

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

32nd Legislative Day

March 23, 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 Pastor Kyle Degg, of the Highland Church of Christ in Highland. Pastor Degg is the guest of Representative Stephens. The guests in the gallery may wish to rise and join us for the invocation."

Pastor Degg: "Would you pray with me. Dear God of Heaven, sovereign over all creation and Father of humanity, we give You thanks for this day of life and for another opportunity to make free choices between good and evil. We confess our weakness in the past and our imperfection in the present, but we ask You sovereign Lord to empower us this day to choose good and not evil. We thank You for our nation, conceived in the hearts of our forefathers and seized from the jaws of tyranny by the courage and bloodshed of our heroes in battle. We thank You that You have placed goodness and liberty in the hearts of our ancestors, and we do pray dear God, that we may be such people in the few short days we have on this earth. Help us gracious Father, not only to be decent men and women, but also to pass on a heritage of honor and decency to our children and to those we serve. May we also remember to honor our elders and care for those who are weak and helpless. Help us to respect the generation of our parents and to stand on their shoulders in our lives. With the good things in the lives of those who raised us as a foundation, we pray that You will help us to go beyond the accomplishments of the past to see farther, to serve better. May You bless and prosper these women and men who govern in the civil arena with honor, integrity, and humility. May those who so dishonor, corruption and arrogance be brought low by Your hand as You have humbled even kings in the past. Please, Holy Father,

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give us all the sobriety and humility to not think more highly of ourselves than we ought. And Lord, may the functioning of our government never be arbitrary, self-serving, oppressive, nor inhumane. May the people in these halls be good by Your power and help, and continually work to maintain the good faith and respect of the people they serve. Help them never forget that they are here in service to and at the pleasure of the people of this state. Oh God, please move in the hearts of these leaders that they may seek discernment to understand the balance between justice and mercy. May they and all our leaders, persevere in empowering the arm of the law, to punish evil and violence against society. And may they increasingly uphold, honor, and affirm those who love and honor their neighbors and families, live with integrity and abide by the laws of the land. And may the laws conceived and created in these halls, never give cause of fear for those of good behavior, but we do pray they prompt the evil and unjust to be afraid. And finally Lord, I ask You to protect and strengthen and bless the families of our officials. We know the work of leadership, both civil and spiritual, can rob our families of the time and attention they urgently need from us. And so gracious Father, please build a hedge around the marriages and the children of this house. May this work always take second place to the things of first importance and I ask You to make their homes safe, their marriages strong, and their children healthy, whole, and prosperous. May we all be in our state and in our nation, a people who act justly, who love mercy, and who walk humbly with You, our God. Thank You God, that we can talk to You and bring You our petitions and pleas, and we do so this day, because You have given us the

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privilege of being Your children and by leave of Your grace alone. Amen."

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

Davis, S. - et al: "I pledge allegiance to the flag of the United State 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 Boland is excused today."

Speaker Madigan: "Mr. Poe."

Poe: "Mr. Speaker, let the record show that Representative Tom Johnson is excused today."

Speaker Madigan: "Mr. Clerk, take the record. There being 116 Members responding to the Attendance Roll Call, there is a quorum present. For what purpose does Mr. Biggins seek recognition?"

Biggins: "Thank you, Mr. Speaker. Representative Tim Johnson's switch is not operating. He's here today, please. Would you record him so?"

Speaker Madigan: "I believe that the Clerk recorded Tim Johnson as 'present'. Mr. Clerk, could you check Mr. Tim Johnson's switch? Mr. Clerk, Tom Johnson is recorded as 'not present'. But, Tim Johnson should be recorded as here. Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative Currie, Chairperson from the Committee on Rules, to which the following measures were referred, action taken on March 23, 1999, reported the same back with the following recommendations: 'To the floor for consideration'

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Amendment #1 to House Bill 133; Amendment #3 to House Bill 143; Amendment #1 to House Bill 495; Amendment #2 to House Bill 540; Amendment #2 to House Bill 571; Amendment #2 to House Bill 645; Amendment #1 to House Bill 742; Amendment #1 to House Bill 843; Amendment #2 to House Bill 1175; Amendment #12 to House Bill... Amendment #1 to House Bill 1217; Amendment #2 to House Bill 1232; Amendment #3 to House Bill 1232; Amendment #1 to House Bill 1261; Amendment #2 to House Bill 1265; Amendment #1 to House Bill 1282; Amendment #1 to House Bill 1302; Amendment #2 to House Bill 1441; Amendment #3 to House Bill 1441; Amendment #1 to House Bill 1452; Amendment #1 to House Bill 1538; Amendment #1 to House Bill 1688; Amendment #2 to House Bill 1700; Amendment #1 to House Bill 1738; Amendment #1 to House Bill 1812; Amendment #1 to House Bill 1874; Amendment #3 to House Bill 1877; Amendment #2 to House Bill 1974; Amendment #1 to House Bill 1987; Amendment #2 to House Bill 2023; Amendment #2 to House Bill 2085; Amendment #1 to House Bill 2137; Amendment #1 to House Bill 2181; Amendment #2 to House Bill 2243; Amendment #1 to House Bill 2314; Amendment #1 to House Bill 2492; Amendment #2 to House Bill 2648; Amendment #1 to House Bill 2787; and House Joint Resolution #14. Introduction of Resolutions. House Joint Resolution #15 is assigned to the Rules Committee. Representative 'Skip' Saviano, Chairperson from the Committee on Registration and Regulation, to which the following measures were referred, action taken on March 23, 1999, reported the same back with the following recommendations: 'Be adopted' Floor Amendment #1 to House Bill 801; Floor Amendment #1 to House Bill 2647. Representative Tom Dart, Chairperson from the Committee on Judiciary I - Civil Law, to which the

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following measure was referred, action taken on March 23, 1999, reported back with the following recommendation: 'Be adopted' Floor Amendment #2 to House Bill 1938."

Speaker Madigan: "Representative Kosel. Representative Kosel. Kosel. Did you wish to call 2675? You want to take it to Sec... Mr. Clerk, House Bill 2675, what is the status of that Bill?"

Clerk Rossi: "House Bill 2675, is on the Order of House Bills - Third Reading."

Speaker Madigan: "Place that Bill on the Order of Second Reading. Mr. Meyer, are prepared on your Bill? 865."

Meyer: "Mr. Speaker, we're still working on an Amendment which I now have. We'll have to get an agreement on the Amendment then I'll file that Amendment."

Speaker Madigan: "Mr. Meyer, would you want to put your Bill on Second Reading?"

Meyer: "Thank you, Sir, I would."

Speaker Madigan: "So, Mr. Clerk, what is the status of 865?"

Clerk Rossi: "House Bill 865 is on the Order of House Bills - Third Reading."

Speaker Madigan: "Place that Bill on the Order of Second Reading. Representative Wojcik. Is Representative Wojcik in the chamber? Mr. Hartke."

Speaker Hartke: "Representative Hartke in the Chair. For what reason does Representative Cross seek recognition?"

Cross: "Mr. Speaker."

Speaker Hartke: "Yes sir."

Cross: "I want everybody to know it's John Turner's birthday today."

Speaker Hartke: "Happy birthday, Representative Turner."

Cross: "Forty-nine years old. He feels good, and he said he's not bringing cake to the floor, though. Boooooo."

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Speaker Hartke: "Is he still up and taking nourishment?"

Cross: "It's debatable."

Speaker Hartke: "On page 8 of the Calendar, on Second Reading, appears House Bill 540. Representative Schmitz. Representative Schmitz. Mr. Clerk, call the Bill."

Clerk Rossi: "House Bill 540 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Schmitz, has been approved for consideration."

Speaker Hartke: "Representative Schmitz."

Schmitz: "Thank you, Mr. Speaker. Floor Amendment 2 is an issue that we discussed in committee. It will allow the Department of Public Aid to send out a letter to prospective Internet people... what the Bill does is, we're going to put deadbeat parents on the Internet who don't pay their child support. Amendment 2 is going to have Public Aid send out a notice to that prospective parent, give them a chance to respond in case there's any clerical error within the department. And that's all it does, Mr. Speaker."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall Floor Amendment #1 (sic-Amendment 2) to House Bill 540 be adopted?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair the 'ayes' have it and Floor Amendment #1 (sic-Amendment #2) is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. Page 41... page 16 of the Calendar, appears House Bill 1175. Representative Fowler. Mr. Clerk, read the Bill."

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Clerk Rossi: "House Bill 1175 has been read a second time, previously. Floor Amendment #1 has been adopted to the Bill. No Motions have been filed. Floor Amendment #2, offered by Representative Fowler, has been approved for consideration."

Speaker Hartke: "Representative Fowler."

Fowler: "Thank you, Mr. Chairman (sic-Speaker). Amendment #2 reads, 'No committed person in a supermax security facility.' This was changed as a result of questions that were brought up in committee on that."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall Floor Amendment #1 (sic-Amendment #2) to House Bill 1175 be adopted?' Excuse, me that's Floor Amendment #2 to House Bill 1175 be adopted? All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair the 'ayes' have it and Floor Amendment #2 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page 17 of the Calendar, appears House Bill 1232. Representative Hamos. Representative Hamos. Out of the record. On page 18 of the Calendar, appears House Bill 1265. Representative Granberg. Representative Granberg. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1265 has been read a second time previously. No Committee Amendments. Floor Amendment #1 was adopted to the Bill. No Motions have been filed. Floor Amendment #2, offered by Representative Granberg, has been approved for consideration."

Speaker Hartke: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen. This is

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a... basically a technical Amendment to clarify language in the underlying Bill. It is, I believe, noncontroversial. I would simply ask the Amendment be adopted, and we debate the Bill on Third Reading."

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

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

Speaker Hartke: "He indicates he will."

Parke: "Thank you. Representative, what flaw are we trying to correct with this?"

Granberg: "There's not a flaw, Representative, it's merely a clarification of language on medical providers."

Parke: "Can you explain to the Body what that is?"

Granberg: "Mr. Speaker. Mr. Speaker, take the Bill out of the record."

Speaker Hartke: "Mr. Clerk, take the Bill out of the record. On page 18 of the Calendar, appears House Bill 1282. Representative Bost. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1282, the Bill has been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Bost has been approved for consideration."

Speaker Hartke: "Representative Bost."

Bost: "Thank you, Mr. Speaker. Floor Amendment #1 is the language that was discussed in committee. It's an agreement between IDOT, the State Police, and the universities on transfer of property."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall Floor Amendment #1 to House Bill 1282 be adopted?' All those in favor signify by saying 'aye'; those opposed 'no'. In the

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opinion of the Chair the 'ayes' have it and Floor Amendment #1 to House Bill 1282 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page 19 of the Calendar, appears House Bill 1441. Representative Saviano. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1441 has been read a second time, previously. Amendment #1 was adopted in Committee. No Motions have been filed. Floor Amendment #2, offered by Representative Saviano, has been approved for consideration."

Speaker Hartke: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. Floor Amendment #2 is an Agreed Amendment which exempts the Illinois Dental Society out of the Bill. They include the language which is already in the Bill. They have that in their licensure already. So I would ask for adoption of Floor Amendment #2 to House Bill 1441."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall Floor Amendment #2 to House Bill 1441 be adopted?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair the 'ayes' have it and Floor Amendment #2 has been adopted. Further Amendments?"

Clerk Rossi: "Floor Amendment #3, offered by Representative Saviano."

Speaker Hartke: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. Floor Amendment #3, exempts the optometrists out of the Bill because they already have that language in their licensure, and I would ask adoption of Floor Amendment #3 to House Bill 1441."

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Speaker Hartke: "Is there any discussion? The question is, 'Shall the House adopt House... Floor Amendment #3 to House Bill 1441?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair the 'ayes' have it, and Floor Amendment #3 has been adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page 2 of the Calendar, appears House Bill 133. Representative Hannig. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 133, a Bill for an Act amending the State Employees Group Insurance Act of 1971. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Hannig, has been approved for consideration."

Speaker Hartke: "Representative Hannig."

Hannig: "Thank you, Mr. Speaker and Members of the House. The underlying Bill deals with the health insurance program that the retired teachers are interested in. The Governor's office has shown some interest in the program. But at this time, we have no agreement, and this Amendment makes the Bill a shell Bill in the hopes that we can continue to try to work things out. I'd move for its adoption."

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

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

Speaker Hartke: "He indicates he will."

Parke: "Representative, what will be the purpose of making this a shell Bill? Where do you want to go with this?"

Hannig: "The only purpose that we would use this shell Bill for

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Representative Parke, is if there is an agreement between the Governor's Office and the retired teachers, then we would use this Bill to reflect that agreement."

Parke: "What if there was no agreement?"

Hannig: "Well, we'd like to send this shell Bill over to the Senate. I believe they're going to send us one, I hope, but we don't know. If there's no agreement, I think that there would simply be no Bill."

Parke: "Thank you."

Speaker Hartke: "Further discussion? The question is, 'Shall the House adopt Amendment #... Floor Amendment #1 to House Bill 133?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair 'ayes' have it and Floor Amendment #1 to House Bill 133 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page 21 of the Calendar, appears House Bill 1538. Representative McGuire. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1538 has been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative McGuire, has been approved for consideration."

Speaker Hartke: "Representative McGuire."

McGuire: "Thank you, Mr. Speaker. Amendment #1 merely takes the Department of Human Services off the Bill. It's just a technical Amendment and I would appreciate your support on that, and we could move the Bill to Third Reading. Thank you."

Speaker Hartke: "Is there any discussion? The question is, 'Shall the House adopt Floor Amendment #1 to House Bill 1538?' All those in favor signify by saying 'aye'; opposed

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'no'. In the opinion of the Chair the 'ayes' have it and Floor Amendment #1 to House Bill 1538 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page 10 of the Calendar, appears House Bill 645. Representative Lindner. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 645 has been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Lindner, has been approved for consideration."

Speaker Hartke: "Representative Lindner."

Lindner: "Yes, thank you, Mr. Speaker. Floor Amendment #2, is an agreement with DCFS on language for the Bill and it's a totally Agreed Bill."

Speaker Hartke: "Is there any discussion? The question is, 'Shall Floor Amendment #2 to House Bill 645 be adopted?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair the 'ayes' have it and Floor Amendment #2 to House Bill 645 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page 23 of the Calendar, appears House Bill 1700. Representative Saviano. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1700 has been read a second time previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Saviano, has been approved for consideration."

Speaker Hartke: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. Floor

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Amendment #2 addressed the concerns of the Wine Institute and the Illinois Liquor Control Commission. With this Amendment, makes House Bill 1700 an Agreed Bill, and I would ask for adoption of Floor Amendment #2 to House Bill 1700."

Speaker Hartke: "Any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #2 to House Bill 1700?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair the 'ayes' have it and Floor Amendment #2 to House Bill 1700 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page 30 of the Calendar, appears House Bill 2137. Representative Saviano. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2137 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Saviano, has been approved for consideration."

Speaker Hartke: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker. Floor Amendment #1 to House Bill 2137 is an Agreed Amendment which addressed the concerns of the Chicago FOP. The underlying Bill's an initiative of the Illinois Sheriff's Association. This would make everybody in agreement, and I would ask for adoption of Floor Amendment #1 to House Bill 2137."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 2137?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair the 'ayes' have it. Floor Amendment #1 to House Bill 2137 is adopted."

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Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page 39 of the Calendar, appears House Bill 2787. Representative Saviano. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2787 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Saviano, has been approved for consideration."

Speaker Hartke: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker. Floor Amendment #1 to House Bill 2787, addressed the concerns of the Illinois State Bar Association. The underlying Bill is an initiative of the Illinois Land Surveyors Association. With the Amendment, this becomes an Agreed Bill. I would ask for the adoption of Floor Amendment #1 to House Bill 2787."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 2787?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair the 'ayes' have it and Floor Amendment #1 to House Bill 2787 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page 18 of the Calendar, appears House Bill 1302. Representative Durkin. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1302, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Durkin, has been approved for consideration."

Speaker Hartke: "Representative Durkin."

Durkin: "Thank you very much, Mr. Speaker. Floor Amendment #1 to House Bill 1302, is going to correct an error which was

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committed in committee. What we're trying to do with this Bill is expand the membership on the Illinois Property Tax Appeal Board. Since we opened up the Board of Review, we have had a tremendous amount of increased caseload and we are trying to expand the membership of the board members to four, and this Bill would clear up the technical error. It would move the Bill from... the membership from five to nine members."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall Floor Amendment #1 to House Bill 1302 be adopted?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair the 'ayes' have it and Floor Amendment #1 to House Bill 1302 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page 3 of the Calendar, appears House Bill 143. Representative Flowers. Out of the record. On page 31 of the Calendar, appears House Bill 2243. Representative Woolard. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2243 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Woolard, has been approved for consideration."

Speaker Hartke: "Representative Woolard on Representative Granberg's Bill."

Woolard: "I think..."

Speaker Hartke: "On the Amendment." Woolard: "Has #1 not been adopted on the Floor?"

Speaker Hartke: "Yes, this is Amendment #2. Floor Amendment 1..."

Woolard: "Okay."

Speaker Hartke: "Committee Amendment was #1. This is Floor

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Amendment #1."

Woolard: "Okay. I thought it had. Okay, Floor Amendment #1 takes us to a posture that puts us in place for Floor Amendment #2, which I hope happens today as well, which will have everybody on board from the environment groups to the DNR to the... you name it, as far as this Bill is concerned. We will be establishing a mitigation procedure that will take place in ensuring that everyone has an opportunity to participate. Would appreciate your consideration."

Speaker Hartke: "Any discussion? Representative Parke."

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

Speaker Hartke: "He indicates he will."

Parke: "Representative, now you say that everybody's in agreement, but as far as you're aware, if we adopt Amen... Floor Amendment #1, that there will be no opposition to your Bill?"

Woolard: "No, we have to adopt Floor Amendment #2 as well, in order for us to get to the... but we're not intending to move... I probably should defer to Representative Granberg, but we're not intending to move the Bill without Floor Amendment #2, which completes the process."

Parke: "Is there any problem with Floor Amendment #2 either? But, I guess we should... well..."

Woolard: "No, I think when we put Floor Amendment #2 on, the Environmental Council, the Sierra Club, IDNR, everybody's going to be in agreement that this accomplishes our goal, and establishes a procedure for the taking of endangered species and mitigation procedures that would be established to accommodate that."

Parke: "This is something that you and Representative Granberg have worked on for all spring Session?"

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Woolard: "Without dif... you know, I think that Representative Granberg and myself have been very effective in working something that will improve the economic opportunities of the regions we represent, at the same time, not hurt the endangered species of this state."

Parke: "Well, it looks like to me we should commend both you and Representative Granberg for the hard work to come up with a compromise everybody can live with. Congratulations."

Woolard: "Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Jo Daviess, Representative Lawfer."

Lawfer: "Thank you, Mr. Chairman (sic-Speaker). Will the Sponsor yield?"

Speaker Hartke: "He indicates he will."

Lawfer: "Representative, you had strong support for this Bill originally in the Agriculture and Conservation Committee, and I noticed that you worked hard on some of these Amendments that's on, some of this mitigation and so that I think that's probably coming forward in some of your Amendments here, is that... put that kind of in parallel to some of the mitigation that is available under federal laws?"

Woolard: "Yes, without question. You know, this is something that the federal law has had in it for some time. Now the state law will... not exactly follow the lead of the federal law, but it's almost the same thing word for word."

Lawfer: "Well I... I think I supported your Amendment and Bill in the committee and so on, and I think you've done a lot of work. I assume then that you are meeting expectations then for your district as you look out for your district and economic development of the district? You feel this is going to satisfy those needs?"

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Woolard: "Without question, and once again, let me reiterate, that Amendment #2 has to complete the process."

Lawfer: "Okay, I look forward to that and hope everybody will support that. Thank you."

Woolard: "Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 2243?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair the 'ayes' have it and Floor Amendment #1 to House Bill 2243 is adopted. Further Amendments?"

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

Speaker Hartke: "Representative Woolard."

Woolard: "This is Floor Amendment #2, which as I said earlier, this actually completes the process and puts this piece of legislation in a posture that accomplishes the goals that Representative Granberg and I have, but at the same time, ensures that all of those people who might be in opposition now, are not in opposition."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #2 to House Bill 2243?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair the 'ayes' have it and Floor Amendment #21 to House Bill 2243 has been adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page three of the Calendar, appears House Bill 143. Representative Flowers. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 143 has been read a second time,

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previously. Amendments 1 and 2 were adopted in committee. No Motions have been filed. Floor Amendment #3, offered by Representative Flowers has been approved for consideration."

Speaker Hartke: "Representative Flowers."

Flowers: "Thank you, Mr. Speaker. The only thing that Amendment #3 is delete the Section dealing with disciplinary action in regards to House Bill 143. That's already in the Bill, so I'm not making another Act for a doctor to be disciplined under. So, I move for the adoption of Amendment #3 to House Bill 143."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is... The Chair recognizes the Gentleman from Kendall, Representative Cross."

Cross: "Yeah, Mr. Speaker, with respect to this Amendment, our... it appears that perhaps these Amendments are out of order. Is there a way... could someone do some checking on that?"

Speaker Hartke: "Mr. Clerk, would you read the description as the Amendments were filed?"

Cross: "It apparently... doesn't appear that this Amendment properly references this Bill as it was previously amended. I'm just... I'm not asking necessarily substantively, Mr. Speaker, but technically."

Speaker Hartke: "Representative Flowers, can we pull this Bill out of the record momentarily while we straighten up this matter with Mr. Cross?"

Cross: "Thank you."

Speaker Hartke: "Take that Bill out of the record. Returning to House Bill 1265, Representative Granberg. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1265 has been read a second time,

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previously. Floor Amendment #1 has been adopted to the Bill. No Motions have been filed. Floor Amendment #2, offered by Representative Granberg has been approved for consideration."

Speaker Hartke: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker. Mr. Clerk, I have a question for the Clerk. Mr. Rossi."

Speaker Hartke: "Mr. Clerk. The Sponsor has a question."

Granberg: "That should be Gran... that Amendment #2 should be Granberg, Ryder."

Clerk Rossi: "Representative Granberg, the voting board can only have one Sponsor on an Amendment."

Granberg: "Mr. Rossi, I'm glad you're right this time. Representative Ryder has always had questions about your capability, but obviously he was correct. Amendment #2... thank you, Mr. Speaker. Amendment #2 is strictly a clarification of the underlying Bill. It makes no substantive change. I would just move for its adoption."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #2 to House Bill 1265?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair the 'ayes' have it and Floor Amendment #2 to House Bill 1265 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page 44 of the Calendar, appears House Bill 1874. Rep... what is the status of that Bill?"

Clerk Rossi: "House Bill 1874, a Bill for an Act amending the Illinois Vehicle Code. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Klingler, has been approved for

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consideration."

Speaker Hartke: "Mr. Clerk, move that Bill back to Second for the purposes of an Amendment. Mr. Clerk, read the Bill."

Clerk Rossi: "Floor Amendment #1, offered by Representative Klingler, has been approved for consideration."

Speaker Hartke: "Representative Klingler."

Klingler: "Thank you, Mr. Speaker. Amendment #1 simply makes the effective date for the municipal license plate to begin with the year 2001 instead of the year 2000. The Secretary of State representative, testified at the hearing that the plating has already been begun for the year 2000, but they would support the Bill if we moved it to year 2001."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 1874?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair the 'ayes' have it and Floor Amendment #1 to House Bill 1874 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page three of the Calendar, appears House Bill 143. Representative Flowers. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 143 has been read a second time, previously. Amendments 1 and 2 were adopted in committee. No Motions have been filed. Floor Amendment #3, offered by Representative Flowers, has been approved for consideration."

Speaker Hartke: "Representative Flowers."

Flowers: "Speaker, I move for its adoption."

Speaker Hartke: "The Chair recognizes the Gentleman from Kendall, Mr. Cross."

Cross: "Thank you, Mr. Speaker. I apologize for the questions

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earlier, but we're now in agreement in the format it is.

So, thanks to the Sponsor for clearing that up."

Speaker Hartke: "The question is, 'Shall Floor Amendment 3 to House Bill 143 be adopted?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair the 'ayes' have it and Amendment #3 to House Bill 143 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page 24 of the Calendar, appears House Bill 1738. Representative Zickus. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1738 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Zickus, has been approved for consideration."

Speaker Hartke: "Representative Zickus."

Zickus: "Thank you, Mr. Speaker and Members of the House. House Bill 1738 provides that a person under 19 of age, convicted of criminal defacement of property, shall have his or her driving privileges suspended. Floor Amendment #1 makes it permissive and just says that they 'may'."

Speaker Hartke: "Is there any discussion? Seeking that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 1738?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair the 'ayes' have it and Floor Amendment #1 to House Bill 1738 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page 38 of the Calendar, appears House Bill 2648. Representative Biggins. Representative Biggins. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2648 has been read a second time,

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previously. No Committee Amendments. Floor Amendment #1 has been adopted to the Bill. No Motions have been filed. Floor Amendment #2, offered by Representative Biggins, has been approved for consideration."

Speaker Hartke: "Representative Biggins."

Biggins: "Thank you, Mr. Speaker. Floor Amendment #2 requires the publication of a notice of change in assessment on those assessments that will be changed in ???????? add... town... or parts of the Cook County jurs... assessment jurisdiction. And it avoids a public opportunity then to view a published notice of a change in assessment. I urge its adoption."

Speaker Hartke: "Is there any discussion? See that no one is seeking recognition, the question is, 'Shall Floor Amendment #2 to House Bill 2648 be adopted?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion o the Chair the 'ayes' have it, Floor Amendment #2 to House Bill 2648 is adopted. Third..."

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page 17 of the Calendar, appears House Bill 1232. Representative Hamos. Turn on Representative Hamos. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1232 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Hamos, has been approved for consideration."

Speaker Hartke: "Representative Hamos."

Hamos: "Thank you, Mr. Speaker. Actually I'm offering Floor Amendment #3. Is that correct? Floor Amendment #3."

Clerk Rossi: "Floor Amendments 2 and 3 have been approved for consideration. You need to withdraw 2 if you're not going to consider it."

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Hamos: "Thank you. I would like to withdraw Floor Amendment #2 at this time."

Speaker Hartke: "Withdraw Amendment #2. Further Amendments?"

Clerk Rossi: "Floor Amendment #3, offered by Representative Hamos."

Speaker Hartke: "Representative Hamos."

Hamos: "Thank you, Mr. Speaker. Floor Amendment #3 takes a new program that I will have... looking forward to having the opportunity to debate which is called Child Support Pays, and Floor Amendment #3 applies to program only to those people who are working in the Work Pays Program, and I ask for its adoption."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #3 to House Bill 1232?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair the 'ayes' have it and Floor Amendment #3 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments, but a fiscal note has been requested on the Bill as amended by Amendment #3, and that has not been filed."

Speaker Hartke: "That Bill will remain on Second Reading. On page 18 of the Calendar, appears House Bill 1261. Representative Smith. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1261 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Smith, has been approved for consideration."

Speaker Hartke: "Representative Smith."

Smith: "Thank you, Mr. Speaker. This Amendment is at the request of the Cook County Assessor. It removes the County of Cook from the underlying Bill which is addressing a rural

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low-income housing concern with the property tax assessments. Again, this is at the request of Cook County, exempting them from the underlying Bill."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 1261?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair the 'ayes' have it and Floor Amendment #1 to House Bill 1261 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page 26 of Calendar, appears House Bill 1877. Representative Slone. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1877 has been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Slone, has been approved for consideration."

Speaker Hartke: "Representative Slone."

Slone: "Thank you, Mr. Speaker. This Amendment would take what was formally a two part Bill and make it a single part Bill. This is permissive legislation allowing counties and home rule municipalities to adopt open space plans, and I would appreciate adoption of the Amendment."

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

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

Speaker Hartke: "She indicates she will."

Cross: "Representative, I... quite frankly, it's a little crazy over here and with all due respect to you, I don't... I didn't hear what you were saying and I don't know that anyone on our side of the aisle did. Can you explain again what your Amendment does, and my first question I guess

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before that, does the Amendment become the Bill?"

Slone: "Yes."

Cross: "All right. Can you tell us then what happens now under your Bill?"

Slone: "That depends on you, Representative Cross. It becomes only a permissive open space Bill for counties and home rule municipalities."

Cross: "Well, in what respect? Tell us... we've forgotten about the original debate, I guess on 1877 or what 1877 originally did. Can you tell us what all is going on with... what this Bill does in its amended form?"

Slone: "In the amended form, it would allow counties and home rule municipalities to adopt an open space plan... it's permissive, I should begin with that. It's permissive legislation. It would counties and home rule municipalities to adopt an open space plan and to bond by front door referendum to do open space acquisition if they so choose."

Cross: "For benefit of Members on our side of the aisle and perhaps yours, my understanding is the realtors and home builders are still opposed to this Amendment. Is that your understanding?"

Slone: "I believe that's correct, however, their main bone of contention with the Bill as it was previously, was the Section of the Bill on development rights, and that part has been removed. So, I think that their objection is less strenuous than it was before."

Cross: "Let me ask... on page two of the Bill, excuse me Representative, on page two of the Amendment, on line 6, you talk about or the Bill talks about building permits being obtained at least 30 days before the filing of the petition. What petition are you talking about?"

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Slone: "I believe that's... and I apologize, Representative, I don't have the file with me, but I believe that's... that would be the petition to put... to bond for open space. I'm sorry, this is page what?"

Speaker Hartke: "Representative Cross."

Cross: "Page..."

Speaker Hartke: "We're on Amendment #2, not Amendment #3."

Cross: "I am... I'm on... I'm sorry. My mistake. It's a little crazy around here, Representative."

Speaker Hartke: "Yes, that's why I straightened you out."

Cross: "Well, I needed it. I need it more than a few times. Hold on a minute, let me look at Amendment #2 if you don't mind? Our concern, Representative... Representative or Speaker, let me ask you a question procedurally and maybe that's the source of our confusion. Was Amendment #1 adopted?"

Speaker Hartke: "Mr. Clerk."

Clerk Rossi: "Floor Amendment #1 failed."

Cross: "Well, in Amendment #2, it appears that you're referencing Amendment #1, and I don't know that I'd want to be referencing Amendment #1 if Amendment #1 failed."

Speaker Hartke: "Representative Slone. Would you like to take this Bill out of the record and converse with Mr. Cross to straighten this issue out?"

Slone: "Certainly. Absolutely."

Speaker Hartke: "Take this Bill out of the record."

Cross: "Oh, thank you, thank you very much."

Speaker Hartke: "On page 13 of the Calendar, appears House Bill 2021. Representative Feigenholtz. Excuse me, on page 28."

Clerk Rossi: "House Bill 2021 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by

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Representative Feigenholtz, has been approved for consideration."

Speaker Hartke: "Representative Feigenholtz."

Feigenholtz: "Thank you very much, Mr. Speaker. This Amendment, basically, just changes language that said the adult receiving assistance under this Article is the primary care giver for a disabled child. In the previous Amendment, it was a disabled adult or family member, and the department has no opposition with this, and they've been working with the committee and the Poverty Law Project, and I would appreciate adoption of this Amendment."

Speaker Hartke: "Is there any discussion? The Chair recognizes Representative Kendall... Mr. Cross from Kendall County."

Cross: "It's Mr. Kendall from Cross County? Will the Sponsor yield?"

Speaker Hartke: "She indicates she will."

Cross: "Representative, can you, with the Amendment, tell us whether or not DHS is opposed with the Amendment or neutral with the Amendment?"

Feigenholtz: "I believe that they're neutral, Representative Kendall."

Cross: "I'm sorry, I couldn't hear you."

Feigenholtz: "I said I believe they're neutral, Representative Kendall."

Cross: "Well Representative Halstead Street, could you find out whether or not they're neutral and let us know before you proceed on Third Reading?"

Feigenholtz: "Absolutely."

Cross: "Thank you."

Feigenholtz: "I'm hoping this Bill goes on the Agreed Bill List, Representative Kendall."

Cross: "Representative, I have a reason it may not end up on that

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Agreed Bill List, but we'll see."

Speaker Hartke: "Further discussion?"

Cross: "Could you find..."

Speaker Hartke: "Seeing that no one is seeking recognition, the question is, 'Shall Floor Amendment #2 to House Bill 2021 be adopted?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair the 'ayes' have it, Floor Amendment #2 has been adopted. Further Amendments?."

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page 29 of the Calendar, appears House Bill 2085. Representative Reitz. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2085 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Reitz, has been approved for consideration."

Reitz: "Thank you Mr..."

Speaker Hartke: "Representative Reitz."

Reitz: "Thank you, Mr. Speaker. Amendment #2 will assure that farm implements will... manufactured after January 1st of 2003, that are operated on public roads will meet or exceed the standards for markings and lightings. The standards set by the ASAE. And that's it."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall Floor Amendment #2 to House Bill 2085 be adopted?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair the 'ayes' have it and Floor Amendment #2 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. Going back to House Bill 1877,

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Representative Slone. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1877 has been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Slone, has been approved for consideration."

Speaker Hartke: "Representative Slone moves to table Amendment #2. Further Amendments? Withdraw Amendment #2. Further Amendments?"

Clerk Rossi: "Floor Amendment #3, offered by Representative Slone."

Speaker Hartke: "Representative Slone."

Slone: "Thank you, Mr. Speaker. Once again Ladies and Gentlemen, Amendment #3 becomes the Bill. This is permissive legislation allowing counties and home rule municipalities to adopt open space plans. With respect to the question of the Gentleman from earlier, the language that you were inquiring about is part of a definition Section that would... that would tell what land was that had already begun to be developed so that it would not be allowed to be listed in the open space plan. And I'd be happy to take any further questions."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Kendall, Mr. Cross."

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

Speaker Hartke: "She indicates she will."

Cross: "All right, Representative, thanks for clearing that up. Now, with respect to Amendment #3... am I reading this correctly, that... I know you said it's permissive, but what would be the cost for... if a particular county decided to pursue this initiative?"

Slone: "It would obviously, it would depend on how you know, how much open space they were interested in acquiring, and

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whatever the market rate of that land would be at that time. So, it would be quite variable."

Cross: "I... one... I guess one of the questions I have is, what's the difference between a county having the authority to designate open space areas and a county's forest preserve district purchasing forest preserve property?"

Slone: "I... there's not that much difference, Representative Cross. A number of counties don't have forest preserve districts, don't necessarily want to set one up but would like to be able to do the same type of thing without necessarily setting up a forest preserve district to do so."

Cross: "Does your Amendment provide, or under your Amendment, would this include... would all counties in the state be eligible or is there a limitation?"

Slone: "I think all counties would be eligible, yes. However, presumably, a county that already had a forest preserve district would these powers, would do any acquisition they chose to do through their forest preserve district."

Cross: "So, these would be identical powers that a forest preserve district has?"

Slone: "For purposes of acquisition of open space, yes. That's my understanding."

Cross: "All right, for those that don't have..."

Slone: "Oh, Oh, except that there's no eminent domain powers in this. This is only, you know, between willing... a willing landowner and the unit of local government. There's no eminent domain power in this Bill, and I think forest preserve districts have that power, so, this would not include that."

Cross: "How would you... preservation and maintenance of open land scenic roadways, does IDOT have a role in this? How

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would you define a scenic roadway?"

Slone: "I believe that's... that is defined elsewhere in the law, and the kind of scenic roadway that I personally would envision is the kind of thing we have at Grandview Drive in Peoria County, which is... within our park district area. It's a roadway with a view of the river. That would be... that's considered to be a scenic roadway."

Cross: "Representative, one other question, and I guess I didn't back to that answer, on page two of that Amendment, what is the... before the... what is the sig... what is the petition... what petition are you referring to?"

Slone: "Just a moment Representative Cross, please. There's... on page seven, where it refers to the borrowing money and the bonds, there's a petition referred to there and I would assume that the definition Section you're referring to refers back to that petition."

Cross: "What you... what you'd have to petition to authorize the bonds?"

Slone: "Yeah, when the authority receives a petition requesting to... that it issue bonds. Yes."

Cross: "All right, so, and to carry this out Representative, just so people on our side know, and I... I'm very supportive of our forest preserve district, you would... you are given the county, and I know it's permissive, but the authority... when they acquire the opens spaces, they don't have the money set aside, they are given the authority to issue bonds and also levy a tax to pay those bonds, is that correct?"

Slone: "They are given the authority to issue bonds by front door referendum only."

Cross: "All right."

Slone: "I don't believe there's any authority to levy a tax."

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Cross: "Representative, it appears from our reading of it, it's very clear that you would have to levy a tax to pay those bonds. How else would those bonds be paid?"

Slone: "I'm sorry, that's correct."

Cross: "Okay."

Slone: "Yes."

Cross: "All right, I don't have any other questions. Thanks."

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

Parke: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, though this is scaled back to some degree, I will respectfully point out to the Body, that this is very similar to a Bill that was killed in the Urban and Revitalization Committee. This is very similar to the Amendment that was tried to be put on previously, and this is the third bite at the apple. There's got to be a point in time when they realize that kind of legislation needs to be worked out with the realtors and the home builders who still oppose this Amendment, Ladies and Gentlemen. The realtors and the home builders still oppose this Amendment. Even though it's a front door referendum, it could increase local taxes, so you need to be aware of what you're voting for. Until there's an agreement, Ladies and Gentlemen, until there's a compromise, until they can get language that both the homeowners... I mean the realtors and home builders can agree to, I would ask that we vote 'no' on this, and that... Mr. Speaker, I would like to have a roll call on this Amendment."

Speaker Hartke: "Per your request. The Chair recognizes the Gentleman from Lake, Representative Mathias."

Mathias: "Thank you, Mr. Speaker. You mentioned earlier that..."

Speaker Hartke: "The Sponsor will yield."

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Mathias: "Yes, I'm sorry. You mentioned earlier that this Bill is similar to the powers of townships?"

Slone: "The powers of forest preserve districts."

Mathias: "Forest preserve districts. Can forest preserve districts, at the present time, buy development rights?"

Slone: "I don't believe so."

Mathias: "So, in effect, this is different than the existing rights of forest preserve districts? In other words, this Bill does contain the ability of a county or municipality to buy development rights of a owner and not... the fee simple of the owner... title to the property. Is that correct?"

Slone: "No, that's not correct, Mr. Mathias. The provisions that would have done that are removed in Amendment 3."

Mathias: "So, this Amendment in no way allows anyone to purchase the development rights, is that correct?"

Slone: "I'm sorry, Mr. Mathias, could you repeat your question, please?"

Mathias: "I'm sorry. As was discussed in committee, this is... this Bill is different than, this Bill does not allow the purchase of development rights, is that correct?"

Slone: "It does not. It is different from what you saw in committee, that's correct, and it does not allow the purchase of development rights. That Section of the Bill is not in that Amendment. And this Amendment, if adopted, becomes the Bill."

Mathias: "Can you tell me then, what powers that municipalities and counties would have under this Bill that they don't have now?"

Slone: "The power to do open space planning and to bond by front door referendum to purchase open space. All right, in fee symbol."

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Mathias: "And, I know when we discussed this in committee, you had previously taken out quick take rights, eminent domain and condemnation rights. Are those still not in this Amendment?"

Slone: "They are still not in this Amendment. That is correct."

Mathias: "Okay. What would happen if a municipality wanted to purchase property and a county also wanted to purchase it, I assume they both would just compete for that property with the owner?"

Slone: "I'm sorry, Mr. Mathias, could you run that one by me again, please."

Mathias: "In other words, if a county... this applies to only counties and municipalities, is that correct?"

Slone: "That's correct."

Mathias: "An so, if they both wanted to purchase a parcel, they would just be competing with each other, is that correct?"

Slone: "I suppose if a county and a home rule municipality, within the county, had open space plans that covered the same terrain, that scenario would be possible."

Mathias: "Okay, thank you."

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

Winters: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, to the Amendment. This Amendment is a very mild form of what we already have. I want to reemphasize, a municipality can form a park district, a county can form a forest preserve district, with more powers than the Open Space District Act would allow. Forest preserve districts have the power of eminent domain. Open space districts do not. I believe that forest preserve districts have the right to buy development rights. Open space districts do not. If you want limited government and the opportunity

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for the local population to come together and decide the future of their community, at a vary reasonable and very measured manner, this is the tool that they need. Otherwise, the only option they have, is a full blown forest preserve district with full powers of eminent domain. This is an excellent tool, very moderate tool in the arsenal of local government. I think it's an excellent Amendment and would urge its adoption. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Lake, Representative Andrea Moore."

Moore, A.: "Thank you, Mr. Speaker. To the Bill."

Speaker Hartke: "To the Amendment."

Moore, A.: "To the Amendment. Thank you, Mr. Speaker. This Amendment is a compromise that the committee has tried to achieve to try and please many different entities in this state. The home builders and the realtors being against this, is something that's a philosophical problem that I believe can be handled best locally. Please remember that's there's a front door referendum required with this legislation in order to get bonding money to purchase the property. So, if the realtors in that particular are against it and the home builders, they can well work against it for the referendum. In my area, in the last two referendums that the forest preserve has had, the realtors and the home builders have worked with the forest preserve district to help pass referendums. They've donated money and they have worked for the referendums to purchase open space for the forest preserve districts. This is not any kind of legislation that we should fear. This is legislation that will provide planning opportunities for local governments. The protections are in there with the front door referendum. I would urge an 'aye' vote."

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

Skinner: "I concur with Representative Moore and Representative Winters. If the Republican Party is now going to be against any tax that can be authorized with a front door referendum, there are Bills to increase taxes for police and fire on this House Floor right now that have not passed. Now, I wonder if everyone who is going to need your... vote 'no' or consider voting 'no' against this Amendment, will vote 'no' against that Bill, which I intend to vote for as I intend to vote for this one."

Speaker Hartke: "Representative Slone to close."

Slone: "I would appreciate an 'aye' vote on the Amendment. Thank you."

Speaker Hartke: "Ladies and Gentlemen, there's been a request for a roll call on this Amendment. All those in favor of Amendment #3 to House Bill 1877... Floor Amendment #3, will vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Floor Amendment #3 to House Bill 1877, there are 70 Members voting 'yes', 39 Members voting 'no', and 2 Members voting 'present'; and this Amendment having received the majority, is hereby declared passed. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 78 of the Calendar, appears House Bill 1217. Representative Wait. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1217 the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Wait, has been approved for consideration."

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Speaker Hartke: "Representative Wait."

Wait: "Yes. Ladies and Gentlemen, this just clarifies the Bill and makes it more clear. The committee, when I went before it, was a little... said it was a little ambiguous, and this just clears it up. I appreciate your vote."

Speaker Hartke: "Is there any discussion? Seeing that no one in seeking recognition, the question is, 'Shall Floor Amendment #1 to House Bill 1217 be adopted?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair the 'ayes' have it and Floor Amendment #1 to House Bill 1217 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 13 of the Calendar, appears House Bill 843. Representative Moore. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 843, the Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Moore, has been approved for consideration."

Speaker Hartke: "Representative Moore. Representative Moore."

Moore, A.: "Thank you, Mr. Speaker. Amendment #1 to House Bill 843 which is an initiative of the Park District, is an Amendment that changes basically three percent to a percent and a half, which is what was located in the Bill. It provides that the park districts... allows them to have a Capital Improvement Fund and it's based on the assessed evaluation and three percent was too much, so, it was reduced to one and a half. I would ask a favorable vote."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 740... House Bill 843?' All those in favor signify by saying 'aye'; opposed

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'no'. In the opinion of the Chair the 'ayes' have it and Floor Amendment #1 to House Bill 843 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 23 of the Calendar, appears House Bill 1688. Representative Moore. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1688, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Moore, has been approved for consideration."

Speaker Hartke: "Representative Moore."

Moore, A.: "Floor Amendment #1 is an Amendment that was suggested by IDOT. When the Bill came through committee, we worked it out. It basically just clarifies a position on one public body to another as far as exchange of property."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 1688?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair the 'ayes' have it and Floor Amendment #1 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. Representative Meyer in the chamber? On page eight of the Calendar, appears House Bill 528. Representative Fritchey. Representative Fritchey. Mr. Clerk, call the Bill."

Clerk Bolin: "House Bill 528, the Bill's been read a second time, previously. No Committee Amendments; no Floor Amendments; no Motions filed."

Speaker Hartke: "Third Reading. On page of the Calendar, appears House Bill 390. Representative Skinner. Mr. Clerk, call

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the Bill."

Clerk Bolin: "House Bill 390, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Lindner, has been approved for consideration."

Speaker Hartke: "Representative Lindner."

Lindner: "Sorry. Thank you, Mr. Speaker. Amendment #2 is a Bill that passed last year for Big Rock Township in my area, to decide if they want to put... have a referendum to see if they want to incorporate. All Amendment #2 does, is change the date to the year 2000 instead of the year 1999."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #2 to House Bill 528?' All those in... excuse me, 'Shall the House adopt Floor Amendment #2 to House Bill 390?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair the 'ayes' have it and Floor Amendment #2 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 27 of the Calendar, appears House Bill 1981. Representative Pugh. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1981, the Bill's been read a second time, previously. No Committee Amendments; no Floor Amendments; no Motions filed."

Speaker Hartke: "Third Reading. On page 11 on the Calendar, appears House Bill 742. Representative Davis. Monique Davis. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 742, the Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Monique Davis, has

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been approved for consideration."

Speaker Hartke: "Representative Davis."

Davis, M.: "Amendment #1 shells the Bill so it can go over to the Senate and they can continue to work on the language for the Bill."

Speaker Hartke: "Is there any further discussion? The Chair recognizes the Gentleman from Kendall, Mr. Cross."

Cross: "Will the Sponsor yield?"

Speaker Hartke: "She indicates she will."

Cross: "Representative, we absolutely... we really like the idea of your Bill. Why on earth would you want to shell it?"

Davis, M.: "Because the language is being worked out and will be worked out with Members of the Senate and the House."

Cross: "Well..."

Davis, M.: "So the shel..."

Cross: "...we... we were very, very supportive of your Bill in its original form and now, it's no Bill. What's going to end up coming out of the agreement after the Shell Bill is..."

Davis, M.: "Hopefully we'll have single member districts for the Water Reclamation District. That is the purpose of this Bill, to have single member districts for the Water Reclamation District."

Cross: "And... and... and we agree with that. What can we do differently..."

Davis, M.: "Obviously..."

Cross: "...they're either single member districts or they're not."

Davis, M.: "Obviously someone in the Senate wanted to kind of work on that language, so, in order to keep the Bill alive, we're putting a Shell Amendment on it and send it over to the Senate and allow the Senate and House to work on the Bill."

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Cross: "Well, I... you had... all I'm saying is, you had a great Bill in its original form and for us to rely on those men and women over in the Senate, it's a little scary."

Davis, M.: "Well, somebody voted for 'em..."

Cross: "We're just sad to see... we are just sad to see..."

Davis, M.: "It may be scary but somebody voted for 'em. Just like somebody voted for you, somebody voted for them, and that's why they're there."

Cross: "I guess I'm just saying we... I'm not against, we really like the Bill in its present form. We're sorry to see what happened."

Davis, M.: "Are you saying to me, that if I take that Amendment off and pass this Bill, you're going to vote for it, Representative? If I do not put the Amendment on, that you're going to vote for this Bill?"

Cross: "Yes, Ma'am."

Davis, M.: "Withdraw the Amendment, Sir."

Speaker Hartke: "Representative Davis to close."

Davis, M.: "Pass this Bill to Third, please. Withdraw the Amendment, pass the Bill to Third Reading."

Speaker Hartke: "The Amendment is withdrawn."

Davis, M.: "Now it goes to Third."

Speaker Hartke: "Mr. Clerk, what is the status of House Bill 472?"

Clerk Bolin: "House Bill 472 is on the Order of House Bills - Second Reading."

Speaker Hartke: "Third Reading. On page 41 of the Calendar, appears House Bill 571. Representative Delgado. For what reason does the Gentleman from Kendall seek recognition?"

Cross: "We thought you were going to call Representative Davis' Bill. I don't know why you're holding it, but that's okay. That's all right. That's too bad. Thanks."

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Speaker Hartke: "This Bill's on Third Reading. Representative Delgado. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 571, a Bill for an Act concerning derelict vacant buildings. Third Reading for this House Bill."

Speaker Hartke: "Representative Delgado. Would you like that Bill placed on Second for the purposes of an Amendment?"

Delgado: "Yes, Mr. Speaker, I do appreciate that."

Speaker Hartke: "Mr. Clerk, put that Bill on Second. Would you read the Amendment?"

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

Speaker Hartke: "Representative Delgado."

Delgado: "Thank you, Mr. Speaker. Amendment 2 amends House Bill 571, as follows; it basically changes A to B on page three, line 19, by changing E to F, and on line 34, by changing F to G. That's what Amendment #2 basically does for House Bill 571."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #2 to House Bill 571?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair the 'ayes' have it and Floor Amendment #2 to House Bill 571 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 20 of the Calendar, appears House Bill 1452. Monique Davis. Representative Davis, would you like to call that Bill? Representative Davis. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1452, the Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Monique Davis, has

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been approved for consideration."

Speaker Hartke: "Representative Davis."

Davis, M.: "Floor Amendment 1, Mr. Speaker, merely encourages senior citizens' homes, to provide exercise program for senior citizens. And it's supported by a number of senior citizens organizations, and we hope that we will get 'aye' votes."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 1452 be adopted?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair the 'ayes' have it and Floor Amendment #1 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 27 of the Calendar appears House Bill 1987. Representative Pugh. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1987, the Bill has been a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Pugh, has been approved for consideration."

Speaker Hartke: "Representative Pugh."

Pugh: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill is a simple Bill. It's designed to allow for tax credits that low income housing developers receive to be acquired and maintained throughout the duration of the development of the said property. Previously, the individuals who developed the property were unable to receive the or they received the tax benefit for developing low income housing, but the tax benefit was taken away once the development was finished and they had and they went on to sale the property. So, this Amendment or this Bill

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would correct that error. And I stand ready to answer any questions."

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

Giles: "Thank you, Mr. Speaker, Representative Pugh. You know, I was just noticed that there was about four or five Black Caucus Member Bills that just was called in a row, Representative Pugh. Would you know anything about that?"

Pugh: "No. I, I'm sorry. I didn't notice."

Giles: "Is it just because of your legislation is just so great, Representative Pugh?"

Pugh: "Well, I, I would like to think that this Bill is exactly what we were, were paid all this exorbitant resources to come down here to do to correct the wrongs that our taxpayers are, are receiving as a result of inequities."

Giles: "Thank you, Representative Pugh."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall House... Floor Amendment #1 to House Bill 1987 be adopted?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it and Floor Amendment #1 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 31 of the Calendar appears House Bill 2181. Representative Moore. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2181, the Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Moore, has been approved for consideration."

Speaker Hartke: "Representative Moore."

Moore, A.: "Thank you, Mr. Speaker. This Amendment is one that

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has been worked out through discussions with the department and also with... it's an initiative of Voices for Illinois Children. This is the first year at home program which underscores a significant role the parents play as their child's first teacher. This expands the options that low income families with newborns would have to care for their babies. Under the program one parent of a newborn infant would be able to stay at home to care for the child full time during the child's first year rather than place the child in out of home care. For a period of six weeks after the birth of the child and up until the child is one. Families that would qualify and participate would receive a direct subsidy in lieu of child care assistance. I would happy to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 2181?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #1 to House Bill 2181 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 32 of the Calendar appears House Bill 2314. Representative Younge, Wyvetter Younge. Mr. Clerk, read the... out of the record. On page 28 of the Calendar appears House Bill 2023. Representative Silva. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2023, the Bills' been read a second time, previously. Amendment, Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Silva, has been approved for consideration."

Speaker Hartke: "Representative Silva."

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Silva: "Thank you, Speaker. Floor Amendment 2 essentially deletes Amendment 1 in its entirety. Amendment 2 amends the Environmental Protection Act by adding a new section. The Amendment prohibits the start of construction of a building intended for use as an educational facility for persons 18 years or younger, unless certain environmental due diligence has been conducted in remediation as approved by the Illinois EPA. Again, you know, I want to remind you that several weeks ago in my district, we found out that two grammar schools were constructed on contaminated land. And I think that it's a travesty that children, in fact, are in the school and parents don't know whether their kids are safe or not. I think that this is applicable to, throughout the State of Illinois. And I would urge your 'aye' support on Floor Amendment 2."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Kendall, Mr. Cross."

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

Speaker Hartke: "She indicates she will."

Cross: "Representative, first of all, does the Amendment become the Bill?"

Silva: "Yes, it does."

Cross: "And in my reading of the Amendment, this applies statewide, is that correct?"

Silva: "Correct."

Cross: "Now you are putting, if I'm reading this Amendment correctly, additional environmental protection requirements on our local school districts, is that correct?"

Silva: "Yes. In order to safeguard the safety of our children throughout the state."

Cross: "Can, I see now, that I cannot, 'no person shall commence construction on real property of a building for educational

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purposes unless: 1) a Phase I Environmental Audit is obtained.' That's new, is it not?"

Silva: "Yes, it is."

Cross: "What is a Phase I Environmental Audit?"

Silva: "A Phase I Environmental Audit is, basically, a review of the documents to determine if there is any need to do any actual site visit, possible soil or ground water sampling and, and it's something that exists in the Environmental Protection Act."

Cross: "What's the cost to do a Phase I Environmental Audit for all 900 school districts in the State of Illinois before we build a new school in each one of them?"

Silva: "I don't think that that would apply to all schools because we don't know how many would be constructed."

Cross: "All right. Let's just say, I'm going to build a new school in my district. What's the cost for one school district for a Phase I Environmental Audit? What's the average cost to conduct a Phase I Environmental Audit?"

Silva: "Basically, all it is is a title search and review."

Cross: "A title search?"

Silva: "Yes."

Cross: "A title search. Now, in my reading of an Environmental Audit, you would, you would, first of all I have to hire environmental professionals who are now going to discover or attempt to discover whether there's a presence or likely presence of a release or a substantial threat of a release of a hazardous substance or pesticide and whether that release has occurred or may occur to the property. Now that's a lot more expansive than a title search, Representative."

Silva: "In the first phase as I said, basically it's just a review of documents and the title search. And those would,

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and those would indicate what the use, what the past use was for that particular property."

Cross: "All right."

Silva: "And for example, if they determine that in that particular area there was diesel fuel seepage into the ground, then that would indicate that we would go to level 2. If it did not, then we wouldn't need to do that."

Cross: "All right. Who's going, you still haven't, can't you give me an estimated cost for this Phase I Environmental Audit?"

Silva: "I don't know what the cost is, but I would assume that it's minimal. And the assumption is that all Legislators on both side of the aisle want to protect the welfare of our children."

Cross: "So, you don't know what the cost is? Let's assume we leave Phase I and go to a Phase II Environmental Audit. Your Bill, Amendment calls for that, right?"

Silva: "Yes."

Cross: "What's the cost... first of all, what is a Phase II Environmental Audit?"

Silva: "The Phase II Audit involves an on site review of the property to determine if contamination is present."

Cross: "What's the cost approximately and Representative, let's not lose sight of the fact that our local school districts are paying for this. Not anybody else, but our local school districts. What's the cost of an Environmental Phase II study or audit?"

Silva: "I think that any responsible individual, whether all school districts want to do the right thing and want to ensure that again our kids are safe."

Cross: "Well, I guess we've spent the last 200 years being unsafe to our kids cause we've never done this. You've still not

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answered my question as to cost of Phase II study."

Silva: "Actually, we do do this and when people do acquire property it's something that is normally done."

Cross: "I'm sorry, I didn't hear the answer to the cost."

Speaker Hartke: "Representative Silva, do you have an answer for Representative Cross?"

Silva: "I already told the..."

Speaker Hartke: "Representative Cross..."

Silva: "...Representative I don't know what the cost is. But again, any responsible school district and if you would talk to people in the community, they want to ensure that our kids are safe."

Cross: "Representative, don't you think before you proceed further with this Bill and ask this Body to vote, not only on this Amendment, but on your Bill, assuming we're all responsible Legislators, that we ought to know the cost to do a Phase I and/or a Phase II study before we vote on this Bill?"

Silva: "Representative Cross, I too, want to know the cost. But, I would like the vote on adopting Amendment 2. And in the meantime, we will work to get those numbers."

Cross: "Representative, I'm a little concerned about your lack of interest in college kids. You limit this to age 18. Aren't you concerned about the college kids in this state?"

Silva: "I'm concerned about all kids, and I would welcome a Bill with you and I on it to include them, as well."

Cross: "What about, I mean, at least the people on our side of the aisle care about this, what about the day care centers in this state? What about the day care centers?"

Silva: "If you want to join me, we can work on that, too."

Cross: "So, you don't care about the day care centers."

Silva: "No, I said I did. And since you came up with that idea,

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you could be the main Sponsor."

Cross: "I'm a little concerned about the lack of environmental studies under the Capitol. Do you think we ought to do those, maybe, before we go any further?"

Silva: "Well, since you brought it up..."

Cross: "...there are a lot of 4-H kids here today and we haven't done a study.

Silva: "...maybe you want might, might want to move it forward."

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

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

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

Speaker Hartke: "She indicates she will."

Black: "Representative, does this legislation come out of an incident that happened in your district or very close to your district?"

Silva: "Yes, Representative. And the thing is that we don't know where else it has occurred. It can happen anywhere in the State of Illinois and we just want to ensure that in the future, we're not endangering the lives of our children."

Black: "All right. Have you, what, do you know, at this point, do you know what the environmental hazard was on which these schools were built? Was it some kind of a dump or do you know what's underneath the school building at this point?"

Silva: "Yes. Actually, that site was used to repair buses, trains and the kind of seepage that was there should have indicated that more extensive testing and cleanup should have been done."

Black: "Has there been any indication of the, of migration of any of the chemicals? If it was a repair station, I imagine it

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would be petroleum based- products, oil, gasoline, diesel fuel. Has there been any evidence of migration of the liquid waste or in anything that would be getting into the school and harming the students?"

Silva: "I'm not sure. I'm not specifically sure about your particular question, but I do know that they are not going to go back and clean it up. When it should have been, it would have been more cost effective, if in fact, they would have done the correct cleanup prior to the construction."

Black: "Well, and I can't disagree with that, Representative. My concern about the Amendment and I won't speak to the Bill, but to the Amendment, is that you're asking something be done statewide when I'm not certain that there is a statewide problem. I don't know how the two schools in question, I remember reading about it in the Chicago newspapers, I don't know how this happened. Somebody didn't do their due diligence. Somewhere on that property abstract, I would think there would have been a notation. For example, if I buy an old filling station property, I mean there's a pass through liability. And I don't, I don't know what happened in this case, and obviously, I would stand with you to correct that situation. My only fear is, a Phase II Environmental Audit can be very time consuming and can be, quite frankly, very expensive and can be very technical. My home school district hopes to begin construction of a school, oh, in the next 10 or 11 months. And I'm sure they've done their due diligence on the property. I guess, my only concern is that and I don't, I'm not at all denigrating the concern that you have and what you've gone through. That, something went wrong. And I'd like us to address that procedure, as to what went wrong, more so than creating a new hurdle for schools and

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an expense, quite frankly, and I agree with you, if it's an environmental disaster, obviously the money would probably be well spent. But, I do think existing law offers protection and due diligence on part of the school district should probably protect those kids. Obviously, you have a case where something went wrong. And I would much prefer that we, if we can, I'll defer to you. If we can, I'd rather deal with it on the case basis that you're faced with rather than initiate a new, new law. And I don't know, maybe your research is showing we can do that."

Silva: "Representative, I think that, you know, it can happen anywhere in the state. If you do the first phase and there's an indication that there's not a problem, then we don't need to move forward to the second phase. What went wrong there was that no one did the environmental due diligence in that particular instance. And this would mandate that it would be done."

Black: "Okay, I, I just, I understand what you're trying to do. I'm not sure a statewide law is the way to do it. But, I, you know, commend you for trying to correct an obvious problem that you're very familiar with in your district. I have some concerns with the Amendment. But, I, you know, let us debate the Bill on Third Reading."

Silva: "But, I would like to ask you to help me adopt it because I think that, you know again, maybe in your area, you don't have that kind of contamination so you wouldn't have to worry about it."

Black: "Well I..."

Silva: "...but in other areas that may not be the case."

Black: "...But, the point I'm trying to make, Representative. If you pass this Bill as amended by your Amendment, I may not have that problem, but my school district, i. e., my

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taxpayers, are still going to have to pay for an extensive and expensive Environmental Audit, over and above the Environmental Impact Study that's normally done on a transaction. So, it would impact me and again, I'm not going to stand in opposition to your Amendment and ask for a Roll Call vote. I have some concerns about trying to solve the problem that you're very familiar with and certainly happened in your district, by making it a statewide law and/or mandate. But, I'll reserve those concerns for Third Reading. And I do appreciate your indulgence in answering the questions. Thank you, Mr. Speaker."

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

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

Speaker Hartke: "She indicates she will."

Hoeft: "There are a number of issues that need to get resolved here. And they're very thorny issues. Basically, this was a problem caused from the Chicago fire, was it not, that it left a tremendous amount of ash and debris in the earth that you're worried about in terms of the safety of children? So, the Chicago fire is basic cause of the environmental problems that your schools are facing. Is this not correct?"

Silva: "Representative, that, that is not the only issue."

Hoeft: "I know it's not the only..."

Silva: "...why would they be going back to clean it up if it was safe?"

Hoeft: "...The, but, this is, you know, your focus on safety, I salute you. Okay? And this is something I would agree with you very strongly. But, the basis of this is the Chicago fire left vast areas of debris and ash that they

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have not cleaned up and this is the two examples that have been used. This is what they found. And this is not found throughout the rest of the state. Now, I guess my question would be, Representative Cross asked cost and you did not know. What about the time? A Phase I, how long does it take a normal Phase I to take place in a building such as a public school?"

Silva: "I don't know why we're getting bogged down in terms of how much time it takes to..."

Hoelt: "...I'm asking a question..."

Silva: "... do a Phase I. You were, you were school superintendent and I would imagine that you would want to be supportive of issues that relate to the safety of children. So, if it takes one hour or if it takes a day, I would imagine that that's what we ought to do."

Hoelt: "...How many, how long does it take to get a Phase I done, normally? And the answer could be, 'I don't know.'"

Silva: "I don't know what the time frame or how much time it takes, but it can't take anymore than a week."

Hoelt: "How long does it take for a, then moves into Phase II. How long does it take for a Phase II study on a normal building?"

Silva: "That varies on the amount of land mass, what's there, what contaminates..."

Hoelt: "A year?"

Silva: "... so it varies."

Hoelt: "Could be two years?"

Silva: "No, I don't think it takes a year. It depends on how much time and effort you put into it and how large the property is."

Hoelt: "Okay, we're talking about safety here, Ladies and Gentlemen, and if you put an impediment in front of your

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school districts in terms of building new buildings, then there is a safety factor in terms of overcrowding. We have many school districts desperately needing extra space. If we throw a barrier in front of them that will take a year or two, in order to clear these environmental problems or the paper work. We are talking about jeopardizing the safety of students in very overly crowded schools. So, I am, my, I salute you in terms of a focus on safety, but there's safety also, in trying to provide appropriate schools for overcrowded schools. My second question and this is the one that I would like answered in terms of buildings, does this include additions to schools?"

Silva: "Yes, it does."

Hoeft: "So, if we have a school building and you then go in and find environmentally difficult ground on a school building. What does that mean for the original school?"

Silva: "It just applies to the new construction."

Hoeft: "Correct, but let us say that we have a building and we're going to add on an addition and the environmental study is done and lo and behold it comes out to be negative. Does this mean that the school will be then forced, the school district to abandon the building or to take environmental action in terms of the soil under the building? What does it mean for the original building?"

Silva: "It would depend on whether the agency would approve the use of that particular site."

Hoeft: "Okay. We have here a Bill I think, that, you know, when we get to Third Reading that has extensive holes in it. I like the fact that you want to protect the students in Chicago. I think that you ought to be only for the City of Chicago, this if you want it, not for the rest of the State of Illinois. But there is no time. We don't know the time

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variables. We don't know the expense variables and these are the types of things that we need desperately before we make an intelligent vote on this Bill. I think that these would be very valuable if you could have it by the time we get to the Third Reading. Thank you, Mr. Speaker."

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

Silva: "I would like to urge you to, to vote 'aye'. I think that it is a problem. It was a problem in Chicago. It could be a problem anywhere in the state. I agree with Representative Hoeft. I'm also concerned about children who are in schools that are overcrowded. In my particular district, those schools are overcrowded. And I share that concern. But again, if you were to ask the parents, the kids and the teachers, who are at those contaminated sites, they would say that their primary concern, they would rather deal with the overcrowding for the short period of time that it takes to remediate that particular property. Again, I urge you to consider the safety of kids throughout the State of Illinois."

Speaker Hartke: "The question is, 'Shall the House adopt Amendment #... Floor Amendment #2 to House Bill 2023?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it and Floor Amendment #2 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments. A Fiscal Note and a State Mandates Note for the Bill, as amended by Amendment #2, have been requested and those notes have not yet been filed."

Speaker Hartke: "They'll remain on Second Reading. For what reason does the Gentleman from Macoupin, Representative Hannig, seek recognition?"

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Hannig: "Yes, thank you, Mr. Speaker and Members of the House. If I could have your attention for just a few moments. We have, thank you, Mr. Speaker. We have a group of young ladies from my district that are here in Springfield today. They're up in the gallery over on the Republican side of the aisle. They are the state champs in Class A girls basketball, the Nokomis Lady Redskins are here. And they're, would you please stand. They are the repeat champions, they were here last year, as well, when they won the championship. So, they won back to back championships for our area. We're very proud of them and we welcome them to Springfield and look forward to seeing them again next year. Thank you."

Speaker Hartke: "Congratulations, again. On page 27 of the Calendar appears House Bill 1974. Representative Harris. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1974, the Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Harris, has been approved for consideration."

Speaker Hartke: "Representative Harris. Explain the Amendment. Representative Harris, you must explain on the Amendment. Explain the Amendment."

Harris: "Mr. Speaker, would you take that out of the record, please?"

Speaker Hartke: "Take this Bill out of the record. On page 32 of the Calendar appears House Bill 2314. Representative Younge. Out of the record. On page 36 of the Calendar appears House Bill 2492. Representative Myers. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2492, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment

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#1, offered by Representative Jim Meyer, has been approved for consideration."

Speaker Hartke: "Representative Myers."

Meyer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #1 is a technical Amendment to the Bill. It includes making the Bill if it's an acted subject to appropriation for the purpose. It also, increases the number of people that would be part of the Housing Development Authority. And it specifically names those that would be representatives from the Illinois Association of Realtors, as well as, the Home Builders Association. And it expands or clarifies the architect to require expertise and experience in designing accessible housing for persons with disabilities. That's the essence of the Amendment. The Bill itself passed out of committee 13-0."

Speaker Hartke: "Is there any discussion? On the Amendment. No one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 2492?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #1 to House Bill 2492 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. Okay, Representative Stroger is in the chamber. On page 28 of the Calendar appears House Bill 2002. Representative Flowers. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2002, the Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. On page 38 of the Calendar appears House Bill 2647. Representative Zickus. Mr.

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Clerk, read the Bill."

Clerk Bolin: "House Bill 2647, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Zickus, has been approved for consideration."

Speaker Hartke: "Representative Zickus."

Zickus: "Thank you, Mr. Speaker, Members of the House. Floor Amendment 1 is offered to make this Bill identical to a Senate companion Bill. There are three parts to the Amendment. The first part amends only the Architect Practice Act and provides further definition as to the exam topics that are to be included in the current architect license exam. The second part of the Amendment changes two words in the Professional Engineer Act to what type of seal may be utilized by a licensed professional engineer to certify documents. And the third part of the Amendment simply changes in all four acts the term his to his or her. And I ask for the adoption."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 2647?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it and Floor Amendment #1 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 17 of the Calendar appears House Bill 1223. Representative Kenner. Howard Kenner. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1223, the Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Kenner, has been approved for consideration."

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Speaker Hartke: "Representative Kenner."

Kenner: "Thank you, Mr. Speaker. House Amendment #1 extends the minimum term of imprisonment for a Class X violation of aggravated battery of a child from six years to ten years when the offender has care of the child. A second or subsequent violation would have a minimum term of twenty years. I'll answer any questions at this time. Thank you."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 1223?' All in those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #1 to House Bill 2323 is adopted. Further Amendments? (1223) is adopted."

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. Mr. Clerk, what is the status of House Bill 2304?"

Clerk Bolin: "House Bill 2304 is on the Order of House Bills Third Reading."

Speaker Hartke: "Place that Bill on Second for purposes of Amendment. What is the status of House Bill 2831?"

Clerk Bolin: "House Bill 2831 is on the Order of House Bills Third Reading."

Speaker Hartke: "Place that Bill on Second Reading at the request of the Sponsor for the purpose of an Amendment. Is Representative Granberg in the chamber? Or Representative Stroger? Representative Younge, are you ready to call your Bill? Representative Younge, would you like to call your Bill now? Representative Harris, did you close, finish up that conversation? On page 25 on the Calendar appears House Bill 1812. Representative Schmitz. Mr. Clerk, read

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the Bill."

Clerk Bolin: "House Bill 1812, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Schmitz, has been approved for consideration."

Speaker Hartke: "Representative Schmitz."

Schmitz: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1 is or I'm sorry Amendment 1 to House Bill 1812 is an Amendment we discussed at committee. Actually, I proposed it after we talked about with the State Board of Elections. All we're going to do with House Bill or Amendment 1 is change the effective date so the report cards will be posted on the internet, in school year 2000, 2001. And we removed school safety and discipline statistics from the requirement of the Bill. And I would ask that we pass Amendment #1."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 1812?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it and Floor Amendment #1 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 41 of the Calendar on Third Reading appears House Bill 1269. Representative O'Brien. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1269, a Bill for an Act to amend the School Code. Third Reading of this House Bill."

Speaker Hartke: "Representative O'Brien."

O'Brien: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1269 is similar in nature to a Bill that was passed that was sponsored by Representative Kosel."

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This would start a grant program for class room reduction for K-3. Representative Kosel's initiative was a K-5 grant. It would require that the State Board of Education would provide the grant funding, but the average class size in order to be eligible to look at the grant program would have to be at least 23 students and you couldn't reduce your class size below 18. And I would be happy to answer any questions."

Speaker Hartke: "Further discussion? Representative Cross."

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

Speaker Hartke: "She indicates she will."

Cross: "Representative, this just deals with kindergarten through third grades, is the correct?"

O'Brien: "Yes, it does."

Cross: "And does it apply state wide?"

O'Brien: "Yes, it does."

Cross: "In my reading of our file is at this point there are no opponents, is that you understanding?"

O'Brien: "That is my understanding."

Cross: "And is this a Bill that Representative Kosel, did that pass out of here at an earlier time?"

O'Brien: "Yes, it did. I believe it was one of the very first Bills that we debated and passed."

Cross: "All right. So, this was an earlier initiative of hers. Okay. Well, it looks like a good idea as it was with Representative Kosel and I hope it gets the requisite number of votes. Thank you."

O'Brien: "Thank you."

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

O'Brien: "Just urge an 'aye' vote. Thank you."

Speaker Hartke: "The question is, 'Shall House Bill 1269 pass?'"

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All those in favor will signify by voting 'yes'; those opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 1269, there are 114 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill having received the Constitutional Majority is hereby declared passed. On page 41 of the Calendar appears House Bill 429. Representative Bugielski. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 429, a Bill for an Act to amend the Motor Vehicle Retail Installment Sales Act. Third Reading of this House Bill."

Speaker Hartke: "Representative Bugielski."

Bugielski: "Thank you, Mr. Speaker, Members of the House. House Bill 429 amends the Motor Vehicle Retail Installment Sales Act to include in the definition of amount financed 'the amount actually paid or to be paid by the seller pursuant to the agreement with the buyer.' The reason for this is, recently, the federal government made changes to the federal Regulation Z or the Truth In Lending Act. And these changes require that when a trade in lien is greater than it's values, that is has to be reported. As a result of these changes in the federal government there are 16 states that already have done this and all the other 34 states are changing their laws now to make sure that we comply with the federal regulations. It flew out of financial institutions, it's agreed on all sides. So, I just ask for your support on this Bill."

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

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

Speaker Hartke: "He indicates he will."

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Cross: "Representative, I just want to clarify the fact that there are no opponents, is that correct?"

Bugielski: "That is correct, Representative."

Cross: "And the Attorney General's office, you believe, will be neutral?"

Bugielski: "As far as I know, they haven't said anything to me, but see what we're doing, this is, we are complying now with the change in the federal law. So, all the states that have not done this already are doing it this year."

Cross: "One of the concerns that we, I see raised on our side over here, is that it's possible that people would be financing more than the value of their car. Do see that as a or more than the car is worth? Do you see that as a problem?"

Bugielski: "No, I do not see that as a major problem."

Cross: "Okay. And the Illinois Bankers, as well as, the Automobile Dealers are, are in favor of this Bill?"

Bugielski: "Right, this is the Automobile Dealers legislation."

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

Speaker Hartke: "Further discussion? Seeing that nobody is seeking recognition, Representative Bugielski, to close."

Bugielski: "Thank you very much, Mr. Speaker. Again, this is just to, for the State of Illinois to comply with the new regulations set down by the Federal Government. And I ask for a 'yes' vote."

Speaker Hartke: "The question is, 'Shall House Bill 429 pass?' All those in favor signify by voting 'yes'; those opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 429, there were 113 Members voting 'yes', 0 voting 'no' and 2 Members voting 'present'. And this Bill having received a

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Constitutional Majority is hereby declared passed. On page 43 of the Calendar appears House Bill 1557. Representative Scully. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1557, a Bill for an Act to amend the Illinois Marriage And Dissolution of Marriage Act. Third Reading of this House Bill."

Speaker Hartke: "Representative Scully."

Scully: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I present to you House Bill 1557 which expands the Marriage and Dissolution Act to specify within this Act that the power of the court to issue a finding of criminal contempt, in those cases where the court finds that a person has willfully defaulted on orders for child support. It also gives state agencies the, the abilities to suspend licenses of persons who are found guilty of criminal contempt under this Section. The Illinois case law on this topic has a variety of different decisions discussing the issue of whether or not it's appropriate for the divorce courts to be issuing criminal contempt citations. And I think this Amendment to the Dissolution Act will clarify the law, give it an additional tool to the courts to enforce child support payments. Specifically addressing those cases where the court believes that the failure to pay child support is a willful action on the part of the, the payor, who has the ability, but not the willingness, apparently, to pay the child support. I ask for your favorable consideration. I'll be happy to answer any questions."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentlemen from Logan, Representative Turner. John Turner. He indicates he'll yield."

Turner, J.: "Well, thank you, Mr. Speaker. You've really got me

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figured out these days. Where... there you are Representative. Representative, the terminology on the analysis says that this would authorize summary criminal contempt, is that correct?"

Scully: "That's correct."

Turner, J.: "I'm curious on how you can have a summary criminal contempt finding. It's my understanding that criminal contempt involves the right to a arraignment, a right to a jury trial if you request one and if you are the accused, and certainly, a right to have all of the due process that's afforded to any other person accused of a crime. And my question, therefore, is how can we have summary criminal contempt?"

Scully: "Representative, in order for an finding of criminal contempt to occur in the State of Illinois there are procedural safeguards that have to be recognized and I'd be happy to share with you the Appellate Court decision that specifies what those different procedural safeguards are. And I have that case law in my hand if you want to review it."

Turner, J.: "Well, yeah, that's what I'm referring to. You have to have due process. You have to afford an excused all the rights that any excused would be afforded when charged with a crime. And yet, your Bill would authorize a court to summarily find somebody guilty of criminal contempt. How can that work? How does your Bill work in light of the case that you're citing?"

Scully: "The procedural criminal safeguards, which are based on the constitution would still be recognized. Those safeguards would include informing the contemnor of the charges against him or her by the rule to show cause or otherwise. The person would be allowed to file an answer

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and reasonable opportunity to defend at a hearing. It would have to be found guilty beyond a reasonable doubt. Those are the procedural safeguards that are built directly into the Constitution. We do not attempt to take those procedural safeguards away."

Turner, J.: "What was that last statement?"

Scully: "We have no intention of taking those procedural safeguards away."

Turner, J.: "Okay. Well, so, what do you mean by 'summary criminal contempt' then? If you're going to provide all those safeguards and if you're going to go through all of the due process that would normally be afforded an accused. What is sum... summary about that type of contempt proceeding? I mean the summary means happening all at once, does it not? So, what is the summary part of your Bill?"

Scully: "It gives the court, in a divorce proceeding, a dissolution proceeding, the authority to... to issue a finding of criminal contempt. This is an authority that is not presently contained in the marriage and dissolution proceeding. I disagree with your comments that the... the word 'summary' is any attempt to take away those constitutional safeguards."

Turner, J.: "All right, Representative, I don't know whether I'm just not hearing you clearly because of the noise in the chamber or maybe I'm just not understanding. Are you suggesting then that if someone fails to pay support we will now allow them to be found of criminal contempt? And that is not allowed by statute. And the fact that you've used the word 'summary' really has nothing to do with the Bill. Is that what you're saying then?"

Scully: "I am saying that summary, the word 'summary', is not

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functional in terms of impairing the inherent constitutional rights of due process."

Turner, J.: "Okay. What does your Bill do then? It allows a person to be found guilty of criminal contempt if they fail to pay child support. Correct? Is that what the Bill does?"

Scully: "Yes, and it puts that specific authorization in the Marriage and Dissolution Act rather than simply asking our courts to rely upon the inherent authority of the court. We are laying out... that's authority specifically in the Marriage Dissolution Act, as well as stating the grounds upon which a judge should issue a finding of criminal contempt."

Turner, J.: "Under current law then, if a person pursuant to a court order fails to pay child support can that individual be found guilty of contempt? Both civil and criminal? And if so, what does this add to the existing statutory scheme?"

Scully: "Representative, it adds clarity. Earlier this morning I spent some time researching the case law in Illinois over the past 15 years, on the issue of those cases where criminal contempt was found for... for violations of a court's order to pay support. I have found various errors by the court, various appellate decisions trying to nail down exactly what the proper circumstances are and also clarifying that in order for a criminal contempt citation to be issued, although not specifically authorized by this Marriage And Dissolution Act, a criminal contempt citation would have to recognize the constitutional due process."

Turner, J.: "You use the term 'willfully defaults' on an order for child support. What... is there a definition in your Bill for willfully defaulting?"

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Scully: "No, that's a question of fact for the trier of fact to decide. In this case, that would be a decision to be made by our elected judges. And I trust our judges to use their sound discretion in making that determination. And in the full scope of what we rely upon these judges to do in dissolution actions. I think this is a very small additional responsibility that we are imposing upon them. We certainly impose much greater responsibilities on them. On issues such as the best interests of the child.

Turner, J.: "Well, Representative, the... based upon that response, have you... are you suggesting that you've been contacted by judges from your district that have asked you to amend the statute and put the criminal contempt proceeding into and as a part of the Illinois Marriage And Dissolution of Marriage Act?"

Scully: "No."

Turner, J.: "Have you heard from any judges on this question?"

Scully: "No, I haven't."

Turner, J.: "Have you heard from the Illinois State Bar Association on this question?"

Scully: "No, I haven't."

Turner, J.: "How about the Appellate Prosecutor's Office or the Illinois State's Attorney's Association?"

Scully: "I have not."

Turner, J.: "So, to your knowledge they don't object to the language at all?"

Scully: "That's correct. There's no known opponents of the Bill. The Illinois State Bar Association has supported this Bill."

Turner, J.: "All right, finally. You've... in Section 715, you speak about the obligor, it appears there that you have... have put some type of discovery mechanism into the statute

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to work on part of the State's... on the part of the State's Attorney. What's your intent there under Section 715?"

Scully: "My intent is to give the State's Attorney's Office, when they are the person, the entity seeking to enforce a child support order, the specific power to receive information from employers, telephone companies, or utility companies to locate an obligor. I intend to give the State's Attorneys Office discovery tools that private lawyers will not have."

Speaker Hartke: "Further... Are you finished, Mr. Turner?"

Turner, J.: "Well, Mr. Speaker, I wanted to thank the Representative for responding to my questions. I think Representative Cross, however, has some additional questions. Thank you, Mr. Speaker."

Speaker Hartke: "This is on Short Debate. The Chair recognizes Representative Durkin."

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

Speaker Hartke: "He indicates he will."

Durkin: "Representative Scully, following up on Representative Turner's questioning under the obligor section. Or is it obligor? I have some guys over here think it's obligor, it's obligor, correct?"

Scully: "I would have said obligor, but..."

Durkin: "You one up me. All right. Now, this seems to me there's something, it may be a mandate upon the public utilities. Now, is... have you discussed this with any of the utility companies on whether or not, what types of costs would be involved with them trying to retrieve this type of information?"

Scully: "Representative, I disagree that it's any sort of a mandate. It's... it's a specific grant of the... of

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authority to the State's Attorneys Office to request this information. There's no..."

Durkin: "Well, can they do this with or without subpoena?"

Scully: "...They can make the request without subpoena. However, they also, have subpoena power based upon the fact that a child support order has to be based upon a case in controversy with an open docket."

Durkin: "Well, all right. Well, then you said that they can request it without subpoena. Don't you think that there's at least some type of expectation of privacy that individuals have with respect to the utility company and the information which they provide to the utility companies, and employers, as well? Which gets to my original point, if we're going to allow State's Attorneys to summarily, to retrieve this type of information at least that there should be... this could be possibly, be challenged under a Fourth Amendment violation that is does... it is unreasonable, possibly a search and seizure under that Section without a subpoena or something that authorizes from a grand jury or a court?"

Scully: "Representative, first I disagree with your statement about this being a possible violation of the Fourth Amendment. Second, I also, suggest that you consider that we are talking about instances where a court has already obtained a jurisdiction over the parties, in personam jurisdiction."

Durkin: "Right."

Scully: "The court has already issued a court order mandating the payment of child support. And these would be actions by the State's Attorneys Office to enforce the orders of the court. This is hardly an unreasonable search and seizure."

Durkin: "Well, the way I read it you're say... it just states

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that the States Attorney or States Attorney or other appropriate state official may request or shall receive information from employers and utilities. I don't see where it says that this is pursuant to a court order. I mean I'll be very much to the point. I was an Assistant States Attorney, I worked in the narcotics unit. We used to find out, try to find utility information after search warrants on homes, to prove possession. We would have to go through the grand jury to seek that information from the public utilities. That is not something which we can just pick up the phone or put a written request in. And that's why I 'm just trying to... I'm, I'm supporting your Bill, I just want to make sure that, you know, is there a way that could be better or perhaps maybe this is a consideration that you have not given. That perhaps it could be challenged by some person who thinks that this is intrusive, this is a violation of my... this is a some type of an invasion of my privacy. And the thing is I do have an expectation of privacy, perhaps, with the information which I give to my employers, also to utility companies. I support what you're trying to do, but I just want to make sure that this is not something in which we'll be challenged in which a person who is subject under your law has a duty to provide the information, will be able to challenge in a court of law some day. And the court will eventually say, 'I think that this statute does, it does allow a state official to summarily ask for personal information which may or may not be in violation of the Fourth Amendment.' So, I have nothing further to speak to the Bill. I'm going to support your Bill, but this is just something that I just have a consideration upon. I think it's a good Bill, and... but I hope that that situation

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will not come up in the future. Thank you."

Scully: "Thank you, Representative."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Cook, Representative Lang. You request that it be taken and moved to Standard Debate? So granted. Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. I rise in support of House Bill 1557. In fact, every word in House Bill 57 (Sic - 1557) was in House Bill 1435, which I was the chief Sponsor of and that Bill goes on to do some other things. That Bill got 110 votes, this Bill should get at least 110 votes."

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

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

Speaker Hartke: "He indicates he will."

Cross: "Representative, I, guess it may be tough to vote for this Bill, but I'm trying to figure out what it does differently or additionally than what we currently have in law. My understanding is currently, the a State's Attorney could charge someone criminally with failure to pay child support. Is that your understanding of the law?"

Scully: "I don't know that to be the case, Representative."

Cross: "Well,..."

Scully: "I don't doubt that it is a correct statement of the law, but I don't know that to be a correct statement."

Cross: "Well, let's assume for the moment and I believe it is, that it, that that is the case. Why do we need... what does this do... what tool does this give us know to pursue child support that we don't already have?"

Scully: "It gives the judge, in a civil proceeding, the power to find an obligor guilty of willfully defaulting on payments

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of child support. And based upon that willful finding, that finding of willful default, to issue criminal proceedings."

Cross: "I guess I'm puzzled here and bear with me 'cause you know the law better than I do. But, let's say that you want someone to be held in criminal contempt and then the State's Attorney also files a case, a criminal case, against someone do you then end up in a double jeopardy argument? Either under the civil case or the criminal case, and as a result could they both be thrown out? I..."

Scully: "Representative,..."

Cross: "... I don't under... I just am concerned about the, the dual avenues that a private attorney could take. And I..."

Scully: "...Representative, the case law in Illinois is fairly clear that so long as the procedural safeguards are properly observed, a court, the judge, does have the right to find a person guilty of criminal contempt for failure to pay child support. And at your convenience, Representative, I'd be happy to share that case law with you."

Cross: "...I, George, I'm not questioning that, that... I believe you. But I... why do we need to do this if we already have the ability criminally to charge someone through the code? I mean, why do this?"

Scully: "Well, the ultimate goal of all of this is to get people to pay child support."

Cross: "All right. All right..."

Scully: "That's the bottom line."

Cross: "...I'm in agreement, but I just feel like we're, we're duplicating, George. Let me ask you another, a couple other areas. Some of the other Sections of the law have been very specific about someone losing a license or

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certificate if they're a realtor, if they're an attorney, if they're a physician. Under this Section, the state has the ability to suspend a license or certificate. Would that mean then that a fishing license or a hunting license, in that category could now be suspended under your Bill?"

Scully: "Representative, it can be suspended under this Bill is there has been a finding of criminal contempt, and I assure you Representative, that if... if a client were to call me and suggest that they've been found guilty of criminal contempt, 'Am I going to lose my fishing license?' I'd say that your fishing license is the least of your problems."

Cross: "But, so the answer is yes."

Scully: "Yes."

Cross: "All right. Finally, and I want to wrap this up. Under the discovery Section of your Bill, is there a problem when you start pursuing phone records or gas bills or electric bills, of bringing in a third party. And I'm talking about a new wife or a new husband. And is that really the intent here as opposed to just going after the... I'm not sure Representative Durkin, the obligor. I mean I just think we run the risk of bringing in third parties and I'm not sure that's your intent. Is it?"

Scully: "Representative, in the process of enforcing a court order for the payment of money, there's a variety of discovery technics that are available, some of which require the use of citations to discover assets or other forms of discovery, which do involve making those requests of information from third parties. Those, many of those discovery technics are supplementary proceeding technics, currently exist under the Code of Civil Procedure. I would like to expand them to specifically include this reference in the Illinois Marriage And Dissolution Act."

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Cross: "All right. Thank you."

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

Scully: "Thank you very much, Mr. Speaker. I think everyone in this House firmly supports the, the need to to make sure the child support payments are made for the benefit of our children. This is a substantial and important step in that direction and I'd ask for your favorable consideration."

Speaker Hartke: "The question is, 'Shall House Bill 1557 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, Mr. Clerk, take the record. On House Bill 1557, there are 111 Members voting 'yes', 3 Members voting 'no' and 0 voting 'present'. And this Bill having received the Constitutional Majority is hereby declared passed. Mr. Clerk, what is the status of House Bill 1112?"

Clerk Rossi: "House Bill 1112, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Hartke: "Move that Bill back to the Order of Second Reading for the purposes of an Amendment at the request of the Sponsor. House Bill 1105?"

Clerk Rossi: "House Bill 1105 is on the Order of House Bills - Third Reading."

Speaker Hartke: "Move that back to the Order of Second Reading for the purposes of an Amendment at the request of the Sponsor. On page 24 of the Calendar appears House Bill 1771. Representative Hamos. Mr. Clerk, call the Bill."

Clerk Rossi: "House Bill 1771, the Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

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Speaker Hartke: "Third Reading. On page 14 of the Calendar, appears House Bill 941. Representative Granberg. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 941, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Granberg, has been approved for consideration."

Speaker Hartke: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #2, it's at the request of the Illinois Retail Merchants Association. It would exempt them from the provisions of the underlying Bill. It is without controversy. There is no opposition and I would just move for its adoption."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #2 to House Bill 941?' All in those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it and Floor Amendment #2 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page 41 of the Calendar, appears House Bill 515. Representative Burke. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 515, a Bill for an Act amending the Illinois Roofing Industry Licensing Act. Third Reading of this House Bill."

Speaker Hartke: "Mr. Burke. This is on Short Debate."

Burke: "Thank you, Mr. Speaker, Members of the House. This legislation simply says that roofing contractors must pass an examination prior to being issued a state business license. It's a matter that's been under discussion now

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for a couple of Sessions here. It has passed the House, previously. I'd be certainly happy to answer any questions."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Kendall, Mr. Cross."

Cross: "Will the Sponsor yield, quickly?"

Speaker Hartke: "He indicates he will."

Cross: "Representative, apparently at one time the home builders were opposed to this. Are they no longer... do you know where they are?"

Burke: "They are no longer opposed. It's been the agreement that's worked out that there will be an Amendment prepared at the Senate level and they're satisfied with that."

Cross: "All right. So, at this point there is no opposition, Dan?"

Burke: "There is no opposition."

Cross: "All right. What... do you know about DPR? Where they are?"

Burke: "Actually, they kind of spoke in favor of it during the committee. So, they had some..."

Cross: "All right, we had just... and I'm not disputing what you're saying, they had, we had an indication that they were opposed to it. But, you believe they are for it?"

Burke: "...Yes."

Cross: "Okay. Thank you very much."

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

Burke: "Thank you, Mr. Speaker. Again, the matter is very simple. It's simply saying that roofing contractors be given an examination in terms of their business practice and professional technics used in the business. And I think it's appropriate and I would ask for the Body's

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favorable consideration."

Speaker Hartke: "The question is, 'Shall House Bill 515 pass?' This is final action. All those in favor of the Bill signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 515, there were 105 Members voting 'yes', 9 Members voting 'no', 1 Member voting 'present'. And this Bill having received the Constitutional Majority is hereby declared passed. On page 44 of the Calendar, appears House Bill 1963. Representative Brunsvold. This Bill is on Short Debate. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1963, a Bill for an Act amending the School Code. Third Reading of this House Bill."

Speaker Hartke: "Representative Brunsvold."

Brunsvold: "This Bill came out of committee 23-0. It simply adds some data back that was dropped a few years ago regarding noncertified personnel at school districts and what, what kind of job they do. And that's all this Bill does."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 1963?' All those in favor signify by voting 'yes'; those opposed voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 1963, there are 112 Members voting 'yes', 2 Members voting 'no', and 0 voting 'present'. And this Bill having received the Constitutional Majority is hereby declared passed. On page 48 of the Calendar, on Resolutions appears House Joint Resolution 14. Representative Garrett. Mr. Clerk, House Joint Resolution 14, what is the status?"

Clerk Rossi: "House Joint Resolution #14, Floor Amendment #1,

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offered by Representative Garrett, has been approved for consideration."

Speaker Hartke: "Representative Garrett."

Garrett: "Thank you, thank you, Mr. Speaker, and Members of the House. Basically, what this Amendment does is not direct IDOT to do a two-year study solely on light synchronization, but to make sure that they do a study on light operation and synchronization throughout the State of Illinois and especially, in high traffic areas. It's a simple Amendment. The IDOT has approved of this and I ask for your full consideration. Thank you."

Speaker Hartke: "Is there any discussion? Seeing none, the question is, 'Shall the House adopt Floor Amendment #1 to House Joint Resolution 14?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chairs, Chairs, the 'ayes' have it and Floor Amendment #1 is adopted."

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Mr. Clerk, read the Resolution."

Clerk Rossi: "House Joint Resolution #14, offered by Representative Garrett..."

Speaker Hartke: "Is there any discussion? Seeing none, the question is, 'Shall the House adopt House Joint Resolution 14?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it and House Joint Resolution 14 is adopted. Okay, the Clerk has indicated that the last vote we took on House Joint Resolution 14, we must need a roll call on that vote. So, the question is, 'Shall House Joint Resolution 14 be adopted?' All 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? Mr.

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Clerk, take the record. On House Joint Resolution 14, there are 108 Members voting 'yes', 5 Members voting, 'no' and 0 voting 'present'. And House Joint Resolution 14 has passed. On page 41 of the Calendar, appears House Bill 386. Representative Feigenholtz. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 386, a Bill for an Act concerning health of senior citizens. Third Reading of this House Bill."

Speaker Hartke: "Representative Feigenholtz."

Feigenholtz: "Thank you very much, Mr. Speaker. House Bill 386 directs the Department of Aging and the Department of Public Health to initiate HIV prevention programming targeting people over the age of 50. The Bill creates services for a population that has received few HIV prevention services that are culturally and age-appropriate and delivered by a trusted entity."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking... the Chair recognizes the Gentleman from Vermilion, Representative Black."

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

Speaker Hartke: "She indicates she will."

Black: "Representative, bear with me just a second. Has anybody in the Department of Public Health approached you and said that this is a growing concern in the senior population?"

Feigenholtz: "Actually, Representative Black, I'm glad you asked that. There are some pretty startling statistics that are coming from the CDC about the increase in HIV transmission about seniors. You may be surprised to learn that people over the age of 50 now represent 10% of the nations Aids cases. The Department and I have spoken about this. They are supportive of this program and so is the Department of

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Aging, as the lead agency."

Black: "Mr. Speaker?"

Speaker Hartke: "Yes?"

Black: "I've seen recess in an elementary school quieter than it is on this House Floor. I couldn't hear one word she said."

Speaker Hartke: "Do you need a hearing aid?"

Black: "Well, I, I have my, I have my 'Snoopy' earphones that I could put on if I have to. I, I..."

Speaker Hartke: "Okay."

Black: "...I just think and I, I... staff has told me, you know, I just think most of us in this chamber, maybe I'm the only one. I did not think that there was an AIDS problem in the senior citizen population. Staff tells me that's not the case and evidently, if the Representative could repeat her remarks for the edification of most of us on here, I think most of us would be surprised that our grandparents may be at significant risk of AIDS. That's not how I view my grandparents, but I've learned, I've learned all kinds of things since I've been down here. So, if she could repeat her response..."

Speaker Hartke: "Representative Feigenholtz, would you step up to the 'mike' and repeat your, your response? Representative Feigenholtz."

Feigenholtz: "I'm sorry, Representative Black. People over the age of 50 represent 10% of the AIDS cases diagnosed nationwide. The Illinois Department of Public Health reports that almost 2400 people over the age of 50. That's not necessarily grandma and grandpa, it's over 50, Representative,..."

Black: "Okay."

Feigenholtz: "...have been diagnosed with AIDS in Illinois and

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this represents 11% of the states total AIDS cases. And in Suburban Cook County, people over the age of 50 represent 15% of the region's AIDS cases. There are no public funds in Illinois that are currently being spent on preventing HIV transmission among people over age 50 and clearly, Representative Black, I'm sure you would stand in support of a very large and growing baby boomer population reaching that age and putting some prevention efforts toward that."

Black: "All right. Representative, I swear to you I, I was not aware of this and I'm certainly in that age group. In talking with staff, as she's giving me some material, now it begins to make sense. These are baby boomers who didn't grow up with that. It's not particularly in their frame of reference and there obviously if life after 50. So, it may be a problem. And and your Bill just simply says we need to reach out to that group. It doesn't mandate anything? It doesn't create any expensive programs, et cetera?"

Feigenholtz: "No, it doesn't."

Black: "All right. Thank you very much, Representative. I appreciate your indulgence. It sounds like... I wish it didn't have to happen, but it... now that you've explained it, I see that it makes sense. And Mr. Speaker, may I compliment you on finally bringing a modicum of decorum to the chamber? It's very much appreciated, I knew that you had it in you."

Speaker Hartke: "Further discussion? Representative Feigenholtz, to close."

Feigenholtz: "I would appreciate your support on this Bill. Thanks."

Speaker Hartke: "The question is, 'Shall House Bill 386 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish?"

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Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 386, there are 114 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill having received the Constitutional Majority is hereby declared passed. On page 29 of the Calendar, on Second Reading, appears House Bill 2045. Representative Hoeft. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2045, it's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Hoeft, has been approved for consideration."

Speaker Hartke: "Representative Hoeft."

Hoeft: "Thank you, Mr. Speaker. (2045), Amendment #1 simply changes the financial reporting form from the school districts in the State of Illinois and it takes the data there and changes it from district wide data to school building data. It is supported by the Illinois Chamber of Commerce, the State Board of Education, the IEA put in a slip for it. There is no known opposition. I would appreciate if it could be passed to Third Reading."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 2045?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #1 to House Bill 2045 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. The Chair recognizes the Gentleman from Knox, Representative Moffitt. For what reason do you seek recognition?"

Moffitt: "Mr. Speaker, I rise to a point of personal privilege."

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Speaker Hartke: "Well, that person next to you is getting a lot of recognition. What's your point of priv..."

Moffitt: "Representative Mitchell and I can walk up and down that aisle anytime, nobody noticed and today we walked down, and I think Representative Mitchell was being a bodyguard and it seemed like a few people noticed. I thank you for allowing this point of personal privilege."

Speaker Hartke: "State your point."

Moffitt: "It is my pleasure to introduce Carissa Lee, the 1998/99 Henry County Fair Queen from Galva, Illinois, if you'd make her welcome. Thank you."

Speaker Hartke: "Welcome to the General Assembly. On page 45 of the Calendar, appears House Bill 2824. Representative Zickus. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2824, a Bill for an Act concerning the registration of motor vehicles. Third Reading of this House Bill."

Speaker Hartke: "Representative Zickus."

Zickus: "Thank you, Mr. Speaker and Members of the House. House Bill 2824 provides that the Secretary of State's Office must notify the beneficiary of an order of protection under the Domestic Violence Act of 1986, if the Secretary of State Office receives a request for purchase of the beneficiary's vehicle or title registration. It amends the Domestic Violence Act, provides that the Department of State Police shall transmit to the Secretary of State's Office a complete list of all valid and recorded orders of protection at least once a week. This is something that the Secretary of State's Office is already doing. What this Bill does is it just makes certain that in years to come this policy stays in effect. There is no opposition to the Bill and I would appreciate an 'aye' vote."

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Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, this is the Third Reading, final passage of the Bill. All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 2824 there were 113 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill having received the Constitutional Majority is hereby declared passed. On page 42 of the Calendar, on Third Reading, appears House Bill 616. Representative Saviano. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 616, a Bill for an Act to amend the Community Services Act. Third Reading of this House Bill."

Speaker Hartke: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. House Bill 616 is a Bill which would provide a pay increase for the fiscal year 2000, the fiscal year 2001, and 2002, equal to the Employment Cost Index for direct care workers who serve the mentally ill and the developmentally disabled. I would ask for your favorable vote. This is a Bill that has passed out of this chamber numerous times over the years, and I really believe these people deserve at least a cost of living raise on a yearly basis, and I would ask for your favorable vote. Thank you."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is 'Shall House Bill 616 pass?' All those in favor signify by voting 'yes'; those opposed voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 616, there were 114 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill having received the

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Constitutional Majority is hereby declared passed. The Chair would like to make an announcement. We have passed several shell Bills over to the Senate on several lists, and the Senate, the Senate Members have not picked up those Bills. So, if you have a shell Bill over in the Senate that you need for some specific purpose, it is requested that you go talk to your favorite Senator and convince them to sign on as a Sponsor of that shell Bill. This morning we moved a bunch of Bills from Second to Third. We're going to be moving now those Bills. We're going to try to pass those Bills from... on final passage. So, if you had a Bill called this morning from Second to Third, be prepared to move that Bill forward, unless it's on the Agreed Bill List, then I will not be calling that Bill. On page 8 of the Calendar, appears House Bill 540. Representative Schmitz. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 540, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of this House Bill."

Speaker Hartke: "Representative Schmitz."

Schmitz: "Thank you, Mr. Speaker. House Bill 540 has received numerous support on its Sponsors. It came to us through the Lake County Sheriff's Department where they are putting deadbeat parents on the Internet. These are parents that have decided that paying child support to their children is not an option that they want to do. Lake County took the initiative, put their pictures, their names, on the Internet. And they've had tremendous, tremendous success in finding some of these parents and actually getting the payments out of them. Amendments 1 and 2 recently passed. I would ask for your favorable support of 540, would be open to any questions."

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Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition, the question is 'Shall House Bill'... yes, the Representative from Vermilion, Representative Black."

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

Speaker Hartke: "He indicates he will."

Black: "Representative, what assurances can you give me that someone who appears on the Web Page as a deadbeat, is in fact, a deadbeat?"

Schmitz: "Well, Representative, I thought we caught you nodding off for a minute. This Amendment 2 that we passed out this morning is going to try to address that concern that you and I talked about in Committee with some other Members. The Department of Public Aid would send out a notice to that individual stating that they will be placed on the Internet within 30 days. That person, upon receiving the letter, can file for Administrative Hearing within the Department of Public Aid, following the Rules of Administrative Hearings."

Black: "I appreciate... excuse me... I appreciate that, Representative. I have no doubt that this Bill will get in excess of 100 votes. I, however, will not vote for it. Mr. Speaker, to the Bill. I just sent Members of the Child Support Committee copies of correspondence that I sent the Department of Child Support today, once again. I had a constituent summoned to a hearing on March 9th, for being in arrearage \$1,600. His lawyer called the Department in advance of the hearing and asked what documents they should bring, be prepared to have with them at the hearing to make the case that he, in fact, was not in arrearage. The Department never did answer the inquiry of the lawyer. My

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constituent showed up at the appointed hour, after driving 40 miles one way, for the hearing, on March 9th. His hearing was at 11:15 in the morning, at approximately 12:30 p.m., he was called into the hearing where he was told in no uncertain terms, 'you don't owe any child support. We don't know why you are here and we sent you a letter yesterday.' And in fact they did, the letter was dated March 8th, that he didn't owe any child support, but he had driven 80 miles round trip to the hearing. This is an example of how the Department checks deadbeats. I've said it before and I'll say it again, the Gentleman's Bill is a fine Bill. But, until I get some assurance from the Department of Child Support in the Department of Public Aid, they do an absolutely outstanding job of telling us people who are deadbeats, who in fact, aren't. They don't do a very good job of actually identifying and finding those who are really dead beats. So, until they can give me some assurance they know the difference, I intend to vote 'no'."

Speaker Hartke: "Further discussion? Representative Schmitz, to close."

Schmitz: "Representative Black and I have talked about this and his concerns have extreme merit and we've tried to address these with our Amendment #2 and with that I would ask for a favorable support."

Speaker Hartke: "The question is, 'Shall House Bill 540 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk. Mr. Clerk, take the record. On House Bill 540, there were 106 Members voting 'yes', 4 Members voting 'no', and 2 Members voting 'present'. And this Bill having

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received the Constitutional Majority is hereby declared passed. On page 41 of the Calendar, appears House Bill 571. Representative Delgado. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 571, a Bill for an Act concerning derelict vacant buildings. Third Reading of this House Bill."

Speaker Hartke: "Representative Delgado."

Delgado: "Thank you, Mr. Speaker and Members of the House. House... House Bill 7... 571 amends the Premise Liability Act and Land Trust Beneficial Interest Disclosure Act. It imposes on the owner of a derelict vacant building or person having lawful control of a premise, absolute duty to provide reasonable protection for the lives, health, and safety of others, including trespassers, including preventing intentional, or criminal conduct facilitated by the condition of the building that causes injury or death. Basically, what this Bill's intention... if we all look back a little bit, there are buildings that are left unsecured that are abandoned, and recently in Cook County, Circuit Court Judge David Delgado was stabbed leaving his home on his way to a train station, on his way downtown to his court room where his court office is. That person came out of an abandoned building that was supposedly secure. And unbeknownst to the Judge, this gentleman pounced on him and by just a string almost took Judge David Delgado's life, punctured a lung. In retrospect, not only would we have lost the tremendous, tremendous judge and person, and a parent, a father, a member of our community, but we have to address the derelict situation, not only in Cook County, but throughout the state. When we have buildings that are basically left unsecured by those folks who say they are in the real estate business and they're out there on West Palm

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Beach, sun tanning. But, the real estate business they're into is slum lords and that's who this Bill is aimed at. It's not aimed at the bankers and it's not aimed at the realtors. It's aimed at those 'poverty pimpers' out there that think they can leave those buildings unattended in our districts. And we're about... we're ready to say no more. We're watching, a district like mine, the party's over. We are watching you. And I would ask that everyone would hop on board and give me a nice board full of green lights. But obviously, I am open to questions."

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

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

Speaker Hartke: "He indicates he will."

Black: "Representative, I'm not sure I understand why Committee Amendment #1 is on this Bill. I know... let me back up, I know why it's on it, I don't know if I agree that it should be on there. I find it somewhat disconcerting that a financial institution who forecloses on a piece of property, and then as far as I'm concerned, becomes the owner of record and may turn the building over, may upgrade the building and sell it to try and cover their investment, obviously, on the mortgage or whatever. But, now we are specifically saying that officers, directors, and stockholders, of a financial institution will not be classified as property owners for purposes of this Section. Well, if they have foreclosed on a piece of property then my ownership rights have been taken away. Who owns the building. If in fact, the foreclosure institution is saying, 'Well, we're not the owner either', who then in that case owns the building?"

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Delgado: "Well, the purpose for the... and that's a very good point you bring up, Representative. This Amendment was suggested to me by different individuals regarding ownership when there is a foreclosure. Your example hits it on the head when you mention, are they the real owners, or are they holding it for another mortgager or are they holding it in trust for someone? There was some question as to their responsibility. And to be very honest with you, from what our experience has been, the bankers and the realtors have done a pretty good job of keeping the buildings secure and able to find them when they're not secure. I mean find them in that their location, know that we can contact them, know that there is swift action, and that the building is then re-secured. We're really looking at some deadbeat landlords out there, throughout the county, throughout the state, that are really... shouldn't be in the real estate business, but yet they're flying first class and they are enjoying life, but they're making their money off the small guy. With the intention of Amendment 1, we did accept it, because we did have opposition to ownership and who was exactly the owner. And the genesis of the Bill really was to go after those landlords, if you will, the slum lords that are individuals that bring this to us. We haven't seen that much problem with the bankers or the realtors themselves."

Black: "And I can certainly understand your intent. However, there are cases and I'm sure you're aware of this, where the owner just simply walks away from the building."

Delgado: "Yes, Sir."

Black: "And maybe there is no mortgage. So, the building is then technically abandoned. A tax sale can be held for failure to pay back taxes. Sometimes, the purchaser at a tax sale

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will try to sell the building or rehab the building, as often happens at least down in my area, the tax buyer hangs onto it for a while and says 'Wow, this building, I'm not going to get even my money back out of this building.' So, the tax buyer then may walk away from the building, and I may be wrong and if somebody can correct me. At that point, I think a unit of government can become the owner of the building and try once again to sell it, or in my district, they often then tear the building down. Now..."

Delgado: "That is true..."

Black: "...Okay, what would happen then, in my home County of Vermilion, an abandoned building purchased at tax sale, the tax purchaser can't find anything to do with it in a year or two, so he or she says 'Well, I'm out of here.' Then the building is truly abandoned. So then, Vermilion County becomes the owner of record and after a title search, et cetera, tears the building down. Now, if the building, while the unit of government is the owner of record, if that's the correct term and I'm not sure that it is..."

Delgado: "Yes."

Black: "... something happens, then would the governmental entity that's going through the process of trying to tear down the building be held liable? Excuse me, maybe we can wait till the parade passes here, I don't know where the band is..."

Delgado: "The answer to your question, Representative, under the... we have a definition of the property owner, but I do want to address your example more directly from my experience. What we've learned here is that... you've hit it on the head... this Bill... if they've left that property vacant for nine days, then yes, that county government would have the legal right and that's why this Bill is so important. So, they have the legal right to

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demolish that building, put up something nice, or work with a community rehab group and maybe get that rehabbed, so we can have some seniors who can't afford a whole lot of money. 'Cause I don't want to create Brownfields either, but that we create other vehicles so that that building, if it's structurally sound, can be rehabbed. And if not, then we will have the authority in the State of Illinois to be able to take them to task. And that is, if you're not ready to deal with your building, if you're not going to keep it securely boarded up, then we're going to take it out. In Chicago, we have what we call fast track but we all know fast track is slow track and that's one of the reasons behind this Bill. If we have... in David's... in Judge David Delgado's case that building should have been demolished, but because of court interruptions and continuances that building stayed standing and therefore created the problem that Judge Delgado went through. But for the purpose of definition, the property owner means, the person owning the beneficial interest of a land trust, holding title to the property or the individual officers and owners of the corporation holding the titles to that property. Persons having lawful control of the premises, would mean the person actually having control of the premises and not a land trust or corporate entity. For the sake of definition, I think that would answer your questions. And Representative, it should be pointed out that we're still working on this Bill and that the details will be further addressed in the Senate. I'm working very close with Senators to make sure that we're addressing all of the concerns that not only yourself has brought up..."

Black: "Okay, yeah, well I'm glad that you brought that up, because I think there are some... some loose ends in the

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Bill..."

Delgado: "Absolutely."

Black: "And I appreciate that your edification on that point.
Representative, thank you for your indulgence. Thank you."

Delgado: "Thank you, Sir."

Speaker Hartke: "This Bill is on Short Debate. Further
discussion? The Chair recognizes the the Gentleman from
Cook, Representative Fritchey."

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

Delgado: "Yes."

Speaker Hartke: "He indicates he will."

Fritchey: "Thank you, I'd just like to rise in support of this
Bill. The attack on Judge Delgado happened by my district
and we got saved... it was very fortunate that he did not
get killed. We passed legislation last year aimed at
improving quality of life crimes, because we recognized at
the time that abandoned buildings, vandalism, broken
windows, pose more than just a present danger, such as
attacks on Judge Delgado. They affect the image of
community, the impression of a community. I urge everybody
to work towards taking steps here. This goes hand in hand
with the fast track demolition legislation we've passed in
the past. We need to take steps to help us improve the
communities and take them back. I would support this Bill
and request an 'aye' vote. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the
Gentleman from Logan, Representative Turner. Do you stand
in opposition of this Bill?"

Turner, J.: "I don't know yet."

Speaker Hartke: "Proceed."

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

Speaker Hartke: "He indicates he will."

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Turner, J.: "Representative, I notice that your Bill uses the term 'absolute duty'. What do you mean by 'absolute duty'?"

Delgado: "What what are you referencing, Representative?"

Turner, J.: "Well, I guess I was looking at the analysis. I believe it's in your Bill, however, the term 'absolute duty'. What do you mean by 'absolute duty'?"

Delgado: "If you could help me with the Section Rep... Oh, hold on, we got that for you. Basically, that's... basically, all it is on that Section, it's Section (b), 'notwithstanding any other provision of this Act, any person who owns or has under persons lawful control property on which there is situated a derelict vacant building has a continuing nondelegable, absolute duty to provide reasonable protection for the lives, health, and safety of all persons.'"

Turner, J.: "Right, and what do you mean by 'absolute duty'? Is that different than any other duty imposed by law?"

Delgado: "Absolutely not, Representative, 'absolute duty' means that they have the duty. I mean, it's semantics, we could point out that it's... it really doesn't have any other definition than what it means."

Turner, J.: "All right. So, when you use the term 'absolute duty', you are not talking about any new type of duty required under the law. You're talking about what would be normal duty under a negligence theory of liability?"

Delgado: "Right, Representative. All it would do would have a duty to provide reasonable protection for the lives, health, and safety of the persons, just as it's read."

Turner, J.: "Right, I see that but you, I can't frankly recall having seen in a statute before a term 'absolute duty'. My question is, when you say 'absolute duty' in your

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legislation, do you mean something different than what is normally associated for duty under a negligence theory of liability?"

Delgado: "No, I do not."

Turner, J.: "All right. Why, under your Bill, do you want to impose an absolute duty to protect a trespasser?"

Delgado: "When we talk about a trespasser, we might be talking about... I'm going to make a reference here, but I would say based on if we have a homeless person who is in that property they are technically a trespasser. And when we have homeless folks who take up residence in some of these facilities, they have a right to be protected, too. They're just seeking shelter. So, therefore, that would be what my understanding would be."

Turner, J.: "Well, yeah and certainly I understand that, but the term 'trespasser' would include more individuals than those who are homeless. It would include a criminal trespasser which would be a person committing a criminal offense, would it not? Do you want to include those people, too and give them this type of protection, where we're imposing absolute duty on the landowner?"

Delgado: "As we pointed out, Representative, absolutely not. This Bill was because of Judge David Delgado being stabbed by a criminal trespasser. I concur with you that that is not the the intention of that language. Again, as I pointed out to Representative Black, I believe, the previous speaker, this Bill is getting some fine-tuning on the Senate level. We understand that the genesis of this Bill was because of what occurred and what continues to occur when a building is left unsecure for a long, unreasonable period of time."

Turner, J.: "Okay, I understand then, you're telling the rest of

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the Members that it does need to be changed in the Senate. Are you going to do something with the trespasser language is that one of the things that you want to fine-tune in the Senate then?"

Delgado: "Representative, coming from your side and working with you on other committees, I will be very amenable to that."

Turner, J.: "Okay, what else needs to be fine-tuned before the Senate gets hold of it? Sometimes the Senate doesn't always do what we think they are going to do. What else do you intend for them to do to fine-tune this measure when it gets over to that Body?"

Delgado: "Actually, we're working with the Northwest Realtors Association, and we're trying to address some of their concerns to the Bill. It is very important to me as I share the last name Delgado, that David gets justice and that others like him get justice. This Bill is so important, Representative. So, I can assure you that I am diligent, vigilant and making sure that we get this thing taken care of and that the language that is technical is addressed. The technicalities will be addressed, I assure you."

Turner, J.: "Okay, Representative, I think that there are other Members on this side of the aisle who are going to have questions on this. And I believe I am joined by the requisite number of persons on this side of the aisle to take this off Short Debate, Mr. Speaker. Perhaps not."

Speaker Hartke: "There's only three."

Turner, J.: "We're okay over there."

Speaker Hartke: "Okay, this on Standard Debate."

Turner, J.: "Represent... Thank you. Representative, my analysis says that the realtors are opposed to this Bill. Was that before the Amendments or is that opposition still in effect

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after the Amendments?"

Delgado: "I would rank that as a higher opposition before the Amendments, a milder opposition after the Amendments, and concerns specific to their interests as it moves on to the Senate as they are working with me and my colleagues in the Senate, because we do have an amenable relationship."

Turner, J.: "Okay, so the realtors' position then, is to go ahead and pass this Bill out of the House with the idea that it is going to be worked on in the Senate? Or is their preference that it not pass out of the House until we fix it here, in this Body first?"

Delgado: "Representative, I am asking for your favorable vote on this, understanding that the items you've pointed out, at my understanding of it are technical. It addresses the real heart of the Bill. I think we could have the confidence knowing that both sides also exists in the Senate, and that I've made the on record comments to you that we will do everything to make sure we clean it up on that end. It was always planned that way. And I would ask for your support from your side of the aisle. I know that you are an attorney, and I know that you've been able to look at this Bill. And I respect your opinion because my goal is just to make sure we make slum lords more accountable. And I would really hate to slow this process down knowing that we have the ability to rectify this since they're, in my opinion, from your assessment are not grave concerns, but they are concerns and we have to address them."

Turner, J.: "Does your Bill affect only vacant buildings or does it also affect vacant land where a building used to be after it's been torn down and removed?"

Delgado: "Right. It only means derelict vacant buildings,

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meaning an building that has been neglected, left to fall to ruin, and has remained uninhabited by lawful occupants or a building at which all lawful business operations have ceased and that continues in such condition for at least 30 days after notice has been sent to the person or agent of that person, having lawful control of the premises. So the answer would be buildings, because what we have is buildings that are secured and then the boards are broken down and then folks are going inside those buildings. So it doesn't apply to vacant lands."

Turner, J.: "I was unclear when you responded to Representative Black's question earlier, as I thought I was hearing him, he was requesting you to respond if a municipality or for example a county owned a building whether or not as the land owner and landlord would that municipality or county or other public entity be subject to the terms of your proposed Bill?"

Delgado: "Yes, they would be. What we've... understanding that county or city or municipal governments would have the ability and the capacity to: (a) make sure the building is secure; they have certain programs in place to call their offices, their city halls to make sure that these items are rectified. With an individual landlord, we don't know where they're at."

Turner J.: "Does then, based upon your response to that question, your Bill override the Local Governmental Tort Immunity Act?"

Delgado: "No, it does not. Matter of fact, I think that was one of the items that we discussed early on with the opposition, way early on Committee, on that one, Sir."

Turner, J.: "Does the Bill specifically mention in it in any place that you can cite to me that it does not override the

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Tort Immunity Act?"

Delgado: "Yes, it doesn't mention it, Representative, and so therefore it's not in or out. But we will take that as one of the points that I have staff documenting that. So that we will make sure that that's covered in the Bill on the Senate version."

Turner, J.: "Okay, Representative, I thank you for responding to my questions. I do say in all sincerity, I understand what you're trying to do here and I appreciate the nice things you've said about the people on this side of the aisle and asking us to cooperate with you. I do have to suggest to you, however, that I think the Bill needs quite a bit of work. And I have been here a few years and have seen that sometimes when we pass things over to the Senate, that they don't do exactly with the Bill what we had thought that they might do. And my preference, frankly, would be to try to clean it up as much as possible here in the House, before we send it over to the Senate. And for purposes today, therefore, I believe I'm going to have to vote 'no'. But, I do appreciate your work on this measure and I appreciate, again, you answering my questions very specifically. Thank you."

Delgado: "Thank you, Representative."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Madison, Representative Stephens. This is on Standard Debate."

Stephens: "Well, thank you, Mr. Speaker. I don't think we need to beat this to death, but I think that all the Members should be aware. You know, a lot of us have worked, worked hard over the years trying to make sure that property is reclaimed through the Abandoned Property Act and the Brownfield legislation that we worked on, very important in

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my region of the state, Madison and St. Clair Counties. There are a lot of people that understand your intentions, but we have a feeling that maybe you're going to do some damage to the progress that we've made to revalue some abandoned property. And I think you have stated that maybe we need some Amendments be considered, maybe some massaging of this Bill in the Senate with all due respect. Representative, I think maybe we should just take this Bill out of the record, so that everybody can take one more look at this, get this... get their Amendments offered. Let's get them in shape and offered here on the House floor, send it to the Senate in the form that we want it signed by the Governor. Without, short of that, I would would have to respectfully rise in opposition. I think some very legitimate players have opposition to this, concerns that we might do damage to some progress that we've made in areas of economic development such as Brownfields and other Acts that we've worked so hard on to deal with the issue of economic development. So, Representative, notwithstanding the intentions of your legislation, we would rise in opposition. I urge a 'no' vote."

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

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

Speaker Hartke: "He indicates he will."

Mulligan: "Representative, I'm sorry to ask this question again, but I still haven't gotten a straight answer on it. Committee Amendment #1 that exempts banks or would it be land trusts, was put on in Committee?"

Delgado: "The Committee (Sic - Amendment) #1 was accepted in Committee, that's correct."

Mulligan: "So, in other words, if a building is being held in a

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land trust through a bank it would exempt from this?"

Delgado: "Not necessarily exempt, right, not necessarily exempt, its financial institution means a bank, savings loan, loan association, credit union, et cetera. They wouldn't be liable in terms of a tort responsibility, because we took that part out."

Mulligan: "So, why would an individual be liable, who probably would have less resources than someone that's holding it either for profit or is in a land trust to hide the identity of an owner?"

Delgado: "Well, unfortunately, Representative, unfortunately what we're talking about are multiple unit buildings and two flats that are owned by outside interests individuals that basically live in other communities and then they don't come in to take care of those vacant lands. The banks can be title searched to their bank. We can contact them at their banks and we can then go from there. So, the banks and individuals, individuals are extremely hard to find as you know, Representative, but the the banks we can always go back to."

Mulligan: "Mr. Speaker, there are Members on this side of the aisle that would request that if this gets enough votes, we would like a verification on this Bill."

Speaker Hartke: "Your request will be honored."

Delgado: "Mr. Speaker."

Mulligan: "Representative,..."

Speaker Hartke: "Yes, Representative."

Mulligan: "... I'm also curious to know..."

Speaker Hartke: "Excuse me, Representative Mulligan, Representative?"

Delgado: "Thank you, Mr. Speaker. At this point, quite a few of my colleagues, who I have a great respect for on the other

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side of the aisle, have brought up some very legitimate concerns. Those concerns need to be addressed because they are both legal and they're both in terms of how it effects the overall genesis of the Bill. My relationship with them has been a positive one. And as we did yesterday on one of my other Bills, at Representative Winkel's request, we were able to pull it out of the record so that we can work on it a little bit longer. If this is going to be amenable, so that we can answer the question of my colleagues on the other side of the aisle, I would like to do the noble thing and pull this document this..."

Speaker Hartke: "This Bill will be taken out of the record."

Delgado: "...out of the record so that we can work towards it. Thank you."

Speaker Hartke: "On page 13 of the Calendar, appears House Bill 843. Representative Moore, Andrea Moore. Mr. Clerk, call the Bill."

Clerk Rossi: "House Bill 843, a Bill for an Act amending the Park District Code. Third Reading of this House Bill."

Speaker Hartke: "Representative Moore. This Bill is on Short Debate."

Moore, A.: "Thank you, Mr. Speaker. This is the Bill that was amended this morning. It is an initiative of the Illinois Association of Park Districts. There is no opposition. It allows park districts to save funds in a capital improvement fund. And I'd be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall House Bill 843 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Mr. Clerk, is this Bill on Third Reading? This Bill

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is on Third Reading. There was an error there. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... Mr. Delgado, would you like to vote on this piece of legislation? Mr. Clerk, take the record. On House Bill 843 there were 114 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill having received the Constitutional Majority is hereby declared passed. On page 16 of the Calendar, appears House Bill 1175, Representative Fowler. Out of the record. On page 12 of the Calendar, appears House Bill 1217, Representative Wait. Mr. Clerk, call the Bill."

Clerk Rossi: "House Bill 1217, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Hartke: "This Bill is on Short Debate, Representative Wait."

Wait: "Thank you, Ladies and Gentlemen of the House. This basically just says that you can't videotape inside a person's home with a secret camera unless you have permission of that person. Be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is 'Shall House Bill 1217 pass'? All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 1217, there were 117 Mem... 114 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill having received the Constitutional Majority is hereby declared passed. On page 18 of the Calendar appears House Bill 1282, Representative Bost. Representative Bost, would you like to call this Bill? Okay, out of the record. On page 20 of the Calendar

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appears House Bill 1452, Representative Davis. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1452, a Bill for an Act amending the Illinois Act on Aging. Third Reading of this House Bill."

Speaker Hartke: "Representative Davis. This Bill is on Short Debate."

Davis, M.: "Thank you, Mr. Speaker. This Bill is a Bill that provides that any entity which receives public funding of any kind, which offers any type of exercise program or equipment to the public, is required to offer the program at a discounted rate to persons 55 years of age or over, 55 years or over. It provides that no entity is located, if no entity is located in a local area and that person of 55 years or over, the Department shall, subject to appropriation, provide an exercise program or exercise equipment to the person at a reduced rate. With the Amendment it changed that to simply say that physical fitness for seniors is important and essential to their maintaining longer, healthier lives. And to that end, the Department encourages senior citizens to participate in exercise and fitness programs."

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

Cross: "Representative... Will the Sponsor yield?"

Speaker Hartke: "She indicates she will."

Cross: "I don't... the Amendment became the Bill, is that correct?"

Davis: "Yes."

Cross: "The mandate that you had in the original Bill is no longer there, is that correct?"

Davis, M.: "Correct."

Cross: "So, we're just encouraging physical fitness among

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seniors?"

Davis, M.: "Yes."

Cross: "Would this be... would we be encouraging seniors to like start doing Tae Bo?"

Davis, M.: "No."

Cross: "I mean, I don't know, I'd like to say... I can't imagine my grandmother working out with Billy Blanks, but maybe she can. So you're just talking about just general physical fitness, is that correct?"

Davis, M.: "Correct."

Cross: "Okay, thank you, Representative."

Davis, M.: "You're welcome."

Speaker Hartke: "Further discussion? Seeing no one is seeking recognition, the question is 'Shall House Bill 1452 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 1452, there were 112 Members voting 'yes', 1 person voting 'no'. And this Bill having received the Constitutional Majority is hereby declared passed. On page 21 of the Calendar, appears House Bill 1538, Representative McGuire. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1538, a Bill for an Act regarding Emergency Home Response Systems. Third Reading of this House Bill."

Speaker Hartke: "Representative McGuire."

McGuire: "Thank you very much, Mr. Speaker. House Bill 1538 is a Bill that amends the Illinois Act on Aging and it's in regard to Emergency Home Response System. Now, the Emergency Home Response System for those who may not know is some type of a device that people wear on their shirt or

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on their dress, particularly for seniors. And it provides that when the Department of Aging, the Department on Aging is determining a person's eligibility for services, they should also determine whether that person is in need of an Emergency Home Response System. The Bill does not indicate what steps would be taken, but it is not a mandatory Bill of course. But, it allows the Department of Aging to make people aware of the Emergency Response System. And I'll try to answer any questions you might have."

Speaker Hartke: "Is there any discussion? The Chair would like to recognize the Gentleman from Logan, Representative Turner. This Bill is on Short Debate."

Turner, J.: "Sorry, Mr. Speaker, what did you say?"

Speaker Hartke: "This Bill is on Short Debate."

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

Speaker Hartke: "He indicates he will."

Turner, J.: "Is there a fiscal impact if this Bill were to pass?"

McGuire: "I don't believe there is. I'm looking, Representative, I've got my papers all here, but I don't believe that there is."

Turner, J.: "All right. You don't show, Representative, that there's any fiscal impact to the Department?"

McGuire: "No, Sir."

Turner, J.: "These... the system itself, it's called the Emergency Home Response System, is that right?"

McGuire: "Yes, sir."

Turner, J.: "How will they be paid for if there, for someone who can't afford it, if there's no fiscal impact? That is a little bit unclear to me."

McGuire: "Representative Turner, going back to your question, and I knew I had it here in my notes somewhere, the Department on Aging said the Department anticipates no new costs on

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their fiscal note. And so, would you repeat the second question?"

Turner, J.: "Is the Emergency Response System, is this a statewide system and will it... does your Bill, in fact, go statewide but in fact it is not a statewide system, I guess is the question I am trying to pose to you?"

McGuire: "I'm not sure what you mean. Yes, it would. It would pertain to all over the state. But I'm not sure what you mean by the system, the response system, the actual electronic device, is that what you mean, Sir?"

Turner, J.: "Well, there's some concern on this side of the aisle that rural areas do not have it and that your Bill in fact, affects areas all over the state. And I'm trying to pose a question to you to address that concern raised by this side of the aisle."

McGuire: "Well, I'm not a technician in that field, but I would think these response systems would be available and usable in any part of the state. I think they're tied into a system either in a hospital or some other central location that these people can make contact with. Are you somewhat familiar with what we're speaking of, the device?"

Turner, J.: "Well, is the Department opposed to the Bill?"

McGuire: "No."

Turner, J.: "Were they originally opposed to the Bill?"

McGuire: "No, Sir."

Turner, J.: "All right. So they have always been supportive of it?"

McGuire: "Pardon me?"

Turner, J.: "They have always been supportive of the Bill then?"

McGuire: "Aging Department was, yes, DHS was not, and by Amendment we took them off the Bill. No, Aging is not in opposition to the Bill."

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Turner, J.: "Representative, thank you for responding to my questions. Thank you, Mr. Speaker."

McGuire: "You're welcome."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Lake, Representative Moore. Do you stand in opposition to this Bill?"

Moore, A.: "No, Mr. Speaker. I have a question with the Sponsor would yield, please."

McGuire: "Sure."

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

Moore, A.: "Representative, I'm having a hard time understanding what this Bill does."

McGuire: "What the Bill does, Representative, it provides that when the Department on Aging has determined the persons eligibility for services, they should also determine whether the person is in need of Emergency Home Response System. So that's all that the Bill does. It determines whether they are in need of the system. As you know, they have like a qualification or determination interview or whatever you want to call it. And that's what this does..."

Moore, A.: "The prescreening interview, you mean?"

McGuire: "I'm sorry, I couldn't hear you?"

Moore, A.: "Is that the prescreening interview... for that they are required to have?"

McGuire: "Yes, yes, that's correct."

Moore, A.: "For placement?"

McGuire: "Yes."

Moore, A.: "And so, after they determine that they do or don't need these services, then is the Department expected to provide the emergency response?"

McGuire: "No, they are not expected to provide."

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Moore, A.: "They're just going to tell them that they better go out and buy it?"

McGuire: "Yes, the idea is to alert people of the availability of this system and then the individual has the option whether to provide themselves with the system or not."

Moore, A.: "And are there more... I noticed that there was someone that signed in specifically, from a corporation that must make these kinds of systems, are there... is there more than one corporation that makes these systems?"

McGuire: "I'm sure there is. I don't recall in committee, now, if there were more than one there. But, I'm sure there probably is in a state of this size."

Moore, A.: "Well, I guess my... my I would be interested if the Department is now... I mean, the basic idea, I think, has some merit. But, how will the Department decide which product is the best for the individual?"

McGuire: "No, the Department wouldn't decide that. The Department would just give the individual the recommendation and the information if they determine that the person should have this response system. Then it's up to the person to obtain it themselves. The state is not providing them, the Department of Aging is not providing them."

Moore, A.: "Okay, but are they going to at least tell them where to go buy it?"

McGuire: "Oh yes, yes."

Moore, A.: "Okay."

McGuire: "I would think they would be referred to maybe their Senior Service Agency in their home area, or there'd be other ways to provide information. I do want you to know that there probably, as I say, are more than one company that sells and leases these. But, we're certainly not..."

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were certainly not being frontmen for any company or corporation. And needless to say, I own no stock in any company or corporation that does this business."

Moore, A.: "Okay, so your interest is just letting people be educated to the fact that these response systems are available and they can be helpful?"

McGuire: "That's correct, that's exactly right."

Moore, A.: "Thank you for answering the questions."

McGuire: "Thank you."

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

Coulson: "Representative McGuire, I know we discussed this in committee already, and I just wanted to clarify a couple things. In your Amendment, you took out the Section related to the Department of Human Services?"

McGuire: "Correct."

Coulson: "Okay, so this no longer has anything related to the Department of Human Services?"

McGuire: "That's correct."

Coulson: "Okay. And then, in the original Bill, we discussed the concept... a lot of the questions I had were already answered, but one of the other questions is, is there any liability for the state? If someone from the Department goes into the home and says you need to have one of these and then doesn't find a way to purchase it for them? Are we going to be in trouble statewide, in that we may end up having to buy these?"

McGuire: "No, I don't think there would be, it's a recommendation. It's only a recommendation, it's not telling them that they have to have it. So I don't believe there would be any legal liability, if that's what you're speaking of."

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Coulson: "Okay, so the Rep... the person there doing the assessment would say 'I recommend that you have one of these', and then find a way for them to at least have a list of where they're available from?"

McGuire: "Correct."

Coulson: "Okay, thank you very much."

McGuire: "Thank you."

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

Black: "Thank you, Mr. Speaker. Would you ask the Sponsor if the Sponsor will yield?"

Speaker Hartke: "He indicates he will."

McGuire: "Yes."

Black: "Thank you. Representative, I've got to be honest with you. I don't understand this Bill at all. If I look at my magic slate thing here, what is it etch a sketch, is Floor Amendment #1 on the Bill?"

McGuire: "Pardon me, Bill?"

Black: "Is Floor Amendment #1 on the Bill?"

McGuire: "Yes, we passed that a couple of hours ago, I think it was."

Black: "Well, how quickly time flies when I'm having fun, I forgot that. Floor Amendment #1 seems to take out all reference to an emergency response whatever when you're asking a senior in the conference or whatever, Floor Amendment #1 seems to delete any reference to saying, 'you may need an Emergency Response System.'"

McGuire: "Representative Black, the Amendment took out the Department of Human Services, because they were somewhat opposed to the Bill. That's all the Amendment did, was to take out the Department of Human Services. So they just walked away from the Bill."

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Black: "Okay, it said it deletes any... deletes the Section that amends the Department of Human Services regarding Emergency Home Response."

McGuire: "Right."

Black: "So, who then is now responsible to say in this prescreening, you may need an Emergency Response System?"

McGuire: "Department on Aging."

Black: "Okay, now, the question came up earlier. There are a number of counties in this state that don't have a hospital. They don't have any, maybe 40 or 50 miles to the nearest clinic or doctor's office. Why would you require somebody in the prescreening to say, 'You know, you may benefit from an Emergency Response Unit, you know, one of those things that used to be on television, help I've fallen and I can't get up.' And then of course, those things were later, as you'll recall, I think those were later found to be a scam, in many cases. But there are counties in this state where there are no Emergency Response Units, because there is nobody to answer them. So, why do you have to put this in State Statute, to have somebody in a prescreening say 'you know, if we had an answering point for an Emergency Response Unit, you could probably use one.' Because then you've created an expectation 'By golly, you're right, I not only should have one, I want one.' Then what are you going to tell the senior?"

McGuire: "Representative, what we're trying to do, is get a system started and I think the Department on Aging agreed to this system that probably should be in effect in the state and maybe implemented further in the future. But what we're trying to do right now, is get a system where the elderly person checks in with someone everyday and

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that's basically what we're talking about. It's more of a safeguard, that if someone falls down or someone collapses or whatever happens to someone, particularly the elderly, they have a response system that they can contact someone."

Black: "Representative, I couldn't agree more. But, there are areas in the state, unless I'm sadly mistaken and I have been before and I will be again, there are areas of the state where there is nobody to respond. There's no answering point. The technology isn't there yet. And so, I don't know why we would want to put this in State Statute when in some areas of the state we will create an expectation that I will be able to get or I should have some kind of Emergency Response System. But in fact, it isn't available."

McGuire: "Well, if it's not available, then I don't think the Department would recommend it. But I think the point is, someday it may be available in the counties that you speak of. I think we could just compare it, Bill, to I'm sure a lot of places don't have fire departments. So we have volunteer fire departments."

Black: "Representative, I only have one professional full-time fire department in my entire legislative district of over 700 square miles. But I've got everybody covered. Everybody is covered with a volunteer fire department. The point is, you're telling the Department to recommend, maybe that's not the right word, to recommend or to say you could benefit from an Emergency Response System. However, it isn't available here. I mean, why are we mandating in State Law that all people in the Department of Aging say, 'You know, you should have an Emergency Response System, but it isn't in our area yet, but when it is you should have one.' I mean, I don't know why we have to put this in

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State Law. If it's there... your Bill says the Department must say you should have one, even though it may not be available. Why not do this by Resolution? Or why not do it by telling the Department, where available, you should stress this? You know, in my area in the City of Danville, that used to have a number of these, it was up to the children of aging parents or grandparents and we would take care of it. Why do we constantly want to put things in State Statute? You know you've gotta tell people this, but it may not be available in all counties. It just... maybe I'm not seeing something, Representative, and if you can make me see it, I'll be more than happy to vote for it."

McGuire: "Well, I'll sure try. As we're trying to do and the Department on Aging agrees on this, if they were opposed to it, I could buy your argument, but the Department on Aging is not opposed to it, they're in agreement with it. I think they think that this is something that will be more important and more useful and more used in the future. And whether there are some counties now where there might not be that type of equipment should not negate that we should have that equipment for those that live in the areas where it is available."

Black: "Well, Representative, in all due respect, I seldom ever have run across a state agency who refuses another task. That's what bureaucracy is all about. You now, sometimes we mandate things where the Department doesn't want to do it and we hear the opposition. But certainly the Department would say, why sure we'll do that. I imagine they're already doing that. But then if I take my argument one step further, we're creating an expectation for this service and in some areas it isn't available yet. But then we're also, I think..."

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McGuire: "We're not really..."

Black: "... generating an expectation that somebody's going to pay for it."

McGuire: "No, no, I don't believe we're creating an expectation somebody's going to pay for it at all."

Black: "Well, if I'm an employee of the Department of Aging or an area Agency on Aging, and I tell an aged individual who lives in my home county that I think you could benefit from an Emergency Response System and should have one and that senior citizen says, 'You know, you're absolutely right. I'm prone to falling, I'm prone to blackouts, you're right I need one.' Now, wouldn't the next logical step be: But I can't afford it? I mean, in some cases, excuse me obviously they can afford and they may well already have one or they'll get one. But where we've created an expectation by saying 'You need one and you should have one.' In the case that they can't afford it then, I think we're setting up an expectation that the Department of Aging, i. e. the taxpayer, should pay for the system."

McGuire: "No, well, in all respects to you, Representative Black, I don't think we're creating the expectation. And as I said if we were, I'm sure the Department of Aging wouldn't like that. So they are in agreement with the Bill to provide the information to people. And the Department would inform people about how the system would be helpful to them; how much the system might cost; the types of system available, et cetera. So, it's an informational program, basically, but I don't believe it's going to raise any expectations that they're getting something for nothing."

Black: "Okay, Representative, I appreciate your belief in the program and I appreciate you answering the questions. Mr.

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Speaker, to the Bill."

Speaker Hartke: "To the Bill."

Black: "I'm not sure what the Bill does. I still think somehow in my convoluted thinking it creates an expectation that may not be able to be met in all areas of the state. And at some point it might create an expectation, if somebody says 'You need one of these units', and the person responds, 'but I can't afford one', then I think we create an expectation that the state, i. e. the taxpayer, will somehow pay for it. To rely on the fact that the Department isn't opposed to it or wants it, is a specious argument at best. The lottery would probably bring a Bill here and say 'You know, we're not opposed to you passing a law urging people to play the lottery.' Well, gee, there's a bulletin. If you look at this Bill very, very carefully, I'm just not sure... where the Gentleman lives, this is good policy and I'm sure that there are a number of those units in use already, but there are areas of the state where the technology is not available. And I just wonder if we're not setting up some real problems. And last but not least and not to this Bill. I'm still trying to get an answer from the Department of Aging about some budgetary short falls that they had last year, that seriously impacted some services that community-based providers were not then able to give. And I'm still waiting for that response and maybe they could tell me if they're listening to the squawk box when I might expect a response to that. But, I do appreciate the Gentleman's sincerity in the program. I wish it was available in all 102 counties, but unless I've missed something, it just isn't available everywhere throughout the state."

Speaker Hartke: "Further discussion? The Chair would like to

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take this opportunity to welcome former Representative Jim Stank to the chamber. Welcome back, Jim. Seeing that no one is seeking recognition, Representative McGuire, to close."

McGuire: "Thank you, Mr. Speaker. I'd just like to emphasize that this is a Bill that is to inform people of a availability of something to help the elderly and the disabled and it's not going to cost the state any money and it's to help people and I would respectfully ask for your 'aye' vote."

Speaker Hartke: "The question is, 'Shall House Bill 1538 pass?' All those in favor will vote 'yes'; all those opposed will 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 House Bill 1538, there are 104 Members voting 'yes', 9 Members voting 'no', and 0 voting 'present'. And this Bill having received the Constitutional Majority is hereby declared passed. On page 18 of the Calendar, appears House Bill 1282, Representative Bost. This is on Short Debate. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1282, a Bill for an Act to amend the State Property Control Act. Third Reading of this House Bill."

Speaker Hartke: "Representative Bost."

Bost: "Thank you, Mr. Speaker, Members of the House. House Bill 1282, as amended, will allow our universities, SIUC, and U of I that have top rate flight aviation programs and mechanical programs to work on these airplanes to gain surplus property; are airplanes that have been used through the State Police and/or the Department of Transportation as long as those state planes cannot be used to as a trade-in

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and the dollar amount is less than what the trade-in is worth, so that they can be brought to these universities and be used to train mechanics on these airplanes. I'd be glad to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 1282?' All those in favor will vote 'yes'; those opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 1282, there were 112 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill having received the Constitutional Majority is hereby declared passed. On page 2 of the Calendar, appears House Bill 133, Representative Hannig. Mr. Clerk, call the Bill."

Clerk Bolin: "House Bill 133, a Bill for an Act to amend the State Employees Group Insurance Act of 1971. Third Reading of this House Bill."

Speaker Hartke: "This is on Short Debate. Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. My hope is that before we adjourn at the end of May, that we'll have an agreement with the Governor on this issue of health insurance for retired teachers. At this time, we do not have such an agreement. The Bill that you have before you at this time is a shell Bill and I'd ask your indulgence in sending this over to the Senate, where we will continue to work with that chamber and the Governor's Office, to try to find an agreement that's acceptable to all sides. So, I'd ask for your 'yes' vote."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall House Bill 133

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pass?' All those in favor will vote 'yes'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 133, there are 112 Members voting 'yes', 0 voting 'no', and 2 Members voting 'present'. And this Bill having received the Constitutional Majority is hereby declared passed. On page 23 of the Calendar, appears House Bill 1688, Representative Moore. Representative Andrea Moore. Out of the record. Mr. Clerk, call the Bill."

Clerk Bolin: "House Bill 1688, a Bill for an Act concerning... concerned with property conservation rights. Third Reading of this House Bill."

Speaker Hartke: "Representative Moore, this Bill is on Short Debate."

Moore, A.: "Yes, Mr. Speaker. This is the Bill that we amended earlier today, and this is, primarily this is some changes that were recommended out of a working group convened by open land, changes that were made by IDNR, IDOA, Nature Preserves Commission. There are no known opposition to this. IDOT had an Amendment earlier. I'd be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall House Bill 1688 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 1688, there are 112 Members voting 'yes', 1 person voting 'no', and 0 voting 'present'. And this Bill having received the Constitutional Majority is hereby declared passed. Mr. Clerk, on House Bill or on page 47, appears House

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Resolution 18, Representative Davis. Mr. Clerk, read the Resolution."

Clerk Bolin: "House Resolution #18, offered by Representative Steve Davis."

Speaker Hartke: "Representative Davis."

Davis, S.: "Thank you, Speaker, Ladies and Gentlemen of the House. House Resolution 18 addresses a problem that is not only occurring in the State of Illinois, but occurring throughout our nation. And that concerns the illegal dumping of foreign steel imports in our country. It's not only causing problems with the steel industry, but it's also causing problems with those who work within the industry. And what the Resolution, does it urges the President of the United States to immediately review the entry into the customs territory of the United States of all steel products that are produced or manufactured in Australia, China, South Africa, Ukraine, Indonesia, India, Japan, Russia, South Korea or Brazil. And it further resolves that if the President of the United States finds that the governments of any of those countries are not abiding by the spirit and letter of the International Trade Agreements, with respect to imports of steel products into the United States. We urge the President to immediately impose a one-year ban on the imports of all steel products that are produced or manufactured in that non-abiding country. And we further resolve that a suitable copy of this Resolution be delivered to the President of the United States. This Resolution enjoys bipartisan sponsorship. I know that we have several steel workers in the gallery who would appreciate your 'aye' vote. And I would appreciate... and I would move for the adoption of the Resolution."

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

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I rise in strong support of the Gentleman's Resolution. In fact, I think if you'll look into this and I should have asked the Gentleman to yield. I don't know if the Federal Government has passed theirs yet, or not. I know they're looking into it. My family business, I can assure you that there's dumping going on, particularly in galvanized sheet metal, as well as steel. There are companies, foreign-based companies in foreign countries who may or may not be subsidized. I don't know the whole story. I'm just here to tell you that it's going on. They're dumping it at a loss and at some point in this country, whether you're Republican or Democrat, management or labor, you're going to have to look yourself in the mirror and say, 'Is it beneficial for the United States of America to produce steel?' I think the answer is 'yes'. I don't want to be dependent on steel and the basic building blocks of our economy on foreign imports, particularly when we're treated the way we are by some of our so-called trading partners. I'm one Republican who is here to tell you they ought to repeal NAFTA, but I don't think that'll happen in my lifetime. But I intend to vote 'yes' on this Resolution. It's long overdue."

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

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

Speaker Hartke: "The Sponsor of the Resolution will yield."

Cowlshaw: "Representative Davis, why is the country of Australia included in this Resolution?"

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Davis, S.: "Apparently, Representative, the country of Australia are dumping foreign steel imports into our country."

Cowlshaw: "I'm sorry, Sir, I couldn't hear what you said."

Davis, S.: "Apparently, Representative, the country of Australia is one of the countries that are dumping foreign imported steel into our country."

Cowlshaw: "The country of Australia is dumping steel in the United States. Do they just haul it over here and throw it out onto the prairie, or does somebody in the United States pay for it before it comes here? Is it ordered or is it unordered?"

Davis, S.: "I think much of it is not ordered, Representative. I think much of it is brought over here and is unloaded on the docks in Texas, unloaded in the docks from the Great Lakes and then that steel is therefore allowed to be sold in this country."

Cowlshaw: "I see. I can certainly understand your concern about protecting the jobs of U.S., and especially Illinois workers, and a number of other things that would have to do with fair competition. However, I happen to have a very special fondness for the country called Australia and I am rather perplexed by why that particular nation would have been included in this Resolution. I do not believe it is the national policy in Australia to partake in any kind of unfair trade dealings, nor in dumping anything in the United States. Of all the countries my husband and I have ever visited, the one in which there was the greatest and the most widespread friendship and feeling of real kinship with the United States, was the country of Australia. I hope they're not insulted by your Resolution."

Davis, S.: "Thank you, Representative. I didn't mean any insulting terms against the great country of Australia."

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However, if they are dumping steel in this country, we would like them to cease and desist."

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

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

Speaker Hartke: "He indicates he will."

Novak: "Representative Hoeft, I mean Davis, you know I heard that country that was just brought up, the country of Australia and I understand that that country is included in the Resolution? Is it included in your Resolution? The country of Australia?"

Davis, S.: "Yes, it is."

Novak: "Okay. Can you... in light of your intellect... "

Davis, S.: "Yes, it is, mate... "

Novak: "Yes. Can you indicate to me, what is a very, very popular product that Australia makes and cans and sends to the United States?"

Davis, S.: "Kiwi fruit."

Novak: "Can you tell me, what is a very popular product that Australia produces and cans in steel cans and ships to the United States?"

Davis, S.: "I don't know. You're going to have to tell me, Representative."

Novak: "Well, I understand it's Fester, I mean Foster beer, that is canned and shipped to the United States. So you know..."

Davis, S.: "... I only drink American made beer, Representative..."

Novak: "You know... I think... You know I hate for us to get into a trade war but you know, Foster's beer I understand, is very popular in all parts of this country. And I think if Australia's going to be dumping cheap steel into this

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country, maybe we ought to start boycotting, asking our merchants to not import Foster's beer. It's probably used... probably cheap steel is used to can that beer. What do you think? Think that's a good idea?"

Davis, S.: "Representative, I think that's nice."

Novak: "All right. Representative, I stand in full support of your Resolution. My father was a steelworker for about 40 years. He worked for District 31 in the City of Chicago and he was also a union official. I wanted to ask you one more question, Steve. You know that a lot of these foreign countries are subsidizing this steel, so that it comes in at a much cheaper price into our country. We don't subsidize the steel industry in this country. The question I wanted to ask you. Do you have any idea who's buying this cheap steel in this country? Who is buying this cheap steel in this country?"

Davis, S.: "Well, Representative, I believe that there are many companies within the country, probably including the automobile industry, that's buying some of the cheap steel."

Novak: "And that's the dilemma we have. I mean, you've got to understand the bottom line in corporations but we've got to get... we've got to solve this terrible problem. We're going to lose thousands and thousands of steelworker jobs. So, I applaud you, Representative Davis, and certainly want to ask my colleagues to support this meaningful and responsible Resolution. Thank you."

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

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

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

Speaker Hartke: "He indicates he will."

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Turner, J.: "Representative, the last Representative who spoke said, 'this was a meaningful Resolution.' And I'm going to try and ascertain that it indeed is. In the Resolution, you indicate that if the President makes certain findings, the President shall immediately impose a one-year ban on the imports of all steel products. Does the President have that kind of authority?"

Davis, S.: "I believe that he does if there's violations of the trade agreement."

Turner, J.: "Well, does that have anything to do with the fast track that for some reason hasn't been bestowed upon the President?"

Davis, S.: "I wouldn't be aware of that, Representative."

Turner, J.: "So you don't think that the Resolution to be meaningful needs to be addressed to both Congress and the President of the United States?"

Davis, S.: "Congress passed similar... a similar Resolution, almost word for word to the President, earlier this year."

Turner, J.: "What does the Congressional Resolution indicate?"

Davis, S.: "Yes, it was."

Turner, J.: "Yeah, what does it indicate?"

Davis, S.: "This Resolution was based off of that, Representative, so it would indicate, basically, the same things that are in this Resolution."

Turner, J.: "That is... Does it have the language in it that the President should immediately impose a one-year ban?"

Davis, S.: "I believe it does."

Turner, J.: "All right. So then, based upon your research on this issue, the President does have that authority and that authority has been recognized by Congress?"

Davis, S.: "I believe that he has the authority. I, also, believe he has the authority to increase tariffs on

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products that are coming into this country against our trade laws and trade regulations."

Turner, J.: "Have any other states passed a similar Resolution to the one you're proposing today, Representative?"

Davis, S.: "I don't have that information, Representative."

Turner, J.: "Okay. Thank you for answering my questions."

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

Giglio: "Thank you, Mr. Speaker and Members of the House. I rise in strong support of House Resolution 18 and to commend Representative Davis for bringing this to our attention. While some of us have made light of the issue and the talk has been turned to other nations, it's important that we remember the steel industry built the Midwest and there's still many men and women in Illinois, especially in my neck of the woods up north, that work in the mills, that work in Chicago and Indiana. And this is an important issue. And it's important that we send a signal throughout the State of Illinois and throughout the nation, that dumping on the United States cannot continue and we're going to take it seriously in Illinois, and we're going to ban imports for one year for nations that do dump on us. And it's important to remember the history, many of our own family members and those that are still living and deceased earn their living, earn their daily bread, made their house and their car payments off of the steel industry in the Midwest. And I would urge for your favorable support."

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

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

Speaker Hartke: "He indicates he will."

Parke: "Representative, you put this Bill (sic-Resolution) in

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because you believe that we're losing jobs in Illinois to foreign steel?"

Davis, S.: "I certainly do. I'll tell you, Representative, I have three steel mills in my district and I can tell you that everyone of them have been affected by the illegal dumping of foreign imports into this country."

Parke: "And if we... this is just a Resolution to let our congressional delegation know that we're in support of this?"

Davis, S.: "And the President of the United States."

Parke: "Do you think that this... we're creating kind of an international problem for us in Illinois? Or just stand up for the working men and women of the state and say, we won't tolerate this?"

Davis, S.: "Representative, this will not create any international incidents because the Congress of the United States has passed a similar Resolution and sent it to the President of the United States already. What this Resolution is doing is letting the President of the United States and the people of the State of Illinois know that we are against foreign dumping of steel imports into our country."

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

Speaker Hartke: "Resolution."

Parke: "To the Resolution. Thank you. I have stood on this floor and argued events on the unfair competition that we have done to working men and women of this state by some of the legislation we've put up to make us less competitive with the surrounding states. Well, here's an opportunity to send a message that says that we want to be competitive in Illinois with the world. And that we will not tolerate the dumping of steel which will cost working men and women

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in this state jobs. I think this is a good idea. This sends a strong message and I would ask the Body to support House Resolution 18 and send them a message."

Speaker Hartke: "Representative Davis to close."

Davis, S.: "Yes, thank you, Speaker, Ladies and Gentlemen of the House. I appreciate all of the positive comments that we've had on the Resolution. I think that it is terrible what is happening to our steel industry in this country, what is happening to our steel workers in this country. And this is an opportunity for us, as Legislators in the State of Illinois, to send the President of the United States a message that we do not want foreign steel imports dumped in our country. We don't want to lose steel workers' jobs and we do not want to lose the steel industry in our country and in the State of Illinois. I urge an 'aye' vote.

Speaker Hartke: "The question is, 'Shall House Resolution 18 pass?' All those in favor signify by saying 'yes'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it and House Resolution 18 is adopted. On page 16 of the Calendar appears House Bill 1175, Representative Fowler. Out of the record. On page 24 of the Calendar appears House Bill 1720 1738, Representative Zickus. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1738, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Hartke: "Representative Zickus."

Zickus: "Thank you, Mr. Speaker and Members of the House. House Bill 1738 provides that a person under 19 years of age convicted of criminal defacement of property may have his or her driving privileges suspended by the Secretary of State for one year. It requires a Clerk of the Court to

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send a report to the Secretary of State concerning the conviction of any person under 19 years of age for criminal defacement of property. I know of no opposition."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is 'Shall House Bill 1738 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all vote who wish? Please record yourselves. Mr. Clerk, take the record. On House Bill 1738, there are 111 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill having received the Constitutional Majority is hereby declared passed. On page 16 of the Calendar appears House Bill 1175, Representative Fowler. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1175, a Bill for an Act in relation to corrections. Third Reading of this House Bill."

Speaker Hartke: "Representative Fowler. This is on Short Debate."

Fowler: "Thank you, Mr. Chairman (sic- Mr. Speaker), Ladies and Gentlemen of the House. House Bill 1175 simply amends the Criminal Code to offer protection to correctional officers in our penal system throughout the State of Illinois. It prevents the throwing of bodily fluids in any shape, form, or fashion on the correction officers and I would be happy to try to answer any questions you might have on that."

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

Hoffman: "Will the Sponsor yield?"

Speaker Hartke: "He indicates he will."

Hoffman: "Representative, with regard to Amendment #1, I believe that was adopted as well as Amendment #2. This... are the provisions in there with regard to throwing bodily fluids,

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making it an aggravated battery on workers in the prison?

Is that still in there?"

Fowler: "Yes, it is."

Hoffman: "So, Amendment #1 didn't... or Amendment #2 didn't affect that, is that right?"

Fowler: "That's correct."

Hoffman: "And in addition, it's my understanding that Amendment #1 has to do with contact visits? And it delineates that if you're a Class C inmate, that... and you're found with drugs or fail a drug test, you won't get no contact visits for six months, and there... it indicates that there's no contact visit for supermax or disciplinary segregation. Is that correct?"

Fowler: "That is correct, Representative."

Hoffman: "What's a Class C inmate?"

Fowler: "That is one who has committed violations within the prison and it's the worst... that's the worst kind, is the Class C."

Hoffman: "And it's my understanding that you have made this gender neutral with Amendment #3... Amendment #2, is that correct?"

Fowler: "That is correct."

Hoffman: "And AFSCME, are they in favor of this Bill?"

Fowler: "Very much so."

Hoffman: "Okay. I think it's a good Bill, I think that we should all be voting in favor of it."

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

Flowers: "Thank you. Will the Gentleman yield?"

Speaker Hartke: "The Gentleman will yield."

Flowers: "Representative, I have one question. Does this also apply for guards putting their body fluids in the

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prisoners' food, because we had a gentleman that was falsely accused, and he testified that guards used to put their human waste in their food as well as glass and other items. Is there a penalty also for that... that there be some type of charges placed against them?"

Fowler: "Representative Flowers, this Bill applies, it says, 'An inmate of a penal institution', so it..."

Flowers: "Just inmates. Okay. Thank you very much, Sir."

Fowler: "Yes, ma'am."

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

Fowler: "Mr. Chairman (sic-Speaker), I just think it's a good Bill. We need to offer this protection to our correction officers and also the residents of these facilities. I ask for a favorable vote on this."

Speaker Hartke: "The question is, 'Shall House Bill 1175 pass?' All those in favor will vote 'yes'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please record yourselves. Have all voted who wish? Mr. Clerk, take the record. On House Bill 1175, there 112 Members voting 'yes', 0 voting 'no', 0 voting 'present'; and this Bill having received the Constitutional Majority, is hereby declared passed. On page 31 of the Calendar, appears House Bill 2181. Representative Moore. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2181, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of this House Bill."

Moore, A.: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 2181 is the First Year at Home Program, which is an initiative of the Voices for

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Illinois Children and supported by many, many groups across the state. The First Year at Home Program expands the options that low income families with newborns would have to care for their babies. Under the program, one parent of a newborn infant, would be able to stay at home to care for the child full time during the child's first year, rather than place the child in out of home care. As many of you know, finding high quality care for infants, is a long standing serious problem in Illinois and we have experienced an acute shortage of out of home infant child care, now when the demand is greater than ever. During 1998, there were only about 1100 spaces for state's subsidized infants and licensed child care centers. Actually, many parents would prefer to care for their newborn children at home rather... that first year, rather than seeking care in someone else's home. Two of the midwestern states have started a pilot program like this over the past two years, that's Missouri and Minnesota. This gives parents the option of caring their new baby at home that first year. Research has proven that learning begins at birth, and the parent is the child's first teacher and the best teacher. I would be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is... the Chair recognizes the Gentleman from Vermilion, Representative Black."

Black: "Yeah, thank you very much..."

Speaker Hartke: Representative Black, excuse me just one moment. The House would like to welcome the Secretary of State, Jessie White, to the floor. Welcome Jessie. Representative Black."

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

Speaker Hartke: "She indicates she will."

Black: "Representative, I'm not sure I understand completely, the financial arrangements on the stay at home portion of the program. It's going to provide funding for one parent of a newborn to stay at home to care for the child. Does the program in any way, shape, or form, indicate that that person's wages would be paid during that time if they had left work?"

Moore, A.: "No."

Black: "It's the child care rate only?"

Moore, A.: "Yes, and it's actually 10% less..."

Black: "Less."

Moore, A.: "...than what the child care rate would be for subsidizing the eligible reimbursement."

Black: "Okay. So, some people... you know, people are very creative, I've found over the years, there is no way that a parent could interpret this law and say, 'I'm going to stay home, it's a good idea, I'm going to stay home and I'm going to get this child care rate reimbursement and I'm also going to ask for reimbursement for loss wages.' There's no way this can be interpreted as creating a claim for wages that that parent may give up to stay home?"

Moore, A.: "I'm sorry, could you... could you rep..."

Black: "Well, if you'd ask your staffer, Representative Gash, to step aside here for a second, maybe we can get this worked out. I want to make sure that there's nothing in the language that would create a claim or the presumption of a claim for a parent to say, 'I'm staying home under this program, therefore, I'm submitting a claim for lost wages since I didn't go back to work.'"

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Moore, A.: "No, that is not the intention of the Bill and it does not provide for that."

Black: "Okay. The appropriation you referenced, is for 90% of the applicable child care costs in that area, correct?"

Moore, A.: "Yes."

Black: "Knowing that there's going to be... there's a wide range of how much that would be, depending on where you live?"

Moore, A.: "Well, it was thought that if it were 90% of what the child care cost would be, that number 1, it would make the overall cost of the program somewhat revenue neutral. I say somewhat. But also, it would not provide... it would not provide an incentive that was disproportionate."

Black: "Okay, and I think that's the next point and my last point that I want to make. You satisfied the department's concerns, that we might be creating an incentive to utilize the program even though the parent may never have had a work history."

Moore, A.: "May never have what?"

Black: "May never have had a work history."

Moore, A.: "No, the Bill does require that you have to be at work for..."

Black: "Okay."

Moore, A.: "...six months out of the last 15..."

Black: "Yeah, I think that's..."

Moore, A.: "...in order to qualify."

Black: "I think that's a very sound provision. I appreciate the work you've done on it. Thank you very much."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Cook, Representative Harris. This is on Short Debate."

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

Speaker Hartke: "The Sponsor will yield."

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Harris: "Would this include, say for instance, if I would go out and adopt a couple of kids and for the first year, would I be able to stay home with them?"

Moore, A.: "I believe if you qual... if you were income eligible, and you had been working six months out of the last 15 year... out of 15 months, one of the parents would be able to stay at home."

Harris: "One other question. Would it hurt to put the language in, where the mother could stay the first three months and the father the next three months, that way, both parent would be able to get accustom to the child or vice a versa, the child would be able to get accustomed to the parent, opposed to just one stay the whole 12 month period?"

Moore, A.: "I applaud your thinking, Representative, and the Bill actually just references one parent, so, if both parents had been working, you could actually work it out that way, as you're suggesting."

Harris: "Thank you very much. To the Bill..."

Speaker Hartke: "To the Bill."

Harris: "...Mr. Speaker. Well, Mr. Speaker, I rise in support of this Bill. Thank you."

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

Moore, A.: "Thank you, Mr. Speaker. This is a pilot program, but it's a new initiative, and it's one that's very important because so often, there are parents that would like to be able to stay at home, and some of the incomes that are low incomes, their options are so seriously reduced, that this has never been an opportunity. I hope that we will have good utilization with this program and we will see the good results. I would ask an 'aye' vote."

Speaker Hartke: "The question is, 'Shall House Bill 2181 pass?'"

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All those in favor signify by voting 'yes'; those opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Lang, 'aye'. Have all voted who wish? Mr. Clerk, take the record. On House Bill 2181, there 114 Members voting 'yes', 0 voting 'no', 0 voting 'present'; and this Bill having received the Constitutional Majority, is hereby declared passed. On page 25 of the Calendar, appears House Bill 1812. Representative Schmitz. Mr. Clerk, call the Bill."

Clerk Rossi: "House Bill 1812, a Bill for an Act amending the School Code. Third Reading of this House Bill."

Speaker Hartke: "Representative Schmitz."

Schmitz: "Thank you, Mr. Speaker. It's a very simple Bill Ladies and Gentlemen. This is a Bill that would put the report cards that the school districts already turn into the State Board of Education, on the Internet. So, if you happen to live in a certain district, you want to go check out somebody else's site, say up in Lake County, how their schools are doing, you can do so on the Internet. Amendment 1 we passed this morning will just allow the State Board of Education to start it in the year 2000-2001. And I'll be available for any questions."

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

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

Speaker Hartke: "He indicates he will."

Harris: "In this situation, it appears to me that a Bill of this sort going in the Internet, will I be able to go and check on your report card?"

Schmitz: "On mine? Certainly."

Harris: "Well, there are certain kids, children, and I'm sure when I was growing up, I didn't want people checking on my

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card."

Schmitz: "No, not... I'm sorry, Representative. Not the individual school cards, it's for the school districts, how they report on their IGAP testing, et cetera. Those types of issues that the school district report to the state will..."

Harris: "Just a second. Mr. Speaker, could you get a little quiet in here so I can hear what he's saying, explaining what he's saying? Thank you. You can start over, please."

Schmitz: "It's not individual students, it is the school districts that will be... they already report their statistics to the State Board of Education, and then our newspapers report those, so, in my community, I can read the newspaper how St. Charles is doing versus West Aurora High School. What this is going to do, is take those same statistics and just put them on the Internet so you can check how your school is doing versus a school in my district in Kane County."

Harris: "Well, what... say for instance, would anyone else other than those people in the district that require that information, be able to tap in that to get that information themselves? Say for instance, if I wanted to go and check on Representative Davis' card, would I be able to tap into the Internet to get it?"

Schmitz: "Not an individual. The school district as a whole."

Harris: "Okay, thank you."

Schmitz: "Okay."

Harris: "Thank you, Mr. Speaker."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall House Bill 1812 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all

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voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 1812 there are 114 Members voting 'yes', 0 voting 'no', 0 voting 'present'; and this Bill having received a Constitutional Majority, is hereby declared passed. On page 31 of the Calendar, appears House Bill 2243. Representative Woolard. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2243, a Bill for an Act amending the Illinois Endangered Species Protection Act. Third Reading of this House Bill."

Speaker Hartke: "Representative Woolard."

Woolard: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think we've dealt with this issue for some time now, and I know that everyone is probably wondering how you can start with something that has got so much controversy and wind up with something that basically has addressed the concerns of everyone involved. DNR was vehemently opposed to the elimination of the endangered species in the beginning. I know there were many environmental groups across the state that were sending out various letters and contacts to each and every Member. But now, we have the Nature Conservancy, the Illinois Environmental Council, everyone who has had opposition to this, has agreed that this is the way that we should proceed. And I think that without question, that we're taking an issue that can impact various districts across this state, and allowing us to now have a chance to mitigate the endangered species concerns so that we can have environmental and economic growth all across this state. I would certainly appreciate your support and help in passing this Bill to the Senate."

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

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Moore, A.: "Thank you, Mr. Speaker. It was not my understanding that the Environmental Council had signed off on that Bill. Was that something recent, Representative?"

Woolard: "Yes, with the passage of the Amendments today, the Environmental Council, the Sierra Club, the Nature Conservancy, are all neutral on this issue."

Moore, A.: "And this legislation places responsibility with IDNR? Is that correct."

Woolard: "Yes, the Endangered Species Board, which is a part of IDNR, will be running the program, the mitigation, the hearings, the public notice, the release of information will all come through IDNR."

Moore, A.: "And, are the requirements purposed to be somewhat different than exists today?"

Woolard: "Well, actually, they mirror what is taking place at the federal level, and I think this is something that we should have had in place a long time ago, but for various reasons, the State of Illinois had chosen... or had not implemented that, and now, the State of Illinois, with the passage of this legislation, will be very similar to what the rules are for the federal Endangered Species Act."

Moore, A.: "Representative, do you have any concern at all that placing this kind of responsibility on the department might put them in a somewhat difficult position politically?"

Woolard: "Representative, we're not placing them in any position that they're not now in. This is the Department of Natural Resources that has been a part of this through the Endangered Species Board which still actually will be the determining factor and they will have responsibility for making those decisions as to whether or not we should proceed or not."

Moore, A.: "And the rules and regulations that apply now under

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the current Endangered Species Act, are those proposed to be similar? Will there be a rule making process?"

Woolard: "Well, I'm sure that, you know, an implementation or probably will be something that will have to go before JCAR in order to implement, but without question, I think we're very specific in the approach that we're taking."

Moore, A.: "And, in your final negotiations, is anyone still opposed to the Bill?"

Woolard: "Representative, I think that's the best thing about this piece of legislation. To my knowledge, there is no group anywhere in this state that is opposing this legislation as it stands today."

Moore, A.: "Thank you, Representative."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Jefferson, Representative Jones. John O Jones."

Jones, J.: "Thank you, Mr Speaker. I just rise in support of House Bill 2243. Representative Woolard and Representative Granberg have worked very hard on this piece of legislation to get everybody satisfied on it. And I think something that really ought to be noted, the community that is affected by Representative Woolard, not once has anybody from that community come forward to him and ask him to do this. This is something that he saw a need for to continue the economic growth in southern Illinois, and I just commend him on the job that he's done on working this agreement out with everybody and I would ask for a favorable vote on it."

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

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

Woolard: "Certainly."

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Slone: "Mr. Woolard, is the final decision on this still left to the agency rather than the Endangered Species Board?"

Woolard: "Honestly, I didn't hear what you said."

Slone: "Is the final decision on one of these conservation plans with the agency which I guess would be DNR with the Endangered Species Board?"

Woolard: "No. No, the Endangered Species Board will still be the final authority."

Slone: "Okay, and the conservation plan that the parties are suppose to prepare, who is going to make sure that there's enough money to carry that out and what source of funds will there be? Will there be any kind of bond required?"

Woolard: "Well, the Department of Natural Resources would be the agency that would be involved in helping to implement anything that the Endangered Species Board chose to see fit to proceed with. And with that in mind, the department is on board and supporting this piece of legislation. If in fact, there was any need, which I don't see that there will be, for additional funds to accommodate that, we would be willing to work with them to see that those funds were made available either through transfer or if other funds were needed, I'd support that in passing legislation. But we have no reason to believe that's necessary at all."

Slone: "What about the maximum extent practicable language the parties the conservation plan will to the maximum extent practicable mitigate the impact caused by the taking? What is your understanding of what maximum extent practicable means in terms of this taking?"

Woolard: "Mr. Speaker, I'm considerably older than the young Lady that's speaking and my hearing is probably slipping a little, but I couldn't understand the question again."

Speaker Hartke: "Ladies and Gentlemen, could we get a little

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order in here! Proceed."

Slone: "Thank you, Mr. Speaker. The Amendment that I have in front of me describes how this taking is suppose to be conducted, and it says that the parties are suppose to 'to the maximum extent practicable mitigate the impact caused by the taking'. What I was asking, Mr. Woolard, was what your understanding was of what kind of requirement maximum extent practicable, what does that mean?"

Woolard: "Well, I think without question, the intent of the legislation, and I think without question, the exact statement that is made there, would be that whatever was necessary and deemed necessary in order to proceed with the project or implementation of any kind of economic development idea, would be necessary to follow to the letter of the board's recommendation on those mitigation rules that would be established. So, I think whatever their statement was, and whatever their finding was, that it would be necessary for them to follow the mitigation plan to the fullest extent of the board."

Slone: "And then if I understand correctly, the department is in charge of making sure that the mitigation plan is carried out?"

Woolard: "Yes, in Amendment #1, DNR is responsible for monitoring and reporting."

Slone: "Who would they report to?"

Woolard: "To the board. Which the board is housed in the Department of Natural Resources..."

Slone: "Right."

Woolard: "...organizational structure as it is today."

Slone: "Okay, my understanding was that the Audubon Society is still opposed, is that your understanding?"

Woolard: "If the Audubon Society is opposed, they certainly

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haven't said one word to me. Mr. Speaker, could I take this out of the record for five, ten minutes?"

Speaker Hartke: "Out of the record. On page 26 of the Calendar, appears House Bill 1877. Representative Slone. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1877, a Bill for an Act concerning county and municipal open space. Third Reading of this House Bill."

Speaker Hartke: "This is on Short Debate. Representative Slone."

Slone: "Thank you, Mr. Speaker, Ladies and Gentlemen. We discussed this Bill this morning, and the Amendment, as I said this morning, becomes the Bill. It retains only the portion of the Bill that is enabling legislation, permissive legislation for counties and home rule municipalities to acquire open space in their communities by front door referendum, and I would appreciate a favorable vote. Thank you."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Kendall, Mr. Cross."

Cross: "Well... Parliamentary inquiry."

Speaker Hartke: "State your inquiry."

Cross: "Does this preempt home rule? And, will the Sponsor yield?"

Speaker Hartke: "We will have the Parliamentarian check that and get back with you."

Cross: "I mean, I'm willing... I'll wait for the answer."

Speaker Hartke: "We'll have to wait until the Parliamentarian gets here, but..."

Cross: "All right, will the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Cross: "Representative, I think we discussed this Bill earlier this morning, and this is a statewide program?"

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Slone: "I'm sorry, Mr. Cross. Is it a statewide program? Was that your question?"

Cross: "Yes."

Slone: "It is... it's enabling legislation that as far as I know doesn't rule any county out. That's correct."

Cross: "Now, and I want to make sure I understand something correctly. If I have... if a county currently has a forest preserve district, can they still proceed under this part of the statute?"

Slone: "I suppose they could, Representative Cross, but they would not have any need to do so if they have a forest preserve district in place."

Cross: "I guess the reason I ask, and I'm not sure if I... if it matters, but it might, could... could you, in effect... I mean... could you have twice the normal levy, and I'm not sure I'm articulating the question correctly, but if you proceeded under the forest preserve district, and under this theory, under the open space creation that you've produced under this Bill, could you issue twice as many bonds? And could you have, you know, a levy that's, you know, twice as big as normal?"

Slone: "Yeah, you would have pass... I suppose if you... if the forest preserve district could pass a referendum and the county could separately pass a referendum, then I guess, yes, theoretically that would be possible. But, each one would call for its own referendum, and I think it would be highly unlikely if anyone would attempt to do that."

Cross: "Is there any where... now, is this just for counties, or does it also include municipalities?"

Slone: "Home rule municipalities."

Cross: "For the municipalities that... in the event that a county takes advantage of this, what input would a nonhome rule,

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or for that matter, a home rule municipality have with respect to the land they wanted to purchase?"

Slone: "The land who wanted to purchase?"

Cross: "The county."

Slone: "They would be... I suppose they would have the same rights as anybody else to come to a public hearing... the public hearings where the open space plan would be adopted and to lobby as to their elected public officials as to what open space should and should not be included."

Cross: "So, would they have the authority if it adversely affected them to object to it?"

Slone: "I'm not sure I follow you, Mr. Cross. You know, it's... I don't follow your question."

Cross: "If a county board decided they wanted to purchase open space and it was in direct conflict with the growth of a municipality or the municipality's intended growth, and the municipality opposed it, the purchase of that land for open space, would the municipality have any recourse against the county?"

Slone: "The municipality would... you know, within their own boundaries and a zone of a mile and a half, or whatever it is outside of their boundaries, they hold the zoning power already. So, I don't think the county could do anything within those areas without the municipality's okay."

Cross: "Oftentimes, not oftentimes, I know that in our area, you will see forest preserve law enforcement officials that will police forest preserve property. What would you do in the case of open land purchased under this Section? Who would have the law enforcement authority for this open space land? Who would patrol the property?"

Slone: "I believe the county would have the power under this Amendment to, you know, to police it, so, I suppose the

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county sheriff or whoever within the county does that, would be able to, you know, try and maintain order in the area and whatever other duties along those lines would be required."

Cross: "All right, and is it your understanding that the home builders and the realtors are still opposed to this?"

Slone: "I have not spoken as you may well be aware of, the home builders... excuse me, the realtors are having their lobby day today, so, their state people are, I guess, pretty busy. I have spoken to some of my local realtors. They were not aware of the portions of the Bill that had been stripped off. They were in opposition to the Bill as they understood it, but their information was kind of dated and they were not aware of the more limited Bill that we're presenting here today, and they were a lot more comfortable with it after hearing that we did not any longer have eminent domain material in here. That we did not any longer have purchase rights material in the Bill, that it's simply this permissive legislation."

Cross: "One of the, I think, nice parts about forest preserve property, is once it becomes property of the forest preserve, they cannot get rid of it. I mean, the idea is to preserve it, which I think is good without legislation. We're the only entity that can allow or authorize a sale of property from a forest preserve once it becomes forest preserve property. Would that hold true under this... under your legislation, if something becomes designated as open space? Could the county take away that designation or would it only be... could it only be removed through this... action of the General Assembly like forest preserve property?"

Slone: "This does not have any specific provisions for that as in

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the forest preserve district. I assume the county would have to act in accordance with its own plan for any land that it acquired."

Cross: "Well, and I... you know, that's certainly up to you if you want to think about that, but I think to ensure... and that's the whole ration... that's obviously the rationale behind forest preserve property, that once you... once it become that... designated as forest preserve, you don't want to lose that designation. And I would... it could sure be... and I guess I would suggest that, Representative, is, cause if you don't do that, the next county board could come in with different elected officials and change the designation of open space and create a great deal of havoc with a new county board after the next election, so I would... you might want to look at that."

Slone: "Thank you, I appreciate the suggestion."

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

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

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

Speaker Hartke: "She indicates she will."

Lang: "Representative, I'm still a little confused. I know the realtors were very much against your original Bill, you have amended the Bill. Are they still opposed or are they not still opposed?"

Slone: "Again, Mr. Lang, I'm not sure that the people who generally lobby here for the realtors are closely following our work this afternoon because of having all their lobby day, their folks down here. I have not talked to them today, but I did understand that initially that the eminent domain provisions were a tremendous stumbling block, and those have been removed from the legislation, and that

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subsequently the concern was primarily with the purchase of development rights, and that language has now been removed, so, what we're left with is permissive language only."

Lang: "And, so, the issues that the Realtors Association were opposing in committee, have now been stripped off the Bill?"

Slone: "Yes, the primary issues... that they were most concerned about have been stripped, yes."

Lang: "So, there's nothing left in the Bill that they opposed originally that is still there for them to oppose?"

Slone: "I don't want to speak for them, I..."

Lang: "You can, it's okay."

Slone: "My understanding is that they would still be, shall we say philosophically opposed, but the specific points of opposition have been removed."

Lang: "All right, and all we have left is a front door referendum?"

Slone: "That's correct."

Lang: "All right. I'm still not sure where I am on it, but at least you clarified it for me. Thank you."

Slone: "Thank you."

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

Stephens: "Thank you, Mr. Speaker. Just to ask for a verification should this receive the requisite number to pass."

Speaker Hartke: "Your request has been granted. Mr. Cross, you had a question, a parliamentary question I do believe. The Parliamentarian is prepared to answer."

Parliamentarian Uhe: "Representative Cross, in response to your inquiry. House Bill 1877 creates a new Act that imposes certain requirements upon counties and municipalities

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before they may enter upon an open space program. However, it does not prohibit units of local government, including home rule units, from enacting their own ordinances relating to open space programs. And the Bill does not contain any language preempting home rule. Therefore, this Bill does not preempt home rule under Article VII, Section 6, of the Illinois Constitution."

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

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

Speaker Hartke: "She indicates she will. This Bill's on Short Debate."

Cowlshaw: "Thank you for reminding us of that, Mr. Speaker. I'm sorry, that it was very difficult to hear your response to one of the recent questions regarding the current position on this legislation of the Illinois Association of Realtors. I understand that a rather significant number of them are here today for a lobby day..."

Speaker Hartke: "Shhhhhh."

Cowlshaw: "...that they held a meeting this morning and that at that meeting, it was announced that the Illinois Association of Realtors is opposed to this Bill. Even after the Amendment, the realtors are still opposed to this Bill. Just so that we all understand what the positions are, and then I also have a question. I think it's a pretty simple one. It has always been true, it seems to me at least in America, that if you wanted to control a piece of land, you bought it. You paid whatever was the market price or whatever the person who owned it felt was a price that he or she could accept. You didn't partially buy something, you either bought it or you didn't. Why would

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you want to suggest that government is somehow privileged to do things that private individuals, citizens, corporations, small businesses, cannot do? If they want to buy something, they have to go buy it. Why should government be able to control certain aspects of a piece of real estate without having to buy it? Why don't they just buy the property?"

Slone: "Yes, Ma'am. That's what this Bill would have them do. There are no... I'm guessing that what you're referring to is the portion of the... previous portion of the Bill that dealt with the purchase of development rights. That is no longer in the Bill."

Cowlshaw: "There are no more provisions for some partial control..."

Slone: "No, Ma'am."

Cowlshaw: "...of development rights?"

Slone: "No."

Cowlshaw: "I'm very relieved to hear that, and thank you very much. Thank you, Mr. Speaker."

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

Wirsing: "Thank you, Mr. Speaker. A few comments on this piece of legislation. As a Member of the Smart Growth Task Force, one of... what's the charge of the task force is simply to make an assessment to look at the urban sprawl and preservation of farmland. Now don't get all excited about that, it simply said, there has to be a way to look at development and put some order to it. Does that mean restriction? Does that mean drawing a line in the dirt and said you build beyond... you can't develop beyond this point? That is not... that's not what came out of the task force. This stripped legislation that we're looking at

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today, simply deals with the one issue of allowing those counties, saying, 'You can create... you can create green spaces which as the task force listened to testimony, that certainly was something that was... there was a desire in the more heavily developed areas for that. This is a... this now a piece of legislation that is very simple. It doesn't force anybody to do anything and it's simply saying, as the task force, in its final report simply said, there has to be a recognition that we just can't develop and build and develop and build wherever we want to. There has to be some organization. That responsibility ultimately comes back to the county, comes back to the county board. Comes to back to the county board. To develop a comprehensive plan and then zone based on the comprehensive plan. Those counties in the state that have done that over the last 20 and 30 years, and continue to revisit that and find that they do not have sporadic development throughout the county, they don't have a house built here and a house built there, 5 or 6 houses here, industrial development over here. It brought forth all of that kind of information and this is a... like I say, this legislation now, as the Sponsor has removed some of those concerns earlier, is pretty much a passive approach, but at least it's saying we need to recognize that we just can't build wherever we want to, that we have to recognize the preservation of the ability to develop, but also the ability to make sure that we have farmland which is for food production in the future. And this was a starting point for this task force to bring that to the surface across the state, you know, from Cook County to Cairo, Illinois. And that's all the Sponsor's trying to do with this legislation now, is to at least get this piece of

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legislation into place so that we can start to move and help counties recognize their responsibility to the growth in those counties. Thank you."

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

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

Speaker Hartke: "She indicates she will."

McCarthy: "I'm sorry, I had to leave the chamber for a few seconds there. Do we still have development rights in this Bill?"

Slone: "No."

McCarthy: "Development rights are out of the Bill?"

Slone: "Yes."

McCarthy: "Do the counties or municipalities still have their bonding authority?"

Slone: "I'm sorry... yes. Front door ref... by front door referendum. Yes, they do."

McCarthy: "And is it still at 5%?"

Slone: "Yes."

McCarthy: "Well, to the Bill, Mr. Speaker."

Speaker Hartke: "To the Bill."

McCarthy: "I live in the County of Cook, and what we are potentially doing here, is probably creating the second highest bonding authority in the entire City (Sic - County) of Cook, other than the City of Chicago. If you took 5% of all the real property in Cook County, I can't even imagine what the Bonding Authority there would be. Plus many communities that I represent, already have a open lands commission of their own that they are doing through fund raising and other ways. We have the park districts and the forest preserves districts throughout the state. I just think we're just setting a precedent here that is not well

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thought out. I think that... I'm happy to be on the committee with the Sponsor. I think it's a Bill that should stay in committee. We continue to work on this. But this bonding authority that we're creating, especially in Cook County, if Cook County decided by front door referendum to set up one of these commissions, could be just outrageous as far as the amount of money. Another problem is with this local zoning. I have many of my mayors that are very concerned that a county commission looking over their shoulder, is not in the best interests of their municipality. Therefore, as in committee, I would recommend that the Members all vote 'no'. Thank you."

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

Skinner: "Well, Mr. Speaker, I rarely heard a talk by a legislative, has less relevance to the debate or to the Bill in question, than the last one. No one in Cook County is going to pass a referendum authorizing the Cook County Board to borrow 5% of the money to buy land. You already have a forest preserve district. This is not going to be relevant to my county. I have a conservation district. It's not going to be relevant to DuPage County. DuPage County has a forest preserve district. So does Lake County. So does Kane County. Maybe even Will County does. So, this is not about the Chicago Metropolitan Area. This is about other parts of the state. There's a front door referendum in it. Are you going to vote against every front door referendum Bill that comes up in this General Assembly? You going to vote against the police and fire front door referendum Bill that the Western Suburban Municipal League is proposing, that we haven't voted on yet? I mean... well, maybe you are. And that would be

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quite relevance, I... I assume. But, at some point, you have to trust the people. We're giving them a front door referendum. What on earth could you ask for?"

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

Slone: "Ladies and Gentlemen, let me emphasize once more, that this is permissive legislation, only for counties and home rule municipalities. That it has no eminent domain aspects to it. It has no purchase of development rights. It has only outright purchases, and that any money that is spent to purchase land pursuant to an open space plan, would have to come from authorization of the people through a front end referendum on any bond issue. I would appreciate an 'aye' vote. This is simply permissive legislation to help preserve open space and farmland, and I thank you very much for your 'aye' votes."

Speaker Hartke: "The question is, 'Shall House Bill 1877 pass?' There has been a request for verification should this Bill receive the requisite number, 60 votes, to pass. Vote your own switches. Those in favor of the Bill will vote 'yes'; those opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please record yourselves. Have all voted who wish? Mr. Clerk, take the record. On House Bill 1877 there are 47 Members voting 'yes', 52 Members voting 'no'. And this Bill having failed to receive a Constitutional Majority is hereby declared lost. On page 27 of the Calendar, appears House Bill 1987. Representative Pugh. Representative Coy Pugh. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1987, a Bill for an Act to amend the Property Tax Code. Third Reading of this House Bill."

Speaker Hartke: "Representative Pugh."

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Pugh: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1987 is a simple Bill designed to promote an incentive to develop properties that... of low-income communities. This particular piece of legislation allows for individual developers to receive tax credit for the development of low-income housing. Formerly, they were the... the developers were receiving this benefit and penalized once the property was sold and the benefit or the tax credit was taken away. This piece of legislation has been designed to allow for that tax credit to be maintained once the property is sold by the developer, in the event that the property is sold by the developer. And I am... I'm ready to answer any questions that might exist."

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

Cross: "Thank... thank you. Will the Sponsor yield?"

Speaker Hartke: "He indicates he will."

Cross: "Representative, is there any opposition to this Bill?"

Pugh: "No, Sir. There's no opposition."

Cross: "Does this apply only to Cook County?"

Pugh: "Yeah. Well, Sir, it... it not... it does not only apply to Cook County, but because Cook County has had a problem in maintaining a... a reserve in their indemnity... no, it's a statewide initiative."

Cross: "Is the... what's the county assessor's name in Cook? Hoonahan?"

Pugh: "Mr. Houlihan."

Cross: "Houlihan. Is he for this?"

Pugh: "Yes, Sir. This is a Bill that was proposed by Mr. Houlihan. The count... "

Cross: "Jim Houlihan?"

Pugh: "Yes, Sir. The county assessor."

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Cross: "Must be a good Bill, then."

Pugh: "It's an excellent Bill, Sir. And I... and there's room for cosponsors, if you wish."

Cross: "Well, I just ho... I think it's going to fly out of here. Thank you."

Pugh: "Thank you very much. I appreciate your support."

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

Pugh: "I just humbly request a favorable 'aye' vote. Thank you."

Speaker Hartke: "The question is, 'Shall House Bill 1987 pass?' All those in favor signify by voting 'yes'; those opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... Please record yourselves. Mr. Clerk, take the record. On House Bill 1987, there are 111 Members voting 'yes', 1 person voting 'no', and 1 person voting 'present'. And this Bill having received the Constitutional Majority is hereby declared passed. Yes, for what reason does the Gentleman from Cook, Mr. Pugh, raise?"

Pugh: "Speaker, in all the excitement, this being the... my... my first Bill, I neglected to vote my own switch. And I'd like to be recorded 'aye' on that."

Speaker Hartke: "The Journal will so reflect your wishes to vote 'yes' on your own Bill. On page 31 of the Calendar, appears House Bill 2243. Representative Woolard."

Woolard: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I appreciate your indulgence as I have gone out and chatted with a few people. For the record, I would like to continue my statement that the Illinois Environmental Council's official position is neutral. That's what I related to you a few minutes ago, that's still their position. But in all honesty, their statement also was to

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me, as we stood in the back of the room, that there were other groups across the state that may have reason to believe that this is still not a good issue. None of those other groups, and I can honesty say this, none of those other groups have contacted me. I would ask that you give consideration to moving this Bill. Senator Dan Cronin, I'm sure that all of you know and recognize Dan Cronin as a very honest and respectable individual. He is going to pick up this piece of legislation, and if in fact it needs further codification, we will do so. I think that we have operated in good faith. We have without question, worked with every group that had concern, and we have tried to address every issue that was brought before us. I still believe that this is an important issue for all of you as I know it is for me. Economic development in all of our areas are important to each of us. And this definitely is impairing economic development in my region, as well as Representative Granberg's. Thank you."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Jo Daviess, Representative Lawfer."

Lawfer: "Thank you, Mr. Chairman (sic-Speaker), Ladies and Gentlemen of the House, to the Bill. I think..."

Speaker Hartke: "To the Bill."

Lawfer: "...the Sponsor... I think the Sponsor has adequately and completely covered the Bill in that regard. We've had discussions on this this morning when the Amendments were put in place. I think that the Sponsor has worked with the groups that are concerned about that. I have had some contact with those groups. This Bill had the overwhelming support of the Agriculture and Conservation Committee in that regard, and I think that everybody should look very closely at the Bill. And I do believe that as the Sponsor

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said, it is a good Bill for not only his district, but for economic development, put some common sense in regard to how we handle this type of thing, and I plan on voting 'yes'."

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

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

Speaker Hartke: "He indicates he will."

Giles: "Representative, I have a constituency that actually wrote me a letter on this piece of legislation."

Woolard: "Speak up."

Speaker Hartke: "Continue."

Giles: "I have... Representative can you hear me? I have a constituency that wrote me a letter on this piece of legislation, and they were urging me strongly to oppose this legislation, and they were stating that the Department of Natural Resource is against this piece of legislation. Is that true today?"

Woolard: "No, Representative, that is not true. The Department is endorsing the procedure that we have put forth at this time. With the Amendments, they're in total support."

Giles: "Okay. And could you just briefly... I know you amended this Bill. What did the Amendment do that changed the Department of Natural Resource's decision?"

Woolard: "Well, it's drastically different than it started, Representative. Our original Bill was to get some attention from those people who needed to sit down with us and discuss this issue, the Department being one. They came forward, they set down, we addressed their concerns, hopefully, in a positive way, that will work well for the rest of the state for many years to come. We're going to allow now, the taking of individual species in the process,

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and there will be a mitigation process established to take care of any of those concerns that they might have in a procedure. I think it's a very simple approach. It's a right approach. Without question, the Department had reason to be concerned about the original Bill, but now they do support."

Giles: "Okay. Thank you. I think I needed to know that because my constituency here is saying that most of the people making the decisions are nonbiologists, and so they don't understand the issue of endangered species, and I need to know the exact changes to..."

Woolard: "In Amendment #2, Representative, the best available scientific data shall be the determining factor in all decisions, and I think that's what you're talking about, that many people were concerned about. In Amendment 1, we did not have that there. Now it is there, at the behest of the Sierra Club and the Illinois Environmental Council and others, and I think this addresses that concern that some had."

Giles: "Thank you, Representative, I think I know how to respond."

Woolard: "Thank you."

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

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

Speaker Hartke: "State your inquiry."

Black: "Yes, I'm looking at the board, and it has something to do with 'engangered' species. Is this a gang Bill? Does it have something to do with gangs?"

Speaker Hartke: "Yes it does."

Black: "What, gangs that are in endangered or what?"

Speaker Hartke: "They should be."

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Black: "I... perhaps..."

Speaker Hartke: "Mr. Clerk, would you correct the board?"

Black: "Do you need my dictionary, Mr. Speaker?"

Speaker Hartke: "LRB is to correct the Board and..."

Black: "I see."

Speaker Hartke: "They seem to have a problem down there."

Black: "I see."

Speaker Hartke: "Maybe they ought to have spell check like we do."

Black: "Well I... I don't know, perhaps Representative Woolard can address this. I was prepared to vote on an endangered species Bill, but I'm not sure how the heck I'm going to vote on an engangered species, but let me take it under advisement. Thank you, Mr. Speaker."

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

Moore, A.: "Thank you, Mr. Speaker. Just as a point of information. In looking on the computer, I was trying to draw up the Bills... this Bill... this specific language, not the analysis, and it appears as though... either I've done something wrong with my computer which is possible, or we are missing Amendment 1 on the computer which actually had become the Bill at one point. So, we don't have access to full information."

Speaker Hartke: "Representative Moore."

Moore, A.: "Are you checking, Mr. Speaker?"

Speaker Hartke: "What was your question?"

Moore, A.: "My question was a point of order. It would appear as though on the computers, we are missing Amendment #1 to House Bill 2243. We do have listed Amendment #2, but without Amendment #1, we cannot see how they fit together correctly, as Amendment #1 did became the Bill."

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Speaker Hartke: "You are correct. The Clerk is checking on it."

Moore, A.: "Thank you."

Speaker Hartke: "Do you have an answer for that Mr. Clerk? You are correct, that Amendment is not on the lap tops. Mr. Woolard, would you like to take this Bill out of the record temporarily?"

Woolard: "Certainly."

Speaker Hartke: "Out of the record. On page 36 of the Calendar, appears House Bill 2492. Representative Meyers (Sic-Meyer). Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2492, a Bill for an Act to create a Demonstrating Grant Program to build accessible housing. Third Reading of this House Bill."

Speaker Hartke: "Representative Meyers (Sic-Meyer)."

Meyer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, House Bill 2492 provides that the Illinois Housing Development Authority shall establish a Demonstration Grant Program to provide grants to builders who build 'spec' homes meeting certain accessibility standards for disabled persons. It creates a Task Force on Housing Accessibility which shall provide recommendations to builders regarding the types of accommodations needed new housing stock for disabled persons, including provision on to build homes that will retain a resale and aesthetic value. During the past four, five, six years, there have been pieces of legislation that have been heard before this Body that would mandate this type of activity take place. During this past year, I've been working with members of... those with disabilities to come up with a grant program and a Demonstration Project Program that would encompass all of the different interested parties in the previous Bills and bring them together to see what could be done in terms of

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providing more accessible housing, Both of those that have disabilities as well as our senior citizens. The current Bill that is in place has the support of the coalition of people with disabilities, as well as, the home builders and also the real estate association. I think it's an excellent opportunity for us to move forward with this type of thing. And I'd appreciate a 'yes' vote, but would respond to questions one might have."

Speaker Hartke: "Is there any discussion? Seeking that no one is seeking recognition, the question is, 'Shall House Bill 2492 pass?' All those in favor signify by voting 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 2492, there are 114 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 29 of the Calendar, appears House Bill 2085. Representative Reitz. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2085, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Hartke: "Representative Reitz."

Reitz: "Thank you, Mr. Speaker. House Bill 2085 states that farm machinery manufactured after... on or after January 1st of 2003, and operated on public roads, shall display markings and lightings that exceed the ASAE standards, and this is brought to me by the Farm Bureau. John Deere's in support of this. We know it does not include any retrofitting. At the present time, it's just simply for new equipment, and there's discussions I guess in the Senate to put markings on also for slow moving vehicles, and I'll be happy to answer any questions."

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Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall House Bill 2085 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 2085 there are 114 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill having received the Constitutional Majority is hereby declared passed. On page 45 of the Calendar, appears House Bill 1966. Representative Cross. This is on Short Debate. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1966, a Bill for an Act in relation to state's attorneys salaries. Third Reading of this House Bill."

Speaker Hartke: "Representative Cross."

Cross: "Thank you, Mr. Speaker. This is an initiative of the State's Attorneys Association, and it basically, provides that no state's attorneys throughout the state shall be able to engage in the private practice of law. There are certain counties in this state where state's attorneys have had the option of being both part-time state's attorneys and part-time lawyers. And it is the belief among the state's attorneys of this state that they should all be full-time, and I share that belief given the nature of the work we give 'em and the legislation that we've passed down here. I would be happy to answer any questions. This would also provide that state's attorneys in the counties that were part-time would then receive... cause it's just a few state's attorneys, would receive the salaries of those that currently... I'm sorry, if there are any questions, I'll be glad to answer 'em."

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

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield? Hi, Mr. Speaker. Did he say he would yield?"

Speaker Hartke: "Yes, he will yield for a question."

Cross: "Oh, I didn't hear you. Excuse me. Perhaps if Representative Granberg wouldn't bother you while you're in the Chair, we could proceed with the business of the House. Representative Cross, is there an Appropriation Bill somewhere in the process to pay for the salaries of all these newly mandated full-time state's attorneys?"

Cross: "Well Bill, I don't believe there's a specific Appropriation Bill for it. But remember right now, they're currently making as part-time, a salary already, and all it does is provide that... if you're in a county of less than 30,000 inhabitants, your salary shall be the same as that of state's attorneys in counties of 20 to 30,000 inhabitants. So, we really are not talking about that many state's attorneys. I believe the total fiscal impact to bring all state's attorneys full-time would be approximately \$400,000."

Black: "So, if the figures I'm looking at are correct, the lowest paid state's attorney, as of July 1, 1999, would make \$69,000 a year, correct?"

Cross: "Bill, I don't have those figures, but I think that's ac... that sounds... let me double-check... that sounds right."

Black: "Is there... what's the population cut-off now for a county where a state's attorney may still be able to private... practice law? Is there a population threshold where a county of, say less than so many people, the state's attorney can still engage in the private practice

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of law?"

Cross: "I'm not sure the exact number, I believe it's primarily in the areas of less than 30,000, Bill. I know in our county, and it may have been an exception, the salary... the population was a little over 40, actually it's grown more than that. And the state's attorney could have elected to be either part-time or full-time and he decided to become full-time. But I think primarily, we're talking about the smaller counties where we've had... have 'em... they've done both."

Black: "All right. So, if I... again... let me share this with you. Take a look at this and see if those figures are in sync with what you know state's attorneys salary to be."

Cross: "Bill, I don't know where you got this, if this is where you... this is where you..."

Black: "Okay."

Cross: "...this is a figure that you gave, then I suspect it's accurate."

Black: "And I don't know if it's accurate either, but it appears the lowest state's attorney's salary would be \$69,000. Although... well, depending on population. My home county would jump to 120,000, and it appears that... what, there's about four categories outside of Cook, right? The Port Authority..."

Cross: "Well, right now we have Cook, counties over 30, counties between 20 and 30, counties between 10 and 20, and counties under 10."

Black: "Okay."

Cross: "There are 13 counties under 10. There are 31 counties between 10 and 20. There are 8 counties between 20 and 30, and then 49 over 30. All right. What's your population?"

Black: "We're over 30."

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Cross: "Well, if you're over 30.. okay..."

Black: "Now, what's the genesis of this? I mean what..."

Cross: "This is the State's Attorneys Association believing that in order to professionalize the Office of State's Attorney and the belief of the state's attorneys throughout the state that everybody ought to be full-time. You shouldn't have private practice. You avoid improprieties; you avoid conflicts; you have uniformity throughout the state."

Black: "Now, unlike judges, you'll have to refresh my memory, it's been a long time since I served on a county board. The salary of a state's attorney, is that the sole responsibility of the county board, meaning that then it's paid for out of local tax revenue?"

Cross: "State's attorneys, my understanding is, a portion comes from the state and a portion comes from the county. And Bill, I'm not 100% positive, but I seem to recall reading somewhere, it was about a two-third/one-third split."

Black: "Okay. I'm sure that as the debate continues, we can get that answered, because I know there are a number of people in the chamber who used to be state's attorneys. My concern is, and I think you can share it, I haven't heard anything from the county boards about where they are on this Bill. And, if the country boards... I have one county of about eighty plus thousand in my District, one, just a little over 30,000. This would not be a difficult Bill to vote for, but I have a hunch that one of those two counties is going to call me in the next week or so and say, 'Holy mackerel, where do you expect us to come up with our share of the cost?'"

Cross: "I believe the bulk of this increase comes from the state, Bill."

Black: "Okay."

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Cross: "And remember, a good portion... a good portion of these counties are already full-time."

Black: "Right. Right. Now, I... I know... I'm sure I know the answer to this, but for the record, a state's attorney elected in November of 1998, could not avail himself or herself of any increase in pay until the next term begins four years out. Would that be correct?"

Cross: "I think that sounds accurate."

Black: "And it would also hold true that in my home county, Tom, the state's attorney was in the middle of a four-year-term and was just elected to the bench. And so the state's attorney, the current state's attorney, was appointed by the county board to serve out the balance of his term. Now that appointed person again, could not avail himself of the increase in pay without standing for election in the year 2000, correct?"

Cross: "I believe that's accurate, Bill. And real quick, the Bill's clear that the state furnishes 66 2/3 of the total compensation."

Black: "Okay. Has staff been able to ascertain where the cutoff is now in population, where a state's attorney could still engage in the private practice of law?"

Cross: "It's... and let me just go down the list. Cook County, no private practice; over 30 no private practice; 20 to... from 30 down."

Black: "All right."

Cross: "That you have been allowed to have both."

Black: "All right, so in counties of 30,000 or less, a state's attorney could, right now, engage in the private practice of law, correct?"

Cross: "Correct."

Black: "Okay. Do you know how many counties we're talking about?"

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An approximate number?"

Cross: "Under 30, 8 and 13, 21... 52, about half the... 8, 31, and 13 right now. But, a good number of those people, it's my understanding, are already practicing full-time."

Black: "All right, and I'm sorry I didn't hear the number. Eight..."

Cross: "Twenty to thirty we have... there are eight counties in that group with that population."

Black: "Okay."

Cross: "Ten to twenty, 31, and under 10, 13."

Black: "Okay, all right. Was a fiscal note requested on the Bill? And I don't know the answer, I just..."

Cross: "I didn't request one."

Black: "Okay."

Cross: "And I don't recall seeing one on there."

Black: "I just wondered what the cost would be. So, I... unless I'm missing something, there couldn't be any cost to this Bill in FY99, correct? Because no one should qualify for the increased salary."

Cross: "No, there shouldn't be."

Black: "So, it would be... would be FY2000 and/or beyond?"

Cross: "Yeah, and/or beyond."

Black: "All right, I... Representative, I certainly appreciate the forthright answers you've given me on this very interesting Bill. I appreciate it. Thank you."

Speaker Hartke: "This Bill is on Short Debate. The Chair recognizes the Gentleman from Cook, Representative Pugh. Are you an opponent of this Bill?"

Pugh: "Thank you, Mr. Speaker. Could you define to me what you mean by Short Debate? Does that limit the amount..."

Speaker Hartke: "On Short Debate there is the Sponsor of the Bill, there is one person that stands in opposition and one

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person for, and the Bill's closed and the Bill is voted upon."

Pugh: "So, could you tell me the score, as it is right now?"

Speaker Hartke: "Right now it's... the Sponsor has indicted he wants passage of the Bill. Representative Black has spoken in opposition."

Pugh: "Okay, I request that the Bill be taken off Short Debate and I have..."

Speaker Hartke: "It's on Standard Debate."

Pugh: "...been rejoined by the requisite number of individuals. Thank you. Will the Sponsor yield for a question?"

Speaker Hartke: "He will yield."

Pugh: "Thank you, Speaker. Representative, can you tell me... Representative, can you tell me just how many state's attorneys this Bill will affect?"

Cross: "I don't know the exact number, Representative, but it's less than... it would be less than 50."

Pugh: "So, it does not affect every state's attorney in the State of Illinois?"

Cross: "No. It does not affect... right now, Representative, it wouldn't affect anyone in a population... any county having a population of 30,000 or more, would not be affected because they're already full-time."

Pugh: "And of those... of those 50 that we've identified, are we addressing the assistant state's attorneys in this package or it just the state's attorneys who are going to be... receive this increase in salary?"

Cross: "Coy, I'm sorry, I didn't hear you."

Pugh: "Does this affect the assistant state's attorney?"

Cross: "No."

Pugh: "Just the state's attorneys?"

Cross: "Correct. Just the elected state's attorneys."

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Pugh: "The elected state's attorneys. So, the elected state's attorneys would no longer be able to practice law in the year 2000?"

Cross: "Exactly. The private practice of law. They're still going to be... they're going to be full-time state's attorneys."

Pugh: "So, right now, they're not full-time state's attorneys?"

Cross: "There are counties in this state where the elected state's attorney is part-time."

Pugh: "And they're elected under that premise? The people elect them, knowing that they're serving as part-time?"

Cross: "Yeah. And this Bill will eliminate part-time state's attorneys. They will be full-time elected state's attorneys."

Pugh: "As... now are the salaries commensurate across the board, or do they receive a part-time salary?"

Cross: "They have been receiving part-time salaries."

Pugh: "And the municipalities with 30,000 or more receive full-time salaries, correct?"

Cross: "Right."

Pugh: "So, do we have any idea of how much this is going to cost the state?"

Cross: "We believe about \$400,000."

Pugh: "For the total?"

Cross: "Correct."

Pugh: "Is there any opposition to this piece of legislation?"

Cross: "Not that I've ever heard of."

Pugh: "Well, you'll find none here either, Sir. Thank you very much."

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

Turner, J.: "Thank you, Mr. Speaker. Am I the last speaker on

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this?"

Speaker Hartke: "No, you're not."

Turner, J.: "Oh. How many state's attorneys in the State of Illinois does this affect, Mr. Cross?"

Cross: "This will only affect seven state's attorneys, Representative. I was just able to find out. Those are the only... there are only seven, apparently that are working part-time. So, only seven."

Turner, J.: "Of those seven state's attorneys who are working now part-time as a state's attorney and part-time in private practice, have they voiced any concern about having to make the switch to become a full-time state's attorney?"

Cross: "My understanding, Representative, is that they are supportive as is the State's Attorneys Association."

Turner, J.: "It's also my understanding that there aren't any state's attorneys throughout the entire State of Illinois who are in opposition to this Bill, isn't that correct?"

Cross: "Yes."

Turner, J.: "And with regard to pay raises that we talked about, the pay raises were already passed as a matter of last year when the Compensation Review Board presented us with pay raises for state's attorneys and judges and..."

Cross: "Yes."

Turner, J.: "...State Representatives among other individuals..."

Cross: "Yes."

Turner, J.: "...in the State of Illinois. So this isn't a pay increase, except to the extent that as to those seven who make a election who go from part-time to full-time, is that not true?"

Cross: "You've pretty much captured about as succinctly as anyone can, this Bill Representative, it represents..."

Turner, J.: "Representative, I think you've have an outstanding

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piece of legislation. I intend to support it and I appreciate the fact that you brought it to my attention and the attention of the..."

Speaker Hartke: "Further discussion?"

Turner, J.: "...floor of the House."

Speaker Hartke: "The Chair recognizes the Gentleman from Champaign, Representative Johnson."

Johnson, Tim: "Representative, I... you'll forgive me with the noise and maybe my inattentiveness, I didn't understand some of your responses to questions, and that's not your fault or the chamber's, maybe it's mine. So, I understand this. Douglas County is in my district, the population of 20,000, so, is Ford County, both of those have state's attorneys. Both that now have the option, if they choose to do it, of conducting a private practice so long as there's no conflict of interest. You're saying this eliminates the ability of Diane Sipice and Tony Lee to, if they so opt, to engage in the private practice of law?"

Cross: "That's right, Tim. And the State's Attorneys Association and the state's attorneys from those counties have talked about this and want to have the ability to be full-time. And this is coming from the state's attorneys, this isn't...."

Johnson, Tim: "Well, let's just say I understand, Tom, and I respect that. The State's Attorneys' Association, I have a good working relationship with. In fact, all of my state's attorneys. But that association, with all due respect, does not speak for the State's Attorney of Ford County. It doesn't speak for the State's Attorney of Douglas County. And I would suggest to you that if you, those of us who live in downstate areas, would call your State's Attorney and ask them if the State's Attorneys Association speaks

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for them in saying that if we pass this Bill they no longer have the right, the option, to engage in the private practice of law; that a big majority of them would say they don't agree with the Association, that for the most part is controlled by the state's attorneys from large counties. There are a number of counties, particularly in far Southern Illinois and in Central Illinois as well, where the private practice option is something that's very viable and very reasonable. As a matter of fact, there's some counties where there is only four or five lawyers in the whole county and for a lawyer to be able to do wills, to be able to do some domestic work, to be able to do some personal injury work, some trusts and so forth, is something that's not only doesn't cause a conflict of interest, but is necessary as part of the process of practicing law and existing in a small county. I know you're well intended in this regard but this is, again, in a very real sense, a mandate from the Illinois General Assembly to Menard County, to Ford County, to Piatt County, to Pope County, Johnson County and the others, that your state's attorneys no longer have an option. What's good for Champaign and Peoria and Winnebago and Cook and Madison counties, is sometimes not good for the smaller counties in our area. And with due respect to the two Sponsors of this Bill, both of whom I have the highest respect for and the State's Attorney's Association that I work extremely well with, this is a Bill that is a mandate, is bad public policy and it takes away, in some cases, the incentive for well-qualified, practicing lawyers to become chief prosecutorial authorities in counties where, if they didn't have the option of continuing to service family or law firm clients with respect to wills, to be able to continue on to

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do various tasks that their firm has done for years. And, oftentimes, you know these come out of intra-family matters that have existed in the county seat forever. It's not something that we want to do. And the result is, in some cases, we're going to get a lower quality of people who want to seek the office. We're not going to have as well a qualified people... people willing to do it and it takes away a very real source of potential income for people who live in small counties, who supplement their income with legitimate practice of law. With all due respect I urge a 'no' vote on this Bill."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, except Representative Hoffman, from Madison."

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

Speaker Hartke: "He indicates he will."

Hoffman: "Representative, the previous speaker talked about mandates and this and that. It's my understanding that the state will pick up the increase in the salary. Is that correct?"

Cross: "Correct."

Hoffman: "And that's number one. So there is no mandate on the county as far as it costing these counties any money. Is that right?"

Cross: "Correct."

Hoffman: "And I also understand that this is only going to affect 20 state's attorneys and make them full-time prosecutors. Is that right?"

Cross: "Jay, actually our number is less, but I'll give you the benefit. No more than 20."

Hoffman: "Well, it's my understanding there's something like 13

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that are under 10,000 and then there are seven that are between 10 and 30."

Cross: "And you know what and I don't mean to be nitpicky there. Some of that group are already full-time. So.... So you're right."

Hoffman: "Okay. But it's my understanding, Representative, what we're... the only thing that this Bill does, it does what they want it to do. Those 20 individuals who all will be up for re-election in the year 2000, it says that they want to be full-time. They're for this Bill. The State's Attorneys Association is for this Bill. It's my understanding that they are the ones who brought it to the General Assembly. So the individuals who are going to be most affected by this legislation, making them full-time prosecutors, which I think is very, very, very important in ensuring that we cut down on crime and have professionals in that field, they are the ones that are for this Bill. Is that right?"

Cross: "Yes."

Hoffman: "I urge an 'aye' vote."

Speaker Hartke: "Representative Cross, to close."

Cross: "I think Representative Hoffman did as good a job as I could closing and I would appreciate an 'aye' vote. Thank you."

Speaker Hartke: "The question is, 'Shall House Bill 1966 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please record yourself. Have all voted who wish? Mr. Clerk, take the record. On House Bill 1966, there are 65 Members voting 'yes', 47 Members voting 'no', 1 Member voting 'present'. And this Bill having received the

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Constitutional Majority is hereby declared passed. On page 31 of the Calendar, appears House Bill 2243, Representative Woolard. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2243, a Bill for an Act to amend the Illinois Endangered Species Protection Act. Third Reading of this House Bill."

Speaker Hartke: "Representative Woolard."

Woolard: "Thank you, Ladies and Gentlemen of the House. I would very much appreciate your consideration on a Bill that we have worked very hard to make passive enough to allow everyone whom we have had contact with to be in supportive of. This Bill... this Bill positively, positively gives us the opportunity to develop areas in this state that are in much need of economic development."

Speaker Hartke: "It's my understanding Mr... Representative Moore is in support of the legislation."

Woolard: "Representative Granberg would like to close."

Speaker Hartke: "The question is.... Representative Granberg. Representative. Representative Andrea Moore, for what reason do you seek recognition?"

Moore, A.: "I wanted to thank the Gentleman for his patience in removing the Bill from the record and also for allowing us to have full access to what the Bill actually says. I.... during the course of that... those discussions, I had the opportunity to call the Department of Natural Resources and talk to them. They are very satisfied that the legislation does ample to... is ample to protect endangered species in this state. Yes, it is a new way to look at the Endangered Species Act, but they do not expect adverse effect on endangered species because of the changes that are in this legislation. And they have consulted with the Nature Preserves Commission, Representative, as I also mentioned,

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the Nature Conservancy. I will say also, that in discussing with the Environmental Council there are some that have signed off and say that they are neutral. The Sierra Club's language is in here; however, there are still some that are very skeptical about it. So, as to how you're going to vote, I think people should really be mindful of their own switches and I just wanted to personally thank Representative Woolard for being such a gentleman in regard to this very important piece of legislation."

Speaker Hartke: "Further discussion? Representative Black."

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

Speaker Hartke: "He indicates he will."

Black: "Thank you. Representative, is the Isaac Walton League in agreement with the Bill?"

Woolard: "I have not had any con.... Honestly, I don't even know who it is, so...."

Black: "I'm not sure I do either, but I thought it was a... I might as well get in on all these questions that everybody else wants to ask."

Woolard: "All right."

Black: "How about.... How about Green Peace? Are they at peace with your Bill?"

Woolard: "I think they must be at peace because I haven't heard from them."

Black: "The Save the Whales Foundation, have they weighed in?"

Woolard: "They've not weighed in yet."

Black: "I see. Representative, would you be willing to take this Bill out of the record for a few minutes so I can come over and talk to you about some 'engangered' species. See, I had a reservoir killed by an 'engangered' species. It was

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the blue-breasted darter and the wide-eyed chub. I... I thought they were referring to me when they talked about the wide-eyed chub and it hurt my feelings. So, if you would be willing to take this Bill out of the record for five or six minutes, I could come over and ask you about the wide-eyed chub."

Woolard: "Representative, I'd be glad to answer any questions that you have at this time but, you know, I think that we've probably worked as diligently as we possibly can..."

Black: "Are you sure?"

Woolard: "...with every group and without question, with every Member of this House..."

Black: "Well...."

Woolard: "...and would appreciate very much voting on it as we have it on the board now."

Black: "I'd really like to come over and talk to you, Representative, but I don't have any shoes on. So, since you're not willing to take this Bill out of the record for the fourth time, I guess you've answered most of my questions. I would, in all due respect to you, say it's probably a mistake to let Representative Granberg close, given his overall environmental record. But, if you insist, I guess we have no choice?"

Woolard: "Thank you."

Black: "All right. Well, I tried, Mr. Speaker. I still don't know what an 'engangered' species is, but I think at the appropriate time I'm sure I'll find out."

Speaker Hartke: "Representative Granberg, to close."

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. And thank you to my good friend from Vermilion County for speaking, so he doesn't speak after I do. We always appreciate that. This is a serious issue for all of

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us downstate and we were subject to some criticism for running rampant over the rights of snakes and animals. Obviously, that was neither the intention of myself or Representative Woolard. What we were trying to do was to try to bring some common sense to government, bring a question of balance to the governmental process. Something that is direly missing and we deal with everyday. That's what this Bill did. As my friend from Vermilion County understands, Mr. Black, sometimes you have to take the initiative and then you change the Bill after you elicit the reaction you desire and that's what we did here. We are sending the message to this department and to others in government, to listen to the people for a change. Don't listen to the experts. Allow the people to have some input into the process. That's what this Bill reflects. I appreciate your time and I ask for your support."

Speaker Hartke: "The question is, 'Shall House Bill 2243 pass?' All those in favor will signify by voting 'yes'; those opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please record yourselves. Have all voted who wish? Mr. Clerk, take the record. On House Bill 2243, there are 80 Members voting 'yes', 29 Members voting 'no', 4 Members voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 18 of the Calendar, appears House Bill 1265, Representative Granberg. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1265, a Bill for an Act concerning unfair methods of competition with respect to the insurance business. Third Reading of this House Bill."

Speaker Hartke: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the

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House. House Bill 1265 addresses a situation that is becoming more serious everyday in the State of Illinois and in other states as well. It attempts to address a situation where Health Maintenance Organizations are depriving the physicians and medical care personnel the right to choose various health plans to best serve their clients. We're making it an unreasonable restraint of trade if those HMO's would limit the capability of that physician or medical care professional to choose a health care plan that is being offered. Currently, we're receiving information where these large concerns are forcing health care professionals to take one or... and take all to best serve their patients. That is not in the best interests of the patient. That is not in the best interests of good health care. So, I'd be more than happy to answer any questions."

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

Black: "Thank you, Mr. Speaker. Will the Sponsor yield? Representative, Amendment #2 was adopted to the Bill. Correct? And Amend... Floor Amendment #2 becomes the Bill? Okay. I have to tell you I think I know what this Bill does, but I'm not sure. Maybe you can help me walk through it. If I put together an HMO, I'm going to go to a practice or a group practice of physicians and say, 'do you want to be in my HMO?' Correct? And they say, 'yes', so they're in. Now is there some underlying practice that you're trying to prohibit about the company saying, 'but you don't have to accept any other plan?'"

Granberg: "What's happening, Representative Black, is very similar to that. So if you and I were doctors, but we're not that qualified, that's why we're in government. But,

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hypothetically, if we were doctors and we had a patient that was with a certain health care provider and we wanted to assist that patient and deal with that HMO, some companies, health insurance carriers, large health insurance carriers are telling you as a doctor, that not only do you have to take... you can enlist in that one HMO or the one provider, but to do that you have to take the other 15 plans that we offer. So you can't just have that one plan. You have to take all the plans across the board. That creates a problem for the physician and the health care provider because they could add hundreds of patients to their... to their client base, which affects the quality of care that those people would receive. But they are told, 'it's all or nothing. You take the one, you have to take them all.' And a lot of these physicians, particularly in my area and your area, they don't have the ability to leverage or to negotiate with these carriers. They are told by these large insurance concerns, 'you take them all or you don't service anybody, period.' That attempts to address that situation. It's been a very serious problem in Texas and it's becoming more rampant here in this state, which has caused, in fact, some doctors to consider joining unions and I'm not sure if that's in the best interests..."

Black: "Okay. Now..."

Granberg: "...of those professionals."

Black: "...without using the name of an existing company, if I understand what you're saying, a large insurance company, we'll call it Blue Moon, Blue Moon comes into my area and attempts to sign up doctors. We're going to offer insurance in your area. We're big. Everybody knows us, we're Blue Moon. And the doctors say, 'Absolutely. I....

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Your reputation is excellent. I certainly want to serve the people that you sign up under the Blue Moon Insurance Group.' Now if I hear what you're saying, then the Blue Moon Company can say, 'Oh, by the way, we also have in your area, Quarter Moon, Half Moon, Yellow Moon, Harvest Moon, and a company we've just started called Soon To Be Moon and you have to take all of those, as well.'"

Granberg: "Correct."

Black: "So the doctor is not free then to say, 'Now wait a minute, I'm perfectly willing to serve those insured by Blue Moon. I don't, at this point, want to get involved in some of your newer companies and I don't want to do that.' Now you're telling me then that the insurance company would say, 'You either agree to take all of our insureds, under any of our subsidiaries, or you don't take anybody.' Is that.... Is that what your Bill is doing?"

Granberg: "Mr. Black, you hit it right on point, as you always do. That would be the exact situation they're attempting to address."

Black: "Okay. So in other words, one of the subsidiary plans may be a plan where the company has decided to put high-risk people, underinsured people, maybe they have a higher deductible, and I look at that as a physician and I say, 'You know, I just really am not willing at this point, given my patient load, to take on this kind of a subsidiary at this time. This may be a good idea, Blue Moon Insurance, but I'm just not ready to take on this patient population right now.' And so what you're telling me is the doctor would not have that right. If he refuses to take any and all people covered by the... by the parent company, then that doctor would not be on the list to treat those covered by the insured?"

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Granberg: "That's exactly right, Mr. Black. But even more so, you could have a situation where they would tell, Blue Moon would tell that doctor, they'd say, 'Doctor Black, you have to take all these 10 plans.' You have a client base of 100 in Vermilion County. All of a sudden now your client base is a thousand."

Black: "Okay."

Granberg: "That affects the quality of care your patients are to receive."

Black: "Okay. I.... Thank you. I appreciate the... your eliminating that fact. I appreciate your answers. Thank you."

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

Ryder: "Thank you, Mr. Speaker. I stand in support of the issue. Earlier, an Amendment was adopted which clarified some language. There was some concern in committee that the language was such that it would have what's traditionally known in this area as 'any willing provider language'. That's not the intent. The Sponsor was very clear about that in committee and I believe that the language of the Amendment that he suggested clarified that, at least to my satisfaction and I think many of others. What this does is deal with the quality of care issue by suggesting that physicians would not be forced to make a choice of all or nothing; that they may have an opportunity to provide those services on those... to those numbers of people that are possible without being obligated to take all of the folks of that program, all of the additional programs, provided by the health insurance or health maintenance provider. It makes eminent good sense that you allow the common sense of a physician to dictate how they wish to provide care and

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not force them into a high volume, low touch kind of organization, if that's not their wish. Why would we want to force physicians to do that if they don't wish to, when we can easily suggest that they would be able to pick and choose and offer their services where appropriate. The Sponsor makes a good argument. I believe this piece of legislation does make sense and I would suggest that an affirmative vote would be a reasonable vote at this time."

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

Parke: "Thank you, Mr. Speaker. I rise in opposition to this Bill. You know, when a doctors' group and this applies mostly to doctor groups, decides that they want to go into business with a managed care system, they make certain agreements with that managed care system to get a book of business. And to make it competitive, the managed care program will simply say, is, 'If you're going to go in on this, here are four or five plans. Some of them will be very lucrative to be in and some of them will be reimbursed at a lower rate, such as Medicaid or medicare that the physicians group will not make as much money on. But if you tie them all together, you're going to make a good profit. You're going to make an amount of money that would be fair to you and the quality of service that you provide to these patients will be worthwhile.' So the reason I oppose this, is it allows doctors to cream the best rates from the health care market and avoid treating Medicare and Medicaid patients, if they choose to do that. There's an attempt to counter natural market forces to favor the consumer and create an artificial situation to maximize physician incomes, for that forces health care plans into a take it or leave it situation, making them guilty of an

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unfair trade practice if they cannot meet the doctor's terms during contract negotiations. Ladies and Gentlemen, I think we should... we should leave it the way it is. If there are internal problems, the health care physician groups ought to just simply not do business with those managed care systems. I think we should leave it the way it is and I would oppose this and ask the Body to vote 'no'."

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

Hamos: "I think this is the first time that I have ever felt tempted to stand up and speak to an issue. But this is.... considering the fact that we pass so many Bills here, 118 to nothing, this is one of those important issues that's really confronting us this year. I also am rising in opposition to this. I have done a lot of thinking about this Bill and have talked to a lot of people about it, because I think we are going to only be the second state in the nation that will do something fairly radical here. If I, as a patient, if I as a person, go to work and I'm lucky enough to get health insurance at my job and my employer offers me three kinds of plans, an HMO, a PPO or a Point of Service Plan, my doctor is so personal to me that I need the opportunity to transfer among those plans if my circumstances change, if my family situation changes. This Bill would really make that impossible. Doctors would pick and choose. They would be in all different plans. Some of them would be close to you. Some of them would be far from you. This would take a hodgepodge health care system and make it even more of a hodgepodge system. We are only the second state that's really considering doing this. Couldn't we give this a year to really think about it and

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work on it and think through all the implications? I really hope that we will take a more cautious approach and understand that there are serious implications for patients, Medicaid patients, Medicare patients and people who are receiving health care through their work. Thank you."

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

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Let me briefly address two of the concerns that were raised in debate. First of all, this will not affect Medicare or Medicaid. You're talking about the quality of care physicians will realize for their patients. If anything, these large insurance concerns are the ones who are 'cherry picking' the people who have no choice. They are the ones who are dictating policy to individual doctors and to their patients. Representative Hamos brought up the point about the quality of care. She's correct, this is the core issue about the quality of care. Why should a large insurance concern tell a patient he or she may not see the physician of their choice. This is a very personal decision. It's very personal. Insurance companies and HMO's have been very restrictive in their choices for health care. The physician, your personal physician is the person best suited to advise you and to make recommendations as to your health care choices. That's what it should be about, the client and your physician. That is the privilege, that is the relationship. Large insurance concerns should not be mandating what a physician has to do and mandate that they have to take ten different providers. It's not in the best interests of the patient. That's what this is about. I would ask you for an 'aye'

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vote."

Speaker Hartke: "The question is, 'Shall House Bill 1265 pass?' All those in favor will signify by voting 'yes'; those that oppose 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 House Bill 1265, there are 80 Members voting 'yes', 31 Members voting 'no', 1 Member voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 21 on the Calendar, on Second Reading, appears House Bill 1513, Representative Shirley Jones. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1513. The Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. On page 28 of the Calendar, appears House Bill 2036, Representative Lopez. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2036. The Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. On page 29 of the Calendar, on Second Reading, appears House Bill 2046, Representative Silva. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2046. The Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. On page 20.... Excuse me. On page 36, appears House Bill 2314, Representative Younge. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2314. The Bill has been read a second time, previously. No Committee Amendments. Floor

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Amendment #1, offered by Representative Younge, has been approved for consideration."

Speaker Hartke: "Representative Younge."

Younge: "Mr. Speaker, has Floor Amendment #2 been approved?"

Speaker Hartke: "No."

Younge: "Please take it out of the record."

Speaker Hartke: "Take this Bill out of the record. On page 27 of the Calendar, appears House Bill 1938, Representative Howard. Connie Howard."

Clerk Bolin: "House Bill 1938. The Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Howard, has been approved for consideration."

Speaker Hartke: "Representative Howard."

Howard: "Thank you, Mr. Speaker. Floor Amendment #2 makes what I consider to be a technical change and, in fact, makes certain that the intent of the legislation is served. Initially, a mistake had been made regarding the kind of discrimination that persons who were going to be... who were being discriminated against because of their source of income were experiencing. Initially, the legislation indicated that it was employment that... their employment that would be affected. The intent of the legislation is that it is the housing that these individuals seek that is being affected. So that was changed in the... with the Amendment."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall the House adopt Amendment #...Floor Amendment #2 to House Bill 1938?' All those in favor will signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair the 'ayes' have it and Floor Amendment #2 has been adopted. Any further

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Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading."

Clerk Bolin: "No...."

Speaker Hartke: "Excuse me, Mr. Clerk."

Clerk Bolin: "Notes have been requested on the Bill. They have not yet been filed."

Speaker Hartke: "The Bill will remain on Second Reading. On page 7 appears House Bill 495, Representative Stroger. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 495. The Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Stroger, has been approved for consideration."

Speaker Hartke: "Representative Stroger."

Stroger: "Thank you, Mr. Speaker. Amendment #1 makes a technical change, changing the date from January 1st.... Oh, saying that after January 1st, 2000, that the Act will be enforced."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall House Bill 495...shall the Amendment... Floor Amendment #1 to House Bill 495 be adopted?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair 'ayes' have it and Floor Amendment #1 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 39 of the Calendar, appears House Bill 2719, Representative Dart. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2719. The Bill has been read a second time, previously. No Committee Amendments. No Floor

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

Speaker Hartke: "Third Reading. On page 7 of the Calendar, appears House Bill 495, Representative Stroger. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 495, a Bill for an Act concerning transfers to the Local Government Distributions (sic-Distributive) Fund. Third Reading of this House Bill."

Speaker Hartke: "Representative Stroger."

Stroger: "Thank you, Mr. Speaker. House Bill 495 amends the State Revenue Sharing Act and the Illinois Income Tax Act and requires the Department of Revenue to deposit monies directly into the Local Government Distributive Fund based on.... the money now is transferred into the State Treasurer's Office and they hold it for a month, and we would like the money to go directly to the Local Government Distributive Fund. And I'll answer any questions."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Logan, Representative Turner. John Turner."

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

Speaker Hartke: "He indicates he will."

Turner, J.: "Representative, I couldn't hear you. But did you say that beginning... this Bill that... would provide that beginning in January of 2000, the Department of Revenue would deposit 10% of all income taxes collected into a certain fund? Was that what you indicated?"

Stroger: "I indicated that the.... yes, beginning January 1st, 2000, the Department of Revenue would deposit one-tenth of the amount collected under the Illinois Income Tax Act, minus deposits into the Tax Revenue Fund into the Local

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Government Distributive Fund."

Turner, J.: "All right. What is one-tenth of the net revenue realized from the income tax?"

Stroger: "I'm sorry, I couldn't hear that."

Turner, J.: "What is one-tenth of the net revenue realized from the income tax? What do you mean by that? Isn't that just 10%?"

Stroger: "Ten percent."

Turner, J.: "All right, why? Why would we take 10% of all income taxes collected and put into the Local Government Distributive Fund? Why do we want to do that?"

Stroger: "I believe that's what we do already."

Turner, J.: "All right, then, what does the Bill do, if we're already doing it? What does it do differently than what's going on?"

Stroger: "Right now they hold the money. And we're asking the state to directly send the money instead of holding it for, I think it's a month, but I'll tell you in a minute just how long that is. We want the money to go directly into the fund instead of the Treasurer's Office holding it."

Turner, J.: "Okay, why?"

Stroger: "Well, we feel that since it's going to go to the local governments that they ought to get it as soon as possible instead of us holding back. And the state has a surplus now, so there's no reason for us to try to get that little money out of them..."

Turner, J.: "All right. So this money eventually finds its way to local government then, that's the idea behind the Bill?"

Stroger: "Yes."

Turner, J.: "And you want to get it into this fund so that it will ensure that it's going to get to local government faster?"

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Stroger: "Correct."

Turner, J.: "Okay, how does it do that? How does it ensure that it gets there faster? Has there been some kind of delay in turning over monies that go to the local government from the state?"

Stroger: "Yes. Right now we know that they hold the money and I believe they hold it for 30 days and we're trying to eliminate that."

Turner, J.: "All right. So the Bill is... the entire impetus behind your Bill is to get monies to local government as quickly as possible and speed up the process by which the state transfers it to local government?"

Stroger: "I couldn't have said it better."

Turner, J.: "Okay. I would presume then, that local governments are in support of this Bill."

Stroger: "Yes."

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

Stroger: "No opposition."

Turner, J.: "There's no fee increase, tax increase or anything like that?"

Stroger: "No, no. Nothing like that."

Turner, J.: "It's just this transfer to get money to local government more quickly than is occurring right now?"

Stroger: "Correct."

Turner, J.: "Sounds like a good Bill to me, Representative. Thank you."

Stroger: "Thank you."

Speaker Hartke: "Seeing that no one else is seeking recognition the question is, 'Shall House Bill 495 pass?' All those in favor signify by voting 'aye'; those opposed by voting 'no'. The voting is open. Have all voted who wish? Have

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all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 495 there are 111 Members voting 'yes', 1 Member voting 'no', 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On Third Reading appears House Bill.... Mr. Clerk, what is the status of House Bill 528?"

Clerk Rossi: "House Bill 528 is on the Order of House Bills - Third Reading."

Speaker Hartke: "Move that Bill back to Second Reading for the purposes of an Amendment at the request of the Sponsor. Mr. Clerk, would you read the Agreed Resolutions."

Clerk Rossi: "House Resolution 141, offered by Representative Bill Mitchell; House Resolution 145, offered by Representative Morrow; House Resolution 147, offered by Representative Bill Mitchell; House Resolution 148, offered by Representative Hamos; House Resolution 149, offered by Representative Hannig; House Resolution 150, offered by Representative Acevedo; House Resolution 151, offered by Representative Feigenholtz; House Resolution 152, offered by Representative Hannig; House Resolution 153, offered by Representative Howard."

Speaker Hartke: "You've heard the Agreed Resolutions. Representative Black now moves the adoption of the Agreed Resolutions. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair the 'ayes' have it and the Agreed Resolutions are adopted. On page 42 of the Calendar, appears House Bill 854, Representative Gash. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 854, a Bill for an Act to amend the Criminal Identification Act. Third Reading of this House Bill."

Speaker Hartke: "Representative Gash."

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Gash: "Thank you very much, Mr. Speaker. This Bill is an initiative of the Illinois Coalition Against Sexual Assault. It amends the Criminal Identification Act. It came out of committee 13 to 0. It provides that the victim of a criminal sexual, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse or aggravated criminal sexual abuse, may request of the state's attorney that he or she file a petition with the trial judge to have the court records of a case sealed to all persons except the Department of State Police and the arresting authority. Provides that upon order of the court for good cause shown, the records can be made available for public inspection. I would ask for your 'aye' vote."

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

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

Speaker Hartke: "She indicates she will."

Black: "Yes. Representative, have you done anything in the Bill to satisfy the objection of the Illinois Press Association?"

Gash: "Representative, the Illinois Press Association has concerns that are probably philosophic in nature; that they want to be... they want to be able to have access to all information, philosophically. And we do certainly understand why they want that, as the Illinois Press Association. In this particular circumstance, victims have very real concerns about people in their communities getting extremely personal and painful information about assaults long after crimes have happened and then making public... that information public. Particularly in smaller

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areas and rural areas, this was originally proposed by a sexual assault survivor."

Black: "Time out, Representative. Time out. Mr. Speaker, time out. Let's call a technical foul on the noise. I'm sure that Representative Gash is telling me how she is attempting to answer the concerns of the Illinois Press Association and I'd like to be able to hear her. You know, I don't think anybody on this floor wants to pick a fight with people who buy ink by the barrel. So, if we can find out if we can address the concerns of the Press Association, I would be most grateful, but I couldn't hear a word she was saying."

Speaker Hartke: "I think Mr. Black has asked that we pay attention here. I'm thinking he has a point well taken. This is a very, very important piece of legislation. Let us pay attention, please."

Gash: "I think that we understand that the Press Association's concerns have to do with the fact that they philosophically want to have all information that they can. They did... they did put in a slip in opposition in committee. The Bill came out of committee 13 to 0. They did not testify in committee."

Black: "Okay, so you're telling me that their opposition is purely philosophical in nature, not the fact that you are closing court records so that they, i. e. the press, would then not have access to a court record for the victim of a sex crime. Is that your understanding?"

Gash: "They would still be able to attend the trial and the police records would still be available. This was proposed by a sexual assault survivor, who more than ten years after her rape had information disclosed in her community about the details of the rape, which was seriously traumatizing

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to her. She is hoping to give future victims the option to ensure that this does happen to them. Of course we understand, I believe, the Members of this Body, why this is important legislation and how privacy issues in this particular situation, which is a very painful situation, may outweigh concerns of having that information accessible, every single detail of it, many years later to anyone and to the press."

Black: "Okay, now, you said something earlier that I really don't understand. If the victim that you referenced had her, had the details of the assault upon her released in her home town ten years after the crime, could she not seek civil action in a court of law?"

Gash: "We're trying to prevent that from happening."

Black: "You know, I... and I'm not.... Representative, I am not in opposition to this Bill and I intend to vote for it, but I guess and I'm sure that I'm not the only one on the floor, how in the world could ten years after a horrible crime could somebody's records be dug up and publicized? I honestly, I don't understand how that could happen. I mean, was this done in a newspaper or a television station or, how in the world was that made public? I really don't understand how that happened. I mean, I think that's an outrage, but I just don't understand how it happened."

Gash: "I'm not exactly sure how it happens, but the Illinois Coalition Against Sexual Assault has been working on this legislation for several years trying to perfect it, to address how we can try to figure out a way, constitutionally, to keep private information private, while still having records available that have to be made available."

Black: "One of a... one of my Members asked a question and he's

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an attorney. What if the records are sealed? What procedures do we go through to get them open in case another crime is committed by the defendant in that case? Can we open that for additional trial, et cetera?"

Gash: "Yes. Yes and that is a very good question. And if the record is sealed, which would be voluntary, a judge would have discretion in deciding whether to, in fact, seal that record. If there is a showing of good cause to the judge it can be broken by anyone."

Black: "By court order or just by anyone showing up and suggesting they have good cause?"

Gash: "By the judge. That would be a court order."

Black: "By the court, in other words."

Gash: "Yeah."

Black: "Okay. Just one last question. I appreciate your indulgence. You referenced earlier that these records would be sealed but the press could attend the court. Now if the press is in court, then any of the details brought out and, of course, as you know, the defense attorney can go into prior history which sometimes gets to be a little ridiculous. But if the press is in the court, it would seem like sealing the records would be moot at that point, if the reporter was writing a story everyday about what went on in the court hearing that particular day."

Gash: "Well, if 10 years later they wanted to go back and find out the details of the court records, they would not..."

Black: "Okay."

Gash: "...have that then."

Black: "Okay."

Gash: "But, they could be in the court room."

Black: "Maybe after the Bill passes you could tell me. Because, I mean, that really to me is egregious miscarriage of

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justice of how somebody, ten years after the fact, can have their case put out in the press, whether it was print or media, verbal or video. It just makes absolutely no sense to me at all, and as a father I would be outraged. And I would be very surprised if I couldn't seek civil redress for millions of dollars. And if that's what you're attempting to cut off, then fine."

Gash: "We're trying...."

Black: "I stand in absolute support."

Gash: "And we're trying to prevent...."

Black: "I thank you very much."

Speaker Hartke: "Representative Gash, to close."

Gash: "I ask for your 'aye' vote."

Speaker Hartke: "The question is, 'Shall House Bill 854 pass?'

All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish?

Mr. Clerk, take the record. On House Bill 854 there are 112 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. The Chair recognizes the Gentleman from Cook, Speaker Madigan."

Madigan: "Mr. Speaker and Ladies and Gentlemen of the House, for the purpose of an announcement. We are very pleased to have with us today the former Attorney General of the State of Illinois, Mr. Neil Hartigan. Neil Hartigan."

Speaker Hartke: "Mr. Clerk, what is the status of House Bill 390?"

Clerk Rossi: "House Bill 390 is on the Order of House Bills - Third Reading."

Speaker Hartke: "Mr. Skinner, would you like to move that Bill to Third? Would you like to call that Bill, Mr. Skinner? Mr.

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Clerk, call the Bill."

Clerk Rossi: "House Bill 390, a Bill for an Act amending the Illinois Municipal Code. Third Reading of this House Bill."

Speaker Hartke: "Mr. Skinner."

Skinner: "Mr. Speaker, I thought this was a candidate for the Agreed Bill List, but if you are trying to fill time I'll be happy to help you. This is a Bill which allows... which has two parts. Both parts amend the Municipal Code. We seem to have some.... I want to see...."

Speaker Hartke: "Is there any discussion?"

Skinner: "I want to see.... this Bill has two parts, the first part of which approaches a very rare situation. A situation in which a municipality has a tax for recreational park purposes and this tax extends over folks who are also in a separately incorporated park district. It would allow the municipality in question to abate all or part of the taxes of that part of its constituency that was located in the park district. The second part of the Bill extends the time in which a municipality in Western Kane County, I think its called Big Rock, could incorporate by six months. If there are questions from the whistlers, I'd be happy to answer them."

Speaker Hartke: "Mr. Johnson, for what reason do you rise?"

Johnson, Tim: "I move the previous question."

Speaker Hartke: "You're not recognized for that Motion. The Chair recognizes Representative Harris from Cook County."

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

Skinner: "He would be happy to."

Speaker Hartke: "The Sponsor will yield."

Harris: "I was just checking this out. I see 35...you're only dealing with 50,000 people?"

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Skinner: "Excuse me?"

Harris: "Let me read it... look at it again so I can make sure. You have here 300,000 and not more than 350,000 may be incorporated as a village. So, in other words, you're saying that we're talking about a 50,000...."

Skinner: "May I.... Mr. Speaker. Mr. Speaker, may I yield to Representative Lindner on this part of the Bill, since she is the author?"

Speaker Hartke: "Is Representative Lindner in the chamber? Representative Lindner."

Lindner: "Yes. I'm sorry."

Harris: "Yes. My question is, I can see the difference between what you have is 300 to 350,000 to be incorporated. Could you explain that for me, please?"

Lindner: "No, that's not part of the Amendment. This was a Bill that passed last year. So this is already passed and all this does is extend the time to January of 2001 instead of 2000, for them to decide in their village if they want to put it on the referendum to... if they want to have a referendum to incorporate or not."

Harris: "Yeah, well, I was really concerned with the number of people you were talking about to incorporate. So you say that was passed before I got on?"

Lindner: "Yeah, that passed last year, so that's not part of the Amendment. This just extends the time for them to do that because there was no election that they could get on this year."

Harris: "Okay, thank you very much."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Cook, Representative Scully. See he does not seek recognition. Representative Skinner, to close."

Skinner: "I...."

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Speaker Hartke: "The question is, 'Shall House Bill 390 pass?'

All those in favor signify by voting 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 390, there are 98 Members voting 'yes', 11 Members voting 'no', 1 Member voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. For what reason does the Lady from Cook, Representative Zickus, seek recognition?"

Zickus: "Thank you, Mr. Speaker. I rise on a point of personal privilege, please."

Speaker Hartke: "State your point."

Zickus: "The Family and Community Critical Viewing Project is a partnership of the national PTA and the cable TV industry. It is committed to providing... taking charge of your TV workshops and material to help families make smarter, more informed television viewing choices that make TV a positive and educational experience for families. National Critical Viewing Day will showcase the cable TV industry's commitment to critical viewing and teaching parents, educators and families to make more informed television viewing choices and to increase awareness of media literacy, information skills, and materials. Last week, we adopted House Resolution 133, proclaiming today, March 23rd, 1999, as National Critical Viewing Day within the State of Illinois in conjunction with the cable television industry and the national PTA and we call on all citizens to join in recognizing this very important day. I thank you."

Speaker Hartke: "On page 41 of the Calendar, appears House Bill 421, Representative Winkel. Mr. Clerk, read the Bill."

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Clerk Rossi: "House Bill 421, a Bill for an Act amending the Illinois Marriage and Dissolution of Marriage Act. Third Reading of this House Bill."

Speaker Hartke: "Representative Winkel."

Winkel: "Thank you, Mr. Speaker. House Bill 421 is an effort to clarify the language for child support. It was brought to my attention by the local Bar Association, Champaign County. Apparently, it's been a problem in many cases with a specific dollar amount. What this does, is it attempts to keep the specific dollar amount and yet, in some exceptions, create a percentage basis for child support. In committee this passed out on a condition that we work with the Illinois State Bar Association on language that clarifies the Bill. We did that. It's been amended. State Bar Association agrees with this language. Be glad to take any questions."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Logan, Representative Turner. Representative Turner, do you seek recognition?"

Turner, J.: "No, I was just checking to make sure my light was still working. Thank you, Mr. Speaker."

Speaker Hartke: "It's working. The Chair recognizes the Gentleman from Kendall, Representative Cross."

Cross: "Has anyone seen the cake, Mr...Representative Turner supplied for us today since it's his birthday?"

Speaker Hartke: "The keg?"

Cross: "Have you seen it, Mr. Speaker?"

Speaker Hartke: "The keg?"

Cross: "The cake."

Speaker Hartke: "Oh, the cake."

Cross: "The cake. Cape? Where's the cake? Where's the cake? Where's the cake? Must be on the side of a milk carton."

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Speaker Hartke: "For what reason does the Gentleman from Vermilion, Representative Black, seek recognition?"

Black: "Thank you very much, Mr. Speaker. My light works, will the Sponsor yield?"

Speaker Hartke: "He indicates he will."

Winkel: "Thanks a lot, John, now I've got questions."

Black: "Representative Winkel, why didn't this Bill come through the Child Support Committee?"

Winkel: "Well, I can assure you, Representative, it has nothing to do with my clout."

Speaker Hartke: "Further discussion?"

Black: "Oh yes. Yes. So we're going to go back to the old percentage basis on child support, right?"

Winkel: "No, Sir. Well, actually, Representative, in all seriousness, this Bill is an effort to make sure that we stay away from percentage orders. It's drafted in a way that in those rare instances where there would be some delay or inaccuracy in an order that the judge... this frees the judge to go ahead and enter an order based on percentage. In fact, that's been the law and the practice, actually, for years and years. The Illinois Supreme Court, in a decision a couple years ago, interpreted the statute to deny percentage basis. What this does is really attempts to restore what had been the practice in years prior."

Black: "Well, I had some constituents who were caught up in that percentage basis a few years ago. And of course every raise he got, the percentage obviously took most, if not all, of the salary increases. Is that the way we want to go?"

Winkel: "No, not at all. What I'm looking to do, Representative, is to make sure that the child support that is due is done

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in an accurate way and gets to the children in the least amount of... with the least amount of delay as possible."

Black: "Well, as I'm looking at my Etch-a-Sketch here, Floor Amendment #1. The final order for child support payments shall state the support level in dollar amounts. So you've removed any and all reference of percentages?"

Winkel: "What the.... What the Amendment says, which becomes the language that's effective here, is that the final order to the extent possible in each case, shall state the support level in dollar amounts. And there is a proviso that, 'however, if the court finds that the child support cannot be expressed exclusively as a dollar amount because of all or a portion of the payor's net income is uncertain as to source, time of payment, or amount, the court may order a percentage amount of support either in addition to or in lieu of the dollar amount and enter such orders as to be necessary to collect the applicable child support as determined on this... under this Act on a timely basis.'"

Black: "Okay, so...."

Winkel: "That's the Bill."

Black: "The.... My concern is at what point... if an order is entered by the judge stating the percentage of income, at what point can a person go back to court and say, 'now that you have all of the records I would prefer that this be an exact dollar amount and not a percentage.'"

Winkel: "What this does is, you know, it depends on a case by case basis, Representative Black. I'm not a practitioner in this area but as I understand it, when you do go into court and you make your presentation, that this simply is a way of allowing the court to address the specifics of a case where a specific dollar count may well be the least accurate or least feasible way of going about putting a

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child support final order in."

Black: "Okay. So it's not your intent then that the percentage stay forever in the order."

Winkel: "Correct. It provides flexibility. That's the whole point of the Bill."

Black: "Yeah. That's ex.... That's all I wanted to know. Thank you very much."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Grundy, Representative O'Brien."

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

Speaker Hartke: "The Sponsor will yield."

O'Brien: "Representative Winkel, just in an effort to clear up some confusion. Would this Bill be targeted at, let's say the salesman, perhaps, that has a straight salary and then at the end of the year, because of his level of sales, has a \$25,000 bonus that has not been addressed in his child support or her child support payment?"

Winkel: "That's right. And as I understand the normal course of things, this would have to be decided by the court in any event. But, this is just a way of addressing that very sort of situation."

O'Brien: "So that instead of the custodial parent having to go in once they find out that bonus has been paid, at the time the original order is entered, they could enter a specific weekly amount and then 20% of any bonuses or any winnings that they got from the lottery or anything like that. Is that correct?"

Winkel: "Yes, that's correct."

O'Brien: "To the Bill. This is...."

Speaker Hartke: "To the Bill."

O'Brien: "As someone who does a lot of this work in private practice, I mean, something that we have done and maybe not

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have always had the authority to do, and I think it's a very good piece of legislation. It's aimed to keep people out of court and to keep children receiving the level of support from their non-custodial parents that they deserve and I'd urge an 'aye' vote."

Speaker Hartke: "Seeing no one else is seeking recognition, Representative Winkel, to close."

Winkel: "I'd appreciate an 'aye' vote."

Speaker Hartke: "The question is, 'Shall House Bill 421 pass?' All those in favor will vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 421 there are 108 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 42 of the Calendar, appears House Bill 913, Representative Lyons. Eileen Lyons. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 913, a Bill for an Act amending the Medical Practice Act. Third Reading of this House Bill."

Speaker Hartke: "Representative Lyons."

Lyons, E.: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 913 addresses the Medical Disciplinary Board. That board is the state oversight body that reviews complaints against physicians and recommends actions to the Department of Professional Regulations. The board currently has seven professional members and two public members, but right now the public members have no voting rights on the board. House Bill 913 would provide that those public members who represent the public, would be able to vote. I'm prepared to answer any questions."

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

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Jersey, Representative Ryder."

Ryder: "Thank you. Would the Sponsor yield for questions?"

Speaker Hartke: "She indicates she will."

Ryder: "Thank you, Mr. Speaker. Representative, did you indicate in your conversation with the Members, who is proponents and opponents on this measure?"

Lyons, E.: "The State Medical Society is an opponent of this measure and the Coalition for Consumer Rights would be a proponent of this measure. It would bring Illinois in line with other states. There's only three other states that do not have public members on the Medical Disciplinary Board that vote. As I said, this would bring us in line with all the other states, except for three."

Ryder: "Representative, do the public members now have the opportunity to participate in the discussion?"

Lyons, E.: "They do."

Ryder: "And do they also have the opportunity to state their opinions?"

Lyons, E.: "They do."

Ryder: "All right. But, they don't have the opportunity to vote and you're attempting to give them the opportunity to vote?"

Lyons, E.: "Exactly."

Ryder: "How are the public members appointed to the commission... or to the board?"

Lyons, E.: "They are recommended to the Governor and approved by the Senate."

Ryder: "Are they required to have any degree of skill or medical experience in order to serve?"

Lyons, E.: "I'm not sure of their requirements, but again, they are recommended to the Governor and approved by the Senate. So I would think that these people who are appointed are

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capable to perform as a board member."

Ryder: "Thank you. Mr. Speaker, to the Bill if I may."

Speaker Hartke: "To the Bill."

Ryder: "I stand in opposition to the Lady, with all due respect. Over the past years the discipline action against physicians just last year rose from 215 to 276, while at the same time, the number of complaints dropped by 8%. We believe that the Medical Disciplinary Commission is doing their job. We believe that the decisions that they are required to make require them to have an expertise in medical terms, language, and as a result, we believe that the public members should continue to have their participation, but that when the vote takes place, it should be the vote of those who are the physicians on the board. And for that reason, I would respectfully ask for a 'no' vote on this Bill."

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

Johnson, Tim: "Thank you, Mr. Speaker, Members of the House. I realize, and by the way the T. Johnson that's listed as a Cosponsor of this is not this T. Johnson. No, it's Tom Johnson."

Speaker Hartke: "The Journal will so reflect."

Johnson, Tim: "I would respectfully suggest to the Members of the chamber, well intended as this Bill may be, that its ramifications, not only for the medical profession but for other areas of discipline as well, is substantial. This board deals with very complex medical disciplinary matters that require, in virtually every case, and certainly in cases of disposition, a substantial amount of expertise. No doctor wants to continue people in the profession, no doctor wants to continue undisciplined individuals who do

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not serve their occupation well. The members of this board serve in a functional, responsible capacity. And in doing so, it's in their interest to make sure that those individuals who violate canons of ethics or medical disciplinary standards don't continue to practice medicine. But, to give voting rights and the right to determine someone's ability to continue their occupation to people who have no expertise or at least limited expertise in very complex medical matters, is not something we want to do. I know as an attorney and I can speak, I think, for architects and engineers and carpenters and others that are influenced or affected by various disciplinary boards, that they don't want to have and should not have people determining their fate who are influenced by areas outside the specific areas of expertise that they have. Oftentimes if you extend the voting rights... extend the ability to vote in this area to those beyond those with expertise, what you do is politicize the process and turn over peoples lives and occupations to individuals who in some cases, well intended as they may be, are influenced by other than professional matters. This is not something we want to do. We don't want to turn over the ability to affect, the ability to practice medicine, in the future, the ability to practice medicine to people in a voting capacity who don't have the expertise to do it. This affects all of us. This board affects all of our lives, potentially, and I would suggest to you that the voting members of this board as it currently exists, have done an extremely responsible job of policing their profession. And for us to undo something or to try to change a system or to fix a mechanism when it's not broken, simply doesn't make sense. And, again, with respect to the Sponsors of this Bill, to respect to the

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Illinois Consumer Coalition and those who I think in good faith have promoted the passage of this Bill, this is a very, very, dangerous precedent and not something we want to do. I urge a 'no' vote."

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

Hamos: "Well, I respectfully disagree with the previous speaker. As a matter of fact, the dental board has one public member; the nurses have... and these... the the public member votes; the nurses have... has a public member that votes; the real estate agents have a separate board with three public members who vote; attorneys, ARDC has three public members who vote. Just last year the General Assembly saw fit to put a Constitutional Amendment on the ballot to have judge... a public member on the Judicial Inquiry Board and the public supported that wholeheartedly, because we all believe that it's useful to have public participation and somebody who's watching and being there and having the opportunity to vote. We are one of only three states in the nation that doesn't have this with our Medical Disciplinary Commission and that time is here now. Thank you."

Speaker Hartke: "Representative Lyons, to close."

Lyons, E.: "Yes, I would respectfully request the House to consider the fact that the two public members on the Medical Disciplinary Board.... as was mentioned earlier, we are only one of three states where those public members do not vote. The other professions, as was mentioned earlier; the dentists, the nurses, the attorneys, the Constitutional Amendment that we passed to include public members on the Judicial Review Board. Veterinarians have public members who vote. I would ask the Body to consider the fact that

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why would we have public members on a board, right now the board consists of seven lawyers (Sic-doctors) and two public members. Why would we have public members on that board if they were not to vote? I think it instills public confidence in the system. There has been an erosion of public confidence in the Medical Disciplinary Board. I think this would instill public confidence in that board and I respectfully request an 'aye' vote."

Speaker Hartke: "For what reason does the Gentleman from Champaign seek recognition? He has already spoken in debate."

Johnson, Tim: "Should this receive the requisite number of votes..."

Speaker Hartke: "The Gentleman is seeking verification should this receive the requisite number of votes. Representative Lyons."

Lyons, E.: "Yes, I'd like to make a correction. I said there were seven lawyers on the board and that it is on the ARDC. On this board there are seven doctors and two public members. And as I said, they should be voting members to instill confidence in that board."

Speaker Hartke: "The question is, 'Shall House Bill 913 pass?' There has been a verification requested, so please vote your own switches. If you're in favor of the Bill you vote 'yes'; if you're opposed to this Bill you 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 House Bill 913 there are 23 Members voting 'yes', 70 Members voting 'no', 8 Members voting 'present'. And this Bill having failed to receive a Constitutional Majority is hereby declared lost. On page 44 of the Calendar, appears House Bill 1680,

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Representative Winkel. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1680, a Bill for an Act in relation to voter registration. Third Reading of this House Bill."

Speaker Hartke: "Representative Winkel. Representative Winkel."

Winkel: "Thank you, Mr. Speaker. House Bill 1680 is an effort to codify the existing consent decree ordered by the federal court on motor voter. It's been reviewed by the State Board of Elections and they've shown that it's inconsistent in two manners. The federal consent decree does not.... Well, the Bill permits and the consent decree does not address verification prior to notice of disposition of voter registration application. And the Bill permits affidavit for fail-safe voting, while consent decree does not allow election authorities to require a statement under oath prior to fail-safe voting. Besides those two differences, House Bill 1680 is a codification of the existing federal court order on motor voter. Be glad to take any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall House Bill 1680 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 1680 there are 108 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 44 of the Calendar, appears House Bill 1909, Representative Wojcik. You want to take it out of the record? 1909, Representative Wojcik. Mr. Clerk, call the Bill."

Clerk Bolin: "House Bill 1909, a Bill for an Act in relation to wine. Third Reading of this House Bill."

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Speaker Hartke: "Representative Wojcik."

Wojcik: "Yes, Mr. Speaker and Members of the House. House Bill 1909 creates a funding mechanism for the Grape and Wine Resource Fund of Illinois. What it will allow, is that \$500,000 will be transferred from the General Revenue Fund to the DCCA budget for a grant. This will be done for ten years and will sunset at the end of ten years. That's what the Amendment states and I ask for the Bill to be passed. Thank you."

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

Bost: "Thank you, Mr. Speaker. I rise in support of this Bill and I want to compliment the Sponsor on the hard work that they've done to... that she's done to work and get this Bill worked out. And it's very important for economic development here in Illinois and the wine industry in Illinois. And I appreciate the 'aye' vote."

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

Lang: "Will the Sponsor yield?"

Speaker Hartke: "Do you stand in opposition of the Bill?"

Lang: "I'm not sure, Mr. Speaker."

Speaker Hartke: "Representative Lang, proceed."

Lang: "This is a place where we're suppose to debate legislation."

Speaker Hartke: "She will...."

Lang: "Perhaps if you'll allow me to ask my question, then I'll know."

Speaker Hartke: "She will yield."

Wojcik: "Is this land-based casinos?"

Lang: "That's a very good question. Would you accept that

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Amendment on this Bill?"

Wojcik: "Not on this one, there may be others."

Lang: "All right. Okay. So, Representative, I was... I was otherwise occupied when you explained the Bill. Could you tell me again what this Bill does?"

Wojcik: "It appropriates \$500,000 from the General Revenue Fund to the DCCA budget to be given as a grant July 1, annually, for the next ten years."

Lang: "Why are we doing this?"

Wojcik: "Because we have a fantastic industry that is growing in Illinois. We now have 13 wineries. It's for tourism, economic development, and just for actual education."

Lang: "Well, tell me about the tourism part of this. How will giving money to... promoting our wine industry help tourism in Illinois?"

Wojcik: "Well, we probably have about seven or eight wineries in Southern Illinois, in the Alto Pass region. And as you know, the ground down there is basically built on a.... Are you going to listen? All right."

Lang: "I'm listening to every word."

Wojcik: "You're not paying attention to me."

Lang: "I really am."

Wojcik: "Okay."

Lang: "If I ask you a question about something you've already answered, you send a aide over to slap me. You...."

Wojcik: "I'll send you an e-mail."

Lang: "I'm listening to everything you're saying."

Wojcik: "I hope so."

Lang: "Go right ahead."

Wojcik: "I hope so. I don't hit, I just give the evil eye, Louie."

Lang: "Okay."

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Wojcik: "Okay. What it does.... All right. As I was saying, and I lost my train of thought, we have about seven wineries in the Southern Illinois area. Representative Woolard has and Representative Reitz has them, Representative Bost. We have a winery up in Roselle. Representative Lawfer has a winery in Galena. There's a winery up in Grayslake. And it's just a fantastic new growing industry. What will it do for tourism? They work together with the State of Missouri. They do pamphlets, fliers. They have bus trips. They have educational tours. They take young children out to see the grape rows. You know, it's just an interesting industry."

Lang: "You mentioned all these wineries in Southern Illinois. Have we no wineries where you and I live in Cook County?"

Wojcik: "Oh, I mentioned some in Northern Illinois. We have in Roselle, Grayslake, Galena. I think that's about the ones that are up on the north area."

Lang: "Are there any in Cook County?"

Wojcik: "One.... Let me see. It's about a mile across the border."

Lang: "But, not in Cook County?"

Wojcik: "Not... no, not in Cook County."

Lang: "So is there a chance that this Bill would discriminate against Cook County potential wineries?"

Wojcik: "Not at all. They would welcome a Cook County potential winery."

Lang: "All right. So this doesn't have anything to do with the Wirtz Bill does it? I just want to make sure."

Wojcik: "Would you think I would have anything to do with the Wirtz Bill?"

Lang: "Well, no. I'm just wondering if you're trying to undo that Bill through this Bill."

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Wojcik: "Absolutely, not. I think the Wirtz Bill is on its way to the heavenly part of the...."

Lang: "So you didn't hire 19 lobbyists to help you with this Bill?"

Wojcik: "Not yet. But, if you keep it up I might have to."

Lang: "Oh, I'm for your Bill, Representative. I'm just...."

Wojcik: "Well, I'm so glad."

Lang: "I'm just trying to clear this up for the Members, that's all."

Wojcik: "Oh, and right, you should."

Lang: "Well, why did you pick \$500,000 as the amount?"

Wojcik: "Well, I believe the institute felt that that was an appropriate cost because they're going to get... they're going to get a viticulturist and an enologist to work with the wine groups."

Lang: "They're going to get what?"

Wojcik: "A viticulturist."

Lang: "Uh huh."

Wojcik: "And they're working with the University of Illinois and with Southern Illinois University."

Lang: "Can you get a degree in those things at SIU or..."

Wojcik: "Absolutely."

Lang: "...or Urbana?"

Wojcik: "Yes, you can."

Lang: "You can get a degree in that? Is that a graduate degree, an undergraduate degree?"

Wojcik: "Undergraduate. And it's the new up and coming degree these days because of the popularity that wine has. It's a very healthy area."

Lang: "I thank you for your answers. Mr. Speaker, I rise in support of the Lady's fine Bill. She did a fine job answering my questions. I just wish there were more

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wineries in Cook County so that Representative Wojcik and I could go sample the wares. Thank you."

Wojcik: "Thank you, Representative."

Speaker Hartke: "The Chair recognizes the Gentleman from Rock Island, Mr. Brunsvold."

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

Speaker Hartke: "Indicates she will."

Brunsvold: "Representative Wojcik, the two cents comes from the tax, excise tax?"

Wojcik: "The two cents is gone, Representative. There is no excise tax. There is no tax in this legislation."

Brunsvold: "There's no tax."

Wojcik: "It's coming from the General Revenue Fund."

Brunsvold: "Okay and GRF is going to supply the \$500,000."

Wojcik: "Correct."

Brunsvold: "Out of the DCCA budget?"

Wojcik: "Out of the DCCA budget. Correct."

Brunsvold: "Okay. And the \$500,000, who makes the decision on how that's spent?"

Wojcik: "It'll be through the Wine... or the Grape Growers Institute. They... they're forming... they have a group."

Brunsvold: "And they will decide on.... I see your Bill says not for political or lobbying efforts. Is that correct?"

Wojcik: "Absolutely not. It absolutely would not be used for that. What I stated before, it would be used for tourism, education and promotion."

Brunsvold: "We don't... we don't.... once we give them the money, we have no control over what they do with it other than...."

Wojcik: "The Representatives from each Caucus, Senate and House, serve on the council, and so they will be the watchdogs, if you will, of how the dollars are expended."

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Brunsvold: "Could I be on this council?"

Wojcik: "If Representative Bost wants to step down, you may be on the council. You'd have to talk to him."

Brunsvold: "Well, maybe Mr. Bost ought to step down. He doesn't have enough seniority to be on this council."

Wojcik: "Well, you know what, I think you're right. I think you and I should both be on this council."

Brunsvold: "Absolutely, Representative. I...."

Wojcik: "Why are we letting these people who don't have the seniority?"

Brunsvold: "Why don't we work on this?"

Wojcik: "I think we should."

Brunsvold: "Expand the council. We need a couple more Members on there to..."

Wojcik: "Let's put an Amendment...."

Brunsvold: "...make sure we can watch, you know, keep an eye on this \$500,000."

Wojcik: "Hey, we'll put an Amendment on in the Senate that puts you and I on."

Brunsvold: "All right. Sounds like a good idea to me. I'm going to support your Bill, Representative."

Wojcik: "I think that's a great idea. Thank you."

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

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

Speaker Hartke: "She will."

Cowlshaw: "Do you know how many individual subsidies for specific entities of the private sector are currently included in the DCCA budget?"

Wojcik: "I'm not on that Appropriations Committee and I'm not privy to DCCA's budget, Representative."

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Cowlshaw: "I'm not on that committee either, Representative, so I'm not familiar with that. But, in very general terms it does seem to be in the past we have appropriated money to DCCA in rather substantial amounts, I think. And then left it up to DCCA to determine what would be the best place to invest those funds in the best interests of promoting economic growth in Illinois and promoting those industries that either have the greatest potential for growth, or in some cases, perhaps that need the help. Or those that maybe there's some possibility for some research that might greatly benefit the economy. But, I think in general we've kind of left a lot of that up to the department or whoever makes decisions in that regard. I don't recall that we already have any specific fund over at DCCA that says this has to be spent for a particular part of the business enterprises and private enterprises in Illinois. I wonder if maybe we shouldn't have a separate fund just for those people who want to start a shoe store. I have a volunteer back here, by the way, in... in the back couple rows here, who would like to be the person over at DCCA to interview the people who want to apply for money from the special fund that is only for those small businesses that exclusively sell ladies' lingerie. I think this sets a somewhat bad precedent, despite the interest in that one kind of business that we find back here. I think perhaps we ought to let somebody over at DCCA decide where to spend this money and not have all of these little decisions made by the Legislature. We've got enough to do without determining line by line and item by item what the DCCA budget for tourism and economic expansion ought to be. I realize that there are some fine wine producers in Illinois now, and I would welcome the fact that we have them.

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However, I really don't think that making a specific industry the recipient of specific kinds of state subsidies through DCCA is something that we want to start doing. I don't think we do it now. But, like you, Representative, I am not on that Appropriations Committee. I can't guarantee it. I just don't remember that there's been any other precedent like this. And so, with the greatest respect for the Sponsor, and I hope a real understanding of the intent, I really believe that in good conscience, I have to oppose this Bill. Thank you."

Wojcik: "Representative, just to enlighten you just a little bit. There is a Member to Member contribution now that goes into this wine industry. It's done by Member."

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

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

Speaker Hartke: "She indicates she will."

Scott: "Representative Wojcik, it seems, I'm trying to remember back. Did we just... creating the Grape and Wine Council, didn't we just do that like a couple of years ago?"

Wojcik: "Three."

Scott: "I know, we at least amended it a couple of years ago."

Wojcik: "In '97."

Scott: "Okay. What did we talk about at that time with respect to funding issues? Was there... I can't remember. Was there anything that was discussed at that time?"

Wojcik: "At that time it was done through the Members. And they had a Member request. I believe Represe... or Senator Luechtefeld had a Member request. Representative Bost had a Member request. Now what they are trying to do, they're trying to solidify it, so that they can really enhance the wine industry in Illinois. Other states have done this."

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This is not an unusual situation. Missouri is doing it. Michigan is doing it. So they just want to become in sync so they can coordinate and work for this industry, which is agriculture. It's a fantastic industry."

Scott: "Sure. And any of the reservations that I have aren't with respect to the industry itself and also what it does for tourism, because I understand that from your earlier comments to Representative Lang. It's more procedurally along the lines that Representative Cowlshaw was talking about, where she was talking about, in essence, singling out an industry versus another industry. Two years ago, at the same time the wine and spirits legislation was going through, we were also reworking the tourism funding so that they got some additional dollars and got a better... got more of a percentage and ended up with putting some more money in. And the idea behind that, part of that theory was, that more of that money would then end up going toward the different regional agencies that operate for tourism throughout the state, so that they might have better control over promoting their particular industries that are... that are native to their areas. I guess part of my question is, isn't that also something that can be done if that's important for Southern Illinois or for the one in Roselle or for Grayslake or for Galena. Wouldn't that be an important thing for those area agencies, those area tourism agencies to be able to promote through their own budgets?"

Wojcik: "Actually, it... it's a different area. It's... it's ac... known as agriculture and the wine industry. So tourism is tourism in their own special budgets. This is a... an association which consists of the entire State of Illinois. I just wanted you to know that Senator

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Luechtefeld's Bill just passed, 52 to... 52 to 4 in the Senate."

Scott: "Same Bill?"

Wojcik: "As we... as we speak, it just passed."

Scott: "Same Bill?"

Wojcik: "Same Bill."

Scott: "The last thing I wanted to ask was the... the original Bill had the... had the two cents from the excise tax... "

Wojcik: "It's gone."

Scott: "The orig... I know it and this one now takes a straight amount out of GRF. What was the reasoning behind... behind the switch? I don't know, I know that we said it was gone, but I don't know that you talked about the reason behind the switch."

Wojcik: "There was opposition from the California Wine Industry."

Scott: "Why do we care about that? I mean I don't want to be flip, but I mean why de we care about... "

Wojcik: "Well, because the Bill wasn't going to go anywhere with opposition. We have compromised. We have a good Amendment now. We have an agreeable situation."

Scott: "Well, I'm not... we may have it from the, you know, from the California people, but I'm... If we're trying to promote the Illinois Wine Industry, I didn't want to be flippant about that. But, if the idea behind this is to promote the Illinois Wine Industry, why do we care that the California Wine Industry had an objection to a funding source that is at least tied directly to the product that we're talking about?"

Wojcik: "Representative, it isn't that we cared. The Bill was not going to come out of committee. This industry was not going to have a workable Bill for them. It was not going anywhere with that Excise Tax on it. Whether it's

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California, whether it's anyone else, that... that Bill wasn't going. It was dead on arrival."

Scott: "Was the two cents an additional Excise Tax? Or part of the Excise Tax or was it two cents out of the Excise Tax that's already there?"

Wojcik: "Two cents out of the existing Excise Tax."

Scott: "Okay, so we're not putting an additional tax on our own bu... I mean, practically, I understand what you're saying. But I'm... think... talking about it in terms of what makes more sense for us. And there are a lot of people around here that I've... I've just heard in the last few minutes talking about uses for GRF."

Wojcik: "A lot of people?"

Scott: "Yeah."

Wojcik: "I haven't heard a lot of people."

Scott: "Well, I 'm just saying... "

Wojcik: "Representative, we're talk... first of all, we're talking about an issue that is mute (sic-moot). We do not have that issue on the table. We're talking about the Bill as we presenting it right now."

Scott: "Right."

Wojcik: "With the \$500,000. You want to talk about what \$500,000 is to a... to a 40 some billion dollar budget? And you're looking at this as if we are taking from a cash cow. This is an enhancement for Illinois. This is not a detraction. This is a growing foundation that is getting larger and larger. We're not talking about billions of dollars, we're talking about \$500,000."

Scott: "Well, I'm not going to argue about what the percentage is of \$500,000 for one project or another. I'm focusing more along the lines of what the earlier Representative on your side of the aisle said, which was, that to direct GRF

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funds for a specific industry, as opposed through Member initiatives, which you've indicated this has been funded for out of the past, seems to me to be a little odd when you had a funding source identified before. I realize it's moot. I realize it's out of the Bill, but at least in the original part of the Bill you had a funding source identified that was directly linked to this particular industry. And I realize we're not... I mean that doesn't even call for an answer, because you've already answered that. You've said that the point is moot, but I don't know that it is. And I don't know that if the next 20 Bills all talk about \$500,000 to go to one place or another, we're all... we all have those."

Wojcik: "Representative, the Excise Tax feeds into the General Revenue Fund."

Scott: "Only if the Excise Tax isn't used for the specific purposes that it's designed for, at the end of the year."

Wojcik: "It still feeds into the General Revenue Fund. So, you're still talking about the same thing."

Scott: "If... if all of it's not earmarked at the end of the year, correct?"

Wojcik: "Well, let me tell you something. I think that you have an opinion and I have an opinion."

Scott: "Sure."

Wojcik: "And I think when they call the question... "

Scott: "Well, I didn't actually have one till you started answering my questions, now I've got one... "

Wojcik: "When they call the question, you'll have the opportunity to vote 'aye' or 'nay'. But as the Bill is, is the way it is. We cannot change it. It will not be amended. This is an agreement. It's an Agreed Bill. There's been a lot of hours put into this Bill. The Excise Tax will go nowhere."

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I will not carry a Bill with an Excise Tax question, because I know that... what's going... the fate of that Bill. So this is... this is the Bill, and I would ask the Speaker to call the question. I mean 'yea' or 'nay'."

Scott: "Can I ask one more question?"

Wojcik: "No."

Speaker Hartke: "The Chair recognizes the Gentleman from Cook, Representative Capparelli."

Capparelli: "Thank you. I move the previous question, Sir."

Speaker Hartke: "Removing the previous question is a movable question. All in favor say 'aye'; opposed 'no'. The previous question will be put. Representative Wojcik, to close."

Wojcik: "I think we've all heard the debate. We do have some philosophical differences and I understand that. This is an excellent Bill. It's an excellent industry. It's for agriculture, tourism, and education. I just would ask for a favorable vote. Thank you."

Speaker Hartke: "The question is, 'Shall House Bill 1909 pass?' All those in favor will vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 1909, there are 74 Members voting 'yes', 29 Members voting 'no', 2 Members voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 38 of the Calendar, appears House Bill 2648. Representative Biggins. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2648, a Bill for an Act to amend the Property Tax Code. Third Reading of this House Bill."

Speaker Hartke: "Representative Biggins."

Biggins: "Thank you, Mr. Speaker and Members of the House. House

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Bill 2648 makes some changes regarding the assessment process in Cook County, introduced at the suggestion of the Cook County Assessor. It provides that only in Cook County, when they have... actually this Bill is making it similar to what goes on in the rest of the counties in the state. First of all, it does that. And it's a Bill that would permit a revision in assessments by the county assessor in non-triad towns in the County of Cook. And it equalizes what is done, currently done, in the collar counties, wherein an individual notice does not have to be mailed to each property owner of record. But, a publication would be mandated under an Amendment that was approved by this chamber that would require the publication of a change, proposed change, in assessed value. So I'd be glad to answer any questions."

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

Skinner: "Yes, Mr. Speaker, I wonder if the Gentleman can answer the question that I asked him to have an answer for by the time he got to Third Reading."

Speaker Hartke: "Representative Biggins will yield for a question."

Biggins: "What was..."

Skinner: "The question was, will the Cook County Assessor agree, not only to file, to publish a legal publication, but also to send a press release to the same newspaper, so that people might actually have a chance of seeing what he's trying to do?"

Biggins: "No, I did not ask that request of yours. I did in the Amendment put in that the publication would have to be created and the assessor would have to serve public notice, but that is currently the case in other counties, as well."

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Skinner: "I understand that. I just know that people don't read the legal publications; they read newspaper articles. And for some reason, the news departments of newspapers don't seem to talk to the people who take the legal publications, even when there's a significant story about tax increases or assessment increases buried in the legals. Well, I hope when you talk to the assessors' representatives, you'll pass on my wish fulfillment."

Biggins: "I will certainly do that, and I'm sure he will take great interest in your interest in his press releases."

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

Biggins: "I would just urge an 'aye' vote on this new change in the assessment process."

Speaker Hartke: "The question is, 'Shall House Bill 2648 pass?' All those in favor signify by voting 'yes'; those opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 2648, there are 82 Members voting 'yes', 22 Members voting 'no', 2 Members voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On Second Reading on page 33 on the Calendar appears House Bill 2379. Representative Silva. Mr. Clerk, call the Bill."

Clerk Rossi: "House Bill 2379 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed. The Fiscal... or the State Mandates Note that was requested on the Bill has been filed."

Speaker Hartke: "Third Reading. On Third Reading on the Calendar, appears House Bill 901, Representative Durkin. Mr. Clerk, read the Bill."

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Clerk Rossi: "House Bill 901, a Bill for an Act amending the Illinois Municipal Code. Third Reading of this House Bill."

Speaker Hartke: "Representative Durkin."

Durkin: "Thank you very much, Mr. Speaker. House Bill 901 will allow municipalities of less than half a million to increase their tax rate from the cap from .4 to .6 through a front door referendum."

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

Skinner: "Mr. Speaker, I rise to support this Bill. It has a front door referendum, just like the last Bill had with a front door referendum. The one, however, that the realtors were swarming all over, telling us to vote against. I would predict this Bill will pass instead."

Speaker Hartke: "The Chair recognizes the Gentleman from McLean, Mr. Brady."

Brady: "Mr. Speaker, should this Bill receive the requisite number of votes, I'd ask for a verification."

Speaker Hartke: "The request for a verification is granted. Further discussion? Seeing no one is seeking recognition, Representative Durkin, to close."

Durkin: "I have nothing left to say."

Speaker Hartke: "The question is, 'Shall House Bill 901 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. There has been a request for a verification. Vote your own switches. The polling is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 901, there were 72 Members voting 'yes', 33 Members voting 'no', 2 Members voting 'present'. And this Bill having received... do you insist upon your verification? Mr.

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Brady."

Brady: "Mr. Brady, having voted in the affirmative, I request...
I move to reconsider."

Speaker Hartke: "This Bill having received a Constitutional
Majority, is hereby declared passed. Representative
Brunsvold in the Chair."

Speaker Brunsvold: "On page 41 of the Calendar, appears House
Bill 305. Mr. Clerk, read the Bill. Representative
Leitch, do you wish to call this Bill?"

Leitch: "No, that Bill should be on Second Reading. If you'd
take it back and put it on Second Reading, please."

Speaker Brunsvold: "Place the Bill on Second Reading. The
Gentleman from Logan, Mr. Turner. Is the cake here yet?
The Chair would like to ask if the cake has been ordered
and being delivered?"

Turner, J.: "Well..."

Speaker Brunsvold: "The coffee... the coffee's been made."

Turner, J.: "You know, Mr. Speaker, the cake was due to arrive at
any time, but given the late hour and having been properly
shamed into it, it will be delivered tomorrow."

Speaker Brunsvold: "Tomorrow, okay, we're..."

Turner, J.: "Yes."

Speaker Brunsvold: "We're banking on cake tomorrow."

Turner, J.: "Take it to the bank. It will be here."

Speaker Brunsvold: "Mr. Black, what reason do you rise?"

Black: "Yes, Mr. Speaker, an inquiry of the Chair."

Speaker Brunsvold: "State your inquiry."

Black: "You know all of this discussion about cake is what caused
Marie Antoinette to lose her head. All right? This is a
sad chapter in the history of the Country of France. Now I
would suggest that rather than worry about cake, we move on
with the serious business of the House that we've been

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doing for the last six hours. All of these Bills, the fate of the free world, if not the State of Illinois, has rested on everything we've done today. And I would suggest that the Chair move expeditiously to get through the remaining 1,364 Bills as quickly as possible. And let's not have any more levity on the floor. I mean, look at the work load up there at the podium. You've got more people. Now I see you've even hired Representative Parke as a staffer, a very good move, I might add. And I know that the Chief of Staff has taken off his coat hours ago and we have a heavy, heavy work load, so let us proceed. If you have... if all of you up there have come to the conclusion that there are at least three more Bills you could call, we'd like to know what they are."

Speaker Brunsvold: "Well, Mr. Black, we'll start with one here and..."

Black: "Outstanding."

Speaker Brunsvold: "... see if we can find the other two."

Black: "Outstanding. All right, thank you."

Speaker Brunsvold: "Thank you, Mr. Black, for your point. On page 17 of the Calendar, appears House Bill 1232. The Lady from Cook, Representative Hamos. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1232 has been read a second time, previously. Amendment #1 was adopted in Committee and no Motions have been filed. Floor Amendment #3 has also been adopted to the Bill. A State Mandates Note has been requested on the Bill, as amended. That Note has not been filed."

Speaker Brunsvold: "Representative, what do you wish to do with the State Mandates Act?"

Hamos: "Thank you, Mr. Speaker. I am rising to request that we

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move to withdraw the State Mandates Act request as being inapplicable in this case."

Speaker Brunsvold: "The Lady has moved to make the State's Mandates Act inapplicable regarding House Bill 1232. On that Motion, is there any discussion? The Gentleman from Vermilion, Mr. Black."

Black: "Yes, thank you very much, Mr. Speaker. I can't remember how many years I've been here and I've never... I've never asked that a note be ruled inapplicable. I've always, always assumed that if the note was requested, it was an honorable request, and I always did my best to answer that request. And it's killed many of my Bills. If you'll look at the Calendar, Representative Davis has loaded up four or five of my Bills with every request known to man, and has effectively killed three of my Bills, all of which were very important to me. But, I digress. Representative, what makes you think the Mandates Note is not applicable to your Bill?"

Hamos: "Representative Black, this Bill has to do with child support pass through for people who are on TANF. The TANF program is funded jointly by the State and Federal Government. The Child Support Program is funded jointly by the State and Federal Government. There is no local involvement in this case. There are no obligations on the part of any municipality or any unit of local government to do anything under this Act. It will essentially not change any of the relationships between TANF, child support, or as it applies to this Bill."

Black: "So, what you're saying then is there is no unit of local government that's impacted or asked to do anything under your Bill."

Hamos: "That is a better way to say it, Representative Black."

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Black: "All right. But, if something goes haywire with the Bill, and we have to close the Department of Public Aid building located in the City of Chicago, would that not have a disastrous impact on that fair city by the lake?"

Hamos: "No, under the current law..."

Black: "Well, good then. Would you... would you move it to Vermilion County? I'd love to have it, if it's okay."

Hamos: "Under the current law, this Bill imposes no new obligation on any unit of local government."

Black: "Not any at all on any local government?"

Hamos: "In fact, if this Bill passes, I would say it will have a positive impact on the local economy and local government, because it will make more families self sufficient. The Fiscal Note has already been filed, and I would like an opportunity, please, tomorrow to actually call the Bill."

Black: "Representative, I'm going to do something that I seldom do. And I may get in trouble for this. I don't know that I have the authority to do this, but you have absolutely convinced me, and as a freshman Legislator who has already passed 97 Bills, I'm going to withdraw my request. If the Clerk would withdraw my request for a Mandates Note, I'll not stand in the way of a young, aggressive Representative going for the all time record on number of Bills passed by a freshman Legislator, which I think is 99, and this will only put you one away. So, let's be magnanimous, reaching out, reaching out in a, in an effort to be bipartisan and perhaps wishing that somebody who voted 'no' on my Bill yesterday had filed a Motion to Reconsider, but they didn't. But, that's all right. I'm going to withdraw my request and let the Lady proceed with her Bill."

Hamos: "I thank you, Representative Black."

Speaker Brunsvold: "The Gentleman has withdrawn his State

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Mandates request. The Lady withdraws her Motion.
Representative Davis, for what reason do you rise?"

Davis, M.: "My name was mentioned in debate in reference to loading up someone's Bills with Fiscal Note requests or Mandate requests. We find that some pieces of legislation actually do need to have a Fiscal Note filed or a State Mandates Note filed or a Judicial Note filed, and then there are others which are simply being filed to stop people from passing Bills. But one thing about the General Assembly, it's a two-way street. Thank you, Sir."

Speaker Brunsvold: "Thank you, Representative. In response to that response is Mr. Black."

Black: "Representative, I'm not sure that there was enough... that's more baloney than Oscar Mayer could produce in a week. The Lady has filed Fiscal Notes on all of my vehicle Bills. And God knows what those are going to cost, which is fine with me, because I have absolutely no intent of moving any of those vehicle Bills. So all those Notes can just stay on there. And heaven forbid that without those Notes, I don't know what I would have done with those Fiscal... without those Fiscal Notes on those vehicle Bills that we said when we filed them were never going to be moved. So, the point is moot."

Speaker Brunsvold: "And, Representative Davis, with a response to the response to the response wishes to..."

Davis, M.: "My Bills..."

Speaker Brunsvold: "But, the Chair's not going to have any more responses."

Davis, M.: "That's okay. Well, my Bills that are loaded up with Fiscal requests or Judicial requests or Correction Note requests, it is not a vehicle Bill. It's a very serious Bill. It's a Bill whose time has come. It's a video

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taping of those who are purported to confess capital offenses. And so, you might have done yours for fun, but this is a very serious piece of legislation. And I would ask that you remove it, move all... remove them, Representative Black, and I will take those off your vehicles and let your vehicle travel where ever you wished it to go."

Speaker Brunsvold: "Mr. Clerk, Third Reading on this Bill. The Gentleman from Whiteside, Mr. Mitchell, for what reason do you rise?"

Mitchell, G.: "Well, thank you, Mr. Speaker. I was going to call for the previous question, but I don't have a clue as to what it was."

Speaker Brunsvold: "Thank you, Mr. Mitchell."

Clerk Rossi: "Attention, Members. The House Rules Committee will meet at 6:30 in the Speaker's Conference Room. The Rules Committee will meet at 6:30 in the Speaker's Conference Room."

Speaker Brunsvold: "Mr. Cross."

Cross: "This may sound a bit unusual and unfair to even ask, but, what are we doing? And is there any chance that we're going to do something productive within the next, oh, I don't know, two, three, four, five hours?"

Speaker Brunsvold: "Well, we were discussing Mr. Turner's cake..."

Cross: "Well, I think we could bake Mr. Turner's cake in the time we have to... as we're sitting here."

Speaker Brunsvold: "A couple things..."

Cross: "What are we going to do?"

Speaker Brunsvold: "A couple things to do, Representative..."

Cross: "Could you give us a clue? I..."

Speaker Brunsvold: "Shortly, shortly."

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Cross: "I feel like..."

Speaker Brunsvold: "The Gentleman behind you would like to present a Bill."

Cross: "Well, I think given how he treated Representative Durkin, Representative Durkin might want to ask a few questions on this Bill."

Speaker Brunsvold: "House Bill 801, Mr. Clerk. What's the status of this Bill?"

Clerk Rossi: "House Bill 801, the Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Brady, has been approved for consideration."

Speaker Brunsvold: "Mr. Brady, on Floor Amendment #1."

Brady: "Thank you, Mr. Speaker. This Amendment allows for a change in the nursing home... in the Nursing Act, which would allow for licensure for Regents' graduates with a certain degree of clinical experience. It's agreed to by the Nurses' Association and the Department, and I ask for your favorable adoption."

Speaker Brunsvold: "The Gentleman has asked for adoption of Floor Amendment #1. Is there any discussion? The Gentleman from Cook, Mr. Durkin."

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

Speaker Brunsvold: "Sponsor yields."

Durkin: "Representative Brady, you said that it requires... You allow licensing people of certain degree of experience. How do you define 'certain degree of experience' under your Amendment?"

Brady: "Representative Durkin, it's 'clinical experience'."

Durkin: "You said it's a 'clinical experience'?"

Brady: "Clinical experience, Representative..."

Durkin: "All right, can you define 'clinical experience' to me?"

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I mean is that, you know, like you have out of body experience or what? What are you trying to get?"

Brady: "Representative, you've dated various nurses. You could probably speak more toward clinical experience."

Speaker Brunsvold: "Careful Gentlemen."

Durkin: "Was that rhetorical or were you actually asking for a response? Well, Mr. Brady, I have the highest degree of respect for your capabilities and I..."

Brady: "As do I for yours."

Durkin: "And as far as, you know, but I have no further questions."

Speaker Brunsvold: "Further discussion? Seeing none, the Gentleman has asked for the adoption of Floor Amendment #1. 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. Speaker Madigan in the Chair."

Speaker Madigan: "Mr. Cross, we have an answer to your question."

Cross: "Good."

Speaker Madigan: "Good."

Cross: "Thank you."

Speaker Madigan: "Mr. Cross, we're prepared to adjourn."

Cross: "That was not me."

Speaker Madigan: "We are prepared to adjourn. The Rules Committee will meet at 6:30 and will approve several Amendments to Bills, which will require that Committees meet in the morning. We have a choice here. We can wait for the Rules Committee to meet and then announce the Committees that will be meeting in the morning, or you could check with your secretaries first thing in the morning to determine if there are Committees meeting where

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you serve on the Committee. Mr. Cross."

Cross: "I think, Mr. Speaker, the first question I'd have back as what time do you anticipate those Committees meeting?"

Speaker Madigan: "Nine or nine thirty in the morning."

Cross: "Maybe there'd be some wisdom in waiting, Mr. Speaker."

Speaker Madigan: "Mr. Cross."

Cross: "I think the concern over here, Mr. Speaker, is whether or not secretaries are in that early and whether people can get the appropriate information, but we're finding out right now. I'm kind of curious, Mr. Speaker. I assume you know the results of the Rules Committee, with given the votes, and I assume we know the Bills going before the Rules Committee. Would it be possible to... would it be possible to tell us the results of the Rules Committee? Then we'd know what Committees are meeting. And then we could leave. I think... unless we can swing some votes in that Rules Committee."

Speaker Madigan: "Mr. Cross, I'm advised it will take us about 20 minutes to develop the names of the Committees that would meet in the morning."

Cross: "All right, then we'll... we'll figure it out in the morning, and I think from our side, we're prepared to leave now if that's agreeable to you."

Speaker Madigan: "Okay, all right. Mr. Black. Mr. Black."

Black: "In a serious vein, Mr. Speaker, before we leave, I just have an inquiry of the Chair. Just..."

Speaker Madigan: "State your inquiry."

Black: "Pursuant to Rule 51(h), the Rules have said for as long as I have been here, there is not supposed to be literature distributed on the floor. I don't care. You know, but I mean my desk looks like a repository for a recycling bin with all of the literature that's been distributed on the

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floor today, none of it with attribution. And I say, if we don't mind, that's fine, but if we want to... If you want to amend the Rule, that's fine. If we want to enforce the Rule, that's fine. I just think it's getting just a little bit out of hand. Whatever the... Whatever your intent was with that Rule, I'm not sure what the intent was, quite frankly."

Speaker Madigan: "Well, Mr. Black, concerning the current state of the Rule, I think your point is well-taken. The Clerk advises me that this is generally a request that's coming from our Members. We can instruct the Pages not to make those distributions. But, everybody should understand that the Rule provides that there cannot be distributions on the floor. So tomorrow or on later days, if you're told by the Pages that they will not circulate your material, please understand that the Pages are operating pursuant to the Rule."

Black: "Yeah, and if you want to amend the Rule or suspend it, that's fine. But I mean, it just seems like today, there was a never-ending supply of literature. And I would welcome it in my office, but with our Etch-a-Sketch things here on the... we don't have the room that we did a few years ago. And I'm just, I'm covered up with it. And I don't even know where it comes from half the time. I appreciate the indulgence of my question."

Speaker Madigan: "So we will instruct the Pages not to distribute literature which is given to them by anybody, including the Members. Representative Andrea Moore."

Moore, A.: "Thank you, Mr. Speaker. A moment to remind the Members of COWL that there is a meeting tomorrow morning at 8:30 that is in Lieutenant Governor Corinne Wood's Office. And Mr. Speaker, if you are debating about what time to

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have Committee Meetings, 9:30 would suit the COWL Members better than nine o'clock, if it's possible. And we'd love to be notified in Lieutenant Governor's Office. Please."

Speaker Madigan: "Representative, I'm advised that we have 18 Committees that will be called upon to meet to consider Member Amendments. And so realistically, we need to start about nine o'clock, but we'd be pleased to notify you in the Office of the Lieutenant Governor."

Moore, A.: "That would be very much appreciated. Are we then postponing Session till after ten?"

Speaker Madigan: "Well, our plan would be to convene at 10:00 a.m."

Moore, A.: "Thank you, Mr. Speaker."

Speaker Madigan: "Thank you. Representative Moore."

Moore, A.: "Yes, Mr. Speaker?"

Speaker Madigan: "Upon further reflection, we can start at 10:30."

Moore, A.: "Oh, thank you very much, Mr. Speaker."

Speaker Madigan: "However, we'll have three layers of Committees meeting, some at 9:00, some at 9:30, some at 10:00, to further accommodate Amendments filed by Members. Okay?"

Moore, A.: "We appreciate all of these accommodations, Mr. Speaker."

Speaker Madigan: "Oh, I know you do, thank you. Mr. Burke. Mr. Burke. Mr. Burke."

Burke: "Thank you, Speaker. In reference to Representative Black's inquiry, years ago there was the opportunity for Members to indicate to the Pages that they didn't want literature or material distributed to them. I would like to recommend that to your consideration, that we be able to indicate on our desk whether or not we want the material distributed. I, for one, would like the material to

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continue to be distributed to me."

Speaker Madigan: "Okay. Let's take it all under advisement overnight. Mr. Novak. Mr. Novak."

Novak: "Yes, yes, Mr. Speaker. Just a thought after listening to some of these concerns about whether we should wait or not or go home. I mean, just out of pure logic, wouldn't it be advisable just all of us to wait 15 or 20 minutes? Let the Rules Committee meet, so we know what committees meet in the morning. I mean I am anticipating a very substantial Amendment to a shell Bill tomorrow, that if I knew tonight, rather than first thing in the morning, I would have more time to advise the appropriate witnesses to be before the committee. So, as far as I'm concerned, I think it would just be more logical for us to wait 15 or 20 minutes and find out what committees are going to meet tomorrow morning. Thank you."

Speaker Madigan: "Mr. Novak, what's the number of your shell Bill?"

Novak: "House Bill 47, Sir."

Speaker Madigan: "It didn't make it."

Novak: "Thank you."

Speaker Madigan: "Mr. Harris. Mr. Harris."

Harris: "Mr. Speaker, we also have some Members that had to leave to go to a funeral... and they won't know until the first thing in the morning anyway. So my suggestion, if you take it under consideration, is that we go home and nurse this headache and you let us know... our secretaries know in the morning. I appreciate it. Thank you very much."

Speaker Madigan: "That's what we plan to do. And if there's nothing further to come before the Body, Representative Monique Davis would like to speak."

Davis, M.: "I would just like to say I appreciate the information

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that's passed out on my desk, because sometimes you can't go out to see 25 lobbyists in an hour. So sometimes, if they send paperwork in, I appreciate it very much. Thank you, Sir."

Speaker Madigan: "There being nothing further to come before the Body, providing for perfunctory time for the Clerk, Representative Currie moves that the House does stand adjourned until 10:30 a. m. tomorrow morning. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The House does stand adjourned until 10:30 a. m. tomorrow morning. And please check with your secretaries in the morning concerning which Committees will be meeting, at what time, and in what room. Mr. Delgado, thank you for your attention today. Have a good evening, everybody."

Clerk Rossi: "...Amendment #6 to House Bill 63, Amendment #3 to House Bill 134, Amendment #4 to House Bill 182, Amendment #2 to House Bill 239, Amendment #2 to House Bill 408, Amendment #2 to House Bill 528, Amendment #1 to House Bill 531, Amendment #2 to House Bill 722, Amendment #1 to House Bill 1116, Amendment #1 to House Bill 1147, Amendment #3 to House Bill 1219, Amendment #1 to House Bill 1697, Amendment #3 to House Bill 1811, Amendment #1 to House Bill 1829, Amendment #2 to House Bill 1846, Amendment #1 to House Bill 2112, Amendment #1 to House Bill 2176, Amendment #2 to House Bill 2262, Amendment #4 to House Bill 2262, Amendment #2 to House Bill 2314, Amendment #1 to House Bill 1244 and Amendment #3 to House Bill 2081. Introduction and First Reading of Senate Bills - Senate Bill 39, offered by Representative John Turner, a Bill for an Act to amend the Illinois Municipal Code. Senate Bill 259, offered by Representative Osmond, a Bill for an Act concerning funeral and cemetery services. Senate Bill 306, offered by

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Representative Tenhouse, a Bill for an Act to amend the Public Utilities Act. Senate Bill 401, offered by Representative Winkel, a Bill for an Act concerning objections to a court's jurisdiction over a person. Senate Bill 567, offered by Representative Steve Davis, a Bill for an Act to amend the General Not For Profit Corporation Act. Senate Bill 847, offered by Representative Art Turner, a Bill for an Act in relation to various offenses committed on properties leased by public housing agencies. House Bill... Senate Bill 876, offered by Representative Schoenberg, a Bill for an Act to the amend the Illinois Procurement Code. Senate Bill #23, offered by Representative Novak, a Bill for an Act to amend the Public Utilities Act. Senate Bill #24, offered by Representative Novak, a Bill for an Act to encourage the development of the self-generation electricity. Senate Bill 25, offered by Representative Black, a Bill for an Act concerning job training. Senate Bill 80, offered by Representative Silva, a Bill for an Act in relation to domestic battery. Senate Bill 177, offered by Representative Lang, a Bill for an Act to amend the Criminal Code of 1961. Senate Bill 373, offered by Representative Franks, a Bill for an Act concerning senior citizens. Senate Bill 391, offered by Representative Brosnahan, a Bill for an Act in relation to probation and supervision. Senate Bill 394, offered by Representative Lindner, a Bill for an Act to amend the Income Withholding for Support Act. Senate Bill 475, offered by Representative Persico, a Bill for an Act to amend the School Code. Senate Bill 481, offered by Representative Beaubien, a Bill for an Act to amend the Consumer Fraud and Deceptive Business Practices Act. Senate Bill 486, offered by Representative Andrea Moore, a

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Bill for an Act to amend the Criminal Code. Senate Bill 547, offered by Representative Hartke, a Bill for an Act concerning vital records. Senate Bill 564, offered by Representative Granberg, a Bill for an Act concerning business organizations. Senate Bill 1028, offered by Speaker Madigan, a Bill for an Act in relation to transportation and transportation financing. Senate Bill 1044, offered by Representative Acevedo, a Bill for an Act to amend the Criminal Code of 1961. Senate Bill 1055, offered by Representative Currie, a Bill for an Act to create the Checks (Sic-Check) Acceptance Firm Act. Senate Bill 1066, offered by Representative Holbrook, a Bill for an Act concerning military memorials. Senate Bill 1070, offered by Representative Smith, a Bill for an Act to amend the Grain Code. Senate Bill 1076, offered by Representative O'Brien, a Bill for an Act to amend the Nuclear Facilities Safety Act. Senate Bill 1103, offered by Representative Osmond, a Bill for an Act to amend the Illinois Pension Code. Senate Bill 1115, offered by Representative Brady, a Bill for an Act to amend the Illinois Insurance Code. Senate Bill 1128, offered by Representative Coulson, a Bill for an Act to amend the Good Samaritan Food Donor Act. Senate Bill 1153, offered by Representative Brosnahan, a Bill for an Act to amend the Illinois Vehicle Code. Senate Bill 1198, offered by Representative Brosnahan, a Bill for an Act to amend the Property Tax Code. There being no further business, the House Perfunctory Session stands adjourned."