

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

25th Legislative Day

March 11, 1999

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

Reverend Crawford: "Let us pray. Most gracious and most kind God, the God of Abraham, Isaac and Jacob, giver of life, we ask that You judge over us as we stand before thee, as sons and as daughters of Your divine plan. God, I pray that we may always prove ourselves of people mindful of Your great favor and glad to do Your will. So God, I ask that Your presence would be upon us, this day. That Your might would strengthen us and that Your spirit would guide us and that Your great and wonderful counsel would advise us. So God, this I kindly pray and ask that You would bless this Body. Amen."

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

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

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

Currie: "Thank you, Speaker. Please let the record show that Representative Ronen is excused today."

Speaker Madigan: "Mr. Durkin."

Durkin: "Morning, Mr. Speaker. To the best of my knowledge, all Republicans are ready to do work, today. And I believe, we have no absences."

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Speaker Madigan: "Mr. Clerk, take the record. There being 117 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk. Representative Crotty, do you wish to call one of your Bills? Mr. Lopez, do you wish to call a Bill? House Bill 1079. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1079, a Bill for an Act to amend the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Madigan: "Mr. Brosnahan."

Brosnahan: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1079 provides it's a Class IV felony for a child sex offender to knowingly to be present at a park building or on park grounds or to knowingly loiter on a public way within 500 feet of a park building or park grounds when persons under 18 are present. It does provide for some exceptions, that is if the person gets permission from a park superintendent or if he, actually, is a parent of a child present at the park. This Bill is supported by the Cook County State's Attorneys Office, the Appellate Prosecutor's Office, the Illinois State Police and I'd be happy to answer any questions."

Speaker Madigan: "Mr. Parke."

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

Speaker Madigan: "Sponsor yields."

Parke: "Good morning. It's nice to have your first Bill up. Do you know, in committee, was anybody in opposition to this Bill?"

Brosnahan: "The only known opposition was the ACLU. They filed a slip in opposition to the Bill."

Parke: "I'm sorry. I did not hear you."

Brosnahan: "The ACLU filed a slip in opposition."

Parke: "They did not testify?"

Brosnahan: "Actually, she did testify. That's correct."

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Parke: "And what was their objection?"

Brosnahan: "They had a problem with the language in regards to  
'loitering'."

Parke: "Was it a definition problem or just the concept?"

Brosnahan: "They think it is a constitutional problem. There  
have been loitering statutes in the past and though the  
courts. Look closely at them, but I think we should be  
fine as far as constitutionality on this issue due to a  
public safety policy."

Parke: "Do you have a lot of CoSponsors on this legislation?"

Brosnahan: "I'm sorry, Terry. I can't hear ya."

Parke: "I said did you have a lot of cosponsors on this  
legislation?"

Brosnahan: "I believe, there's probably maybe ten people on the  
Bill. I haven't checked, lately, but..."

Parke: "Okay. Well, I guess I don't see anything wrong with it  
initially, if no one's really out of... had an opposition  
then, thank you for your Bill."

Speaker Madigan: "Representative Mulligan."

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

Speaker Madigan: "Sponsor yields."

Mulligan: "Representative, in quickly glancing at this, is there  
an exception for a parent that's... of a child under 18  
that is a sexual offender?"

Brosnahan: "Yes, there is."

Mulligan: "How would you determine or is this after the fact, if  
someone abducts a child from a park, is it just a oh... a  
charge over and above what they normally would be charged  
with? I mean... how are you going to tell someone who's  
loitering in a park, is or isn't a sex offender?"

Brosnahan: "Well, actually, the genesis of the Bill was a police  
chief from my district called me and told me that there is

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actually, a registered sex offender that has been staying in a park, in my district, so they know him. So, obviously, in many situations we're going to have to depend on the police, as well as, the community if they have knowledge of a person being a sex offender, if they would contact the police or the police could act on their own if they know 'em, personally."

Mulligan: "All right. But in most instances, this would then be... unless it's a known sex offender that they're watching, in most instances it would just be added on over and above... a charge over and above for something that might have happened in that area?"

Brosnahan: "I guess that's a possibility. The intent though is to catch these individuals before anything happens at the park. So I mean obviously it may be added on later, but the intent is just to give the police officers an extra tool, so if they do see someone at the park, they can make an arrest before anything el... at anything escalates or anything happens."

Mulligan: "When the ACLU challenged you in committee, did they say that they didn't think this would stand up to a constitutional challenge?"

Brosnahan: "They do think that it's subject to a constitutional challenge. I, obviously, disagree with them, but that's what their problem with the Bill was."

Mulligan: "So do you think that a municipality or a police department from a municipality that actually did something under this legislation would be open to a federal suit, then?"

Brosnahan: "I think this Bill is constitutional. I don't think they would be subject to any liability, 'cause I think the Bill will be upheld. So, no, I don't agree with that."

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Mulligan: "Thank you."

Brosnahan: "You're welcome."

Speaker Madigan: "Representative Tom Johnson."

Johnson, Tom: "Yes. Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Johnson, Tom: "Representative, you know, I applaud what you're trying to do here, and this Bill's gonna fly outta here and everybody's gonna vote for it except me. Maybe a few others, I don't know. And the only reason I'm not gonna vote for it and I expressed this to you in committee, was that, basically, we have a status offender here, a sex offender, the worst of the worst. And you know we have toughened laws in this state in many, many ways as it relates to sex offenders over the past six years that I've been here. And as you know, even the latest year or so ago, Representative Dart, wisely, put into place I think it was the Washington State Law, of even taking a look at sex offenders before they are released from Department of Corrections, so that, if in fact, they have not or they pose a danger, we can even keep'em committed under Department of Health... Mental Health for years and years even beyond. And I think that we've put an awful lot of thought and safety into who we are releasing, in the way of sex offenders from our institutions, more than any other type of offender in this state. What I'm concerned about here, we also put into law a year or so ago, sex offenders could not go into schools, that's... at least convicted types, and that's fine. Of course, we had to carve out exceptions for those who are parents. Now, what we're saying is sex offenders, convicted sex offenders, who have served their sentences, who'll have to register with their local police departments, who have been cleared out of

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Department of Corrections under the... even our latest provisions where they have been evaluated in terms of the likelihood of their continued behavior, so that they're not committed to Department of Mental Health. Now, we're saying those people cannot be within a 1000 feet of a park. I suggest that if we keep going down this path, pretty soon we will have Bills that you can't be within a 1000 feet of a public street. You can't be in a store. You can't be anywhere. You know, at some point... you know, we have to get to a point where once we, as a state, release these people, if, in fact, we say that they will never ever be trusted or rehabbed or anything else, you know, then I think the appropriate response is we ought to just flat out give life imprisonment, no chance of parole, nothing to anybody who is convicted of a sex offense. Because, to me, where you say, stay away from the parks, stay away from the schools, stay away from the church, next, stay away from the store, the streets, et cetera. I think, you know where I'm going with this and, you know, I know that nobody wants to appear soft on crime and me, of all people. I don't think I am soft on crime but I do think that maybe we're pushing the envelopes a little bit too far before we even have the opportunity to see where Representative Dart's law kicks in here. See if it's working, see if, in fact, we're getting good evaluations as to who really is a risk coming out after having been convicted. We should continue to operate and be diligent on the registration of sex offenders and I think we've even had a number of enhancements in that law in this last Session, in terms of photographs putting on the Internet and so on. I just think that where we get to the status of saying, we have a law that says you're entitled to be released after you've

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served your time under certain conditions. That all of a sudden we can't start blocking off big sections of the state and say you can't be here, can't be there. Thank you."

Brosnahan: "Thank you."

Speaker Madigan: "Mr. Durkin."

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

Speaker Madigan: "Sponsor yields."

Durkin: "Representative, the way I read the Subsection (a) it states that the sex offender must knowingly be present. Does the sex offender have to have knowledge that there is a person under the age of 18, as well, to be convicted for this offense?"

Brosnahan: "Yes."

Durkin: "Okay. 'Cause, I think, it's just kind of unclear in the Section. It just states that they may... 'must be knowingly on park property when persons under the age of 18.' I'm not quite sure if it requires a mental state that person have knowledge of someone under the age of 18 that's present."

Brosnahan: "Jim, I understand your point. The intent is that they're knowingly on the park grounds and that they know there's children are 18 are present."

Durkin: "Okay. In Subsection 2 under (a), which creates an exemption from... for superintendents and park administrators. What was that... what's the purpose of that subsection?"

Brosnahan: "Just in case... I did talk with the... the people from the Chicago Park District, as well as the Illinois Association of Park Districts. Just in case there may be a reason. If they're not a parent or in case they have to be on park grounds, at least this gives them some flexibility

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to make a request and maybe the superintendent would honor that."

Durkin: "Okay. Well, I'm gonna support your Bill. I just think that subsection 2, I'm not sure if it's quite necessary and, I think it could open up for some extreme interpretation by some people who are in the park system. So... But anyway, I'm gonna support your legislation. Thank you."

Brosnahan: "Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 111 people voting 'yes', 4 people voting 'no'. This Bill having received a Constitutional Majority is hereby declared passed. Representative Crotty, do you wish to call a Bill? You're not ready, yet? Okay. House Bill 1878. Page 64 of the Calendar. Mr. Delgado. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1878, a Bill for an Act amending the School Code. Third Reading of this House Bill."

Speaker Madigan: "Mr. Delgado."

Delgado: "Yes. Thank you, Mr. Speaker. This Bill, what it will do under this Section is the State Board of Education shall provide after-school program grants to qualifying school districts for the purpose of providing academic assistance at the end of the regular day of instruction. This academic assistance will be provided for students and their families at the school sites. This Bill, basically, is dollars for after-school programs for all the schools that are qualified in the state."

Speaker Madigan: "Mr. Parke."



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

Speaker Madigan: "Sponsor yields."

Parke: "Representative, are you sure this does anything? Where are you? I'm... oh. What does this do?"

Delgado: "Basically, what this Bill does is we're trying to create a line item of approximately 20 million dollars to fund after-school programs in all school districts in the state, to provide... to open up these centers of knowledge in the evening where students can participate and utilize all the tools that that school has."

Parke: "Is this a vehicle for something later?"

Delgado: "It began as a vehicle Bill. Yes, Sir."

Parke: "So it is a vehicle Bill?"

Delgado: "That's correct."

Parke: "And does it affect... does it affect the right Code?"

Delgado: "Excuse me?"

Parke: "I mean, does this affect the right Code? I mean..."

Delgado: "Yes, it does."

Parke: "And your ultimate purpose is for 20 million dollars to be spent, where?"

Delgado: "That would be spent throughout the State of Illinois for all schools that are qualified to pick up the grants to participate in after-school programs."

Parke: "And how do you qualify? Is there a needs basis for this? Is there a per capita basis? What is the basis of which you're going to fund these various programs?"

Delgado: "Okay. Representative Parke, at this point, I've been informed that we still have an Amendment that is in Rules Committee and at this point, we will bring... take it out of the record until it can be completed."

Parke: "Okay. Thank you. The only question I have again, when you come back with it, how do you qualify? Is it based on

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need, on economic need or as a per capita or what? Thank you."

Delgado: "Yes, Sir. I'll have that question answered for you when we come back with the Amendment."

Parke: "Thank you, Representative."

Delgado: "Yes, Sir. Thank you."

Speaker Madigan: "Mr. Clerk, take this Bill out of the record. On page 64 of the Calendar, there appears House Bill 1900. Mr. Fowler. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1900, a Bill for an Act concerning aquaculture. Third Reading of this House Bill."

Speaker Madigan: "Mr. Fowler."

Fowler: "Thank you, Mr. Speaker, fellow Representatives. Basically, under House Bill 1900, what we are doing is setting up an aquaculture program through the Department of Agriculture to promote fish farming, not only in the Southern part of the state, but throughout the State of Illinois. This will not necessitate a new tax. It will utilize .006¢ of a tax now in effect on seafood throughout the State of Illinois. I would like to try and answer any questions you might have concerning this."

Speaker Madigan: "Mr. Parke."

Parke: "Mr. Speaker, is the Sponsor finished with his presentation?"

Speaker Madigan: "Mr. Fowler."

Fowler: "Yes, Sir, I have. Prepared to try to answer any questions."

Parke: "Okay, so he's presented it and he's ready for questions. Will he yield?"

Speaker Madigan: "Sponsor yields."

Parke: "Thank you. Mr. Fowler, you're gonna need to give us a little bit more information about what you would like to do

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with this legislation. Can you elaborate a little bit more on the Bill?"

Fowler: "Yes, Sir. What it'll amount to on that would be a contribution of about \$83,000 a month from the current sales taxes into this fund to promote the fish farming. This here would be used to buy equipment for this program. It would also be used to buy, for example, fish food in bulk quantities, so it could be sold to the co-op members at a cheaper price than they would have to buy it on the market. Money was obtained last year to establish a processing center at the new prison in Pinckneyville through the efforts of Representative Bost. And, basically, once the farmers that are into this business, they have the fish ready for sale, then they would be picked up at the farmer's place of business, taken to the prison there in Pinckneyville, processed and then marketed throughout the state or the country, as the case may be."

Parke: "Now... thank you, Representative. You're talking about \$83,335 a month for five years?"

Fowler: "No, Sir. That would be for five..."

Parke: "I'm sorry? I'm sorry?"

Fowler: "Yes, Sir. That's correct."

Parke: "And where's this money come from?"

Fowler: "That money would come from the Department of Revenue. Now, the sales tax that is currently being collected for the sale of seafood within the state."

Parke: "Now, is that already allocated for this or is this a new allocation out of that fund for this project?"

Fowler: "This Bill would allocate the money from that fund for this project, Representative."

Parke: "Yes, Sir. But is this a new allocation? Would... had... this not... this is not being done already?"

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Fowler: "No, Sir, it's not."

Parke: "And then, so in essence we're subsidizing fish farmers using General Revenue funds?"

Fowler: "That would be correct."

Parke: "Now, it came out of committee 17 to 0?"

Fowler: "Yes, Sir."

Parke: "And who supports this concept? Who supports your Bill, Sir? Who put in slips in committee for your Bill?"

Fowler: "Well, this is a more or less a bipartisan support on this from both sides of the aisle on this."

Parke: "Okay. Sir, I've... I'm ask... Is the Department of Natural Resources support your Bill?"

Fowler: "They did not weigh in on it. No, Sir."

Parke: "Is the Treasurer supporting this?"

Fowler: "One moment, Sir. Representative, if I may read a quote from the Treasurer on this, it says, 'This legislation will provide crucial infrastructure for the aquaculture industry. I've been a strong advocate for over a decade of fish farming. I encourage farmers to seriously consider this type of alternative agriculture.'"

Parke: "And that's a letter you've received from the Treasurer of the State of Illinois?"

Fowler: "Judy Barr Topinka. Yes, Sir."

Parke: "Okay. And she's a fish farmer? Did she say she was a fish farmer?"

Fowler: "No, Sir. She did not indicate that."

Parke: "Oh, okay. But she... does she eat fish?"

Fowler: "Well, there's a hundred and seventy million pounds of seafood consumed in this state each year. So on the average, it says that each person in the United States consumes 15 pound a year, so..."

Parke: "In committee, in testimony, did anybody testify against

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your Bill, Sir?"

Fowler: "No, Sir. They did not."

Parke: "And you think this is good public policy. Will we have to raise taxes to do this or is the money there already?"

Fowler: "The money would come out of the existing funds. It would not be a tax increase."

Parke: "If we didn't spend this amount of money, because it looks like you're talking about 8 million dollars a year, if we didn't spend the money for this 8 million dollars, what would they do with the money? Has it ever been appropriated before or would this be a new appropriation for this line item?"

Fowler: "Sir, did you say 8 million?"

Parke: "Well, if it's 83 thousand a month, that's over 8 million a year."

Fowler: "No, Sir."

Parke: "Eight hundred thousand. Excuse me."

Fowler: "Yes, Sir."

Parke: "I wasn't real good in math. I have to work at that."

Fowler: "Well, I'm sure..."

Parke: "My math teacher would be... would shake her head and say, 'Yes, you're not very good.' But that's... what if... is this gonna be appropriated in the appropriation process for the increase or is there money already sitting there and if we didn't spend it, would it go back to the taxpayer? I'm just trying to understand where it's gonna come from."

Fowler: "Again, this money would come out of an existing fund already that's being collected each month."

Parke: "Yes, Sir. If it's gonna come out of this fund and it's been collected, is it collected specifically and only for this or is it being used for something else? In other words, if we're taking this line item and gonna spend it

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here, is someone else getting less money? Is there some other agency or department or project that's not gonna get as much money?"

Fowler: "Representative, this here is still subject to appropriation, and this here proposes transferring it from one line item to another."

Parke: "Okay. So I... all right, I understand. We're gonna have to appropriate this and do you have... has your staff putting a line item in to appropriate the money?"

Fowler: "That is being taken care of. Yes, Sir."

Parke: "For this year?"

Fowler: "Yes, Sir."

Parke: "Will it be this year?"

Fowler: "Yes, Sir."

Parke: "Thank you, Representative."

Speaker Madigan: "Mr. Bost."

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

Speaker Madigan: "Sponsor yields."

Bost: "Representative Fowler, is this your first Bill?"

Fowler: "Yes, Sir."

Bost: "Well, it sounds a little fishy."

Fowler: "Ah... I knew that was comin'."

Bost: "But I do... Mr. Speaker, to the Bill. I do rise in support of Representative Fowler's Bill. This Bill gives the opportunity for a new industry to grow in the State of Illinois. Aquaculture is a tremendous industry that has an opportunity to boom here in the State of Illinois. This, basically, does nothing that we don't already do for the pork producers, the beef industry and the grain industry in the State of Illinois by creating a co-op that will allow the people in the aquaculture industry to work together, to aggressively grow the industry. Right now, in the State of

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Illinois, whenever the farms are having trouble surviving, this is one industry that is paying off to get in this type of farming. It's one industry where a pound of food in produces a pound of product for sale. It allows us to take, and one advantage here in the State of Illinois, we have a lot of ground that has been former strip mines that are now in strip... that are the strip pits and strip ponds in around the state and this gives the opportunity for those to be used in this industry. It gives the opportunity for areas that might not to be able to do grain farming to use their acreage to produce ponds that can produce these fish. This Bill will actually give the opportunity to create this co-op where they can go in and get equipment and work together to purchase in bulk fish food and other things that will generate this industry. I do rise in strong support of this Bill and this is a great step forward to help this industry in the State of Illinois. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Woolard."

Woolard: "Thank you, Mr. Speaker. Will the Gentleman yield?"

Speaker Madigan: "Sponsor yields."

Woolard: "If, in fact, we're successful with passing this piece of legislation, is there, in your opinion, the possibility of an economic positive impact through the Corrections Department and the opportunity to build a new industry within that facility?"

Fowler: "Very definitely, Representative Woolard. This is definitely an economic tool. It's not only for Southern Illinois, but for the whole State of Illinois."

Woolard: "So, if, in fact, we're able to find enough fish farms and support them in their infancy, there's the real possibility that this can be a positive industry for many

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years to come that will be actually supporting or helping to support the Corrections Department of this state?"

Fowler: "That's correct, and not only help support the Corrections Department, but also farmers throughout the State of Illinois."

Woolard: "You're telling me that there are farmers who are actually ready and willing to proceed in some fashion in changing their corn or soybean crops to raising fish?"

Fowler: "That's correct, and I've had personal phone calls from some of those farmers already who are definitely interested in this piece of legislation."

Woolard: "So there's farmers out there that have already been contacting you and others and saying that this sounds like a viable industry and that they're ready to proceed in some fashion to establish an aquatic division to their farming operation?"

Fowler: "That's correct. It's already been pointed out that due to the decline, right now, in farming and agriculture in the State of Illinois that this is a viable alternative that might mean the difference between some farmer losing the farm and being able to save the farm."

Woolard: "You know, to the Bill. Sounds as though that this is the kind of thing with all of the negative that we've heard about the farming communities across this state, that we should all be about finding different opportunities for the farm community and the farm family. The only thing that I see that might be questionable in this very 'fishy' Bill, is the fact that there's no designation that allows for participation by the Members of this legislative Body to be collectors of the resource. You know, someone's gonna have to fish a bunch in order to make sure that there's enough fish on hand in order to feed the people of this state."



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And I would certainly be in favor of an Amendment that would designate each and every Member of this Body as a special part of the component group that would be designated to bring those fish out of that water and deliver them to the place that they were processing them. If that could be amended, I think this could be a perfect Bill."

Fowler: "Thank you, Representative Woolard."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, is the word on the board... is it misspelled? I thought it was supposed to be Illinois Agriculture?"

Speaker Madigan: "Mr. Fowler."

Black: "Is this agriculture and the Clerk has again misspelled the word or..."

Fowler: "No, Sir."

Black: "What is that word?"

Fowler: "Well, I think aqua refers to water and this is the place where these fish would be raised would be in the water, so aquaculture is the correct spelling and pronunciation on that, Representative Black."

Black: "So we're creating an Illinois Water Culture Fund?"

Fowler: "An Illinois aquaculture farming."

Black: "Well, you said aqua was water."

Fowler: "Yes, Sir. That's where they have to raise the fish."

Black: "Well, I heard Representative Parke earlier talk about fish farming. That's an interesting concept. How deep do you plant those fish?"

Fowler: "Well, I had the opportunity Saturday, to visit one of

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these small operations down in one of my counties, and his pits were eight foot deep, but they only fill 'em up to a six foot level."

Black: "You mean, if you plant fish eight feet deep, they'll grow up and out of the soil like corn?"

Fowler: "I sure do."

Black: "I'll be darned. And I can't remember, Representative Parke's... how much money are you asking for in this?"

Fowler: "One million dollars a year."

Black: "One million dollars a fish?"

Fowler: "Yes, Sir."

Black: "One million dollars per fish, did you say?"

Fowler: "No, 'for' fish, not 'per' fish."

Black: "I was gonna say that... All right. Have you checked with the Shedd Aquarium in the City of Chicago about this? Are you going to be competing with the Shedd Aquarium in any way, shape or form?"

Fowler: "Well, to my knowledge, Representative Black, they don't raise catfish up there."

Black: "Well, I thought they did. I was up there once and saw some catfish swimmin' around in that tank. Well, you haven't checked with the Shedd Aquarium?"

Fowler: "No, Sir, I haven't."

Black: "I don't know, Representative. I'm not sure... how... when do you harvest these fish? Every fall like you do normal crops or..."

Fowler: "The gentleman I visited with Saturday, he gets his fish when they're about eight inches long and he said it takes approximately five months of feeding to get them up to per pound and ready to market."

Black: "That's... what kind of a combine do you use to pick 'em?"

Fowler: "They use nets."

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Black: "They put a net on one of those combines?"

Fowler: "Yes, Sir."

Black: "As God is my witness, I did not know a combine could float. How do you do that?"

Fowler: "They have these long nets that stretches across this pit and on each side of that pit is a four-wheeler. And they drag this net through the water, funnels the fish into a... a balloon-like..."

Black: "You mean they catch these fish in a net?"

Fowler: "Yes, Sir."

Black: "Is... it doesn't violate the Humane Care of Animals Act, does it?"

Fowler: "None whatsoever."

Black: "These are humane nets?"

Fowler: "Yes, they are."

Black: "All right. Well, Representative, I... seems to me I recall hearing something about this project a year ago. Is this down around... somewhere around Pinckneyville or down in that area?"

Fowler: "Yep. Perry County. Yes, Sir."

Black: "Was Representative Stephens... wasn't he involved in this pilot study at one time..."

Fowler: "I'm not acquainted him, Representative Black, so I could not answer that question."

Black: "You're not acquainted with Representative Stephens?"

Fowler: "Not in this venture. No, Sir."

Black: "Oh, you have a rare treat awaiting you at some point in the future. Well, Representative, I think you've done the best you can with this Bill. I hope you'll come over later and explain to me a little more about this fish farming. This is... I'm into corn and soybeans myself and I'm not quite sure how this is going to work for a million dollars,

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but you... you do have a couple of... couple of good cosponsors and perhaps the Bill will work. I don't know. I wish you the very best. Thank you."

Fowler: "I'd be happy to explain it to you. Thank you, Sir."

Speaker Madigan: "Mr. Lawfer."

Lawfer: "Thank you, Mr. Chairman. Will the Sponsor yield for a question?"

Speaker Madigan: "Sponsor yields."

Lawfer: "Representative, we passed a Bill the other day that was sponsored in regards to ice fishing. Is this part of your culture there that the ice fishing Bill would be helpful to you in this endeavor?"

Fowler: "Well, Representative, I think the way we catch our fish down there would be a little more productive than sitting there. I think that Bill you referenced permitted three lines in the water. Our methods will be a little quicker than that, and these ponds are so constructed and equipped that the water does not freeze over in the winter time."

Lawfer: "It never freezes?"

Fowler: "No, Sir. Not in these pits, it doesn't."

Lawfer: "That hard for somebody from Northern Illinois to understand, but..."

Fowler: "I'm sure."

Lawfer: "I may need to come down there. Representative, to the Bill. I support your Bill. I think this is a good initiative for farmers to create their own markets. We do this often for industry that we, in fact, new industry to the State of Illinois. This is an incentive to add value to our corn and soybean crops as well as provide employment for the agriculture industry. Representative, I strongly support your Bill."

Fowler: "Thank you, Representative."

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Speaker Madigan: "Mr. Winters."

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

Speaker Madigan: "Sponsor yields."

Winters: "Well, my first question, Representative, is this a consortium of Southern Illinois crop growers? I see a Mr. Rice up there and a Mr. Wool. Are you trying to use rice as feed and then... then blanket these fish before you ship 'em to market with wool from Southern Illinois? Why did you pick these specific Sponsors?"

Fowler: "Well, as I stated earlier, this is an initiative that will help all of Illinois. It'll be especially helpful in downstate Illinois. We have a number due to the demise of the coal mining down there abandoned strip pits, lowlands, places that are ideal for this. And, again, it will benefit Illinois, Southern Illinois, Northern Illinois, all over the State of Illinois."

Winters: "Now are you using this wool as a type of insulation to keep these pits from freezing over? Is that why Mr. Woolard is on there?"

Fowler: "Well, if that would help, I'd certainly be glad to utilize that."

Winters: "Okay. Now, I do notice that one of the Sponsors you do have a bipartisan with Mr. Jones, up there. Now, this is not the infamous Davey Jones, is it?"

Fowler: "No, Sir, it's not."

Winters: "Okay. I wanted to make sure that we straightened that out. Now, Representative, you and I have not talked a whole lot since you've been in the General Assembly, but you come from the very Southern end of the state, I come from the very Northern end and we do have different traditions in our political life. One of them that I wanted to make you aware of and I think you should

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consider, in fact, withdrawing this Bill. I think that there's an inherent conflict in this Bill. Anybody that would have the audacity to come into this General Assembly and push forward a Bill that will directly affect themselves, really has to consider seriously whether or not he should push forward this. Anybody that's dealing with aquaculture with the name of Fowler really should consider not calling the Bill. I'd, at least, ask you to vote 'present'. Thank you."

Fowler: "Thank you."

Speaker Madigan: "Mr. Reitz."

Reitz: "Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Reitz: "Representative, is this a companion Bill for Representative Woolard's Bill, yesterday for... that we had for fish for trailers... to pull... the 65 mile an hour trailer Bill for fish boats?"

Fowler: "I think that's just a coincidence that he sponsored that Bill and he's also a CoSponsor on this. There's no conflict of interest there."

Reitz: "There's no intent to speed up to get these fish to the market quicker with that Bill?"

Fowler: "No, Sir. I can assure you of that."

Reitz: "You're sure?"

Fowler: "Yes, Sir."

Reitz: "Okay. Will this help... this is... Representative Bost's district is actually where the fish processing plant is at?"

Fowler: "That's correct."

Reitz: "Is Representative Bost going to provide the fish? I mean, is he going to... as Representative Woolard mentioned earlier, is he going to help catch these fish?"

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Fowler: "I hope the success of this doesn't depend on the number of fish that he personally can catch, Representative."

Reitz: "Okay. Well, well I thank you for yielding and I think it's a good Bill and I'm proud to be a cosponsor with you. I think it will help the... to the Bill. I think it will help the industry, help us promote the industry and create an industry within Illinois, use existing monies that were there and I appreciate your leadership on this and I'll probably vote for it."

Fowler: "Thank you."

Speaker Madigan: "Mr. Rutherford."

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

Speaker Madigan: "Sponsor yields."

Rutherford: "Thank you. Representative, highlight once again where the funds are coming from. Where would the money be coming from for this co-op assistance?"

Fowler: "It will be coming from the tax that is currently collected on the sale of seafood within the State of Illinois."

Rutherford: "Okay. And, as I'm reading my analysis here, the membership on this co-op group would be made up of the co-op extensions, the University of Illinois, Carbondale. And so you've identified specific institutions, am I correct, that would help to put together this?"

Fowler: "Yes, Sir."

Rutherford: "Okay. The... and this is a very... this is serious comment to your Bill in regards to possibly trying to address it in the future. I don't know if you may be aware, but one of the first aquaculture studies that was taking place in our state was done at Illinois State University under a federal grant. And they have an extremely extensive and multi-year history in particularly

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tilapia research on indoor aquaculture farm raising. And I'm seeing tha... and obviously somewhat parochial for your part of the state, I do appreciate that, but this may be something as you start to look to the Senate and potentially see about expanding this net on who would be involved with this and other institutions that have had considerable years of effort and putting towards that. And to that extent, I... you know, I note about the tilapia research they're in the midst of fresh water shrimp research right now... going on. So I would... I commend your Bill. I think it's the right move. I think you may also look to other parts of the state that have multi-years of history in this effort, as well."

Fowler: "Thank you."

Speaker Madigan: "Mr. Fowler, to close."

Fowler: "I just ask for a 'aye' vote on this Bill. Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 114 'ayes', 0 'noes'. This Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk, on page 67 of the Calendar, there appears House Bill 2836. Mr. Scully. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2836, a Bill for an Act concerning fireworks advertising. Third Reading of this House Bill."

Speaker Madigan: "Mr. Scully."

Scully: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I'd like to present to you House Bill 2836 which is... addresses the issue of the advertising of fireworks within the State of Illinois. Now, I'm sure you're all



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aware that it's illegal to possess or to purchase fireworks within the State of Illinois. It's also illegal to possess or purchase fireworks within the State of Indiana. However, it is legal in the State of Indiana to buy fireworks if you immediately sign a promise that you're gonna take those fireworks outside of the State of Indiana. See, in Indiana, they're willing to sell fireworks to people, so long as they promise to take those fireworks to the State of Illinois. I live in a... my... House district borders the State of Illinois... Illinois... Indiana... along with Representatives Novak and Giglio. We have a very common problem throughout our three districts that... just across the Indiana state line there's fireworks distributors who are selling product to residents of the State of Illinois, under the promise that they will take this contraband outside of the State of Indiana, to the State of Illinois where it's illegal. We also have Illinois State Police sitting in the parking lots in Indiana with radios to the State Troopers within the State of Illinois. The troopers within Indiana notify the Illinois State Troopers that people have just purchased illegal fireworks and they're crossing the state line. As soon as those Illinois residents cross the state line, our Illinois State Police intercept that contraband. The biggest travesty is we are allowing these Indiana retailers the right to advertise within the State of Illinois a product that's not legal to own in the State of Illinois. It's further creating the hazard to the people of the State of Illinois and I think the advertising of fireworks within the State of Illinois should be outlawed. This is a matter of public safety for our children, our friends and our families. We've taken the initial step many, many years

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ago to outlaw the possession of fireworks within the State of Illinois. I'd like to take the further step, right now, and to outlaw the advertising of this illegal product within the State of Illinois by retailers from other states. I'd appreciate your support."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, what was the genesis of this Bill? Now, tell me..."

Scully: "The genesis of this Bill is comments by so many of my constituents questioning why there are huge billboard advertisements on these interstate highways in Illinois advertising something that's illegal to purchase in the State of Illinois, it's illegal to possess in the State of Illinois. And the outrage by my constituents when they've crossed the state line to purchase fireworks only to have those fireworks confiscated by Illinois State Troopers as soon as they cross the state line."

Black: "Did... do you know of... does the name Andy Quinell ring a bell with ya?"

Scully: "Yes."

Black: "Wasn't Andy Quinell a candidate for the Illinois General Assembly on our side of the aisle, I think. He was a Republican, wasn't he? Yeah, I'm sure he was. Yeah."

Scully: "And to the best of my knowledge, he still is a Republican."

Black: "Yeah. Didn't he... I thought he had a press conference and talked about this a few months ago."

Scully: "I believe you're correct."

Black: "Okay. All good ideas resurface. I... you know it's an

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interesting concept and you and I have talked about it and I certainly have these billboards in my district, as well. But, you're an attorney are you not, Representative?"

Scully: "Yes."

Black: "Do you see a potential constitutional problem with the Bill?"

Scully: "No."

Black: "Could one perhaps invoke a restriction on the right of commercial free speech?"

Scully: "No. I don't think that argument can be made when, in fact, the product that you are advertising for sale is illegal to possess."

Black: "Okay, now, on the same topic, with the proliferation of cable advertising, I see... there are many cable TV ads for a major fireworks outlet about ten miles from where I live. Now is that going to be, eventually, outlawed as well or, a radio ad, outlawed as well?"

Scully: "Representative, this legislation specifically addresses billboards and the issue of whether or not we should be expanded in the future, to cover cable TV advertising is something very worthy of debate. This Bill does not address that."

Black: "All right. But I'm... and I understand that and I'm not tryin' to nitpick the Bill, but I think you can see where I was headed, because these fireworks manufa... not manufacturers, but retail sales outlets also advertise in newspapers of general circulation in my district. And I just wonder, you know, how far can we take this before we encounter a potential constitutional problem. I mean, this may very well stand the test, but I'm just wondering if, in fact, your Bill is signed into law, then obviously the money spent on billboards could be then transferred to

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cable television or radio or newspapers printed and distributed in Illinois. So I don't know that we'll solve the problem with your Bill, but obviously, it would remove an irritant that constituents in my district have mentioned, as well. I... but I and I rely on your legal expertise, I don't know how far we can take this. I guess that's my only concern. Is maybe this would work, but then I don't know if radio, television or newspaper advertising would work. And that's a concern I have is... are we starting down a slope that we perhaps will be told at some point, you should never had started down that slope."

Scully: "Representative, I don't see that as a problem. That this is a very simple, direct, affirmative step that is and of itself constitutional. Now, additional steps that someone else might want to take in the future in this same direction, might not be constitutional. I'm not suggesting that those sh... steps should be taken, now."

Black: "Okay. Now, and the Bill is completely silent on the form that the Indiana retailers ask you to fill out or do you mention something about that as well, in the actual Bill? You know, when you go over there you're supposed to sign that you're not gonna take it back into Illinois. It doesn't deal with that at all, does it?"

Scully: "That's correct. It does not address the manner in which... we are not, in this Bill, outlawing the sale by a Indiana retailer to an Illinois resident. We are outlawing the billboard advertising... "

Black: "Okay."

Scully: "...of a product that is illegal for residents of Illinois to possess."

Black: "Now, I... Representative, I thank you for your indulgence and I appreciate the fact that you've come over and talked

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to me about it. And I really am torn on how to vote on this Bill. And I see what you're trying to do and I do have the problem in my district. But I do thank you publicly for your work on it and the fact that you've been willing to talk about it prior to the calling of the Bill. And I think we should probably do more of that and I wish you well with the Bill. Thank you."

Scully: "Thank you, Representative."

Speaker Madigan: "Mr... Mr. Giglio."

Giglio: "Thank you, Mr. Speaker and Ladies and Gentles of the... Ladies and Gentlemen of the chamber. I rise in support of House Bill 2836. As a cosponsor and a Representative from an area that is the receiver to literally millions of dollars worth of illegal fireworks everyday during the Fourth of July season, as a receiver to the accidents and the injuries and the complaints from the fire chiefs and the police chiefs whose hands are strapped because of the ridiculous laws on the other side of the state line, in Indiana. And I think, we need to go one step further and right now, encourage Governor George Ryan to not sign the reciprocal income tax agreement with the State of Indiana until the State Legislature addresses the problem of all of their fireworks coming into the State of Illinois. In our region, all the fireworks come from Indiana; not some of 'em, not a proportion of 'em, not a few of 'em, all of 'em come from the State of Indiana. And this is just one more area that we can do to limit that and I'd urge your favorable support."

Speaker Madigan: "Mr. Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Durkin: "Representative, will this legislation prohibit someone

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from painting an advertisement on the side of a building, perhaps along a highway, which says that, 'Come to Indiana and purchase fireworks', at whatever the retailer?"

Scully: "No. It's specifically limited to billboards."

Durkin: "Okay. Will this prohibit someone from flying a plane over the state line with a streamer on the side of it saying, 'Go to Portage, Indiana to the fireworks house?'"

Scully: "No. It will not prohibit that."

Durkin: "All right. Well, I think I know what your intention is. First of all, I think there's a question of whether or not there's a First Amendment right protected under this, but I think that while you're trying to prohibit one particular avenue of speech, but I think that the fireworks industry is gonna find a million other ways to get around it to advertise in Illinois. So, I appreciate what you're trying to do, but I think it's not gonna be as effective as you may think. Thank you."

Speaker Madigan: "Mr. Harris."

Harris: "Thank you, Mr. Speaker. Will the Representative yield?"

Speaker Madigan: "Sponsor yields."

Harris: "Members of the House, I, along with Mr. Giglio, live in that area also. And it affects my district wholeheartedly. And I've had many calls on that is... on that situation. And I would hope that you would render the Representative a 'yes' vote on it. Thank you very much."

Speaker Madigan: "Mr. Cross."

Cross: "Thank you, Mr. Speaker. First of all, an inquiry of the Chair, With respect to the issue of home rule. Does this preempt home rule?"

Speaker Madigan: "Mr. Cross, let us review the matter and get back with you."

Cross: "All right. Will the Sponsor yield?"

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Speaker Madigan: "Sponsor yields."

Cross: "Representative, do you have a definition of what a billboard is anywhere in your Bill?"

Scully: "No."

Cross: "And I see there's no definition of fireworks, but you refer to the Fireworks Use Act. Is that right?"

Scully: "That's correct."

Cross: "Is there any particular reason why you didn't include this ban, the free speech ban, under the Fireworks Use Act?"

Scully: "We thought the creation of a separate fireworks... a separate Act for this purpose was the most appropriate vehicle."

Cross: "Would this prohibit... I think Dur... Representative Durkin asked you about an airplane. What about advertising on the side of trucks or vehicles?"

Scully: "It would not prohibit such advertising."

Cross: "What about the old style advertising of the sandwich where the person's walkin' down the street with stuff on the front and the back? Could you have a... like a little guy that looked like a sparkler or a firecracker walkin' around and have a sandwich on each side, is that prohibited under this Bill?"

Scully: "Actually, that type of sandwich board advertising might constitute a billboard advertisement and that would be left to the courts to determine on that issue of fact."

Cross: "So, under your Bill, you're prohibiting people from earning an income, is that correct?"

Scully: "No, that's not correct, Mr. Cross."

Cross: "But I no longer could get a job as a sandwich board man, is that correct? You're telling me that."

Scully: "Oh, no. Not at all, Mr. Cross. You can get such a job."

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You just can't do such a job advertising products in Illinois which are illegal to possess in Illinois."

Cross: "Representative, I'm concerned about where we're going with this. I... obviously, you feel that because fireworks are inappropriate, we should ban advertising. They're some believe that alcohol's detrimental to people. Are you intending to amend this or add a Bill into this Body that would prohibit the advertising of alcohol?"

Scully: "No, I'm not, and Representative, you said that this would prohibit the advertising of fireworks which are inappropriate. They're not inappropriate; they're illegal. There's a difference."

Cross: "Well, alcohol is illegal to drink for people under the age of 21. Do you think we should ban advertising only for people under 21? Or maybe that's impossible to do. Do you think we should just outright ban advertising of alcohol products, since it's illegal for those under 21?"

Scully: "I think it is appropriate for us to ban the advertisement of products that are inherently illegal in the State of Illinois and are not legal for any resident of the State of Illinois to possess."

Cross: "It seems like a contradiction, there. You're gonna not do... you're gonna do fireworks, but you're not gonna do alcohol. Do you think it's appropriate for 18-year-olds or under or 21 and under to drink alcohol?"

Scully: "No, Mr. Cross."

Cross: "All right. I have no other questions. I'm just curious still about my inquiry."

Speaker Madigan: "Parliamentarian."

Parliamentarian Uhe: "On behalf of the Speaker in response to the... your inquiry, Representative Cross. House Bill 2836 preempts home rule under Subsection (i) of Section VI of



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the... of Article VII of the Illinois Constitution. The Bill prohibits home rule units from regulating outdoor advertising of fireworks in a manner that is less restrictive than the regulation by the state. However, a home rule unit may regulate outdoor advertising of fireworks in a manner that is more restrictive than what the state is doing, therefore, it requires a majority vote."

Cross: "Simply a majority, not a... not 71? Okay, thank you."

Speaker Madigan: "Mr. Lang."

Lang: "Thank you, Mr. Speaker. I rise in support of Mr. Scully's Bill. You know, I don't understand what the opposition's all about. Fireworks are illegal in Illinois. They're illegal in Indiana. To talk about the First Amendment here, is kinda silly. There is no First Amendment right to sell something that's illegal. So it's illegal in both states. To allow these folks to put billboards in Illinois to sell an illegal product in Indiana, stretches my imagination why anyone could support that. I don't know what the... who the opponents are protecting here. Are they protecting the people in Illinois who are illegally buying and possessing fireworks? If you want people in Illinois to buy and possess fireworks legally, then let's remove the ban on fireworks in Illinois. Let's have one of the opponents to this Bill put a Bill forth to make fireworks legal in Illinois. But you're not doing that you want to go around the back door. You want to be able to let people illegally own fireworks in Illinois and not make a law that allows them to do that. In addition, those of you who on the borders of Illinois, particularly on the borders of Indiana, better watch out for what this... what the sale of fireworks in Indiana does to Illinois business.

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When people cross the border and go in Indiana to buy their fireworks, they're also stopping at convenience stores and gas stations and spending their money in the State of Indiana. Those purchases cost the State of Illinois sales tax dollars. And so, when we encourage folks to leave our state to spend their money in other states, we're costing business owners in Illinois significant dollars. We're also costing the general revenue of the State of Illinois millions of dollars. So, I think, for all of these reasons, Mr. Scully's Bill should be passed. And I would urge an 'aye' vote."

Speaker Madigan: "Mr. John Turner."

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

Speaker Madigan: "Sponsor yields."

Turner, J.: "Representative, you've... been a lot of talk about the State of Indiana. Now, we're bordered, as I recall, it's by other states in the south, in the north and to the west. Have you checked with those states to determine whether the sale or possession of fireworks is illegal?"

Scully: "No, I haven't."

Turner, J.: "So you don't know whether it is legal for fireworks to be purchased and possessed in the State of Iowa?"

Scully: "That's correct."

Turner, J.: "The State of Wisconsin?"

Scully: "That's correct."

Turner, J.: "Kentucky?"

Scully: "That's correct."

Turner, J.: "Well, would... Missouri? Do you know about Missouri?"

Scully: "No."

Turner, J.: "Does your law affect the entire state or just the

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area bordering Indiana?"

Scully: "The law affects the entire state and it regu... and it prohibits the advertising of a product that is illegal throughout the State of Illinois."

Turner, J.: "Well, you seem to have decided to Sponsor this Bill based upon what the State of Indiana does with regard to the sale of fireworks. Did you not?"

Scully: "No, I disagree."

Turner, J.: "All right. Well, what was the purpose of sponsoring the Bill, then?"

Scully: "The purpose of sponsoring the Bill was to prohibit within the State of Illinois, the advertising of a product which is illegal to possess in the State of Illinois, regardless of which state it was sold in."

Turner, J.: "Well, if it is legal to go into the State of Iowa and purchase fireworks, will the vendor from the State of Iowa be able to advertise in the State of Illinois?"

Scully: "No."

Turner, J.: "And is it your opinion that that does not have ramifications with regard to the First Amendment and the free speech right?"

Scully: "Yes, that is my opinion."

Turner, J.: "And why is that? Before you've indicated that the reason was that it was illegal to have fireworks in Indiana. If you can't make that same argument for the State of Iowa, then why would this not be a violation of the First Amendment?"

Scully: "Because this Bill would outlaw, within the State of Illinois, billboard advertising for a product which is illegal to possess in the State of Illinois."

Turner, J.: "Well, what if someone is leaving the State of Illinois and wants to go into a bordering state to purchase

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fireworks and use them in that state or perhaps, travel on further east and use the fireworks? There's nothing illegal about that. And aren't you infringing upon their right to know where they might purchase these fireworks by banning billboards showing where they could be purchased as they go across the state lines?"

Scully: "It is not an infringement of their right to know if we are merely banning the advertisement within the State of Illinois of a product that's illegal to possess in the State of Illinois."

Turner, J.: "Well, Representative, it is not illegal for someone to leave the State of Illinois and purchase fireworks in a state that allows the sale of fireworks, is it?"

Scully: "Could you restate your question?"

Turner, J.: "It's not illegal for someone to leave the State of Illinois and purchase fireworks in another state that does allow the sale of fireworks, is it?"

Scully: "That's correct."

Turner, J.: "And so you want to keep this information from people in the State of Illinois who want to legitimately leave the state and purchase fireworks in a state that allows it, under this Bill, then. Right?"

Scully: "No. I want to prevent the retailers from that other state from advertising on billboards in the State of Illinois."

Turner, J.: "Yeah, I understand that. But if a person in the State of Illinois can legitimately go into another state and purchase fireworks, why do they not a right to know where they might be able to do so?"

Scully: "They do have the right to know that, Representative. I'm just saying that the retailer doesn't have the right to advertise it on a billboard in the State of Illinois."

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Turner, J.: "Well, I know that one of the Representatives from your side of the aisle, in committee, mentioned that he felt this was a violation of the Interstate Commerce Clause. Did you look into that?"

Scully: "I did, and in my reading of the Interstate Commerce Clause, it is not a violation."

Turner, J.: "And why would that be so? Interstate commerce would allow the free transaction of business from state to state and this prohibits that, does it not?"

Scully: "No, it does not prohibit the transaction. It prohibits the advertising of a transaction."

Turner, J.: "Part of the transaction would be the advertising, would it not? Is that not part of business transactions to advertise the product, so that consumers can know where they can purchase the product?"

Scully: "That's a separate and distinct transaction from the underlying purchase of the property."

Turner, J.: "Do you know... "

Scully: "Those are two distinct transactions."

Turner, J.: "...if there's any opposition to this Bill?"

Scully: "Excuse me?"

Turner, J.: "Do you know if there's any opposition to this Bill?"

Scully: "I do not."

Turner, J.: "Do you know if the Municipal League has indicated whether or not they are in favor of it?"

Scully: "Excuse me, Representative. The Illinois Municipal League has apparently filed some opposition. They have not contacted me regarding that opposition."

Turner, J.: "I'm sorry, Representative. I could not hear ya. If you could get a little closer to your mike, maybe."

Scully: "It is my understanding that the Illinois Municipal League does oppose this. I don't know why they have not

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contacted me."

Turner, J.: "So they've had no contact with you, whatsoever, with regard to the Bill?"

Scully: "That's correct."

Turner, J.: "And how about the people in the business of selling billboards, by renting them? Have you heard from any of those individuals?"

Scully: "No, I have not."

Turner, J.: "I guess I'm curious why you did not feel it necessary to check and see if fireworks could legally be purchased in some of the other bordering states other than Indiana."

Scully: "Because the relevant issue is that the possession of fireworks is illegal in the State of Illinois, no matter where they came from."

Turner, J.: "Well, when you first began talking about this, you talked about the State of Indiana and its law allowing the purchase of fireworks, but prohibiting the use of fireworks. So you must have thought that was relevant. And I'm curious, if that was relevant in presenting this Bill and proposing this Bill, why wouldn't the same analysis have to be applied to any other bordering state?"

Scully: "My discussion of the real problem that exists with fireworks being purchased in Indiana was to point out that this is not merely a hypothetical problem. This is a very real problem that occurs at the end of every June. The Illinois residents crossing the state line, being induced by billboard advertising, to purchase contraband in the State of Indiana only to cross the state line again, back into Illinois and have that contraband confiscated by the Illinois State Police. We have Indiana retailers profiteering at the expense of Illinois residents. That is

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what I would like to stop."

Turner, J.: "Well, I understand your intentions and I have no problem with your intentions. But I have to agree with the other speakers from this side of the aisle, at least, that have suggested to you that this has constitutional problems. While it may be illegal for people in the State of Illinois to possess fireworks, it is not illegal for them to go into another state and purchase fireworks where that other state allows the fireworks to be purchased. Hence, it certainly should be within the rights of the people of the State of Illinois to be privy to advertisements to go outside of the state to make a legal purchase of fireworks. Perhaps they're not bringing those fireworks back into the State of Illinois. Perhaps they're gonna use them in that other state where they purchase them or go on beyond the borders of that state into another state where it's legal to use the fireworks. And contrary to what some of the speakers on your side of the aisle have said, I think, it does have First Amendment implications. I think that the Member from your side of the aisle who raised the Interstate Commerce question early on in the committee, was also correct, because I believe it also violates that. And while your intentions are good with this Bill, it is constitutionally flawed and I would urge Members to vote 'no'."

Speaker Madigan: "Mr. Bost."

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

Speaker Madigan: "Sponsor yields."

Bost: "Are there any fireworks that are legal in the State of Illinois?"

Scully: "Representative, within the Fireworks Use Act there's a specific list of... there's a definition of fireworks which

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are specifically prohibited. Anything that you might have that is not on this specifically defined list of fireworks would not constitute fireworks for the purpose of the Fireworks Use Act."

Bost: "All right. In your legislation then, does it say that they have to mention on their billboards that the... what is legal fireworks in the State of Illinois and the classification that is, because they could advertise fireworks that are legal in the State of Illinois and just have the word 'fireworks' there. Is that not correct?"

Scully: "Could you restate your question, please?"

Bost: "In the State of Illinois, there are certain fireworks that are legal, based on the amount of gunpowder and the product used, correct? Sparklers, for instance, are legal in the State of Illinois if they use... if they do not use a certain content of gunpowder and do not meet a certain classification."

Scully: "You could advertise sparklers."

Bost: "Okay. But they are known as fireworks, so therefore, the word 'firework' could not be put on the billboard?"

Scully: "I disagree that they're known as fireworks."

Bost: "There's also... you disagree that they're known as fireworks?"

Scully: "Yes."

Bost: "Okay. Then we do disagree because the reality is all of these are fireworks. They're different grades. I've got a second question and that question would be, do you feel like this is discriminating against certain people that only have billboard advertising? Suppose I'm an advertiser and I only have billboard advertising, but there's another advertiser that has radio, cable TV, other means of advertising. They can go ahead and continue to advertise



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for these firms, but yet, you're discriminating against me because I only have billboards."

Scully: "The Bill, specifically addresses the billboard advertisement of fireworks."

Bost: "So, therefore, only people that have billboard advertising can no longer advertise for fireworks. Now, if they're in another form of advertising in the State of Illinois, they can continue to advertise for fireworks..."

Scully: "I'm sorry. Could you...?"

Bost: "...so we're specifically going after them."

Scully: "We are specifically, going after the practice, the widespread practice, of the billboard advertisement of fireworks which are illegal in the State of Illinois."

Bost: "Okay. Representative, to the Bill. I believe, that your intentions are good. But I believe, that first off, you're discriminating against one group of advertisers. Second off, I do believe that there are legal fireworks in the State of Illinois. And based on this, we're going to say that those people that are legally selling those fireworks, that are of the grade that are legal in the State of Illinois, we are now telling them they cannot advertise for their product. Therefore, this Bill is loaded with flaws. I would ask that you take it out of the record. If not, then I would encourage all Members of our side of the aisle and those on your side of the aisle, for precedence sake, to vote 'no'."

Speaker Madigan: "Mr. Scully, to close."

Scully: "Thank you very much, Mr. Speaker. Ladies and Gentlemen, last June 30th, I was at a social event in my hometown. And I turned to one of my friends and I said, 'Well, Pat, you gonna get out of town for the Fourth of July weekend?' He said, 'No way. I can't leave town. This is my busy

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weekend. I'm a hand surgeon. I put hands back together.' This is the problem that fireworks has created in my community. I think that that problem is shared in many other areas of the State of Illinois. And a major contributing factor is the illegal advertising of fireworks by Indiana retailers. I ask for your support for this Bill."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 73 'ayes', 40 'noes'. This Bill having received a Constitutional Majority is hereby declared passed. The Chair recognizes the Clerk for an announcement."

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

Speaker Madigan: "Then the Chair would like to announce that there will be committee meetings at 12:30 today. Again, there will be committee meetings at 12:30 today. House Bill 2698. Mr. Franks. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2698, a Bill for an Act amending the Township Code. Third Reading of this House Bill."

Speaker Madigan: "Mr. Franks."

Franks: "What this Bill does is reduces the population requirement and it amends the Township Code to include counties with populations of more than \$150,000... 150,000 people, rather than 250,000 people to be able to have an Open Space Act."

Speaker Madigan: "Mr. Skinner."

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Skinner: "This legislation was specifically requested by the Cary Citizens for Conservation. They would like an... the opportunity to form or at least put on a referendum a question of whether there should be an Open Space district in Algonquin Township. I support the legislation."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 111 'yesses', 3 'noes'. This Bill having received a Constitutional Majority is hereby declared passed. House Bill 1681. Mr. Hartke. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1681, a Bill for an Act amending the Illinois Emergency Management Agency Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. Hartke."

Hartke: "Thank you very much, Mr. Speaker, Members of the House. This piece of legislation was brought to me by members of the National Weather Service in the State of Illinois and nationwide. Whenever we have inclement weather here in the State of Illinois, right now, there are towers that emit a signal out to individuals to alert them of impending weather. Many of us have a television and radio on and so forth, but there are citizens in the State of Illinois who are senior citizens who... who living alone and so forth and they don't have their TV or the radio on, they don't get out very often and they have no idea that tornadoes or whatever or weather... inclement weather is coming upon an area. The National Weather Service puts out a signal that is sent to other repeater towers in the State of Illinois and this repeater then sends that signals on to homes who

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have a little box in their home that receives this signal. And when that signal arrives, it puts on a strobe light or a screeching sound or makes the individual aware that inclement weather is in the area and they should be taking cover. The problem is that in the State of Illinois, we only have about 35% coverage for the towers that are available that emit this signal. This signal would... this piece of legislation would then authorize the repeaters to be put on other towers in the State of Illinois to emit this signal for those individuals who are living alone, who are handicapped, either hearing impaired or sight impaired or living alone. I would ans... happy to answer any questions."

Speaker Madigan: "The Gentleman has presented the Bill. Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, I just have one question and I guess, it's jurisdictional in nature. And NOAA is operated by our Federal Government in Washington, D.C... "

Hartke: "That's true."

Black: "...the fiscal impact is estimated to be about \$900,000. My only question is, why wouldn't we aim this at our federal officials and say it should be paid for out of federal tax dollars, rather than our local tax dollars since they, in effect, operate the system?"

Hartke: "That's a very good question. Last year, through the Congress of the United States, there were monies appropriated for the State of Illinois on a piece of legislation that was sponsored by Congressman LaHood up in the Peoria area. Rather than take that money and use it for the NOAA weather radar signal repeater stations

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throughout the State of Illinois, he chose to use that money to provide sirens and other notifications in his Congressional district. We are now still only 35% covered by the repeater towers in the State of Illinois. Yes, you're absolutely correct. The estimate in the fiscal note says about nine hundred and some thousand dollars. Since then... since the fiscal note has been filed, they have down-toned that just a little bit to around seven hundred thousand. It is a substantial amount of money, but it will provide notification for many of our seniors who are physically handicapped, blind or hearing impaired to be able to receive this signal. This box that is... could be available for those individuals in their home, costs about \$30. And many service clubs throughout the State of Illinois provide this box to those individuals as a community service project, until they either go to a nursing home or pass on or something like that, and then it is brought back to the service club to distribute throughout the community. I think it's a very worthwhile project and I would like to see the Federal Government finance the thing, but I don't know how long we can wait for them to finance these repeaters in the State of Illinois."

Black: "You know, I mean, all we're really talking about here is a matter of public safety."

Hartke: "That's correct."

Black: "And so I tend to agree with you. I... we can't wait ten years to get a jurisdictional dispute straightened out. One last question. Now, the Bill doesn't do anything about mandating IEEMA to purchase the receivers that go in the home. You're just dealing with making the signal available in almost every area of the state."

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Hartke: "Yes. That's true."

Black: "Okay."

Hartke: "This does not mandate IEMA to provide the boxes or anything like that. This would authorize the repeaters to be put on various towers located at strategic..."

Black: "Okay."

Hartke: "...areas to cover the rest of the State of Illinois with..."

Black: "Now..."

Hartke: "...this life saving signal."

Black: "I think it's just inherently a matter of public safety and rather than wait for the Federal Government to send some of our tax money back, heaven forbid that happens, but we're gonna have to go ahead and do it. I appreciate the fact you sponsored it. Thank you."

Hartke: "Thank you."

Speaker Madigan: "Mr. Hartke, to close."

Hartke: "I think you've heard the conversations. It's relatively clear and quiet in here. And I would ask for your favorable vote."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 117 people voting 'yes', 0 voting 'no'. This Bill having received a Constitutional Majority is hereby declared passed. House Bill 1622. Mr. McCarthy. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1622, a Bill for an Act concerning benefits for certain health treatments. Third Reading of this House Bill."

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Speaker Madigan: "Mr. McCarthy."

McCarthy: "Thank you, Mr. Speaker and Members of the House. House Bill 1622 is a piece of legislation that has been in the House quite a few times in the past three or four years. Originally sponsored by some illustrious Representatives like Representative Erwin, Representative Zickus, Representative Krause. And I am very proud to be the Sponsor of 1622 this year. (1622) would basically mandate that cancer clinical trials would be covered by our health insurance companies in Illinois. Cancer is something that is unfortunately in all of our futures. If you're one of the gentleman sitting here, one out of every two Illinois men will have cancer at sometime in their lifetime. For the ladies, one out of every three Illinois women will have the cancer in their lifetime. These clinical trials have been the root of success for almost all of the victories we've had in our battle against cancer. These clinical trials have been proven by studies at the Mayo Clinic and other clinics throughout the country to be very minimally costly. In fact, the Mayo Clinic just came back with a five-year study that showed the conventional treatment of cancer costing in the neighborhood of 45,000 and the clinical trial costing only 46,000. And people who enter these clinical trials are very far along in their cancer and it has to be proven that the treatment that they are receiving is not working before they can enter a clinical trial. I would appreciate your support. I think it's a very, very important Bill. And I hope that we can send it over to the Senate with a very strong vote, so that we can encourage the Senators to really move forward on this important legislation. Thank you."

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Speaker Madigan: "Mr. Parke."

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

McCarthy: "Yes, Sir."

Speaker Madigan: "Sponsor yields."

Parke: "Thank you. Representative, there's no doubt that this concept is worthwhile. But it mandates that small businesses will have to pay for this. Isn't that true?"

McCarthy: "Yes, Sir."

Parke: "Does this affect businesses covered under ERISA?"

McCarthy: "No, it does not."

Parke: "Isn't that what the majority of the big businesses are covered under?"

McCarthy: "I believe you're correct."

Parke: "And so, let me see, so this is only affecting small businesses not covered by ERISA. How about self-insured plans? Does it cover self-insured plans?"

McCarthy: "Correct."

Parke: "It does? I am sorry I can't see..."

McCarthy: "We cannot regulate the self-insured plans."

Parke: "So it doesn't cover them either."

McCarthy: "Correct."

Parke: "So your Bill, as presented, mandates that the small businesses of this state, those businesses that have usually a small amount of employees that provide the majority of the new jobs and the job growth in this state, and now we are going to mandate something that's worthwhile. No one will deny that treatment for cancer is not something that we would all want. God forbid any of us have family members that would have cancer and would have to have this. But the problem with this legislation is it mandates on those that are most vulnerable in our business community, those small businesses that hire the majority of



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our small amount of employees; the job creations part of our economy. I'm afraid I'm going to have to vote 'present' on this and ask my colleagues to also to vote 'present', because what we're finding is that one mandate after another is being dumped onto the backs of small businesses in this state. Now, it's hard to understand that you should vote 'present' on this Bill, because we all want to help people that have needs. We want to help people that have problems in their family. What a tragedy to have this. But it's a compounded tragedy when you dump this on the back of a small businessman and woman. This is another mandate that we we'll foist upon the small business community of this state. That is wrong. We ought not to be doing that. There's no doubt that the Sponsor's well intended on this. But Ladies and Gentlemen, you are going to pass on another mandate and someday all of these mandates are going to make the majority of the businesses in this state, the cost of health insurance so unaffordable, that they will continue to drop. You know, I hear that some of our... my colleagues complain that there's more people without health insurance today than there was five years ago. Well, of course there is. 'Cause you keep forcing businesses to have to decide whether to keep the doors of their businesses open or drop their health insurance. If I was a small business, it would have to be a decision I would have to make is to drop my insurance, and put more people on the rolls of uninsured. Now we keep sticking these Bills out and it's hard to vote 'no' on them. But Ladies and Gentlemen, when are you going to draw the line in the sand and say, no more? When are going to start saying is that we have to protect the small businesses, the incubators that create

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the jobs in this state? We continue to put further and further burdens on the backs of small business. And this is just another well intended stake in the hearts of the small business community of this state."

Speaker Madigan: "Representative Erwin."

Erwin: "Thank you, Speaker. I rise in support of House Bill 1622. In the House's infinite wisdom over the last four years, we have passed this Bill. And frankly, we've passed it in probably not as good a shape as it is today. I think on four separate occasions, to the Leadership of Representative Carolyn Krause, when she was the Chair of the Health Care Committee and Anne Zickus. We first passed this Bill about four years ago. Our learning curve in the House though, is not quite as... rather our learning curve in the House is more advanced than it is in the Senate. The Senate has now had two hearings on the issue of insurance coverage for patient care costs in clinical trials. And I understand one is scheduled next week, as well. I urge you to support this again as you have in the past. And to Representative Parke and I think other colleagues, who are concerned..."

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

Erwin: "... about the lack of insurance coverage currently for small business, I will say that... mean I think that I am as concerned as the next person that employers do offer health insurance. I have tried over the last couple of years to work with the employer groups in this state; the Illinois Manufacturers Association, the HMO Association and others. And I just... I feel confident that we are very close to reaching an agreement with employer groups on how to cover this very vulnerable population. So, I urge you to, as you have in the past, approve this Bill."

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Speaker Brunsvold: "The Gentleman from Champaign, Representative Johnson."

Johnson, Tim: "Thank you, Mr. Speaker, Members of the House. I, too, rise in support of House Bill 1622. I have a nearly identical Bill that I'm hopeful we'll call in the near future. Essentially, when it's all stripped down, all cancer treatment in research is experimental by its very nature. All that falls in the category at sometime or another along the path of cure and treatment as experimental medicine, is clinical trials. And so, that if we're going to continue to make progress in this critical area, this piece of legislation and those like it are the cornerstone to our attacking... and attacking in the forefront, what has become the number one killer in the United States. This Bill is reasonable. It doesn't extend more broadly than it ought, and at the same time addresses this critical need. So, like the speakers before me, I urge support for House Bill 1622 and I'm hopeful that it'll receive, as Representative Erwin has said, the overwhelming vote of approval that it has in the past. Thank you."

Speaker Brunsvold: "The Gentleman from Whiteside, Mr. Mitchell."

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

McCarthy: "Yes."

Speaker Brunsvold: "Sponsor yields."

Mitchell, J.: "Representative McCarthy, do you have any estimates, whatsoever, as to what the insurance increase would be to small business if they, in fact, had to cover the experimental treatments?"

McCarthy: "Well, I can tell you that I think the insurance estimate, the increase would be very minimal at all. Because these people, when they don't go on these clinical

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trials just don't fall off the insurance rolls, they are continued to be treated with conventional methods. The conventional methods cost the insurance company a lot of money. And we know they're not working. So, we are much better off spending this same money in a clinical trial as we would be on conventional methods that may ease the burden of pain and stuff with these cancer patients, but it's not going to improve them and it's not going to cure them. If we have any hope for the future, we have to say, put the money into these clinical trials and stop wasting it on conventional treatments which may slow the cancers but we know it's not going to cure them. But the estimate of cost, as I said, the Mayo Clinic just came out with a study five years of conventional treatment after a person had qualified for a clinical trial, was like 45,300. The five years in a clinical trial, the cost of the insurance was 46,200. Now, a lot of that is held down because almost all of the doctors fees and almost all of the pharmaceuticals are donated, because, of course, these pharmaceutical companies want to get them on approved lists and things. So, the cost is minimal at all, if anything."

Mitchell, J.: "In most small businesses, these kind of treatments are still fairly rare, so, it would be unlikely that one business would be hit with several cases in a year's time. Isn't that true?"

McCarthy: "That's for sure. The number of people that can get into these trials is very, very limited. And I have a number here and I'll find it as far as the number of people in Illinois. But it's like in the 1,000 to 1,500 range. Okay."

Mitchell, J.: "Thank you."

Speaker Brunsvold: "Seeing no further discussion, Representative

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McCarthy, to close."

McCarthy: "Thank you, Mr. Speaker. I would just say that on the Health Care Committee there's a lot of people who are completely against any new mandates. There's people in the middle and then there's people who'll vote for almost any mandate going. This Bill passed out of committee unanimously. It proved that the people who even look at every mandate very skeptically, knew that this was a mandate that was well-deserved. The American Cancer Society has made this their number one legislative intent for this year. The Illinois State Medical Society is behind it. And Lieutenant Governor, Corinne Wood, has also given me permission to ask you for your support. I would urge an 'aye' vote so that we can send it over to the Senate with a resounding victory and maybe we can get the Senators to finally act on this important legislation. Thank you."

Speaker Brunsvold: "The question is, 'Shall House Bill 1622 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there were 105 voting 'yes', 8 voting 'no', 4 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Committee reports."

Clerk Rossi: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measures were referred, action taken on March 11, 1999, reported the same back with the following recommendation/s: 'to the floor for consideration' Amendment #1 to House Bill 3; Amendment #2 to House Bill 3; Amendment #1 to House Bill 39; Amendment #1 to House Bill 130; Amendment #1 to House

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Bill 227; Amendment #1 to House Bill 458; Amendment #1 to House Bill 497; Amendment #1 to House Bill 1504; Amendment #1 to House Bill 555; Amendment #3 to House Bill 596; Amendment #1 to House Bill 710; Amendment #3 to House Bill 928; Amendment #6 to House Bill 999; Amendment #1 to House Bill 1365; Amendment #1 to House Bill 1536; Amendment #1 to House Bill 2130, and Amendment #1 to House Bill 2266."

Speaker Brunsvold: "On page 58 of the Calendar, appears House Bill 154. Mr. Tim Johnson. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 154, a Bill for an Act concerning cancer. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Champaign, Representative Johnson."

Johnson, Tim: "Thank you, Mr. Speaker, Members of the House. This Bill, as amended, is virtually identical to the Bill that was just passed under the sponsorship of Representative McCarthy. The only additional component is that creates an unpaid breast advisory commission, that's to be established with equal appointees from both parties on both sides of the aisle, and I would ask for your support."

Speaker Brunsvold: "And on that question, is there any discussion? Seeing none, the question is, 'Shall House Bill 154 pass?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question, there are 111 voting 'yes', 4 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 58, of the Calendar, appears House Bill 157. Representative Sharp. Do you have an Amendment in Rules? Does that pertain to this Bill? Wou... would you... Mr.

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Clerk, what's the status of this Bill?"

Clerk Rossi: "House Bill 157 is on the Order of House Bills-Third Reading."

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

Clerk Rossi: "House Bill 157, a Bill for an Act concerning telephone solicitations. Third Reading of this House Bill."

Speaker Brunsvold: "Lady from Cook, Representative Sharp."

Sharp: "Thank you, Mr. Speaker. It's with great honor I present to you my first Bill, Bill #157 and what this Bill does, it stops the telephone solicitors from putting a block on your telephone so that you don't know who or where the phone call is coming from. And I would ask for you all to vote favorable on this Bill, 157."

Speaker Brunsvold: "And on that question, is there any discussion? The Gentleman from Vermilion, Mr. Black."

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

Speaker Brunsvold: "Sponsor yields."

Black: "Representative, there was an Amendment filed to your Bill. It was Floor Amendment #2 filed by Representative Skinner. You do not want this Amendment called or you don't want the Amendment added to your Bill?"

Sharp: "It would change the current law."

Black: "Doesn't your Bill change current law?"

Sharp: "It would change the intent of the current law."

Black: "Your Bill changes the intent or the Amendment changes the intent?"

Sharp: "The Amendment."

Black: "Do you know what's the Amendment..."

Sharp: "It would change my intent. My intent... this is... my intent, it's for only for goods and services, not to do

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with anything political."

Black: "So, in other words, if a political pollster calls me and wants to take 15 minutes of my time to see whether or not I want to support Dan Quayle or... who's the current Vice President? I can't remember that..."

Sharp: "Representative Black... "

Black: "...or Al Gore. Al Gore, yes of course. How quickly I forget. So, if they call me and ask, you know, all kinds of questions about those two gentlemen, then, I'm not going to know it's the State Republican Party or the State Democrat Party because they don't have to comply with the block?"

Sharp: "Representative Black, the current law already excludes this political."

Black: "Don't... shouldn't we change that? I mean we're for good government here."

Sharp: "Well, if you wanted to do another Bill, you could do another Bill on this issue. But this has nothing to do with the Bill at hand that I'm discussing right now."

Black: "Well, see that's why we filed the Amendment. We didn't think that political subdivisions should be treated any differently than retailers or people selling me hundred dollar vacations in Disney World. What was the one I got last week? Oh, they're going to buy... going to sell me a lot. They're going to sell me a lot down in Florida. So, we don't want political subdivisions treated in the same fashion that we do..."

Sharp: "Representative Black, that's an excellent idea, but that's not what I wanted this Bill to do."

Black: "Oh, well see, unfortunately Representative, after you've been here for a while, you have to file Amendments to germane Bills and we may not get this chance again. But,



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all right. I'll answer the next time the Democratic Party of Illinois calls me and they call me quite often, to get my opinion of certain things, I'll answer the questions truthfully."

Sharp: "Thank you, Representative Black."

Black: "Let's deal with the Bill that you have and a fine piece of legislation it is. Who brought you this Bill?"

Sharp: "Representative, Representative Lang brought it to me, but I would never bring a Bill forward unless I was positive that it was something that would help the community."

Black: "Representative Lang gave you this Bill?"

Sharp: "Yes, it was something that he thought about, but if you look at it at my own personal aspect, it really would help instead of hinder."

Black: "Well, I think you have a contradiction of terms. When you say that this is something Representative Lang thought about, that's a contradiction in terms to me. I..."

Sharp: "He thought about it and put it together."

Black: "I see. Well, it appears to me that to get around this two Bill limit, Representative Lang has had to dispose of 497 of his Bills. And he's gone around the chamber and he's just asked all kinds of people to pick up his Bills. You know before you were here, we used to have special orders of call, where we'd put all the Bills dealing with a certain subject, like children and youth or Marriage and Dissolution Act, and we would do it that way. But in the... we had to stop that because, I think it was three years ago, we had 19 pages on the order of Lou Lang. Just Bills that he had, but he's a fine fellow and if he's given you this Bill but, you give me your word. You've taken a good look at this, right?"

Sharp: "Yes, I have."

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Black: "All right, because I want to know for sure what the heck is up... what Representative Lang is up to. Now, if you'll take a look at your Bill, you might want to ask staff. It appears to me that the only companies you are impacting by this Bill would be those companies domiciled or based in Illinois. Is that what you really want to do or would you rather make it more inclusive and say 'any telemarketer'?"

Sharp: "My Bill amends the current law that only affects Illinois."

Black: "Okay. So, we've been looking at the Bill over here and it appears it will only affect Illinois companies dialing Illinois residents."

Sharp: "Yes."

Black: "Could we amend the Bill on its face to exclude those telemarketers based in Florida? I just get so tired of them calling me all the time, particularly when it snows, trying to sell me a lot somewhere down in Lake Wobegon or wherever it is. Maybe we can just take... put Florida on this Bill, too."

Sharp: "Well, this is a good place to start, in Illinois, where we live and raise our children. So this is where I want to start and settle the Bill at."

Black: "The staff person points out something I really and seriously think we ought to look at. People have given us figures that indicate about 85% of all these telemarketing calls come from out-of-state call centers. You know a building where they have thousands of operators and they just call all over the country. And if we're only going to be able to effectively block about 15% of those dozens of calls we all get at night, I don't know if that's... I guess like you said, it's a start. But it seems like the biggest abusers of telemarketers I don't think your Bill's

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addressing. Because most of them are not domiciled in Illinois."

Sharp: "Well, like I said, Representative Black, this is a start and something is better than nothing."

Black: "Well, you know, I can understand that. But it seems to me that we're only picking on Illinois companies. And one of the Bills I sponsored years ago was an Illinois Products Bill. I think things made in Illinois make Illinois. And so rather than just pick on Illinois telemarketers, I really think you ought to take a look at amending this Bill, maybe in the Senate, and go after the 85% of these telemarketing calls that bother us, are coming from out of state, huge call centers. I know Missouri's a big call center. North Dakota is a big call-out center or out-call center. So, we're really only impacting those Illinois companies. Would it affect retailers in Illinois, like Sears and Roebuck, who are going to call me and tell me they're having a big sale on tuxedos?"

Sharp: "Yes, it would. It's for services and goods. But if you look at it in another aspect, let's say your favorite charity called you and put a block on it. They were soliciting and you said, 'Oh, I really love this charity. I'm going to donate a hundred dollars to this charity.' But when I hang up, I realize that the number's not there. So, I cannot call back and donate more money. So, it really helps on both ends."

Black: "It might be a good idea if you couldn't call back and donate more money. And, of course, solicitation over the phone, I think we outlawed that yesterday. I'm not sure. We had a lot of Bills yesterday. And I'm trying to figure out whether we really want to do this. I mean, telemarketing can be a real pain, particularly when you're

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sitting down having supper and the phone continues to ring. Does it work on autodialers, those hideous computers that dial a thousand numbers an hour?"

Sharp: "Yes."

Black: "Now, how would that work? In other words, that autodialer's going to have a phone number and it has to display that. Is that how this works?"

Sharp: "You'll... they would have to display the number that they're calling from. Is that the question you're asking?"

Black: "Right. Well I... you know, Representative, I... and I'm not really... first Bill and all that. I guess the only concern I have is that I think we may be putting Illinois retailers at a telemarketing disadvantage where it doesn't do anything, and I'll even name the company. I don't know that they do out calls, but Lands' End, for example, out of Wisconsin, L.L. Bean out of Maine. I don't want to do anything that would put an Illinois retailer who uses telemarketing at a competitive disadvantage with a firm not in Illinois, not paying Illinois taxes, not employing Illinois people, then this might give them an advantage. And I don't... I'm not sure that's what we really want to do."

Sharp: "It's only the autodialers that have to be in the state."

Black: "Okay. I'll... Are you sending your staffer over to talk to us, try and clear this up?"

Sharp: "No, I'm not."

Black: "I see. He looks very serious."

Sharp: "So, telemarketers cannot solicit in the state."

Black: "Representative, how does this work down in my area, where I have a lot of party lines, you know? I have to... have you ever seen phones... you know, you have to crank it, then you ask the operator to connect you with

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Representative Lang. Is this going to help on my phones..."

Sharp: "I surely hope so."

Black: "...where we have party lines."

Sharp: "I surely hope that it prevents those that you don't want to call from calling."

Black: "All right. Well, this sounds like a really high-tech thing to me. Is this..."

Sharp: "I think it's quite simple, if you really look at it. And it really will help you when you're at home, trying to relax after a hard day here, you'll be able to relax and answer your phone when you want to and not just not knowing who's gonna call."

Black: "That's a good idea. Do you want me to ask you another question, so we can get a couple of more pictures? 'Cause that was a good pose. All right. Does he have enough pictures?"

Sharp: "I think he does."

Black: "Okay, all right. Well, I appreciate your indulgence, Representative. And I'm sure that after you've been here a little longer, you'll learn to be suspicious of Lou Langs bearing gifts. But, he did come over and make a reasonable attempt to explain his Bill, but I'm not sure we're on the same page."

Sharp: "Well, I thank Mr. Lang for coming over, but I hope I did a substantial job that will sell you, also."

Black: "Well, what I'd really like you to do is amend the Bill on its face and do a block, an aisle block, so that when Lou Lang is coming over here to harass me, I can block him down here at the end of the aisle or at least know he's coming in time to take evasive action. But, I wish you the best with this Bill. This is... I don't know what's happened to

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this chamber. Freshmen used to Sponsor Bills, like, you know, the state flower, or the state bird, yeah, the state soil. Now you're gettin' into these complicated high-tech things. But we did have the state fossil, I think that was a freshman Bill. I think we named Representative Capparelli the state fossil, as I recall. I'm not sure. And I think that was a unanimous vote. But, I wish you the very best with this Bill. I'm not sure I understand it, but I'm going to hang on every word in the debate here and try to make up my mind how I should vote. Thank you."

Sharp: "Thank you very much."

Speaker Brunsvold: "The Gentleman from Cook, Representative Lang."

Lang: "Thank you once again, Mr. Speaker. It's conceivable my name may have been used in debate. I'm not sure. First, to clear up Mr. Black's concern. This Bill applies to all telemarketing calls made into the State of Illinois. This Bill came to... this is a Bill I did, in fact, write, which I know will make you all suspicious. But the fact is that you... all of you and all of your constituents run into this problem. You're sitting at home having dinner and during the hour you're having dinner you get five or six calls from telemarketers trying to sell you something. Some of these people are selling you something you want, most of them are rude, and after you get off the phone, you decide you want to call back and give them a piece of your mind. So, you go to your caller ID and your caller ID says, 'No data available or out of area.' You can't get to these people. You can't call them back. You can't even find out, in many cases, why they called you or what organization asked them to call you. In fact, one time it was from a charity and I tried to call the charity back

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because I had agreed to donate them money. I wanted to give them more money, and I went to my caller ID and I could not find their number. And so, we don't need to be harassed in our homes by telemarketers. They have a right to make their calls. They have a right to be in business, but we have a right to know who's calling our home. And your constituents have a right to know who's calling their home. This Bill will go a long way toward making sure that if somebody calls our home we know who they were, we know why they're calling, we know who they represent. There was no opposition to this in committee with the minor Amendment that was added. It's a real good Bill we ought to pass for consumers and I would urge your 'aye' votes."

Speaker Brunsvold: "The Gentleman from McHenry, Mr. Skinner."

Skinner: "What makes you think you can regulate calls that are going across state lines?"

Speaker Brunsvold: "The Lady yields."

Sharp: "By the caller ID. What do you mean, regulate or..."

Skinner: "Regulate interstate commerce as a State Legislator."

Sharp: "The law already does that."

Skinner: "What law? Oh, that's the law you don't want to amend."

Sharp: "Right."

Skinner: "May I ask why you're discriminating against Representative Lang?"

Sharp: "I'm not."

Skinner: "Well, his name is not up there and he was the one that presented this Bill in committee. I distinctly remember it because I voted against it. Why don't you want to give him credit for being author of this Bill?"

Sharp: "He has all the credit and he is still on the Bill."

Skinner: "Well, you can't tell that from looking at the board."

Sharp: "Well, maybe they made a small mistake."

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Skinner: "Would you like to sign a little slip to get him back on?"

Sharp: "Sure. I think it's already signed."

Skinner: "I would like to suggest that this will not do what you want it to do and there is a product on the market called Privacy Manager, which is offered by Ameritech, which my family put in last week. You call up and if there is not a phone on the... I mean if the phone is blocked... the calling phone is blocked, someone calls in and... a computer comes on and says, 'This family has or this phone has Privacy Manager, if you don't identify yourself, you will not... your phone call will not be put through.' This costs maybe 4 to \$5.00 a month and we haven't gotten any marketing calls. Now, under your program, you will get marketing calls, because eventually, all the direct marketers will figure out that to call Illinois, you have to put on your telephone number. So, if you want to block the calls, what you're doing is giving only a temporary respite from the five or six phone calls that Representative Lang gets every lunch hour. And I'm going to vote for your Bill because I think it's well-intentioned. But I would suggest to all Members of the General Assembly and anybody listening to me, that this Privacy Manager is really probably the best thing since... since the dial tone. You can get rid of the calls that you don't want to have. For four to five bucks a month, which shows that private enterprise is again ahead of government regulation."

Sharp: "That is a wonderful thing, but not everyone has the resources to pay for that."

Speaker Brunsvold: "The Gentleman from Madison, Mr. Hoffman."

Hoffman: "Yes, Mr. Speaker, I have for legislative intent, would



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the... a question. Will the Sponsor yield?"

Speaker Brunsvold: "Sponsor yields."

Hoffman: "It is my understanding, Representative, that collection agencies block calls on a debtor's caller ID to comply with Federal and State laws that prohibit a collection agency from disclosing the existence of a debt to third parties. Would this House Bill, House Bill 157, create a conflict with these laws by preventing collection agencies from blocking caller ID?"

Sharp: "No, Representative, because once again, this is only for services and goods."

Hoffman: "And it's my understanding that this Bill, neither the Automatic Telephone Dialers Act, nor the Telephone Solicitation Act, apply to collection agencies because their calls relate to the collection of debts, not the sale of goods, therefore, this Bill will not affect the ability of a collection agency to block caller ID. Is that right?"

Sharp: "Correct."

Hoffman: "Thank you, Representative."

Speaker Brunsvold: "Further discussion? The Lady from Will, Representative Kosel."

Kosel: "Thank you, Mr. Speaker. Again, I want to speak to the issue of Privacy Manager and the fact that Privacy Manager just does function on the fact that no number is listed. You will circumvent that, actually, causing some homes to receive more phone calls than what your intention is. And I wanted to point that out to you and I know that is not the intent of your legislation, but that is what it will accomplish."

Speaker Brunsvold: "Further discussion? The Gentleman from Cook, Mr. Parke."

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

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Speaker Brunsvold: "Sponsor yields."

Parke: "Representative, I'm just kind of curious, I... I see that you're handling this Bill fairly well. You have a lot of good answers, but my analysis shows that Representative Lang was the Sponsor of this Bill. Did he remove himself from this Bill and turn it over to you?"

Sharp: "Yes, he did. On 3/9/99, it is my Bill."

Parke: "Okay. So, he's moved ya. Now, Representative Lang was in committee on this Bill and I asked to be a cosponsor on this here... or hyphenated and now I see my name's gone off this Bill. Representative, I don't know what happened? Was this the Bill that Representative..."

Sharp: "You're on as a CoSponsor."

Parke: "Oh, I don't see that, but okay. So, I'm a cosponsor. And this is your first Bill?"

Sharp: "Yes, it is."

Parke: "I see. Well, all I can say is that you've handled the questions well and you've worked well on it. So let's see what the Body has to say about it. Thank you, Mr. Speaker."

Sharp: "Thank you very much."

Speaker Brunsvold: "Being no further discussion, the Lady from Cook to close."

Sharp: "Once again, I would ask for your support on this Bill. This is a Bill that would help you, your constituents, and everyone in your area be freed and be able to eat and dine in peace. Thank you."

Speaker Brunsvold: "Question is, 'Shall House Bill 157 pass?' All in favor vote 'aye; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on this question, there are 114 voting 'yes', 2 voting 'no', 0 voting 'present'. The Bill having received a

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Constitutional Majority is hereby declared passed. Congratulations, Representative. Mr. Clerk, committee announcements."

Clerk Bolin: "The following committees will meet at 12:30; Agriculture and Conservation in Room D-1, Elementary and Secondary Education in Room 114, Environment and Energy in Room C-1, Labor and Commerce in Room 118, Public Utilities in Room 122-B, and at 12:45 Urban Revitalization will meet in Room 122-B. Again, Agriculture and Conservation in Room D-1, Elementary and Secondary Education in Room 114, Environment and Energy in C-1, Labor and Commerce in Room 118, Public Utilities in Room 122-B, and at 12:45 Urban Revitalization in Room 122-B."

Speaker Brunsvold: "On page 64 of the Calendar, appears House Bill 1915. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1915, a Bill for an Act concerning the regulation of title insurers. Third Reading of this House Bill."

Speaker Brunsvold: "And on that... On the Bill, the Gentleman from Cook, Mr. Bugielski."

Bugielski: "Thank you, Mr. Speaker, Members of the House. House Bill 1915 would have the Department of Financial Institutions promulgate uniform title insurance policy forms, endorsements, and rates. Department of Financial Institutions would conduct public hearings prior to establishing these uniform forms and rates and update the forms and rates every two years. The rates established by the department would not be excessive or discriminatory. Almost all of the major states, except Illinois, have some type of rate regulation of title insurance policies including Ohio, Michigan, California, Florida, Texas, New York, New Jersey and Pennsylvania. Currently, 34 states

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have similar legislation providing for either regulated or filed rate cards. I ask for your 'yes' vote and I will be happy to answer any questions."

Speaker Brunsvold: "The Gentleman has asked for the passage of House Bill 1915. And on that question, the Gentleman from Vermilion, Mr. Black."

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

Speaker Brunsvold: "Sponsor yields."

Black: "Representative, I assume that there was some opposition expressed to this Bill when you presented it in committee. Is that a fair assumption?"

Bugielski: "Yes. There was one title company that is against... Chicago Title Company is opposed to the Bill. All the other title companies are proponents of the Bill."

Black: "Did... Was there opposition expressed by other business groups such as the Professional Insurance... I'm sorry, the Professional Independent Insurance Agents of Illinois?"

Bugielski: "Not that I'm aware of. The only other group that I believe was... had opposition to it was, the homebuilders."

Black: "Okay. My file indicates that the big 'I' as we call it, the big... the Independent Insurance Agents..."

Bugielski: "I'm sorry. I was just corrected. They did... my staff just..."

Black: "Okay."

Bugielski: "...said that they did file a slip, but they didn't testify."

Black: "And the Home Builders Association of Illinois also signed in, in opposition, did they not?"

Bugielski: "Yes, Sir."

Black: "Okay. I appreciate the fact that you've come over and we've talked about this Bill and I... Mr. Speaker, if I

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could, to the Bill?"

Speaker Brunsvold: "Proceed."

Black: "You know, the Sponsor of the Bill is probably... not probably, he's held in high regard in this chamber and I certainly have all the respect for him in the world. But what this Bill does, if I may be so bold as to say that it flies in the face of what the President of the United States has said. And that is that he wants less regulation, not more regulation. And he wants to simplify life and business in this country. Now, that's a Democrat talking. That's kind of a Republican philosophy, but the current President has... seems to be very adept at embracing various philosophies, but I agree with him on that. And I think if the Members of the Body will look at this Bill carefully, it creates a whole new layer of regulation of a business, that as far as I know, it works rather well in this state. But the heart of my opposition, if the regulatory climate wasn't enough, the heart of my opposition, goes to rate fixing. Now, why in the world would you want to take a competitive business like Chicago Title, who did my house, I make no bones about that. They're the title insurer on my house. You're telling these title companies if you vote for this Bill that you cannot reduce your rates. That's not what the free enterprise system is all about. It's a competitive market, and if one title insurer wants to lower rates because they're more efficient, because they're bigger, because they think they can lower rates and still make a profit, that's what this country was founded on. And yet this Bill says, 'Oh no. You can't lower your rates.' Well, that's anticonsumer, not to mention antifree enterprise. And even though, I hold the Sponsor of the Bill in high regard, I

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cannot in good conscience vote for a Bill that establishes a new layer of government regulation, and even worse, fixes rates and tells a company you cannot lower your rates. That just flies in the face of what this country's all about. And for that reason, I intend to vote 'no'."

Speaker Brunsvold: "Further discussion? The Gentleman from McLean, Mr. Brady."

Brady: "Thank you, Mr. Speaker. Ladies and Gentlemen, I speak in opposition to the Bill. I don't have much to add besides to reiterate what Representative Black said. This is an anticonsumer Bill. The government is involving itself by passing this legislation in price fixing, and that will come back to haunt the consumers and in effect, hurt this state. I ask you to oppose this legislation."

Speaker Brunsvold: "Further discussion? The Gentleman from Will, Representative Meyer."

Meyer: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I stand in support of this legislation, and I must respectfully disagree with the previous two speakers. And if I could have your attention, I'd like to go through the rationale as I see it. We have a problem in this state, or a potential problem, that is growing because we have one large company beginning to control the vast majority of all title business, and once that occurs, we have what we call a monopoly. And once that occurs, we no longer will have the free enterprise market system setting the rates, but we will end up with one company setting the rates for everyone. Already, back in 1997, it became apparent that some companies, because they were trying to compete in this atmosphere that we have in this state with title insurance, we're beginning to become under-reserved and the reserves had to be increased. What we need in this state is good

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competition. And because we have one company that is so large and all the others that are small regional companies or even smaller than regional companies, we have an unfair playing field. We're looking at legislation similar to legislation that's been adopted in 34 other states, and if you look at the number... those states that are listed, they're not socialist. They're free enterprise states. The market works there because they have an even playing field. I stand in support of this because I don't want to be controlled and I don't want to see our title insurance controlled by only one company. This is a good case of Goliath and David. And if we don't make it an even playing field, I believe the consumers in this state ultimately will pay a higher price for their title insurance and we all will suffer because of that. Thank you."

Speaker Brunsvold: "Further discussion? The Gentleman from Lake, Mr. Mathias."

Mathias: "Thank you, Mr. Speaker. I'm going to be voting 'present' on this Bill as I may have a potential conflict of interest."

Speaker Brunsvold: "Thank you. The Gentleman from Cook, Mr. Parke."

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

Speaker Brunsvold: "Sponsor yields."

Parke: "Representative, it was mentioned earlier that only one company was opposed to this and that was you mentioned Chicago Title. But, isn't the Security Union also opposed to this and also Ticor (Sic-Tricor) Title Insurance opposed also?"

Bugielski: "Well, you beat me to the punch. But I was going to use this in my closing, that... it's so... it's a coincidence that you mentioned Security Union Title

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Company. If you'd find out who owns them, it's Chicago Title Company."

Parke: "So they're subsidiaries?"

Bugielski: "They are owned by Chicago Title as well as Tricor. So these are the other companies, they... that the opposition has been saying that they are not the only company opposed to it that there are other companies, but it's just a coincidence that those other companies that are opposed to the Bill are owned by Chicago Title."

Parke: "Well, that makes sense that... I would, too. How about the Home Builders Association of Illinois?"

Bugielski: "Well, the Home Builders Association have opposition, because what happens is, this large company comes in and makes super deals. They undercut everyone else whereby, they are more or less, you know... they take the best deal. A builder, as you know, is going to look for the best deal possible. So, when they come in with a subdivision of ten homes or five homes, whatever it may be, and so they're going again, volume. If I come to you and say I'll give you... buy five cars rather than one car, you would probably give me a better deal. So, this is the same case in here where the homebuilders are... work very closely with Chicago Title because of the volume involved."

Parke: "Don't they... I mean doesn't this... it says that it sets rates and fix them and locks them in. Is that what your Bill's going to do?"

Bugielski: "I'm sorry. Could you repeat that?"

Parke: "I'm sorry. It says that rates to be fixed. Does that mean that under your legislation we're going to lock in a certain rate or a certain level of rates? I'm confused."

Bugielski: "The Director of Financial Institutions would set the rate and this would happen every two years. Whereby this



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is the rate that is set. If some companies want to charge more, they could charge more, but they cannot charge less."

Parke: "Did we file a fiscal note on this? Do we know what's going cost the state agency to do this?"

Bugielski: "A fiscal note has been filed. They were... I forgot exactly what it was, I think it was a hundred thousand... a little over a hundred thousand. But the Department of Financial Institutions is fine with it because the fees that would be collected by the title insurance companies would offset, you know, they would not lose money on this."

Parke: "Are they neutral on it?"

Bugielski: "Yes. The department is neutral. I talked to them this morning."

Parke: "It says also the Illinois Insurance Association is opposed. Any reason why that might be?"

Bugielski: "They haven't talked to me."

Parke: "Okay. Well, it says on here that that's one of the questions, now, one of the opposition. And it primarily again this... why wouldn't... why does this other title company oppose this? Why is this attempt now? Maybe you can share with us..."

Bugielski: "Well, the other title companies... Why they oppose this Bill?"

Parke: "Well, the big company that you were referring to."

Bugielski: "They are opposing this Bill simply because they feel that they have a great chance here in Illinois to take over the market. What they're trying to do is force some of these others smaller businesses out. Once these smaller businesses close up, then they are left by themselves and they are controlling the monopoly. This is what some of the previous speakers mentioned about having, you know, the detriment that is a detriment to consumers. But House Bill

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19 would protect the consumers because it would prohibit predatory pricing which is happening right now. You have that predatory pricing going out there where they are undercutting a lot of the other companies. They are not making that much of a profit here because Chicago Title is a nationwide company. They are making enough money in other parts of the country, so that you have this predatory pricing right now. Once the small businesses... the other title companies close up, now you've got the giant left. It's a David and Goliath situation. You have the giant left, and now they can raise their prices. And this is what has happened in other states."

Parke: "Thank you, Representative. I appreciate it. Mr. Speaker, to the Bill."

Speaker Brunsvold: "Proceed."

Parke: "I understand that the Sponsor is trying to... in his own way bring in some competition, but I'm afraid that this is going to have the opposite effect by setting a standard that's going to be set up by government. And I think we ought to allow the marketplace to dictate that, not government. So, I will oppose this Bill."

Speaker Brunsvold: "The Gentleman from DuPage, Mr. Tom Johnson."

Johnson, Tom: "Yes, I don't want to take the Body's time. I agree with my previous speakers, my wonderful Reps, Bill Brady and Bill Black and Terry Parke, and you know, so I oppose this Bill. And you know, I caution the Members here. It says that any company that comes into this state and competes and offers the best deal to our consumers, if they begin to take over that market we ought to get involved and ban'em. I suggest that if you use that logic we ought to put a Bill in that would prohibit Wal-Mart from doing business in this state because they've knocked a lot

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of our local retailers out. And that's the slope that we go down. The real issue here is we have protections for all the arguments that have been raised in support of this Bill and they're called our antitrust laws. And if people that violate our antitrust laws, maybe we ought to look at enforcing those. And if people are concerned about monopolies, that's precisely what we have antitrust laws on the book for. Now, if you want to revise the antitrust laws, then let's deal with that. But let's not target people who come in and compete, and just because they begin to win in that competition, if that be the case, let's ban'em. That's ridiculous. That's as anti-American, it's anti-Illinois and it's certainly anti-Republican. And I would urge a 'no' vote on this."

Speaker Brunsvold: "The Gentleman from McHenry, Mr. Franks."

Franks: "Mr. Speaker, I may have a conflict on this, and as a result, I will be voting 'present'."

Speaker Brunsvold: "It will be so recorded. The Gentleman from Kendall, Mr. Cross."

Cross: "I'm sorry. I don't have any other questions. I apologize."

Speaker Brunsvold: "Seeing no further discussion, the Gentleman from Cook, Mr. Bugielski, to close."

Bugielski: "Thank you very much, Mr. Speaker, Members of the House. This Bill is not banning anything. And it's not banning anyone from doing business. All we're saying is to put them on an equal playing field with everyone else. As I've mentioned before, this is David versus Goliath. Goliath is out there trying to overtake the marketplace in the State of Illinois; trying to push the small businessman and this is who are always working for, keeping the small businesses here. They could afford to take a loss right

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now in the State of Illinois, simply because they are making such huge profits in other parts of the nation. It's very interesting now, to see that there are 34 states... In the other states where this legislation has come up, it's very interesting to see that Chicago Title and Trust is opposed to this Bill in the State of Illinois. Yet, in other states, where this same legislation has come up, they were a proponent. So, all of a sudden they're a proponent in these other states and now in Illinois because they are based here and they feel they have the muscle here, they are opponents. Well, something right there, when you're for a Bill in one state and opposed to it in another part of the country, that means there's something fishy going on. We've been working with the industry for years on this. We are trying to make it an equal playing field. All we're trying to do is to protect the small guy, protect the consumer, so that they will not be gouged in years to come with the monopoly. And I ask for an 'aye' vote."

Speaker Brunsvold: "The question is, 'Shall House Bill 1915 pass?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 64 voting 'aye', 48 voting 'no', 4 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, committee announcements."

Clerk Rossi: "The Rules Committee will meet at 12:25 in the Speaker's Conference Room. The Rules Committee will meet at 12:25 in the Speaker's Conference Room."

Speaker Brunsvold: "Mr. Clerk, what's the status of House Bill 1805?"

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Clerk Rossi: "House Bill 1805 is on the Order of House Bills-Third Reading."

Speaker Brunsvold: "Place that Bill on Second Reading. Mr. Clerk, House Bill 1878."

Clerk Rossi: "House Bill 1878 is on the Order of House Bills-Third Reading."

Speaker Brunsvold: "Please, place that Bill on Second Reading. Mr. Clerk, status of House Bill 2042."

Clerk Rossi: "House Bill 2042 is on the Order of House Bills-Third Reading."

Speaker Brunsvold: "Please, place that Bill on Second Reading. Mr. Clerk, what's the status of House Bill 1687?"

Clerk Rossi: "House Bill 1687 is on the Order of House Bills-Third Reading."

Speaker Brunsvold: "Place that Bill on Second Reading. Mr. Clerk, the status of House Bill 2262."

Clerk Rossi: "House Bill 2262 is on the Order of House Bills-Third Reading."

Speaker Brunsvold: "Please, place that Bill on Second Reading. And Mr. Clerk, House Bill 279."

Clerk Rossi: "House Bill 279 is on the Order of House Bills-Third Reading."

Speaker Brunsvold: "Place that Bill on Second Reading. On page 63 of the Calendar, appears House Bill 1648. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1648, a Bill for an Act to amend the Civil Administrative Code of Illinois. Third Reading of this House Bill."

Speaker Brunsvold: "The Lady from Cook, Representative Howard."

Howard: "Thank you, Mr. Chairman... Mr. Speaker. House Bill 1648 provides that the Department of Public Health shall fund an HIV/AIDS community service pilot program which would

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include HIV primary care, HIV counseling and testing, case management services, prevention case management services and street outreach services."

Speaker Brunsvold: "The the Lady has asked for the passage of House Bill 1648. Is there any discussion? Seeing none, the question is, 'Shall House Bill 1648 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 114 voting 'aye', 1 voting 'no', 0 voting 'present'. This Bill having received a Constitutional Majority is hereby declared passed. On page 64 of the Calendar, appears House Bill 1823. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1823, a Bill for an Act in relation to leave for employees who have sought relief under the Illinois Domestic Violence Act of 1986. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Cook, Mr. Lopez."

Lopez: "Thank you, Mr. Speaker. Present to you House Bill 1823. It requires employers to give employees who meet minimum length of service in work with requirements, a domestic violence leave of up to 20 hours per year. The leave may be used for: attendance at court hearings, legal consultations, counseling sessions or physician or hospital visits related to domestic violence or the consequences of domestic violence. Provides that no leave may be taken by the employee unless the employee has exhausted all: accrued vacation leave, personal leave, compensatory leave and any other leave that may be granted to the employee except sick leave and disability leave. I ask for a 'aye' vote. Thank you."

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Speaker Brunsvold: "The Gentleman has asked for the passage of House Bill 1823. Is there any discussion? The Gentleman from Vermilion, Mr. Black."

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

Speaker Brunsvold: "Sponsor yields."

Black: "Representative, do you have any idea how many people we might be talking about in the course of a year's time that would be asking for such leave?"

Lopez: "No, there's no idea. We have no stats to show how many people could possibly this may affect."

Black: "Is it... I'm just not aware, you know, and I certainly try to be. I'm a parent and I'm just not aware that this is a problem. Has it been a problem up in your area that the people haven't been able to go to court, or haven't been able to have an agreement with their employer as to some of the things they would have to do if they'd been victimized by domestic violence?"

Lopez: "Well, I don't have any personal problems back in my district, but it's a problem that we know that exists in the State of Illinois. And all we're asking is that if an individual has been affected by domestic violence and we're talkin' about that individual. We're not talkin' about if their daughter or their son or if a family member has been affected by this. This is if they personally have been affected by domestic violence that they would need these hours to get, you know, get their life back together. So, in other words, they need to go to the doctor, they need co... get go to the court to get an order a court order of protection. Where... whatever the case may be. We're giving 'em... we would like to give 'em 20 hours per year to take care of the business that they gotta take care of."

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Black: "And that 20 hours would only be... would be in addition to, wouldn't it? They... would... they have to use all accrued leave, vacation time, et cetera, before they could access the 20 hours as mandated under your Bill?"

Lopez: "Right. I mean, if they have vacation time or sick time on the books, then they need to use that. I mean, they can't just keep that there for reserve and use the... this Act to take that time."

Black: "All right. So your leave provision would only be leave of last resort."

Lopez: "Exactly."

Black: "Every other sick day, vacation, personal days, everything would have to be exhausted before they could access the 20 hour provision."

Lopez: "You're correct."

Black: "Okay. Would the employer have to pay for said leave? In other words, if I had to go to court and I was in court 8 hours, could I come back to the employer and say, 'I, you know, want my 8 hours pay?'"

Lopez: "No. It's unpaid leave."

Black: "Okay. Unpaid leave. And it's only specific to the victim, not family members... "

Lopez: "No. Just to the employee themselves."

Black: "All right. Now, let me make sure I understand that, now. If you're working at some... if you're working at a business and your sister-in-law has to go to court because she has been abused by an abusive partner, you can't then request leave to go with your relative who suffered under domestic violence. It has to be the victim and only the victim. Correct?"

Lopez: "You're correct."

Black: "All right. No family members, no..."



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Lopez: "No family member, no best friend, no... just themselves."

Black: "All right. Okay. Thank you, Representative. I appreciate the answer to the questions."

Lopez: "Thank you."

Speaker Brunsvold: "No further discussion? The Gentleman from Cook, to close."

Lopez: "Thank you, Mr. Speaker, Members of the House. I just ask for a favorable roll call. This is a Bill that I think will be good for the victims of domestic violence in this state. Thank you."

Speaker Brunsvold: "The question is, 'Shall House Bill 1823 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Record yourself. Have all voted who wish? Mr. Clerk, take the record. And on that question, there were 102 voting 'aye', 13 voting 'no', 1 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Committee reports."

Clerk Rossi: "Representative Currie, Chairperson from the Committee on Rules, to which the following measures were referred, action taken on March 11, 1999, reported the same back with the following recommendations: 'to the floor for consideration' Amendment #7 to House Bill 999."

Speaker Brunsvold: "Mr. Clerk, would you read the committees, first set of committees meeting at 12:45? Excuse me, Mr. Clerk. Those committees meet immediately. Go ahead and read the list, please."

Clerk Rossi: "The following committees will meet immediately. The Agriculture and Conservation Committee in D-1. The Elementary and Secondary Education Committee in 114. The Energy Environment Committee in C-1. The Labor and

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Commerce Committee in 118. And the Public Utilities Committee in 122-B. At 12:45 the Urban Revitalization Committee will meet in 122-B."

Speaker Brunsvold: "The Chair is now prepared to recess until 1:30 p.m., for committees to meet. The Clerk will be in Perfunct (sic-Perfunctory) Session to read the Agreed Bill List. So, we now stand in recess until the hour of 1:30 p.m. to allow committees to meet."

Clerk Rossi: "Committee reports. Representative Davis, Monique Davis, Chairperson from the Committee on Appropriations-Human Services, to which the following measures were referred, action taken on March 11, 1999, reported the same back with the following recommendations: 'do pass Short Debate' House Bill 5, House Bill 1534, House Bill 2427, House Bill 2429, House Bill 2433, House Bill 2435, House Bill 2437, House Bill 2443, House Bill 2508; 'do pass Standard Debate' House Bill 1450, House Bill 2447; 'do pass as amended Short Debate' House Bill 2426, House Bill 2428, and House Bill 2509; 'do pass as amended Standard Debate' House Bills House Bill 1448, House Bill 2430, House Bill 2431, House Bill 2439, House Bill 2441, and House Bill 2445. The House Perfunctory Session will come to order. House Bills-Second Reading that appear on Agreed List #1 will be read a second time and held. House Bill #4, a Bill for an Act concerning tobacco. Second Reading of this House Bill. House Bill #22, offered by Representative Righter, a Bill for an Act to amend the Criminal Code of 1961 by changing Sections 12-2 and 12-6.1 and adding Section 12-6.4. Second Reading of this House Bill. House Bill #62, a Bill for an Act in relation to sex offenders. Second Reading of this House Bill. House Bill 107, a Bill for an Act to amend the Personnel Code by

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changing Section 8b.7. Second Reading of this House Bill. House Bill 153, a Bill for an Act concerning cemeteries. Second Reading of this House Bill. House Bill 238, a Bill for an Act to amend the Code of Criminal Procedure of 1963 by changing Section 110-7. Second Reading of this House Bill. House Bill 249, a Bill for an Act to amend the Criminal Code of 1961 by adding Section 11-23. Second Reading of this House Bill. House Bill 376, a Bill for an Act in relation to anhydrous ammonia. Second Reading of this House Bill. House Bill 477, a Bill for an Act to amend the Revised Uniform Limited Partnership Act by changing Sections 402, 602, and 603. Second Reading of this House Bill. House Bill 478, a Bill for an Act to amend the Revised Uniform Limited Partnership Act by changing Section 702. Second Reading of this House Bill. House Bill 496, a Bill for an Act to amend the Illinois Insurance Code by changing Section 397.1. Second Reading of this House Bill. House Bill 521, a Bill for an Act concerning property valuation. Second Reading of this House Bill. House Bill 524, a Bill for an Act to amend the Civil Administrative Code of Illinois by adding Section 60p. Second Reading of this House Bill. House Bill 574, a Bill for an Act to amend the Criminal Code of 1961 by changing Section 24-3. Second Reading of this House Bill. House Bill 613, a Bill for an Act to amend the Public Utilities Act by changing Section 5-104. Second Reading of this House Bill. House Bill 727, a Bill for an Act to amend the County Jail Act by changing Section 20. Second Reading of this House Bill. House Bill 812, a Bill for an Act to amend the Illinois Insurance Code by changing Section 123B-4. Second Reading of this House Bill. House Bill 813, a Bill for an Act to amend the Property Tax Code by changing Section 21-345. Second

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Reading of this House Bill. House Bill 832, a Bill for an Act to amend the Criminal Code of 1961 by changing Section 11-6. Second Reading of this House Bill. House Bill 839, a Bill for an Act amending the Criminal Code of 1961. Second Reading of this House Bill. House Bill 841, a Bill for an Act amending the Park District Code. Second Reading of this House Bill. House Bill 852, a Bill for an Act to amend the Code of Civil Procedure by changing Sections 5-105 and 5-105.5. Second Reading of this House Bill. House Bill 855, a Bill for an Act to amend the Code of Civil Procedure by changing Section 2-604. Second Reading of this House Bill. House Bill 873, a Bill for an Act to amend the Illinois Controlled Substances Act by changing Section 407.1. Second Reading of this House Bill. House Bill 912, a Bill for an Act to amend the Voluntary Payroll Deductions Act of 1983 by changing the title and Sections 3, 4, 5, and 6. Second Reading of this House Bill. House Bill 914, a Bill for an Act in relation to compulsive gambling. Second Reading of this House Bill. House Bill 934, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act by changing Section 505.1. Second Reading of this House Bill. House Bill 940, a Bill for an Act to amend the Election Code by changing Sections 4-33, 5-43, and 6-79. Second Reading of this House Bill. House Bill 1097, a Bill for an Act to amend the Criminal Code of 1961 by changing Section 11-6. Second Reading of this House Bill. House Bill 1098, a Bill for an Act to amend the Sexually Violent Persons' Commitment Act by changing Section 45. Second Reading of this House Bill. House Bill 1099, a Bill for an Act to amend the Criminal Code of 1961 by adding Section 17-23. Second Reading of this House Bill. House Bill 1102, a Bill for an Act to amend the Illinois Vehicle

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Code by changing Section 11-1301.3. Second Reading of this House Bill. House Bill 1110, a Bill for an Act concerning cigarettes. Second Reading of this House Bill. House Bill 1146, a Bill for an Act concerning the Illinois Community College Board, amending named Acts. Second Reading of this House Bill. House Bill 1147, a Bill for an Act concerning respiratory care practitioners (sic - a Bill for an Act to amend the Illinois Public Aid Code by adding Section 12-4.17a). Second Reading of this House Bill. House Bill 1151, a Bill for an Act to amend the Park District Code by adding Section 8-8a. Second Reading of this House Bill. House Bill 1164, a Bill for an Act in relation to probation officers. Second Reading of this House Bill. House Bill 1175, a Bill for an Act in relation to corrections. Second Reading of this House Bill. House Bill 1177, a Bill for an Act to amend the Consumer Fraud and Deceptive Business Practices Act. Second Reading of this House Bill. House Bill 1195, a Bill for an Act to amend the Criminal Code of 1961 by changing Section 24-1.2. Second Reading of this House Bill. House Bill 1198, a Bill for an Act to amend the School Code by changing Section 10-20.14. Second Reading of this House Bill. House Bill 1252, a Bill for an Act to amend the Service Contract Act by changing Section 10. Second Reading of this House Bill. House Bill 1274, a Bill for an Act to amend the Illinois Educational Facilities Authority Act. Second Reading of this House Bill. House Bill 1278, a Bill for an Act in relation to cannabis and controlled substances. Second Reading of this House Bill. House Bill 1291, a Bill for an Act to amend the School Code by changing Section 17-1. Second Reading of this House Bill. House Bill 1306, offered by Representative McAuliffe, a Bill for an Act concerning the

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Department of Human Services. Second Reading of this House Bill. House Bill 1307, a Bill for an Act concerning the Department of Human Services. Second Reading of this House Bill. House Bill 1308, a Bill for an Act to amend the Illinois Act on the Aging by changing Section 4.02. Second Reading of this House Bill. House Bill 1310, a Bill for an Act to amend the Civil Administrative Code of Illinois by adding Section 60.4. Second Reading of this House Bill. House Bill 1317, a Bill for an Act to amend the Property Tax Code by changing Section 18-250. Second Reading of this House Bill. House Bill 1321, a Bill for an Act to amend the Criminal Code of 1961 by changing Sections 9-1, 12-4.2, and 24-1.2. Second Reading of this House Bill. House Bill 1324, a Bill for an Act to amend the Illinois Income Tax Act by changing Section 703. Second Reading of this House Bill. House Bill 1353, a Bill for an Act to amend the Public Community College Act by changing Section 3-11. Second Reading of this House Bill. House Bill 1355, a Bill for an Act to amend the Illinois Insurance Code by changing Sections 107.15a and 107.29. Second Reading of this House Bill. House Bill 1366, a Bill for an Act to amend the Illinois Municipal Code by changing Sections 11-135-2, 11-135-3, and 11-135-4. Second Reading of this House Bill. House Bill 1392, a Bill for an Act to amend the Criminal Code of 1961 by changing Section 12-4. Second Reading of this House Bill. House Bill 1402, a Bill for an Act to amend the Unified Code of Corrections by changing Section 5-5-3.2. Second Reading of this House Bill. House Bill 1403, a Bill for an Act to amend the Code of Civil Procedure by changing Section 2-1101. Second Reading of this House Bill. House Bill 1405, a Bill for an Act to amend the Criminal Code of 1961 by adding Section 12-21.7.

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Second Reading of this House Bill. House Bill 1407, a Bill for an Act to amend the Criminal Code of 1961 by changing Sections 24-1 and 24-3.3. Second Reading of this House Bill. House Bill 1416, a Bill for an Act to amend the Illinois Savings and Loan Act of 1985 by changing Section 4-6. Second Reading of this House Bill. House Bill 1417, a Bill for an Act concerning school community policing partnerships. Second Reading of this House Bill. House Bill 1432, a Bill for an Act concerning arrest reports. Second Reading of this House Bill. House Bill 1435, a Bill for an Act regarding child support. Second Reading of this House Bill. House Bill 1469, a Bill for an Act to amend the Illinois State Employees Group Insurance Act of 1971 by changing Section 10. Second Reading of this House Bill. House Bill 1501, a Bill for an Act to amend the School Code by adding Section 2-3.126. Second Reading of this House Bill. House Bill 1502, a Bill for an Act to amend the School Code by changing Section 34-2.1. Second Reading of this House Bill. House Bill 1511, a Bill for an Act to amend the Code of Criminal Procedure of 1963 by changing Section 110-6.3. Second Reading of this House Bill. House Bill 1514, a Bill for an Act to amend the Criminal Code of 1961 by changing Sections 12-3.2 and 12-4.3. Second Reading of this House Bill. House Bill 1541, a Bill for an Act to amend the Criminal Code of 1961 by changing Section 12-4.2. Second Reading of this House Bill. House Bill 1565, a Bill for an Act to amend the Alcoholism and Other Drug Abuse and Dependency Act by changing Section 50-20. Second Reading of this House Bill. House Bill 1617, a Bill for an Act to amend the Nursing Home Care Act by changing Section 3-119. Second Reading of this House Bill. House Bill 1645, a Bill for an Act to amend the School Code by

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changing Section 10-11. Second Reading of this House Bill. House Bill 1657, a Bill for an Act to amend the Higher Education Student Assistance Act by changing Section 40. Second Reading of this House Bill. House Bill 1673, a Bill for an Act to amend the Unified Code of Corrections by changing Section 5-5-3.2. Second Reading of this House Bill. House Bill 1678, a Bill for an Act concerning taxes. Second Reading of this House Bill. House Bill 1693, a Bill for an Act to amend the Property Tax Code by changing Sections 14-20 and 16-75. Second Reading of this House Bill. House Bill 1694, a Bill for an Act to amend the Property Tax Code by changing Sections 20-130 and 20-140. Second Reading of this House Bill. House Bill 1722, a Bill for an Act to amend the Higher Education Student Assistance Act by changing Section 65.50. Second Reading of this House Bill. House Bill 1743, a Bill for an Act to amend the Property Tax Code by changing Section 4-15. Second Reading of this House Bill. House Bill 1759, a Bill for an Act to amend the Criminal Code of 1961 by changing Sections 12-3.2 and 12-30. Second Reading of this House Bill. House Bill 1769, a Bill for an Act to amend the Property Tax Code by changing Sections 21-385, 22-15, and 22-20. Second Reading of this House Bill. House Bill 1773, a Bill for an Act to amend the Good Samaritan Act by changing Section 12. Second Reading of this House Bill. House Bill 1786, a Bill for an Act to amend the Unified Code of Corrections by changing Section 5-5-3.2. Second Reading of this House Bill. House Bill 1806, a Bill for an Act to amend the Illinois Vehicle Code by changing Section 3-108. Second Reading of this House Bill. House Bill 1816, a Bill for an Act to amend the Illinois School Student Records Act by changing Section 6. Second Reading of this House Bill.



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House Bill 1817, a Bill for an Act to amend the Unified Code of Corrections by changing Section 5-5-3.2. Second Reading of this House Bill. House Bill 1824, a Bill for an Act to amend the Illinois Farm Development Act. Second Reading of this House Bill. House Bill 1839, a Bill for an Act to amend the Child Care Act of 1969 by changing Section 4.3. Second Reading of this House Bill. House Bill 1858, a Bill for an Act to amend the Code of Civil Procedure by changing Section 8-1402. Second Reading of this House Bill. House Bill 1860, a Bill for an Act to amend the Illinois Certified Shorthand Reporters Act of 1984 by changing Section 23 and adding Section 26.1. Second Reading of this House Bill. House Bill 1868, a Bill for an Act to amend the Illinois Vehicle Code by changing Section 3-100. Second Reading of this House Bill. House Bill 1871, a Bill for an Act to amend the Illinois Vehicle Code by changing Section 6-106.1a. Second Reading of this House Bill. House Bill 1931, a Bill for an Act to amend the Illinois Vehicle Code by changing Section 6-204. Second Reading of this House Bill. House Bill 1942, a Bill for an Act to amend the Abused and Neglected Long Term Care Facility Residents Reporting Act by changing Section 6.2. Second Reading of this House Bill. House Bill 1960, a Bill for an Act to amend the Downstate Forest Preserve District Act by changing Section 6. Second Reading of this House Bill. House Bill 1978, a Bill for an Act regarding property, amending named Acts. Second Reading of this House Bill. House Bill 1991, a Bill for an Act to amend the Illinois Enterprise Zone Act by changing Section 5.3. Second Reading of this House Bill. House Bill 2005, a Bill for an Act to amend the Illinois Municipal Code by changing Section 11-31-1. Second Reading of this House Bill. House

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Bill 2013, a Bill for an Act to amend the School Code by changing Section 30-16.3. Second Reading of this House Bill. House Bill 2026, a Bill for an Act to amend the Emergency Medical Services (EMS) Systems Act by changing Section 32.5. Second Reading of this House Bill. House Bill 2037, a Bill for an Act to amend the Criminal Code of 1961 by changing Section 12-9. Second Reading of this House Bill. House Bill 2041, a Bill for an Act to amend the Illinois Wage Payment and Collection Act by changing Section 9. Second Reading of this House Bill. House Bill 2045, a Bill for an Act to amend the School Code by changing Section 10-17a. Second Reading of this House Bill. House Bill 2091, a Bill for an Act concerning higher education, amending named Acts. Second Reading of this House Bill. House Bill 2103, a Bill for an Act to amend the Unified Code of Corrections by changing Section 3-14-1. Second Reading of this House Bill. House Bill 2109, a Bill for an Act to amend the Unified Code of Corrections by changing Section 5-5-3. Second Reading of this House Bill. House Bill 2169, a Bill for an Act in relation to penal ordinances, amending named Acts. Second Reading of this House Bill. House Bill 2176, a Bill for an Act relating to charitable organizations and activities, amending named Acts. Second Reading of this House Bill. House Bill 2107 (sic-House Bill 2177), a Bill for an Act amending the Higher Education Cooperation Act. Second Reading of this House Bill. House Bill 2196, a Bill for an Act to amend the Alcoholism and Other Drug Abuse and Dependency Act by changing Section 10-15. Second Reading of this House Bill. House Bill 2219, a Bill for an Act to create the offense of aggravated domestic battery, amending named Acts. Second Reading of this House Bill. House Bill 2257, a Bill for an

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Act to amend the Juvenile Court Act of 1987 by changing Section 5-615. Second Reading of this House Bill. House Bill 2264, a Bill for an Act to amend the Private Sewage Disposal Licensing Act by changing Section 4. Second Reading of this House Bill. House Bill 2287, a Bill for an Act to amend the Public Building Commission Act by changing Section 5. Second Reading of this House Bill. House Bill 2293, a Bill for an Act to amend the Criminal Code of 1961 by changing Sections 12-2 and 12-4. Second Reading of this House Bill. House Bill 2306, a Bill for an Act to amend the Criminal Code of 1961 by changing Section 12-9. Second Reading of this House Bill. House Bill 2310, a Bill for an Act to amend the Criminal Code of 1961 by changing Section 12-7.3. Second Reading of this House Bill. House Bill 2323, a Bill for an Act to amend the Counties Code by changing Section 5-12009. Second Reading of this House Bill. House Bill 2330, a Bill for an Act to amend the Counties Code by changing Section 5-25012. Second Reading of this House Bill. House Bill 2344, a Bill for an Act to amend the Code of Criminal Procedure of 1963 by changing Section 115-10.2. Second Reading of this House Bill. House Bill 2346, a Bill for an Act to amend the Criminal Code of 1961 by changing Section 24-1.1. Second Reading of this House Bill. House Bill 2349, a Bill for an Act to amend the Criminal Code of 1961 by changing Section 33D-1. Second Reading of this House Bill. House Bill 2352, a Bill for an Act to amend the Criminal Code of 1961 by changing Section 12-2 and adding Section 12-4.11. Second Reading of this House Bill. House Bill 2502, a Bill for an Act to amend the Property Tax Code by changing Section 15-40. Second Reading of this House Bill. House Bill 2589, a Bill for an Act to amend the Illinois Public Aid Code by changing

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Section 9A-1. Second Reading of this House Bill. House Bill 2629, a Bill for an Act to amend the Code of Criminal Procedure of 1963 by changing Section 112A-2. Second Reading of this House Bill. House Bill 2630, a Bill for an Act to amend the Illinois Vehicle Code by changing Section 4-105.1. Second Reading of this House Bill. House Bill 2641, a Bill for an Act in relation to radiation safety, amending named Acts. Second Reading of this House Bill. House Bill 2642, a Bill for an Act to amend the Illinois Nuclear Safety Preparedness Act by changing Section 4. Second Reading of this House Bill. House Bill 2645, a Bill for an Act in relation to landscape architecture. Second Reading of this House Bill. House Bill 2711, a Bill for an Act in relation to sex offenses and sex offenders. Second Reading of this House Bill. House Bill 2726, a Bill for an Act to amend the Adoption Act by changing Sections 1, 9, 10, 11, 13, and 14 and by adding Section 13.1. Second Reading of this House Bill. House Bill 2727, a Bill for an Act to amend the Adoption Act by adding Section 14b. Second Reading of this House Bill. House Bill 2730, a Bill for an Act to amend the Board of Higher Education Act by adding Section 9.29. Second Reading of this House Bill. House Bill 2732, a Bill for an Act to amend the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act by changing Section 3.09. Second Reading of this House Bill. House Bill 2733, a Bill for an Act to amend the School Code by changing Section 18-8.05. Second Reading of this House Bill. House Bill 2741, a Bill for an Act to amend the Illinois Municipal Code by changing Section 11-74.4-4. Second Reading of this House Bill. House Bill 2753, a Bill for an Act to amend the Illinois Public Aid Code by changing Section 5-5. Second

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Reading of this House Bill. House Bill 2767, a Bill for an Act to amend the Radiation Protection Act of 1990 by changing Section 11. Second Reading of this House Bill. House Bill 2774, a Bill for an Act concerning coverage for health benefits, amending named Acts. Second Reading of this House Bill. House Bill 2775, a Bill for an Act in relation to the transfer of real property. Second Reading of this House Bill. House Bill 2784, a Bill for an Act to amend the Grain Code by changing Sections 1-10, 1-15, 5-30, 10-10, 10-15, 10-25, 25-10, 25-20, and 30-5. Second Reading of this House Bill. House Bill 2791, a Bill for an Act to amend the Criminal Code of 1961 by changing Section 11-9. Second Reading of this House Bill. House Bill 2786 (sic-House Bill 2826), a Bill for an Act in relation to livestock. Second Reading of this House Bill. House Bill 2842, a Bill for an Act regarding hepatitis C screening and awareness. Second Reading of this House Bill. House Bill 2843, a Bill for an Act to amend the Clerks of Courts Act by changing Sections 8, 13, and 16. Second Reading of this House Bill. House Bill 2844, a Bill for an Act to amend the Code of Civil Procedure by changing Section 2-1011. Second Reading of this House Bill. House Bill 2855, a Bill for an Act to amend the Unified Code of Corrections by changing Section 5-5-3.2. Second Reading of this House Bill. These Bills have been read a second time and will be held on the Order of Second Reading. House Bills-Third Reading that will be read a third time and held on the Order of House Bills-Third Reading. These Bills appear on the Agreed List #1. House Bill 89, a Bill for an Act to amend the Illinois Horse Racing Act of 1975 by changing Section 3.08. Third Reading of this House Bill. House Bill 124, a Bill for an Act to amend the School Code by changing Section 2-3.13a.

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Third Reading of this House Bill. House Bill 127, a Bill for an Act to amend the Advisory Commission on Internet Privacy Act by changing Sections 15 and 90. Third Reading of this House Bill. House Bill 138, a Bill for an Act to amend the Flag Display Act by changing Sections 1 and 2 and by adding Section 2a. Third Reading of this House Bill. House Bill 167, a Bill for an Act concerning bonds, amending named Acts. Third Reading of this House Bill. House Bill 215, a Bill for an Act to amend the Frauds Act by changing Section 2. Third Reading of this House Bill. House Bill 231, a Bill for an Act to amend the Home Repair Fraud Act by changing Section 3. Third Reading of this House Bill. House Bill 248, a Bill for an Act to amend the Criminal Code of 1961 by changing Section 24-1.2. Third Reading of this House Bill. House Bill 295, a Bill for an Act to amend the Criminal Code of 1961 by changing Sections 11-6 and 11-6.5 and adding Section 16D-5.5. Third Reading of this House Bill. House Bill 325, a Bill for an Act relating to public university tuition statements. Third Reading of this House Bill. House Bill 377, a Bill for an Act regarding representation of a child, amending named Acts. Third Reading of this House Bill. House Bill 466, a Bill for an Act to amend the Juvenile Court Act of 1987 by changing Sections 1-7 and 1-8. Third Reading of this House Bill. House Bill 473, a Bill for an Act to amend the Local Government Debt Reform Act by changing Section 12. Third Reading of this House Bill. House Bill 526, a Bill for an Act to amend the Criminal Code of 1961 by changing Sections 14-1, 14-2, and 14-4. Third Reading of this House Bill. House Bill 553, a Bill for an Act concerning nursing. Third Reading of this House Bill. House Bill 578, a Bill for an Act to amend the

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Property Tax Code by changing Section 15-65. Third Reading of this House Bill. House Bill 678, a Bill for an Act to amend the Board of Higher Education Act by changing Section 9.28. Third Reading of this House Bill. House Bill 792, a Bill for an Act in relation to the transmission of drug information by the Internet. Third Reading of this House Bill. House Bill 793, a Bill for an Act to amend the Criminal Code of 1961 by changing Sections 28-1, 28-1.1, 28-2, 28-3, 28-5, and 28-7. Third Reading of this House Bill. House Bill 795, a Bill for an Act to amend the School Code by changing Section 10-22.24a and adding Section 10-22.24b. Third Reading of this House Bill. House Bill 835, a Bill for an Act to amend the Illinois Municipal Code by changing Section 3.1-40-50. Third Reading of this House Bill. House Bill 851, a Bill for an Act to amend the State Treasurer Act by changing Section 17.1. Third Reading of this House Bill. House Bill 891, a Bill for an Act concerning commemorative medallions. Third Reading of this House Bill. House Bill 923, a Bill for an Act to amend the Illinois Public Aid Code by changing Section 5-5. Third Reading of this House Bill. House Bill 1180, a Bill for an Act in relation to solicitation by certain persons. Third Reading of this House Bill. House Bill 1197, a Bill for an Act to amend the Juvenile Court Act of 1987 by changing Sections 5-130 and 5-805. Third Reading of this House Bill. House Bill 1199, a Bill for an Act to amend the Criminal Code of 1961 by changing Section 12-4.2. Third Reading of this House Bill. House Bill 1201, a Bill for an Act to amend the Criminal Code of 1961 by changing Section 24-3A. Third Reading of this House Bill. House Bill 1293, a Bill for an Act to amend the School Code by amending Section 18-17. Third

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Reading of this House Bill. House Bill 1298, a Bill for an Act to amend the Adoption Act by changing Section 1. Third Reading of this House Bill. House Bill 1305, a Bill for an Act to amend the Criminal Code of 1961 by changing Sections 46-1, 46-1.1, 46-2, and 46-5 and adding Section 46-6. Third Reading of this House Bill. House Bill 1333, a Bill for an Act to amend the Vocational Education Act by changing Section 2.1. Third Reading of this House Bill. House Bill 1540, a Bill for an Act to amend the Criminal Code of 1961 by changing Sections 12-14 and 12-16. Third Reading of this House Bill. House Bill 1739, a Bill for an Act to amend the Illinois Highway Code by changing Section 5-701.7. Third Reading of this House Bill. House Bill 1761, a Bill for an Act to amend the Criminal Code of 1961 by changing Sections 11-9 and 26-1. Third Reading of this House Bill. House Bill 1764, a Bill for an Act to amend the Criminal Code of 1961 by changing Section 16-1. Third Reading of this House Bill. House Bill 1767, a Bill for an Act to amend the Probate Act of 1975 by changing Section 11a-18. Third Reading of this House Bill. House Bill 1790, a Bill for an Act to amend the Election Code by changing Section 10-6. Third Reading of this House Bill. House Bill 1813, a Bill for an Act to amend the Unified Code of Corrections by changing Section 5-6-1. Third Reading of this House Bill. House Bill 1879, a Bill for an Act to amend the Pharmacy Practice Act of 1987 by changing Section 16a. Third Reading of this House Bill. House Bill 1972, a Bill for an Act concerning off-highway vehicles. Third Reading of this House Bill. House Bill 2020, a Bill for an Act to amend the School Code by changing Section 7-2b and repealing Section 2-3.105a. Third Reading of this House Bill. House Bill 2047, a Bill



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for an Act to amend the Public Funds Investment Act by changing Section 6. Third Reading of this House Bill. House Bill 2087, a Bill for an Act to amend the Higher Education Student Assistance Act by changing Sections 10 and 35. Third Reading of this House Bill. House Bill 2106, a Bill for an Act to amend the Illinois Vehicle Code by changing Section 3-629. Third Reading of this House Bill. House Bill 2166, a Bill for an Act to amend the Comprehensive Health Insurance Plan Act by changing Section 8. Third Reading of this House Bill. House Bill 2206, a Bill for an Act to amend the Illinois Public Aid Code by changing Sections 1-11 and 12-4.34. Third Reading of this House Bill. House Bill 2283, a Bill for an Act providing for the State of Illinois to enter into an agreement with Missouri and Iowa to establish the Mid-America Port Commission. Third Reading of this House Bill. House Bill 2298, a Bill for an Act to amend the Counties Code by changing Section 5-12009.5. Third Reading of this House Bill. House Bill 2343, a Bill for an Act to amend the Illinois Municipal Code by adding Section 11-117-1.2. Third Reading of this House Bill. House Bill 2345, a Bill for an Act to amend the Criminal Code of 1961 by changing Section 16-1. Third Reading of this House Bill. House Bill 2360, a Bill for an Act to amend the Criminal Code of 1961 by changing Section 12-15. Third Reading of this House Bill. House Bill 2381, a Bill for an Act to amend the Code of Criminal Procedure of 1963 by changing Section 112A-23. Third Reading of this House Bill. House Bill 2580, a Bill for an Act concerning higher education, amending named Acts. Third Reading of this House Bill. House Bill 2610, a Bill for an Act to amend the Illinois Controlled Substances Act by changing Section 407. Third

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Reading of this House Bill. House Bill 2636, a Bill for an Act to amend the Public Water Supply Operations Act. Third Reading of this House Bill. House Bill 2722, a Bill for an Act concerning risk-based capital regulation for health insurers, amending named Acts. Third Reading of this House Bill. House Bill 2724, a Bill for an Act to amend the Public Construction Bond Act by changing Section 1. Third Reading of this House Bill. House Bill 2748, a Bill for an Act to amend the Rights of Crime Victims and Witnesses Act by adding Section 8.5. Third Reading of this House Bill. House Bill 2758, a Bill for an Act to amend the Public Radio and Television Grant Act by changing Sections 6 and 7 and adding Section 7.5. Third Reading of this House Bill. House Bill 2772, a Bill for an Act to amend the Toll Highway Act by changing Section 23. Third Reading of this House Bill. House Bill 2776, a Bill for an Act to amend the Business Enterprise for Minorities, Females, and Persons with Disabilities Act. Third Reading of this House Bill. House Bill 2792, a Bill for an Act to amend the Illinois Vehicle Code by changing Section 11-313. Third Reading of this House Bill. House Bill 2814, a Bill for an Act to amend the Criminal Code of 1961 by changing Section 11-6. Third Reading of this House Bill. These House Bills have been read a third time and will remain on the Order of Third Reading. House Bill 1391, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this House Bill. House Bill 1393, a Bill for an Act concerning higher education. Third Reading of this House Bill. These Bills will remain on the Order of Third Reading. Introduction and First Reading of Senate Bills. Senate Bill 37, offered by Representative Mathias, a Bill for an Act concerning tax objections. Senate Bill 48,

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offered by Representative Durkin, a Bill for an Act in relation to mental health records for applicants for Firearm Owner's Identification Cards. Senate Bill 117, offered by Representative Bost, a Bill for an Act to amend the Alternative Health Care Delivery Act. Senate Bill 203, offered by Representative Hoffman, a Bill for an Act to amend the Illinois Vehicle Code. First Reading of these Senate Bills. Committee reports. Representative Mike Smith, Chairperson from the Committee on Agriculture and Conservation, to which the following measures were referred, action taken on March 11, 1999, reported the same back with the following recommendations: 'be approved for consideration' Floor Amendment #2 to House Bill 242. Representative Larry Woolard, Chairperson from the Committee on Elementary and Secondary Educations to which the following measures were referred, action taken on March 11, 1999, reported the same back with the following recommendations: 'be approved for consideration' Floor Amendment #2 to House Bill 131. Representative Stroger, Chairperson from the Committee on Labor and Commerce, to which the following measures were referred, action taken on March 11, 1999, reported the same back with the following recommendations: 'be approved for consideration' Floor Amendment #1 to House Bill 2041. Representative Shirley Jones, Chairperson from the Committee on Public Utilities, to which the following measures were referred, action taken on March 11, 1999, reported the same back with the following recommendations: 'be approved for consideration' Floor Amendment #1 to House Bill 287. Committee reports. Representative Doug Scott, Chairperson from the Committee on Urban Revitalization, to which the following item was referred, action taken on March 11, 1999, reported the same

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back with the following recommendations: 'be approved for consideration' Floor Amendment #1 to House Bill 1877."

Speaker Brunsvold: "The House shall come to order. All unauthorized personnel shall leave the chambers. All Members should report back to the floor, please. Mr. Clerk, committee reports."

Clerk Bolin: "Representative Phil Novak, Chairperson from the Committee on Environment and Energy, to which the following measures were referred, action taken on March 11, 1999, reported the same back with the following recommendations: 'be approved for consideration' Floor Amendment #1 to House Bill 909, and Floor Amendment #1 to House Bill 2631."

Speaker Brunsvold: "And on page 64 of the Calendar, appears House Bill 1833. Mr. McGuire. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1833, a Bill for an Act concerning preventative services. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Will, Mr. McGuire."

McGuire: "Thank you, Speaker. Ladies and Gentlemen of the House, I have House Bill 1833 and it's very similar to the Bill I had yesterday, 1831 (sic-House Bill). And it provides that the vendors and homemakers on chore housekeeper services shall receive a rate inquese... excuse me... rate increase equal to the percent increase in the federal minimum wage. And it says... I say very similar to yesterday's Bill and I'll try to answer any questions. We have the same agreement... I believe, Representative Black, with the vendors that we talked about yesterday. Now, I'll answer any questions. If not, I'd appreciate your affirmative vote."

Speaker Brunsvold: "The Gentleman's asked for the passage of 1833 (sic-House Bill). And on that question, the Gentleman from

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Cook, Mr. Parke."

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

Speaker Brunsvold: "Sponsor yields."

Parke: "You said it's like the Bill that we had had, isn't this the Bill that we had yesterday?"

McGuire: "No, Sir. It's not the same Bill. It's very similar."

Parke: "How's it different?"

McGuire: "The Bill yesterday was a three... no less than three, no more than five percent increase. This Bill is a rate increase tied with the federal minimum wage increase whenever that is raised. It's basically the same Bill otherwise, Representative..."

Parke: "Now, is this..."

McGuire: "...affecting the same people."

Parke: "Is this tied to the minimum wa... the federal minimum wage?"

McGuire: "Yes."

Parke: "So let me get this straight. If you're saying that... homemakers and chore housekeepers shall now be tied to the federal minimum wage, do you have any idea now, how much this is gonna cost?"

McGuire: "Let me see, Mr. Parke. According to my analysis, the fiscal impact would not be known until the passage of another increase in the federal minimum wage. So it's tied to any increase in the federal minimum wage. So it'd be hard to determine that 'til there was the accompanying increase in the federal minimum wage."

Parke: "I listened to part of the President's minimum wage disclosure on the State of the State and he said that he wanted a significant increase in the minimum wage. Have you done any research if he got what he requested what it would cost the State of Illinois? I mean, wouldn't it be

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millions of dollars?"

McGuire: "Well, I can't comment on what he meant by significant increase, and as you know, that has been a proposal. I don't know that's gonna be, actually... come to reality. But, no, we haven't researched that because I think it's... too unknown. This will be tied to whatever the federal minimum wage increase is, if and when there is an increase."

Parke: "Well, how much are they making now?"

McGuire: "I'm sorry. How much what?"

Parke: "How much are these people making, now, these employees?"

McGuire: "Not enough."

Parke: "Nah, come on..."

McGuire: "I think..."

Parke: "I know. I don't make enough either."

McGuire: "I think it's \$5.15. We're talkin' about the minimum wage. Is that what you're talkin' about?"

Parke: "No, I'm talkin' about what are these people making currently?"

McGuire: "Oh. Dollar per... per hour?"

Parke: "Yeah."

McGuire: "I don't think I have that exact information. It probably varies with different vendors."

Parke: "How come the Department of Human Services is opposed to this?"

McGuire: "Well, the Department of Human Services and the Aging Department both were opposed to the Bill, but, as you know, being here a long time, that most agencies are opposed to anything of this matter just because of budgetary items. But that's the only position they took on it."

Parke: "Now, this is enabling legislation, is it not? Isn't... does this have to be appropriated or is there money in the

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budget, currently, to do this?"

McGuire: "I'm not sure, Mr. Parke, if there's money in the budget this year. The Governor did propose an increase of 12¢ an hour or 1.3% in his State of the State Budget Message. A month or two... "

Parke: "Do we need this legislation to implement that?"

McGuire: "I'm sorry. I couldn't hear ya."

Parke: "Do we need this legislation to implement his request or can it just be done through the budgetary process?"

McGuire: "I would think the legislation would be necessary to implement it."

Parke: "Well, it says here in my analysis, 'for every penny increase to the minimum wage, the cost would be \$172,000 to the Department of Human Services.' So, if it was a 10¢ increase, again, I'm not real good at math, but a hundred and seventy-two thousand, looks like a million seven hundred and twenty thousand dollars to the department's budget. Do you have a tax increase you want to sponsor to take care of this increase cost?"

McGuire: "No, not at all. No."

Parke: "Well, how you gonna..."

McGuire: "Well..."

Parke: "How we gonna come up with this money?"

McGuire: "Well, your figures are conjecture, I believe, aren't they? You're predicating that on what... 10¢ increase?"

Parke: "It says... I'm predicating it on the estimation for every penny increase... it's a hundred and seventy-two thousand dollars. So, again, I'm tryin to use my simple math that says now you're at a million seven hundred and twenty thousand dollars. Thank you, Representative. To the Bill. Ladies and Gentlemen of the House, it's obvious that this is well intended and that everybody wants people to have

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more money. There's no doubt about it. But the problem is, we keep spending all this extra money we want, you won't have any Rainy Day Fund. If you don't have a Rainy Day Fund, you're not gonna be able to show the taxpayers and citizens how frugal we are. You guys are gonna to continue to just pass one Bill after another Bill after another Bill. How many times are we gonna spend this money? I think this Bill should be held in... on the floor of the House until we have a negotiation with the Governor and work with him and work with your people and whatever's left over decide where you're gonna appropriate it and just appropriate it. You don't need this legislation, so I would rise in opposition to this."

Speaker Brunsvold: "Further discussion? The Lady from Cook, Representative Mulligan."

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

Speaker Brunsvold: "Sponsor yields."

Mulligan: "Representative McGuire, currently, in the Department of Aging, the homemakers get \$9.55 an hour. Approximately, 73% of that, or \$6.97, which is above minimum wage now goes to the worker. The Governor, in his budget, has proposed a 12¢ an hour increase starting the beginning of the new fiscal year."

McGuire: "Right."

Mulligan: "I've, also, requested for the House Republicans a .12¢ increase starting in April which the department informed me today that they pretty much have okayed already through the Bureau of the Budget. So there's a good chance they're gonna get 12¢. Minimum wage is what... around \$5.50 an hour?"

McGuire: "Five fifty... five sixty... somewhere in there. Five fifty-five."



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Mulligan: "It's \$5.15, my staff is telling me, and my understanding with the Clinton proposal, is that they want to increase it 50¢ an hour two years in a row, which would ultimately raise it a dollar. Right now, 12¢ an hour, in the Department of Aging the increase would be... for a quarter, \$480,000. So that turns out to be about 2,000,000 per year for just 12¢ an hour. We're talkin' 50¢ an hour for two years running. And then in committee today, the House Democrats proposed a Bill that cut \$14,000,000 out of the Aging budget and 12,000,000 in the Illinois Community Care Program Homemaker and Senior Companion Services. That Bill was passed out of committee. How do you propose to cover this with that kind of a decrease that you're proposing... your side of the aisle is proposing in the Aging budget? I'd be curious to know how you think we're gonna cover what your proposal is."

McGuire: "Well, first of all, your figures are all conjecture. I... as I said to Representative Parke..."

Mulligan: "No, they're not conjecture, Representative. They're verified from the department. I asked... "

McGuire: "No..."

Mulligan: "...for these figures when we asked for the increase."

McGuire: "Le... let me finish. You mentioned the President's proposal. I believe that's still conjecture, isn't it? That hasn't been passed. But anyhow, with the..."

Mulligan: "No, but we'd be linked to it, if it was."

McGuire: "Yeah. I know you're talkin about what... the committee here in Springfield, but, I think, you and Representative Parke mentioned what the President proposed for the federal minimum wage, didn't you? Well, anyhow we proposed to address these issues with the Governor. So... so... "

Mulligan: "But in other words, you're not sure what this is going

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to cost the State of Illinois and..."

McGuire: "No. No."

Mulligan: "...even though we know these workers badly need an increase, minimum wage... "

McGuire: "Well, naturally, it'd be an increase. That's what we're asking for. Yes."

Mulligan: "But they're already making more than minimum wage and 50¢ an hour going directly to the employee does not cover things like FICA and whatever that the employer has to pay. So the price tag of this is very important, because it's a considerable amount of money."

McGuire: "It may be a considerable amount of money. It depends on what you call considerable. I think, you know who we're talkin' about and what these workers do. These are not animal control workers. We pay people to get... picking up garbage and taking care of animals more than we pay these people."

Mulligan: "I understand that."

McGuire: "Who take care of our friends and relatives... Go ahead."

Mulligan: "It was our position in appropriation committee, that they receive not only the 12¢ an hour raise that the Governor, but the 12¢ an hour raise to go into effective in April before this budget. Now, my understanding from the proposal that was passed out of committee with all Democrat votes on it, no Republican votes was, this was a Bill that caught a lot of money out of the Department of Aging. Money that would cover both this increase that we're... as proposed, and possible increase that you would want. You would need a major supplemental Bill, if this were to pass in October, at least 50¢ for the Department of Aging budget alone, let alone other workers. And I don't know if your

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other Bill the other day was for a different area. It wasn't Aging, was it?"

McGuire: "Yes. Yes."

Mulligan: "It was Aging, also?"

McGuire: "Yes. That's why it's... "

Mulligan: "This to me... "

McGuire: "Yes."

Mulligan: "...is a humongous increase which you don't seem to have a proposal how to fund. Why create expectations unless you have an idea of where the money's coming from?"

McGuire: "Well, as I said, Representative, we've proposed to address these issues with the Governor in the near future."

Mulligan: "Well, is the proposal to allow or to, you know, to let your appropriations committee cut the Governor's budget and then go back and ask them for an increase? I don't understand that, quite frankly. I would think that you would... "

McGuire: "Well, I think you should understand sometimes that's the way things are done down here."

Mulligan: "Perhaps, I understand that that's how things are done, but I like to do things in a more straightforward manner. The way we asked for it was an additional 12¢ and then we... and we found where the money was coming from and proposed to them where to take the money from."

McGuire: "My Bill is straightforward."

Mulligan: "It's... it is as to what you want. It is not as to how you're gonna pay for it and how you pay for it is the area that I work in here. So I'm very curious as to how you're gonna pay for it and so far, I haven't heard that. Whether it's a supplemental, or to change the Bill that we just passed out of committee today that cuts that budget... that... from your side of the aisle. I mean, I'm real

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curious to know how that's gonna work."

McGuire: "I'm on one of the appropriations committees. I'm not on the appropriation committee that you mentioned, but I think you know the process, here. We're gonna try and work this out, and I think, the question becomes which comes first, the appropriation or the Bill. I'd like to see the Bill pass, so that we can make some headway in negotiations with the Governor on appropriation."

Mulligan: "Is it reasonable to assume that if the President is suggesting 50¢ an hour for the next two years to be a dollar an hour, that that possibly may be a negotiating figure. But that we may still see a quarter an hour, which is double what we're doing now, which means probably at least \$4,000,000 a year for the next several years... add to that budget? Not including FICA or what the companies would have to pay for?"

Speaker Brunsvold: "Further discussion? Representative Mulligan."

Mulligan: "Representative Leitch was in committee, also. I think he can probably pick up where I left off. I just wanted... I... it's not that I don't support the Gentleman's idea behind this Bill. I think those workers from our... I mean, our perspective particularly in our community has always been to support those workers. My only problem is, who's gonna pay for it? And if we're gonna cut the budget in that area, which is a proposal from your side of the aisle that passed out of committee today, where is the money coming from?"

Speaker Brunsvold: "Further discussion? The Gentleman from Effingham, Mr. Hartke."

Hartke: "Thank you very much. I listened and real curious to the previous speaker talkin' about where we're gonna pay for

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this. You know, I... these individuals that provide this service to our seniors and our handicapped and disabled they work minimum wage. They do lousy jobs... it's a lousy job to carry a bedpan, give baths, do the cooking and cleaning in these homes, taking care of the sick and elderly. You know, go ahead, if you don't like the Bill, vote against it. But, I'm gonna vote for it 'cause I think that it's a tough job. I wouldn't want to do it and they deserve more than that minimum wage. If we're gonna increase that by the COLA, fine, then we're all gonna have to meet that at some point in time. We have to follow federal legislation. This will put us right there to take care of those issues."

Speaker Brunsvold: "The Gentleman from DuPage, Mr. Tom Johnson."

Johnson, Tom: "Yes, Jack, I don't disagree with what you're tryin' to do here. I always like to see more money get to these workers, as well. What I have a problem with, if I understand your Bill correctly, is you are fixing increases for these types of workers based on increases to the... any increase in the federal minimum wage."

McGuire: "That's right."

Johnson, Tom: "You know, and I guess that's where I have my problem, that you're gonna fix this formula into law. And I think it's mixing apples and oranges. Because minimum wage, of course, is a necessity to get somebody up to, at least, what we would hope would be a basic standard of living in this country and so on, whether we agree it needs to be raised further now or not. The point is, is that minimum wage maybe ought to be raised another dollar. I don't know. That's a separate debate. If that is, that's like a 20%... 30% increase, whatever. If you follow that logic, if I'm making \$15 an hour or \$20 an hour, it doesn't

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necessarily follow that I should be entitled to a 20% increase just because minimum wage went up 20%. So my problem is tying it to a formula here. Because you know, I hope most of these workers are well up above minimum wage sooner than later and they are above now, but maybe not as high as they should. But to tie it to a formula at some point, it mixes the apples and the oranges. We need to give appropriate raises when we need to give appropriate raises. And minimum wage is a separate issue and to tie the two together, to me, does not make good business sense, does not make good sense long term. The COLA increase, I understand, that's different. You get a cost of living increase every year. I can certainly understand that for everybody and every worker in the state I would like to, at least, have a cost of living so you stay even. But tying your formula like this, I think, they're apples and oranges and it shouldn't be tied in that fashion."

McGuire: "Thank you."

Speaker Brunsvold: "The Lady from Cook, Representative Davis."

Davis, M.: "Thank you, Mr. Speaker. I rise in support of this legislation. What we have currently, is even if the department or agency provides more dollars to the provider, the provider does not necessarily pass that on to the worker. This Bill, hopefully, will help some of the homemakers and some of the others who provide that very needed service. They will be afforded that increase. I believe that the Gentleman's Motion is actually very timely, because some of these workers who go in and do the work everyday that helps keep people out of nursing homes, helps to save the state a great deal of money. I believe the mention of the cuts that were made a little earlier, in reference to the Department of Aging, those cuts were made

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based upon the department having lapped spending of over \$6,000,000. And because of that lapped spending of \$6,000,000, they were not afforded that in the upcoming budget. We're still negotiating, but I believe that this legislation will provide for those people working for providers to get the necessary and needed increases. And the provider themselves cannot keep those dollars for administration, but actually pass those dollars on to the people who are doing the work. Now, many people don't want to see those doing the work get the money. They want to see those administrators get those monies. But this Bill is to make sure the workers, the home care providers get the money to serve the people to keep'em at home to keep'em out of nursing homes and to keep'em at home with their families at a much lower cost to the State of Illinois. It's a noble piece of legislation and we urge an 'aye' vote."

McGuire: "Thank you."

Speaker Brunsvold: "Further discussion? The Gentleman from Peoria, Mr. Leitch."

Leitch: "Thank you very much, Mr. Speaker. This is all very interesting because many of us have joined in support in previous years to provide well-deserved raises to the community care and the other health care workers in the system. But I am just appalled at the discussion here because we just got done in appropriations committee wacking 12.8 million bucks that the... was in the Governor's budget to provide these raises. And now we're talking about adding more, when you just got done taking the money out of the Governor's budget to pay the COLA. Now, I don't get it. I mean, does this mean that this year, like last year, we're gonna make the Human Services

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and the community care workers and the others be in the political football again, instead of just simply dealing with this as the Governor's so responsibly put in his budget? I think it is very irresponsible that that money was taken out of the budget to provide these raises this morning. And I think that we should join together and make a statement very soon that we are not gonna subject those people to the political football game that they were subjected to last year. So, I don't know how you can stand here and advocate for this, when at the same time you're removing money from the Governor's budget, over 12 million bucks just in Aging, for community care workers that would address this COLA issue."

Speaker Brunsvold: "Is that a question, Mr. Leitch?"

Leitch: "Yes."

Speaker Brunsvold: "Mr. McGuire."

McGuire: "I didn't understand it was a question, but I think... "

Speaker Brunsvold: "Could you repeat your question, Mr. Leitch?"

Leitch: "I'd be delighted to. This morning in Human Service appropriations we wiped out the Governor's allocated 12.8 million bucks for the increases for community care workers and the people who are providing these kind of services. So I don't understand how you can be advocating, in fact, to increase the amounts to pay these individuals, as well deserved as this is, when at the same time this morning you wiped out the money to even do the COLAs."

McGuire: "Yeah. Representative Leitch, the number that you speak of in the committee, that's under debate and I think, part of the plan, as I mentioned to Representative Mulligan, is to sit down with the Governor to come up with the right figure for these pay raises, rate increases, and that's the gist of the Bill. So the Bill predates everything that



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we're speaking of this morning, anyhow... this afternoon."

Leitch: "Well, on that, I would suggest, Sir, is a very curious way to approach the issue. And it also raises the concern that this year we may make them subject to being a political football, again. I do not think that that is the correct thing to do. And I think that that money should not have been stripped from the people whom you have described very well as those who need this money the most to take that money out of their budget... out of the Governor's proposed budget, I just think was a very irresponsible thing. And I would hope that we would not go down the path that we went down last year on this issue."

McGuire: "Representative Leitch, I will be one of those, probably like you, who will be working to see that we get all the money we can in that budget. So this is part of why I say the negotiations that we'll have with the Governor is to try and get the monies for these wage increases."

Leitch: "Thank you, Mr. Speaker."

Speaker Brunsvold: "No further discussion? The Gentleman from Will to close."

McGuire: "Yes. I would appreciate your 'aye' vote on this important Bill and it's for people who do a great service to our friends and relatives in this State of Illinois. And I'd appreciate an affirmative vote and thank you."

Speaker Brunsvold: "The question is, 'Shall House Bill 1833 pass?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 106 voting 'aye', 8 voting 'no', 2 voting 'present'. This Bill having received a Constitutional Majority is hereby declared passed. On page 65 of the Calendar, appears House Bill

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2256. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2256, a Bill for an Act regarding pharmaceuticals. Third Reading of this House Bill."

Speaker Brunsvold: "The Lady from Grundy, Representative Mary Kay O'Brien."

O'Brien: "Thank you, Mr. Speaker. House Bill 2256 will lower health care costs by making generic medicines which have been approved by the FDA immediately available to Illinois citizens. The Bill does not take away the doctor's power to prescribe a particular medication and the Bill does not change the doctor/patient relationship. Additionally, this Bill does not alter the pharmacist's obligation to dispense the drug as directed by the physician. It doesn't change the way pharmacists fill prescriptions that are written by the doctor. This Bill does not abolish the Illinois Technical Advisory Committee. What this Bill does is simply to say that once a generic equivalent has been approved by the FDA that pharmacists can substitute that drug."

Speaker Brunsvold: "The Lady's asked for the passage of House Bill 2256. Is there any discussion? The Gentleman from Cook, Mr. Hassert."

Hassert: "Thank you, Mr. Speaker. For legislative intent, I'd like to read this into the record."

Speaker Brunsvold: "Proceed."

Hassert: "'The purpose of House Bill 2256 is to direct that generic drugs eligible for substitution in the State of Illinois are those that have been listed or approved for listing as therapeutically equivalent to the brand name product and Food and Drug Administration approved drug products with Therapeutic Equivalent Evaluation List, the Orange Book, the FDA Extensive Generic Drug Review and

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approved process ensures that the citizens of Illinois will receive only those generic products that will have met the rigorous FDA standards to obtain approval for the market. Accordingly, this legislation's intent is to limit pharmacies substitution to products which have FDA 'AB' ratings as therapeutical equivalent. We believe that this is the best interest of the health and welfare of the citizens of the State of Illinois to preclude the addition of drugs products to the Illinois Drug Products Selection Formularity, and that have not undergone (sic-undergone) review and approval by the FDA. And where there has not been a determination that the generic product is therapeutically equivalent to its brand-name counterpart. It is our intent to reaffirm that the Technical Advisory Council, the Department of Health never had nor is now granted the authority to review or add products to the Illinois Drug Products Selection Formulary that have not been rated as therapeutically equivalent by the FDA. Citizens of the State of Illinois can rely on the FDA determinations that the products are therapeutically equivalent and can satisfy interchanged by pharmacists. The FDA's comprehensive generic review process established the foundation upon which the FDA is able to make a determination that the generic product is therapeutically equivalent to its brand-name counterpart. The FDA expends significant resources in reviewing and approving the abbreviated the new drug application for generic drugs. Applications are subject to rigorous scientific review process conducted by physicians, pharmacists, biopharmaceutical scientists, chemists, field inspectors and other dedicated professionals. FDA also has used technical expertise of this county's leading pharmaceutical

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scientists in establishing bioequivalent requirements and standards for approval. We believe that this is sound public policy and makes good scientific and economic sense for the citizens of the State of Illinois deriving expertise of the FDA in reviewing/approving the drugs and on the FDA's judgment in generic products are therapeutic equivalent to their brand-name equivalents. With this legislation, the citizens of the State of Illinois can have confidence that the generic drugs dispensed by the pharmacists are of high quality and through the drug product selection by Illinois pharmacists they will be receiving access to these products as soon as they are approved by the FDA and they are therapeutic equivalents to their brand-name counterparts.' Thank you."

Speaker Brunsvold: "Further discussion? The Lady from Cook, Representative Eileen Lyons."

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

Speaker Brunsvold: "Sponsor yields"

Lyons, E.: "Representative, I understand what you're trying to do. But would this Bill eliminate all prior actions and that means the decisions that the Advisory Council has made?"

O'Brien: "You know, I had a discussion with Mr. Suffert, and it's my understanding that there was a decision made last week regarding a specific drug and that, indeed, it would eliminate the two restrictions that they put on the dispensing of that drug."

Lyons, E.: "But my understanding is that this would supersede the commission's decisions, that there would no longer be the supervision of drugs. Is that true?"

O'Brien: "It won't eliminate their authority to have the drugs go through that committee, but once the FDA says that they are

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the therapeutic equivalent, then yes, the pharmacist can substitute them."

Lyons, E.: "So this would be drugs that the FDA approved, but not necessarily supervised by the commission in the State of Illinois?"

O'Brien: "Correct. Once the FDA approves them, like they do, I mean, we are one of only two states that still has this committee or this type of a requirement."

Lyons, E.: "Do we know what drugs this would affect?"

O'Brien: "This would affect any drug for which there is a therapeutic, generic equivalent."

Lyons, E.: "And since this committee really, since all generic drugs are not completely equivalent, then... since all generic drugs necessarily aren't truly equivalent, wouldn't there be a risk for those drugs that are not truly equivalent? Just because they get an FDA approval, doesn't necessarily mean that they are truly equivalent."

O'Brien: "The approval by the FDA is just that, that they are the therapeutic equivalent of the name-brand drug. You know, that's the job of the FDA."

Lyons, E.: "And it's my understanding that the committee does that supervising to make sure, because there has been cases where the FDA has approved drugs and that do not necessarily, as I said, truly an equivalent."

O'Brien: "Well, I think, what the FDA does is when they approve a generic drug, what their role is, is to say that it is the therapeutic equivalent and that's what this Bill covers, those that the FDA has said, you know, are the therapeutic equivalent of the name-brand drug. So, yes, it would... those Bills would be the equivalent."

Lyons, E.: "So then, how would physicians be notified about any changes in what they prescribe?"

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O'Brien: "The Orange Book is the physician's notification. And they will continue to receive the TAC notification, as well, because this Bill doesn't eliminate their ability to rate drugs either."

Lyons, E: "And I guess, I'm still confused, so..."

O'Brien: "Well, the Orange Book is what's used typically, what the FDA publishes to let physicians know what generic drugs are available for use and for prescription. And that would be their notification."

Lyons, E.: "And that guide book that you're talking about would supersede the state scrutiny of these interchangeable drugs."

O'Brien: "That's correct."

Lyons, E.: "And why do we want to do that? If we have another safeguard in place, why would we want to supersede... "

O'Brien: "I don't, necessarily, know that I would call it a safeguard. I think that's a duplicative, unnecessary layer of bureaucracy that costs a lot of money for some residents of this state who can't access generic drugs, because for whatever reason until they are authorized by this TAC Committee."

Lyons, E.: "And that would be my concern. As I said, I understand what you're trying to do and I think what you're trying to do is protect consumers, but in that effort, my concern is that more scrutiny is better than less scrutiny."

O'Brien: "Well, I think that if it was truly a public health issue, and that was a problem, that... you know, we've given the authority to the FDA and if we don't trust them, then we should do something about the FDA. But 48 other states has said, you know, when the FDA does their job, when they say that it is the equivalent of the name-brand

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drug, then we are, you know, we are saying that the public has been protected. Because, as you know, the FDA takes some times years to scrutinize a drug and to let it be used by humans and to let the generic equivalent be used. So, you know, I don't think that 48 other states would jeopardize the health of their residents by not having an additional layer of bureaucracy to screen these drugs out."

Lyons, E.: "Well, I guess that's... that might be a point where we disagree, only because when it comes to drugs and medications, I think more scrutiny is better than less scrutiny. So, that would be a concern. I appreciate what you're trying to do. But I'm not sure, first of all it's necessary. You spoke about savings and generic drugs are available today, so I don't understand what more savings could take place with this drug... with this Bill."

O'Brien: "More drugs will be available to the pharmacists to make the recommendation if there is... and a physician will still be able to mark the box 'do not substitute'. If the physician does not want the individual to have the option of the generic drug, they can mark 'do not substitute'. But for all the other cases, then the pharmacists would be able to say to the patient, 'Would you like this substitution?' or to automatically... and to do that substitution for them and just save them money. I know from personal experience, with drugs that... because of a 'do not substitute' order, I could have saved a lot of money, but for that reason. So I know that there will be a savings for people."

Lyons, E.: "I hope that you can appreciate my concerns..."

O'Brien: "Certainly, certainly."

Lyons, E.: "...and I appreciate what you're trying to do. But again, I think that that scrutiny is something, that we..."

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or safeguards is something we don't want to get rid of.

Thank you very much."

Speaker Brunsvold: "Further discussion? The pharmacist from Madison, Mr. Stephens."

Stephens: "As opposed to the pharmacist from Kankakee or the pharmacist from Greenville. Thank you, Mr. Speaker. To the Bill."

Speaker Brunsvold: "Proceed."

Stephens: "Representative O'Brien, just said exactly what we should be thinking, and that is if a doctor... if you're concerned about whether a patient is going to receive what the doctor wants you to have, current statutes in Illinois dictate that if the doctor wants you to have the drug that he prescribed and no substitution allowed, he simply checks the 'no substitution' blank or check blank on the prescription. What the Bill that Representative O'Brien has brought before us does, simply says that once the FDA has shown that the generic substitute is bioequivalent, that that generic substitute can then be used, without having to go through the step of having been reviewed in the State of Illinois and only in this state by the Technical Advisory Committee. These are a group of pharmacists that are very thoughtful and very well-intentioned and spend a lot of time and energy. However, I have to stand as their friend and as a pharmacist and tell you, I'm not sure that that's a significant layer of bureaucracy that we need. For those patients who feel that they're not protected, for those doctors who feel like their rights maybe infringed upon here, they simply can ask for the brand name, check that mark... check that point on the prescription blank and Representative O'Brien is correct, that's what they will



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receive and it is... would be against the law to give them anything else. So, I think that this is a common-sense Bill. I think it doesn't in any way bring into question whether the safety of Illinois patients is being eroded in any manner. Thank you, Mr. Speaker. You can call on me anytime."

Speaker Brunsvold: "Thank you, Mr. Stephens. Further discussion? The Gentleman from Vermilion, Mr. Black."

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

Speaker Brunsvold: "Sponsor yields."

Black: "Representative, what kind of constructive notice is in the language of your Bill? Does my doctor have to be notified of the substitution?"

O'Brien: "No."

Black: "You mean the pharmacist on his or her own could make the substitution without any notice to the physician?"

O'Brien: "Right."

Black: "What about the... what about the..."

O'Brien: "I mean, that's the law today..."

Black: "...what about me?"

O'Brien: "...Representative Black."

Black: "Am I given constructive notice that I'm going to get a different compound or a different name...?"

O'Brien: "You... I mean, you would know that..."

Black: "...is the pharmacist going to tell me..."

O'Brien: "...you would know that..."

Black: "If I go in and I'm expecting to get a Valium, a brand name, you know, a brand name. And I could use some on occasion. And I leave and I look down and I see that instead of Valium, I have acetaminophen. Now I get home and I don't know what that is. I'm afraid to take it. I

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say, 'Oh oh, they made a mistake.' Now I call my doctor. My doctor says, 'What do you mean? Read the name.' I try to read the name to him and he says, 'That isn't what I prescribed.' What happens in this scenario?"

O'Brien: "Well, most likely, what would happen in that situation, is your doctor'd write you a new prescription under the order 'do not substitute'. I would certainly... a pharmacist is going to tell... ask you if you... make you aware that there is a generic equivalent and ask you if you would like that."

Black: "All right. So, if the doctor then gives notice on the prescription, if it may be substituted, then I assume that that's prima facie evidence that he's pretty confident that a generic isn't going to give me any reaction, or interaction with any other medications I might be on."

O'Brien: "Correct."

Black: "Correct? I'm a little curious and I didn't hear some of the legislative intent. I asked Representative Hassert if he would read it again and he refused. In fact, he was a little more adamant than that, quite frankly. But surely, if I bring a prescription to a pharmacist, surely the pharmacist has to give me constructive notice that the doctor said, 'It's okay to give you 'X' instead of 'Y'. Is that okay with you?'"

O'Brien: "Right."

Black: "All right. Does the Bill state that, or can the pharmacist just go back in his little mixing room, substitute, come out and give me the sack and doesn't tell me anything?"

O'Brien: "This Bill doesn't address that, because it's already current law."

Black: "Is the current law clear in that the pharmacist has to

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tell me that instead of giving me Valium, he's going to give me a generic substitute called Southern Comfort, or whatever?"

O'Brien: "That's my understanding, yes, Representative Black."

Black: "Okay. All right. I'm somewhat taken aback on such a Bill. I find nothing in our file from any of the pharmaceutical companies. Are they not aware of the Bill or did they say they had no opposition to the Bill?"

O'Brien: "Well, I have had some pharmaceutical companies notify me both ways..."

Black: "So..."

O'Brien: "Some that I met with this morning that were opposed and some that I've met with previously, that were in support."

Black: "Okay, so I guess in this case then, silence would constitute acceptance, correct?"

O'Brien: "I can read you a list of the proponents and the opponents, if you would like."

Black: "All right. Because, I, to tell you the truth, I have no opponents listed and I find that to be... I just couldn't imagine that we had no opponents listed. It's probably of my error, but do you have opponents that would be... that have contacted you?"

O'Brien: "I do. I have the list of proponents and opponents from the witness slips in the committee."

Black: "I'm just interested in the opponents. Because I don't show any. And that's probably... I've missed something, but..."

O'Brien: "The opponents as listed in committee would be Pfizer Corporation, Scherring-Plough External Affairs, Inc., Johnson and Johnson Pharmaceutical Research and Manufacturers Association, DuPont Pharmaceuticals, Department of Public Aid, and Novartis."

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Black: "Holy mackerel. Staff just tells me that Public Aid is now neutral on the Bill. Is that your understanding? But..."

O'Brien: "Right."

Black: "But it would... it would..."

O'Brien: "Right. But in committee they are now neutral. But in committee, they had filed..."

Black: "It would... it would seem to me that every pharmaceutical manufacturer then is probably in opposition to the Bill."

O'Brien: "Only those that do not have a generic division and it would... that it's in their best interest the longer a generic pill stays off the market."

Black: "Well, I've tried to follow some of the debate earlier and it was a little noisy in here. I assume you've already addressed the question of 'same as' or 'similar as' or that... that... what I don't want to get into, and unfortunately in my life, I've had to take a number of prescription drugs. I don't want to get into where somebody makes a decision, gives me a drug that has not been adequately nor thoroughly tested and I suffer the consequences of that. What's the safeguard here?"

O'Brien: "Well, the FDA is our safeguard and you know, there is oftentimes a lot of criticism that the FDA takes too long..."

Black: "Oh surely not." that..."

O'Brien: "...in doing all their testing..."

Black: "A federal agency take too long?"

O'Brien: "...and researching of drugs. So, I feel..."

Black: "Why, I can't imagine that."

O'Brien: "...confident that they do a good job."

Black: "As far as I know, the FDA is still thinking about approving penicillin, but that could be a rumor. I don't

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know. But, you know, I mean, our districts aren't that far apart and I know that you were the goat milking champion last year at the Will County Fair, wasn't it?"

O'Brien: "Kankakee County Fair."

Black: "Kankakee County Fair, as well as it should be. And of course, goats take a lot of pharmaceutical compounds. And I know that you want the goat to be healthy and I know you want me to be healthy. And I want some reasonable assurance that there's adequate testing before this substitution is made. Because, I... you're telling me existing law says I have to have constructive notice, that the pharmacist comes out and says, 'Your doctor prescribed 'X' but said I could substitute. I can save you money if you'll accept 'Y'. Now some consumers will just say if it saves me money, that's great. I, on the other hand, would want to know a little bit about, what 'Y' is and how does it work and so forth and so on. And I do have the right to ask that pharmacist that, do I not?"

O'Brien: "Absolutely."

Black: "Okay. I'm... what's the basic purpose of the Bill? Is it just to save money or to streamline a procedure?"

O'Brien: "I believe that it's some of both. Right now, and it doesn't just save an individual who has private insurance or no insurance and has to pay for the drugs themselves, but drugs the taxpayers subsidize through the Illinois Department of Public Aid. Right now, we have to wait until the TAC Committee has authorized the use of that generic drug or the substitution of that generic drug. And what this Bill will do is, say that if the FDA has approved it, and they said that it is therapeutically equivalent, then unless a doctor says do not substitute, that it should be offered for substitution at a great savings to many

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consumers. And I do believe that... and of course, I am very concerned about the health and the health of all the old goats that I've milked or have known throughout this state. And I believe that this Bill makes sure that they are protected."

Black: "I... it appears that your Bill has also removed any oversight by the Illinois Department of Public Health. Is that correct?"

O'Brien: "No. Because at least the TAC Committee is not being eliminated or prohibited at all, so that they can continue to do what they're doing."

Black: "Okay. Thank you, I appreciate your indulgence, Representative. Thank you. Thank you, Mr. Speaker."

Speaker Brunsvold: "Further discussion? The Lady from Cook, Representative Mulligan."

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

Speaker Brunsvold: "The Sponsor yields."

Mulligan: "Representative O'Brien, although you just responded to Representative Black, the Technical Advisory Committee from the Department of Public Health, after this Bill, would virtually be useless, wouldn't they? I mean, they don't have any capacity once this Bill is passed."

O'Brien: "Well, what we were told and what I was told, is that often they may approve generic equivalent before it's in the Orange Book. Their approval process, even though the Orange Book is only printed four times a year."

Mulligan: "Well, that was another question I was going to ask you. You answered Representative Lyons that 'How would physicians find out?' But there was two questions. Physicians might find out... physicians could find out what drugs have been approved through the Orange Book, but you're saying the Orange Book is only printed four times a

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year. So, wouldn't the TAC Committee also be able to give the ability to use certain generic drugs ahead of what the Orange Book would publish?"

O'Brien: "Yes. They would be able to if they... their process moves quickly enough, in fact, to authorize drugs even before the Orange Book comes out. So, they would still have a role, because then they could put them into the marketplace even..."

Mulligan: "They just couldn't keep a drug from not being authorized. So, what good does that do us a safeguard?"

O'Brien: "I cannot hear you."

Mulligan: "If they can only put out, rubber stamp what the FDA has approved, prior to the Orange Book being printed, but they can't say that a drug cannot be put out until there's more information given them, then virtually, all they're doing is a pass through for printing the Orange Book. So..."

O'Brien: "Well, I believe what they might be doing is, if they do have concerns, it may alert a physician that maybe he wants to put a 'do not substitute' order. You know, perhaps the work that they would do is alert a physician that he wants to issue a 'do not substitute' order if he has concerns because of a report issued by the TAC Committee."

Mulligan: "Mr. Speaker. Mr. Speaker. Mr. Speaker."

Speaker Brunsvold: "Yes."

Mulligan: "Representative O'Brien and I are having a hard time hearing each other, asking questions or answers."

Speaker Brunsvold: "Yes, please give the Ladies your attention. It's a very important issue."

Mulligan: "Aren't most generic drugs readily available for sale right now in Illinois?"

O'Brien: "They would have to be specifically prescribed until

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they are... they can't be substituted. So, a physician would have to specifically prescribe them until the TAC Committee approves them."

Mulligan: "If a pharmacist substitutes without the physician prescribing that, will the pharmacist be responsible for letting the physician know that they've substituted the drug? Or is it just... there's no notice to the physician?"

O'Brien: "Well, every physician will now know that if they do not want a generic drug substituted, if there's a generic drug for the drug that they are prescribing, that if they don't want it substituted, that they need to mark the box. They need to be careful. They need to mark the box 'do not substitute'. Yes, and now if a physician knows that the drug that he or she is prescribing has a generic equivalent that's been approved by the FDA, he will know that a pharmacist, may in fact, fill that prescription with a generic equivalent."

Mulligan: "If a physician does not check 'brand name only', and a new generic has come on and there is a small problem with it because it hasn't gone to the Technical Advisory Committee, will the physician then assume liability for not checking 'brand name only?'"

O'Brien: "I'm sure that it would follow the same liability and malpractice rules that we have now. So, if they would be liable for prescribing a drug that was harmful, then if they are liable now, if they are covered under the Malpractice Act, then they would be under this, as well."

Mulligan: "But it really puts the onus on them to make sure that they know that this new generic has been totally tested and to make sure that they put only 'brand name' rather than not to leave it blank. I mean, some physicians that I go



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to now have a pad that says, 'brand name or not' where they can check. Others do not. Some are more careful than others. Some patients know more to ask their doctor. But I mean, if you're changing the law and the physician chooses not to check 'brand name' for a brand new generic that's substituted and the pharmacist does this on his own, the physician may have liability for not checking 'brand name'."

O'Brien: "Well, I'm confident that the physicians that are licensed to practice in the State of Illinois are careful and do their job and understand when a drug is being even submitted to the FDA that they'll follow the process along, especially if that's an area that they practice in. And that they'll know that a, you know... I don't think it's any great secret when a drug is scheduled for approval by the FDA..."

Mulligan: "Does your... "

O'Brien: "...especially among that physician community. It might be to me. But, I think that we need to trust our physicians to know when a drug is going to be approved by the FDA and to make that decision on a case by case basis, 'do not substitute'"

Mulligan: "Does your Bill..."

O'Brien: "It's within their power and it's the law today."

Mulligan: "All right. Does your Bill require that the Department of Public Health or some other entity notify physicians when this is passed, of the change in the law?"

O'Brien: "I did not hear your question."

Mulligan: "Does your Bill require notice of physicians about the change in the law?"

O'Brien: "No, it does not."

Mulligan: "Thank you."

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Speaker Brunsvold: "The Lady from Cook, Representative Wojcik."

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

Speaker Brunsvold: "Sponsor yields. Ladies and Gentlemen, we've been on this Bill for half an hour."

Wojcik: "Well, this is..."

Speaker Brunsvold: "Please."

Wojcik: "...very interesting legislation and inasmuch as years past, I legislated the antigeneric drug. I'm a little confused by your comment that you say the FDA tests the generic drug."

O'Brien: "The FDA approves the generic equivalent."

Wojcik: "What are... well, the generic equivalent. Okay, my question to you then, if they are approving the generic equivalent, they have not tested the generic drug. They are approving what the product ingredients are. Let's use an example of Diabinese, which is a diabetic drug. A generic drug is being made and it's being made through a nonpharmaceutical company in India. So the pharmaceutical company in India is creating this drug, and they're using the same formula. However, there's one ingredient, and it's call the 'fill'. That's what thickens the pill up. That ingredient is not the same as the original. There comes your drug reaction. Because it's not the same formula. So, my question to you is, that if this is done, is the consumer being told that the drug company is 'such and such a drug company', so that they can research in case they have a drug reaction? Is there any caveat in this legislation that would cover the consumer?"

O'Brien: "Well, what the consumer does, first of all, is they see a licensed physician who should be aware of the things that you just mentioned. And if he feels, or she feels that it is not in the best interest of their patient, then they

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should mark 'do not substitute'. And secondly, when the pharmacist, if that box has not been marked, and they go to fill that prescription, if the consumer has questions, you know, somebody Representative Stevens is who they would ask and talk to about what... you know, why would that not be good or good for them to take."

Wojcik: "But is there some sort of protection for the consumer that in case the drug was changed after the original generic was prescribed, they would know this?"

O'Brien: "There's nothing in this Bill that covers that, Representative Wojcik."

Wojcik: "Okay. Well, I would suggest then something should cover that. Because there is a great problem with generic drugs, and the problem happens to be the 'fill'. And it's well intended. And I think your legislation is well intended. But the problem that we have out there is that there's drug reactions and then we don't know what company manufactured the drug to cause the reaction or to take the drug off the market. So, I just would say that there's a caution in this Bill, regarding that issue. Thanks."

O'Brien: "Thank you."

Speaker Brunsvold: "Representative O'Brien, to close."

O'Brien: "I would just respectfully ask for an 'aye' vote. Thank you."

Speaker Brunsvold: "The question is, 'Should House Bill 2256 pass?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that issue... on that question, there are 107 voting 'yes', 8 voting 'no', 1 voting 'present'. This Bill having received a Constitutional Majority is hereby declared passed. On page 7 of the Calendar, appears House

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Bill 287. Mr. Tenhouse. The Gentleman in the chambers?  
There he is. Mr. Clerk, what's the status of this Bill?"

Clerk Rossi: "House Bill 287, a Bill for an Act to amend the  
Public Utilities Act. Second Reading of this House Bill.  
No Committee Amendments. Floor Amendment #1, offered by  
Representative Tenhouse, has been approved for  
consideration."

Speaker Brunsvold: "Representative Tenhouse on Floor Amendment  
#1."

Tenhouse: "All right. Yes, Mr. Speaker, Ladies and Gentlemen of  
the House. Floor Amendment #1 would establish a Affordable  
Rural Telecommunication Service Program Design Group to  
advise the General Assembly to investigate the necessity  
and feasibility of creating a fund from which  
telecommunication service may receive compensation to  
mitigate the price impact on consumers. Their group shall  
report its findings and recommendations to the General  
Assembly by January 1, 2001. I would ask for adoption of  
the Floor Amendment #1."

Speaker Brunsvold: "On the Motion to adopt the Amendment, is  
there any discussion? The Lady from Cook, Representative  
Silva."

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

Speaker Brunsvold: "Representative Silva?"

Black: "Yes."

Tenhouse: "Representative, your voice is changing, somewhat."

Black: "I'm sorry."

Speaker Brunsvold: "Yes, you've changed."

Black: "I'm on the wrong side of the aisle and I'm sorry."

Speaker Brunsvold: "Any discussion on the Amendment? Any  
discussion on the Amendment? Seeing none, the Gentleman  
has moved for the adoption of Floor Amendment #1 to House

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Bill 287. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment has been adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Brunsvold: "Third Reading. On page 15 of the Calendar, appears House Bill 710. Mr. Clerk, status of this Bill."

Clerk Rossi: "House Bill 710 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Lang, has been approved for consideration."

Speaker Brunsvold: "The Gentleman from Cook, Representative Lang, on Floor Amendment #1."

Lang: "Thank you, Mr. Speaker. House Bill 710 is this year's version of the Fund Education First Act. I think you're mostly familiar with what that Bill does. Floor Amendment #1, basically says that we don't count the pension money. So if Floor Amendment #1 were adopted, we would save 50% or more of all new state revenue would go to education, but the pension money would not be counted. Of course, pension money does not go directly to students, and to count that and to say that that money should be counted toward the 50% goal that we have is really unfair and really understates the case for education funding. I would move adoption."

Speaker Brunsvold: "The Gentleman has moved adoption on Floor Amendment #1. Is there any discussion? Seeing none, all in favor say 'aye'; all opposed 'nay'. The 'ayes' have it. And Floor Amendment #1 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Brunsvold: "Third Reading. On page 3 of the Calendar, appears House Bill 131. Mr. Black. Where's Mr. Black, now? There he is. What's the status of this Bill, Mr. Clerk?"

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Clerk Rossi: "House Bill 131, a Bill for an Act to amend the School Code. Second Reading of this House Bill. No... Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Black, has been approved for consideration."

Speaker Brunsvold: "Floor Amendment #2. Mr. Black."

Black: "Yes. Thank you very much, Mr. Speaker. Floor Amendment #2 simply codifies existing collective bargaining and seniority rights under the existing School Code for the cooperative high school that the underlying Bill creates. That's all it does."

Speaker Brunsvold: "The Gentleman's asked for the adoption of Floor Amendment #2. Is there any discussion? Seeing none, all in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment has been adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Brunsvold: "Third Reading. On page 3... also on page 3, appears House Bill 130. Mr. Clerk, the status of this Bill."

Clerk Rossi: "House Bill 130, a Bill for an Act to amend the Illinois Vehicle Code. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Black, has been approved for consideration."

Speaker Brunsvold: "Floor Amendment #1. Representative Black."

Black: "Mr. Speaker, I never look a gift horse in the mouth, but I never presented this Amendment in committee. So, did it pop right to the floor?"

Speaker Brunsvold: "Yes, it did."

Black: "Oh, wonderful. Okay. Floor Amendment #1 simply further clarifies what we're trying to do with pickup trucks and students involved in vocational agriculture. It says, 'the school board... any school board that authorizes a second

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division vehicle to transport students enrolled in grade 12 or below for an agrarian related school activity, shall accept liability for any injury or damage resulting from said transportation.' And that the school board, in fact, has to authorize such use of a second division vehicle. Be glad to answer any questions you have."

Speaker Brunsvold: "The Gentleman's asked for the adoption of Floor Amendment #1. Is there any discussion? Seeing none, the Gentleman moves for adoption. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. Floor Amendment #1 has been adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Brunsvold: "Third Reading. On page 10 of the Calendar, appears House Bill 497. Mr. Clerk, the status of this Bill?"

Clerk Rossi: "House Bill 497, a Bill for an Act concerning computers for children. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Hamos, has been approved for consideration."

Speaker Brunsvold: "Representative Hamos on Floor Amendment #1."

Hamos: "This is a very small Amendment to a Bill that I hope to have a chance to describe tomorrow. But all this Amendment does is it was at the request of the Department of Corrections to add vocational and training programs to this Section that will allow Corrections to set up computer rehab programs. And I move for its adoption."

Speaker Brunsvold: "The Lady has moved for the adoption of Floor Amendment #1. Is there any discussion? Seeing none, all in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it. And Floor Amendment #1 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments have been approved for

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consideration."

Speaker Brunsvold: "Third Reading. On page 53 of the Calendar, appears House Bill 2642. Mr. Clerk, the status of that Bill?"

Clerk Rossi: "House Bill 2642... "

Speaker Brunsvold: "Take that Bill out of the record, Mr. Clerk. On page 45 of the Calendar, appears House Bill 2104. What's the status of that Bill, Mr. Clerk?"

Clerk Rossi: "House Bill 2104, a Bill for an Act amending the Property Tax Code. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Brunsvold: "Third Reading. On page 13 of the Calendar, appears House Bill 596. What's the status of that Bill, Mr. Clerk?"

Clerk Rossi: "House Bill 596, a Bill for an Act regarding screening for newborns. Second Reading of this House Bill. Amendments 1 and 2 were adopted in committee. No Motions have been filed. Floor Amendment #3, offered by Representative Hamos, has been approved for consideration."

Speaker Brunsvold: "Representative Hamos on Floor Amendment #3."

Hamos: "Thank you, Mr. Speaker. This is an Amendment that was discussed in the committee process, itself. It was brought to me by the Department of Public Health which wanted certain language. It was brought to me by the various people who came to that committee who all asked for some clarification of language. And that's all this Amendment does. And again, I'm looking forward to the opportunity to describe the whole Bill, but that's all this Amendment tries to do."

Speaker Brunsvold: "The Lady has moved for the adoption of Floor



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Amendment #3. Is there any discussion? Seeing none, all those in favor of adopting Floor Amendment #3 say 'aye'; opposed 'nay'. The 'ayes' have it. Floor Amendment #3 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Brunsvold: "Third Reading. On page 60 of the Calendar, appears House Bill 442. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 442, a Bill for an Act amending the Illinois Plumbing License Law. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Cook, Mr. Giglio."

Giglio: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Bring before you today, House Bill 442. What this Bill does is, it makes plumbing contractors a registered business under the Department of Public Health. It'll bring us in line with detective agencies, security contractors, alarm contractors, locksmiths and numer (sic-numerous) others. Professions that are registered with the state. So we know who's out there as a contractor doing this. Some of the analysis will show that the Illinois Municipal League is opposed to it. That is in error. The IML is not opposed to this Bill. And I'd ask for your favorable support."

Speaker Brunsvold: "Gentleman's asked for the passage of House Bill 442. On that question, is there any discussion? The Gentleman from Jackson, Representative Bost."

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

Speaker Brunsvold: "Sponsor yields."

Bost: "Yeah. Representative, I just need to find out. You know a couple years ago, we passed out a Bill here and you've mentioned the locksmiths' Bills and we were told that that was agreed upon by the state locksmiths. In the plumber's

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organization, which is in support of this, how many members do you have downstate, please?"

Giglio: "I wouldn't want to venture a guess, Representative Bost. I'm not sure, although, what I will add is that this Bill was brought forth to me by the Illinois Association of Plumbing and Heating and Cooling Contractors."

Bost: "Okay. The mention, you know, during the debate of the previous that I mentioned, it was said that the Illinois Locksmiths Association was in total support and then we came to find out that there was one member in the Illinois Locksmiths Association outside the City of Chicago. So it's important for us..."

Giglio: "I appreciate that."

Bost: "...as downstaters to understand that we're not, you know, doing something that our local plumbers would want at this time."

Giglio: "I apologize. I would feel confident to say that the... there... any idea... I would feel confident in saying that there is at least, outside of Cook and the collar counties, let's say, there's at least a hundred and fifty, two hundred members, at least. And I would also feel confident in saying each one of those who is a member of the Illinois IHPCC would be in favor of this."

Bost: "Okay. I have had some correspondence with some people in my district that were concerned about a licensing Act and I don't know if this is the same licensing Act. Maybe you can tell me this, and it has to do with the people that are in the nursing business, as far as plants and things like that. And it put some regulations in place would force registered plumbers to lay lines for sprinkler systems. Does this have anything to do with that?"

Giglio: "Nothing to do with sprinkler systems."

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Bost: "Okay. Thank you very much."

Giglio: "Thank you."

Speaker Brunsvold: "Further discussion? The Gentleman from Vermilion, Mr. Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. To the Bill."

Speaker Brunsvold: "Proceed."

Black: "I think the Gentleman is well intended. He's a very forthright individual. He's talked to us about the Bill. But, Ladies and Gentlemen of the House, at what point are we going to stop licensing people who want to do business in this state? You know, I worked with a Legislator some years ago who said what we ought to do is create a license for everybody in the State of Illinois, but only create one and then each Legislator could be a licensed whatever and that would mean we'd all live happily ever after. Plumbing contractors are not the same thing as plumbers. You may have a general contractor with a plumber on his or her payroll. You don't need to license every business entity in the State of Illinois to be assured that people are capable and willing and able to do business. At some point, our willingness to license anything that moves and everything that doesn't move and everything that is contemplating moving or not moving, gives a false sense of security to people in the State of Illinois. Oh, well they're licensed. They must do a wonderful job. That's... nothing could be further from the truth. I would sug... I would submit that if the Gentleman wants plumbing contractors to be licensed, then they can do it on a regional basis through their Home Builders Association or their contracting association. But as Representative Bost said, when you get down into Southern Illinois and you may

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only have one or two contractors in a 600 square mile area, sometimes the licensing requirements are simply prohibitive as to time or cost or both. And if there is in fact a problem, then let communities license them. Let counties license them. They know who they are. They live there. They do business there. The Department of Public Health doesn't know anybody in my district. They don't have any idea what needs are in my district. This Bill is not... I've seen no compelling evidence whatsoever, that this Bill is necessary or in response to any grievous injury that has happened to anyone in the State of Illinois. At some point in the United States of America, couldn't we just say, 'you're still the land of opportunity. If you want to go into business, go into business and if you're a shyster, there are laws to deal with you. If you're incompetent, the marketplace will take care of you.' We don't need to license every single entity in the State of Illinois. I intend to vote 'no'."

Speaker Brunsvold: "Further discussion? The Gentleman from Cook, Mr. Parke."

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

Speaker Brunsvold: "Sponsor yields."

Parke: "Thank you. Representative, what does it take to become a plumber?"

Giglio: "You need to serve a five-year apprenticeship and then after that, after passing a written, an oral, and a practical exam, you're, assuming you... you pass that exam, you get your state plumber's license."

Parke: "Do you have to put a bond up to... with the State of Illinois?"

Giglio: "No, but you do need to register with the State of Illinois. Your plumber's license it's... it's administered

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by the Department of Public Health."

Parke: "And is there any kind of a \$20,000 bonding or a bond or some kind of a performance thing that you have to put up? Is there such a thing?"

Giglio: "Not currently, there is not. Again, this is to license contractors. Under this Bill, that's part of it, Representative."

Parke: "Okay. Now, it says here that the... according to your Bill description, that you gotta put a 20... the contractor who's using the... these plumbers, has gotta put a \$20,000 bond up. Is that cost... is that a cost that is incurred by the plumbers?"

Giglio: "That cost would be incurred by the contractor. Right now, let's assume that you're a plumbing contractor and you meet all the current laws. Meaning that in order to do business... to do the business of plumbing here in Illinois, one of the corporate officers is a licensed plumber and you have your workmens' compensation coverages and your general liability and all those coverages in place. Under this Bill, you would now register with the Department of Public Health and post a \$20,000 bond, which I would consider to be a minimal cost, a couple hundred dollars a year to the plumbing contractor. So that the State of Illinois knows what corporations are doing plumbing here in Illinois."

Parke: "One last question. Who's opposed to your legislation?"

Giglio: "The... I believe the Illinois State Chamber is opposed and outside of that, truly the only individuals that would be opposed to this are the unlicensed individuals currently doing plumbing in the State of Illinois."

Parke: "Thank you, Representative."

Speaker Brunsvold: "Further discussion? Seeing none, Mr. Giglio,

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to close."

Giglio: "I would simply ask for your favorable support."

Speaker Brunsvold: "The question is, 'Shall House Bill 442 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Record yourself. Have all voted who wish? Mr. Clerk, take the record. On that question, there are 69 voting 'yes', 45 voting 'no', 1 voting 'present'. This Bill having received a Constitutional Majority is hereby declared passed. The Chair would like to proceed to some Second to Third Reading Bills that are on our First Agreed List, which we passed out to the Members very shortly, for your review. So the Chair, now, is going to proceed to moving some Bills from Second to Third, that are on the First Agreed Bill List. Mr. Clerk, House Bill 4."

Clerk Rossi: "House Bill 4 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 22."

Clerk Rossi: "House Bill 22 has been read a third (sic-second) time, previously."

Speaker Brunsvold: "Third Reading. House Bill 62."

Clerk Rossi: "House Bill 62 has been read a third (sic-second) time, previously."

Speaker Brunsvold: "Third Reading. House Bill 153."

Clerk Rossi: "House Bill 153 has been read a third... second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 238."

Clerk Rossi: "House Bill 238 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 249."

Clerk Rossi: "House Bill 249 has been read a second time,

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previously."

Speaker Brunsvold: "Third Reading. House Bill 376."

Clerk Rossi: "House Bill 376 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 477."

Clerk Rossi: "House Bill 477 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 478."

Clerk Rossi: "House Bill 478 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 521."

Clerk Rossi: "House Bill 521 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 524."

Clerk Rossi: "House Bill 524 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 574."

Clerk Rossi: "House Bill 574 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 613."

Clerk Rossi: "House Bill 613 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 727."

Clerk Rossi: "House Bill 727 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 812."

Clerk Rossi: "House Bill 812 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 813."

Clerk Rossi: "House Bill 813 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 832."

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Clerk Rossi: "House Bill 832 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 839."

Clerk Rossi: "House Bill 839 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 841."

Clerk Rossi: "House Bill 841 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 852."

Clerk Rossi: "House Bill 852 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 855."

Clerk Rossi: "House Bill 855 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 873."

Clerk Rossi: "House Bill 873 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 912."

Clerk Rossi: "House Bill 912 has been read a second time, previously."

Speaker Brunsvold: "House Bill 914. Oops. Excuse me, Mr. Clerk. Third Reading on House Bill 912."

Clerk Rossi: "House Bill 914 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 934."

Clerk Rossi: "House Bill 934 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 940."

Clerk Rossi: "House Bill 940 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 1097."

Clerk Rossi: "House Bill 1097 has been read a second time,



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Speaker Brunsvold: "Third Reading. House Bill 1098."

Clerk Rossi: "House Bill 1098 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 1099."

Clerk Rossi: "House Bill 1099 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 1102."

Clerk Rossi: "House Bill 1102 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 1110."

Clerk Rossi: "House Bill 1110 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 1146."

Clerk Rossi: "House Bill 1146 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 1147."

Clerk Rossi: "House Bill 1147 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 1151."

Clerk Rossi: "House Bill 1151 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 1164."

Clerk Rossi: "House Bill 1164 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 1175."

Clerk Rossi: "House Bill 1175 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 1177."

Clerk Rossi: "House Bill 1177 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 1195."

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Clerk Rossi: "House Bill 1195 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 1198."

Clerk Rossi: "House Bill 1198 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 1252."

Clerk Rossi: "House Bill 1252 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 1274."

Clerk Rossi: "House Bill 1274 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 1278."

Clerk Rossi: "House Bill 1278 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 1291."

Clerk Rossi: "House Bill 1291 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 1306."

Clerk Rossi: "House Bill 1306 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 1307."

Clerk Rossi: "House Bill 1307 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 1308."

Clerk Rossi: "House Bill 1308 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 1310."

Clerk Rossi: "House Bill 1310 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 1317."

Clerk Rossi: "House Bill 1317 has been read a second time, previously."

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Speaker Brunsvold: "Third Reading. 1321. House Bill."

Clerk Rossi: "House Bill 1321 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 1324."

Clerk Rossi: "House Bill 1324 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 1353."

Clerk Rossi: "House Bill 1353 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 1355."

Clerk Rossi: "House Bill 1355 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 1366."

Clerk Rossi: "House Bill 1366 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 1392."

Clerk Rossi: "House Bill 1392 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 1402."

Clerk Rossi: "House Bill 1402 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 1403."

Clerk Rossi: "House Bill 1403 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 1405."

Clerk Rossi: "House Bill 1405 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 1407."

Clerk Rossi: "House Bill 1407 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 1416."

Clerk Rossi: "House Bill 1416 has been read a second time,

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previously."

Speaker Brunsvold: "Third Reading. House Bill 1417."

Clerk Rossi: "House Bill 1417 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 1432."

Clerk Rossi: "House Bill 1432 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 1435."

Clerk Rossi: "House Bill 1435 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 1469."

Clerk Rossi: "House Bill 1469 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 1501."

Clerk Rossi: "House Bill 1501 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 1502."

Clerk Rossi: "House Bill 1502 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 1511."

Clerk Rossi: "House Bill 1511 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 1514."

Clerk Rossi: "House Bill 1514 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 1541."

Clerk Rossi: "House Bill 1541 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 1565."

Clerk Rossi: "House Bill 1565 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 1617."

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Clerk Rossi: "House Bill 1617 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 1645."

Clerk Rossi: "House Bill 1645 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 1657."

Clerk Rossi: "House Bill 1657 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 1673."

Clerk Rossi: "House Bill 1673 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 1678."

Clerk Rossi: "House Bill 1678 has been read a thir... a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 1693."

Clerk Rossi: "House Bill 1693 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 1694."

Clerk Rossi: "House Bill 1694 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 1722."

Clerk Rossi: "House Bill 1722 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 1759."

Clerk Rossi: "House Bill 1759 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 1769."

Clerk Rossi: "House Bill 1769 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 1773."

Clerk Rossi: "House Bill 1773 has been read a second time, previously."

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Speaker Brunsvold: "Third Reading. House Bill 1786."

Clerk Rossi: "House Bill 1786 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 1806."

Clerk Rossi: "House Bill 1806 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 1816."

Clerk Rossi: "House Bill 1816 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 1817."

Clerk Rossi: "House Bill 1817 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 1824."

Clerk Rossi: "House Bill 1824 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 1839."

Clerk Rossi: "House Bill 1839 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 1858."

Clerk Rossi: "House Bill 1858 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 1860."

Clerk Rossi: "House Bill 1860 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 1868."

Clerk Rossi: "House Bill 1868 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 1871."

Clerk Rossi: "House Bill 1871 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 1931."

Clerk Rossi: "House Bill 1931 has been read a second time,

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previously."

Speaker Brunsvold: "Third Reading. House Bill 1942."

Clerk Rossi: "House Bill 1942 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 1960."

Clerk Rossi: "House Bill 1960 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 1978."

Clerk Rossi: "House Bill 1978 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 1991."

Clerk Rossi: "House Bill 1991 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. Mr. Clerk, House Bill 2005."

Clerk Rossi: "House Bill 2005 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 2013."

Clerk Rossi: "House Bill 2013 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 2026."

Clerk Rossi: "House Bill 2026 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 2037."

Clerk Rossi: "House Bill 2037 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 2041."

Clerk Rossi: "House Bill 2041 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. Third Reading on 2041. Mr.  
Clerk, House Bill 2042. Mr. Clerk, 2042. 2042"

Clerk Rossi: "House Bill 2042 has been read a second time,  
previously."

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Speaker Brunsvold: "Third Reading. House Bill 2091."

Clerk Rossi: "House Bill 2091 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 2103."

Clerk Rossi: "House Bill 2103 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 2109."

Clerk Rossi: "House Bill 2109 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 2169."

Clerk Rossi: "House Bill 2169 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 2177."

Clerk Rossi: "House Bill 2177 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 2196."

Clerk Rossi: "House Bill 2196 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 2219."

Clerk Rossi: "House Bill 2219 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 2257."

Clerk Rossi: "House Bill 2257 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 2264."

Clerk Rossi: "House Bill 2264 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 2287."

Clerk Rossi: "House Bill 2287 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 2293."

Clerk Rossi: "House Bill 2293 has been read a second time,



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previously."

Speaker Brunsvold: "Third Reading. House Bill 2306."

Clerk Rossi: "House Bill 2306 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 2310."

Clerk Rossi: "House Bill 2310 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 2323."

Clerk Rossi: "House Bill 2323 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 2330."

Clerk Rossi: "House Bill 2330 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 2344."

Clerk Rossi: "House Bill 2344 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 2346."

Clerk Rossi: "House Bill 2346 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 2349."

Clerk Rossi: "House Bill 2349 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 2352."

Clerk Rossi: "House Bill 2352 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 2502."

Clerk Rossi: "House Bill 2502 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 2589."

Clerk Rossi: "House Bill 2589 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 2629."

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Clerk Rossi: "House Bill 2629 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 2630."

Clerk Rossi: "House Bill 2630 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 2641."

Clerk Rossi: "House Bill 2641 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 2642."

Clerk Rossi: "House Bill 2642 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 2711."

Clerk Rossi: "House Bill 2711 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 2726."

Clerk Rossi: "House Bill 2726 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 2727."

Clerk Rossi: "House Bill 2727 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 2730."

Clerk Rossi: "House Bill 2730 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 2732."

Clerk Rossi: "House Bill 2732 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 2741."

Clerk Rossi: "House Bill 2741 has been read a second time, previously."

Speaker Brunsvold: "Third Reading. House Bill 2753."

Clerk Rossi: "House Bill 2753 has been read a second time, previously."

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Speaker Brunsvold: "Third Reading. House Bill 2767."

Clerk Rossi: "House Bill 2767 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 2774."

Clerk Rossi: "House Bill 2774 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 2775."

Clerk Rossi: "House Bill 2775 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 2784."

Clerk Rossi: "House Bill 2784 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 2791."

Clerk Rossi: "House Bill 2791 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 2826."

Clerk Rossi: "House Bill 2826 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 2842."

Clerk Rossi: "House Bill 2842 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 2843."

Clerk Rossi: "House Bill 2843 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 2844."

Clerk Rossi: "House Bill 2844 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. House Bill 2855."

Clerk Rossi: "House Bill 2855 has been read a second time,  
previously."

Speaker Brunsvold: "Third Reading. That completes the moving of  
Bills from Second to Third on the Agreed Bill List. Some

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Bills on the List are already on Third Reading. The total will be over 200 Bills on the First Agreed Bill List. Ladies and Gentlemen, the Agreed Bill List #1 is being distributed at this time. The sheets have the Bill numbers, names, and a short description. It is yellow in color. On the right side is a 'no', 'present', and 'not voting'. You should mark what position you take, if you were voting for the Bill. You don't need to mark anything if you're voting 'no', 'present' or 'not voting', then you should mark that on the yellow sheet. You are also to sign it at the bottom where it indicates your signature should be placed. And we would like to have these completed and back to the Clerk at 6:00 p.m., 6:00 p.m., please. Ladies and Gentlemen, the digest at your desk, if you care to look at a short synopsis without having to go through the computer, would be something you can look at for a basic synopsis of the Bill. If you wanted the actual information in the Bill, you could go to your computer and go to the Bill, itself. Under user file 642, under your reports on your computers, is this same list, folks. So you can go to that, if you wish. If you want a hard copy, you can go to the digest at your desk or look up the Bills individually on your laptops. On page 60 of the Calendar, appears House Bill 7... excuse me, 470. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 470, a Bill for an Act to amend the School Code. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Macoupin County, Mr. Hannig."

Hannig: "Yes. Thank you, Mr. Speaker and Members of the House. This is a very simple proposal that came to me from my regional superintendent. It was suggested to him that under some interpretations of the law, that individuals

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that he had at the teachers institutes, those people who came and presented maybe one or two presentations to the teachers, that under some circumstances that they might be considered to be employees of his office and subject to... and he would be subject to paying taxes on them as if they were employees. I brought this Bill to the House Education Committee to ensure that we make, as a matter of law, a clarification that that is not the case, that these people who work in most cases for a day, perhaps not even a day, that make some presentations along the lines where they're in charge of the process, would not become a problem for regional superintendents in the State of Illinois. It's a relatively narrow Bill and it came from (sic-to) the House without opposition and I'd be happy to answer any questions and ask for a favorable vote."

Speaker Brunsvold: "The Gentleman's asked for passage of House Bill 470. And on that question, is there any discussion? The Lady from Lake, Representative Gash."

Gash: "Not on that question, Mr. Speaker, but I just wanted to say that on House Bill 442, I actually intended to vote 'yes'."

Speaker Brunsvold: "Okay. The Journal will so reflect, Representative. Are there any... is there any discussion on House Bill 470? Seeing none, the question is, 'Shall House Bill 470 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? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 115 voting 'aye', 0 voting 'no', 0 voting 'present'. This Bill having received a Constitutional Majority is hereby declared passed. On page 60 of the Calendar, appears House Bill 476. Mr. Clerk,

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read the Bill."

Clerk Bolin: "House Bill 476, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Cook, Mr. McKeon."

McKeon: "Thank you, Mr. Speaker. House Bill 476 amends the medical assistance article of the Illinois Public Aid Code. It provides a minimum monthly personal needs allowance for a person who is an inpatient in an institution or facility for which payments are made under the medical assistance article throughout a month. It increases it from \$30 to \$50. This applies to people in nursing homes or other institutions for the developmentally disabled, mentally ill, and so forth. It's very similar to House Bill 42, introduced by Representative Black. Differs in a couple of very substantial ways. I'll gladly answer any questions from Members of the House."

Speaker Brunsvold: "The Gentleman's asked for the passage of House Bill 476. Is there any discussion? Seeing none, the question is, 'Shall House Bill 476 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. And on that question, there are 113 voting 'aye', 0 voting 'no', 0 voting 'present'. This Bill having received a Constitutional Majority is hereby declared passed. On page 63 of the Calendar, appears House Bill 1365. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1365, a Bill for an Act to amend the Illinois Police Training Act. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Madison, Mr. Hoffman."

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Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill addresses the concern that for many who work in the law enforcement community have been talking about for several years. Essentially, what it provides for is what's called the decertification of police officers. Right now, in Illinois, the Police Training Board provides certificates for police officers to work in this state. However, there is no provision for decertifying'em. Yes. We have... there has an Amendment's been filed, but we're going to adopt that in the Senate instead of doing it here in the House. Basically, what we're doing here is we're saying that we're going to provide for decertification of police officers. What it's going to do, it says that if you're a police officer and you're convicted a felony or certain enumerated misdemeanors, that you will automatically be decertified. A few years ago, here in Illinois, we provided for certification of police officers which has brought about professionalism, proper training, ensuring that we don't have crooked cops. But what we haven't done is provided for decertification. It's my understanding that 39 states have this. It's time that Illinois has it. All... I understand, that all the police organizations are in favor of this, as well as all the chiefs of police, the Sheriff's Association, law enforcement personnel in the state. I would ask for a favorable roll call."

Speaker Brunsvold: "Mr. Delgado, for what reason do you rise?"

Delgado: "Thank you, Mr. Speaker. On the previous Bill 476, my button didn't click. It didn't go on. I would have voted 'aye'."

Speaker Brunsvold: "Thank you. The Journal will so reflect. The Gentleman's asked for passage of House Bill 1365. And on

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that question, is there any discussion? Seeing none, the question is, 'Shall House Bill 1365 pass?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 115 voting 'aye', 0 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On page 64, appears House Bill 1761. Mr. Clerk, read the Bill. That Bill's on the Agreed Bill List, thank you, Mr. Clerk. On Second Readings on page 21, appears House Bill 928. What's the status of this Bill, Mr. Clerk?"

Clerk Bolin: "House Bill 928, a Bill for an Act to amend the Property Tax Code. Second Reading of this House Bill. Amendment #1 was adopted in committee. Floor Amendment #3, offered by Representative Saviano, has been approved for consideration."

Speaker Brunsvold: "Representative Saviano on Floor Amendment #3."

Saviano: "Thank you, Mr. Speaker, Members of the House. Floor Amendment #3 is a cleanup Amendment which clarifies the use... or the title of commissioner for the Members of the Board of Review of Cook County. This... the underlying Bill is a cleanup Bill. It's actually a trailer Bill of some of the legislation that we've passed over the last couple years, which established the new three-member Cook County Board of Review. And I would ask that Floor Amendment #3, to House Bill 928, be adopted. Thank you."

Speaker Brunsvold: "The Gentleman's asked for the adoption of Floor Amendment #3. Is there any discussion? The Gentleman from McHenry, Mr. Skinner."

Skinner: "Yes. May I ask a question of the Sponsor?"



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Speaker Brunsvold: "The Sponsor yields."

Skinner: "Why are the members of the Board of Review in Cook County so uppity? Why do they want to be called 'commissioners' when downstate the Board of Review members are called 'members'?"

Saviano: "Are you asking me a question?"

Skinner: "Yes."

Saviano: "Well, the answer is, is that under the previous law they were always referred to as commissioners. So this just reinstates that title."

Skinner: "So it..."

Saviano: "And they've always... in Cook County they've always been referred to as commissioners. So we just wanted to make it consistent with tradition."

Skinner: "It makes them sound more important."

Saviano: "Probably."

Skinner: "So instead of calling them, 'your membership', we will call them 'your commissionership'?"

Saviano: "Call'em 'commish'."

Skinner: "Commish. Capish."

Speaker Brunsvold: "Further discussion? Seeing none, all in favor of the adoption of Floor Amendment #3, say 'aye'; opposed 'nay'. The 'ayes' have it. And the Floor Amendment's adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Brunsvold: "Third Reading. On page 62, appears House Bill 1294. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1294, a Bill for an Act to amend the Clinical Social Work and Social Work Practice Act. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Lake, Mr. Beaubien."

Beaubien: "Yes. This Bill amends the Clinical Social Worker and

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Social Work Practice Act. Provides an opportunity for those that receive the lowest form of punishment, which is a reprimand, to after a five-year period, appeal to the department to have that removed from their record. And the department will promulgate their own rules. This is not meant to deal with any types of instances where there's any misabuse with the actual patient. It gives people an opportunity to get this off their record. And the reason for this is, four or five years ago, reprimands were given and taken rather easily. Over that five-year period with the advent of Health Maintenance Organizations these people are arbitrarily being excluded for relatively minor offenses that took place many, many years ago. And I would urge its adoption."

Speaker Brunsvold: "The Gentleman's asked for the passage of House Bill 1294. And on that question, is there any discussion? Seeing none, the question is, 'Shall House Bill 1294 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. And on that question, there are 113 voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, House Bill 473, on page 60 of the Calendar. Take that Bill out of the record. On page 60, appears House Bill 471. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 471, a Bill for an Act to amend the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Brunsvold: "The Lady from Cook, Representative Wojcik."

Wojcik: "Thank you, Mr. Speaker, Members of the House. House Bill 471 just says that if you're going to have your body pierced, i.e., your tongue, your belly button or whatever,

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that you must have parental guidance and the parents must say that it's okay to have it. And anyone under 18 years of age must have a parent's note."

Speaker Brunsvold: "The Lady has asked for the passage of House Bill 471. Is there any discussion? The Lady from Lake, Representative Moore."

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

Speaker Brunsvold: "Sponsor yields."

Moore: "Representative, now, could you clarify this? This is body piercing, so this... this doesn't... this does include your ears?"

Wojcik: "No."

Moore: "Ear piercing..."

Wojcik: "Your ears are eliminated."

Moore: "Ear piercing is eliminated."

Wojcik: "And any type of ear piercing is eliminated. Only the body..."

Moore: "Okay, so where else would you prohibit piercing?"

Wojcik: "Your tongue. Have you ever seen these young people with the silver, rectangular piece, pierced through their tongue, through their nose, their belly button? It's stuff like that. It has nothing to do with ear piercing."

Moore: "And so this Bill would require parental consent?"

Wojcik: "Absolutely."

Moore: "And..."

Wojcik: "Eighteen years and under."

Moore: "What if there are some cultural issues that relate to piercing?"

Wojcik: "If there's cultural issues related to piercing and if it's given the parental consent, there's no problem."

Moore: "Could you tell me the genesis of this Bill? Where did this Bill come from, Representative?"

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Wojcik: "It came through a lady who's a mother in DuPage County, whose daughter came home with her body pierced. And she had her tongue pierced. And she felt very upset that this could happen to her daughter without her giving the approval. So what my Bill says, if you want to get pierced, you can get pierced, but if you're under 18, you have to have a parental notification."

Moore: "Thank you."

Wojcik: "You're welcome."

Speaker Brunsvold: "Any discussion? The Gentleman from Madison, on body piercing."

Hoffman: "Will the Sponsor yield?"

Speaker Brunsvold: "Sponsor yields."

Hoffman: "Representative, does this also apply to if a friend were to do it? So many of these kids, I guess, have their friends..."

Wojcik: "Does it apply to what, Representative?"

Hoffman: "Would this also apply to if a friend did it? For instance, a friend were to pierce another friend's ears?"

Wojcik: "Ear piercing is not in this Bill."

Hoffman: "Okay. So no ear piercing applies."

Wojcik: "No. It's just the large items that you have your body pierced with. It does not entail ear piercing."

Hoffman: "It's... Are you sure? Is there a specific exclusion in... in the Bill..."

Wojcik: "Yes."

Hoffman: "...for ear piercing? I couldn't..."

Wojcik: "Yes. Exceptions are made for ear piercing and any injections, incision, acupuncture or similar medical or dental procedure performed by a licensed health care professional or other person authorized to perform that procedure. It's exempted. The brain."

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Hoffman: "So, it is only for... Does it... does it apply to a kid's friends?"

Wojcik: "Does it apply to what, Representative?"

Hoffman: "If your friend does it? Does this then make them a..."

Wojcik: "What your friend certainly isn't gonna have that implement that large to put through your tongue. I mean, piercing is piercing. And your ears, your friends can do it, they use, you know, a potato... frozen. That has nothing to do with this issue."

Hoffman: "Well, see I'm gonna support the Bill, but I think maybe when it goes to the Senate, you might wanna look at the... that issue. I don't know, I mean, a friend... I don't know that we wanna go around prosecuting kids' friends who may at a slumber party or something do some do a... pierce..."

Wojcik: "Representative, I'll tell you something. If you go to a slumber party and somebody there has the implement to pierce your tongue, I certainly would say that..."

Hoffman: "Well, I mean..."

Wojcik: "...that would be absolutely..."

Hoffman: "No, I understand..."

Wojcik: "...not able to happen."

Hoffman: "...the problem. I agree with what you're saying, but, I mean, I don't see in here in the Bill my concern is I don't see in here anything that says that it only means if you're gonna pierce your tongue or some other... here stand... I don't see where it says that ear piercing doesn't apply."

Wojcik: "Well, it actually says no ear... ear piercing is not included in this Bill. You know, kids can try anything, but the intent of the Bill is if you're going to have a large..."

Hoffman: "I see it. Never mind."

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Wojcik: "...you know."

Hoffman: "I found it."

Wojcik: "You got it?"

Hoffman: "I found the ear piercing. Okay."

Wojcik: "Okay."

Hoffman: "Okay. I'm gonna vote in favor of this. Thank you,  
Representative."

Wojcik: "Thank you."

Speaker Brunsvold: "Further discussion? The Lady from Cook,  
Representative Feigenholtz."

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

Speaker Brunsvold: "Sponsor yields."

Feigenholtz: "Representative Wojcik, I have a few tatoo parlors  
who do some piercing in my legislative district, so I have  
a couple questions for you. Is there anything in this Bill  
about tatoos? About tatoos... "

Wojcik: "Tatoos is already illegal. It's not in my law."

Feigenholtz: "I'm sorry. I cannot hear you."

Speaker Brunsvold: "Let's give the Ladies your attention,  
please."

Wojcik: "Representative, tatooing a minor is already an offense  
and this legislation has nothing to do with tatoos."

Feigenholtz: "What is the age of a... that a person can walk in  
without a... parental consent?"

Wojcik: "Without consent? Eighteen."

Feigenholtz: "Because my analysis says 21."

Wojcik: "No. That's incorrect. It's 18."

Feigenholtz: "Could you hold on one second, Representative?"

Wojcik: "Representative, on line 70... or line 10 of the Act, it  
states 18 years of age."

Feigenholtz: "Well, I'll take your word for it, Representative

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Wojcik, but it comes up on my analysis on the computer as 21. The reason I'm asking is 'cause if it was 21 and we had piercing at 18 and tatooing at 21, it would be inconsistent and some of these tatoo parlors also offer piercing. Now, how does this affect the tatoo... "

Wojcik: "You know, Representative, you're questioning the Tatoo Act. This is... this has nothing to do... "

Feigenholtz: "No. I... "

Wojcik: "...with ta... "

Feigenholtz: "I understand that."

Wojcik: "Right."

Feigenholtz: "But I have tatoo artists who also pierce."

Wojcik: "Well, yes, but it would say that if your tatoo artist pierces and it's a minor, he'd have to have parental consent, that's all."

Feigenholtz: "Okay. Thank you very much."

Wojcik: "You're welcome."

Speaker Brunsvold: "Further discussion? The Gentleman from Cook, Mr. Harris."

Harris: "Thank you, Mr. Speaker. Will the Representative yield?"

Speaker Brunsvold: "She yields."

Harris: "Representative, is there a grandfather clause to this ear piercing, I mean, belly piercing?"

Wojcik: "It's only for the act of piercing. So if it's already done, it wouldn't qualify."

Harris: "Okay, fine. Now, the next question is, what's the time limit on that? Say, for instance, if my son or daughter was under the age of 18 and I was not in the bathroom to watch them bathe and I didn't know what they'd had pierced, what's your position on that?"

Wojcik: "Any act of piercing or the body piercing, not ear piercing, that would happen after this was signed by the

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Governor, it would be an offense."

Harris: "Yes. Now, I understand that. My question is this, we are not in the washroom with our kids when they take their shower or their bath. Now, what if I find out six months after my son has pierced his belly button and my daughter has pierced something that she shouldn't have pierced."

Wojcik: "Probably your daughter."

Harris: "Yeah. If they have pierced... I don't know these days, but what if I found out later on that they had pierced something that they shouldn't have pierced or shouldn't have been piercing in the first place. What's the time limit on that?"

Wojcik: "The statute of limitations is up to 18 months, so the State's Attorney would be able to charge'em."

Harris: "Thank... "

Wojcik: "Up to 18 months."

Harris: "Thank you very much. Thank you, Mr. Speaker."

Speaker Brunsvold: "Further discussion? The Gentleman from Cook, Mr. Fritchey."

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

Wojcik: "Yes."

Speaker Brunsvold: "She yields."

Fritchey: "Two quick questions, Representative. Is there any opposition to this Bill?"

Wojcik: "No."

Fritchey: "And I guess, this has been somewhat discussed. What... the target of this, you said this was brought to you by one of your constituents. Where did their child have this done?"

Wojcik: "I believe, it was a tatoos parlor on route... on Lake Street in DuPage County, unincorporated DuPage County."

Fritchey: "Might it not make more sense to criminalize businesses



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that are doing this, rather than friends of kids who may do something like this during a sleep-over when their having fr... just a get-together among friends?"

Wojcik: "Again, Representative, I don't see anyone having their friend put a post through their tongue. You know, a friend is gonna pierce an ear. That goes on all the time. But not these big, huge posts. If you'd... have you ever seen them?"

Fritchey: "I have, actually and I think, respectfully, that you're mistaken that friends don't do... that kids don't do this for each other, piercing noses, eyebrows, et cetera. Maybe it's more common over in my area than out by DuPage. But I know what you want to do and I don't think any of us wants to see our child come home with something pierced that we didn't approve of. But I don't think that we necessarily want to criminalize their friends, nor do we want to our kids criminalized, as opposed to making sure that businesses aren't doing this without parental consent."

Wojcik: "Representative, you know, I know that your concern is about the kids, but I'm... my big concern is about the businesses. You know, there's so much of this going on and there's a lot of unhealthy factors that we're looking at now. And I think, if the kids are gonna do this, you know, I don't know how their gonna do it to tell you the truth, but I certainly don't want to see them criminalized. What I do want to see criminalized is when these young ones walk into these businesses and they actually use these large piercing factors."

Fritchey: "Well, I mean, I'm encouraged because I think we're on the same page here, that we don't want to see kids getting criminalized. But we do want to see the businesses who do

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this. In light of that and in light that what you're saying doesn't necessarily comport with the Bill, would you be willing to consider putting together a quick Amendment to limit this to establishments, rather than minors?"

Wojcik: "We could take care of that in the Senate."

Fritchey: "Assuming that you've got a Senate Sponsor willing to do the same thing."

Wojcik: "I probably will because the... I haven't spoken with him, yet, but the Senator who carried this issue is Senator Dillard and I was going to have him carry the Bill over there."

Fritchey: "Well, Senator Dillard is a very esteemed individual over there."

Wojcik: "Correct."

Fritchey: "Are you willing to, at least, attempt to get a commitment from him to make that type of Amendment?"

Wojcik: "Sure."

Fritchey: "All right. Thank you. No more questions."

Speaker Brunsvold: "Further discussion? Seeing none, the Lady from Cook to close."

Wojcik: "I just thank you for listening to this issue, and I ask for its favorable passage."

Speaker Brunsvold: "The question is, 'Shall House Bill 471 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question, there are 88 voting 'yes', 13 voting 'no', 11 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, announcements."

Clerk Bolin: "The Agreed Bill List is now available on the laptop computers. First, you must download to update your

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computer database. And then, go... on the far left side of the menu to House Calendar. So first, do a download; after the download you go to the far left menu and hit House Calendar. That will bring up the Agreed Bill List, including the synopsis for each Bill and all action. You may search within the Agreed Bill List by using the control 'F' function; hitting the control key and the 'F' key at one time. First..."

Speaker Brunsvold: "Mr. Clerk, there's been a request that you repeat those instructions, a couple times."

Clerk Bolin: "The Agreed Bill List is now available on the laptop computers. The list will include a synopsis for each Bill and all action on each Bill. You must first do a download on your laptop computer. After that, you go to the menu on the far left side and go to House Calendar. That will bring up the Agreed Bill List. At that time, you can search within the list by using the control 'F' keys. Press on the control key and the F key at the same time and that will allow you to do a search for individual Bills. You must first do a download."

Speaker Brunsvold: "The Gentleman from Madison, Mr Stephens. For what reason do you rise?"

Stephens: "I believe it's time to get the real Clerk out here."

Speaker Brunsvold: "Mr. Stephens, can you find your computer?"

Stephens: "I want the real Clerk. I'm not gonna listen to any more instructions until we get the real Clerk out here. My... I've already finished my downloading."

Speaker Brunsvold: "The Clerk is going to through the instructions, again."

Clerk Bolin: "First, you must download. The download button is at the bottom of your screen."

Speaker Brunsvold: "Do we have our computer person in the

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chambers? Right. There, the Gentleman in the middle there, our computer expert, will help the Members."

Clerk Bolin: "After you complete the download, you go to the far left-hand side of the screen where there is a menu and House Calendar is listed on the far left side. Once you hit House Calendar, the Agreed Bill List will come up on the screen and you can search for individual Bills within that list by pressing the control key and the 'F' key."

Speaker Brunsvold: "The Chair realizes that at this late hour that the word 'menu' is probably not appropriate. Yes, the young Lady over on the Republican side of the aisle can help. Would you please help Mr. Black? On page 65 of the Calendar, appears House Bill 2149. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2149, a Bill for an Act to amend the Secretary of State Act. Third Reading of this House Bill."

Speaker Brunsvold: "The Lady from Cook, Representative Shirley Jones."

Jones, S.: "Mr. Speaker and Members of the House. This Bill amends the Secretary of State Act by providing that the duties of the office include maintaining metal detectors at all public entrances of the State Capitol Building. I ask for your favorable vote."

Speaker Brunsvold: "The Lady has asked for the passage of House Bill 2149. And on that question, is there any discussion? Seeing none, the question is, 'Shall House Bill 2149 pass?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 112 voting 'yes', 0 voting 'no', 1 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On

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page 60 of the Calendar, appears House Bill 573. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 573, a Bill for an Act to amend the Firearm Owners Identification Card Act. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Madison, Mr. Stephens."

Stephens: "Well.... Thank you, Mr. Speaker. House Bill 573 expands the background check for... before you may purchase a firearm by... excuse me, one second. By requiring a criminal... a computerized criminal background check for every applicant for the purchase of a firearm. And that expansion would include requiring the Department of State Police to check with the National Instant Criminal Background Check System, the NICS which is the FBI's Instant Check System for firearm purchases. This is a federal system that's like... similar to the Illinois instant check system mandated by the Brady Bill. Also says here, Ron, your Bill mandates this system. I'd be glad to respond to any questions."

Speaker Brunsvold: "The Gentleman has asked for the passage of House Bill 573. Is there any discussion? Seeing none, the question is, 'Shall House Bill 573 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 that question, there are 113 voting 'yes', 1 voting 'no', 1 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 63 of the Calendar, appears 1331. House Bill 1331. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1331, a Bill for an Act concerning external appeal procedures concerning health care

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determinations. Third Reading of this House Bill."

Speaker Brunsvold: "The Lady from Cook, Representative Erwin."

Erwin: "Thank you, Speaker. In almost every version of health care reform that has been considered in the House and the Senate, there is a component of it that deals with an external appeal process for medically necessary procedures that are in dispute. So if I, the patient, have a procedure that my doctor recommends that I get, but my insurance carrier disputes whether or not it is medically necessary, this Bill, it would mirror what has happened in about 15 other states, is kick it to an external appeal process. This Bill actually... House Bill 1331 is mirrored almost identically to the Bill that Governor Pataki and a Republican-controlled New York Senate passed and is now into law. It is a little... it is a piece of a larger health care reform issue. I know that we have a variety of other Bills dealing with much more comprehensive health care reform. But this is sort of a different approach and one that is, I'm finding, in a lot of other states have been very effective. Usually, the insurance industry likes this, because it effectively stops a lot of the litigation before, you know, before the people file lawsuits. I mean, when it goes to an external review by expert physicians, there is a determination made that both then the patient and the insurance carrier live with. This Bill does include clinical trials. And I'm in the process right now of talking with the HMO industry and large employer groups in the state, to, while they did not support it in committee, looking for ways to possibly make this more livable for them. So I urge your favorable vote."

Speaker Brunsvold: "The Lady has asked for the passage of House Bill 1331. On that question, is there any discussion? The

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Gentleman from McHenry, Mr. Skinner."

Skinner: "If memory serves me correctly, the Prudential HMO has adopted a an external review. Would the Sponsor tells us if this is modeled or how it compares with the Prudential program?"

Speaker Brunsvold: "The Sponsor yield."

Erwin: "Thank you. Representative Skinner, actually, many health insurance carriers today, have external reviews, a very common thing in the industry. I... this particular Bill is actually modeled after the State of New York. But I will tell you that I have said to the insurance industry, to employer groups, to the HMO Association, tell me how you think we can make this work. I am concerned about people losing health insurance. I am not in the category of those who discounts the loss of health insurance because of too many mandated programs. So, I can't tell you exactly how it may compare to Prudential, but I... I am aware that Aetna and many other carriers do have external appeals process already in place."

Skinner: "Well, if you could put some more names in the record, that would be helpful, I think."

Erwin: "Pardon me?"

Skinner: "Maybe... perhaps, your researcher could give you some more names of more companies to put in the record that have such..."

Erwin: "Thank you. You are looking at the researcher, Representative Skinner, so..."

Skinner: "Isn't that typical?"

Erwin: "...I'm doin' my best."

Skinner: "This doesn't have anything about being able to sue an HMO?"

Erwin: "No, it does not."

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Skinner: "Okay. Well, it seems to me that our constituents should not have to go to court to get medical care. And generally, when a constituent does go to court, the constituent wins the case."

Erwin: "That's true."

Skinner: "But the... it may be too late..."

Erwin: "Right."

Skinner: "...to... well, the constituent may be dead by the time the... well, the constituent may have to wait too long for a court decision to receive adequate treatment. Unless... there could be other debate that will change my mind, but at this point I certainly think you have a pretty decent idea."

Speaker Brunsvold: "Further discussion? The Lady from Cook, Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. I'd like to speak in favor of this Bill. Certainly don't... I tend to agree with Cal Skinner, but don't let that sway your opinion of the Bill on this, since Cal and I don't always agree on things. But I think the point that he made and the point that I'd like to make and the reason I'm on this Bill, is because of all the provisions that we put in any kind of Patient's Bill of Rights, this is probably the most important thing. This will allow you to have a review before the more drastic thing happens, where you can't have the procedure or you lose your total ability to function as a human being maybe and die and then why would your family want to sue. The most important thing is to get a quick review of something so that you can have the procedure. I think, Representative Erwin, is right on the money here. In many instances, in this Body, she's been the first person to draft some really creative legislation that many people go



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on to carry later. And I think, we all know the problems that we're having with passing a comprehensive Bill, much as we all... a number of us would like to support it and like to see it pass, I think if we had to pull out one issue that we'd like to see pass this year that would most benefit the public, it would be this issue to be able to have a good review of a procedure that they're denied. And I think, that's why this may be one of the most important votes we make. And I think, it's a vote that when we get this Bill out of the House, we should lobby our Senators strongly to back, because I think this is a really important issue and oversees anything else in the Bill of Rights that we might pass. So I would urge your 'aye' vote."

Speaker Brunsvold: "Further discussion? The Gentleman from Cook, Mr. Parke."

Parke: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I rise in opposition to this Bill. The Illinois Life Insurance Council has stated that this is going to not solve the problems that the Sponsor presumes it will. That, in fact, it's gonna raise the cost of doing business in the state. And I would ask that you consider not voting for this."

Speaker Brunsvold: "Mr. Parke, have you completed your questioning? Thank you. Further discussion? The Gentleman from Vermilion, Mr. Black."

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

Speaker Brunsvold: "Yes, Mr. Black?"

Black: "Yes. I asked you if the Sponsor would yield?"

Speaker Brunsvold: "Sponsor yields."

Black: "Oh. Thank you. Representative, who appoints the appeal board?"

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Erwin: "Representative Black, under what the New York model is, it is something that the state actually certifies the expert panels. For instance, an external appeal panel on cancer might be different from one on a heart problem. So the external appeal panels, usually are those that are independent, number one, of the patient and the insurance industry, but they're nonetheless expert. As I indicated earlier, I'm not suggesting that the New York model is the best. There are 15 states right now that have these in place, and they're varied throughout. I have said up-front, after committee I spent an hour with the HMO Association people. I know that the industry is looking at it and I am asking for suggestions of a model that is not bureaucratic, that doesn't cost, you know, money for the state, but effectively puts it in place. So while this would have a state approval for... it would certify people that would be independent appeal agents, we don't actually appoint them. I know that's not a very good answer."

Black: "I was gonna say who... they can't just appear as if by magic. Somebody has to... somebody has to say..."

Erwin: "Right."

Black: "...this is the appeal board."

Erwin: "Okay."

Black: "I assume that you... I... if I heard you correctly and it's noisy in here..."

Erwin: "Right."

Black: "...if I heard you earlier, they are all physicians, correct?"

Erwin: "Correct. And so, Representative Black, let me give you an example of how it works today, I believe, with many insurance carriers, today. You're a patient, you have something and the insurance carrier says, 'This is not

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medically necessary.' And so you're in a dispute. Be... within the insurance industry, what they will do, is they will go get experts in whatever the disease is you have. All this law, in 15 other states say, is they've gotta be independent of, but nonetheless, expert in being an agent that is appeals. And so, yes it is someone... we're not gonna have, you know, an ophthalmologist looking at a heart surgery problem. We're talking about expert independent review panels. It works... insurance companies have them internally, because obviously, as someone indicated earlier, if they get sued and then they have to do the procedure anyway, they will have effectively paid for all the litigation and then have to pay for the procedure anyway. So they are independent agents, but physicians, doctors, that are certified as being qualified to do the external appeal. It's sort of like an Appellate Court of a medical dispute, certified by the Department of Insurance. So we're not gonna have the sh... you know, someone that makes shoes come in and certify that, you know, they can decide on whether or not you need cataract surgery or something."

Black: "But if I have sore feet then somebody who makes shoes might be on the committee, would that be all right? Would that be covered?"

Erwin: "Well, Representative Black, this adds no mandates on coverage. This does not expand coverage. All it says is that when there is a dispute between the patient and the carrier, there will be in place as 15 other states are doing today, an external appeal process. This is something that many carriers already do. And as I mentioned, in many instances, the insurance industry in other states like it because it stops the litigation flow. You don't have to

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sue to get the coverage."

Black: "Well, let me come back to that. Would... "

Speaker Brunsvold: "Representative Hannig in the Chair."

Black: "Would this Bill allow me to appeal denial for a non-FDA approved clinical trial?"

Erwin: "No, Representative Black, and investigational treatments are only in this as it is in the New York law as determined as medically necessary. So if you have a life-threatening disease or illness and you may die, but the only procedure or treatment that might save your life is in a clinical trial, which is almost always the case with childhood cancers, for instance, that is why that is included in. The likelihood that it would be a non-FDA approved, I can only imagine is zero. That's not my intention here."

Black: "Well, how does this mesh with Bills that were done earlier today on clinical trial procedures? It... obviously, my HMO will probably deny a non-FDA approved clinical trial and if I'm facing a serious illness, then I want to appeal that decision, obviously. It may cost me my life."

Erwin: "You're right. You're right. And what has happened over the years is that there are lawsuits and the insurance industry has lost most of them. Unfortunately, the patients frequently die, you know, before the litigation is resolved."

Black: "Right. I hate that."

Erwin: "It is different, Representative Black, then the clinical trials Bill because this says nothing about... those Bills just deal with cancer, number one. External appeal, we are talking about anything where there is a denial of medical necessity. Okay? And it is of a covered procedure or treatment. I'm not talking about something that is not

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covered in your insurance policy. If your physician determines that, out of medical necessity, you need to be in a clinical trial, we assume it is going to be a quality clinical trial, to save your life, all I'm saying here is, is that it would go to external appeal. It doesn't say, it doesn't mandate the coverage. It only says that there will be an external appeal process."

Black: "One of the concerns that has been raised is that in earlier legislation today, we said that HMOs would have to cover those clinical trials that were approved by the FDA. Now, along comes your Bill and gives me an appeal process where I could appeal a denial on a non-FDA approved clinical trial which would then tend to be in abject opposition to the earlier Bill."

Erwin: "I don't view it as abject opposition. But, you know, Representative Black, there are only what... three thousand Bills or something floating around this House, I mean..."

Black: "Oh. Give or take a couple thousand. Sure."

Erwin: "Give or take a couple thousand. So I don't know that we have required, you know, every Bill we introduce to track the one that we considered before. I mentioned up front, that external appeal is something that is in almost all health insurance reform packages, be they Republican Sponsors, be they Democratic Sponsors. It is something that in many states, where they are not doing new mandates and HMO reform, external appeal, frankly, has been a moderate to conservative way to, at least, allow the patient the right to appeal and many insurance carriers already do it anyway. So I do view it as a moderate, but doable, nonetheless, reform."

Black: "Let me go back then, to a... an earlier series of questions. I'm having a hard time visualizing how many of

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these expert panels may exist within a state. Particularly, a state as populous as you mentioned, the New York model and Illinois, of course, eleven and a half million people. It seems to me it would be conceivable that we could have hundreds of expert appeal panels."

Erwin: "Representative Black, I don't know. Are you concerned or do you stay up at night because you worry about how many podiatrists there are or...?"

Black: "Oh, absolutely."

Erwin: "...oh, my gosh... "

Black: "Absolutely. I woke up this morning at 3:00 in a cold sweat. I don't know how many podiatrists there are in the State of Illinois."

Erwin: "Representative Black. Rep..."

Black: "But I couldn't sleep because I didn't know the answer."

Erwin: "Representative Black, all this is going to do is allow for the certification that physicians in certain expert areas are certified to serve on an external review panel. It's... nobody's gonna have to go back to medical school to do anything. This exists today anyway. I would liken it to a peer review panel. So these are expert doctors be they ophthalmologists, cardiologists, whatever now. And all we're doing is saying... and the insurance industry will always want to get an expert reviewer or an independent agent to review it anyway. So, I really think that we're not looking at anything bureaucratic. But as I mentioned before, I am delighted and will be happy to continue to work on this and in fact, it is my every intent to continue to work on it, so that it is something that is... will be better adapted to the State of Illinois."

Black: "What... now, I'm really confused because staff just said... staff just told me that it's envisioned that there

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would only been one appeal panel of medical experts.  
So..."

Erwin: "No. That's not an incorrect analysis, I'm sorry."

Black: "Well, how many would there be? I mean, would there be a  
panel on gallbladders... "

Erwin: "All right. Representative Black, external appeal agents  
will be certified to carry out medical necessity reviews or  
reviews of experimental treatments. The plans that...  
there... in other words, the doctors will register as and  
be determined to be qualified to serve as an external  
review agent. So, you know, the oncologist in Decatur who  
is an expert research oncologist will choose to serve, and  
frankly, within the medical profession, there are many of  
these peer review panels anyway. I really think,  
Representative Black, that, you know, Republican Governor  
Pataki and in, oh many of these other states would not be  
moving in this direction if this was such an onerous burden  
on, not only the insurance industry, but also employers.  
It's something that's doable, workable, and while this  
might not be the perfect Bill for Illinois, I felt that the  
New York law was really the best place to start."

Black: "Representative, I am not asking questions because I'm in  
opposition to the Bill. I intend to vote for the Bill and  
I don't see anything here particularly onerous. What I  
don't understand and being a member of an HMO, I'm trying  
to get to the issue where I don't exchange one bureaucratic  
nightmare, i.e., 'no you cannot do that, we will not pay  
for that procedure', with another potential bureaucratic  
nightmare where they have to convene a panel of experts,  
and maybe it's open heart surgery, maybe it's a...  
cutting-edge open heart surgery technique that I need. My  
HMO says, 'No, we're not gonna pay for that.' I appeal."

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Erwin: "Okay."

Black: "Now, would I appeal before a panel of doctors who are familiar with cutting-edge open heart surgery or a panel of doctors who would study psoriasis or something?"

Erwin: "Representative Black, you have, just as you described, you have a procedure or treatment that you and your doctor want you to have and it is denied. First of all, it has to be covered. Okay? It has to be in your policy. Secondly, it has to be deemed to be medically necessary by all involved. If there is still a dispute and a denial, the insurance carrier goes to a list and I'm sure this is all... it would all be done by computer, of those certified experts on gallbladder or whatever it is. And out of that list, they would find an agent or agents, depending on how rare the disease is, to review their determination that they have denied you. Okay? So it is... they're, basically, looking to see has the insurance carrier acted in the best interest of the patient. It is like an appeal court. It may only be one agent. Now, we're talking independent though, remember. That's why in other states these appeal agents are certified, because if only the insurance industry or the patient got to pick the doctor you wanted to review it, of course, you would find somebody to review it so... and give you the decision you wanted. So the independence is a key point here. But it may end up only being one that reviews it, if it's a very rare... and it is not something... it's simply reviewing the decision in reviewing the case. I think physicians get second opinions on things all the time. So I really don't see it as that cumbersome."

Black: "Mr. Speaker. The answer was so long I forgot the question. Let me try again. You mentioned the word



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independent. So the review... the external appeal board would be independent of my HMO. Correct?"

Erwin: "Yes."

Black: "Totally and completely?"

Erwin: "Yes."

Black: "I assume they would have to be made up of doctors licensed to practice in Illinois or would I be free to seek out a doctor from Los Angeles?"

Erwin: "Representative Black, you the patient aren't gonna be seeking out anybody."

Black: "Oh, darn."

Erwin: "Because if you sought somebody out, you would seek out a physician that would give you the answer you wanted. So the point is, that doctors who are qualified will certify, and as I said, I'm really open to any other way this could work better. But in New York, the Department of Insurance certifies the MDs as certified to be... qualified to be an appeals agent. Okay? The agent is an MD that is qualified to make a determination in specialities. So your insurance carrier isn't picking them either. That's the independent's part."

Black: "Representative, if you look on page 13 of the Bill, line 10, 'the determination shall: (1) be conducted by a panel of three or a greater odd number of clinical peer reviewers.' What I'm trying to get straight in my own mind, is that panel. Is that panel selected by the board of public... the Department of Public Health or... "

Erwin: "...this is... "

Black: "...are they already registered?"

Erwin: "This is and I apologize, Representative Black, I thought I did answer that. But I'm sure I'm not being clear. Under the New York model, and I'm willing to do it another

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way, under this model in this Bill, the Department of Insurance is what would... that's the certifying place. Okay? So that you are certified, the doctor is certified there to be qualified to be an agent. Now, it's gotta be case by case because your heart problem isn't gonna be the same as my heart problem. And frankly, doctors may not be available on a moment's notice, right? And it may be that in rare cases there are not panels, maybe it is a doctor who is expert to review it. The object is to have a review by someone who's independent, knows what they're doing, we'll and... and the insurance companies and the patients have confidence in."

Black: "And I understand that. And you said earlier that this was a three-day review, in emergencies. There's a time..."

Erwin: "In emergencies."

Black: "The time starts to... to run out, so that they just can't delay. Now, what safeguard do I have as a patient... does my HMO then have some right of due process appeal? Oh, we didn't like that decision, so we're going to ask for another peer review. In the meantime, my life could be ticking away."

Erwin: "Representative Black, no, they do not. And in fact, in this model, it's varied from state to state. The decisions are binding. Now, remember, you've been denied coverage. You've been denied coverage, right? Your only object now... the only recourse you have right now, is to sue. And frankly, you may die before that is resolved. In many states, it is a... in most states, it is a binding determination. But, you know what, I've discovered that, frankly, in some cases where the patients are denied, let's say, a clinical trial. They are denied because it may have not been appropriate for them and an expert review panel

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said, 'You know, we appreciate you and your doctor wanted this, but this expert review panel said it wasn't really appropriate and the insurance carrier was right to deny it.' So I don't have a problem with a binding determination."

Black: "All right. Now, I mean, that's the key to the question I ask you. There cannot be a series of appeals..."

Erwin: "Right."

Black: "...on behalf of the insurer..."

Erwin: "Right."

Black: "...saying in effect, 'We don't like this decision. I want another panel convened.'"

Erwin: "Correct."

Black: "All right."

Erwin: "Correct."

Black: "So I, as a patient, I have some safeguard. Now, what will the response be of my HMO? They're obviously, gonna say... I don't imagine they're gonna welcome binding arbitration, which I think is what this does, right?"

Erwin: "Well, actually, in other states it's been the insurance industry that wanted binding decisions in it, because, of course if it isn't binding, then patients would just, you know, use... try to use other recourses to get the determination they wanted. So, I guess, you know, in fairness since all change is incremental... I mean, I'm happy to see some appeal process for a patient..."

Black: "Okay."

Erwin: "...either H... in an HMO or not, frankly."

Black: "I would tend to agree. I think that is somewhat of a weakness today, in that you're denied and it's very difficult to even find out who denied you. And then alone, find out why you were denied."

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Erwin: "Right."

Black: "I've had certain experiences with that. I do apologize for the lengthy questioning, Representative and Mr. Speaker. This appears to be a rather complicated Bill. I intend to vote for it. I would hope that if anyone else has questions, that we could listen to the debate because this... when I got up to ask some questions, I thought I understood this. I find that I don't understand it as clearly as I thought I did. But I... it appears that it's a... and with your willingness to continue to look at the Bill, and perhaps amend it in the Senate, I think it's a good first step in giving patients some right of appeal, where they know how the answer was arrived, and at least they have a chance to present their side of the case. And I appreciate your indulgence."

Speaker Hannig: "Representative Tim Johnson."

Johnson, Tim: "Thank you, Mr. Speaker, Members of the House. Just a couple questions of the Sponsor if she'll respond."

Speaker Hannig: "She indicates she'll yield."

Johnson, Tim: "Representative Erwin, this is not a Bill that's just lightly brought before us. This is really a product of a long time, a lot of study, the work of a lot of other states and staff personnel, as well as your own time. Isn't that correct?"

Erwin: "That's correct, Representative. Thank you."

Johnson, Tim: "And isn't it also correct, that under current law or lack of law, an enrollee in a program is basically faced with the situation of having to hire a lawyer which he or she probably can't afford or being denied benefits or somehow being caught up in the bureaucracy and either dying or facing death, while a determination is being made. Is that correct?"

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Erwin: "That is correct."

Johnson, Tim: "And isn't it also correct that if this Bill passes, that some of the other legislation sponsored by myself, yourself, Representative McCarthy and others, would probably dovetail fairly well with this? And as a matter of fact, this legislation would implement in workable terms what we do in theoretical terms in those other Bills. Is that right?"

Erwin: "That is correct."

Johnson, Tim: "Well, to the Bill, Mr. Speaker and Members of the House. I can't imagine why opponents, even to my Bill or Representative McCarthy's Bill, would oppose this. As a matter of fact, all those objections that were raised with respect to the legislation that we've passed, mandatory coverage, clinical trials, breast cancer legislation, and so forth, are all addressed by this legislation. This legislation, as a matter of fact, reaches out to the providers, equally as it does to the enrollees. It provides a very carefully crafted, extensive piece of legislation that is gonna meet the problems of consumers in Illinois, has worked well in at least... or at least, almost half of the other states of the Union. And Representative Black, while I agree with you this is a complex Bill, I know the history of the crafting of this Bill and it's not something that comes to us in five minutes or ten minutes or even this Session. It's a product of the work of not only Representative Erwin, but a lot of other individuals, associations, as well. And I think, with all due respect, probably doesn't need to be amended in the Senate. If this Bill passes, it's gonna provide a mechanism that's detailed, that's understandable, that's workable for providers and consumers. And I would

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urge everybody, however you stand on the underlying philosophical concept, to vote in favor of this mechanism which really, I think, may go... makes Illinois a nationwide model in the area of HMO reform. I urge a 'yes' vote."

Speaker Hannig: "Representative Krause."

Krause: "Thank you, Mr. Speaker. To the Bill. I rise in strong support of this House Bill. In the Health Care Committee, it passed out with no dissenting votes. Passed out 17 to 0. It is indeed, a strong Bill for the patients' rights. In all of the discussion that has been held on managed care reform, a center part of legislation is the right for an external appeal. This legislation carefully lays out that right, carefully lays out the standards. And in all of the discussions that we have had, it is clear that on an external appeal the patient should have the right that there is a review by individuals who are not part of a health care plan. This legislation has been carefully worked out. It is a piece of legislation that is long overdue here in Illinois. I support it and I would urge a 'yes' vote."

Speaker Hannig: "Representative John Turner."

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

Speaker Hannig: "She indicates she will."

Turner, J.: "Representative, I know you spent some time on this matter already. Frankly, the way the process is going right now in trying to review a couple hundred Bills that determine whether they're agreeable, even they're on the Agreed Bill List and trying to listen to the debate. All under the deadline coming up at 6:00, it's kinda hard to follow everything and I'll try not to be redundant. I don't understand the appeal process and Mr. Black asked

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several questions I think assisted. But when does the patient and/or the provider have a right to appeal?"

Erwin: "Representative, when you are denied coverage of a covered procedure that is deemed medically necessary, and in other words, it's not something that is not in your policy. You don't appeal when, say, I want to have a face-lift. Which God only knows, I probably should. But it's not covered."

Turner, J.: "No, no, I don't buy that for a second."

Erwin: "But it's not covered in my policy. I can't appeal. That is not a covered procedure, okay? So, number one, it's covered in my policy. It is something that your physician deems is medically necessary, so you have the support of your doctor. But the insurance carrier disputes the medical necessity, okay? So it's a denial on the basis that the carrier believes it's not medically necessary. What then happens is, the appeals process kicks in. The external appeal process kicks in using independent doctors who have been pre-certified as qualified, you know, really qualified to review the case. As I said to Representative Black, we're not gonna... you wouldn't have, you know, podiatrists reviewing cardiac problems, or you know... it is you're certified by the Department of Insurance as qualified to serve as an appeals agent. And so, it then kicks to that review. And in really second opinions, as you know, in many professions, are fairly common things. And it's one of the things... in other states... why because it stops litigation before it starts that both the industry and patients have liked the external appeal process."

Turner, J.: "Okay. That helps me. Are... do we not have such an appeal process now though, without this Bill?"

Erwin: "Representative, no we don't. The good news is that many

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insurance companies do do it. They do do it internally. But now if you're a patient, wouldn't you feel a little better if you knew it was an independent external review agent? I mean, if you pick a doctor for a second opinion, I mean, you're a lawyer, you're gonna bring in somebody that's gonna give you the decision you wanna hear. That's why the independence is something that, I think, adds trust, not only on the patient's part, but also on the industry's part."

Turner, J.: "All right. The appeal process kicks in, there is an appeal, there's a reversal of the original decision. Is there... "

Erwin: "Or not."

Turner, J.: "...or not or an affirmation. Is there appeal then of that decision?"

Erwin: "No, there is not."

Turner, J.: "Your Bill does not provide for that?"

Erwin: "It is a binding decision."

Turner, J.: "What is the cost of this external appeal process we're setting up?"

Erwin: "Well, you know, Representative, I did actually have a fiscal note and I think, if I can find it, it doesn't... does... oh, two... it says \$200,000 for the Department of Insurance. Now, as I mentioned earlier, I think in many states and I think, this Bill provides, correct me if I'm wrong, for a fee to be filed. So if I'm a patient and I want an external... I want this external review, it's a \$50 charge. And I think that on many of these things, I am very willing to heed to the advice of people who can understand the administration for Illinois better. But it's not my intent to add cost to State Government. So while there is a fiscal note for \$200,000, I would be open



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to other ways to pay for it, so there is no charge."

Turner, J.: "All right. The \$50 fee you just mentioned, is that part of the Bill or are you saying that that is something that occurs from time to time... in..."

Erwin: "Yes. On page 5 of the Bill, Subsection (c), it says, 'the health care plan may', it doesn't mandate it, 'may charge the enrollee a fee of up to \$50 per external appeal'."

Turner, J.: "All right. So then it's..."

Erwin: "So, you know, some carriers may say, 'That's okay. It saves us so much money on litigation. We'll be happy to pay for it'."

Turner, J.: "So this Bill's designed to save money on litigation. All right. You say there's only perhaps \$200,000 of cost...  
"

Erwin: "That's..."

Turner, J.: "...to State Government."

Erwin: "That's according to the..."

Turner, J.: "How about the cost of business? I underst... I know from my analysis that there are several opponents to the Bill and I presume that they are opponents because of their fear of cost to business. Do you have any estimation of what the cost to businesses in the State of Illinois would be?"

Erwin: "You know, I would argue, vehemently, that not only does it not increase costs, that it will save a lot of money. The dollars that are now spent in litigation for the denials of medical necessity that then go to court and the patients win, is a large, large number, Representative. As I mentioned before, in the other states, the insurance industry and employer groups are the ones who have, in many instances, put this kind of legislation forward. It

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provides trust. It stops litigation before it begins and it... and you don't waste a lot of money fighting over something. You get the expert opinion, up-front."

Turner, J.: "All right, Representative. I appreciate that response. You know, it strikes me... from being in a... one committee at least, and I think there's been another Bill in another committee, there are Bills out there that would allow a patient to sue their HMO for a decision that has been made that perhaps the patient disagreed with as a treatment. It sounds like that your Bill here, today, you're asking us to vote for this. It sounds like that you're suggesting that this would be a better alternative than those Bills that would allow suing the HMO. Is that correct? And if we do this, if we vote for this and join you with this, can we put those other Bills to bed, put em to rest? Doesn't this Bill take care of that? Is that what you're doing here? It sounds like a great idea if that's what you're up to."

Erwin: "Representative Turner, there's lots of ways to skin a cat, so I don't want the animal rights people be upset with, but there are lots of ways to do something. I think that this, as I mentioned earlier, is doable, it's workable, it's not to say that other more comprehensive health care reform isn't, or that you and I might not like another Bill better. I'm not trying to solve all of the world's ills here. I'm only trying to provide an opportunity for patients to have an external review when their procedures that are deemed medically necessary are denied."

Turner, J.: "I understand that, Representative. My question was, do you think this is a better alternative than the Bills which would allow the patients to sue the HMOs?"

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Erwin: "I think I just answered that, Representative Turner. I think there are lots of good Bills and really great Bills that are being put forward on this topic. This is a little piece of a much larger picture. I'm not trying to paint the whole picture here. I am just coming to this, frankly, from having worked on clinical trials for six years. So I'm trying to find something that is doable and workable in Illinois, with employer groups who are concerned about mandates, as well as the insurance industry."

Turner, J.: "But if we were to pass this Bill, we would not need those other Bills which would allow the patient to sue the HMO. Let me try asking you like that. You agree with that?"

Erwin: "I'm sorry, Representative. I didn't hear the question."

Turner, J.: "With your Bill, we won't need to address those other Bills which would allow suing the HMO. Would you agree with that?"

Erwin: "You know, Representative, I think that in our wisdom in this House, we will decide a vote by vote, Bill by Bill, whether or not you think the next Bill is a good Bill or not. I don't feel qualified to make that determination."

Turner, J.: "Well, and what I'm getting at, is it sounds like that if we pass this there would be no need for that legislation. And indeed if we pass that, it would conflict with what this Bill does today. For example, would the suit be only against the HMO or would it be against the independent board that's reviewing the original decision?"

Erwin: "Representative Turner, I'm not trying to make external appeals more than it is, okay? There are no mandates of new coverage in here. There are no... there are many, many things in those other Bills that are covered. This is not... this is not that. This is not the whole landscape."

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This is, I hope, a blooming flower for patients to be able to have something. I'm not trying to draw the whole picture. And I really am not... you know..."

Turner, J.: "I understand that, but a few minutes ago one of the reasons you gave me for why I should support the Bill is that this will prohibit litigation or reduce the litigation that may accompany the decision-making. And I'm suggesting that with your Bill then, it would not appear that we would have to have the legislation which would allow the lawsuits because this is, indeed, designed to reduce such lawsuits, is it not?"

Erwin: "It is."

Turner, J.: "All right. Thank you for answering my questions."

Speaker Hannig: "Representative Klingler."

Klingler: "Thank you, Mr. Speaker. To the Bill. I think the real issue here is what kind of format can we have for responsibility for making medical decisions? Now I... clearly, medical decisions should be made by the health care provider according to established medical guidelines. But that medical provider is subject to review of his decisions or discipline, be it by malpractice suits, be it by referral to the disciplinary board, be it by hospital review, be it by a peer review. The issue is when medical decisions are, in fact, being made by HMO executives or managed care, how can that discipline or responsibility occur? We've heard talk about having lawsuits against HMOs and I pointed out in the Health Care Committee, this is a very long, involved process. It may be years before the answer's there and the patient may have gotten irreparably worse or have died. I don't believe that that is the answer. What I here from my constituents, is that they want when they are denied treatment and they feel that they

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need treatment, they need the referral. They want a quick answer. They want re... an answer that will give them a chance to have a better cure. I think this is the way to go and not the lawsuit way. There does have to be responsibility. There is a whole new way medical care is being delivered. The HMOs cannot say, 'Well we're simply saying what's covered. We aren't making medical decisions.' For the vast majority of decisions, in fact, that nameless person that we talk to at the end of the 800 line is making a medical decision and there has to be a recourse for the person that's given denied treatment. I strongly support this Bill and I hope that this will go a long way towards relieving some of the concern that persons have on this whole new kind of health care. Thank you."

Speaker Hannig: "Representative Zickus."

Zickus: "Thank you, Mr. Speaker. I also rise in strong support of this legislation. And I want to commend the Sponsor for her tireless, tireless efforts to address this issue. It's really very important. She's done an outstanding job. You know, anyone who has had a friend or a loved one whose had any of their ser... their coverage denied will understand how important this is. And I urge your support."

Speaker Hannig: "Representative Osmond."

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

Speaker Hannig: "She indicates she will."

Osmond: "I have a couple of questions just as to, who exactly if this is implemented, who will it affect? Is it just HMO providers?"

Erwin: "Representative, thank you for raising that question. I had actually intended to do an Amendment to have it not only apply to HMO, New York does. And it's something that I discussed with the HMO Association. So, if indeed this

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does pass, I think we are looking on... I'm sure we're looking at an Amendment to make some other changes, too. And it should apply to all health care providers, not just HMOs."

Osmond: "So you would be including then self-insured plans?"

Erwin: "Well, Representative, as you know, with ERISA there are... there is some dispute as to whether or not states can regulate."

Osmond: "Right."

Erwin: "So... but many of them do it voluntarily now anyway, so I think that those are all things that we would have to work out."

Osmond: "How about individual policyholders? Those that have an individual major medical policy?"

Erwin: "I would think that all... anyone with an insur... health insurance policy with a... with covered... any covered services where there is a denial of medical nece... on the basis of a dispute, over medical necessity, that's where external appeal would kick in."

Osmond: "For... Would you then want to amend this at some point along the line... "

Erwin: "Absolutely."

Osmond: "...to make it for any carrier?"

Erwin: "And it was a call whether or not to try and get an Amendment done within our time frame. I was afraid it might not ever come up again if I waited."

Osmond: "I'm wondering also, for you had mentioned that there are some carriers that are... already offer this. If this Bill goes through and becomes law, would they be forced to drop their already existing plans and... and follow this lead?"

Erwin: "No, Representative, actually some of the insurance representatives that I've talked with, have said that, in

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fact, they would welcome it. It would level the playing field. They're assuming the whole cost and burden of doing it now, anyway. And so, I think that quite to the contrary, we would try and something that would work for Illinois and it would level the playing field."

Osmond: "What... Would you be in agreement that if a company has their own external procedures that they could use that then and keep doing it?"

Erwin: "No."

Osmond: "Or would that... you know... and I know that you've done a lot of research on it and this is a big problem. There's no question about it. But if a company already has a plan that's working and you cited example that it works, why would we want to change that and go to a system that we don't know it will work?"

Erwin: "Well, Representative, the reason why you would want to change it, if you're the patient, is that you would want the external appeal agent to be independent of the insurance company, would you not? So the difference is, it's like an internal audit versus an audit done by the IRS or an outside auditor. An internal process is wonderful, but this is an external..."

Osmond: "Right."

Erwin: "...appeal, so you need to have the independence."

Osmond: "But did you not earlier say that there are companies that are already using this, successfully?"

Erwin: "Many of them do, in fact, bring in, to shore up their own decisions, bring in outside people, but I... I'm not trying to run an insurance company here, Representative."

Osmond: "No, no... that's... no... I..."

Erwin: "I'm just trying to look at the various models, but..."

Osmond: "But didn't... didn't you..."

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Erwin: "I'm... I'm... certainly this does not stop anyone from doing something internally."

Osmond: "But did you not... I thought I heard you say that Aetna and their HMO has a... a provision for external review now and you used that as an example of a well-working external appeal program. No..."

Erwin: "But, Representative, I'm not gonna stand here and say that I understand how all the insurance companies operate when they use this. What I do know is that many of them do. I'm not, you know, I don't work in that industry to understand it that well. But what I do know is that in 15 other states, it has been a fairly welcome addition, and in fact, something that patients like, but nonetheless, has not served overly burdensome, if burdensome at all, to the industry."

Osmond: "Well, I think when you started and you used that as an example that caught my attention saying that it does work and some segments of the HMO industry have found it to be successful. And if they have, then I think we should go ahead and let them keep doing it. And I don't know why we want them to stop."

Erwin: "Well, because again, Representative, you... the... the independence of the external review is pretty important. You're... you... there is not trust if the doctor reviewing your case is a doctor the insurance company got, right? Anymore than the insurance company is gonna go let you choose the doctor to review the case. That's why certifying the independent external appeal agents is so critical and it's why states are doing it. It is not independent and it doesn't add to the trust factor. I'm not saying we discourage them from doing it, but it's a very different thing."



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Osmond: "Did I misunderstand you then when you said Aetna was doing it. When you used that as a good example or not?"

Erwin: "Representative, I mentioned that I have talked with folks from various insurance companies about the fact that they do have, it's sometimes called, external review, it's sometimes called external appeal. But in Illinois we don't have a law that says they have to register. So, clearly in Illinois, whether you're Blue Cross/Blue Shield or whatever, it couldn't be the same as New York because we don't certify external appeal agents."

Osmond: "But those companies that have that external appeal now would not be able to use those if this passes, right?"

Erwin: "No, Representative. I said before, that is not the case."

Osmond: "They would be able to use their own?"

Erwin: "We are talking about a procedure that an insurance company may use now. That's their company policy procedure. Fine, they can do that. We're talking about a state law... modeled after the State of New York that would have a model for patients in Illinois to be able to have a procedure that is in state law. I'm not trying to mess with internal company policies. They can do whatever they want, internally."

Osmond: "I must have misunderstood you, then. I thought you said that there were companies that are already doing this successfully. So, I'm sorry. No further. Thank you."

Speaker Hannig: "Representative Cowlshaw."

Cowlshaw: "Thank you, Mr. Speaker. As a bipartisan effort in honor of Monroe Flinn and Jay Ackerman, I move the previous question."

Speaker Hannig: "Thank you, Representative. We needed that. And so the Lady's moved the previous question. The question

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is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. The main question is put. So now the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 110 voting 'yes' and 5 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 64 of the Calendar, is House Bill 1964. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1964, a Bill for an Act in relation to juries. Third Reading of this House Bill."

Speaker Hannig: "Representative Cross. Representative Cross."

Cross: "I'm tryin'. My light... my light... okay. Mr. Speaker, I believe there's a slip in there that adds Representatives Dart and Scott to this Bill. I'm not sure. Apparently, it's not made it. This Bill does, I believe, four things, Mr. Speaker and Members of the Body. And it's a result of a suggestion from our Chief Judge in DeKalb County who's dealt with numerous jury trials. It first of all, will allow, and this is the situation has occurred on numerous occasions. It would allow a judge to prohibit the release to the public of the name of any member of a jury sitting in a court in which the judge presides if he believes there's a threat of harm to the juror, if his or her name were released. The concern, of course, is potential jurors or jurors sitting in a courtroom with the defendant, either a gang member or handling of... selling drugs that might take out or attempt to take out his anger on a potential juror. And this will serve to protect those jurors. And that's happened to a variety of people I've talked to.

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Another issue that's come before this particular judge and others in my area, is there are oftentimes, for the most part, women that call the courthouse once they've been summoned to... for jury duty, they're single moms and they say, 'I don't have the ability to serve on a jury 'cause I don't have any day care. I don't have any ability to pay for day care.' And so as a result of that, this Bill would allow a judge in limited situations, to order reimbursement for day-care expenses for those that have to incur'em. We would much rather see people serve on juries than start the issue of exempting people again. And third, we pay jurors incredibly low sum to take time out of their day to fulfill their duties as jurors. This limits the cap on what county boards can reimburse or order for reimbursement for jury... for people who serve on jury duty. It also, in order to pay for some of these, provides for an increase of \$12 when a jury demand is filed in a civil case. If there are any questions, I'd be happy to answer'em. I think it's a Bill that takes care of some real life practical problems within the jury system and I think we need to address'em now. And I'd be glad to answer... and we do address'em now through this Bill. I'll be glad to answer any questions."

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

Feigenholtz: "Thank you... thank you, Mr. Speaker. Representative Cross, I do have a question for you. The first part of the Bill sounds very familiar to me. A couple of years ago, I tried passing a Bill, and I believe that you and Representative Durkin we're giving me a very difficult time about juries and their names. Can you tell me... can you roll back to the first part of the Bill? What exactly, are you trying to do here?"

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Cross: "There is some question about the difficulty we gave you, Representative Feigenholtz. I don't think either one of us would dare do that. This Bill, and I will tell you that the Illinois Press Association, at this particular part of the Bill, does not oppose it, but it would allow a judge to not release names to the public or to the press of... of potential... of jurors or potential jurors that may serve on a jury if they think there would be harm... potential harm to that juror. Either because there's a gang member sitting there as a defendant or a drug dealer or any other person that might be serving as a defendant. It's not an absolute... it's not an absolute outright prohibition, but it gives the judge the discretion where he or she thinks it's appropriate. And, as I said, I... I've had some, actually some people... my father, for instance, was on a jury panel and I know was very concerned about his name being released to the public based on the potential... or the defendants there. So I don't know of any opposition to this part of it, Sara."

Feigenholtz: "Aren't those names already sealed in an envelope and they're only released according to judicial discretion?"

Cross: "I don't... they're initially released to the jud... to the attorneys and they go over a pool of all those names, but there's no prohibition, at this point, to those names becoming public."

Feigenholtz: "Well, maybe we ought to talk about that a little later. But I support your Bill, Representative Cross, and I applaud you for your hard work. Thank you for answering my questions so competently."

Cross: "Thank you for being big about it and not taking it out on us for asking you questions a couple of years ago."

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Speaker Hannig: "Representative Lang."

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

Speaker Hannig: "He indicates he will."

Lang: "Representative, as you know, I've had some problems with additional court fees because I think it closes off peoples' access to the courthouse. I like the rest of your Bill, but I do want to ask you a question or two about the fee. So, in the counties that want to do this, would the additional fees go into a special fund to be set aside for these day-care payments?"

Cross: "It... Lou, right now the county board sets with the cap what they can reimburse jurors for their service. It would just go into the same fund to the county... that the county utilizes to pay jurors for their services."

Lang: "Well... but, I... okay. So... but, how would that work? Would a juror that needed day-care services or transportation services whatever that might be, apply to the county board and say to them, 'Other than my regular jury fee, I need 'x' additional dollars so that I can do it'?"

Cross: "It's a good question and what... we've tried to keep it very simple and there may need to be some cleanup on it. The juror fee... this is all that we had... we've written in here. The jury fee... juror fees for service, transportation, and day care shall be paid out of the county treasury and prior to that if which... says, 'if a judge so orders there shall be reimbursement for the actual cost of day care.' So that would be on an individual juror by juror basis. And I can tell you what's going on in our county. When they get called to come in and be a... on the jury panel, they call the jury commissioner and say, 'I can't come. I've got a child and I don't have the ability

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to pay for day care.' So I... and that's happening on a re... quite frequent basis, I know in Kendall County and apparently up in DeKalb. So that's just gonna be up... it's to the discretion of the judge, who I assume's gonna know about it during the voir dire or perhaps sooner."

Lang: "Well, then... "

Cross: "I don't know if I was responsive. I'm trying to be."

Lang: "You were. So do you contemplate that every judge that had a jury would set aside a period of time for jurors to ask the judge for an additional order for costs of some kind?"

Cross: "I think, at this point, and once again, this is something that maybe needs to be worked out as the process goes along and assuming this passes. It's either gonna come up because a juror's gonna bring it up, either when they call in to the jury commissioner and he or she says, 'Sorry about that. You can't get out. We also have the ability to reimburse you, if the judge so decides.' So it's either gonna come up then or it may come up during voir dire or perhaps, you know, the other problem is, people may not know about the ability to be reimbursed at this stage. 'Cause it's gonna be relatively new, once again if it passes. But it's gonna... at this point, I guess, being up to the potential juror to bring it up to the judge."

Lang: "I understand. I'm just suggesting that there be some mechanism in the Bill. I know... perhaps each county should do their own mechanism, but I think you need to say in the Bill that there has to be a procedure, otherwise it's haphazard. It could be a situation where when they call the jury commissioner and they say, 'You know, I really can't serve. I have got six children. I have no one to watch them.' The jury commissioner maybe could work it out with them up front or it might be that the judge

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does it... there has... before the trial starts. I'm just simply saying that you should require each county to come up with a system for dealing with these monies."

Cross: "In terms of the disbursement. In terms of the disbursement..."

Lang: "In terms of..."

Cross: "...or the reimbursement?"

Lang: "Not just the disbursement, but how much do... will they get it? You know, someone's gonna have to determine... you're not gonna give it to a juror just 'cause the juror says they're entitled to it."

Cross: "Right. And once aga... I think... and Lou, you ask a valid question or bring up a valid point. I'm... I think at this point, and once again assuming it passes, we're gonna have to rely on... and I think you share my thoughts, that most of the judges in this state have good ability and have the ability to make the right decision using discretion. And that's how it's gonna work at this point, and maybe and I think... maybe you're right. You let each county or circuit decide how they want to implement this system. And I think it's difficult to outline a potential system in a piece of legislation, at least at this point. They may come back and say, 'Hey, you've got to do a better job and be more specific.' But I trust our judges to say, 'This is a legitimate reason. He or she's proven their case. I'm gonna order it.'"

Lang: "So, then I guess your presumption is, that if the Bill passed exactly this way, each court system would come up with a plan, even though it doesn't require them to. They'd have to come up with a plan."

Cross: "I think so, and I just think each circuit has their own way they want to run, in terms of just day to day

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operations within the confines of the law. And it's, obviously, gonna be different in Cook than it may be in... than it is in Kendall or Kane and in smaller counties. Even downstate they may have a different system. So I think, I really think, if you buy this idea and I know you're concerned about the fees. We really need to rely on each... each judge or each circuit... to implement a plan and there's nothing that prohibits them from doin' that under this Bill."

Lang: "Just one other area. It... can you... is there no other way to fund these programs other than to do it through court fees? Is there..."

Cross: "I'm... and I want you... and I'm not being cute. I'm open... I think we're all open to any suggestions on that. I think, this is... I don't know one right off the top of my head. I guess... sure we could appropriate more money through the General Assembly, or at least consider it. I don't think that would happen."

Lang: "Well, I clearly support the program. But as you know, I have a philosophical problem with the fees. Would it... if this passes over to the Senate, and I'm sure it will, we can then perhaps if somebody can come up with a clever way to pay for this, other than court fees, you'd be willing to listen to that, I assume?"

Cross: "No question. Of course."

Lang: "All right. Thank you."

Cross: "Thank you, Lou."

Speaker Hannig: "Representative Cross, to close."

Cross: "I think this is a... this Bill addresses some real significant day-to-day problems that many people in our districts face either with day care or with safety and I would... This idea comes from a judge who's in the so..."



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trenches, so to speak, on a day to day basis. And his idea, I think, is a sound one in here, all his ideas. And I'd appreciate a 'yes' vote. Thank you."

Speaker Hannig: "The question is, 'Shall House Bill 1964 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... Mr. Clerk, take the record. On this question, there were 101 voting 'yes' and 13 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. I have a few announcements to make concerning the rest of the evening. First of all, it's the intention of the Chair, if I could have your attention. It's the intention of the Chair to work 'til about 8:00 this evening. I think the good news, though, is that we definitely will be off on Saturday. You can check out... you can check out of the hotels tomorrow. Let me also... let the Members understand that for those Bills that you have on your priority list, where you need to move an Amendment, you need to let us know so that the Rules Committee can send those Amendments to the appropriate House Standing Committee. We're not gonna deal with Amendments to Bills that are not your priority, but you need to let us know up here at the podium which ones that the Rules Committee needs to deal with when you have an Amendment to your top priority Bills. And also, the Clerk wants it to be understood that on the Agreed Bill List, we need to get a signed document back from everyone. Even if you don't want to vote against any of these Bills, we need to have a record that indicates, with your name on it, signed that that's how you wanted to vote. So, don't just throw it away. If you're happy with everything on the

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Agreed Bill List, just sign it and bring it back and then we'll proceed from there. Now, back on the Order of Third Readings, on page 59 is House Bill 323. Representative Gash. Okay. Out of the record. Representative Garrett, are you prepared on House Bill 2679? Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2679, a Bill for an Act amending the Property Tax Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Garrett."

Garrett: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House. The way this law currently reads, is that it actually can prevent seniors from receiving exemptions when, as an example, a new and higher assessment is less than the old freeze level established years earlier. So this is really a clarification of the current law. And the reason I found out about it is that seniors in my district wrote me and they actually drafted it. And I hope that you will vote for it in a positive way."

Speaker Hannig: "Is there any discussion?"

Garrett: "Oh... and I would like to also say that the Cook County Assessor's Office is a proponent, as well as the Township Officials of the State of Illinois."

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

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

Speaker Hannig: "She indicates she will."

Black: "Representative, how far back could the assessor go to establish a base year? Can you go back unlimited period of time or?"

Garrett: "They... I... the way I understand it, Representative, is that the assessor could go back to where the lowest level of the property tax was declared, I guess. It's in the Bill."

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Black: "Well, in a... in an area like yours, that's what drew my attention to this. In an area like yours, where you've had relatively stable growth, but I would imagine high property values, if somebody had lived there 50 years, wouldn't it be conceivable that they could go back to when the assessment..."

Garrett: "I..."

Black: "...on a piece of property was \$50,000?"

Garrett: "Well, I think if you'd look at the way the Bill is written, they're allowed to go back I think it's within five years to make sure that, you know, they obviously they're not gonna go back 50 years."

Black: "Okay. Well..."

Garrett: "Now, but..."

Black: "Does the... does the... and forgive me, I have not looked at this Bill. It's in the file. But I would assume that somewhere in the Bill there is specific language as to how far back you could go to the base year. If I've lived in my home 50 years..."

Garrett: "Yes."

Black: "...could I go back the year I bought the house?"

Garrett: "Right. Well, I think, we also have to look at when the law went into effect, Representative Black, and I don't think that was 50 years ago."

Black: "All right."

Garrett: "If, in fact, there is not a provision for that we will..."

Black: "Okay."

Garrett: "...get it in there."

Black: "Staff tells me you could only go back to the first year where you were eligible..."

Garrett: "Right."

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Black: "...for the freeze. That you could not go back in time."

Garrett: "Right."

Black: "Okay. Well, because I was gonna say..."

Garrett: "And by the way, I have to compliment you on your bipartisan pin that you're wearing today..."

Black: "Well, I'm..."

Garrett: "...in the General Assembly."

Black: "I'm an athletic supporter from way back and... we'll not look into that. I... the reason that I... the reason I ask you the question knowing a little bit I... the office that I now occupy was once occupied by Virginia Frederick who served in the General Assembly and was in... from Lake Forest. And I would often talk with Representative Frederick and I was always amazed at some of the property values..."

Garrett: "Yes."

Black: "...in Lake Forest. And my concern was prompted then, obviously, when you reduce the assessment, you reduce funding for your schools and I... I couldn't imagine you'd want to go back 50 years..."

Garrett: "No."

Black: "...because that would be a... that would be a phenomenal decrease in the assessment. Have you heard from the local school district in the Lake Forest? Because you spend more per child than almost any district in the state and you will be lowering your assessment, i.e., you will be lowering money your school district receives."

Garrett: "Well, I... I'm not..."

Black: "Has the school district taken any position?"

Garrett: "I don't think that this is going to have a major impact on the funding of schools. I think this is clearly directed toward the benefit of senior citizens throughout

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the state. It's to prevent the fluctuation of property taxes and the assessments to make sure that the seniors get the highest exemption that they should be receiving."

Black: "So if I were eligible for this freeze, say in 1997, and the assessor goes back and picks up my assessed value at that point..."

Garrett: "Uh huh."

Black: "...it's my understanding then, that I will hold that '97 assessment for as long as I live. According to what staff was telling me, that's our interpretation. That if that becomes my base year, the lowest year since I was eligible for the freeze."

Garrett: "Right. Right."

Black: "And let's say property values continue to appreciate at 10% a year in your district, but I'm gonna be frozen at the '97 year for as long as I live in my property. Is that your in..."

Garrett: "No. I think that's what we're trying to prevent. I think what the assessor's office will be entitled or able to do is, to look and make sure that if the property tax fluctuates that the senior will have the ability to, also, get the highest exemption. It's a period of two or three years before it goes into effect. I know it sounds complicated..."

Black: "Yeah. Well, that kinda flies in what we understand your Bill to do. You wouldn't want it to fluctuate."

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

Black: "You would want that senior... you would... Thank you, Mr. Speaker. You would want that senior citizen to be able to have some degree of certainty at his or her tax..."

Garrett: "Right."

Black: "...cost because we are, as I understand it under the

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assessment freeze, we're freezing the assessment at the base level."

Garrett: "Right."

Black: "The lowest level of assessment from when the homeowner was eligible."

Garrett: "But that level can go down even more after the level has been frozen, and I think that's the whole point."

Black: "Okay."

Garrett: "Okay."

Black: "All right. So if it goes down, I can take advantage of it, but if it goes up substantially, I'm still frozen at my base year, correct?"

Garrett: "Yes. I think so."

Black: "So I wouldn't be subject..."

Garrett: "I think so..."

Black: "I would not be subject to that fluctuation..."

Garrett: "No."

Black: "...of a 20% valuation increase in the quadrennial."

Garrett: "I think so."

Black: "Okay."

Garrett: "The way I understand it."

Black: "All right. But that's your intent. It's to..."

Garrett: "Yes."

Black: "It's to level out... for the senior, it's to level out the assessment, so that the senior is not faced with some of these huge..."

Garrett: "Yes."

Black: "...tax increases because of increasing property values. Well, that..."

Garrett: "You got..."

Black: "Okay."

Garrett: "That's it."

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Black: "That make eminent good sense because then..."

Garrett: "Okay."

Black: "...then if we could get Representative Currie out of the road, so I could see you... Oh, thank you, Representative."

Garrett: "Thank you very much."

Black: "And one of the Smith Brothers there joining her, yes. All right, then that seems to make eminent good sense to me. Because then the senior can budget with some degree of certainty as to home expenses and I... as I remember the original Bill, the underlying Bill a year... two or three years ago, I can't remember. We're trying to encourage people to stay in their homes..."

Garrett: "Right."

Black: "...as long as possible, correct?"

Garrett: "Absolutely."

Black: "Okay."

Garrett: "This is a win-win for everybody."

Black: "All right. Well, Representative, I thought your first Bill was rather shaky. I compliment you. I think your second Bill reflects the level of maturity you've gained here in the last 24 hours."

Garrett: "Thank you."

Black: "I congratulate you."

Garrett: "I appreciate that."

Black: "And thank you very much."

Speaker Hannig: "Representative Garrett, to close."

Garrett: "I hope everybody in the General Assembly will vote for this and give it a 'thumbs up'."

Speaker Hannig: "Okay. 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

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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 62 of the Calendar, is House Bill 1294. Representative Beaubien. Mr. Clerk, read the Bill. Excuse me, Representative Beaubien. Okay. Excuse me. On page 62 of the Calendar, is House Bill 895. Representative Bellock. Representative Bellock, would you like us to call this Bill? You ready to go? Okay, Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 895, a Bill for an Act to amend the Intergovernmental Cooperation Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Bellock. Representative Bellock."

Bellock: "It's a... House Bill 895 amends the Intergovernmental Cooperation Act. Provides that public agency powers may be combined and transferred among other things except as provided by law. Provides that a county may participate in an intergovernmental agreement without the authority to perform the action involved. Provides that in an agreement between a county and a municipality the county may act within the municipality or within contiguous territory not more than one and one-half miles beyond the municipal limits. Section X of the Illinois Constitution provides broad authority for public agencies to go into intergovernmental agreements together. This Act does not give any more power to either counties or municipalities, but it allows them to enter into intergovernmental agreements easier because it clarifies the ambiguous language that's in the Intergovernmental Cooperation Act. The reason the mayors and managers of DuPage County and the Illinois Municipal League are proponents of this is that



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they find that we will have a lot more intergovernmental agreements addressing issues of storm weather projects, emergency actions, traffic road signals and other missions like them. There was no opposition in committee."

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? Mr. Clerk. 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. Representative Holbrook. On page 61, is House Bill 831. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 831, a Bill for an Act to amend the Nursing Home Care Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Holbrook."

Holbrook: "Thank you, Speaker. House Bill 831 creates a penalty for those that prenotify nursing homes that they're gonna be inspected or they're gonna have a complaint investigation."

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. Representative Brady. Representative Brady. On page 63, we have House Bill 1687. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1687... "

Speaker Hannig: "Excuse me. Representative, do you wish to hold

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that on Second for the time being? Okay. Mr. Clerk, read House Bill 1476 for Representative Beaubien."

Clerk Bolin: "House Bill 1476, a Bill for an Act to amend the School Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Beaubien."

Beaubien: "Thank you, Mr. Speaker and Members of the House. I apologize. We had not done this Bill before, it was 1294. 1476 (sic-House Bill) passed the Elementary and Secondary Education Committee 23 to 0. It amends the School Code to allow the debt limit to be increased 20% for elementary or high school districts and also unit school districts. This is for school construction bonds only. It is a front-door referendum and these numbers have not been changed since the early '80s. And this actually affects people from all over the state. There's two groups that have this particular problem. One, are areas with low EAVs and they don't have enough ability to bond, so they want to go to referendum and raise the 20%. You also have the suburban areas with this tremendous amount of growth. They've runned out of bonding power and of course, the villages keep allowing more and more buildings, so they're caught in a dilemma where they don't have enough money to add... to build their schools. This will give the voters the opportunity to raise them 20% if they so chose to do it in a front-door referendum. I urge your support on this Bill."

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, there are what... 50 some school districts that would be able to take advantage of this or

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would all school districts be able to increase their debt limit?"

Beaubien: "Every school district in the state. This isn't... "

Black: "All right. Now, obviously, I mean... I know the answer to this question. Obviously, to increase your debt limit does not require a referenda, correct?"

Beaubien: "I'm sorry. I can't hear ya."

Black: "All right. We... Thank you very much. It sounded like a carpenter I once knew. He did a... wonderful job. Did... To increase a school district's debt limit would not require a public referenda, true? The board would make that decision."

Beaubien: "Yeah, but they can't raise it beyond the statutory requirement of the... "

Black: "But aren't you raising the statutory requirement?"

Beaubien: "By front-door referendum, they can raise it."

Black: "Okay. Now, that's what confused me. To raise the debt limit, will require a front-door referendum?"

Beaubien: "Yes, that's correct."

Black: "And... does the Bill enumerate the purposes for which the debt limit is being raised? I mean, is it for general operating expenses or is it more specific?"

Beaubien: "For school construction projects within the school district eligible to receive grant under the School Construction Law."

Black: "So you would only be raising, then, is it both the Educational Fund and the Bond and Interest Fund?"

Beaubien: "On Bond Fund only."

Black: "Bond Fund only. And the key is to increase the limit would require a front-door referendum?"

Beaubien: "Absolutely."

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

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Speaker Hannig: "Representative Davis?"

Davis, M.: "Mr. Speaker, I rise in support of this legislation. It allows some other districts to take advantage of the school constructions and their needs are made known. And this legislation is very good. I commend the two Sponsors for bringing this to our attention."

Beaubien: "Thank you."

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

Beaubien: "I urge your 'aye' 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 are 91 voting 'yes' and 23 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. The Clerk's office has asked that we expedite the process of turning in your Agreed Bill List. So we've only got about half of those lists back. So we'd like to see the Members who are still outstanding take a few minutes, look at the Bills and decide how you wish to vote and then turn in your lists. Representative Coulson on House Bill 2272. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2272, a Bill for an Act to amend the Good Samaritan Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Coulson."

Coulson: "This Bill amends the Good Samaritan Act. It basically adds an exemption for physician assistants from civil liability for emergency care. It is effective immediately and I would ask for your support."

Speaker Hannig: "Representative Tim Johnson."

Johnson, Tim: "Is this a blanket exemption, Representative or is

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it simply an exemption from simple negligence?"

Coulson: "It's an exemption for civil liability for emergency care as..."

Johnson, Tim: "I..."

Coulson: "...other health care providers."

Johnson, Tim: "I understand that, but what I'm asking you is this. There's... there's limited... there's kinds... there's different kinds of exemptions. One is just a blanket immunity where you can do whatever you want and you're immune, which is a terrible idea. And... a moderately terrible idea is where you simply exempt the defendant from liability for simple negligence. Is this the moderately bad idea or an awful one?"

Coulson: "No. This is a great idea. It exempts physician assistants from civil liability, only if they're providing emergency care, just as we have exempted physicians from civil liability for emergency care."

Johnson, Tim: "Representative, I'm not trying to harass you, but..."

Coulson: "I know."

Johnson, Tim: "...you still haven't answered the question. The question is; if the defendant's guilty of willful and wanton misconduct or intentional misconduct, are they liable?"

Coulson: "Yes. It says right in the Bill, 'except for willful or wanton misconduct on part... on the part of the person in providing the care.'"

Johnson, Tim: "Well, to the Bill."

Speaker Hannig: "Yes, to the Bill."

Johnson, Tim: "I guess I'm gonna vote 'present'. We've started this slippery slope a long time ago and eventually, we're gonna get back to a form of tort reform by addition to the

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list of exemptions. This probably makes sense, given the other exemptions that we've given a variety of other people, under the circumstances. But I really would urge us to be very careful about how widely we spread this net of exemptions and what the nature of it, is because we're gonna wind up exempting half the world from liability wherein a good many cases they ought to be liable. So I respect the Sponsor. I understand what she's doing. I'm not gonna trash the Bill, but I'm also not gonna vote for it."

Speaker Hannig: "Representative Coulson, to close."

Coulson: "I appreciate that sentiment, however, what we're trying to do is to have physician assistants just as physicians and other health care providers when they come upon an emergency scene and they feel they can provide some service, we want to exem... allow them to provide emergency services so that they can save lives. And I'd appreciate your 'yes' votes."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Moffitt on House Bill 21. Mr. Clerk, read the Bill. Out of the record? Okay. Out of the record. Representative Zickus on House Bill 124. Representative Lindner on House Bill 645. Out of the record. Mr. Clerk, what is the status of House Bill 1340? 1340. Okay."

Clerk Bolin: "House Bill 1340 is on the Order of House Bills-Third Reading."

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Speaker Hannig: "Mr. Clerk, return that Bill to the Order of Second Reading at the request of the Sponsor. Mr. Clerk, what's the status of House Bill 112?"

Clerk Bolin: "House Bill 112 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, what is the status of House Bill 390?"

Clerk Bolin: "House Bill 390 is on the Order of House Bills-Third Reading."

Speaker Hannig: "Mr. Clerk, return that to... that Bill to hou... to the Order of Second Reading at the request of the Sponsor. Mr. Clerk, what is the status of House Bill 649?"

Clerk Bolin: "House Bill 649 is on the Order of House Bills-Third Reading."

Speaker Hannig: "And please return that to the Order of Second Reading at the request of the Sponsor. Okay, Mr. Clerk, what is the status of House Bill 1399?"

Clerk Bolin: "House Bill 1399 is on the Order of House Bills-Second Reading."

Speaker Hannig: "Out of the record. House Bill 1137. Representative Silva, there's still some notes that are requested to your Bills, on 1399. That's why I took it out of the record. Representative Silva."

Silva: "Actually, I filed the Motion to Table Amendment 1... two days ago."

Speaker Hannig: "Representative, we can Table the Motion, but the fiscal note request would still be appropriate, unless you can ask..."

Silva: "The fiscal note was related to Amendment 1."

Speaker Hannig: "Representative, we'll go to your order... we'll go to your Bill. We'll table your Amendment. Then you

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need to find whomever asked for that fiscal note and ask them either to withdraw it or you'll still need to file it."

Silva: "Thank you."

Speaker Hannig: "Okay. So, Mr. Clerk, on House Bill 1399, read the Bill."

Clerk Bolin: "House Bill 1399, a Bill for an Act to amend the Children's Health Insurance Program Act. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. A Motion has been filed to table Amendment #1."

Speaker Hannig: "And who filed that Amendment (sic-Motion), Represen... Mr. Clerk?"

Clerk Bolin: "The Motion has been filed by Representative Silva."

Speaker Hannig: "Representative Silva, on the Motion to Table."

Silva: "I move to table Amendment 1 to House Bill 1399."

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

Black: "Yes, Mr. Speaker. A point of personal privilege, if I might."

Speaker Hannig: "Yes."

Black: "I had filed various note requests on the Bill, as amended. If she tables the Amendments, please withdraw the note requests."

Speaker Hannig: "Okay."

Black: "Thank you."

Speaker Hannig: "Thank you. The question is, 'Shall Amendment #1 be tabled?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Mr. Clerk, the voting is open on the Motion to Table. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. This requires 60 votes. On this question, there are 109 voting 'yes' and 0 voting 'no'. The Motion to Table prevails, and Amendment



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#1 is tabled. Now, Mr. Clerk, are there any Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hannig: "And Representative Black has withdrawn his request for notes. And so this Bill moves to the Order of Third Reading. Representative... or... Mr. Clerk, on House Bill 1137. Could you read that Bill?"

Clerk Bolin: "House Bill 1137, a Bill for an Act to amend the Election 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 521. Out of the record. Mr. Clerk, read House Bill 1516."

Clerk Bolin: "House Bill 1516, a Bill for an Act to amend the School Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 2101."

Clerk Bolin: "House Bill 2101, a Bill for an Act to amend the Housing Development Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed. The note requests have been withdrawn."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 1746."

Clerk Bolin: "House Bill 1746, a Bill for an Act to amend the State Finance Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motion filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 2631."

Clerk Bolin: "House Bill 2631, a Bill for an Act to amend the Drycleaner Environmental Response Trust Fund Act. Second

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

Speaker Hannig: "Representative Smith, on the Amendment."

Smith: "Thank you Mr. Speaker and Ladies and Gentlemen of the House. This is just a... an Amendment to correct a drafting error. This changes various dates that were mentioned in the Amendment that passed out of the committee, unanimously. And this simply, again, corrects a drafting error."

Speaker Hannig: "Is there any discussion? There being none, then the question is, 'Shall the Amendment be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

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 state mandate note and a home rule note have been requested on the Bill. And those notes have not been filed."

Speaker Hannig: "Okay. Representative Murphy, you still need to... you still need to have the notes filed on your House Bill 1954, before it can move to third. Okay. So that Bill will remain on Second Reading. Mr. Clerk, read House Bill 2310."

Clerk Bolin: "House Bill 2310..."

Speaker Hannig: "Okay. Out of the record. Mr. Clerk, read House Bill 111."

Clerk Bolin: "House Bill 111, a Bill for an Act to amend the

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Illinois Insurance Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, what is the status of House Bill 462?"

Clerk Bolin: "House Bill 462, a Bill for an Act regarding persons with disabilities. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Lawfer, are you prepared on House Bill 1852? Out of the record. Representative Leitch, on 1713. Would you like to call the Bill? Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1713, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Leitch."

Leitch: "Thank you, Mr. Speaker. House Bill 1713 is a Bill that's very important for those of us who believe that it's important to try and help people stay in their homes and out of nursing homes for as long as possible. What this Bill does is cure a problem that exists in the law and it cures it by expanding the eligibility of... for Medicaid to people who are on Social Security to 100% of the poverty rate, up from about 47%, presently. Right now, if someone is on SSI they automatically qualify for Medicaid. The same individual who is on Social Security would have to have a significant spend-down before they were able to access Medicaid for... especially pharmaceuticals. This is very important to correct, what I view, as something that ought to be corrected between these two programs and it's of critical importance to helping people stay out of

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nursing homes. And I would ask for your approval."

Speaker Hannig: "The Gentleman has moved for passage of House Bill 1713. Is there any discussion? Representative Slone. Representative Slone. No."

Slone: "Thank you, Mr. Speaker. Will the Gentleman yield?"

Speaker Hannig: "He indicates he will."

Slone: "Mr. Leitch, can you tell me why the Department of... is the Department of Public Aid still an opponent of the Bill?"

Leitch: "Yes."

Slone: "And that wou... why's that?"

Leitch: "They believe it would... this would add cost of Medicaid."

Slone: "I'm sorry."

Leitch: "We don't have an exact estimate, but this would require some GRF to be matched by Medicaid to pay for it. However, if you look at the cost of putting and forcing people into nursing homes, in my view that is a... much more significant cost than this potentially will be."

Slone: "Thank you."

Speaker Hannig: "Representative Howard."

Howard: "Thank you, Mr. Speaker. I rise in strong support of this legislation. It will certainly help many of the constituents in my district who, sometimes, have to make decisions of whether to eat or get their medicine. I commend the Sponsor for this Bill and I certainly urge all of my colleagues to vote 'yes'. Thank you."

Speaker Hannig: "Representative Leitch, to close."

Leitch: "It's a good Bill. I'd ask for your approval."

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

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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. Representative Gash, on 323 (sic-House Bill). Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 323, a Bill for an Act to amend the School Code. Third Reading of this House Bill."

Speaker Hannig: "Represe... Representative Gash. Representative Gash."

Gash: "Mr. Speaker. House Bill 323 amends the School Code to provide for the dissolution of any school district that was established by Subsection (b) of this Section. It provides for the detachment of a portion of a school district which is located within a military base to create its own school district if such an... if such new school district has not become or does not become operational within two years after its date of detachment. This is a a Bill that would remedy a problem that was caused in 1994 when District 112, North Shore School District 112, detached territory consisting of the Fort Sheridan military base as a result of legislation requested by State Representative Grace Mary Stern. In order to resolve a problem dealing with impact aid from the Federal Government, we were trying to get the attention of the Federal Government, so that they would provide adequate impact aid, which they in fact, never did. This Bill would allow... This new district, which is called District 100, has not ever become operational and never actually established a board of education. All of the military students residing in the district have continued to be educated by the original district, which is now District 112 and this would allow this particular district to be reattached to District 112. There are 23 cosponsors

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on this Bill; 12 Democrats and 11 Republicans. This Bill is supported by the Illinois State Board of Education and ED-RED and I know of no opposition. I ask for your '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: "She indicates she will."

Black: "Representative, how long has the... military base been closed up at Fort Sheridan?"

Gash: "It's been a few years, but there actually are some military students still there because now the Navy is using some of that base."

Black: "It's been closed, but there are still some students there. Did somebody forget to tell the students?"

Gash: "The students are being educated by North Shore School District 112. The original agreement was that they could... they would detach the school district. The idea was to get the Federal Government to pay up its fair share in impact aid, which it never did. But the original agreement required the original school district to continue educating the children, nevertheless."

Black: "So if there are military dependent children attending the North Shore School District, you never... you're telling me you didn't get the federal impact aid?"

Gash: "There is federal impact aid coming in, but it's not adequate to meet the needs. But that's not the issue, really, here. That's still a problem and we really would like that impact aid, but that's not the problem that this Bill deals with. What this does is reattach District 100 to 112 which is what is happening, in reality, anyway."

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Black: "What was School District 100? What was that?"

Gash: "That was a newly-created school district that was merely wi... completely within the military base. It wa... it never became operational. No one ever ran for the school board. Some of the problem... some of the concern was that people might actually then run for the school board and... and there really is no school district, whatsoever. District 112 is trying to resolve the problem by agreeing to take back the district which it's been taking care of anyway."

Black: "All right, so what you're trying to do here then, is you will dissolve the old military school district, that you say was never operational..."

Gash: "Well, it's not a military school district. It's a school district located completely within the military base, but..."

Black: "Okay."

Gash: "Yes."

Black: "The school district located within an old military base that is now closed."

Gash: "Right."

Black: "Was School District 100 formulated when Fort Sheridan was active or was it formulated after closure?"

Gash: "I believe it was formulated while it was active."

Black: "Okay."

Gash: "But it was very quickly, thereafter, that it wasn't."

Black: "Okay."

Gash: "But again, that's really not the issue. The issue is since School District 112, which is a combination of three other school districts in Highland Park, actually. They had... there was a consolidation of school districts to become North Shore School District 112. That school

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district has continued to provide an education to all the students living within 100."

Black: "You said there were three school districts?"

Gash: "There had been three school districts precedent to District 112. They are now consolidated to make District 112."

Black: "All right. So there's only one school district..."

Gash: "That..."

Black: "...that could conceivably take over..."

Gash: "Right."

Black: "...the school district that was within the confines of the military base."

Gash: "Yes."

Black: "So there are no other school districts that could say, 'Wait a minute. We want some of that property, as well.' No other school districts are contiguous to the district you are trying to dissolve, correct?"

Gash: "Not that I am aware of. Well, there might be some contiguity at some point, but this... School District 112 had been detached from... School District 100 had been detached from 112, but they were still legally obligated to pay for and provide the education for those children. It was still considered de facto part of School District 112. It's very complicated."

Black: "Well, I... not really... I... I've a very similar situation on my district. I think what you do sometimes when you answer the question you give us more history than we need, 'Cause there aren't three school districts. What I'm trying to figure out is that... are there any military personnel now living on the Fort Sheridan grounds?"

Gash: "Excuse me?"

Black: "Are there any military personnel living within the



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confines of Fort Sheridan?"

Gash: "I believe there are some Navy kids, at this point, living within."

Black: "So those students then, technically, would be residents of School District 100 and attending School District 112?"

Gash: "Yes. Yeah."

Black: "And the Federal Government then should, therefore, be paying you impact aid on... on those students and I assume they're doing that?"

Gash: "The Federal Government has been paying impact aid."

Black: "Right."

Gash: "That is an unrelated problem. That is the origin of the original legislation back in 1992 that detached 100. It was to get the attention of the Federal Government by no longer having that part, part of the school district and then demanding of them that they pay."

Black: "All right. Ju..."

Gash: "Leg... this was legislation that was very well-intentioned. It was a very good statement. They did not provide... they still did not provide adequate impact aid, although they provided some and 112 continued to... or its predecessors continued to educate the kids."

Black: "See, now you've confused me, again. You created this district to get the attention of the Federal Government?"

Gash: "This legislation was created by a predecessor to me in the General Assembly."

Black: "Okay. Not this Bill, a previous Bill."

Gash: "Yes."

Black: "All right."

Gash: "That legislation, good, yes."

Black: "And that..."

Gash: "That legislation..."

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Black: "Was that the legislation that created School District 100?"

Gash: "It detached school dis... the newly-formed School District 100..."

Black: "All right."

Gash: "...from 112. In order..."

Black: "All right."

Gash: "...to say, 'We refuse to pay for this. You handle it.', to the Federal Government."

Black: "All right. So then, technically, did School District 112 charge out-of-district tuition to any of those students that might have still been living within the confines of School District 100?"

Gash: "No. In order to get that legislation passed, what they did, actually, was agree that 112 would continue to educate..."

Black: "Okay."

Gash: "...the children."

Black: "All right. Has School District 112 ever sent a Bill to the Federal Government saying, in effect, you owe us 'x' number of dollars?"

Gash: "I think the best answer to that is yes, absolutely, in so many ways and they're still continuing to do that."

Black: "And they didn't pay?"

Gash: "That's right."

Black: "Well, have you written President Clinton..."

Gash: "Yes, Sir."

Black: "...and called this to his attention?"

Gash: "Actually, yes."

Black: "Well, as well you should. All right. Did you get an answer, by the way? I was just curious."

Gash: "I'm sure it's in the mail."

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Black: "I... Well. All right. So the essence of this... there are no other school districts that are vying for this territory?"

Gash: "No."

Black: "There... there's..."

Gash: "Absolutely not."

Black: "All right. So nobody has petitioned other than 112, and in fact, as far as you know, no other school district could lay claim to the district you're..."

Gash: "Quite correct."

Black: "...trying to dissolve."

Gash: "Right."

Black: "All right. You know of no opposition..."

Gash: "Not only do I..."

Black: "...from the residents in the area?"

Gash: "Not only do I know of no opposition, I can't imagine what any opposition..."

Black: "Okay."

Gash: "...would be."

Black: "Now, my last question... So if there is a conversion, if there is to be a civilian conversion of the old Fort Sheridan property, then anyone who moves onto that old military base will now be residents of District 112, correct?"

Gash: "Correct."

Black: "Okay. Fine."

Gash: "Which is what they want..."

Black: "Fine."

Gash: "In fact..."

Black: "You know... It makes eminent sense. Sometimes it takes us a long time around the block, but I finally figured out what you're trying to do, and I think it's very similar to

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what Representative Johnson, Representative Winkel were faced with in Rantoul with Chanute and other closures. So that's fine. I have no problems with that at all and that I wish you the very best."

Speaker Hannig: "Representative Monique Davis."

Davis, M.: "Representative, I know this passed out of committee without any opposition, I believe, but there are no children who are being excluded from any district here. Is that correct?"

Gash: "That is correct."

Davis, M.: "The children will remain exactly where they are?"

Gash: "Yes, that is correct."

Davis, M.: "You would merely change the district number for some of them?"

Gash: "Technically, they now reside in District 100, although District 112 is legally obligated to cover their education. District 112 will now be legally obligated and they will become part of 112."

Davis, M.: "Okay. I think it's a good piece of legislation and I think it's worthy of our support. And we will vote 'aye' because that is your district and I'm sure you know what is best at this time and we won't do anything that would harmfully affect your district."

Speaker Hannig: "Representative Gash, to close."

Gash: "Thank you. I ask for your 'aye' vote."

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

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are you prepared on House Bill 1983? Okay. Out of the record. Representative Lyons... Joe Lyons, on 802 (sic-House Bill)? Out of the record. On the Order of Second Reading, is House Bill 2101. Mr. Clerk, would you read the Bill?"

Clerk Bolin: "House Bill 2101, a Bill for an Act to amend the Illinois Housing Development Act."

Speaker Hannig: "Out of the record. Would you read House Bill 631?"

Clerk Bolin: "House Bill 631, a Bill for an Act regarding adoption. 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 831. Out of the record. Mr. Clerk, read House Bill 814."

Clerk Bolin: "House Bill 814, a Bill for an Act to amend the Illinois Insurance 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 70. 70, 7-0."

Clerk Bolin: "House Bill 70, a Bill for an Act to amend the Unified Code of Corrections. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 2257. Yes, Mr. Clerk? Okay. Out of the record. House Bill 2679. Mr. Clerk, what's the status of that Bill? Mr. Clerk, what's the status of 2379? Representative Silva, on 2379, the Clerk informs me there's some requests for notes. So, you need to talk with the agency or talk with the individual who filed the note request. Mr. Clerk, what's

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the status of 462 (sic-House Bill)? Mr. Clerk, what's the status of House Bill 1207?"

Clerk Bolin: "House Bill 1207, a Bill for an Act to amend the School Code. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, what is the status of House Bill 1536? 1536."

Clerk Bolin: "House Bill 1536, a Bill for an Act to amend the School Code. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Scully, has been approved for consideration."

Speaker Hannig: "Representative Scully, on the Amendment."

Scully: "Thank you, Ladies and Gentlemen. I present to you House Bill 1536, which is a Bill to create a grant program to revitalize vocational education programs for those school districts which had to mothball their vocational education programs because of financial difficulties. Floor Amendment #1 adds language which specifically states that the grant is subject to specific appropriations of funds for this purpose. I ask for your support."

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

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

Speaker Hannig: "He indicates he will."

Cowlshaw: "Representative Scully, I believe this is the Bill in committee that you wanted to make sure would be subject to appropriations?"

Scully: "That's correct and that's exactly what this Amendment does."

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Cowlshaw: "This Amendment makes that subject to appropriations?"

Scully: "It adds that specific language to review... to remove any ambiguity that may have existed."

Cowlshaw: "I want to thank the Sponsor very much for doing precisely what he promised to do in the committee. It is always reassuring here when people keep their word. Thank you, Representative Scully."

Scully: "Thank you."

Speaker Hannig: "The question is, 'Shall the Amendment be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hannig: "Third Reading. Mr. Clerk, what is the status of House Bill 819?"

Clerk Bolin: "House Bill 819, a Bill for an Act to amend the Metropolitan Water Reclamation District Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Oh, excuse me. Oh, Representative Durkin, there's some requests for notes, so the Bill has to remain on Second Reading. Representative Hartke, are you prepared on House Bill 291? Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 291, a Bill for an Act to amend the Airport Authorities Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker, Members of the House. This piece of legislation extends an airport authority when a municipality expands its city limits. The airport authority which was created several years ago at that city

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limits, will now... every time the city limits expands, also expand the airport authority to be in the same geographic area as the city limits of the city. I'll be happy to answer any questions."

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

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

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

Black: "Representative, I remember this Bill in Transportation Committee. It certainly would not be accurate to refer to this as an Agreed Bill, would it?"

Hartke: "No."

Black: "In fact, as I recall, it got out of Transportation Committee by the..."

Hartke: "One..."

Black: "...hair of its chinny, chin, chin, didn't it?"

Hartke: "I think so. Yes."

Black: "Okay. The legislation is going to allow an airport authority to tax that portion of a city or its district that will be served by the airport, but that... was not in the original enabling language, correct?"

Hartke: "Correct. Let me explain it again."

Black: "I wish you would."

Hartke: "When the airport authority was formed many years ago, it encompassed the city limits of a city. And that's the way the authority was established. As the city grew, the airport authority did not expand its authority with that. And so now, the inner city is the one that is financing the airport authority with its property tax base. This piece of legislation will say the next time that the city fathers expand their municipal city limits, that will also be the city limits... or the taxing authority base for the airport



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authority."

Black: "All right. But Chuck, wouldn't it have been easier had the airport authority done this a... each time the city expanded? I mean, couldn't they have entered into some intergovernmental agreement with the City of Robinson? I mean, I know, hindsight is always clear and it can't be done now. My fear is, those people who are now residing or have a business in that area that has since subsequently been developed and annexed by Robinson, are not now paying the tax."

Hartke: "That's true."

Black: "And so, would it..."

Hartke: "Many of... many of those businesses that now... that have expanded outside of the original city limits when the airport authority was formed..."

Black: "I understand that."

Hartke: "...many of the subdivisions and those individuals who work at the manufacturing plant are not paying taxes to support the airport that keeps the executives and so forth of that municipality there. They have tried to pass a referendum several times and it has failed. They tried to do countywide."

Black: "Okay."

Hartke: "It has failed."

Black: "All right."

Hartke: "And in spite of themselves, they do need this airport, and if the airport leaves and fails to update with landing gear... or landing lights and navigational equipment, they're not liable to lose that manufacturing. So the manufacturers, the Chamber of Commerce, Industrial Commission, all of them have agreed that this language would be very helpful to them. Now, it will also possibly

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mean a tax reduction for those businesses that are left within the original taxing body because now they have a much bigger tax base to..."

Black: "Okay."

Hartke: "...to raise the necessary funds to keep the airport open."

Black: "Have any of the residents of the area or the busin... the impacted businesses, are you aware of any of them objecting to this kind of annexation and taxation?"

Hartke: "Not that I'm aware of. As a matter of fact, several of the manufacturers who are outside of the city limits, currently, and not in the authority, have made industrial or company contributions to the airport on their own just to make sure that the runways or potholes are filled or or the lighting is... the electricity bills are paid. There..."

Black: "I know Robinson has been very aggressive in its economic development."

Hartke: "Yes."

Black: "Done some amazing things and I'm sure the airport is a integral part of that community. But the fact remains is this could be construed as imposing a tax on someone without their... permission may be the wrong word, but without their acquiescence to the tax, right?"

Hartke: "Yes, I said that in committee."

Black: "Yes, you did, as a matter of fact. All right. All right, I understand what you're trying to do. Is it your understanding that this only affects the Robinson Airport or could it be construed as giving all airport authorities the same kinds of expansion authority?"

Hartke: "As a matter of fact, it only affects the City of Robinson's Airport. Roger Marquardt, as you know, is the

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Chairman of the Illinois Airport Association."

Black: "Right."

Hartke: "And he has assured me he wrote letters to all of the airports in the association and informed 'em of this and the only one that it would affect this..."

Black: "Okay."

Hartke: "...piece of legislation..."

Black: "All right. I... I..."

Hartke: "...is the City of Robinson."

Black: "I appreciate your indulgence and your forthright answers. Thank you, Representative. Thank you, Mr. Speaker."

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

Hartke: "I would just ask for your support."

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

Hartke: "No, let her go."

Speaker Hannig: "On this... Thanks for all of those of us who voted 'yes'. On this question, there are 48 'yes' and 61 'no'. And this Bill fails. Mr. Clerk, read House Bill 2204."

Clerk Bolin: "House Bill 2204, a Bill for an Act concerning the regulation of financial institutions. Third Reading of this House Bill."

Speaker Hannig: "Representative Bugielski."

Bugielski: "Thank you, Mr. Speaker, Members of the House. House Bill 2204 creates a New Banking On Illinois Act and its purpose is to promote Illinois as the best choice for a

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bank's home state by insuring that we have the most attractive and competitive banking environment in the nation. When banks look to Illinois for maintaining their charter or their home office and... or moving their charter to Illinois, they look at all the states to see who is most appealing to them. So, what we are doing is appealing to the bankers for them to move their home office here to Illinois. The Banking On Illinois Bill includes five provisions. It permits Illinois state chartered banks to offer any product or service that is authorized for a state charter bank in any other state. No additional insurance, banking, or real estate brokerage powers, are authorized by this provision. Moreover, all new powers of the state chartered banks continue to be subject to approval by the FDIC in order to insure the safety and soundness of the activity. It also provides that banking... that Illinois banks may use the Business Corporation Act for matters of corporate governance not addressed in the banking Bill. It maintains that banks may charge fees, only those fees that are pursuant to existing laws. And I reiterate, there are no new fees in this Bill, at all. It's just allowing... stating that they may charge the fees that are in the existing law right now. This provision does not remove any existing statutory limits on bank service charges, nor does it give banks the authority to charge any new fees. Also, clarifies that Illinois banks may not disclose their customers financial status or financial information to any person unless such disclosure is required by another law. This provision insures that the interest of a bank's customers remains first and foremost before the interest of any other person. So, that would mean that they are not allowed... the banks will not allow to share the financial

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status with their shareholders of the... of their customers. And lastly, it clarifies that Illinois banks may share customer information with each other in order to conduct due diligence for the sale of the bank. And the recipients of such information remain subject to all existing confidentiality laws. As many of you know, last year we lost Magna Bank, who moved to Missouri, which was a big loss for the State of Illinois. We were fortunate in bringing Bank One, the big merger between Bank One of Ohio and First National of Chicago and they have moved and we're very happy that they moved to Illinois. And what we are now appealing with this law is to make Illinois look very attractive to all the banks and make it... let some of these banks with all the consolidations going on today to move to Illinois to make them feel very comfortable and show that we welcome new banks and new businesses here in Illinois. And I ask for an 'aye' vote."

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

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

Speaker Hannig: "He indicates he will."

Black: "Representative, on page 10 of the Bill, line 17, where it talks, 'about the establishment of account service charges and the amounts of charges not otherwise limited or prescribed.' It appears to me that that language is rather open-ended."

Bugielski: "No. It... all it's saying is that the establishment of the service charges and the amounts of the charges not otherwise limited or prescribed by law. So, what we're doing is... all we're saying is that they are only allowing the fees that are currently allowed by the law. No other fees are involved."

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Black: "All right. When you're referencing that a bank can do anything allowed to similarly chartered banks in the other 49 states."

Bugielski: "Correct."

Black: "What if one of those states, let's say a sparsely populated state where you had to, you know, take Montana, and maybe Montana because of sparse population would allow a... an ATM service fee of \$5.00, because you might have to drive 40, 50 miles round trip from one small town to another. So, the bank in Montana may make an argument that..."

Bugielski: "All right. But aren't the laws that we have right now... we're pertaining to the laws that we have our own laws pertaining to the ATM machines and the fees that they may charge right now. So, we, you know, the existing laws that we have presently, we are not changing. As long as we have the existing laws and the existing fees, right now that is the most that they can charge, of what existing law states right now."

Black: "All right. On page 9, line 20, isn't there language there that would indicate that whatever is permitted to any out-of-state bank by applicable law that I could now... I could then access. Mr. Speaker, Representative Bugielski left the chamber."

Bugielski: "The..."

Black: "Oh, there he is."

Bugielski: "The wild card that we... No, I didn't leave the chamber. I just fell off the step."

Black: "I've done that myself on occasion."

Bugielski: "I am standing... I am standing... I am standing up, by the way, too. The wild card provision that we have in the current law right now takes care of that."

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Black: "I'm... I... Mr. Speaker."

Speaker Hannig: "Yes."

Black: "I know this is the key of our questions. And I really didn't hear his response."

Speaker Hannig: "Okay. Could we have a little order? Some order so that Representative Black can ask the questions. Representative Black."

Black: "Well, what we're concerned about is on line... excuse me... on page 9, line 23, it seems to be referencing that whatever an out-of-state bank can do, by applicable law, then an Illinois bank can do."

Bugielski: "It doesn't pertain to bank fees. It only per... pertains to product and services and it states that right in the line above it."

Black: "All right. But see now that's what I'm confused because then if you reference the language on page 9, go back to page 10, line 17, it clearly addresses 'establishment of account service charges and the amounts of charges not otherwise limited or prescribed by law is a business decision to be made by a bank according to prudent business judgement.' Now, if my prudent business judgement says that an ATM fee should be \$5.00, where in the Bill does it say no, I can't do that? I'm already limited by Illinois law."

Bugielski: "All right. But the charges not otherwise limited. This is what is in the law right now."

Black: "Okay. So, you're... you're then referencing the existing statute to say that... Am I limited under current Illinois law..."

Bugielski: "You are..."

Black: "...what I can charge?"

Bugielski: "You are limited under what the law is right now."

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Black: "Okay. So, if the existing statute has a limitation, then this Bill cannot be construed as eliminating any restriction currently in Illinois statute, correct?"

Bugielski: "Correct."

Black: "All right. Would it be easier for you to have Linda just come in the chamber?"

Bugielski: "No. No. No."

Black: "I mean she's standing there by the door, for heaven's sake. Maybe Linda and Gary could just come in and join us. Mr. Speaker, this is very... this is highly unusual."

Speaker Hannig: "They need to use the phone, don't they."

Black: "You know, surely, we can have some kind of wireless communication. Linda... Gary... How are ya? It's good to see ya. Good to see... Gary, you were on staff, surely you have access to the floor. Okay. Here we go. Now, we're gonna get the story here. This looks a huddle in the NCAA tournament here. All right, here we go."

Bugielski: "All right. Right now, the charges that are otherwise limited, so what we're saying is these are the charges that we have right now. And the market would never allow to change that to go to a higher price."

Black: "Okay. Now... now... The market or statute? There's a big difference. The market would not allow because of competition or statute would not allow?"

Bugielski: "There's no statutory limit on ATM fees, right now."

Black: "All right. So... But the key to your Bill is that anything currently denied in the banking business under Illinois law is still denied, should House Bill 2204 become law?"

Bugielski: "Yes."

Black: "All right. Fine. Thank you very much. Mr. Speaker, to the Bill."



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Speaker Hannig: "To the Bill."

Black: "It might be easier to install a phone line over there. I, you know... My fear is that we're wearing out the door. Mr. Speaker, Ladies and Gentlemen of the House, to the Bill. I... despite my line of questioning, I rise in strong support of the Bill. And I think the Sponsor should be congratulated on what he's attempting to do. This state cannot afford to lose its financial backbone in the banking business. We, as he indicated, we have certainly suffered some losses in the financial community that have moved to other states that for whatever the reason; a better business climate or a better regulatory climate has attracted certain banks out of the State of Illinois. That is not in our best interest. We need the banking business to stay in Illinois, so that when we need business loans, when we need mortgages, when we need automobile financing, we can deal with banks that are domiciled in Illinois and as Illinois' future goes, so goes the future of that bank. I don't want to be put in a position where all of the banks I deal with are headquartered in North Dakota or Kansas or Missouri or some other state. So, if you were... and I know you weren't hanging on every question that I asked, but you might think I stood in opposition to the Bill. Far from it. I wanted to make sure that with the regulatory climate still stayed the same, but I hope that my colleagues on my side of the aisle will vote for this Bill. It's a very important piece of legislation. Far be it for any of us to want to diminish the banking or financial community. We want to be able to deal with banks that are tied to the future of Illinois, not tied to the future of North Dakota or some other state. It's a very important piece of legislation. I certainly intend to support it. I

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hope all of my colleagues will do as well."

Speaker Hannig: "Representative Scully."

Scully: "Thank you, Mr. Speaker. Due to a conflict of interest, I'll be voting 'present'. Thank you."

Speaker Hannig: "Representative Parke."

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

Speaker Hannig: "He indicates he will."

Parke: "Representative, I don't have any problems with the underlying Bill. I just have a question as this Bill... will this Bill change any of the firewalls that was established by the banks and..."

Bugielski: "I'm sorry. It was a little noisy and I didn't what you said. I... Does this Bill require..."

Parke: "Does this Bill change any of the firewalls or understandings that you had with the insurance agents' groups when we ended..."

Bugielski: "No."

Parke: "...up with that compromise."

Bugielski: "No. Everything that was agreed to last year remains the same right now."

Parke: "So, we haven't purged anything?"

Bugielski: "No. We are not expanding anything or there is nothing that... everything that was agreed to in that... in the previous Bill, that remains the same."

Parke: "And this Bill is strengthening banking laws in Illinois."

Bugielski: "Yes, it is."

Parke: "Thank you. I will be voting for it."

Speaker Hannig: "Representative Franks."

Franks: "Thank you, Mr. Speaker. Due to a potential conflict, I will be voting 'present'."

Speaker Hannig: "Thank you. Representative Meyer."

Meyer: "Thank you, Mr. Speaker. I would just like to stand in

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strong support of this legislation. I believe it is good for the banks of the State of Illinois. And I would encourage all my colleagues on this side of the aisle to vote 'yes'."

Speaker Hannig: "Representative Osmond. Representative Osmond."

Osmond: "Due to a potential conflict, I will vote 'present' as well."

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

Harris: "Thank you, Mr. Speaker. Representative, I commend you for puttin' a hand in that... your staff to put such a excellent Bill together. However, how long would it take us to run those other banks out of the state?"

Bugielski: "We're not trying to run any banks out of the state. We're trying to attract new banks here."

Harris: "Well. Okay. Thank you very much."

Speaker Hannig: "Representative Bugielski to close."

Bugielski: "Thank you very much, Mr. Speaker. You've heard the presentation that we made. We are trying to make Illinois as attractive as we possibly can, and as my colleague on the other side of the aisle says that he would like to deal with the home bank here in our own home state. We are trying to make it as attractive as we can for all the banks to set up headquarters here. And we ask for your 'aye' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 106 voting 'yes' and 4 voting 'no', 5 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr.

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Clerk, read House Bill 2308."

Clerk Bolin: "House Bill 2308, a Bill for an Act to amend the Hospital District Law. Third Reading of this House Bill."

Speaker Hannig: "Representative Mitchell."

Mitchell, Jerry: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I bring you a concern from my local district and one with the hospital districts as they are outlined now. This Bill will amend the Hospital District Law and provide that voters in a hospital district may petition for detachment. It states procedures that must be followed, and it provides that property owners in a disconnected territory are responsible for a proportionate share of any debt that existed in the time of the disconnection. Be happy to answer any questions."

Speaker Hannig: "Are there any questions? Representative Mautino."

Mautino: "Just on a... I rise on a point of personal privilege."

Speaker Hannig: "Yes."

Mautino: "On the previous legislation, I had intended to vote 'yes'. I had accidentally hit the wrong switch, so... records could so reflect."

Speaker Hannig: "The records will reflect your intentions, yes. 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... there are 113 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Hoffman, on 520 (sic-House Bill). Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 520, a Bill for an Act to amend the

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Motor Vehicle Franchise Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Hoffman, are you prepared? Okay."

Hoffman: "Yes."

Speaker Hannig: "Proceed."

Hoffman: "Yes. House Bill 520 would amend the Motor Vehicle Franchise Act. It's an initiative of the new and used automobile dealers here in this state. I think, it's a straightforward Bill and I would ask for an 'aye' 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 113 voting 'yes' and 1 voting 'no'. And the Bill having received a Constitutional Majority is hereby declared passed. Representative Moore, on House Bill 1276. Representative Moore, 1276. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1276, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Moore."

Moore: "Thank you, Mr. Speaker. This is a piece of legislation, House Bill 1276, that was brought to me by the Municipal League. It's one of their initiatives and it makes changes in the appropriations and levying procedures and for those of you that are... have ever served on a village board, you can understand how the appropriation ordinance, a levying ordinance, and also the budget are all happening at different times. This will clarify this and make it a much easier process for budgeting. And I would be happy to

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answer any questions."

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

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

Speaker Hannig: "She indicates she will."

Black: "Representative, this is a very interesting Bill. If I levy an amount of money in one fund and I don't need it, then you're gonna let me transfer it to another fund where I need it?"

Moore: "Yes."

Black: "That's why... I guess that's why you're running the Bill. That's currently not legal. Correct?"

Moore: "Yes... we're changing the law, here, Bill after Bill after Bill."

Black: "And you think this is sound public policy?"

Moore: "I think that that gives a flexibility to municipalities that... yes, I do think it can be a sound public policy."

Black: "Okay. All right. I just... you came out of local government, didn't ya?"

Moore: "I did. It's a little diff... the... the..."

Black: "Suddenly, it's becoming clearer to me, now."

Moore: "Well, the village... the villages, and I know you came from county government..."

Black: "Right."

Moore: "...Representative, and you understand that... county government ha... is required by law to do their budgets in a different way than the municipalities. And so what the issue becomes one of trying to budget and then levy and to get your appropriation..."

Black: "Okay."

Moore: "...ordinance done and you're planning on the next year when you're get... the years are not in conjunction with one another."

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Black: "Okay. I appreciate the forthright answers. Thank you very much."

Speaker Hannig: "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 107 voting 'yes' and 5 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Howard, are you prepared on House Bill 897? Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 897, the Bill's been read a third time, previously."

Speaker Hannig: "Representative Howard."

Howard: "Thank you, Mr. Speaker. House Bill 897 repeals language added by Public Act 89-15, which establishes prohibited subjects of collective bargaining between the Chicago Board of Education and its employees. It also repeals obsolete language in Public Act 89-15, which imposes an 18-month moratorium on strikes by Chicago public school teachers. Mr. Speaker, take this Bill out of the record."

Speaker Hannig: "Okay. Out of the record at the request of the Sponsor. Representative Mulligan, on House Bill 2644. Out of the record. Representative Myers, on House Bill 1897. Representative Myers. Okay. Your new spot. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1897, a Bill for an Act creating the Illinois Value-Added Agricultural Enhancement Program. Third Reading of this House Bill."

Speaker Hannig: "Representative Myers."

Myers: "Thank you, Mr. Speaker. House Bill 1897 amends the Civil Administrative Code of Illinois. It authorizes the

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Department of Agriculture to expend appropriated funds to create a new grant program for value-added agriculture products called the Illinois Value-Added Agricultural Enhancement Program. It provides for a 50-50 matching grant program for research and development and for seed money for new or expanding agribusinesses. Provides seed money for new and expanding agribusinesses. I just said that. Provides for... that 50% of the money for the project must come from the business seeking the grant funding, would be effective immediately upon becoming law."

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

Lawfer: "Thank you, Mr. Chairman, Ladies and Gentlemen. I think this is an initiative, there again, to help the agriculture industry. We do a lot for the industrial industry. This is a good one for the agriculture industry. And I urge a 'yes' vote."

Speaker Hannig: "Representative Hartke."

Hartke: "Will the Sponsor yield?"

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

Hartke: "Representative Myers, are there any limits on who could apply for these funds?"

Myers: "At the present time, there are no limits on who could apply for these funds..."

Hartke: "So what you're saying is ADM in Decatur, which is an agribusiness, could apply for these grants. Is that correct? New and expanding and they could use that to expand."

Myers: "Chuck, I think you have a point there, but that's not the intent of the Bill and I think..."

Hartke: "I understand that and I'm for the Bill, but I think we ought to put so... maybe some limitation on it. I think,



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you know..."

Myers: "Well, I agree."

Hartke: "Okay. So... let's suggest that when this Bill gets to the Senate, that they take a look at it."

Myers: "It could be amended to reflect that the Department of Agriculture would provide the rules that... on how the grants would be administered or dispensed."

Hartke: "Yeah. I think we need something like that."

Myers: "The intent of the program from my perspective is not to provide additional money for existing businesses, such as ADM or A. E. Staley or companies like that, but to assist new start-up companies, new farmers that are trying to form a cooperative processing venture, whether it's a mini soybean processing mill or perhaps even a new ethanol in effort. But to provide a way that farmers can get together or a way that some other interest can come in and utilize the products and commodities that we produce in the state."

Hartke: "I do believe that we give the University of Illinois, the CFAR a lot funds for clo... research and development of new ideas and new products. Would the University of Illinois then qualify for this as a possible expansion on the CFAR or are they disqualified from this program?"

Myers: "I... it's my understanding of the language that's in the Bill, that it will, CFAR would not qualify. CFAR is a... is not the type of business that this was aimed at."

Hartke: "Does it say that in this..."

Myers: "But... No. Perhaps it is... One moment, Representative."

Hartke: "Okay."

Myers: "A little assistance here, Chuck, but I was reminded if CFAR could be classified as a business, then they might qualify. But I think, it's my understanding, that at the present time CFAR... CFAR is not considered a business."

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Hartke: "How much money did they get last year?"

Myers: "CFAR? Twelve million."

Hartke: "That's pretty big business in my book. Okay. Consider this when you take this to a Senate Sponsor over there, that I think they ought to tighten that up just a little bit. You know, I think I agree with your concept and your intent, but I think it ought to be more specific in the language to make sure that those big agricultural companies, you know, Dupont, Gramocil and those that are quite well off... not hurting. Asgro... you know, you get the point."

Myers: "You raise a very good point, Representative, and I will follow through on that."

Hartke: "Okay. Thank you."

Speaker Hannig: "Representative Myers to close."

Myers: "I think that as we look at the agricultural economy in the State of Illinois today, this is one more tool that we can provide our... our agriculture sector with assisting themselves in providing economic opportunities to the producers of commodities and to businesses within the State of Illinois to help the economy, both of agriculture and of the state as a whole. I urge an 'aye' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Shirley Jones, on House Bill 2149. Representative Jones are you ready to go? Okay. Out of the record. Representative McKeon, on House Bill 37. Out of the record. Representative Woolard, on

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House Bill 733. Out of the record. Mr. Clerk, what is the status of House Bill 2243?"

Clerk Bolin: "House Bill 2243, a Bill for an Act to amend the Illinois Endangered Species Protection Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading."

Speaker Madigan: "Speaker Madigan in the Chair. The Clerk has received a Motion on House Bill 1525 from Representative Monique Davis. Representative Monique Davis. The Clerk has received a Motion, House Bill 1525, Representative Davis."

Davis, M.: "Mr. Speaker. Thank you very much. House Bill 1525 is being tabled at the request of the group that asked me to carry this legislation, based upon negotiations taking place in the Senate."

Speaker Madigan: "Representative, are you the primary Sponsor of the Bill?"

Davis, M.: "Yes, Mr. Speaker."

Speaker Madigan: "Okay, so you've all heard the Motion, and the Motion is to Table the Bill. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted. The Bill is tabled. The Clerk has also received a Motion from Representative Dale Righter relative to House Bill 1312. Representative Righter. Mr. Righter."

Righter: "Thank you, Mr. Speaker. Just move to table Bill 1312."

Speaker Madigan: "Are you the primary Sponsor of the Bill?"

Righter: "I am, Sir."

Speaker Madigan: "Okay. You've all heard the Motion. The Gentleman moves to table House Bill 1312. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted and the Bills are tabled. The Chair

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is prepared to adjourn. Is there anything further to be brought before the Body? Mr. Black, there's some complaint from the Democrats that you didn't speak too much today. Representative Currie moves that the House does stand adjourned until 10:00 a.m. tomorrow morning. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted and the House does stand adjourned until 10:00 a.m. tomorrow morning, providing perfunctory time for the Clerk."