unclear as to what the implications of the Ethics Act that we passed last year. And I said all of us are very nervous about it, but the way I read this, this is going to prohibit anybody works in my office who I do regulate and

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somebody who I oversee from contributing to my campaign."

Fritchey: "I appreciate the concern, but as I, I don't think the language and certainly not the intent of the Bill is to cover that activity."

Speaker Hannig: "Representative Mulligan."

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

Speaker Hannig: "He indicates he will."

Mulligan: "Representative, even in going over your language and listening to you on this I still have some great concerns. If you sit on Registration and Regulation in this Body you're actually regulating and we're investigating when we sit there and so is our staff as we sit there and go over the Bills or find out why something is being proposed. You've then eliminated, practically everyone that would ever want to contribute to us. Plus, I just don't understand how you have got a definition that we don't investigate when we do."

Fritchey: "Again, this has been the product of legislation that's been tried and tested and true in other states."

Mulligan: "Which states?"

Fritchey: "I don't have my full file here, I wasn't prepared that this Bill was going to be called. I wish I could say that this is the first state to do this, but the reality is more states than not prohibit soliciting of campaign contributions by inspectors over those whom they inspect for obvious reasons."

Mulligan: "I do a lot of work with Women's Campaign Fund and I do some of their workshops across the country and I'll tell you some of the things that other legislators that come to these workshops have come in with that have been passed in other states certainly don't prove that they're great, just because they've been in that state. I mean they prove that

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there is a lot of problem, I have a problem with anybody now, I mean we set on Reg and Reg, I sit on Reg and Reg, the people come by us, then we bring the Bills to the House Floor, then you vote on them even if you're not there. And I do think that we investigate and we're regulating and we're setting laws for all those people. It leaves virtually no one and if Representative Durkin says, 'I'm afraid to ask someone in my office or if someone in my office volunteers, you know I have people that work in my district office because they like the type of legislator I am and they work for a lot less money than they could make someplace else. And they routinely contribute not just 'cause they work for me, they like what I'm doing here. Now, do I not... can I not take contributions from them?"

Fritchey: "I mean this very respectfully, I think that the reading that you're making here is somewhat of a torture to construction of the Bill. I believe that the language is clear, if it wasn't before, if the language was ambiguous the debate here has served to clarify, at a minimum, the intent of this legislation."

Mulligan: "Does this prohibit you if you regulate or investigate from soliciting a contribution on behalf of someone else, say, Speaker Madigan?"

Fritchey: "This prohibits me from soliciting a contribution on behalf of anybody else from somebody over whom I have direct inspection authority."

Mulligan: "Well that... or investigation."

Fritchey: "If I am an agricultural inspector I cannot go and solicit on behalf of somebody that I..."

Mulligan: "But if we regulate."

Fritchey: "...am inspecting. If I, if I am a nursing home inspector I cannot go to a nursing home owner prior to an

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inspection and ask them to buy fund raising tickets."

Mulligan: "Representative Johnson and I don't know who was the other one, if it was Representative Dart, maybe, were doing the prison investigations. That's an investigation, can they not take any contributions from anyone that's involved with anything that happens with the prison system now?"

Fritchey: "That is fact finding to determine what type of legislative necessities there may be. Again I appreciate what you're saying, but I think it's a very strange reading of the Bill."

Mulligan: "Does this apply to municipal government?"

Fritchey: "This applies to states' agencies, and if there's public officers, in agencies, and so, if they are then enforce... if they are an inspector who is enforcing the requirements or inspecting the requirements of a state or federal statute or regulation then they could not solicit from somebody that they are inspecting."

Mulligan: "What about a local building inspector who is making sure that state regulations are being followed before signing off on a new home, but is employed by a municipality? Would they fall under this category and will the municipalities who are just now trying to unweave what we did last fall come under this?"

Fritchey: "Yes, they would. Again, as Governor Ryan has stated very clearly, what we are trying to do through a number of these pieces of legislation are do away with the appearance of undue influence or a propriety. I don't think and I've got a three year old daughter I do not want her at a day care center and I have to wonder about whether or not that day care center is staying in operation because they bought a sufficient number of fund raising tickets."

Mulligan: "I understand where you're going, except I think that

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there are a lot of questions that aren't answered here. I think when you refer to what Governor Ryan did I think he drew an Executive Order very well and narrowly that you know, went to his staff, not generally. Municipal governments, local school boards, people that were impacted by the last campaign finance reform have spent a great deal of money having lawyers come in interpreting what we've done, having seminars and now we're going to pass more regulation on top of this for them to now go back and start all over again in interpreting, even though we haven't even figured out what the first ones going to cover."

Fritchey: "This is very much unrelated to what we had done before and to try to raise the specter of the ethics legislation, which I think people on both sides of this aisle had some trouble with because of the way that it was constructed is really a misdirection with respect to this Bill."

Mulligan: "I still think that we're going to have a problem with your definition of investigate. And I don't know if your reading of legislative intent would go to the word investigate, whether we investigate, and particularly in the area of how we regulate all the people around the state. So, I really think that you may be well meaning of this and I suppose we'll all vote for it because everyone is afraid not to vote for anything. But, we're crafting a whole lot of really sloppy campaign finance reform."

Speaker Hannig: "Representative Cross."

Cross: "Thank you, Mr. Speaker. Will the Sponsor yield? Representative, I've missed some of this debate, but I want to go back to this issue of public officer. Is it your belief that we are public officers?"

Fritchey: "I apologize, Representative. Could you repeat that?"

Cross: "Is it your belief under this Bill or by definition that

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we as Members of the General Assembly are public officers?"

Fritchey: "Well, we are public officials. I don't believe we're public officers as under this Act. What I would be more than happy to do and as I said we've had this discussion in committee and I believed at the time that we've addressed this. I don't want to move a piece of legislation out that has a lot of questions. I would be more than happy to take this out of the record right now, amend the language to address this issue and bring this back tomorrow. It's my intention to get this out, I don't think there's a question..."

Cross: "Well, John, that's fine. But let me just ask... I think that's a good... I think that's a start, but I think, you know, one of the questions we have also over here, is you talk about duties to investigate, inspect or enforce and you're questioning whether or not we do that. But, what if you're a member of JCAR, what if you're a member of Space Needs, what if you're a member of Economic and Fiscal Commission. I think you could make arguments that if we are public officers which there are many on our side who believe we are that we also, even in our roles as non-Legislators, but on those commissions we do investigate, inspect, or enforce. So, I'd ask you to keep that in mind. I also think you're putting our treasurers in a great deal of jeopardy and I believe we're putting our treasurers in a great deal of jeopardy and I don't know who on earth would want to serve as a treasurer of one of our offices, of one of our committees, if you read this Bill. So, I think I'd take a strong look at it if you're going to try to make it better and I'd appreciate at least holding it and at least trying to do that. I don't know that anyone

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on this side is willing to commit to vote tomorrow, but at least we'd like to see a change."

Fritchey: "Well, you know...."

Speaker Hannig: "Rep.. Representative, is it your intention to take this out of the record?"

Fritchey: "...you know what if what I'm hearing is that they're are multiple troubles anyway, I am... I was trying to make a concession is a word it's just one that I really don't believe is needed or warranted, but what I was wanting to do. In light of what... respectfully what I do not want to do, is in good faith, try to move this and then have you come back and here that there's another issue, then another issue, then another issue. Our time is too compressed. I believe that the Bill is clear, if it's going to be cleaned up I've already talked to Republican Senators on the other side that are willing to work on this. They can clean up there or they can decide not to move forward with it at that point. I will proceed with the Bill."

Cross: "Well all right, well I have a few more questions to ask. Where can we find as Members of this General Assembly the definition of public officer?"

Fritchey: "That I can't tell you offhand."

Cross: "Well, then you're telling us you don't think we're public officers, but you're not sure and you don't even know where to tell us where to look. Is there anyone that can tell us what a public officer is? I think this is, I think if I'm a Member of this Body I'd sure like to know whether or not I'm a public officer or not. John, I don't think anyone is questioning where you want to go with this, but I think you're putting some pitfalls in here. Do you have a definition?"

Fritchey: "They're are going to look for that. Are there other

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issues you want to move to and we can come back to that one?"

Cross: "Would you agree that Members of those commissions like JCAR, Economic and Fiscal, Space Needs investigate, inspect, or enforce and that in our capacity as Members that we would fall under it?"

Fritchey: "No."

Cross: "Why not?"

Fritchey: "I don't believe in our legislative capacity we fall under the construction of this Act."

Cross: "So, I'm a member of JCAR, obviously JCAR enforces or administers rules or applies rules. So, we enforce regulatory measures necessary to the requirements of a state or federal statute or regulation. How can a Member of JCAR not fall under that definition? Page 2, lines 8, 9, and 10. And if I fall under there I can't ask someone to buy a ticket to my fund raiser."

Fritchey: "Somebody over whom you somebody over whom you are seeing directly, that's correct. Do you... do you neces... I would question Representative, I think I know you well enough to say that I don't think that you would want to take money that you feel was being given to obtain a favorable outcome from somebody that you're overseeing."

Cross: "Well, that would fall under a bribery and extortion matter so you wouldn't need this Section. And obviously I'm not, I'm not, have no intention of doing that, but if that's the case we have applicable law that covers it."

Fritchey: "What this then does is put under official misconduct 33-3.1 would be a subsection of official misconduct."

Cross: "Pardon me?"

Fritchey: "This would 33-3.1 would then become a subsection under official misconduct?"

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Cross: "I'm saying if I'm a member of JCAR and someone offers me money to give them a favorable ruling on a matter that's a bribery charge or I don't know maybe an extortion charge. Why do you need this law?"

Fritchey: "And if they put that un.. as a campaign contribution."

Cross: "I think it still falls under a bribery or extortion charge. So once again, why this Bill?"

Fritchey: "Because if they, if they, if they give that money necessarily to an inspector this takes the possibility of that away. This takes the question as to whether or not there's an appearance of impropriety out of off the table. If somebody that.. if a automobile dealer gives money to gives a campaign contribution to an inspector right now it could be said that it's a bribe. Could we get a little bit of quiet please. Thank you. I don't want to single out automobile dealers, but it's the first thing that comes to mind. If an automobile dealership is being inspected, presently right now, if they give a campaign contribution to an inspector that could be said that it could be a bribe, it could be a campaign contribution. By prohibiting them from giving campaign contributions to somebody that's inspecting them we take the appearance of impropriety out of the record."

Cross: "John, I'm talking about Members of the General Assembly and our ability to do campaigning which is an evil necessity not necessary evil of the business. And under your Bill in certain interpretations, with all due respect to the judiciary of this state, we could be portrayed as public officers who regulate etc. and we would not do fund raising."

Fritchey: "Representative, I am going to go back to my previous statement. I'm looking at the definition of public officer

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and it's somewhat troubling. I would..."

Cross: "Where is it?"

Fritchey: "...I would like to 720ILCS5/2-18 and in light of that Mr. Speaker, I would like to take this out of the record and work on this."

Speaker Hannig: "Okay, after thirty minutes we're going to take this Bill out of the record."

Fritchey: "Thank you."

Speaker Hannig: "The next Bill, on page 65 of the Calendar, Representative Lawfer is recognized on House Bill 1825. Representative Lawfer. (1825). This Bill's on Short Debate. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1825, a Bill for an Act to amend the Illinois Natural Areas Preservation Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Lawfer."

Lawfer: "What this Bill basically does is amends the Nature Preserve Act and states that a cemetery that was dedicated as a nature preserve prior to 1990 can revert to the cemetery authority on the wishes of that cemetery authority. I'd be glad to answer any questions."

Speaker Hannig: "Is there any discussion? This is on Short Debate. Okay, Representative Winters, do you stand in opposition? Representative Winters."

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

Speaker Hannig: "He indicates he will."

Winters: "Representative Lawfer, I am somewhat disturbed by this. I asked to talk you earlier today and we haven't had that opportunity, but I am concerned because we're breaking into the Natural Areas Preservation Act in saying that once an area is designated as a natural area that it can revert to a nonnatural use. Which, digging it up and burying caskets

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in a cemetery is not appropriate for the natural areas that we're trying to preserve through the Nature Preserves Commission. Would you consider putting an Amendment on this Bill that would specifically go to the one cemetery that you're trying to address. They were, I believe the testimony was that they were misled by the Nature Preserves Commission in the initial negotiations and were told that they would have access to this as a cemetery area, which is not the way the Nature Preserves Act is written. I'm very concerned that if we pass this Bill for the one cemetery we've opened up all of their native cemeteries that have natural areas for eventual conversion to a cemetery aspect instead of the prairie that they often are. Would you be willing to amend this to specifically address the cemetery that we reverted to a natural area between such and such a date? I think that would clear it up and not break into that Natural Areas Act that we really do want to preserve."

Lawfer: "The special Section or the Act that pertains to cemeteries I think was enacted in the early 80's and there seems to be some reason why that particular Section of the Nature Preserve Act dealing only with cemeteries. And I think that in the early 80's when some of these cemeteries were dedicated or areas were dedicated there was misrepresentation by the Department of Conservation misinterpretation, misrepresentation, and cemeteries were almost coerced to put their land in a nature preserve and they were told at that that time that they could be used for burial purposes in the future. That is now being contested by the Department of Natural Resources, as well as, the Nature Preserves Commission and I feel that this is puts in statute a clarification of what was the intent back

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in the 80's. Now, what this does is opens it up only for a few cemeteries and they're I am not aware of any other cemeteries that are affected, any other cemeteries that are aware that they want to be take advantage of this opportunity. But, it is I think that we need clarification language this is clarification for that. I think that it becomes very emotional when there is an area that has been set aside for burial purposes and then, now, members of the family on an established cemetery find out that they cannot be buried in plots that were plotted back in the 1920's cannot use that land as burial plots. In a rural area that is very devastating and I know that the Natural Land Institute has been doing a lot of lobbying, I do resent that when we have a commission that is doing lobbying for my district and are not aware of the facts of this dispute and the misunderstanding and..."

Winters: "Do you know of any other cemeteries that actually were deceived into signing up their lands and now are landlocked I think in the specific case that you brought that cemetery is now landlocked, has no other area to go to? But, are there other areas that where there was a practice of deception by the Department of Conservation?"

Lawfer: "Would you repeat that Representative Winters? I don't think I understood that whole question."

Winters: "You're implying that most of these natural areas in cemeteries were dedicated to the natural areas because they were deceived. There was a practice of deception by the Department of Conservation. I am not aware of that and if we have one specific case then let's deal with that specific case rather than open up the whole area Natural Areas Act to later reversions because this will be used as a precedent for someone else maybe a railroad that opened

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it up that dedicated a natural area and then they decide that they want to put a bike trail through it. This can become a precedence that you open it up for cemeteries and now we want to change the use of this land 30 or 40 years down the road. You did it once for a cemetery why don't you do it for us? I've already asked for an Amendment. I'd, I'd appreciate it if you could put this or pull this back and amend it to specifically deal with that one cemetery rather than open up the whole Natural Areas Act."

Lawfer: "Well, this only pertains to cemeteries, it only pertains to cemeteries that felt they were misled."

Winters: "You specific... the legislation said it was only dealing with cemeteries who felt they were misled?"

Lawfer: "Any cemetery that was dedicated prior to 1990 that would like to go back to the cemetery on the request of the cemetery authority."

Winters: "Do you know how many cemeteries would be under that provision?"

Lawfer: "There might be six."

Winters: "Okay, we're dealing with about six examples. Are any of those six..."

Lawfer: "There would only be six cemeteries to my belief eligible under this legislation."

Winters: "Okay, and it was to only those who dedicated them as natural areas before 19.. the effective date of 1990?"

Lawfer: "Correct."

Winters: "Are any of those six besides the one presented testimony, are any of those land locked where they do not have an alternative location for expansion of that cemetery?"

Lawfer: "I am not aware of any other cemetery at this time interested in exercising this option."

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Winters: "Well, I... I... I just wish that we could that we could narrow this Bill down to one case instead of six. I don't think we're setting a very good precedent and would ask the Members of the General Assembly to consider it before they cast a vote for this Bill. Thank you."

Lawfer: "Representative, in all due respect, I think it is narrowed down to one, there has been only one request and it is narrowed down to one."

Speaker Hannig: "Okay, this Bill is on Short Debate, but we're going to recognize Representative Hartke for a few questions from the Democrat side of the aisle."

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

Speaker Hannig: "He indicates he will."

Hartke: "Representative Lawfer, during our committee process you know I supported your legislation and was quite vocal with the department to work out a compromise with you. Has the agency come to you to offer any kind of a compromise at all?"

Lawfer: "The agency has been or the commission has been in touch with me they have offered some compromise it is not acceptable with the people that in the cemetery. What they would like to do is maintain part of it. The people that were down and testified feel that they do not trust the commission, they do not trust the Department of Natural Resources and feel that there needs to be a complete separation there not do what the commission wants to do, in other words, a partial of that keep... we're dealing with 7/10 of an acre here and they want to maintain part of that 7/10 of an acre. For those that are not familiar with 7/10 of an acre, it would be an area about similar to this chamber."

Hartke: "Well, understand that, I understand land space and

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soforth. I really thought the agency was going overboard in their persistence that to oppose your piece of legislation. Have you thought about a sunset on this piece of legislation that may answer Representative Winter's concern that all of the other I think 17 parcels of land that were dedicated to natural preservation areas in the state from entities. If you sunsetted this legislation maybe six months after the fact, after the land was transferred back to your cemetery organization. Will that not solve your problem?"

Lawfer: "That would be and I would consider it, but there is about 18 cemeteries that are natural areas, but only six of those are cemetery associations the rest of them are cemeteries that are owned either by townships or municipalities. I'm not sure that they fall under this legislation."

Hartke: "Okay, but if you sunsetted that legislation you could solve your problem and we could get on with what's going on here and we'd be sending a message to the Department of Natural Resources, who I think could do this on their own, but they think it's a little unclear. So, I support your legislation keep it moving and talk to a good Senate Sponsor who could maybe talk some sense into DNR."

Lawfer: "I need to solve the problem in my district. I think that they there has been misrepresentation and I my goal is to solve that problem and I appreciate your support."

Speaker Hannig: "This Bill is on Short Debate, we've had two speakers, Representative Lawfer to close."

Lawfer: "I think that's pretty well been discussed it passed out of the Agriculture and Conservation Committee unanimously with 1 'present' vote and I would urge a 'yes' vote so that we can correct an injustice that has happened in my

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district."

Speaker Hannig: "The question is, 'Shall House Bill 1825 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 105 voting 'yes' and 10 voting 'no'. And this Bill having received the Constitutional Majority is hereby declared passed. On page 58, on the Order of Short Debate, is House Bill 1831. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1831, a Bill for an Act regarding preventive services administration. Third Reading of this House Bill."

Speaker Hannig: "Representative McGuire."

McGuire: "Thank you, Mr. Speaker, and Ladies and Gentleman of the House. I have House Bill 1831 and what this Bill does is provides that the vendors of homemaker and chore housekeeper services shall receive a rate increase of at least 3% but not more than 5% on July 1st of each year based on the CPI, the Consumer Price Index. And I would appreciate your vote, I'll answer any questions if you have any. Thank you."

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

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

Speaker Hannig: "He indicates he will."

Black: "Representative, can you define a vendor of homemaker and chore housekeeper services? I'm just assuming that does not mean the individual who works, must be a company that provides workers?"

McGuire: "Yes."

Black: "So, this would be a private sector company, I assume."

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McGuire: "Yes, they are, correct. Yes they are."

Black: "I tell you I have no idea how many there are in the state. Do you have any idea how many private companies exist to provide workers for a homemaker or health care?"

McGuire: "No, I really don't. Many."

Black: "Okay. What guarantees are there in the Bill that if the vendor, i.e. the company, gets a COLA what guarantee do we have that the worker will see that cost of living increment in his or her paycheck?"

McGuire: "Actually, what they do now, Representative Black, is they pay 73% to the worker of any adjustment or any wage. One way that we're trying to provide that this wage increase to the employees will get to the employees is the passage of the COLA needs to be coordinated with an agreement by the providers to pass on the salary increase. And according to my information this occurred in the FY99 budget for the departments that are named."

Black: "So, you're telling me there is a formula whereby if I'm a huge corporation if I'm the ABC Personal Services Corporation and I get a COLA I assume my COLA's going to be based on my total payroll. Would that be a correct assumption."

McGuire: "Cola, did you say, Sir?"

Black: "Yeah, the..."

McGuire: "Yes."

Black: "Since I'm a big corporation and so I'm going to get a cost of living increase on my total payroll for homemaker health aids, correct?"

McGuire: "That's correct, that's correct."

Black: "But all I'm obligated to do is to turn over about what did you say 75% of that money?"

McGuire: "Seventy-three percent that's what it presently is."

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Black: "Okay, so I get to keep 27% as a corporation?"

McGuire: "Yes, for their administration and so forth."

Black: "That's not a bad deal."

McGuire: "For the corporation."

Black: "Yeah. I was going to say, I don't know if General Motors did that well last year. I can see what you're trying to do, but I'm not sure that giving the cost of living increment to the company... I guess I'm a little shy, a little nervous if you will, about saying that I'm comfortable that the worker will see that cost of living increase in his or her paycheck. Because isn't that company bound by the minimum wage law, currently?"

McGuire: "I'm sorry Mr. Black would you repeat?"

Black: "The company that provides these workers, the corporation that may provide these workers I assume they're bound by the minimum wage law currently?"

McGuire: "Yes."

Black: "All right. So, if my corporation was already paying my homemaker health aids above the minimum wage, I get a cost of living increment based on my total payroll, let's say 5,000,000 cost of living increment. I'm already paying my workers above minimum wage it appears that the Bill I could subtract from that cost of living payment the amount of money that I'm already paying them above minimum wage which is going to further reduce the amount that I'm going to have to give to the actual employee of mine who's performing the duty."

McGuire: "Seventy three percent has to go to the vendor, excuse me, to the worker not to the vendor."

Black: "I assume that that's... Okay I..."

McGuire: "Seventy three percent to the worker, yes."

Black: "Representative, I've got to tell you I've taken a very

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quick look at this and I'm not sure that this is really the way that, I think a lot of people are going to vote for this Bill thinking that we're absolutely giving every homemaker and health aid a cost of living wage increment. And in reality if I read your Bill correctly and with apologies if I'm not, but in reality we're not. We're giving the money to a corporation who, as you say, are supposed to be bound to give 73% of that to the worker. I dearly love companies, my brother owns one, but companies sometimes have unique accounting methods and it wouldn't be the first time that a worker ends up getting a relatively small increase whereas we thought it was going to be a relatively large increase. I guess that's what I I'm a little concerned about."

Speaker Hannig: "Representative Black, have you concluded your questions?"

Black: "No, I'm sorry I was waiting for a response. It just seems to me..."

McGuire: "Oh I'm sorry, I didn't know you were waiting."

Black: "That the apparent weakness and I apologize I didn't make it clear. That there's an inherent weakness in this Bill and that is I think we're assuming that this cost of living is going to directly to the worker and from what I'm hearing from staff that is, in fact, not the case. Now, I don't want to vote for a cost of living legislative proposal go home and tell my homemaker, health care workers that I supported their cost of living increment and then 8 or 9 months from now they come back and say, 'You know I got a .15 cent an hour increase. I thought you said I was going to get a cost of living arrangement?' Because this thing goes through so many hands and as he has already told me, the company is only bound to put 73% of the total cost

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of living increment into the workers' pay, which means they get to keep 27% for overhead and handling. How.. Representative, could we could we I'm not trying to kill the Bill I'm a little confused, could we have the staff get together if you'll take it out of the record for a few minutes, maybe have our staff look at this thing..."

McGuire: "Sure. Sure. Sure."

Black: "... maybe they could tell both of us more clearly, at least me, I'm not saying that you aren't clear on it, I'm just not clear what we're trying to do here."

McGuire: "All right."

Black: "Thank you. I'd appreciate that, Mr. Speaker. Thank you very much."

McGuire: "You're welcome."

Speaker Hannig: "Out of the record. On page 64, of the Calendar, is House Bill 1388. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1388, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Leitch."

Leitch: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Bill is really a very simple Bill, it's a Bill that should have been passed a long time ago. It's a Bill that simply provides that state employees who are assigned state cars and who are driving them on personal business, that is, not on state business should provide for insurance that would cover that car. We require everybody else in the world to have insurance and it's an oversight that long ago should have been corrected. It's something that came up in an unfortunate situation, accident in my district and I believe it's a very common sense Bill and I'd simply ask for your support."

Speaker Hannig: "You've heard the Gentleman's Motion, is there

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any discussion? There being none the question is, 'Shall House Bill 1388 pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'yes' and 0 voting 'no'. And this Bill having received the Constitutional Majority is hereby declared passed. On page 59, in the Calendar, is House Bill 463. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 463, a Bill for an Act to create the Illinois Conservation Congress. Third Reading of this House Bill."

Speaker Hannig: "This Bill is on Short Debate and Representative Novak is recognized. Representative Novak."

Novak: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. (463) simply takes a very popular grass roots program that is made up of Representatives probably from every legislative district in this entire Body that meets on a biannual basis in this General Assembly to discuss issues of public policy dealing with conservation related issues. It is called the Conservation Congress, it was an initiative of the Department of Natural Resources it is a very highly successful, highly effective grass roots organization made up of myriad number of groups that represent our constituents across this country, across this state. It provides basic input and what we're trying to do here is codify and put this into law this is their highest priority as far as the goals and objectives of the Conservation Congress, in addition to, advising the Governors' Office and the Department of Natural Resources, Agriculture and the EPA as far as public policy is concerned. But, they would like to be codified in their

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efforts, there are no dollars, no state dollars involved in this there is no appropriation for this fiscal year. All these people are strictly volunteers. They spend their own time, their own money to come to Springfield and advocate for public policy in positions on their groups behalf. And once again I would ask my colleagues to support this fine piece of legislation. Thank you."

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

Hoffman: "Will the Sponsor yield?"

Novak: "Yes."

Speaker Hannig: "He indicates he will."

Hoffman: "Representative, in reviewing the Bill it's my understanding that this is already done by administrative rule. Is that correct?"

Novak: "No. To my knowledge it is... administrative rule?"

Hoffman: "Yes. Do you know?"

Novak: "Nah, I don't think, Representative Hoffman I don't I don't think so. I think this is a an internal ... oh, boy.... internal creation I'm sorry I looked at Representative Hartke, this is an internal creation made by the Department of Natural Resources."

Hoffman: "Well, our analysis or maybe not the analysis, but the floor leaders notes that indicate that it was done by administrative rule. So, if it isn't I have no problem with the Bill I think it's a good Bill and I will vote personally stand up with you Representative and vote in favor of this."

Novak: "Thank you."

Speaker Hannig: "Okay, this Bill is on Short Debate. Is there anyone who stands in opposition? Representative Hartke."

Hartke: "I'll just make a short comment. I really think this is

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kind of ridiculous what we're trying to do, codify something that was created by the Department of Natural Resources and for their own existence, I guess. We have all kinds of agencies who have advisory groups that are with them and I questioned it in committee whether we should not be codifying the Department of Agriculture Advisory Board that represents Farm Bureau, Farmers Union, Department of Natural Resources and the Beef Council and the Swine Industry and everything else. So, that you know recommendations that they make should be put into law. You know, I think it's just absolutely ridiculous that we have to do this. Every agency has advisory boards and that's really all the Department of Conservation of Congress is is an advisory board. And I really don't think we ought to codify any statutes, I think it's a waste of money and a waste of time."

Speaker Hannig: "Representative Novak to close."

Novak: "Thank you, Mr. Speaker. Irrespective of what the previous speaker said this is a unique blend of constituents around the state and, in addition, to that Director Manning has ensured us in all four caucuses that we will be able to appoint legislators to this committee to provide input and interact with the local people that come to Springfield and advocate for their conservation causes. So on the basis of that, I would simply ask for an "aye" vote from my colleagues. Thank you."

Speaker Hannig: "The question is, 'Shall this Bill pass?' 'Shall House Bill 463 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 108 voting 'yes', and 7 voting 'no'. And this Bill having received the

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Constitutional Majority is hereby declared passed. On page 63, of the Calendar, is House Bill 1285. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1285, a Bill for an Act to amend the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Hannig: "Representative Lindner."

Lindner: "Thank you, Mr. Speaker. House Bill 1285 creates the offense of aggravated domestic battery it was suggested by an assistant state's attorney in Kane County to correct problems that prosecutors were having enhancing a second domestic violence offense to a felony. And there's no opposition to this Bill and the Bill passed committee by everyone's vote."

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

Durkin: "Will the Sponsor yield?"

Speaker Hannig: "She indicates she will."

Durkin: "Representative, I have one question. You were saying the second offense would be a felony, correct under the.."

Lindner: "That's correct."

Durkin: "Okay, I just want to make sure that we would be able to use an out of state conviction for a similar type of offense would qualify as a predicate offense under your law. We're allowing out of state convictions, it could be a person from Wisconsin who's been convicted of domestic battery he comes in Illinois commits the same offense. Want to make sure that your Bill or that there is nothing that prohibits the state's attorney from using that Wisconsin conviction or that out of state conviction to have the aggravated offense."

Lindner: "There is nothing that prohibits an out of state there's nothing that prohibits that."

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Durkin: "Okay. I just want to make it clear for your intent that if someone comes and they do every now and then challenge that that your Illinois law sometimes does not allow you to use another state's or another sovereigns conviction for purposes of enhancing a penalty at some point later. But, I want to make it perfectly clear on the record that is your intent that we are going to use an out of state conviction for the purposes of being the predicate offense for the aggravating crime, correct?"

Lindner: "It does say on page 2, in an order of protection or similar statutes in a state other than in Illinois."

Durkin: "Thank you very much."

Speaker Hannig: "The question is, 'Shall House Bill 1285 pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'yes' and 0 voting 'no'. And this Bill having received the Constitutional Majority is hereby declared passed. On page 59 of the Calendar, is House Bill 457. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 457, a Bill for an Act to amend the Illinois Public Labor Relations Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Reitz."

Reitz: "Thank you, Mr. Speaker. House Bill 457 will clarify the definition of managerial employees under the Illinois Public Labor Relation Act. Legislation states that in determining whether an employee is managerial the Public Labor Relation Board shall consider the actual duties that have been delegated to the employee, in addition, the Bill states that the employee shall not be considered managerial simply because she or he performs professional duties."

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This Bill we passed out of the House last year with a significant number of votes and it clarifies the Public Labor Relation Act and I'd appreciate your support."

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

Black: "Thank you very much, Mr. Speaker. Will the... first and inquiry to the Chair, if I might?"

Speaker Hannig: "Yes."

Black: "I believe and I'm sorry I can't find it in the file I thought this Bill preempts home rule. Does it, in fact, do that?"

Speaker Hannig: "Representative Black, we'll have the Parliamentary look at the Bill. Is there any specific...."

Black: "Well, I thought it did and I now I apologize to the Chair I can't find the reference. I thought it preempted home rule and the, of course, the question was what Section, therefore, how many votes would it take."

Speaker Hannig: "Right, so we'll have the Parliamentary look at this..."

Black: "Right, thank you. I would appreciate..."

Hannig: "And you can ask questions of Representative Reitz."

Black: "Yes, if he would yield I would be glad to do that. Representative, what basically has promoted this piece of legislation?"

Reitz: "There was a case in Kane County for the Kane County Public Defenders and the court ruled in that case that they were managerial employees and overturned the ruling previously by the Public Labor Relations Board."

Black: "So because of an issue in Kane County, we're going to make a statewide law de... re... not defining but refining what managerial exclusion is?"

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Reitz: "There's been a number of cases throughout this state including Cook County and it seems to be they're using this more and more to bypass collective bargaining rights of individuals."

Black: "Okay. Can you show me in the Bill where we have a clear definition of what now would constitute the standard for managerial exclusion?"

Reitz: "On page 4 of the Bill, it simply says that no employee will be considered managerial just simply because that classification is executive or management functions and..."

Black: "Okay, what line did you say, Representative?"

Reitz: "On line number... starts on line 20..."

Black: "Okay, I'm with you."

Reitz: "...goes to line 32. It tries to...it defines on what a managerial employee is and what the, you know, what constitutes that. We're simply trying here as said and on page... line 25, that no employee may be considered a managerial employee because he or she performs professional duties simply on that basis."

Black: "How would the... how would we then define on a regular basis? Delegated executive and management functions on a regular basis. How would we define that? What, half of your work load or 20 hours a week or..."

Reitz: "It's my feeling that in most of the cases that have been overturned it's simply because they, the court, has ruled that those, especially in the Kane County case and the other decisions, that the court has ruled that the people are managerial simply because they have some duties that they are able to make their own decisions on. All... Basically, what this will do, will allow the Labor Board to make those rulings as in the case with Kane County. The Labor Board ruled it was okay and it was overturned by the

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courts. We're trying to straighten this, this Bill out and put it back in the purview of the legislature and where it belongs and allow the Public Labor Relations Board to do their job."

Black: "Couldn't the Labor Relations Board already make the determination?"

Reitz: "Well they have, but due to the court cases that have come up that take... have precedence statewide then it's over... In this case it's overruling the Public Labor Relations Board. They're not able to make their determination and they are taking these court cases into consideration making that ruling."

Black: "Okay, now this is what I don't understand. In other words you're referring to case law. There evidently is some case law where the decision of the board has been overturned?"

Reitz: "Yes, two Illinois Supreme Court cases."

Black: "Oh, my goodness, Representative. You mean you are going to stand on the floor of this chamber and tell the Illinois Supreme Court they were wrong and you're, therefore, going to correct their decisions legislatively?"

Reitz: "When they are wrong I'll stand along with you and do it on a regular basis."

Black: "Could I amend some tort reform language under this Bill?"

Reitz: "No."

Black: "Why am I not surprised. I..."

Reitz: "You have a single subject matter or else, you know, we'd sure look at that."

Black: "Perhaps a little truth in sentencing language or underground storage tanks. You're going to deny me all of those, right?"

Reitz: "No, not all of those. We'll work on some of them."

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Black: "Oh, okay. All right. Okay. I guess the only thing I'm having some difficulty with is trying to figure out what this new standard is going to be and if it says it's... I would have to prove that my management functions were to be delegated on a regular basis, again, I'm trying to focus on that. For example, if I take your staffer there and I give him or I ask the Democrats to assign him to certain tasks 30% of the time, does he then become a managerial employee? That's... See, I really am having trouble with the standard. I mean, if I go into negotiations I want to know what standard I'm going to have to meet, and when I see that all it says is on a regular basis then I'm not sure what the heck is... what my standard should be for managerial exclusion."

Reitz: "It's not the percentage of time, it's whether or not you have the actual authority to manage that office and in these, in the cases that have been overturned, they simply group everyone in and said they have managerial duties. We don't think that's right and what we're trying to do is allow the Public Labor Relations Board to do their job as they did prior to these court cases and decide each one on an individual basis and if the Labor Relations Board decides that they are not eligible for collective bargaining, then so be it."

Black: "Okay. The case in Kane County, did you say it involved the Public Defender's Office?"

Reitz: "Yes. Yeah, the assistant public defenders."

Black: "So is it aimed at a lawyer, an attorney who worked in the public... the Office of Public Defender?"

Reitz: "The staff of... the public... the assistant public defender's staff that worked were ruled under this court case to be all managerial employees and we don't believe

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that was the case and the Public Labor Relations Board did not rule in that way."

Black: "Okay. Now, when you say the staff of the Public Defender's Office are you talking about staff attorneys?"

Reitz: "Yes."

Black: "Or staff attorneys and clerical workers and receptionists?."

Reitz: "I think it was simply attorneys. The staff attorneys."

Black: "Well, okay. So what we're saying, in the Kane County case that attorneys, in fact, have no managerial duties or don't meet the standard. You're not trying to tell me that a professional employee, a professionally licensed employee could then never be considered a managerial employee are you?"

Reitz: "Yeah, no, they definitely could be. But in this case if there's a pool of assistant state's attorneys and there's 30 of them, they're not all managers. I think..."

Black: "Could you just hand the microphone..."

Reitz: "I'm just going to throw that one back to you."

Black: "...if you'd just hand the microphone to Caleb, I think we could speed this up here."

Reitz: "I'm going to throw that one back to you and let you ask another question."

Black: "Okay. I... Are you saying that all of the attorneys in a public defender's office could be considered members of the bargaining unit except the actual public defender?"

Reitz: "It's possible. You know, in that case the public defender or maybe his chief assistant..."

Black: "All right."

Reitz: "...the chief assistant."

Black: "Would you then carry the same argument to the office of state's attorney?"

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Reitz: "Yes."

Black: "And saying that what if we were to... Surely, you're not saying only the elected state's attorney could be considered a managerial employee in an office of what, some bigger counties, 75 assistant state's attorneys?"

Reitz: "No, it would be... it could be, you know, whoever...whoever the top staff was, it could be... What we're trying to do is just let the Public Labor Relations Board..."

Black: "Okay."

Reitz: "...determine this and take it away from..."

Black: "Okay."

Reitz: "...a couple of court cases determining."

Black: "Fine. Thank you, Representative, I appreciate your indulgence in answering the questions. Thank you very much, Mr. Speaker."

Speaker Hannig: "Mr. Black, the Parliamentarian... Mr. Black, the Parliamentarian will explain the ruling on your question on the three-fifths vote."

Parliamentarian Uhe: "On behalf of the Speaker and in response to your inquiry, Representative Black, the state regulates labor relations through the Public Labor Relations Act. Section 15(c) of the Public Labor Relations Act provides that the state has the exclusive authority to regulate that area. Because the state regulates the area of labor relations, the Act preempts home rule pursuant to Article VII, Section 6(h) and (i) of the Constitution requiring a majority vote for passage. This Bill does not change that in any way and, therefore, I would rule that this Bill requires a majority vote to pass."

Speaker Hannig: "Representative Scott."

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

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Speaker Hannig: "He indicates he will."

Scott: "Just to follow up on some of the questions Representative Black asked you. In the staff attorney case, whether it's public defenders or state's attorneys, the Bill doesn't say that they're automatically non-managerial employees, right?"

Reitz: "Right."

Scott: "Basically, what it's saying is that they could be managerial employees, but you're going to decide that on a case by case basis."

Reitz: "That's exactly right."

Scott: "And the reason that you need the Bill is because you've got a couple of court decisions that seem to indicate that just because they have a professional classification in an office like that, that they're automatically managerial employees."

Reitz: "That's correct."

Scott: "Okay. So this is a matter that comes up frequently and the whole basis of the Labor Relations Act, I think, having worked with it for a lot of years is to make sure that when we're trying to decide what the appropriate bargaining unit is, that we look at it based on the actual duties that people perform, not just based on the titles that they have. And I think that's where your Bill is headed in this particular case, isn't it?"

Reitz: "Yes, it is."

Scott: "Now, this Bill passed out of here last Session with about seventy something votes. Is there anything different in this Bill than there was last year?"

Reitz: "A different number."

Scott: "So it's the same Bill..."

Reitz: "Same Bill."

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Scott: "...that passed out of here with room to spare last year, right?"

Reitz: "Yes."

Scott: "So, again, in any of these cases, whether it's state's attorneys or public defenders or the guardians ad litem which showed up in another case, in any of these cases we're still going to look at them on a case by case basis?"

Reitz: "That's exactly right."

Scott: "And that seems to me to be directly in concert with the rest of the direction of the Labor Relations Act. Isn't that the way you read it also?"

Reitz: "Yes. That's what we're trying to do is allow the Labor Relations Board and the Act to do its job and determine on a case by case basis and simply not exclude people just because they're a professional."

Scott: "Thank you. Very quickly to the Bill, Mr. Speaker. This seems to me to be perfectly in concert with the intent of the Labor Relations Act which is to look at all classifications of employees on a case by case basis, look at the actual duties they perform and not just to look at whatever title that a person may or may not have. Because when you do that, when you look at the titles that people have you can get some really whacky results just based on a title that one particular city or a county or a school district may choose to call their particular employees. This makes much more sense. It's directly in concert with what the intent of the Labor Relations Act was. It was a good Bill last year when we passed it, it's still a good Bill this year and I'd urge an 'aye' vote."

Speaker Hannig: "Representative Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition. The previous speaker has his

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interpretation of what this Bill does. I have... I and Central Management Services has another opinion. They say the Bill hinders the fact finding authority of the Illinois State Labor Relations Board. They say it limits the Board's considering only the employees' actual job duties and actual authority concerning overall operations. These limitations will force the Board to ignore other factors it may deem relevant in determining managerial status. The previous speaker has one way of looking at it, we have another. This Bill is too vague to stand the scrutiny of the courts. It was ruled unconstitutional before, it will be ruled unconstitutional again. Ladies and Gentlemen, also the Bill seems to say that only professional employees, anybody other than professional employees could be considered managerial under the Act. This Bill is, though the Sponsor's trying to solve a problem, quite frankly, this Bill will create more problems. Central Management Services is adamantly opposed to this because of all of the problems that will be developed. The Illinois Municipal League is opposed to this Bill. Ladies and Gentlemen of the Body, I would suggest that we vote 'no' on this Bill and tell them to go back to the drawing board or come up with some other approach. This is, again, another anti-jobs Bill that will make us less competitive in the market with our surrounding states. Please vote 'no'."

Speaker Hannig: "Representative John Turner."

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

Speaker Hannig: "He indicates he will."

Turner, J.: "Representative, there's been a lot of talk about how the Bill would affect assistant state's attorneys and public defenders. My question is, is under your language will it only affect assistant state's attorneys and public

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defenders or will there be many other employees also affected?"

Reitz: "It could affect any professional group. I mean..."

Turner, J.: "I'm sorry, I can't hear you."

Reitz: "It could conceivably affect any, any professional group. We're not trying to... We're just trying to let the Board do their job as we said."

Turner, J.: "Would it affect employees of state agencies?"

Reitz: "Yes. I mean, any professional employee of a state agency it could affect."

Turner, J.: "All right, do you have an estimate of how many employees you're talking about affecting over the State of Illinois then?"

Reitz: "It depends on how many employees decide that they would like to join a collective bargaining..."

Turner, J.: "Well, there's been a lot talk about your definition. I'm wondering about the ambiguity of your definition. Do you have any idea of how many employees might be affected should the legislation pass?"

Reitz: "No. As I said, it depends... it's up to the employees. It's their right whether or not they want to join a union or have collective bargaining."

Turner, J.: "How many new employees will be eligible then? Do you know?"

Reitz: "Well, you know, under this if they're not doing it now, any state employee that's a professional or any county or municipal employee, any professional that is an employee of any government agency..."

Turner, J.: "Okay, I understand that. But what you're telling me is you don't have any idea how many employees might be affected, and if you don't, then how come we know what the possible fiscal impact of this Bill would be."

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Reitz: "There has been a fiscal note filed and I... we are looking for that."

Turner, J.: "Okay, I'll wait."

Reitz: "The Illinois State Labor Relations Board, their fiscal impact says minimal, should result in an increase in caseload of an amount that could be absorbed by the Board without increasing existing head count."

Turner, J.: "The analysis I have says that there will be a cost to state and local government. You're saying that will be minimal then?"

Reitz: "According to the fiscal note filed by the Labor Relations Board. I think..."

Turner, J.: "Do they consider the cost of local government in the fiscal impact study they did?"

Reitz: "We don't have any way to predict that. I mean, it depends on, no one maybe. As far as we... no one maybe... maybe either approach a union or everyone may. I mean, so there's no way to predict that."

Turner, J.: "Well, if there's no way to predict the fiscal impact, doesn't it give you some concern that we're going to pass some legislation that may have substantial fiscal impact to local government? Have you heard from local government at all on this issue?"

Reitz: "No."

Turner, J.: "I can't imagine that the county boards across the state would be in favor of this. What input have you received from local government or any of their lobbyists?"

Reitz: "All we're trying to do and as I said we have no way to do that, I believe that everyone has the right to collectively bargain if they so wish and that's the right of the employee. The fiscal impact, even if they were to join a union, there's no way to put a figure on what the fiscal

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impact would be. It would be on a case by case basis and that's what we're trying to do, to allow the Labor Relations Board to do their job on a case by case basis prior to these court rulings."

Turner, J.: "Well, I thought you indicated earlier that your legislation was in response to a Supreme Court case? Was that not true?"

Reitz: "Yes, it is."

Turner, J.: "Was that Supreme Court case opinion concerning only assistant state's attorneys and public defenders?"

Reitz: "Yes. It was... That was the case, but it was a more of a blanket ruling that public employees...professionals are considered managerial."

Turner, J.: "The Supreme Court case pertained to two different counties. Is that correct?"

Reitz: "That's correct, two different cases."

Turner, J.: "All right. And it pertained to how many different employees in those two different counties?"

Reitz: "I don't have a number of employees on that, Representative."

Turner, J.: "Well, who were the litigants? Were they assistant state's attorneys and assistant public defenders only or did... did the litigants include a class of state employees as well?"

Reitz: "The Cook County State's Attorney and in Kane County, I believe, was the, yeah, the Kane County Public Defender's Office."

Turner, J.: "All right, so your legislation goes far beyond than just providing protection to assistant state's attorneys and assistant public defenders, does it not?"

Reitz: "Excuse me?"

Turner, J.: "Well, if you're trying to address the Supreme Court

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case, why are you going well beyond what that ruling was and including employees, other employees from local government and other employees from state agencies if you were only addressing a particular case regarding assistant state's attorneys and assistant public defenders?"

Reitz: "The Supreme Court case is affecting all decisions at the present time and we're just trying to clear that up and get it back to where it was prior to these two decisions and others." Turner, J: "Well, I don't understand what you're trying to clear up. The Supreme Court, as I read the analysis, is pretty definitive in what they said. There's no ambiguity in what their opinion was, so what is it that you're clearing up?"

Reitz: "As I said, we're just trying to clarify the fact that just because someone is a professional employee, that they're not a managerial employee just on that basis and that's what basically was the ruling..."

Turner, J.: "Wouldn't it be fair to say, Representative, that you're not trying to clarify anything, you're trying to change existing law?"

Reitz: "No, we're trying to put it back, put the law back the way it was as it was originally intended and as it was prior to these two court cases."

Turner, J.: "When you say it was originally intended, are you saying that you've done a legislative history analysis on this and it's been interpreted by the courts differently than what the original statute actually meant or what the Legislature actually meant when they passed the original law?"

Reitz: "Yes, it's my feeling, if you look at the original Public Labor Relations Law then that was the intent."

Turner, J.: "What was the intent?"

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Reitz: "The intent to allow the Public Labor Relations Board to make these decisions and as they did prior to these two court decisions."

Turner, J.: "But it appears you're changing a definition, are you not?"

Reitz: "We're trying... Yes, we're..."

Turner, J.: "Excuse me."

Reitz: "There was... The managerial employee was in the Act, or is right now, is defined and we're just simply adding, adding language as a clarification to try and make sure that people have a right to collectively bargain if they so wish."

Turner, J.: "Well, it seems to me that if you're simply clarifying something that is one thing, but on the other hand if you're changing the definition to include many new employees that weren't included before you're doing more than clarifying, you're changing the law. Am I wrong or is that exactly what's going to happen if we pass this Bill?"

Reitz: "I don't think we're adding any new... new employees. I mean, anything that was prior to these court cases, anyone that was eligible to be... to join a collective bargaining unit is going to be eligible after this Bill is passed."

Turner, J.: "Anyone who was eligible before will now be eligible, right? How about anyone who was not eligible, will they now be eligible?"

Reitz: "They shouldn't be. This will simply put it back to the Labor Relations Board and allow them to decide this on a case by case basis. It doesn't expand..."

Turner, J.: "Well, who's making that decision now whether or not it applies and whether they are eligible?"

Reitz: "Unfortunately, based on the two court cases, you know that is what's determining what's a managerial employee and

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what isn't because of those two...the case law that's standing out there right now."

Turner, J.: "And so your final statement then is that there is no significant lo... impact to local government if this Bill is passed?"

Reitz: "We just have no way of predicting that. I mean, I don't know what the impact is at all. There could none, there, you know, there could be... It'll depend on each case and who decides to join a collective bargaining..."

Turner, J.: "Well, then, there could be significant impact to local government is what you're saying. You don't know and so we're kind of taking a chance by passing this Bill not knowing the answer to that question."

Reitz: "I seriously doubt it. I mean, I don't... I don't see whether there'd be a significant impact on that, and as I said, we have no way of predicting that. But I would say no."

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

Speaker Hannig: "Representative Durkin."

Durkin: "Thank you, Mr. Speaker. To the Bill. I think that this Bill addresses an important issue and I think it's rather myopic on behalf of the Illinois Supreme Court to say that assistant state's attorneys and public defenders, by the virtue of the fact that they have a professional license, should be deemed managerial... managerial employees. I think that they should actually go and watch and see what these people have to do on a daily basis and see what type of decision making ability they have in a courtroom and also inside their offices, which is very little. They have to go and get supervisory approval for basically every decision, every important decision they make on their cases whether it's the state's attorney or public defender.

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That's why I think I'm going to agree with you on this Bill, Representative Reitz, and I plan to vote 'yes'."

Speaker Hannig: "Representative Reitz to close."

Reitz: "Thank you. I think we've discussed this Bill thoroughly. As I said, we did this last year and I'd appreciate an 'aye' vote. Thank you."

Speaker Hannig: "The question is, 'Shall House Bill 457 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 40 voting 'no'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 63 of the Calendar, is House Bill 1196. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1196, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Hannig: "Representative Lyons."

Lyons, E.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1196 is part of the Attorney General's Safe to Learn Package. It provides for enhanced penalties for various firearm offenses committed in a school, on a school conveyance, or within 1000 feet of a school or a school conveyance or at a school related activity. This field discourages individuals from bringing weapons to school in order to sell them to children and I would ask for your favorable vote."

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 116 voting 'yes' and 1 voting 'no'. And this Bill

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having received a Constitutional Majority is hereby declared passed. We are now going to return to Representative McGuire's Bill. I believe that's House Bill 1831. Mr. Clerk, what's the status of this Bill?"

Clerk Rossi: "House Bill 1831 has been read a third time previously."

Speaker Hannig: "Representative McGuire."

McGuire: "Thank you, Mr. Speaker. Before I begin I'd like to announce on that last Bill I meant to vote 'aye' and in a hurry I voted 'no'. So I'm sorry about that. (1831), we've worked out our problems with Representative Black and I think Representative Black is satisfied with the arrangements. So I would ask for a favorable vote on 1831. Thank you."

Speaker Hannig: "The Gentleman has moved for the passage of House Bill 1831. Is there any discussion? Representative Black."

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

Speaker Hannig: "He indicates he will."

Black: "I just got off the phone with a vendor, good vendor, and I appreciate Representative McGuire taking this Bill out of the record. It's given a chance for staff to make sure we were doing what we thought we were doing. I have talked to some people who assure me that the vendors we deal with are aboveboard and that they will do what they are suppose to do under that formula. And, in fact, you have a trailer Bill that will address the shortfall because of the federal minimum wage standard and I just wanted to assure my colleagues. You know, you still may not like this Bill but there are assurances in here that, in fact, the bulk of the money will go to those employees providing the home health care aid service and that's why I raised the question. I

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just wanted to make sure that that is, in fact, where the money would go and not to the vendor and I have had an opportunity to talk to folks and gotten that straightened out and at some point we may want to revisit this whole concept of going to the vendor rather than the provider but this is fine. It's a good Bill and I intend to vote 'aye'."

McGuire: "Thank you."

Speaker Hannig: "Representative Slone."

Slone: "Thank you, Mr. Speaker. Will the Gentleman yield?"

Speaker Hannig: "He indicates he will."

Slone: "Mr. McGuire, could you tell me what would happen in a year in which the cost of living increase was either less than three percent or more than five percent?"

McGuire: "Okay. I'm sorry, I couldn't hear you too good. But the answer is it's a minimum of three and a maximum of five percent."

Slone: "Right. What if the cost of living increase that year is, the increase in the cost of living in a particular year is less than three percent?"

McGuire: "It'd be three percent."

Slone: "And if it's more than five percent, it would be five percent?"

McGuire: "It'd be five, right."

Slone: "Okay. All right. Thank you."

McGuire: "No less than three, no more than five. Thank you."

Slone: "Thank you."

Speaker Hannig: "The Bill is on Short Debate. We'll recognize Representative Mitchell and then we'll go to Representative McGuire to close."

Mitchell, J.: "Thank you, Mr. Speaker. I just rise in support of Representative McGuire's Bill. We heard this in committee."

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I believe it passed out of there pretty much unanimously. The workers in this whole field have been really, really far behind when it comes to wages and I ask the same question that Representative Slone just asked, concerned that we're locking in a three percent increase when the CPI may be much lower than that. But they understand that if, in fact, they do catch up and are competitive where they're not losing workers to other jobs, that they realize that it will probably go then to a cost of living index down the road. But they really are underpaid and I support the legislation. Thank you."

McGuire: "Thank you."

Speaker Hannig: "Representative McGuire to close."

McGuire: "I'd just like to say I appreciate everyone's 'aye' vote on this and I appreciate Representative Black and his questions because we did get that straightened out and I think it makes it easier for everyone to vote 'aye' on this Bill and I appreciate that. Thank you."

Speaker Hannig: "So the question is, 'Shall House Bill 1831 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. On page 62 of the Calendar, is House Bill 1063. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1063, a Bill for an Act amending the Vehicle Code. Third Reading of this House Bill."

Speaker Hannig: "Representative McAuliffe."

McAuliffe: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1063 we create the Illinois Fraternal Order of Police special license plate. I would also provide

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then an additional charge of \$15 for the license plate and a \$2 annual renewal fee would be deposited in the Secretary of State's Special License Plate Fund and I'd be happy to answer any questions."

Speaker Hannig: "Is there any discussion? There being none, the question is, 'Shall House Bill 1063 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 112 voting 'yes', 2 voting 'no' and 1 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. Representative Scully, are you prepared on House Bill 1536? Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1536, a Bill for an Act to amend the School Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Scully."

Scully: "Mr. Speaker, we'd like to move it back to Second to put an Amendment on it."

Speaker Hannig: "Okay, we'll move it back to the Order of Second Reading and then we'll put an Amendment...it'll be prepared for Amendments later. Representative Scott, are you prepared for House Bill 1720. Okay. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1720, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Hannig: "Representative Scott."

Scott: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1720 basically does two things; it provides for enhancement of some penalties involved in crimes of prostitution and soliciting for prostitution, it also allows for a two hour impoundment of a vehicle used in

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the crime of soliciting for a prostitute. Be glad to answer any questions."

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

Cross: "Wait... May I ask... Will the Sponsor yield?"

Speaker Hannig: "He indicates he will."

Cross: "Representative, we were... silent... We couldn't hear a thing you said over there. This... What does this deal with?"

Scott: "Basically does two things, Tom. One, is it enhances some penalties that are involved in the crimes of prostitution and soliciting for and patronizing a prostitute, and then it also has a Section which would allow for a two hour impoundment of a vehicle of a person who's arrested for soliciting for a prostitute."

Cross: "What would be the reason for increasing the penalties? What are they now, Class A's?"

Scott: "Actually Class A's for the first time. We're increasing them for second and subsequent violations."

Cross: "So now you want to impound the car?"

Scott: "For two hours."

Cross: "For two hours. You don't... Have you talked to Representative Franks about prostitution license plates?"

Scott: "We could look at that if you would think that'd make a good Amendment. If we have any orange paint left we could maybe..."

Cross: "Well maybe there are other things we could paint but... What's the rationale behind the impounding, Doug? Why... what's the... Is there a problem where people are getting released and going back out?"

Scott: "Absolutely. That's exactly it. And what we're seeing is a couple of things, Tom, and it's part of the rationale

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behind the increasing the penalties as well. Part of the reason behind... rationale behind increasing the penalties is because it will also affect bonds, and what we're seeing in the case of the prostitutes are people getting right back out onto the streets. Obviously, that would..."

Cross: "So they're going back out and doing whatever they were doing again every two hours?"

Scott: "Yeah, well, some of them are, yeah. Some of them as soon as they get out and the other part, the impoundment thing, is that I don't know how it works in some of the communities that..."

Cross: "Every way... Every two hours?"

Scott: "Well, not every two hours."

Cross: "So, I mean, like throughout the night has this been going on in your community?"

Scott: "Actually it does in many cases. And what happens, too, part of the reason behind the impoundment is that the people who are arrested for soliciting in many cases - the people arrested for soliciting in many cases are given notice to appear. Many cases are given notice to appear which means there's not even an arrest involved. It's not even a physical custody. I think you...unless you're alluding to some kind of... one of the Bob Dole commercials and..."

Cross: "Would you exempt Bob Dole under this Bill?"

Scott: "I'd consider that, sure."

Cross: "Which is... Are you willing to take it back to ED or Second Reading, whatever they call it and hold it awhile?"

Scott: "Well, I'm sure with the reverence that many on your side of the aisle hold for Mr. Dole, somebody in the Senate would be glad to work on that over there."

Cross: "Doug, I guess the other concern and along those same

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lines is I see the Department of Corrections has a \$3,000,000 fiscal impact note. Do you have any idea..."

Scott: "Yeah. Basically that comes from the enhancement of the penalties and they say that over, I believe that's over a 10 year period that they say that will happen, increase to 16 inmates over 10 years. That's...that's the..."

Cross: "Representative, if your only means of transportation was a car and you had to go to a football game the next morning, would this prohibit you or keep you from getting to that football game in the event the car was impounded? I mean, does this apply to Super Bowls?"

Scott: "Not unless you're arrested within two hours of the game."

Cross: "Okay, I just... Does it apply to Bear players as well, or do you know?"

Scott: "Only... There's an Atlanta Falcon's exemption specifically here. No. But ser...in all seriousness, in all seriousness we've got a real problem in Rockford, I know there are in many other communities. We've got kind of a revolving door with the people who are arrested for both soliciting as well as for prostitution, plus you've got this notice to appear problem which is happening for many of the solicitation cases which means the people aren't even taken into custody that night."

Cross: "Well, Representative, I hope this addresses...addresses all the concerns in your community. I know... I know most everybody on this side, I hope, will vote 'yes'."

Speaker Hannig: "There being no further 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

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received a Constitutional Majority is hereby declared passed. On page 61 of the Calendar, is House Bill 833. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 833, a Bill for an Act amending the Park District Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Beaubien, for what reason do you rise?"

Beaubien: "My light wasn't working on the last vote. I'd like to vote 'aye' on that Bill. Thank you."

Speaker Hannig: "The record will reflect your intentions to have voted 'aye', and Representative Myers (sic-Meyer) on House Bill 833."

Meyer: "Thank you, Mr. Speaker Ladies and Gentlemen of the House. House Bill 833 is an initiative of the Illinois Association of Park Districts. It provides that the park districts may lease their property to any corporation organized in the state that covenants to use the property for park purposes or obtains other similar property for those purposes. Currently, the park property may be leased only to not-for-profit corporations that may make similar covenants. One other addition, I might call to the attention of the House. Representative Hartke is also a hyphenated Sponsor. It just went on the Bill this afternoon. I'd be happy to answer any questions."

Speaker Hannig: "Is there any discussion? 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 113 voting 'yes' and 2 voting 'no'. And this Bill having received a Constitutional Majority is hereby declared passed. On page

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65 of the Calendar, is House Bill 1881. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1881, a Bill for an Act concerning impact fees. Third Reading of this House Bill."

Speaker Hannig: "Representative Slone."

Slone: "Thank you, Mr. Chairman (sic - Speaker). I would request that the Clerk please list the cosponsors if he would."

Speaker Hannig: "Representative, what was your inquiry?"

Slone: "If we could list the cosponsors on the Bill."

Speaker Hannig: "The Clerk informs me there's a number of cosponsors that have filed and if you'd like to clarify that for the Clerk we could put them up."

Slone: "Okay. That's... Thank you. Okay, this is... There are just a couple things I'd like to say about what this Bill isn't. The Bill is not about home schooling and what the Bill would do is, at the request of the Peoria County Board, it would allow counties in the middle size range of counties in Illinois to levy road impact fees if they so chose. So it is enabling legislation that would increase from, I think, the current four counties would add about another 14 counties to the list of counties that would be able to enact the road impact fee for the cost of new development if they chose to do that. And I would appreciate an 'aye' vote. I'd be glad to answer any questions."

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

Skinner: "Yes, Mr. Speaker, I am proud to stand as a joint Sponsor of this Bill even if the House Clerk's Office doesn't recognize it. Back in, I guess it was the late 1980's, early 1990's, DuPage County managed to pass a Bill to give, to force developers to pay fees for roads that

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subdivisions might bring to their traffic that would come over roads that subdivisions might bring or other developments might bring. They, however, the General Assembly, however, left out McHenry County which is the fastest growing county in the state and they left out numerous other counties where folks are going to figure out pretty soon that growth doesn't pay its own way. I think that this...that the price of additional roads and the price of additional other infrastructure, although this Bill doesn't approach that, ought to be paid for by the people buying the new houses. This Bill will take a very teeny tiny step in that direction and for that reason I am happy to jointly sponsor this Bill."

Speaker Hannig: "Representative Durkin."

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

Speaker Hannig: "She indicates she will."

Durkin: "Now I just want to get this perfectly clear. Who is going to absorb this fee? Would it be the homeowner or is it going to be the developer of the property?"

Slone: "I believe it would be the developer."

Durkin: "Okay. I'm just... I'm not sure if it's quite clear. It says that they can impose a fee but I want to make sure if it's... if it's going to be somebody besides the developer. Could it be someone...other person who's involved in the development process who may be... have the fees imposed to them as well?"

Slone: "I'm sorry, Representative, like... Can you give me an example? I'm not sure. Can you give me an example of what you would mean?"

Durkin: "Well, I'm just trying to think. I mean, you have developers but they subcontract other types of the development out to...to contractors. Would they have

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to...would they be potentially someone who would have this fee imposed on them or is this strictly going to be the developer of the land?"

Slone: "It would be... I believe it would be whoever holds the development permit or the building permit..."

Durkin: "All right."

Slone: "...for the subdivision or the shopping center or whatever."

Durkin: "Is this... Is there a specific problem somewhere which has prompted you to bring this legislation?"

Slone: "Yes, Peoria County has requested that..."

Durkin: "Okay."

Slone: "All of this, by the way, Representative, is existing law except for the county size, the population is the only thing that's changed here."

Durkin: "Do we have... Is there anything in this legislation which at least gives some guidance as to the extent of the fees which can be assessed."

Slone: "No. There's not any existing law and this doesn't change that."

Durkin: "Well, I'm just trying to figure out and to visualize what type of fee, even if you can give me a dollar amount, what type of fee would be the type of thing you envision would be assessed against the developer for..."

Slone: "There is a law set... in, an existing law. There was agreed legislation about ten years ago with the home builder's and other parties being involved in it which I know about only because of the home builders, when they spoke to the Bill, addressed this and there are a number of factors that would limit what could be charged and so on and this was all agreed legislation initially."

Durkin: "Is this presently existing in larger counties?"

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Slone: "Four counties..."

Durkin: "So they have that... so you're just..."

Slone: "Yes."

Durkin: "Just in what county?"

Slone: "There are four counties, I believe..."

Durkin: "Which have it right now? What you're going to do is you're going to..."

Slone: "Allow some of the medium size counties to also take advantage of this if they choose."

Durkin: "Do you have any idea, approximately, how many other counties we're talking about? Do you know which ones we're talking about?"

Slone: "Twelve or fourteen."

Durkin: "I mean, which counties do you think?"

Slone: "Oh, Peoria County, Winnebago County, Sangamon County, Champaign County are several of the ones that would be included."

Durkin: "Do you have any knowledge of whether or not the Illinois Realtors Association or the Home Builders Association have taken any formal position on your legislation?"

Slone: "My understanding from the home builders is that as of today they are neutral on the Bill."

Durkin: "Okay, and do you have any idea if the realtor's have the... if they have an opinion on your legislation?"

Slone: "I have not heard from them."

Durkin: "You haven't heard? Okay."

Slone: "Separately from the home builders."

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

Speaker Hannig: "Okay, this Bill is on Short Debate. Representative Cowlshaw, do you wish to speak to the issue and then we will close?"

Cowlshaw: "Thank you very much, Mr. Speaker. First, if I may

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address a question to the Chair and then if the Sponsor would yield I'd like to ask a couple questions."

Speaker Hannig: "Yes, the Chair will... What is your inquiry?"

Cowlshaw: "I believe that this preempts home rule. In which case, what is the ruling of the Chair of the number of votes that are required to pass this?"

Speaker Hannig: "We'll have... Representative Cowlshaw, we'll have the Parliamentarian examine the Bill and the Chair will rule before we actually vote on the Bill."

Cowlshaw: "Oh, fine. Thank you, Mr. Speaker."

Speaker Hannig: "So if you'd like to ask questions, please proceed."

Cowlshaw: "Fine. We need to move it along, I understand that. Thank you very much. I assume the Sponsor will yield. Thank you. The very first authorization for any type of an impact fee, whether that was a matter of somebody donating land or cash in lieu of land, was a Bill that was sponsored in the Illinois State Senate by former Illinois State Senator Harris Fawell who recently retired from being a member of Congress, he served here for many years. Because he lived in the City of Naperville it was the first local government, municipal, county or otherwise to ever adopt any type of an impact fee. So I hail from a community that has had this kind of thing in place longer than any other local government in all of Illinois. It is not only counties that have the right to impose these fees, it is also municipalities, school districts and park districts. If I understand your Bill correctly, you are expanding the number of counties in which these impact fees can be imposed but only the imposition by the county. You do not authorize municipalities within those counties, nor school or park districts to do the same. Why is there that

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omission?"

Slone: "Representative Cowlshaw, the request came to me from my county board and, yes, that's correct that the Bill deals only with the counties and the county populations. My understanding is that this existing legislation already covers all home rule municipalities. They may do this if they wish. But only the larger counties up until currently are allowed to do so. Only the very largest four."

Cowlshaw: "May I ask if this has any... if this makes any change whatsoever in the existing provisions for impact fees that already apply to the counties, school districts, park districts, and municipalities that already impose them?"

Slone: "I can't speak for the park districts and the school districts 'cause I think theirs is covered in another Section of law, but as to the home rule municipalities and the counties currently covered there's no change other than in the population threshold."

Cowlshaw: "Thank you very much. And, Mr. Speaker, I think we can just wait for your ruling."

Speaker Hannig: "Representative, the Parliamentarian is still examining the Bill. We'll have Representative Slone close and then we'll rule."

Cowlshaw: "Thank you very much, Sir."

Speaker Hannig: "Representative Slone to close."

Slone: "Thank you, Mr. Speaker. Ladies and Gentlemen, the Bill as it is... as it is amended strictly changes the population threshold. For counties, it's enabling legislation. It would apply to all the medium-size counties. The other members whose names have suddenly appeared on the board are from counties in that size range and their counties are also interested in the possibility of being able to offset some of their road costs through

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this mechanism. I would appreciate an 'aye' vote. Thank you."

Speaker Hannig: "Representative Slone, for what reason do you rise?"

Slone: "Could I add a word while we're waiting for the Parliamentarian's ruling, if I may?"

Speaker Hannig: "I'm sorry, repeat your question."

Slone: "A point of order, I think."

Speaker Hannig: "Okay, what is your point?"

Slone: "Simply that the Bill was amended in a language that dealt with home rule that was in the previous version of the Bill, was amended out in committee. If that helps."

Speaker Hannig: "The Parliamentarian is carefully examining the Bill and will yield his ruling shortly. Just so we know who's on the list, on the Democratic side Representatives Smith, Woolard and Younge will have Bills coming up shortly; and on the Republican side, Representatives Mitchell, Moffitt and Moore. So we're in the... Those will be the next six Bills. Representative Black, for what reason do you rise?"

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

Speaker Hannig: "State your point."

Black: "Yes, it appears that Senator DeMuzio has fallen victim to getting a Senator in the gallery. Not only has he fallen victim to this old ruse, but he's even in the wrong gallery. Perhaps somebody could take him over to the Senate gallery. Good grief, he looks like the Pope up there with all those hand motions."

Parliamentarian Uhe: "On behalf of the Speaker in response to the inquiry of Representative Cowlshaw, House Bill 1881 amends the road impact fee Section of the Illinois Highway Code. That Section preempts home rule under subsection (i) of

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Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers. That preemption requires a majority vote. This Bill would not change that in any way and therefore I've ruled that this Bill requires a majority vote."

Speaker Hannig: "Okay, so this Bill requires 60 votes and the question is, 'Shall House Bill 1881 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 79 voting 'yes' and 37 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 61 of the Calendar, is House Bill 1194. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1194, a Bill for an Act concerning school students. Third Reading of this House Bill."

Speaker Hannig: "Representative Mitchell."

Mitchell, B.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1194 is one of the Attorney General's Safe To Learn Bills. Part of the Bill is school officials who observe any person other than a law enforcement official in possession of a firearm on school grounds or under affirmative obligation to report such an incident to law enforcement officials immediately. It also has provisions where you would have to have a psychological evaluation so minors charged with an unlawful, having a weapon at school, who are under 15 years of age, shall be brought before a juvenile court judge for a detention hearing within 40 hours of being taken into custody."

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

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

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Speaker Hannig: "He indicates he will."

Black: "Representative, the Amendment becomes the Bill, correct?"

Mitchell, B.: "That's correct. That is correct, Representative."

Black: "All right and it says any person who observes a firearm. Does that mean a student, any student who would perhaps see a firearm?"

Mitchell, B.: "I beg your pardon, Representative?"

Black: "The Bill references any person who sees a firearm on school or school property."

Mitchell, B.: "That... That is correct, any person regard..."

Black: "So it would be a student as well as a faculty member or..."

Mitchell, B.: "An adult, correct."

Black: "Okay. Is there a penalty... I didn't see any language in the Bill - if someone sees it and does not report it, is there a penalty for failure to do so?"

Mitchell, B.: "Yes, there is, Representative."

Black: "What... what might the penalty be?"

Mitchell, B.: "The person is, for instance, a teacher. They could have their teaching license revoked or suspended."

Black: "Okay, what would happen, say, to a fourth grader who is aware that a fourth grade classmate had a gun, saw the gun, but did not report it?"

Mitchell, B.: "This deals with school officials who observe any person..."

Black: "Okay."

Mitchell, B.: "...other than a law enforcement, in possession of firearms."

Black: "Well, see that's why I asked you earlier. It says 'any person'. I ask you does that mean a student is mandated to report it if a student sees it?"

Mitchell, B.: "It's all school officials. The exact language,

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Representative, is 'all school officials including teachers, guidance counselors and support staff shall immediately notify.'

Black: "Okay, so we're not mandating that students... Students would not be a mandated reporter under this Bill?"

Mitchell, B.: "That is correct."

Black: "Okay. All right. I think I understand the Bill now, but would you be willing to take it out of the record until after spring break?"

Mitchell, B.: "No."

Black: "Oh, all right. Well, thank you for your cooperation, Representative."

Mitchell, B.: "Thank you, Representative."

Speaker Hannig: "Is there any further discussion? There being none, the Gentleman... Representative Mitchell to close."

Mitchell, B.: "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 113 voting 'yes' and 1 voting 'no'. And this Bill, having received a Constitutional Majority is hereby declared passed. On page 66 of the Calendar, is House Bill 2034. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2034, a Bill for an Act to amend the Illinois Farm Development Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Smith."

Smith: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 2034 amends the Farm Development Act to allow the Illinois Farm Development Authority to transfer funds into the Agricultural Loan Guarantee Fund. This is

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an effort on behalf of the Community Banker's Association. Would allow... Would make it easier for lenders and more available for lenders to take advantage of the guar... loan guarantee programs provided by the Farm Development Authority. I know of no opposition to the Bill. I'd be happy to answer any questions."

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

Slone: "Thank you, Mr. Speaker. I just rise to say that there was a certain amount of horse play going on with my switch at the last and I regret that I accidentally voted 'no' on the Gentleman's first Bill and I would like to be recorded as 'yes' or indicated."

Speaker Hannig: "The record will reflect your intentions. Representative Hoffman."

Hoffman: "Will the Sponsor yield?"

Speaker Hannig: "He indicates he will."

Hoffman: "I just... I just got one brief question. It's my understanding that the bond amount for this program is open-ended. Is that correct and shouldn't there be a limit as we have done in the past?"

Smith: "Representative Hoffman, this doesn't affect the overall bond limit, this just essentially allows IFDA to transfer funds so that they cannot fall under the cap."

Hoffman: "So the overall state... This would come within the overall state's bonding authority. It will not hamper that or increase it, it would just use a portion of that."

Smith: "That is correct."

Hoffman: "Okay. And the last thing, what constitution... would constitute an emergency? Is that defined in the Bill?"

Smith: "It's whenever the authority would find it to be an emergency condition."

Hoffman: "So they essentially will, I guess, adopt rules and will

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make a definitional decision with regard to when this would apply and what is indeed an emergency."

Smith: "Yes, that's my understanding."

Hoffman: "I think it's a good Bill and I ask everybody on this side of the aisle to support it."

Speaker Hannig: "Representative Fowler."

Fowler: "Thank you, Mr. Speaker. On the previous Bill, House Bill 1194, I did not get to my button in time. Had I, though, I would have voted 'aye' on that."

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

Lawfer: "Thank you, Mr. Chairman (sic-Speaker), Ladies and Gentlemen of the House. I rise in support of House Bill 2034. I think this is a very viable Bill and rules and regulations are very clear and concise on how the Farm Development Authority will use this money. It can be very helpful to keep a lot of young farmers in the business during these troubling times. I ask for a 'yes' vote."

Speaker Hannig: "Representative Smith to close."

Smith: "Thank you, Mr. Speaker. Again, this is an attempt to make the guaranteed loan programs under the Farm Development Authority more attractive to lenders and to help those in agriculture who may be suffering due to downturn in the agricultural economy and I would encourage an 'aye' vote."

Speaker Hannig: "The question is, 'Shall House Bill 2034 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. On page 60 of the

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Calendar, is House Bill 502. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 502, a Bill for an Act amending the Nursing and Advanced Practice Nursing Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I bring you House Bill 502. It's a very simple Bill and something was brought to my attention. Surprise on this Bill was that nurses in the State of Illinois have no background checks whatsoever. I've worked out with the Illinois Nurse's Association Amendment #1 which amends the Bill, becomes the Bill and simply says that at the time of certification now all nurses or those that are applying for license will have at least a name background check if there is an indication on that or is that it's red flagged then they will have a fingerprint check. This was a constituent driven Bill and one born out of concern. I think this is a Bill that its time has come and I would be happy to answer any questions."

Speaker Hannig: "This Bill is on Short Debate and on that question, Representative Skinner is recognized."

Skinner: "I wonder if the Gentleman could explain why we're only going to test newly licensed nurse's backgrounds, why we're not going to test all the nurses backgrounds?"

Mitchell, J.: "Representative Skinner, that's a good question. You asked that same question in committee and this was an agreement that I made with the Illinois Nurse's Association that everything has to start somewhere and I believe that this time that this at least was a good beginning and down the road it will mean that all nurses will have a background check."

Skinner: "Representative, I agree with you. I predict that the

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first time there's an atrocity that you or someone else will be back here asking that all nurses be checked... that the backgrounds of all nurses be checked."

Mitchell, J.: "Well, Representative, I agree with that except that it's been this way from time immemorial. There's probably been atrocities that have not come to our attention. I wish that this had been done years ago but starting now, it's better than not starting at all."

Speaker Hannig: "There being no further discussion, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. Representative Lang 'aye'. Have all voted who wish? Mr. Clerk, take the record. This Bill having received a Majority vote is hereby declared passed. On page 59 of the Calendar, is House Bill 416. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 416, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Woolard."

Woolard: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. What we're trying to do here is to allow people who are traveling in a regular vehicle pulling a trailer to travel at 65 miles an hour. This is a safety issue and we're trying to accomplish the safest highways for all the people of this state. I would appreciate an 'aye' vote."

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

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

Speaker Hannig: "He indicates he will."

Black: "Representative, I didn't vote for this Bill in committee,

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I voted 'present'. This Bill doesn't have anything to do with getting trucks and motor vehicles moving the same speed. When you say trailers you're talking about a camping trailer hauled behind my personal vehicle or my pickup truck."

Woolard: "Talking about my bass boat."

Black: "Or your bass boat, right. I know one of the concerns I expressed in committee was that some of these vehicles, the trailer hitch may not be installed properly or you may even have a rented hitch and you go down a road at 65 miles an hour and that trailer starts to fishtail a little bit, I think we could really have a problem and I, you know, that's why I didn't vote for it in committee. I know the State Police aren't in favor of it."

Woolard: "Representative, I agree and I think that there probably needs to be some kind of a Bill sailing along the way that would say that we have to ensure that we have proper hitches and connections and safety devices on all trailers that are being pulled on the highway, whether they're going 55 or 65 miles an hour."

Black: "Okay. Because..."

Woolard: "You know, with a \$40,000 bass boat, I'm here to tell you that mine's going to have a proper hitch and it's going to be done in the correct fashion."

Black: "Did I hear you correctly, a \$40,000 bass boat?"

Woolard: "Well, I couldn't afford a fifty."

Black: "Man, I'm going to come down and go fishing with you. As I recall in committee the Bill is silent as to whether or not you have to have trailer brakes or anything. Is that covered under the current Vehicle Code?"

Woolard: "That's already established in the regulations that are there now whether they're traveling 55 or 65."

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Black: "Okay."

Woolard: "And we believe that that should be continued by..."

Black: "I really don't know the answer to that. If I'm hauling a bass boat behind my personal vehicle, does that boat trailer currently have to have a trailer brake on it?"

Woolard: "Yes, it certainly does."

Black: "All right and so it would also have to have lights, turn signals that..."

Woolard: "Certainly does, yes."

Black: "And a license plate without an expired sticker, right?"

Woolard: "That's right."

Black: "Okay. I appreciate your indulgence."

Woolard: "And if you park it on the side of the road in front of your house you're in trouble."

Black: "And we've been there and done that. I don't have any problem with what you're trying to do, Representative. I intend to vote 'present' and I do appreciate the fact you said perhaps we need to look at the basic safety of hitches, etc. and I think until that's done, maybe in the Senate or maybe something you would do later on. I've done this and as I told you in committee when we turned off the interstate highway and the trailer continued on down the interstate highway because we had a defective hitch and I guess I'm a little concerned about it."

Woolard: "Representative Black, let me correct something."

Black: "Okay."

Woolard: "If I misled you on... it was not intentional. It does not have to have brakes on the trailer, it has to have brake lights."

Black: "Okay."

Woolard: "And if I said otherwise, I'm sorry."

Black: "I was going to say I didn't think we'd ever mandated

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trailer brakes on that kind of a trailer."

Woolard: "No."

Black: "And I know if you've got a \$40,000 bass boat that's not a light weight boat by any means and we may want to look at whether or not, I don't know what the weight restriction is on a towed trailer, but some of these trailers are getting pretty heavy not to have a trailer brake. But I'm sure you'll approach that at some time in the future and I appreciate your indulgence, and I don't have any problems with what you're trying to do, but just from personal experience having lost a trailer on an interstate highway I intend to vote 'present'. Thank you, Representative."

Woolard: "Thank you."

Speaker Hannig: "Representative Woolard to close."

Woolard: "I think that Representative Black has brought up an interesting point and I think without question we have a responsibility to ensure that we have quality, adequate hitches on all vehicles that are connected together. That's not what this Bill is dealing with. What we're doing here is just putting the traffic at 65 miles an hour with the rest of the traveling public, which I think makes a safer highway and without question gets me back home with my family at a respectable time and that's important. So I would encourage 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... Mr. Clerk, take the record. On this question, there are 80 voting 'yes' and 30 voting 'no'. And this Bill, having received a Constitutional Majority is hereby declared passed. On page 67 of the Calendar, is House Bill 2639. Mr. Clerk, read the Bill."

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Clerk Rossi: "House Bill 2639, a Bill for an Act amending the Radiation Protection Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Moffitt."

Moffitt: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 2639 is cleanup language for the Department of Nuclear Safety. In 1995 we authorized the Department to issue license for mammography facilities in the State of Illinois. They feel that what they're doing and we called it an inspection. They feel that it's a certification rather than an inspection. This does not change the fee. The fee was already there but they say it's a certification. The reason, with the Illinois Department doing this, it actually is a reduced cost over what it would be if the Federal Government did it. It gives us local control and much more timely response. I'd be happy to entertain any questions that you might have."

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

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

Speaker Hannig: "He indicates he will. Don, I know you said this but I just want to make sure. By changing what we're calling this, we're not changing the fees that are charged at all?"

Moffitt: "Correct, no change in fees whatsoever. It was called an inspection fee."

Scott: "Right."

Moffitt: "The department feels that it's really a certification fee because they're certifying them to be on-line as a mammography facility."

Scott: "Do you have any idea what those fees are right now?"

Moffitt: "Yes, I do. The total fee - Illinois department charges \$750 plus a \$509 federal surcharge for a total of \$1,259

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per facility. If the Feds do it it's a total of \$1,578. So it's \$319 cheaper per inspection or certification which is what we want to call it if we continue to have the Illinois department do it."

Scott: "And a certification fee will be charged at the same intervals as the inspection fee was, so..."

Moffitt: "That is correct. No change as far as intervals or the amount. We're just more correctly calling it a certification rather than an inspection."

Scott: "Okay, thanks for the clarification."

Moffitt: "Thank you."

Speaker Hannig: "Is there any further discussion? There being none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Cross, are you seeking recognition?"

Cross: "No, Mr. Speaker, someone was trying to trick me and walked by my desk and hit my light and I think that's very immature. Thank you."

Speaker Hannig: "Mr. Clerk, take the record. On this question, there are 115 voting 'yes' and 0 voting 'no'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 61 of the Calendar is House Bill 845. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 845, a Bill for an Act amending the Sanitary District Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Moore."

Moore, A.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I bring before you today House Bill 845 which was suggested by the Illinois Association of Waste Water Agencies. It makes several changes in the sanitary

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district legislation to provide cleanup language in several different areas. One, as an example, permits the publication of ordinances in a newspaper of general circulation as opposed to papers that are published within the district because some of these districts do not have papers published in them anymore. It permits the publication of all contracts for purchases for sales by the district in excess of \$10,000 to be published in a newspaper of general circulation. It modifies the annexation languages for sanitary districts under...organized under the 1936 Act to go from 10 years to 20 years. I'd be happy to answer any questions. There is no known opposition to this Bill."

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 116 voting 'yes' and 0 voting 'no'. And this Bill having received a Constitutional Majority, is hereby declared passed. On page 66 of the Calendar is House Bill 1996. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1996, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Hannig: "Representative Bradley."

Bradley: "(1996) is a City of Chicago initiative. It is creating the crime of official misconduct by a government contractor a Class III felony. The prohibitive behavior is identical to the actions currently prohibited by public officials and employees under the current official misconduct statute. This legislation is needed because persons who act on behalf of government in a contractual capacity should be

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held to the same standards as public officials and public employees."

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

Novak: "Yeah, Mr. Speaker, real quickly. Will the Sponsor yield? Representative Bradley, I look at our analysis and it said the Cook County Board President is against this Bill. Is this an error?"

Bradley: "I believe, he hasn't contacted me personally, so I..."

Novak: "Okay."

Bradley: "...think he might be in error."

Novak: "Well, I was just curious for you Chicago Legislators that Mr. Strog..."

Bradley: "Sometimes, as you know, we don't communicate real well with one another once in awhile. This is probably the once in awhile."

Novak: "Well, you mean there's... You mean there's... You mean this could be a disagreement between the city and the county?"

Bradley: "I wouldn't say a disagreement, just a lack of communication at this moment."

Novak: "Okay. Thank you."

Speaker Hannig: "Representative Hoffman."

Hoffman: "Will the Sponsor yield?"

Speaker Hannig: "He indicates he will."

Hoffman: "Representative, this is... would require official misconduct by a contractor. Is that right?"

Bradley: "That's correct."

Hoffman: "And would this only be on public projects?"

Bradley: "Well, any time a government subcontracts with a vendor at any point in time."

Hoffman: "But if the... These are about contractors, they're not elected officials or appointed officials. Is that right?"

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Bradley: "These are... Any contractual employee of the City of Chicago or government employee. Subcontractor."

Hoffman: "Well, it could be a subcontractor or general contractor or an employee, I believe. What I'm asking is how can it be official misconduct, these aren't officials?"

Bradley: "Well, we're going to include that in the official misconduct statute. That's the purpose of the legislation. Again, they're spending taxpayer dollars and they should be under the same punishment rules and regulations that we are."

Hoffman: "And where does this... What's the genesis, where does it come from, this Bill?"

Bradley: "Fifth floor, City of Chicago."

Hoffman: "Well, I guess that means we have to...downstaters have to be against it, I guess. Is that it?"

Bradley: "No, I think you could reconsider the merits of this."

Hoffman: "Is it intended to address any particular situation that occurred or has occurred in the past?"

Bradley: "Well, again, due to privatization of many government services you have vendors and contractors out there working under the city, working face to face with the public and they should be held accountable."

Hoffman: "I guess... I'm going to vote for the Bill, but here's the concern. It seems to me that the way it's drafted in reading the Bill, it seems to me that when you say that you're guilty of a Class III felony if you intentionally or recklessly fail to perform any mandatory duty as required by law, you could essentially be saying, if you don't pay your work comp insurance cause you're required by law, if you don't pay your unemployment insurance because you're... and you're required by law and you don't pay prevailing wage which as is required by law, or if you don't perform

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any other contractual obligation. I think if we're going to make it a Class IV felony, we want somebody to actually break the law, break some type of law. You understand what I'm saying."

Bradley: "...Class III felony, not a Class IV."

Hoffman: "A Class III felony, I'm sorry."

Bradley: "Again, the intent, I think, is for the performance of the contractor on the duties that he was specified in the contract not to take it to...beyond unto his own personal practices of his company."

Hoffman: "I guess my only concern would be is that maybe it's drafted so broadly that we're not really getting after the people you want to get at and those are the people who are cheating on public contracts and we may just be saying somebody who doesn't perform a contractual obligation, that they...that they now could be Class III felons."

Bradley: "Well, there's enough other provisions in the Bill to address that, so we will be able to go after those contractors who don't perform or fraudulently misrepresent or again, you know, take a bribe on... at the point..."

Hoffman: "Those are... I mean, that's who I think you're trying to address, right?"

Bradley: "Correct."

Hoffman: "Right and the problem is, I think, it may be a little broad so maybe you want... If we send this over to the Senate maybe we can work on the language, uh."

Bradley: "I don't know, it's kind of late now. I think we could have a vote for it and see where it ends up."

Hoffman: "All right."

Speaker Hannig: "Representative Lang."

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

Speaker Hannig: "He indicates he will."

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Lang: "Representative, nice tie. So, Representative, is this your first Bill?"

Bradley: "You know, I don't recall right now. It's been a long day. It's been a long year and a half for..."

Lang: "Haven't you been here like 12 terms. Is this... This is your first Bill?"

Bradley: "It only seems like that sometimes."

Lang: "Okay, just wondering. So, as usual, when Representative Hoffman was asking questions I wasn't paying attention, so I'm wondering if you could explain..."

Bradley: "I think I answered all of Hoffman's questions, so, if you would like to talk to him about it, you could save the state a lot of time."

Lang: "No, no. When he gets his first Bill, I'll ask him. So, I'm wondering if you could tell us briefly, what this Bill does again?"

Bradley: "Nineteen ninety-six is creating the crime of official misconduct by a government contractor, a Class 3 felony. It is identical to the current official misconduct statute."

Lang: "That was a very brief and succinct explanation, Representative."

Bradley: "I think we're all hungry, that's why."

Lang: "So, I note that you got a 13-0 vote in committee. Does that evidence the quality of the committee or the quality of the Bill?"

Bradley: "I think it's evidence of the quality of the Chairman, Representative Hoffman was in the Chair. He did a wonderful job of just absolutely getting that Bill out of committee."

Lang: "Well, wait, isn't this Representative Gash's committee?"

Bradley: "Oh, I was thinking of another Bill, you're right."

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Lang: "Well, so, it had nothing..."

Bradley: "I still..."

Lang: "...with the quality of..."

Bradley: "I still stand..."

Lang: "...with the quality of the committee chairman then?"

Bradley: "I still stand by my remarks on Representative Hoffman."

Lang: "Yes, but it had nothing to do with the chairman of this committee apparently, who is not apparently as wonderful as Representative Hoffman?"

Bradley: "Well, of course she is."

Lang: "I'm just checking. Well, I think it's a fine Bill. I just wanted to hear you tell me more about it. Thank you, Representative."

Bradley: "You're welcome."

Speaker Hannig: "Representative Black."

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

Speaker Hannig: "He indicates he will."

Black: "Representative, I'm going to take another tact, this is not a fine Bill. This Bill is seriously flawed and not because it's your first Bill, this Bill is seriously flawed. If you want to take it out of the record, I'll be glad to tell you why I think it is and we'll get staff together or we can go through the tap dance, whatever you want to do."

Bradley: "I like to tap dance."

Black: "All right. Would you ask your staff person how I, as a private contractor or the employee of a private contractor, can be charged with official misconduct?"

Bradley: "Under this legislation, we are including in that because, again, privatization, subcontractors should be held to the same standards as public officials and public

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employees, because again, they are spending taxpayer dollars and they should be held accountable."

Black: "Okay. That's a very interesting lead. I'm an employee of a private firm, you're going to classify me as standing in the stead of a public official?"

Bradley: "That's correct."

Black: "I'm found guilty or I'm charged with something, I'm now covered under the public official protection of the law. Are you going to pay my legal expenses?"

Bradley: "No, we're not. We're going to charge you."

Black: "Are not certain public officials in the City of Chicago, Chicago, eligible for reimbursement of legal offenses, if found... if charged with wrong doing?"

Bradley: "I'm not aware of that."

Black: "Representative, I think if you'll look into it and you'll ask staff to look into it, some public officials would be eligible to have certain legal fees reimbursed by the public entity, and if you're putting private contractors in the stead as a public official, you're opening up something here I'm not sure you want to open up. Some public officials are also immune, have immunity from certain actions. Are you extending that protection..."

Bradley: "I believe the..."

Black: "...to a private contractor?"

Bradley: "No, we're not."

Black: "Can you tell me in the Bill where it tells me that they're absolutely not extending certain immunity from actions to a private contractor who you've already said you're putting in the shoes and actions and acts of a public official?"

Bradley: "It's not the intent of the Bill."

Black: "I don't care what the intent of the Bill was, tell me

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where in the Bill it says that I am not going to be able to cloak myself in the immunity or the remuneration ability of public officials if you charge me with wrong doing."

Bradley: "Again, I don't believe this legislation intended to reimburse those subcontractors."

Black: "All right. Representative... Mr. Speaker, to the Bill. This is the risk we take sometimes when we do our ritual, first Bill hazing. This Bill, if enacted as I read through it, first of all, it excuses the owners of the company and only holds the employees liable. If I have a contract with the City of Chicago to plow snow, and if I understand this correctly, I'm plowing snow for the City of Chicago and I do something illegal or wrong or I'm charged with doing something illegal or wrong, I'm now standing in the shoes of a public official, because I've been charged with official misconduct. I then might be able to wrap myself around some immunity factors or reimbursement procedures for my actions by the very government that's trying to prosecute me. I don't have a quarrel with what the Representative is attempting to do. But, I think if staff would look at this Bill very carefully, because of the official misconduct Section, you're opening this Bill up to something I don't think the City of Chicago or any other city would want to be open to. The Bill needs to be redrafted. The Gentleman would redraft the Bill, I'll gladly cosponsor it because I think that is what he is attempting to do. But, people here much smarter than I, and lawyers, have told me, unequivocally, that this Bill will allow an employee of a private firm to be wrapped in the... certain cases, in the immunity of a public official and or perhaps seek remuneration or reimbursement for legal expenses, because being wrapped in the clothing of a public

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official, I don't think that's the intent of the Gentleman's Bill. I don't think that's what he wants to do, and he said clearly, it isn't the intent. But the language of the Bill, would tend to indicate that that could in fact, be what happens to an employee of a private firm who's charged under this Bill. And I also think a weakness in the Bill, it tends to make employees of a firm guilty or chargeable, where as the owner of the firm, who may in fact have been the instigator of any illegal action, seems to be exempt. That's... I don't think... in all due respect to you, Representative, I don't think the Bill is drafted in the way that you would prefer it be drafted. If you run the Bill, which is certainly your right as a Member of this Body, and I have no doubt that you'll probably get sufficient Bill... votes to pass it. But I would to say to Members on either side of the aisle, be a Democrat or be a Republican, obviously, if you live in Chicago, you're probably going to vote for it because it appears that the mayor is in favor of the Bill. I would simply ask those of you who are outside that sphere of influence, to look very carefully at the Bill, at what you're doing. I don't think you have any intention of enabling a private employee to somehow be placed in the stead of a public official, and therefore, be able to wrap himself or herself in certain cloaks of immunity that public officials have or to seek reimbursement for legal fees in some cases that public officials have. The Bill is not narrowly defined, not specifically drafted, and I think may very well create more problems than it solves, and it's for that reason, Mr. Speaker, that I intend to vote 'no', and until the Bill is redrafted or reworked or amended, I would think that any of you who look carefully at the Bill, should also vote 'no'."

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Speaker Hannig: "Representative Giglio."

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

Speaker Hannig: "He indicates he will."

Giglio: "And, I'll try and keep my remarks brief. As I've clearly shown in the past, Representative, I'm not an attorney, so, bear with me, please. Again, the intent of your legislation, the intent to your legislation is what?"

Bradley: "To include subcontractors under the official misconduct statute."

Giglio: "And, why do you want to do that?"

Bradley: "Because they're working on the public behalf, public tax dollars, and if they act in a criminal capacity, they should be charged accordingly."

Giglio: "My concerns are that... as a contractor, they shouldn't be subject to the same rules that apply as do for public officials. That they shouldn't be held to that set of standards, not that...not that may or may not be wrong, I don't know that it should be criminally wrong. Certainly, that as contractors, they're not aware of all the laws that do face public officials and I'm aware that you say knowingly. But, one of my concerns, for instance, intentionally or recklessly, fails to perform any mandatory duty as required by law. Could this be extended to the terms of the contract? For instance, if a contractor is contracted to perform the duties on a public project, to have the snow plowed within X amount of hours, for instance, that's part of the contract, and he were to wreck... he or she were to recklessly not perform them within that time period, could they be held criminal?"

Bradley: "I believe so. Under this legislation, yes."

Giglio: "Is that your intent if..."

Bradley: "It is. Again, these are taxpayer dollars and with

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privatization happening more and more everyday, these subcontractors should be held accountable."

Giglio: "Okay In your Bill, you state that 'employees of', would that also include unions? Could unions also be held?"

Bradley: "You'd have to explain further, the scenario on that."

Giglio: "Unions being the bargaining agent, the representative of the employees."

Bradley: "No. They're not performing the work, we're talking about the people, the contractors who are performing the work. That's reaching way far into this legislation."

Giglio: "Well, I don't know that it is reaching that far. For instance, if there's a work shortage and the union cannot provide labor, and the owner or the municipality says that it's your duty bound by law to provide that skilled labor, and if you can't do it, we're going to hold you criminally responsible."

Bradley: "I don't believe it applies to that case. Again, it's going after the individual or the subcontractor, and I don't see how the union would be included under this legislation."

Giglio: "Okay, to the Bill."

Speaker Hannig: "To the Bill."

Giglio: "Ladies and Gentlemen of the chamber and Representative Bradley, I apologize for coming in on this at this late moment. I don't know that this is good legislation. I don't think we want to make contractors potentially criminally liable for potentially manpower shortages which could be the result of this, not necessarily the union but the contractor and the employees could be held criminally liable under this legislation, and I think we might also be setting a poor precedent for work and economic development in the State of Illinois, and I would urge you to vote

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'no'. Thank you."

Speaker Hannig: "Representative Pugh."

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

Speaker Hannig: "He indicates he will."

Pugh: "Representative Bradley, my concern is simple. The analysis lists the Cook County Board President in opposition, and when you were previously asked that question, you didn't give a clear answer as to whether or not he was still in opposition and if he is, what is the nature of his opposition?"

Bradley: "The Cook County Board, I was informed by staff, that they were just concerned about costs associated with the enforcement and oversight."

Pugh: "They're concerned with cost and oversight?"

Bradley: "That's correct."

Pugh: "That they would have to provide?"

Bradley: "That's correct."

Pugh: "And, so, they are currently still opposed?"

Bradley: "That's my understanding."

Pugh: "Thank you. I have no further questions."

Speaker Hannig: "There being no further discussion, Representative Bradley to close."

Bradley: "I urge your 'aye' vote. 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? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 31 voting 'yes' and 78 voting 'no', and the Bill fails. On page 62 of the Calendar, is House Bill 916. Mr. Clerk, read the Bill."

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Clerk Rossi: "House Bill 916, a Bill for an Act concerning cooperative agreements for floodwater management in unincorporated areas of a county, Third Reading of this House Bill."

Speaker Hannig: "Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 916, amends the Intergovernmental Agreement Cooperation Act to allow a municipality to enter into a intergovernmental agreement with a township for floodwater management in the unincorporated areas of a county. This Bill comes from the fact that unincorporated Main Township is having a hard time entering into flood agreements that the surrounding municipalities are able to because they are not allowed to be a signatory on this type of agreement, and the county will not be a signatory for them. The City of Des Plaines and the unincorporated area of Main Township would like to dredge Prairie Farmer Creek. Both their attorneys felt that the statute was not clear enough to allow them to do this, so they wanted to make sure and asked if I would pass this Bill."

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 113 voting 'yes' and 0 voting 'no'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 63 of the Calendar, is House Bill 1188. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1188, a Bill for an Act to create the Address Confidentiality for Victims of Domestic Violence Act, Third Reading of this House Bill."

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Speaker Hannig: "Representative Myers."

Myers: "Thank you, Mr. Speaker. House Bill 1188 creates the Address Confidentiality for Victims of Domestic Violence Act. It provides that victims of domestic violence may designate the attorney general as agent for purposes of service of process and the receipt of mail. It provides for the certification of the participants under the Act, provides that the state and local agencies shall accept the address designated by the attorney general. Has the participants substitute address. It provides that the attorney general shall provide assistance to the victims of domestic violence. Contains a few other provisions. It amends the Election Code and provides that the participants under the Address Confidentiality for Victims of Domestic Violence Act, may vote by absentee ballot."

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 116 voting 'yes' and 0 voting 'no'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 64 of the Calendar, is House Bill 1413. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1413, a Bill for an Act to amend the Criminal Code of 1961, Third Reading of this House Bill."

Speaker Hannig: "Representative Osmond."

Osmond: "Thank you. This Bill creates the offense for assuming the identity of another person for the purpose of unlawful acts or for depriving that person of property. If there's no questions, I'd ask support... a 'yes'."

Speaker Hannig: "You've heard the Gentleman explain the Bill. Is

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there any discussion? Representative Lang."

Lang: "Well, thank you, Mr. Speaker. Where is Representative Osmond? Raise your hand, I can't find you. Could we clear this aisle so I could ok the Representative? Could we clear this aisle? Thank you, thank you very much. Hello, Representative."

Osmond: "Good afternoon... or evening."

Lang: "Would this be your first Bill?"

Osmond: "Yes it would be, Sir."

Lang: "We always like to take inventory on that. Now I... just note for the record, that behind you Representative Lyons is laughing. I just want you to notice that. So, you didn't really explain this Bill very carefully. We'd of like to know what the Bill does."

Osmond: "It creates an offense if somebody assumes the identity of another person with the intent to create a crime, to cause a crime, or to deprive somebody else of property. In other words, if I were to use your identity and get a credit card in your name and then use it without your permission."

Lang: "Representative, I don't think you could get a credit card if you used my name. Matter of fact, my wife's a little worried about that at the moment. So, give me another example. So, you could use my name and you can get a credit card. What else?"

Osmond: "I could... if I knew your password on the Internet, I could get on the Internet and order a bunch of things and have them shipped to another location and bill you later."

Lang: "Wouldn't you need my... so, that would also be credit card fraud. But isn't it also credit card fraud to do that? Why do you make another crime of stealing my identity?"

Osmond: "Well, I might get your identity and not use it, in which

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case we'd still have an offense even though I didn't have the opportunity or didn't take that opportunity to actually use it."

Lang: "So, give me an example of how it would harm me for you to steal my identity and not use it."

Osmond: "I don't think it would harm you, we're just simply saying that it would be an offense for me to have... to have attempted to do that. Just the act itself of being in a position to harm you."

Lang: "Well, I'm confused. If it's already a crime to steal my name and to steal my credit card and to commit fraud, then what's the harm if you decide to say you're Lou Lang for a few weeks? Who does that hurt?"

Osmond: "There probably wouldn't be any harm for me to say that in this group, not saying it's your name, that would be okay. But, I think, Sir, what we'd be looking at..."

Lang: "Well, let's say you were Bill Black for a few weeks, then what?"

Osmond: "That would be fine, too."

Lang: "That would be fine."

Osmond: "I think what we would see, Sir, if... for instance, if I were stopped and had in my possession, credit cards of somebody else that I hadn't used, that would give the law enforcement community an opportunity to charge me with the crime even although I hadn't used them yet."

Lang: "So, is this a Bill we need? I mean, this is..."

Osmond: "Yes, Sir."

Lang: "Is this a difficult problem in your district, people taking other peoples' names and not using them for anything?"

Osmond: "There are occasions, yes. There's probably more of an case when they use them after they've identified it, yes."

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Lang: "Well, let's assume they take a common name. Let's assume they use the name of John Jones, not necessarily the John Jones who's a Representative here..."

Osmond: "Yes, Sir."

Lang: "...but I think we can all agree that John Jones could be considered to be a common name."

Osmond: "Yes, Sir."

Lang: "So, if you take the name John Jones and there's maybe, I don't know, a 100,000 people with that name in Illinois, is the crime that would be... is the indictment that would be issued against you by your local state's attorney going to be in a 100,000 different counts for each of those John Jones or does each John Jones in the state have to get his local state's attorney to indict you in 102 different counties?"

Osmond: "You know, that's a question I just am not qualified to answer. I don't know that, Sir."

Lang: "Well, but Sir, it's your Bill."

Osmond: "Yes, Sir."

Lang: "But, you don't know the answer to this question?"

Osmond: "No, Sir."

Lang: "Well, what will it cost the State of Illinois to prosecute a 100,000 John Joneses?"

Osmond: "I don't know that either, Sir."

Lang: "Can we afford this?"

Osmond: "Can we afford to be without it? That's, you know..."

Lang: "Well, let me ask you this question, if it's gonna cost, let's say a million dollars to prosecute a 100,000 John Jones, which is only ten bucks each, could you then take Mr. Black's identity and use his credit card to pay for it?"

Osmond: "You know, I suppose if the limit was high enough you

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might be able to do that."

Lang: "Well, all right. And is... who brought you this Bill? I don't mean staff. But I mean, who, a person in your district who was concerned about this?"

Osmond: "We had a retailer up in our area that was presented with false credit cards and he knew the name of the person whose card was illegally stolen and that was the issue on it, and then I also had looked at several articles on Internet theft and what other states have been doing with regard to address the issue."

Lang: "Right, but those are direct cases of fraud, are they not?"

Osmond: "It wasn't yet, because he had not charged anything. Just he... he presented it."

Lang: "So, it would be a crime under this Bill if you got my password to go into AOL and browse around?"

Osmond: "With the intent to either cause a crime or to defraud you of property."

Lang: "Well, how do you prove that intent unless somebody does an overt act?"

Osmond: "I think that's a challenge a lot of times that prosecutors have is that you know, maybe...be there'll be some circumstances there that... I don't know if there's a right or wrong on every case where you're going to know for sure until after the fraud is committed, but perhaps somebody presenting credit cards would be an indication that that was a criminal intent."

Lang: "So, then it's a challenge to prosecutors to figure out what this law means and how to use it and when it works and when it doesn't work?"

Osmond: "I'm sure a lot of laws are challenging the prosecutors, yes."

Lang: "Well, all right, Representative, and... your Bill says

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that it is a Class A misdemeanor but you want to bump it up all the way to a Class IV felony if it's done to evade a police officer, is that correct?"

Osmond: "That is correct, Sir."

Lang: "Isn't there already a crime evading a police officer?"

Osmond: "I don't know if there is for evading a police officer, that's not... not in my area of expertise, Sir."

Lang: "You got a new staff person over there, Representative Franks, perhaps he can help you. No. So, you don't know if there's already a crime evading a police officer?"

Osmond: "I wouldn't be qualified to answer that, Sir, no."

Lang: "Well, shouldn't that be made a crime all by itself?"

Osmond: "I'm not sure, Sir, whether or not it is. I don't know if it is or not."

Lang: "I think it's already a crime if..."

Osmond: "Is it? Okay, I'll take your word that it is, sure."

Lang: "If you rob a bank and you get in a car and a police officer is chasing you, aside from robbing the bank, you've committed a crime have you not? You're evading capture."

Osmond: "Sir, I defer to your expertise. I would if you're telling me that it is, I would say yes, Sir."

Lang: "Well thanks for giving me any expertise in anything."

Osmond: "Yes, Sir."

Lang: "You're the first person on that side of the aisle that has ever done that."

Osmond: "It's a new age."

Lang: "And that's a wonderful thing you've done."

Osmond: "New people, sure."

Lang: "But, if this person now doesn't drive away from the police officers and now they've robbed the bank and they're standing out in front of the bank, and the officer says, 'You're Tim Osmond, you just robbed that bank.' And you

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say, 'Oh no, no, no, I'm Lou Lang, Tim Osmond robbed the bank.' So, that's a new crime?"

Osmond: "No, Sir, I don't think so. I think you would need to say you're Lou Lang beforehand and then go in and rob the bank, and then you would have taken Lou Lang's identity which would be a misdemeanor and then the act of robbing the bank then would be under, I believe, a Criminal Code."

Lang: "Representative, I don't know that you've convinced me, but you've sure tried. I appreciate you answering my questions."

Osmond: "Thank you, Sir."

Speaker Hannig: "The Gentleman whose name may have been used in debate, Representative John Jones."

Jones, John: "Thank you, Mr. Speaker. You know, my name was used in debate there by the Representative on the other side of the aisle over there, and I want to be sure of with Representative Osmond is, is that he's not destroying my name in this Bill here. You know, I have enough trouble with that name the way it is without you taking it away from me completely. Now, you're not taking my name always from me are you?"

Osmond: "No, Sir, I am not."

Jones, John: "You have no intentions of doing that?"

Osmond: "No, Sir."

Jones, John: "Well, okay, we got that clarified then, so, I'll let you continue because I know there's lots of other people that have questions of you, so, I'll defer to them."

Speaker Hannig: "Representative Scott."

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

Speaker Hannig: "He indicates he will."

Scott: "He can say no, it's all right."

Osmond: "Yes, Sir."

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Scott: "I was looking at the... reading the Bill, is 'taking' defined somewhere? I mean, what does it mean 'to take', to take the name for purposes of this Bill? I mean, would Lou's example, would Lou's example be good if you just told somebody I'm not, I don't know why anybody would say they were Lou Lang, but if you did say I'm Lou Lang, is that taking the name for purposes of this Bill?"

Osmond: "Yes, it would be if you said you're Lou Lang and then for the purpose of committing a crime..."

Scott: "Committing another crime."

Osmond: "Right, it's not simply just taking a name itself, it would be taking the name of a person with the intent to use it in a criminal activity or to take someone's property away from them."

Scott: "So, in his example, hi Lou, your new staff person is all right, in his example..."

Lang: "I'll do anything, I've got to make a living."

Osmond: "I'm comforted to know that Mr... Representative Lang is by my side on this."

Scott: "So, in his example where you got stopped by the police officer, oh, thank you, and you said, and you said, 'I'm Lou Lang', that would be a crime because..."

Osmond: "If they were looking for Tim Osmond..."

Scott: "...you'd be giving false information to an officer which is a crime under the law."

Osmond: "If they were looking for Tim Osmond and I adopted another identity for the purpose of evading a police officer, yes."

Scott: "But, that's already a crime."

Osmond: "I don't know if that is or not, Sir. Are you referring to just evading?"

Scott: "No."

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Osmond: "That was a question."

Scott: "No, false information. False information to a police officer."

Osmond: "False personification?"

Scott: "Giving false information to the police officer."

Osmond: "Then that would be an additional crime then. What do you mean?"

Scott: "Well, I'm trying to think of an instance, I'm not trying to be a smart aleck or anything, I'm trying to think of an instance where somebody could commit this crime and not commit another crime under the laws that are already out there. Is there an example you can think of where I could commit this crime that's listed in your Bill and not have committed another crime?"

Osmond: "You're referring to evading?"

Scott: "No, I'm... if I commit a crime under your Bill, I'm trying to think of an instance where I wouldn't have committed some other crime..."

Osmond: "Well, you may very well have..."

Scott: "...that's already on the books."

Osmond: "You may very well have committed another crime, but..."

Scott: "Most of which or in many cases of which will have bigger penalties than this particular crime."

Osmond: "And then you would have committed two crimes."

Scott: "Okay. But if we do that, haven't we kind of run afoul of the whole argument about multiplicity in our charging? The argument that says the exact same conduct can't be two exact same... can't be two different crimes."

Osmond: "I'm not familiar with that, Sir, I can't answer."

Scott: "Okay, so varying the law... criminal law that basically says, for whatever the conduct is, we're not going to charge you for two separate crimes for the same thing. You

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see it a lot in some traffic offenses and some other things..."

Osmond: "I'm wondering, Sir, whether or not that would be... and I'm not a practicing attorney, so I venture a guess on this, that if that was the case, would not prosecution only turn to the one act? The prosecutor would have some discretion whether they charge for two or they would just charge..."

Scott: "Sure."

Osmond "...for the greater offense or would have the latitude to go to a lesser offense if they wanted to."

Scott: "Sure, but again, that gets me back to the other question I had is, of trying to find an example where I could violate your law without violating some other law, and I can't think of one. Now, maybe it just... we've been here a long time and I'm slow or something, but you know, pick any other crime that you can think of and you can think of examples where you can commit that crime without having committed another crime. I can't do that in this case. I can't think of one."

Osmond: "Well, I think there's some examples in here where you would be guilty of the misdemeanor and not create a crime, not have another crime, simply adopting it for the intent of. What other crime would that... would other law would that violate."

Scott: "Fraud. Fraud."

Osmond: "When we did the research out, the only area that was addressed in here was area bank fraud. Using bank cards, credits, it doesn't address the issue of perhaps adopting a electronic identity with an intent of maybe going in and fouling up somebody's computer system and to get caught before you did it. I mean, there is... I think that there

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is examples there, and when I did some research on this, I did see where schools have been broken into, the computer system had been broken into, by people who, in fact, did scramble grades, did rob it, and it did cost the school a lot of money to go ahead and fix the problem, so I think..."

Scott: "But that's not a crime anywhere else?"

Osmond: "...if we see somebody... It might be, Sir, but if the act was not committed fir... if it never was committed it was only intended, then this Bill would address that. You didn't complete the act, stopped you before you got in, security guard caught you maybe before you did it, now you have a violation."

Scott: "Well, I'm not sure I agree with that because you could pretty much charge attempt for most crimes if some other reason was the reason that... not of your own volition but you got stopped for some other reason. You could pretty much charge attempt on any crime that's out there anyway. Well..."

Osmond: "Okay."

Scott: "I understand what you're trying to and I appreciate it, I'm just trying to make sure, not that we always pay real strict attention to this, but trying to make sure we don't pile onto something that's already chargeable under other offenses."

Osmond: "I appreciate that."

Scott: "Thanks."

Osmond: "Thanks."

Speaker Hannig: "Representative Krause. Representative Osmond to close."

Osmond: "Thank you very much, and I would appreciate a 'yes' vote."

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Speaker Hannig: "The question is, 'Shall House Bill 1413 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 1 voting 'no', and this Bill having received a Constitutional Majority, is hereby declared passed. Representative Giglio is now recognized for a Motion. Representative Giglio."

Giglio: "Thank you, Mr. Speaker. I'd like to move that we reconsider House Bill 1996. We get that back to Second Reading for the purpose of an Amendment?"

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

Black: "Inquiry of the Chair."

Speaker Hannig: "State your inquiry."

Black: "Yes. I just answered my own question. Obviously the Bill is still in control of the House since it failed."

Speaker Hannig: "The Bill failed, yes."

Black: "It's been a long day. Inquiry of the Chair. I have also filed a Motion to reconsider on House Bill 2016. Will you be examining that request shortly?"

Speaker Hannig: "We will be examining that request shortly, Representative..."

Black: "That's what I'm afraid of."

Speaker Hannig: "...as you started to mention in your earlier introduction, the Bill has to be within control of the House to be reconsidered."

Black: "What... so, you're telling me that 2016 is already gone?"

Speaker Hannig: "I didn't say that, Representative."

Black: "Okay, you're going to examine that. All right. I have no problem with the Gentleman's Motion if we have some assurance that Representative Bradley will move the Bill back to Second Reading, put some Amendments on it so that

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we don't cloak a private employee in the cloak of official misconduct. I think the concept is sound, but I'd like some reasonable assurance from him that that is what we're going to do."

Speaker Hannig: "Representative Bradley."

Bradley: "Move to Second and work on those Amendments, Mr. Black."

Black: "That's fine. I have no objection."

Speaker Hannig: "And, so, the question is, 'Shall the House reconsider the vote by which House Bill 1996 lost?' All in favor of reconsidering the vote, 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 Motion, there are 110 voting 'yes' and 1 voting 'no'. The Motion prevails and the Bill is reconsidered. On page 61 of the Calendar, is House Bill 736. Mr. Clerk, read the Bill. 736."

Clerk Rossi: "House Bill 736, a Bill for an Act amending the Automated Teller Machine Security Act, Third Reading of this House Bill."

Speaker Hannig: "Representative Pankau."

Pankau: "Thank you, Mr. Speaker. This Bill amends the Automatic Teller Machine Security Act, and it requires that the Office of Banks and Real Estate to study the feasibility of requiring the implementation of a reverse PIN warning system for automatic teller machines. And they're to report back to the General Assembly by December 31st, the year 2000. I stand ready to take questions on the Bill."

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

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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. Now, we're going to move to the Order of... a few Bills from Second to Third Reading and from Third Reading to Second Reading, and then we will at that time, resume some additional Third Reading Bills. So, we're not preparing to adjourn. We're just moving the business of the House, so, Mr. Clerk, read House Bill 649. (649)."

Clerk Rossi: "House Bill 649, a Bill for an Act amending the Criminal Proceeding Interpreter 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 1964."

Clerk Rossi: "House Bill 1964, a Bill for an Act in relation to juries, Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 795."

Clerk Rossi: "House Bill 795, a Bill for an Act amending the School Code - Second Reading of this House Bill. No Committee Amendments. No Floor Amendments; no Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 1767."

Clerk Rossi: "House Bill 1767, a Bill for an Act amending the Probate Act of 1975 - Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 1476."

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Clerk Rossi: "House Bill 1476, a Bill for an Act amending the School Code - Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 1294."

Clerk Rossi: "House Bill 1294, a Bill for an Act amending the Clinical Social Work and Social Work Practice 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 1761."

Clerk Rossi: "House Bill 1761, 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 787."

Clerk Rossi: "House Bill 787, 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 793."

Clerk Rossi: "House Bill 793, 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 2723."

Clerk Rossi: "House Bill 2723, a Bill for an Act amending the Illinois Motor Vehicle Theft Prevention Act - Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

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Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 2246."

Clerk Rossi: "House Bill 2246, a Bill for an Act amending the Election Code - Third Reading of this House Bill."

Speaker Hannig: "Third Reading. Oh, excuse me. The Bill's on Third Reading. Mr. Clerk, then read House Bill 2645."

Clerk Rossi: "House Bill 2645, a Bill for an Act in relation to landscape architecture - Second Reading of this House Bill. No Committee Amendments. No Floor Amendments have been approved for consideration. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 448. (448). Mr. Clerk, read House Bill 449. Mr. Clerk, read House Bill 536. Mr. Clerk, we're going down the list here. Read House Bill 924."

Clerk Rossi: "House Bill 924, a Bill for an Act relating to certification of school personnel - Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read... Representative Mitchell. Representative... oh, okay, so, Mr. Clerk, let's move House Bill 924 back to Second Reading at the request of the Sponsor. Okay Mr. Clerk, read House Bill 154."

Clerk Rossi: "House Bill 154, a Bill for an Act concerning cancer - 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: "Representative Johnson. Okay, Third Reading. Mr. Clerk, read House Bill 39."

Clerk Rossi: "House Bill 39, a Bill for an Act amending the School Code - Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions

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filed."

Speaker Hannig: "Third Reading. Representative Cowlshaw. Representative Cowlshaw, on House Bill 39, the Calendar shows that there are Amendments in the Rules Committee."

Cowlshaw: "Yes, I'm sorry, Mr. Speaker."

Speaker Hannig: "Do you want to move that Bill to Third..."

Cowlshaw: "I believe there is a Agreed Amendment with the Illinois Principals or someone that we..."

Speaker Hannig: "Representative, do you wish to move the Bill to Third or do you wish ..."

Cowlshaw: "Oh no, no thank you."

Speaker Hannig: "...you want to hold it? Okay."

Cowlshaw: "Thank you, thank you for offering, Sir, but I would really appreciate it if we could get that Amendment..."

Speaker Hannig: "Okay. Mr... Mr. Clerk..."

Cowlshaw: "...dealt with so we can get the Bill amended and pass it on. Thank you, Sir."

Speaker Hannig: "Thank you, Representative. Mr. Clerk, return House Bill 39 to the Order of Second Reading at the request of the Sponsor. Okay, Mr. Clerk, read House Bill 2086."

Clerk Rossi: "House Bill 2086, a Bill for an Act amending the Property Tax Code - Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. A State Mandates Note and a Home Rule Note have been requested on the Bill and the notes have not been filed."

Speaker Hannig: "Okay, so, those notes... this Bill will be held on Second Reading, Representative. Have you filed those... file those with the Clerk, Representative Pugh, if you have them. So, Representative Pugh, the Clerk indicates that there still are notes to be filed with that Bill, so that Bill will be held on the Order of Second Reading. And Mr. Clerk, would you read House Bill 807?"

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Clerk Rossi: "House Bill 807, a Bill for an Act concerning license plates - Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. Various notes have been requested on the Bill but have not been filed."

Speaker Hannig: "Okay, so, Representative Poe, that Bill will remain on Second Reading until you file your note requests. There's several notes that have been filed... that have not been filed on your Bill according to the Clerk. You need to come down and talk to them. Mr. Clerk, what is the status of House Bill 1996?"

Clerk Bolin: "House Bill 1996 is on the Order of House Bills - Third Reading."

Speaker Hannig: "Return that Bill to the order of Second Reading. Mr. Clerk, what is the status of House Bill 157? (157). Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 157, a Bill for an Act concerning telephone solicitations - Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 2042."

Clerk Bolin: "House Bill 2042, 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 Hannig: "Third Reading. Mr. Clerk, read House Bill 1954."

Clerk Bolin: "House Bill 1954, a Bill for an Act to amend the minimum wage law - Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed. A Fiscal Note and a States Mandate Note and a home Rule Note have been requested on the Bill and those notes

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have not been filed."

Speaker Hannig: "Okay then, hold this Bill on the Order of Second Reading. Mr. Clerk, what's the status of House Bill 555?"

Clerk Bolin: "House Bill 555 is on the Order of House Bills - Third Reading."

Speaker Hannig: "Return that to the Order of Second Reading at the request of the Sponsor. And Mr. Clerk, what is the status of House Bill 2130?"

Clerk Bolin: "House Bill 2130 is on the Order of House Bills - Third Reading."

Speaker Hannig: "And return that to the Order of House Bills - Second Reading, at the request of the Sponsor. Mr. Clerk, I believe we just moved House Bill 2645 to Third. Could you verify that?"

Clerk Bolin: "House Bill 2645, has been moved to the Order of House Bills - Third Reading."

Speaker Hannig: "Now, at the request of the Sponsor, I'm asked to return that Bill to the Order of Second Reading. Representative Parke, on page 62 of the Calendar, is House Bill 1152. Are you ready? Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1152, a Bill for an Act to amend the Humane Care for Animals Act - Third Reading of this House Bill."

Speaker Hannig: "Representative Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill is pretty straightforward. When I was at a Chamber of Commerce open house, some people from the Greyhound Protection League had a number of their dogs there and were talking to me about how dog racing is a very inhumane and a very violent sport, and they explained to me that if a dog does not place in the top four races, place in those, that that dog is destroyed and that they

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literally destroy hundreds of dogs every year on dog racing. This Bill simply says, is that we prohibit greyhound dog racing in the State of Illinois. Wisconsin had five dog racing tracks, they're down to three, and my understanding is that they've asked for subsidies from the State Legislature of Wisconsin to keep it going. It's not a very popular sport. It does interfere with horse racing and since Illinois is such a strong horse racing industry, I would ask the Body to support this legislation and prohibit greyhound dog racing in Illinois. I stand ready to answer any questions."

Speaker Hannig: "On that question, Representative Lang is recognized."

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

Speaker Hannig: "He indicates he will."

Lang: "Thank you. Representative, I'm inclined to support your Bill, I'm just wondering if there was any opposition in committee?"

Parke: "I've heard no opposition in committee. It passed out 15 to 0, and I've heard no opposition since."

Lang: "The only concern I would have at all, is that as far as I know, there's quite a few people leave Illinois every day to bet on dog races in the State of Wisconsin. Have they evidenced any interest in having this in Illinois?"

Parke: "Not that I'm aware of, but the Protection League say that there's a national movement to have legislation passed in many states around the union. And, it's being successfully passed. There are... in Iowa and Wisconsin allow dog racing and they have tracks there. My feeling is, that the citizens of Illinois want to bet on dogs, they can do that or they can go to Florida and bet on it, but we should not encourage the expansion of this legislation."

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Lang: "Thank you."

Speaker Hannig: "Is there any further discussion? There being none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote '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. Is Representative Poe. Representative Poe in the chamber? Mr. Clerk, read... on page 58, read House Bill 251."

Clerk Rossi: "House Bill 251, a Bill for an Act amending the Criminal Code of 1961 - Third Reading of this House Bill."

Speaker Hannig: "Representative Poe."

Poe: "Yes, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 251, deals with fly dumping. And what this would do, it's a problem not only in Downstate, Central Illinois and even in Cook County, is we got people going out and dumping along the road and in the municipalities township government, and those kind of government entities have to go out and pick this up. So, what we would do is, raise the minimum fine to \$500 if a person is caught doing this, and we're going to try as act as a deterrent against the people dumping garbage on our roads. I'm ready for any questions."

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

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

Poe: "Yeah."

Speaker Hannig: "He indicates he will."

Novak: "Representative Poe, when you say roads, what roads? State roads, county roads, local roads?"

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Poe: "Yeah..."

Novak: "Township roads?"

Poe: "Any road, any road as far as the township, state, county, there's a serious problem of people dumping on those roads..."

Novak: "I agree."

Poe: "...and this is what we're trying to stop."

Novak: "I agree on the dumping. How do you split out the \$500?"

Poe: "What's that?"

Novak: "How do you split out the 500? I mean, if it's a county road and the county cop gives the ticket, does all the money go to the county? Does the township get any money? I mean, how do you work this?"

Poe: "It goes to the court just like any other proceeds from any other fines."

Novak: "Does... does the... yeah... what court?"

Poe: "I'd assume it goes back to the county, county government."

Novak: "Okay, well, what about... what if someone gets caught dumping on Carpenter Street here in Springfield, where does the money go? Is it a split between the county and the city?"

Poe: "If the staff is right, it goes to the county court which some of it goes to the court clerk."

Novak: "To the what?"

Poe: "I guess, I'm not changing..."

Novak: "Is this your first Bill, Representative Poe?"

Poe: "...that part of the law, what... what.... it's just like right now, we have the law in effect. A judge can right now... he can fine you up to \$500 and wherever that money goes, we need to look up here real quick, but it would be going to the same place."

Novak: "All right. Does it also indicate in the Bill that the

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vehicle can be seized?"

Poe: "Yes. If a person is found that they can't come up with the \$500, if they have ownership in a vehicle that they were used to commit this dumping, that you could confiscate the vehicle for the \$500."

Novak: "Okay. How long do they... how long can they keep the vehicle impounded? Until the court..."

Poe: "They either come up with the money or sell the vehicle."

Novak: "Wow! And then one other thing, is there a definition of 'dumping' in your Bill? I mean, is this synonymous with our litter laws, anti-litter laws? I'd..."

Poe: "It would be in existing law if you want us to look that up we'll try to give that to you."

Novak: "Okay."

Poe: "It says, 'Dumping garbage upon real property. It's unlawful for a person to dump, deposit, or place garbage, rubbish, trash or refuse upon real property not owned by person without the consent of the owner or the person in possession of the real property'."

Novak: "Okay, so, if some guy roads... drives by your house and he throws a bag of... an empty bag of McDonalds wrappers from a McDonalds store, can he be found guilty of dumping?"

Poe: "Yes. If you catch him."

Novak: "All right, no further questions."

Speaker Hannig: "Representative Giglio."

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

Speaker Hannig: "He indicates he will."

Poe: "Yes."

Giglio: "Mr. Poe, in the... on the seizure end of the vehicle, let's... if we could just play this out very quickly, an individual has a six wheel dump truck, and he's dumping what he assumes is clean fill on the side of a road where

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he's dumped before and it's obvious that other people have dumped before, it's sand, so to speak, or at least so he assumes that's all it is. Now, he... a police officer sees him, can they... sees him do that, can they... what's the next step?"

Poe: "I'm not real sure I understand what you're saying. You've said, if a truck had accidentally had some garbage left in it?"

Giglio: "No, no, a dump truck dumps what he assumes is clean landfill, he assumes he's got a load of clean sand, but under the law, it turns out that it's not clean fill, it's unapproved waste, so to speak."

Poe: "Generally, a contractor is taking this to his job site, he's not stopping and dumping along the side of a road, so I don't think this would apply. Maybe another thing to clear up, maybe... it's also okay if you dump with the consent of the owner. That's in the law, currently."

Giglio: "Okay, well let me ask you this. Let's assume that he's dump... he dumps that load there and there's a police car right there and they write him up the ticket, or however the process is played out, at what point can they seize his vehicle? Do they need to be able to pay that \$500 fine then?"

Poe: "No, no, no. It's all after conviction. All this applies after conviction."

Giglio: "Okay, so, let's assume this individual has one dump truck that's his livelihood, he's short of dough, and he gets convicted of illegally dumping sand or what he thought was a load of sand, and this is his livelihood and he hasn't got the money."

Poe: "I think if he's charged and someone hauls something off and he dumps it illegally, he probably should have to forfeit

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his truck."

Giglio: "Thank you."

Speaker Hannig: "This Bill is on the Order of Short Debate.

Representative Black, would you like to speak to the Bill?

Okay. Representative Black passes. Representative Brady."

Brady: "Will the Sponsor yield?"

Speaker Hannig: "He indicates he will."

Brady: "Representative Poe, if an individual owns a lot, and for instance, they have a dumpster on that lot, and another individual comes by and throws garbage in their dumpster, illegally trespassing, would they be subject to this penalty?"

Poe: "The consensus is, if they dump it in a dumpster without the permission of the owner, that would be illegal dumping."

Brady: "So... for the purpose of legislative intent, an individual who illegally dumps property on someone else's property, be it in a dumpster or something else, it's your intention that they would be subject to this provision?"

Poe: "Representative Brady, it's been pointed out that that's already under current law. That's considered theft of services, and that's already covered under current law."

Speaker Hannig: "Representative, are you finished with your..."

Brady: "No, I'm not. Representative, does this only include government owned property or does it also include private property?"

Poe: "Also, private property. Like field lanes, in an alley maybe that's not city."

Brady: "So, so, in my example for the purpose of legislative intent, if some individual did dump it on private property, be it in a container or not, it's your intention that they would be subject to this provision?"

Poe: "Yeah, I still think, Representative Brady, if we're talking

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about roadways, private property, alleys, those kind of things, and I think what you're talking about is theft of services. Someone's paying for that services and you're dumping it in there and then that's up to them to prosecute."

Brady: "Representative, I speak in favor of your legislation. I think it will hold people responsible for illegal dumping where they don't have rights to trespass upon the property, and therefore, I'll support your legislation."

Speaker Hannig: "Representative Cross."

Cross: "You know, Mr. Speaker, I'd like to move the previous question."

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

Poe: "Just ask for a favorable 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 115 voting 'yes' and 1 voting 'no'. And this Bill having received a Constitutional Majority is hereby declared passed. If I could have your attention for just a few moments. Just so everyone can understand the schedule for this evening, it's the Chair's intention not to work past eight o'clock. So, we will not be here 'til the ten o'clock as originally scheduled, but we will try to work along and we won't go past eight o'clock with your help. Mr. Clerk, on page 61 of the Calendar, is House Bill 789. Representative Righter. Mr. Clerk, read the Bill."

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Clerk Rossi: "House Bill 789, a Bill for an Act amending the Criminal Code of 1961 - Third Reading of this House Bill."

Speaker Hannig: "Okay. Representative Righter."

Righter: "Thank you, Mr. Speaker and Members of the House. House Bill 789 would create a new criminal offense, create the offense of knowing dissemination of obscene material to a minor through use of computer communication, whether it be the Internet or e-mail. It would make that offense a Class IV felony with a second or subsequent offense a Class III felony. The purpose of this Bill, quite simply, is to move existing criminal law with regards to obscene material and dissemination or communication of that material to minors into the new field of technology or new field of communication that we see now being e-mailed over the Internet. Be happy to answer any questions, Mr. Speaker."

Speaker Hannig: "Representative Black."

Black: "Mr. Speaker, Mr. Speaker, will you get back to me after this Bill? I, I..."

Speaker Hannig: "Okay."

Black: "I have an inquiry of the Chair, you didn't see my light..."

Speaker Hannig: "I'm sorry."

Black: "...and I don't want to interrupt this Bill."

Speaker Hannig: "We'll recognize you as soon as we..."

Black: "Thank you very much."

Speaker Hannig: "...announce the roll call on this. Representative Garrett."

Garrett: "On the last Bill, House Bill 251, I intended to vote 'yes', so if you could reverse my vote, I would appreciate it."

Speaker Hannig: "The record will reflect your intention, but the actual roll call will not show your vote, Representative,

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and that's under House Rules. So, is there any further discussion? There being none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes' and 0 voting 'no'. And this Bill having received a Constitutional Majority is hereby declared passed. And now, Representative Black, for what purpose do you rise?"

Black: "Speaker, I don't have a dinner reservation, and you said we'd be here until eight o'clock, and I don't know, are the drive-ins still open at McDonalds and Wendys and Hardees at that hour? I... my fear is, if we don't get out of here until eight o'clock, there may not be a chance to go out and get something to eat. So, perhaps you would offer to bring in pizza or something that would be very much appreciated."

Speaker Hannig: "Maybe Representative Poe could fry up some chicken for us."

Black: "Well, now he's fearful that those chicken parts might be dumped on the road and they fine him \$500 so..."

Speaker Hannig: "I see."

Black: "You know, perhaps you could order some pizza at the appropriate time. And I know..."

Speaker Hannig: "Whenever that is."

Black: "Well, it would be a bipartisan effort in that you could take up a collection from all the Democrats to pay for it..."

Speaker Hannig: "I understand."

Black: "...because, you know what my middle name is? It's crime and crime don't pay, but if you want to pay for pizza, I'll certainly have some. Thank you."

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Speaker Hannig: "We'll take it under advisement, Representative. Thank you. Mr. Clerk, on page 63 of the Calendar, is House Bill 1202. Representative Rutherford. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1202, a Bill for an Act amending the Illinois Development Finance Authority Act, Third Reading of this House Bill."

Speaker Hannig: "Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker. This is the increase in the bond authorization for the Illinois Development Finance Authority. I would note that these... the bonds are not state bonds, that they are repaid by the industry and the local governments that would utilize them."

Speaker Hannig: "Is there any discussion? 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 112 voting 'yes' and 0 voting 'no'. And this Bill having received a Constitutional Majority is hereby declared passed. Representative Garrett, are you seeking recognition? Okay. Mr. Clerk, on page 60 of the Calendar, is House Bill 516. Representative Ryder. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 516, a Bill for an Act amending the General Assembly Organization Act - Third Reading of this House Bill."

Speaker Hannig: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. This requires the boards, commissions, agencies, and other organizations that report to the General Assembly annually or otherwise, to and in addition to their printed reports, also produce an

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electronic version so that we might be able to save space, perhaps at some point, place them on the Internet."

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 115 voting 'yes' and 0 voting 'no'. And this Bill having received a Constitutional Majority is hereby declared passed. Is Representative Saviano in the chamber? Mr. Clerk, on page 61 of the Calendar, is House Bill 790. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 790, a Bill for an Act amending the Statewide Grand Jury Act - Third Reading of this House Bill."

Speaker Hannig: "Representative Schmitz."

Schmitz: "Thank you, Mr. Speaker. In order to clarify anything, this is my first Bill. House Bill 790, is part of an Internet crime package that we've been talking about for a little while that a statewide grand jury may be convened in certain offenses of child pornography on the Internet. I'd entertain any questions."

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

Lang: "Thank you, Mr. Speaker. Will the Gentleman yield? Did he say yes?"

Speaker Hannig: "I didn't hear him."

Lang: "Representative, will you yield?"

Schmitz: "Yes."

Lang: "So, tell us what this Bill does. You didn't tell us yet. Maybe you could tell us now."

Schmitz: "There's a statewide grand jury system right now that convenes in certain cases. It would convene in drug cases,

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et cetera. It would be able to convene now for indecent solicitation of a child, sexually exploitation of a child, soliciting of juvenile prostitute. Keeping a place of juvenile prostitution, juvenile pimping, child pornography."

Lang: "So, these are sex offenses that are illegal now, is that correct?"

Schmitz: "That is correct."

Lang: "If they're illegal now, why do we need to make it further illegal by the use of a computer?"

Schmitz: "We're not making it at this point, it would be... a lot of these crimes have been over county jurisdictions and we would make it as that it would fall under statewide grand jury."

Lang: "So, can a statewide grand jury be convened now to go after these perps?"

Schmitz: "No."

Lang: "So, the people that do these sex offenses, there's no statewide grand jury that covers them now, but you want a statewide grand jury if they do it over the Internet?"

Schmitz: "That's correct."

Lang: "Who's for this Bill? I mean, other than this group of freshman that have signed up to do this Bill."

Schmitz: "Myself and hopefully you."

Lang: "Sorry?"

Schmitz: "I said, myself right now and hopefully you."

Lang: "Well, hopefully, hopefully. But... Who came to you with this Bill, Sir?"

Schmitz: "Actually this was a product of staff and myself."

Lang: "Wait, wait, I think everyone ought to listen to this. This is the product of your own mind? You thought of this Bill?"

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Schmitz: "Not with all the specifics, no, but we thought about expanding the use of the Internet and we have had serious crimes that have occurred over the Internet, and we decided to take it one step further to help out our state's attorneys."

Lang: "Well, you went from I to we. Before, you said it's your Bill, you thought of it, and now there's a we. Who's the rest of the we?"

Schmitz: "As I said before, myself and staff."

Lang: "Oh, your staff. Your staff. So, you didn't write this Bill, staff wrote this Bill."

Schmitz: "Staff assisted."

Lang: "But, whose idea was the Bill? Staff's or yours?"

Schmitz: "It was a combination, Sir."

Lang: "Combination. And was this one of the campaign platforms you ran on in your district? Did you go public and say, 'We've gotta have a statewide grand jury to deal with Internet sex offenses?'"

Schmitz: "No, I did not."

Lang: "So, it came to you after you were sworn in?"

Schmitz: "That's correct. During the campaign, we talked about other Internet type issues."

Lang: "I see. Did you introduce Bills on those issues?"

Schmitz: "Not at this time, no."

Lang: "So, the issues you campaigned on are not part of this Bill, the issues you campaigned on are no longer operative. You've switched to a different Internet Bill?"

Schmitz: "No, they're still related."

Lang: "Oh. Well, why don't you just simply take this Bill back to Second Reading and amend it with your other good ideas about Internet crime?"

Schmitz: "I think right now, the Bill as written, is a very good

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Bill and I would ask for your support."

Lang: "Well, not so fast, not so fast. So, which child sex offenses are included here?"

Schmitz: "As I stated earlier..."

Lang: "No, you don't need the Bill to do it, just tell me. You know your Bill. Go ahead."

Schmitz: "I do know my Bill, but I want to make sure I get all of them right."

Lang: "Give me a few without the Bill. I don't want you to read. Don't read."

Schmitz: "I need my glasses there."

Lang: "See, that's why you shouldn't read."

Schmitz: "Indecent solicitation of a child, juvenile pimping."

Lang: "Well, do we have... what types of offenses now can be indicted by a statewide grand jury?"

Schmitz: "Under current law, they may be cannabis trafficking, controlled substances trafficking, narcotics racketeering, money laundering, violations of Cannabis and Controlled Substances Act. Unlawful sale and transfer of firearms, gun running, and street gang related felonies."

Lang: "So, you read that right out of the Bill, didn't you?"

Schmitz: "Yes, I did."

Lang: "Representative, is this a Bill that somebody else introduced previously?"

Schmitz: "I'm not aware of that, Representative, I wasn't here at the time."

Lang: "Okay. So, you don't know. Let me ask you if... when we had the first statewide grand jury Bill, are you aware of when that was and who proposed it and what it was for?"

Schmitz: "No I'm not."

Lang: "At the time it was introduced, just a quick history lesson, at the time it was introduced originally, the

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purpose was to go after drug dealers across the State of Illinois. Don't you think we're going a little far afield here?"

Schmitz: "No, I don't. As I stated earlier, a lot of these crimes on the Internet don't happen in just one county where one state's attorney can prosecute. They happen over county lines, and we thought this would be a nice tool to give to the state as well as state's attorneys and give them a hand."

Lang: "Well, all right, I'm not sure. You did a fairly good job explaining it. I notice you were one, Representative, who is a freshman that didn't need... you need staff with you, but you didn't need to ask any questions of staff. You handled reading this Bill fairly well. Wait one moment. Thank you, Representative."

Speaker Hannig: "Is there any further discussion? There being none, Representative Schmitz to close."

Schmitz: "I would encourage a 'yes' vote on 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 113 voting 'yes' and 1 voting 'no'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 68 of the Calendar, on page 68 of the Calendar, is House Bill 2699. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2699, a Bill for an Act to amend the Conservation District Act - Third Reading of this House Bill."

Speaker Hannig: "Representative Skinner."

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Skinner: "Mr. Speaker, this is a Bill that affects only the McHenry County Conservation District. It will allow the McHenry County Conservation District board members to be elected after a referendum by the people in McHenry County.

If there've questions, I'd be happy to answer them."

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. On page 63 of the Calendar, is House Bill 1193. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1193, a Bill for an Act to amend the Illinois Violence Prevention Act of 1995. Third Reading of this House Bill."

Speaker Hannig: "Representative Sommer."

Sommer: "Thank you, Mr. Speaker, Members of the House. House Bill 1193 amends the Illinois Violence Protection Authority or the Prevention Act of 1995; requires the Illinois Violence Prevention Authority to establish and administer a grant program to be known as the 'Safe To Learn Program'. This is an initiative, as most of you know, was proposed by Attorney General Jim Ryan I think maybe eight months ago and we are following up now with the legislation. Funds appropriated for this program would be used for technical assistance and program support for Violence Prevention Programs in schools throughout the state. You might note that there are provisions in the Bill that will allow for pilot projects with an expenditure of up to \$500,000 each the next three years and those pilot programs would be one

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in the City of Chicago, two in a larger community downstate or not in Chicago, and third would be in a smaller community. Ready to answer any questions."

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

Hoffman: "Will the Sponsor yield?"

Speaker Hannig: "He indicates he will."

Hoffman: "Representative, I don't know if you, you took over for former Representative Ackerman, is that correct?"

Sommer: "I replaced Representative Ackerman, that's right."

Hoffman: "Yes, I think that is... that's the first speech that was given from that chair by a Member of that district since I've been in the Illinois General Assembly. You did a great job."

Sommer: "I was hoping that the microphone would work."

Hoffman: "Yeh, that's right. Representative, you had said that this this essentially is an initiative regarding the Violence Prevention Authority and a 'Safe To Learn Program'. Is this consistent with the recent report of the Attorney General's office regarding safe schools. Is this one of those provisions?"

Sommer: "Yes, the Attorney General's office did testify in support of this legislation."

Hoffman: "I guess what I'm asking is, 'We had a task force that looked to school safety and I believe that your side of the aisle also did and the Attorney General came out with a report. Is this a part of that report?' You said he's in favor of this."

Sommer: "Yes, that's right."

Hoffman: "Is it part of what he wants to do with regard to making our school safer?"

Sommer: "Yes, it is."

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Hoffman: "In addition, you indicated that \$500,000 of the funds may be used for each of three years to conduct the demonstration evaluation of comprehensive prekindergartner to twelve grade school violence prevention programs. Now, will that be utilized in order to make recommendations as to what can be implemented on a statewide basis to make our schools safer. Is that the idea of it?"

Sommer: "Yes, I believe that's true and then any additional funds that would be left over from any appropriation would be available to schools throughout the state who could apply for grants themselves."

Hoffman: "And how much money is currently in the Illinois Violence Prevention Authority for this type of program?"

Sommer: "I believe they're requesting 14,000,000."

Hoffman: "What was their appropriation last year, do you know?"

Sommer: "I don't know, Sir."

Hoffman: "So, they're requesting 14,000,000 in order to implement this Bill?"

Sommer: "To fully fund the Bill, yes."

Hoffman: "Would, was that part of Governor Ryan's budget proposal, was that in his address, do you know?"

Sommer: "I couldn't say for sure."

Hoffman: "Okay. So, we essentially would need an add on in order to fund this?"

Sommer: "Possibly, but I can't respond one way or another."

Hoffman: "Okay, well, I'm in favor of the provision. I would like to also go a step further and I believe that our side of the aisle will be moving forward some similar Bills. But, what I look forward to is working with you, Representative, in order to make sure that we have the appropriation for this number 1, but also, number 2 to make sure that we take this a step farther and have some kind of

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coordinating agency to coordinate all the different agencies that work on school violence prevention in this state. We really don't have that now and I would hope that we could do that."

Sommer: "Yes, I understand your concern."

Hoffman: "Thank you."

Speaker Hannig: "Representative Stephens."

Stephens: "Inquiry of the Chair."

Speaker Hannig: "Yes, state your inquiry."

Stephens: "What became of Representative Ackerman?"

Speaker Hannig: "Maybe we need to form like a search committee and go out and find out, Representative. I don't know."

Stephens: "We were informed that we were in the back row and until this point in time I had no reason to think otherwise. And all of the sudden, I hear some activity behind me, I turned around expecting to see Jay, awake, and 'lo and behold' Jay's gone. Did you guys lose that race?"

Speaker Hannig: "Representative Johnson is seeking recognition. Representative, we just don't know what happened. Representative Hoeft."

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

Speaker Hannig: "He indicates he will."

Hoeft: "I don't mean to be demeaning, but do you really take this process seriously, is this a joke?"

Sommer: "No, Sir."

Hoeft: "Okay, it is a joke."

Sommer: "No, Sir it's not a joke."

Hoeft: "Well, look on the staff analysis, who's the second, who's the cosponsor of this? Who's the next..."

Sommer: "The next one I see on here is Representative Winters."

Hoeft: "Right, so you are Sommer and he's Winter and you say this is not a joke. Take this process seriously, please. We are

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paid, I'm embarrassed, I would suggest we all vote 'no' just as a matter of dignity of the whole thing, please."

Sommer: "Representative."

Hoelt: "Yes, Sir?"

Sommer: "Daily in the Appropriation for General Services a roll call follows Sommer, Winters."

Hoelt: "Was that an answer?"

Sommer: "Yes, Sir."

Hoelt: "Well, good luck."

Speaker Hannig: "Representative Bost."

Bost: "Mr. Speaker, in memory of the Representative who replaced or that Representative Sommer replaced I move the previous question."

Speaker Hannig: "Thank you, Representative. In memory of Jay Ackerman you move the previous question. If there are no other speakers seeking recognition, so, Representative Sommer to close."

Sommer: "Thank you, Mr. Speaker. I ask for a favorable roll call."

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 112 voting 'yes' and 1 voting 'no'. And this Bill having received the Constitutional Majority is hereby declared passed. On page 68 of the Calendar, is House Bill 2813. Representative Wait. Excuse me, Representative Coulson, for what reason do you rise?"

Coulson: "I'd like to be recorded as a 'yes' on the last vote. My, I missed the switch."

Speaker Hannig: "The record will so reflect your intentions. Mr. Clerk, read House Bill 2813."

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Clerk Rossi: "House Bill 2813, a Bill for an Act concerning consumer fraud. Third Reading of this House Bill."

Speaker Hannig: "Representative Wait."

Wait: "Thank you, Lady and Gentlemen of the House. This Bill basically takes the consumer fraud and deceptive business practice and right now only elderlies are included and this would add disabled victims to this fund as well and also would increase it from a maximum 10,000 fine to 15,000. 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 112 voting 'yes' and 0 voting 'no'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 65 of the Calendar, is House Bill 1766. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1766, a Bill for an Act concerning community college foundations. Third Reading of this House Bill."

Speaker Hannig: "Representative Winkel."

Winkel: "Thank you, Mr. Speaker. This Bill would provide community college foundations the opportunity to qualify for matching challenge grants from state funds at the matching rate of \$2 of appropriated state funds for each \$3 a community college foundation receives through private contributions. I'd be glad to take questions."

Speaker Hannig: "Representative Erwin. Representative Judy Erwin. Representative Erwin. Are you seeking recognition? No. Representative Klingler."

Klingler: "Mr. Speaker, on the last vote I wish the record to

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reflect that I was... would to have voted 'aye'; I was away from my switch."

Speaker Hannig: "The Journal will reflect your intentions, Representative. Is there any further discussion? There being none, then 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 116 voting 'yes' and 0 voting 'no'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 61 of the Calendar, is House Bill 788. Representative Winters. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 788, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Hannig: "Representative Winters."

Winters: "Thank you, Mr. Speaker. House Bill 788 amends the Criminal Code of 1961; provides that it is a Class IV felony for a first offense and a Class III felony for a second or subsequent offense to send a message to a minor by any form of electronic mail, Internet, on-line services that is harmful material with the intent of arousing, appealing to, or gratifying a lust or passions of a person or a minor with the intent of seducing that minor. Very similar to Representative Righter's Bill."

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 115 voting 'yes' and 0 voting 'no'. And this Bill having received a Constitutional Majority is hereby declared

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passed. Mr. Clerk, what is the status of House Bill 118?"

Clerk Rossi: "House Bill 118 is on the Order of House Bills - Third Reading."

Speaker Hannig: "Representative Black wishes to move that back to the Order of Second Reading. So, Mr. Clerk, return that to the Order of Second Reading. Mr. Clerk would you read House Bill 831?"

Clerk Rossi: "House Bill 831, a Bill for an Act amending the Nursing Home Care 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 Hannig: "Third Reading. Mr. Clerk, read House Bill 130."

Clerk Rossi: "House Bill 130, a Bill for an Act amending the Illinois Vehicle Code. Second Reading of this House Bill. No Committee amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Excuse me, Representative Black. Is Representative Black in the chamber? Mr. Clerk, Mr. Clerk, read House Bill; excuse me. So, at the request of the Sponsor we're going to hold House Bill 130 on the Order of Second Reading. Is that correct, Representative Black? And House Bill 131, do you wish to move that Bill? Mr. Clerk, read House Bill 1648."

Clerk Rossi: "House Bill 1648, a Bill for an Act amending the Civil Administrative Code of Illinois. Second Reading of this House Bill. No Committee amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 1331."

Clerk Rossi: "House Bill 1331, a Bill for an Act to concerning external appeal procedures concerning health care

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Determinations. Second Reading of this House Bill. No Committee amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 811."

Clerk Rossi: "House Bill 811, a Bill for an Act in relation to alternatives to dissection. Second Reading of this House Bill. No Committee amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. And Mr. Clerk, what is the status of House Bill 530?"

Clerk Rossi: "House Bill 530 is on the Order of House Bills - Third Reading."

Speaker Hannig: "Mr. Clerk, return that Bill to the Order of Second Reading at the request of the Sponsor. Mr. Clerk, read House Bill 1983."

Clerk Rossi: "House Bill 1983, a Bill for an Act amending the Illinois Municipal Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Giles. Representative Giles."

Giles: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1983 amends the Municipal Code. This Bill... what this Bill does is allow a municipality to remove garbage, debris, or graffiti from private property if the owner failed to do so in 10 days of written notice to the owner and the lien holder. The municipality can recoup the cost of the removal and also the cost of the removal will.. if they do not... if the owner, the private owner do not remove the graffiti or the garbage then a lien can be placed on that private property real estate. The current law allows do not have in which you can give notice to the lienholder, this legislation would allow notice to be given to a lien holder before a lien is placed on the

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property. This Bill passed out of committee unanimously and I ask for a favorable vote."

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

Cross: "Will the Sponsor yield?"

Speaker Hannig: "He indicates he will."

Cross: "Representative, I have some questions concerning the lien and the guess priority of it. If I don't pay my or if I don't remove my garbage, debris, or graffiti you can file a lien against my property, is that correct? I just want to make sure."

Giles: "That is correct."

Cross: "And that involves both personal real estate or it involves also the property of a copr... or a business, is that correct?"

Giles: "That's correct, Representative."

Cross: "All right. And this cost to do that is a lien upon the real estate affected superior to all prior existing liens and encumbrances except tax liens. Is that correct?"

Giles: "That is correct."

Cross: "All right, this is where I have a little concern, Calvin. Where would a mortgage companies where would a mortgage fall into place with respect to the lien filed by the municipality or the corporate authority?"

Giles: "It does not take priority from a mortgage company. Just one moment, Representative, I believe it do not but just wait just one moment."

Cross: "Apparently, we're not going anywhere."

Giles: "Representative, that question came up in committee and it was stated that it do not take precedence of a mortgage company."

Cross: "What about in the case if, what about second mortgage,

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what about a car loan where there may be a lien in terms of a home equity loan?" I'm not, I'm not sure how you read it or where you see that. Could show to me that that this does not affect the lien of a mortgage company or a credit union?"

Giles: "Representative, let me pull this out of the record and we'll get this straightened out."

Cross: "Thank you very much, Calvin."

Giles: "Thank you."

Speaker Hannig: "Representative Tom Johnson. Representative Johnson. The Gentleman does not wish to speak. Representative Giles, you wish to take it out of the record? Okay, thank you. Out of the record. Speaker Madigan, in the Chair."

Speaker Madigan: "A Motion has been filed by Representative Black seeking reconsideration of House Bill 2016. Mr. Black, the Clerk advises me that that Bill has already been sent to the Senate. Mr. Black."

Black: "That's my understanding as well. Mr. Speaker, on checking on this I think the Journal Room informed me that every ten Bills that pass then in a package that is sent. Is that the procedure that you wish to follow or because that will obviously have some impact on how fast we would want to file a Motion to Reconsider, obviously. Is this the normal procedure of the House?"

Speaker Madigan: "I'm advised that that's the normal procedure of the House."

Black: "Okay. Well, obviously since it isn't in control of the House, then my Motion probably is not in order."

Speaker Madigan: "It's with deep regret that we tell you that one of your Motions is not in order Mr. Black."

Black: "Thank you, Mr. Speaker."

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Speaker Madigan: "Now, we have good news for you again, the Chair is prepared to adjourn. The Chair would admonish all Members, but especially the Democrats to get your Bills ready to be called on Third Reading. Get your Amendments ready, get your notes filed and be prepared to call your Bills on Third Reading. For what purposes does Representative Howard seek recognition?"

Howard: "Thank you, Mr. Chairman. (sic-Speaker) Just wanted to remind all of the Computer Technology Committee Members that we're going to be doing something different tomorrow we'll be away from the buildings. We're going to be having our Teleconference Committee Meeting at the Illinois Community College Board, 401 East Capitol, and this we'll be the first time that a committee hearing will be done by video conferencing through the Internet. So, I'm certainly hopeful that all of you who are on the committee will attend and those who want to come and see what's going on are welcome as well. Thank you."

Speaker Madigan: "Anything further? There being nothing further, the Chair recognizes Representative Currie who moves that the House does stand adjourned until 10 a.m. tomorrow morning providing perfunctory time for the Clerk. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it, the House does stand adjourned until 10 a.m. tomorrow morning providing perfunctory time for the Clerk."

Clerk Rossi: "House Perfunctory Session will come to order. Committee Reports. Representative Schoenberg, Chairperson from the Committee on Appropriations General Services and Government Oversight, to which the following measures were referred, action taken on March 10, 1999, reported the same back with the following recommendation/s: 'do pass Standard Debate' House Bills 52, 53; 'do pass Short Debate' House

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Bills 373, 374, 2273; 'do pass as amended Standard Debate'
House Bills 1984, 2440, 2442, 2443, 2451, 2456, 2476,
2549; 'do pass as amended Short Debate' House Bills 1478,
2432, 2453. There being no further business, the House
Perfunctory Session stands adjourned."