

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

34th Legislative Day

March 25, 1999

Speaker Madigan: "The House shall come to order. We shall be led in prayer today by Representative Ron Stephens. The guests in the gallery may wish to rise for the invocation."

Stephens: "Let's pray. In God we come before You today in this place that is filled with people who have worked hard to become servants. I pray that this day You would give them wisdom. Let the deliberations in which they are involved would go swiftly and would bring about justice. And also pray that You would be with those young women and men from this state and the others that are presently engaged in battle. Please guard them and protect them. And we pray that they might be able to restore peace to a war torn place and that there might be a freedom from oppression and from injustice in the place where they are fighting. We ask You this day to be in this place and that one. Amen."

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

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

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

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

Speaker Madigan: "Representative Currie."

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

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

Pugh: "Thank you, Mr. Speaker. I rise on a point of personal

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privilege. I am honored and proud to introduce to some and present to others a gentleman who has reached a present ripe age of sixty-some, my seatmate, my friend, Willis Harris and he's inviting everybody to come down and join him with... for a piece of birthday cake."

Speaker Madigan: "Representative Hannig. Gary Hannig."

Hannig: "Thank you, Mr. Speaker and Members of the House. If I could have your attention for just a few moments today, you see many of the FFA people who are here today for Agricultural Day. But I also have a special guest with me today, someone, a young lady from my district, who was elected to be the Illinois State Fair Queen. She's competed for that title with all the county fair winners. She's become the champion of that group. And she'll now preside over the DuQuoin State Fair and the Illinois State Fair here in Springfield. So we want to welcome Norann Ruppert from Nokomis, Illinois, today. And she'll be here if you'd like to get a picture with the nice lady from Montgomery County. Thank you."

Speaker Madigan: "Mr. Jerry Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker, Ladies and Gentlemen. I rise on a point of personal privilege, Sir."

Speaker Madigan: "Proceed, Mr. Mitchell."

Mitchell, J.: "Ladies and Gentlemen of the House it gives me also great pleasure and... and it's an honor for me to introduce to you the Running Rockets from Rock Falls, who were the Class A boys state basketball champions for this school year. And with me, behind me is Doctor B.J. Wolf, the Superintendent of Schools, and the coach of the team, Mr. Thom Sigel whose going to introduce the team. Thom."

Sigel, Thom: "Thank you to Representative Mitchell for having us down this morning. And thank you for honoring the team."

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Behind me we have Assistant Coach Dave Peugh, and our Manager Clint Smith. And in the gallery up above are the members of our team this year, Shaun Hardy, Jorge Acosta, Bryan Boerjan, Herb Martin, Jedidiah Johnson, Matt Sartwell, Brian Vance, Scott Hayen, Dustin Weaver, Andrew Keaschall, Kelley Wescott, Scott Vandermoon, Jarrod Clardie, and Matt Hardy. Once again we thank you for having us in this morning."

Speaker Madigan: "Representative Burke."

Burke: "Thank you, Mr. Speaker and Members of the Body. It's my privilege to introduce to you today the Illinois Chiropractic Society. And we indeed have two chiropractic physicians that will be with us for the full Session today and they will be offering treatments in the nurse's station. So I would invite any Member who either has had a previous experience with chiropractic or has some stress-related problem, as we all might have in this Body, to take advantage of their offer and go in for a experience in chiropractic. Again, in the nurse's station. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative Flowers, Chairperson from the Committee on Health Care Availability and Access, to which the following measure was referred, action taken on March 25, 1999, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #1 to House Bill 2713. Representative Lauren Beth Gash, Chairperson from the Committee on Judiciary II-Criminal Law, to which the following measures were referred, action taken on March 25, 1999, reported the same back with the following recommendation/s: 'be adopted' as amended House Resolution 60. Be adopted Floor Amendment #1

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to House Bill 2831. Representative Jay Hoffman, Chairperson from the Committee on Transportation of Motor Vehicles, to which the following measures were referred, action taken on March 25, 1999, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #1 to House Bill 2355. Representative Mike Smith, Chairperson from the Committee on Agriculture and Conservation, to which the following measure was referred, action taken on March 25, 1999, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #1 to House Bill 703. Representative Todd Stroger, Chairperson from the Committee on Labor and Commerce, to which the following measures were referred, action taken on March 25, 1999, reported the same back with the following recommendation/s: 'be adopted' Floor Amendments 2 and 3 to House Bill 233 and Floor Amendment #1 to House Bill 2654. Representative Steve Davis, Chairperson from the Committee on Constitutional Officers, to which the following measures were referred, action taken on March 25, 1999, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #4 to House Bill 2081, Floor Amendment #1 to House Bill 2275. Representative Tom Dart, Chairperson from the Committee on Judiciary I-Civil Law, to which the following measures were referred, action taken on March 25, 1999, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #2 to House Bill 1925, Floor Amendment #1 to House Bill 1935, and Floor Amendment #1 to House Bill 2703. Representative Dan Burke, Chairperson from the Committee on Executive, to which the following measures were referred, action taken on March 25, 1999, reported the same back with the following recommendation/s: 'be adopted'

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Floor Amendment #3 to House Bill 583 and Floor Amendment #3 to House Bill 620. Representative Calvin Giles, Chairperson from the Committee on Local Government, to which the following measures were referred, action taken on March 25, 1999, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #1 to House Bill 1105, Floor Amendment #2 to House Bill 2305, Floor Amendment #1 to House Bill 2626. Representative Larry Woolard, Chairperson from the Committee on Elementary and Secondary Education, to which the following measures were referred, action taken on March 25, 1999, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #1 to House Bill 506 and Floor Amendment #2 to House Bill 878. Representative Doug Scott, Chairperson from the Committee on Urban Revitalization, to which the following measures were referred, action taken on March 25, 1999, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #1 and 2 to House Bill 305. Representative Connie Howard, Chairperson from the Committee on Children and Youth, to which the following measures were referred, action taken on March 25, 1999, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #1 to House Bill 1248. Representative Lauren Beth Gash, Chairperson from the Committee on Elections and Campaign Reform, to which the following measures were referred, action taken on March 25, 1999, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #1 to House Bill 2336. Representative Feigenholtz, Chairperson from the Committee on Human Services, to which the following measures was referred, action taken on March 25, 1999, reported the same back with the following recommendation/s:

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'be adopted' Floor Amendment #1 to House Bill 1792. Representative Judy Erwin, Chairperson from the Committee on Higher Education, to which the following measures was referred, action taken on March 25, 1999, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #2 to House Bill 1112."

Speaker Madigan: "The Chair recognizes Mr. Rutherford. Mr. Rutherford."

Rutherford: "Mr. Speaker, could I have the attention of the Body for just a moment, please? Thank you."

Speaker Madigan: "Would the Members please give their attention to Mr. Rutherford?"

Rutherford: "Thank you, Mr. Speaker. We have a very important young man who's visiting us here today. As all of us know, agriculture is a significant part of the Illinois economy. It employs hundreds of thousands of people in our state. It helps feed the world. And today in your offices you will receive lunches, packages from Illinois producers that bring to you Illinois product. And those that are delivering it are the young men and women from the Future Farmers of America, the FFA. And they are the ladies and gentlemen in the blue coats that you see some in the chambers. You'll see them around. I am very honored to have the President of the State Future Farmers of America from my district, Mr. Parker Bane, who has just graduated from school, high school and will be taking a year off to serve as the president for the Future Farmers of America, at which time he'll then go to the University of Illinois. Would the House of Representatives welcome, the State President of the Future Farmers of America, Mr. Parker Bane."

Speaker Madigan: "Representative Davis, Monique Davis, did you

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wish to call your House Bill 722? Mr. Clerk, what is the status of House Bill 722?"

Clerk Rossi: "House Bill 722, a Bill for an Act to amend the Code of Criminal Procedure of 1963. Third Reading of this House Bill."

Speaker Madigan: "Representative Davis."

Davis, M.: "Thank you, Mr. Speaker. House Bill 722 amends the Criminal Code and it requests that confessions for capital crimes are videotaped when they occur in a police station. This is an issue that we've talked about. We know that there have been some purported confessions that did not actually occur. The Ryan Harris case in Chicago, where we had a seven and eight-year-old, two seven and eight-year-old children, who were purported to have, to have, to have confessed to the crime, when actually they had not done so. After DNA testing was done, they found that an adult had actually sexually assaulted the eleven-year-old girl. We feel that this legislation, Mr. Speaker, will help to eliminate the false reporting of confessions. And we stand ready to answer questions."

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

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

Speaker Madigan: "Sponsor yields."

Cross: "Representative, my understanding is this Bill has been amended at least a time or two. Can you tell us now what the Bill actually does?"

Davis, M.: "What the Bill actually does is... ask that confessions to... capital cases, confessions to capital cases that occur in a police station are videotaped. And that videotape will be used as any other piece of evidence."

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Cross: "I'm sorry, capital admissions, what?"

Davis, M.: "I said and that videotaped confession will be used as any other piece of evidence."

Cross: "All right. What happens in the event a capital confession is not videotaped?"

Davis, M.: "It will be treated just as any other confession that was not videotaped."

Cross: "Which is what?"

Davis, M.: "The law is silent on it. If it isn't, if it doesn't happen, the law is silent."

Cross: "Then, why... why are we doing it?"

Davis, M.: "There are no adverse ramifications for the failure to videotape them. Why are we doing this?"

Cross: "I... Well, why, not why are we doing this, why are you... why do you have your Bill written this way, that it absolutely... If what you say is accurate, it accomplishes nothing, written this way. Mr. Speaker, by the way, in the event this is on Short Debate, if we could remove it. I'm sure there, I know, I see some hands."

Davis, M.: "Representative, we don't want to handicap the police, but we want to urge them to videotape confessions to show that they were honestly... achieved. We have cases in Chicago in which a Commander Burge, tortured over 40 African-American males and claimed to have obtained confessions from them. This... this... this commander was released from the Chicago Police Department in February of 1993. Some of the cases that are now being released, where people are being released, are some of those cases that it was purported that these people had confessed. Representative Cross, as I mentioned a moment ago, the Ryan Harris case in the City of Chicago, where an eleven-year-old girl was raped and murdered, the police



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claimed that two children seven and eight years old had confessed to that crime and they claimed to have obtained that confession in the police station. Now, if this Bill were law, they perhaps could have had those confessions or that confession on videotape. There are some police stations that are already using videotaping."

Cross: "It... Representative, my concern is... your language reads, 'a police officer must, must videotape the confession of any person who confesses to a capital offense.' Is that... Is that the meat of the language, now?"

Davis, M.: "That's correct."

Cross: "Do you have a definition of what a police station is, anywhere in your Bill?"

Davis, M.: "Well, I don't have a definition in my Bill of what a police station is, but I am sure that every city ordinance perhaps, might indicate what a police station is."

Cross: "Would a county jail be part, would that be a police station?"

Davis, M.: "No, a police station is a police station. A county jail is a county jail. A jail is where people are imprisoned."

Cross: "So, let's... I am gonna be charged, and of course, let's not forget the fact that the state's attorney's usually the person that decides whether or not someone's charged with a capital offense after the police officer talks to the defendant."

Davis, M.: "But we're not discussing whether a person is charged with a capital offense, we're discussing confessions. A prosecutor may not even be there. We're talking about somebody confessing to a crime."

Cross: "That's exactly right. All right. While you're making a

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presumption then that everybody knows that it's a capital offense before... before the state's attorney's even involved. You're making that presumption under your Bill. You understand that? Okay, which I am a little puzzled by. Now, what if at the crime scene the person confesses, 'I... I killed so and so.' Do I then have to say, 'All right, Mr. Defendant, it looks like a capital case. Let's go to the police station. I've got to set up my camera and I want you to repeat what you told me at the crime scene.'

Davis, M.: "That would not... actually, what occurs there would not be affected by this Bill. This Bill has the intent to prevent torture and coercion in a police station to obtain a false confession. That's the intent of this Bill."

Cross: "Representative, I think... I think that's... that intent is good. I don't think that should take place. I am in complete agreement with you. And I... I think that's probably happened before and that's wrong. I want to make sure that we... you understand that I agree with that. But your Bill does not say that. And that's the problem, with all due respect, you don't... "

Davis, M.: "Well... Just the question you asked if there's a murder that is committed and at the scene of that crime someone confesses, right? My Bill says if the confession takes place in the police station it should be videotaped."

Cross: "That's not what your Bill says. It says, 'a peace officer, must, must videotape the confession of any person who confesses to a capital offense.'"

Davis, M.: "Amendment #2 says, 'in a police station.'"

Cross: "Well, that but that... it says 'must' and it says it has to take place in a police station. Are you trying to say that if a confession takes place in a police station, it must be videotaped?"

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Davis, M.: "No, no, no, no, no Sir. No, it says, this Bill says, 'a confession that occurs in a police station must be videotaped.' A confession that occurs in a police station must be videotaped. It doesn't say that if a person confesses at the scene of the crime he must be videotaped. It does not say that."

Cross: "So what are the ramifications if the police department fails to videotape?"

Davis, M.: "When you go to jury or when you go to trial you don't have a videotaped confession. And whatever a judge does today without that, the very same thing would occur. But if you do have a videotaped confession, the judge would treat that as he would any other evidence."

Cross: "So the confession then would be admissible? Is that correct?"

Davis, M.: "If the judge chose to admit it."

Cross: "Is it your intent that the confession be admissible or do you not want it admissible?"

Davis, M.: "Yes. It is my intent. But as you and I both know, Representative, a judge determines what's admissible. That is a judge's decision that this piece of evidence is admissible for this particular case."

Cross: "Representative, I... I'm very concerned about your language 'must' and that 'it must take place at a police station.'"

Davis, M.: "No, no. It doesn't say the confession must take place. It says, 'If a confession takes place in a police station, then it should be videotaped.' The confession can take place any place. But those that occur in a police station, should be videotaped. And the reason, Representative, is to stop the torturing, to stop placing electroprods on someone's testicles. It is to stop falsely

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claiming that someone confessed to a crime in a police station when they did not."

Cross: "Representative, what if... and my understanding I wasn't an assistant state's attorney Cook County, but that state's attorneys are part of a review team sometime. What if the confession takes place to an assistant state's attorney? Is that person a 'police officer' under your definition or under your Bill?"

Davis, M.: "I'm sorry, I didn't understand you."

Cross: "What if the confession is to someone other than a peace officer? What if it's to an assistant state's attorney?"

Davis, M.: "This does not have anything to do with the state's attorney receiving a confession. This is only addressing, only addressing confessions that occur in a police station."

Cross: "Representative, I... I'm gonna let... hopefully, Representative Durkin will be called on. I apologize I don't seem to be making my point, but I appreciate your time."

Davis, M.: "I... I understand your point, but I don't think you're accepting the answer, that confessions that don't occur in a police station are not affected by this. Confessions that occur to a state's attorney are not affected by this."

Speaker Madigan: "Mr. Brosnahan."

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

Speaker Madigan: "Sponsor yields."

Brosnahan: "Representative Davis. I am actually not opposed to the concept of the police videotaping confessions. I'm not at all opposed and I think a lot of times it will help the prosecution and it might help the police. And sometimes, obviously, it's going to help the defendant. I... I

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realize that. But I... I do have concerns about this Bill. And I... I just want to ask you a few questions. One of... one of the things that Representative Cross asked you about, was the fact that whether a crime is a capital offense or not, that's not up to the police officers. The State's Attorneys Office may make that decision sometimes maybe a year after an individual is charged with a crime. So, one of my questions would be, if the police officer is not aware that it's a capital case and they do not choose to videotape a confession, but a year later the State's Attorneys Office they have aggravating evidence that they found out maybe that this individual was convicted of a murder in another state, many years before. And the state's attorney's decided to seek the death penalty. What happens with that statement, made in the police station, that was not videotaped?"

Davis, M.: "This legislation does not address, this legislation does not affect that kind of a scenario. It doesn't address it. Whatever occurs today with that scenario would occur after this legislation is passed."

Brosnahan: "Okay. And just so I'm clear, it's your understanding then that if a statement is not videotaped at the police station, and the state's attorneys decide to seek the death penalty a year from now, that statement is still gonna be admissible."

Davis, M.: "Absolutely. Absolutely."

Brosnahan: "Okay."

Davis, M.: "The purpose of this, Representative, is to prevent torture in the police station and then with the claim that this person confessed."

Brosnahan: "Now, this is gonna sound like a simple question but, but it really isn't. When does the videotaping have to

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begin? And I say that because, those of us that have been involved in the criminal justice system whether you're a prosecutor or a police officer or a public defender, usually, it's very rare that a defendant is gonna be interviewed at the police station and that he will give a full, complete admission, right off the bat. More times than not, what happens is there's a denial. And the police or the prosecutors that are doing the interview will then leave the room let's say, collect other evidence, then come back for another interview and tell the individual charged, 'Well, you know, this is what we have as far as physical evidence.' You confront the individual with certain facts that you're made aware of. So then maybe that second interview the defendant may say, 'Well I was there but I didn't do it. But I was there, I did see it happen' and maybe you leave again. You may be... you come back another hour and you say, 'Well we just did a physical lineup. You were identified by three eyewitnesses.' And then many times something like that will then prompt a full confession. So you're talking about maybe three interviews, maybe four interviews. And under this legislation, when does the videotaping have to begin?"

Davis, M.: "It would be totally left up to the law enforcement officials. For example, if that confession begins and it ends, that law enforcement official may say we would like to place this on videotape. If the... if the defendant puts it on tape, fine. If the defendant does not, you still have a verbal confession that occurred."

Brosnahan: "And maybe I'm just reading it wrong, but from... from my reading of the Bill, it seems like they 'must'. That it's not a... "

Davis, M.: "It says, 'if it occurs in a police station, it... it

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must be on a videotape, if it occurs in the police station.'"

Brosnahan: "Okay."

Davis, M.: "Now if you have a confession, and it's in the police station, and you videotape it, it'll be treated the same as any other evidence that you present before a judge or jury. When the taping begins is totally left up to the police officials. Whether they run the tape again or whether they say, 'We're going to videotape you now', is totally left up to the Evergreen Park Police or wherever you are from."

Brosnahan: "Now, what happens if, all right the individual makes an oral admission. They ask them to do a videotape. He says, 'Sure I'll do a videotape', and then on the videotape he denies it? Now, in that situation, you're saying that the oral admission still comes into evidence? Correct?"

Davis, M.: "Yes, it does."

Brosnahan: "What do you think should happen with the videotape then? Is that something that you think should be admissible? In a... "

Davis, M.: "I... I... I have no decision to make in reference to whether that should be admissible or not admissible. What this piece of legislation says is, if a confession of a capital offense occurs in a police station, it should be videotaped. In other words, if those seven and eight-year-old children supposedly confessed to that crime, it should have been on a videotape so then no one could deny that it did not occur. This legislation should also help the police department. Because you should be able to say, 'This individual confessed to this crime. He confessed to this crime. Here's the videotape to show his confession.' It's up to the judge or the jury whether they'll accept that confession or not. Now if it occurs

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someplace else, or if he's denying that he did it, no one is saying that you have to videotape that."

Brosnahan: "Okay. I understand. Are you aware that the Cook County State's Attorneys Office, has actually... I believe they've already started videotaping some confessions?"

Davis, M.: "That's absolutely correct."

Brosnahan: "Okay."

Davis, M.: "They have certainly done that. And not only in this state but in other states."

Brosnahan: "And the Chicago Police Department has been... has looked into this, they've actually traveled to other jurisdictions which do videotape confessions. And they're looking into that, as well. You're aware of that?"

Davis, M.: "No. Okay."

Brosnahan: "The State of New York, they videotape some confessions, but it's my understanding that in the State of New York it's done on a voluntary basis. It wasn't done by legislative action, or by a court decree. The police department started doing it themselves in conjunction with their district attorney's office. And... "

Davis, M.: "Well, you know, sometime... sometime the law merely codifies what's existing."

Brosnahan: "And I guess that... that's my concern. As I said when I started out, I'm not opposed to the concept of videotaping confessions, but to me, I mean, the devil's in the details. And to me this is something I don't think the Legislature, unless we look at it further, because there's too many... obviously, there's a lot of questions that... that people have on both sides. And to me just to say you must videotape a confession at a police department, there's too many questions in there. And to me... "

Davis, M.: "Well, I'm sorry that you feel that way. I'm sorry



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that you feel that way, because this eliminates a lot of the questions. If there had been videotaping confessions, Commander Burge would not have been able to torture 40 men and say he received confessions from them. Maybe a few, but not 40. This is intended to eliminate, to eliminate a coerced or false confession that occurs in a police station. This is intended to eliminate the accusation of someone confessing when they actually did not. And Representative Brosnahan from Evergreen Park, I'm glad you know that some police stations are already doing this, that sometimes, perhaps the Chicago Police are already doing this, because it helps to enforce their case perhaps when a person gets to trial and wants to change his or her mind. You have a piece of evidence that can be used that you did confess one hour after this crime."

Brosnahan: "Representative Davis, who... who is in favor of this Bill? Who are the proponents of the Bill?"

Davis, M.: "The people of the City of Chicago, and perhaps a lot of people from the State of Illinois."

Brosnahan: "It's my understanding that the... "

Davis, M.: "Now if you want to know who the opponents are, I might be easier able to identify them if that'll help you make your decision."

Brosnahan: "I think I've already made up my decision, but just for the record who are the opponents?"

Davis, M.: "The people who don't want to confess, I'm sorry who don't want to videotape confessions. Now why anybody... "

Brosnahan: "Would that be the Fraternal Order of Police?"

Davis, M.: "Wait a minute, hold it, hold it, hold it. Why anybody would not want to videotape a noncoerced confession, is troublesome. What is it that you want to do to make this occur? I'm not a police officer, I'm an

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educator. But I think if I were a police officer, and I was interrogating a person convicted of a crime, and they decided to confess, with this being a capital case, I'd be happy to have that on videotape. And the reason I'd be happy to have it on videotape, is because it would strengthen my chance to give a conviction, one that won't be overturned five to ten years later, but one that will stand."

Brosnahan: "Thank you, Representative. I have no further questions."

Davis, M.: "Thank you."

Speaker Madigan: "Mr. Durkin."

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

Speaker Madigan: "The Sponsor yields."

Durkin: "Representative, let me pose this situation to you. A suspect is brought into a police station, he is Mirandized by a peace officer, however and he does confess to the crime. But he states that he will not consent to have the confession videotaped. What... "

Davis, M.: "Then... "

Durkin: "... will be the effect... "

Davis, M.: "Then you don't have... "

Durkin: "... of that statement in a court of law at a trial?"

Davis, M.: "Absolutely none. Absolutely none. Then you don't have a videotaped confession. You just won't have it. Just as many times you don't have it today. It has absolutely no affect on that case. None."

Durkin: "Where does it state in your Bill, that if a suspect refuses to consent to a videotape that it will be rendered admissible?"

Davis, M.: "Well, it the law, I mean if there is no place in the law that says if you don't confess it's inadmissible. It

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doesn't exist, does it?"

Durkin: "I'm afraid not. Your Bill says it must videotape the confession of anybody, any person who confesses to a capital offense in a police station. It says 'must' videotape. It doesn't state that if the suspect declines to be videotaped, but he does make a oral confession or a maybe a audiotaped confession. You're stating that this Bill is going to render those inadmissible, correct?"

Davis, M.: "This Bill, Representative Dirksen (sic-Durkin), does not address admissibility."

Durkin: "So, you're telling me, if a defendant refuses to consent to have a videotaped confession, but he does make a confession to the police, and to a state's attorney, that that is... you're saying that is admissible in court?"

Davis, M.: "It certainly would be admissible. And furthermore, furthermore, he could not say that it was coerced. If you have that you say he confessed but he cannot say it was coerced."

Durkin: "Well, you know being the experienced trial counsel that you are, I happen to disagree with you on that. To the Bill, Mr. Speaker. I think all of us agree that perhaps there is a day in which we have to start getting towards videotaping these confessions. However, this Bill does not address that situation. And I'm going to be quite frank with it. The fact is capital offenses are not decided by the police at the time in which this person is arrested and the first time a person makes a confession, if he does at all. It is a situation which is perhaps discussed over a one or two year period by the State's Attorneys Office because we've expanded the... the... the eligibility for death penalty every year whether it's approximately 18 different qualifying factors for an individual to be

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sentenced and to be... for a case... a murder case to be treated as a capital case. While like I said before, that I think that we need to look into investigate the area of videotaping confessions, this Bill does not do it. I would strongly urge a 'present' or a 'no' vote."

Speaker Madigan: "Mr. Acevedo."

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

Speaker Madigan: "The Sponsor yields."

Acevedo: "Representative, of the last four persons who spoke, they talk about capital offenses and I believe they keep trying to explain something to you, that the police officers at the time of interrogation do not know whether it's a capital offense or not."

Davis, M.: "Is murder a capital offense, police officer?"

Acevedo: "No, it's not. No, not necessarily."

Davis, M.: "Murder is not a capital offense?"

Acevedo: "No."

Davis, M.: "First degree murder, is that a capital offense?"

Acevedo: "Not necessarily. Do you know that murder is not a capital offense, Representative?"

Davis, M.: "Well, certainly, it depends on the circumstances."

Acevedo: "That's exactly what I'm tryin' to tell you."

Davis, M.: "And it certainly depends on perhaps, what a judge would determine, whether it was first degree murder or second degree murder. Certainly."

Acevedo: "Okay. Representative, who's going to videotape the confessions?"

Davis, M.: "Whoever, I mean whoever the station decides."

Acevedo: "Okay. Representative, who's gonna guarantee the validity of the videotapes?"

Davis, M.: "Who's gonna do what?"

Acevedo: "Who's gonna guarantee the validity of the videotapes?"

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Davis, M.: "Who's gonna guarantee the validity of the videotape?"

Acevedo: "Yeah."

Davis, M.: "In other words, you mean police could actually fabricate? Are you say... are you suggesting, Representative, that the police could actually fabricate a confession on a videotape?"

Acevedo: "Well, Representative... "

Davis, M.: "Are you suggesting that?"

Acevedo: "Well, Representative, according to this, according to this Bill, you're saying the same thing. You are saying the exact thing. That's why you want the confessions, because you're saying a police officer during interrogations are fabricating the stories."

Davis, M.: "I don't think... "

Acevedo: "That's what this Bill is all about."

Davis, M.: "I don't think they could... I don't think they could fabricate a videotape. I don't think they could. For example, if I'm videotaping you right now, standing here with your hands on your hips, looking very forceful and very authoritative, I mean if I videotaped you like that?"

Acevedo: "Well, that's a... that's a policemen stance."

Davis, M.: "Could we deny that this occurred. Could we deny that this Chicago police officer, Representative Acevedo?"

Acevedo: "Acevedo, Ma'am... "

Davis, M.: "Acevedo... "

Acevedo: "Acevedo... "

Davis, M.: "Acevedo. I apologize. Well, anyway, could we actually... could we deny that you're standing here with one hand on your hip and scowling at me? I don't think the video camera would deny this scene. And it would be the very same thing if a confession occurred on a video."

Acevedo: "Okay. Representative, are you aware that some video..."

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I mean... video... Indian tribes do not allow themselves to be photographed? What happens if that person, a person who is arrested for a capital offense, like you say is arrested, and they're gonna videotape his confession. Are you aware that some Indian tribes do not allow themselves to be photographed?"

Davis, M.: "Some Indian tribes?"

Acevedo: "Yes."

Davis, M.: "Don't allow themselves to be, you know what, I tried to think of everything in the world, not being a prosecuting attorney, but I still, I'm just a Legislator, a lowly Legislator. But I tried to think of everything in the world that could happen and the one thing that I didn't consider, was the fact that some Indian tribes don't allow themselves to be videotaped. Now, what should I do about that? Perhaps, Representative, you should put in some legislation that tells this State Legislature what to do if a Indian tribe decides they don't want themselves to be videotaped."

Acevedo: "Are you trying to say, be discriminative by saying, that a certain... a certain Indian tribe should be secluded from... from this Bill?"

Davis, M.: "Representative, is that a Federal Law or is that a State Law, or is that an Indian tribe... "

Acevedo: "That's an Indian tribe law. That's according to a religious beliefs."

Davis, M.: "So what takes precedent Mr. Avecedo?"

Acevedo: "Acevedo."

Davis, M.: "Acevedo. What takes... what takes precedent, the Indian tribe or the State Law? You tell me, being a Chicago police officer, tell me what takes precedence."

Acevedo: "Representative, all I'm telling you that everybody is

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considered equal and these Indian tribes should be included. How are you gonna videotape someone if he does not want to be photographed? And plus... "

Davis, M.: "Suppose he... "

Acevedo: "... let me ask you one more question, what happens... "

Davis, M.: "Suppose he committed a murder? Suppose he committed a first degree murder and he belongs to an Indian tribe, are you telling me that he deserves special treatment?"

Acevedo: "So would you... "

Davis, M.: "Are you saying to me that because he belongs to a particular Indian tribe, that in the State of Illinois if he commits a murder he does not get the same treatment as the other murderers in the State of Illinois? Because he belongs to an Indian tribe?"

Acevedo: "So are you trying to say... "

Davis, M.: "I don't think so... "

Acevedo: "... to go against his religious beliefs?"

Davis, M.: "... Mr. Chicago police officer."

Acevedo: "Representative."

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

Acevedo: "Representative."

Davis, M.: "... that has any... "

Acevedo: "Are you trying to say to go as a... "

Speaker Madigan: "Representative Davis, and Acevedo please, one at a time. And if we could bring this dialogue to a close, please. So, Mr. Acevedo."

Acevedo: "Mr. Speaker, to the Bill. I rise in strong opposition to the Bill. As a member of the CPD, Chicago Police Department, as one who represents the minority community, and I stand here and take offense to any Member of this House saying that it is torture in a confession, in a police department for someone to tape their confessions.

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It was during debate it was suggested that torture takes place in the Chicago Police Department. It's unfair to every police officer in the State of Illinois for anybody to come to this Body and say this is true facts. There are very good policemen out there who risk their lives 24 hours a day. I urge a strong 'no support' for this Bill."

Speaker Madigan: "Mr. Winkel."

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

Speaker Madigan: "Sponsor yields."

Winkel: "Representative, does this... does this... legislation that you're proposing, does it have statewide application or is it limited to Cook County or the City of Chicago?"

Davis, M.: "Representative, it is statewide."

Winkel: "Statewide, so I mean... so every, it'll affect or impact every village police department in the State of Illinois, regardless of location?"

Davis, M.: "That's correct."

Winkel: "Okay, so if I've got a small village police station, let's say the Village of Mahomet, Illinois or Fisher, Gibson City, they are going... this will impact them as well, is that right?"

Davis, M.: "If there is a capital offense and someone is confessing in a police station, yes Sir, it would affect them."

Winkel: "So they would... they would have to have this kind of video equipment to even in these small downstate village police departments, is that right?"

Davis, M.: "Representative, I think videotapes cost about... some cost less than \$500. I think you can get a videotape machine for about, perhaps even 300 or less. And I am sure they will... if they don't have one already, I'm sure they will get one. I'm sure they wouldn't mind."



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Winkel: "Representative, you know, I'm not sure about your dollar amounts, but I'm sure that the... the impact on small village police departments downstate, you know the numbers can be pretty low and have quite an impact. It's not like the City of Chicago with virtually unlimited resources for this sort of thing. Where you have the Village of Fisher, you know this could... this could actually be an important line item for them. So I think that we need to take that into account. Is there... is there any sort of... is there any sort of appropriations that you have with this Bill, Representative? Representative, whoa."

Davis, M: "Oh. I'm sorry, I think that... "

Winkel: "Did you hear my question?"

Davis, M: "I certainly did."

Winkel: "Okay, thank you."

Davis, M.: "... but... but... but there is no appropriation coming forth... "

Winkel: "So you've not sent... you don't have a Bill that... "

Davis, M.: "No, I don't have an appropriate... "

Winkel: "... that would provide any sort of appropriations."

Davis, M.: "No, I do not have an appropriation for this."

Winkel: "And yet... and yet with this Bill you're mandating that... that my small village police departments have to have this sort of equipment and you don't think it's a big deal, but I think that they might. But you don't... you don't see fit to put it in... "

Davis: "I'm not saying... "

Winkel: "You know... Let me finish. You know... you know, you're not going to put it in appropriations for them. So you're... the state once again, in its wisdom, what you're proposing is mandating this for small village police stations throughout the state, without the wherewithal,

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without the appropriation from the state. I mean isn't this, in fact, an unfunded state mandate on small village police stations?"

Davis, M.: "I think it's something that the citizens of your small village would appreciate if in your village you were obtaining false confessions from people. Now, a previous speaker stated that I was attempting to besmirch the name of a police department, which is not true at all. But anytime you have 40 false confessions, then certainly we know that something wrong did occur. If your police department, they have uniforms, someone has to pay for that. This is no extraordinary expense. It is not like these machines costing a thousand or more dollars. You can get them at a very reasonable cost."

Winkel: "Representative, you haven't established that. I mean, I... I don't know that that's the case. I mean, you're... you're saying it's a small dollar amount. And it may be small to the City of Chicago, but I'm telling you, you know some of these small tickets items, small to you isn't, they aren't so small to us downstate village police stations. I mean these are... these are line items that have to be appropriated for. But I take it from your answer, though, that you agree that yes, indeed, this is a... another state mandate that's unfunded. Isn't that correct?"

Davis, M.: "Representative, what's the cost to your small village if you wrongly convict someone and put them on death row for a number of years? What's the cost to the State of Illinois to wrongly hold a person for 15 or more years, based upon a tortured confession or a false confession? Which could be more expensive, the video camera or the scenario that I just suggested?"

Winkel: "Representative, next time I have a Bill on the floor I'm

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glad to answer your questions, but I'll tell you, I'm really not going to engage in a rhetorical debate on this. You know my question is very simple. My question is, 'do you have an appropriations Bill?' Your answer is, 'no'. My question is, 'are you mandating that small village police stations get equipment?' And you're saying, 'yes'. And you're saying there's no funding from the state for this state mandate. And all I'm trying to establish Representative, is this is yet another unfunded state mandate on small villages, once again. And... and I think we've established that. There's no need to reengage in any sort of rhetorical device or debate at this point."

Davis, M.: "Representative... "

Winkel: "But if you have... if I... to the Bill, Repre...  
Speaker. To the Bill."

Speaker Madigan: "Mr. Winkel."

Winkel: "I'm... I'm just urging my... my downstate colleagues, colleagues with small village fire sta... police stations in their district, be very careful with this Bill. This Bill is an unfunded state mandate on those small village police stations."

Davis, M.: "Protecting Constitutional rights is a little more important than a small village's proposed not having the money. Protecting the Constitutional rights of individuals... "

Winkel: "Mr. Speaker, Mr. Speaker. This is out of order. I'm finished. I'm speaking to the Bill. I'm finished. There's no need for her to comment. I didn't ask a question."

Speaker Madigan: "I'm sorry, I was distracted, Mr. Winkel. There are three people seeking recognition, Representative Bellock, Representative Howard, Representative Sharp. The

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Chair would suggest that we do two more and then go to a roll call. So between Howard and Sharp, Sharp was the first one seeking recognition. Is that acceptable?"

Davis, M.: "No Sir. Ha ha. Well, I just want to say that we have had about five people speak against it. Okay, it's all right.. "

Speaker Madigan: "Representative Davis, please. Representative Sharp."

Sharp: "To the... to the Bill."

Speaker Madigan: "Thank you."

Sharp: "I stand in support of this Bill. I am from a small village. Most small villages own video cameras. It won't be a large expense. If you are doing what you are supposed to do, in a police force, you don't have to worry about the video camera. You don't have to be afraid of being videoed. This is a preventive measure and something that we should look at in the State of Illinois, to prevent things from happening before they happen. And I think that you should think very closely about this. If you are a policemen and you are doing your job correctly, there's nothing to worry about. But we do have policemen and we all know that there are cases that policemen have not done their job right. So we ask that you look into the future and to our children's lives that are being accused of things that they are not... that they have not said and have not done. And have this Bill pass and go to the Senate. Thank you very much."

Speaker Madigan: "Representative Bellock."

Bellock: "Thank you, Mr. Speaker. Just to the Bill. I rise in support of this Bill. I would like to see it go over to the Senate and be worked on some more, so that it would get approval of the Senate. But I have been encouraged by a

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constituent of mine whose daughter was brutally murdered. The murderers were convicted but were let off on a technicality that she believes and that many others believe, that if there had been a videotaped confession, they would now be in prison for the death of her beautiful young daughter. I have spoken with the sheriff in our county. This is already being done. He is in support of it. And I would encourage you to support this Bill. Send it to the Senate and have it worked on further over there. Thank you."

Speaker Madigan: "Representative Howard."

Howard: "Will the Sponsor yield for one question?"

Speaker Madigan: "Sponsor yields."

Howard: "Representative Davis, correct me if I am wrong, but won't this legislation result in protection for both the person being interviewed or questioned and the persons or person who are asking the questions?"

Davis, M.: "Absolutely correct, Representative."

Howard: "Well, I think that's... that's enough said then. I certainly... "

Davis, M.: "In other words, a person could not claimed that he was beaten and that's how that confession took place, if that videotape is there to show no beating actually took place. And some people do that, years later claim that it was coerced. You're absolutely correct, Representative."

Howard: "I, therefore, am in full support of this, and I certainly hope that all of my colleagues on both sides of the aisle understand the protections for both... for both. Thank you."

Speaker Madigan: "Representative, excuse me. Representative Davis to close."

Davis, M.: "Thank you, Mr. Speaker. I think the debate has been

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long and drawn out enough. I believe that our Constitutional rights of every citizen, including the police officer, would be protected with videotaped confessions. And those confessions that do not take place in the police station or where there are other circumstances are certainly not affected by this legislation. But I believe we will protect the rights of victims. We will protect the rights of our noble police officers who protect us. And we will make sure that convictions that are just, stand and don't get overturned. We urge an 'aye' vote."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 43 'ayes', 66 'noes'. This Bill having failed to receive a Constitutional Majority is hereby declared lost. Mr. Clerk, what is the status of House Bill 134?"

Clerk Rossi: "House Bill 134, a Bill for an Act concerning veterans organizations. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #3, offered by Representative Cowlshaw, has been approved for consideration."

Speaker Madigan: "Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker. Mr. Speaker, I have a question of the Clerk, if I may please? I believe there is also an Amendment #4."

Speaker Madigan: "Mr. Clerk."

Clerk Rossi: "Yes, there is also an Amendment #4."

Cowlshaw: "All right. Mr. Clerk, could you please tell me what

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is the current status of Amendment #4, is that on the floor here for consideration?"

Clerk Rossi: "Amendments 3 and 4 have been recommended by committee for consideration of the full House."

Cowlshaw: "Thank you. Thank you very much. And thank you, Mr. Speaker. Amendment #3, to House Bill 134, will provide for those things that needed to be done to gain the support for this Bill of both the Statewide School Management Alliance and the Cook County Assessor's Office. With the adoption of this Amendment, the objections that had early been raised by those two groups or those two entities would be removed. The Amendment is not at all controversial and I ask for its adoption."

Speaker Madigan: "Representative Meyer. The Lady moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The Amendment is adopted. Are there further Amendments?"

Clerk Rossi: "Floor Amendment #4 offered by Representative Cowlshaw."

Speaker Madigan: "Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, Amendment #4 adds to the Bill. It is in addition to the provisions of Amendment #3. Amendment #4 was just worked out yesterday by representatives of the Cook County Assessor's Office. It appears that there was a lack of any provision in the Bill for what would happen with a veterans post that might be... be gone sometime in the distant future. The Bill originally simply didn't acknowledge what would be the responsibility of the assessor in that kind of situation. This takes care of that and is in accord with the language submitted to us by the Cook County Assessor's Office. I

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move for its adoption."

Speaker Madigan: "On that question, the Chair recognizes Representative Andrea Moore."

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

Speaker Madigan: "The Sponsor yields."

Moore, A.: "Thank you. Representative, you know I supported this Bill when it came through committee, and then I... I subsequently was home and kind of checking on my veterans organizations, and I... I could not recall if the VFW is owned by the veterans organization but is leased out to some profitable entity, will... will that have... is that an issue covered in the Bill?"

Cowlshaw: "Representative Moore, all of the provisions of this Bill have taken three years to evolve. One of the things the Bill does is to provide that in order for a piece of property owned by a nationally chartered veterans organization to qualify for the provisions of this Bill, that property must be owned and operated by that veterans organization. This Bill however, does not prohibit that group from holding profit-raising events. Let me explain why there is no prohibition against that. In many veterans posts, particularly American Legion and VFW posts throughout Illinois, there are each year annual fund-raising events, and sometimes there are several, in the course of a year, to raise money for the veterans home in Quincy. A large amount of the money that is used to operate that veterans home in Quincy, comes from fund-raising events held by veterans posts throughout Illinois. We certainly did not want to prohibit them from doing that."

Moore, A.: "That I would fully agree with that. And you wouldn't. But what I was referring to is if the property



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was owned by the VFW, but was leased out as an example where I live, to a restaurant, which is what they did because they had fewer and fewer people that were participating in the organization itself. And so they leased it out to a restaurant in order to be able to pay their taxes, to address the exact problem that you're talking about. I just didn't... I wasn't sure whether that kind of scenario would be addressed in this Bill or in some other way."

Cowlshaw: "Yes, thank you, Representative. That whole issue was addressed in Floor Amendment #3, which we have already adopted. Floor Amendment #3 requires that each year, annually, forever, as long as that property is owned by a veterans organization that that organization has to apply for this particular provision. And that it has to state the location or description of the property, there has to be a written instrument showing that the organization is the record owner and has a legal and equitable interest in the property and that it is operated by that entity. So for example, if some veterans organization in absolutely desperate financial need, decided it wanted to lease its property to some other entity, it would no longer qualify for this provision because when it submitted its annual request, it would not meet the requirements."

Moore, A.: "Thank you very much for clarifying that point. I think you... to the Bill, Mr. Speaker. Ladies and Gentlemen of the House, this is a piece of legislation that Representative Cowlshaw has worked on for a period of years and it addresses an issue in our country which we are going to see more and more often. Those that have participated in either the American Legion or the Veteran of Foreign Wars are dwindling and will need continued

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assistance from us. I fully support your Bill and would ask for an 'aye' vote."

Cowlshaw: "Thank you."

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

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. Representative, this Bill has not been read a third time, so we will not be able to call it until tomorrow. So... but the Bill shall be put on Third Reading right now."

Cowlshaw: "Thank you very much, Mr. Speaker. I have every confidence that this Bill will be called tomorrow. Thank you."

Speaker Madigan: "Very good, thank you. House Bill 620, Mr Capparelli. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 620 has been read a second time, previously. No Committee Amendments. Floor Amendment #3, offered by Representative Capparelli, has been approved for consideration."

Speaker Madigan: "Mr... "

Capparelli: "Thank you, Mr. Speaker. House Amendments #3 first deletes everything in the previous Bill and then adds that a person employed or either an armed guard or a security guard at a nuclear energy storage weapons development would be exempt from any licensure from the state."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Is there any discussion? There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'. I'm sorry. The Gentleman is moving for the adoption of the Amendment. Those in favor

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say 'aye'; those opposed say 'no'. The 'ayes' have it.

The Amendment is adopted. Are there further Amendments?"

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "House Bill 620, a Bill for an Act amending the Private Detective, Private Alarm, Private Security and Locksmith Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. Capparelli."

Capparelli: "Thank you, Mr. Speaker. The Amendment is now the Bill. And it states very plainly that a person employed as either armed or an unarmed security guard at a nuclear energy storage weapons or development site would be exempt from any state licensure. They do such an extensive training under a Nuclear Armed Regulatory Commission (sic-Nuclear Regulatory Commission) that they ask for an exemption from the state. And I would ask for a favorable roll call."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, it's a little noisy in here. The Amendment became the Bill, correct?"

Capparelli: "That's right."

Black: "And it so it only really impacts those people who work at a nuclear... what's the exact wordage here... I... "

Capparelli: "The Nuclear Regulatory... "

Black: "Nuclear energy storage weapons or development site or facility regulated by the Nuclear Regulatory Commission who has completed, et cetera, et cetera. So they... they wouldn't have to be licensed as a private detective?"

Capparelli: "That's right. No."

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Black: "They wouldn't have to be licensed as a locksmith."

Capparelli: "No."

Black: "Why would we ever have required that anyway?"

Capparelli: "None of it, right."

Black: "So you're... you're just trying to correct something that was obviously done in haste."

Capparelli: "That's what it looks like."

Black: "And you had nothing to do with it. You're here to correct it."

Capparelli: "Absolutely."

Black: "As dean, this is why I look... I look to you to clean up these statutory messes that on occasion were created by those who served long before us. And I know that you're here to do the right thing."

Capparelli: "Absolutely. And thank you very much."

Black: "And... and let me ask you one question, because I have talked to you about this before and I have to make sure. This... this Bill never had anything to do with saying that a campus security officer couldn't unlock my car."

Capparelli: "No."

Black: "Is that somewhere else?"

Capparelli: "I think that's on someone else's Bill."

Black: "Okay, thank you. Thank you very much, Mr. Speaker."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 114 people voting 'yes', 0 voting 'no'. This Bill having received a Constitutional Majority is hereby declared passed. House Bill 427. Mr. Clerk, what is the status of that Bill?"

Clerk Rossi: "House Bill 427. A Bill for an Act to create the

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Assisted Living and Shared Housing Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. Lyons."

Lyons, J.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'm asking for your approval of House Bill 427. It's been long awaited to come over here. This process of putting this Bill together actually started about three years ago. It was an initiative of Senator Beverly Fawell. I ran a twin Bill over here in the House, which we have amended twice. This has been the work of negotiations among many groups, including Illinois Health Care Association, AARP, Alzheimer's Association, Illinois Home Health Care, Illinois Citizens for Better Care. Basically, what it does is defines two new types of senior housing: assisted living and shared housing. There are guidelines here for residency acceptance, termination, involuntary termination, resident's rights, appeal provisions, contractual protection for the consumer, construction operations, licensure enclosure of such, a conversion of an assisted living type facility currently under the Sheltered Licensed Sheltered Care Act. This is, basically, here to fill the gap between living independently in the family home or a senior housing project and a traditional nursing home. We've gone through numerous negotiations over this. Everybody's been brought to the table on numerous occasions. I guess I should thank Speaker Madigan, and Leader Barb Currie, for setting up several meetings that we've had with different people who had concerns on this Bill, to try to work this so it is more palatable to all parties concerned. Again, this is three years in the work. We've worked with a lot of people on this. I've had input from the other side of the aisle on this constructively.

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So I'm asking for your support. And would be happy to ask... to answer any questions at this time."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, this is a very interesting concept and I was pretty excited about it when I first heard about it, but in going home over weekends and talking to folks, I find that there may be some... some serious problems with the Bill. Let me see if I can just address those. It has been relayed to me by people in the business that there's no licensure requirement on this facility. Is that your understanding?"

Lyons, J.: "No, no, Representative, there is in fact a license procedure that should be... that is part of the Bill."

Black: "And who would... who would do the inspection and or the licensing?"

Lyons, J.: "Well there's... there's two different theories on that right now, Representative. My Bill will be under the jurisdiction of the Department of Public Health. Senator Fawell's Bill, that's in the Senate, has that under the Department of Aging. So, as of right now, there are two different Bills with two different potentials... "

Black: "Okay. One of the... another concern that was raised to me, that if we aren't very careful with what we're doing here, that we sometimes look at the title, assisted living, and... and... and everybody kind of understands that. You know that... that's cool. We want people to be able to live on their own or with a minimal amount of resources devoted to them as long as humanly possible. And I think most people, when you say assisted living, conjure up some

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of the newer facilities that have been built around the state, very nice, security, an alarm switch if they become ill. But, as it was... as it was told to me by people when I would go back home, that the inherent weakness of the Bill might be, in fact, we are allowing some unscrupulous operators to get into this business, literally taking an old boarding house, sticking seniors in rooms that may or may not meet code, may or may not have an individual bathroom and that we're going backwards in time. I think their word was 'warehousing' rather than assisted living. And I would like some assurances from you that that will not be possible under this Bill."

Lyons, J.: "Representative, part of the reason that we put this under Public Health is because they do have the experience to... to license and to do the inspectional part of it. It was one of the big stumbling blocks of moving this Bill along in this chamber. So, what we have, in fact, what may be your concern is on the assisted living projects, the larger units that are done professionally by... by investment... "

Black: "Right."

Lyons, J.: "... people who have this. These probably will not be done in your smaller, rural, or smaller towns across the State of Illinois which were provided for the sheltered care with the... the... the Shared Housing Act to allow some type of a smaller scale operation, 12 beds or less, to... to develop in small units in smaller towns and rural parts of the state to accommodate smaller interests. Now, this would certainly be under the same regulation of either department, whoever may take over the regulation ultimately on this. And I think, as you know, the Governor has not spoken to where he would prefer to have this go, under

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which agency. But the theory on this, he is in... in favor of... of... of initiating some type of care facilities for people who don't... "

Black: "Yeah."

Lyons, J.: "... need full nursing homes."

Black: "And... and... and I think that's.. I... I... I have no quarrel with the concept whatsoever and I do have one or two of these in my district. My fear is, as been told to me by people who are in the business or who are nurses, geriatric care nurses, for example, have told me that if we don't draft this very carefully that somebody could take an old abandoned hotel and many small towns in Illinois have one or two of these; very small rooms... excuse me, very small rooms, perhaps... perhaps don't meet current fire codes, perhaps may not be what you would want seniors to live in and with a very modest amount of renovation and retro fit, call these an assisted living complex and open their doors. And I... I... I... I want to get squared away in my own mind that we aren't allowing some 'quick buck' artists to get into this business, call it assisted living, put people in less than optimum facilities, make a quick buck, God forbid a fire breaks out or somebody is injured or the exits aren't clearly marked. I know that isn't what you want, but some geriatric folks were telling me that that Bill may not be tightly drafted to prevent that kind of thing from happening."

Lyons, J.: "Representative Black, right now though I mean, there are.... You said it yourself, there are facilities operated as assisted living... "

Black: "Absolutely."

Lyons, J.: "... with... with no regulation at all. And... and I know you understand that the purpose here is to keep this



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as social a model as we can, with not a lot of heavy restrictions to tie it into the Nursing Home Act."

Black: "Okay."

Lyons, J.: "Which is why we drew it up like this... "

Black: "Right."

Lyons, J.: "... so we would have.... with the Amendments that we did here in the House to bring it under Public Health for that very reason or at least there would be some additional regulations. We are... kind of changing the purity of what Senator Fawell had on a more social model and tightening it up with a little bit tighter regulations for the... "

Black: "Okay."

Lyons, J.: "... Amendments that we passed."

Black: "Let me ask you a question I'm not sure about... meals. Under this Bill, would there be a common area for meals or would that be up to the resident? Would there be a kitchen or a kitchenette? Or would there be a common dining area?"

Lyons, J.: "My belief, Representative, on this Bill is that this calls for three meals a day to be made available. In the assisted living facilities you do have a kitchenette... "

Black: "Right."

Lyons, J.: "... as part of that provision, but when you talk about the Shared Housing Act, their kitchenette thing is not part of it, because that again it's geared to a smaller model for less people, in smaller areas that may not have the capacity to build a facility that could offer kitchenettes."

Black: "Okay."

Lyons, J.: "So, that is one of the distinctions between assisted living and the shared housing... "

Black: "Yeah. And... and... "

Lyons, J.: "... entities."

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Black: "Joe, one... two more questions, if I might. It is certainly not your intent, with this legislation, to relax any current rules or regulations on intermediate care, the Nursing Home Act, so that somebody could shift people into an assisted living complex and not have to fall under the more stringent regulations of Sheltered Care Nursing Home Act, et cetera, et cetera... That certainly that would not be your intent nor is it in the Bill?"

Lyons, J.: "Correct, Representative, I mean... there are provisions now for nursing homes that do want to convert to do such if they so choose. But my intent is not to infringe on nursing home Act... "

Black: "Okay."

Lyons, J.: "... as it stands right now."

Black: "Excellent. And then the last question is, I... I assume that if licensure is provided, as you've indicated it is, then inspections would also then obviously take place on some kind of a regular basis, I would assume."

Lyons, J.: "Very similar if not identical to nursing homes, unannounced, on a regular basis."

Black: "Okay, fine. Representative, I appreciate the work you've done on this. I think this is a very important concept and I know that we want to make sure it's what we want. I have an 86-year-old mother-in-law who lives in an assisted living facility and enjoys it and it's very well-run, it's very well-maintained and she's very happy there. But I've also been in some facilities that would not meet that category. I appreciate the work you've put in on this Bill. Thank you very much."

Lyons, J.: "Thank you, Representative Black."

Speaker Madigan: "Representative Currie."

Currie: "Thank you, Speaker, and Members of the House. I

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congratulate you, Representative Lyons, you've done yeoman's work on this measure and it certainly has come a long way over the last three years. And I believe that it includes much more and more important protections for residents of assisted living facilities than did the initial language that we were offered. I continue... I'm going to support your Bill today. But I would hope that we can have a commitment from you that you will continue to work on issues of, for example, the... the... the relation between people who may be quadriplegic or have the kinds of ailments that make it difficult for them to get out of a facility in the middle of the night, to make sure that we have adequate protections for people in that category, to make sure that when someone is signing a designation of a representative to negotiate in his or her behalf that we have guarantees that the person making the designation is, in fact, competent to do so and to make sure that there are... are adequate requirements that people with special needs, Alzheimer's victims, for example, get the kind of programmatic help that they need. As I say, I think you've come a very long way. I admire the work you've done. And I would just really be grateful if you could make a commitment that you're prepared to continue working on those few areas where there still are differences among the advocates who support this concept."

Lyons, J.: "Representative Currie, as you know, we've kept the door open for all concerned parties on any particular issue here. And we certainly will continue... my intent is, if it gets to... when it gets to the Senate we will certainly leave the door open for any additional sit-downing with the concerned parties that are needed. So... "

Currie: "Thank you."

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Lyons, J.: "... the door is always open."

Speaker Madigan: "Representative Cross."

Cross: "Thank you, Mr. Speaker. Just a couple quick questions, if the Sponsor will yield. Representative, can you tell us where the Illinois Health Care Association stands on this Bill either as a proponent or opponent?"

Lyons, J.: "Let me check. Illinois Health Care is a proponent on this, Tom. I've got so many listed here I have to double check."

Cross: "All right. And are the assisted living facilities, under your Bill, subject to a certificate of need process?"

Lyons, J.: "Tom, a certificate of need process was established for the... from my understanding of it, to... to allow for medicare to kick in as possible funding for this. Medicare eligibility is not part of what... these assisted living facilities. And Shared Home... Housing Act are exempt from any type of... of medicare funding, of public funding. These are private contractual arrangements. Therefore, the certificate of need was taken out but what we did add, we did add a cert... "

Cross: "Joe, are we only talking then about private pay?"

Lyons, J.: "Correct."

Cross: "People who are eligible... "

Lyons, J.: "Yes, Representative, correct."

Cross: "So, if it's private pay there's no certificate of need process?"

Lyons, J.: "Correct."

Cross: "And what are you... what did you say you put in?"

Lyons, J.: "What we did was we put a... we... we required an Amendment #1, a financial solvency statement on behalf of the... whoever will want to build one of these organizations to make sure that their... their solvency is

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in fact there and they do have financial capacity to do the promises that they've made and by contract with any senior that may wish to live there."

Cross: "Joe, I appreciate it. Mr. Speaker, for what it's worth, it's impossible to hear anything in this chamber right now. And I... Joe, I know you're trying to answer the question. This is crazy."

Lyons, J.: "Representative Cross, in lieu of the certificate of need, it was agreed upon in Amendment #1 and we also kept it in Amendment #2 is to require a financial solvency statement to be submitted as part of the license application. And that was by agreement with the organizations who sat down and worked that out."

Cross: "As a re... Joe, what kind of fiscal impact are we talking about to the Department of Public Health?"

Lyons, J.: "The numbers that I've seen, Representative Cross, there is... I've seen anywhere from 300,000 to \$500,000 a year for inspectional services and start up on this... somewhat... something less than a million dollars over the next two years."

Cross: "All right, Joe. Thank you. I... It's just kind of hard to have a dialogue with the climate in here. But thank you."

Speaker Madigan: "Mr. Lyons to close."

Lyons, J.: "Ladies and Gentlemen of the House, as I mentioned in my opening statements, this thing has been a three-year process. This was run in the 90th General Assembly, Senator Fawell sent something over here late in the Session which we really didn't have time to adequately look at. We over the summer worked all summer long. Negotiations went along with all concerned parties. This went through the fall. When we initiated this Bill, in January, we again

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sat down with all parties concerned on this thing. The door has been opened throughout the negotiation process. If this thing does, in fact, need additional review and certainly we'll get that when it arrives in the Senate. There's an old saying that, 'the enemy of the best is the good.' Well, we have taken something that was good and made it even better. If it can be improved upon, when it arrives in the Senate, we certainly will make it available to any considerations or any parties that want to get involved in... in looking at this thing and taking another look at it for changes. So, what I ask for is a... a favorable vote on this thing. I think it's something you can all feel good about because it is a good piece of legislation, as it stands now but we are certainly available to anybody who, once it gets to the Senate, wants to look at it. I will certainly be open to allowing improvements upon it to be made, once it arrives there. Your favorable consideration on this is most appreciated."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 112 people voting 'yes', 3 people voting 'no'. This Bill having received a Constitutional Majority is hereby declared passed. The Chair recognizes Mr. Durkin for the purpose of an announcement. Would the Members please give their attention to Mr. Durkin."

Durkin: "Thank you very much, Mr. Speaker. For the past five years I have with envy looked upon my fellow Legislators if they've brought in their... their high school champion teams and have brought them into the House of

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Representatives. And this year I am very proud to say that the Class AA men's basketball team is here with us today from Westchester, Illinois, from where I'm from. They're above the Speaker's Gallery. And I would all of us to welcome them to Springfield, Illinois and give them the proper respect. What's amazing about this team is that there's not a player above six-foot-six, and this team was not even picked to win their conference. And they went on to be the high school AA champion team. A lot of it's due to dedication, hard work and a lot of it is due to a wonderful man who's behind me. He has been an institution in Illinois athletics for a number of years. I have known him, he's a personal friend. He is just a... a tremendous person who... not that Walsh, I'm sorry. But... but Coach Gene Pingatore has been able to produce some of the finest student athletes that I've known anywhere over the years. And it... it is a tremendous pleasure for me to introduce Coach Pingatore to the House of Representatives. And I think he'd just like to say a few words."

Coach Pingatore: "Actually, I tried to recruit Jim. He was a heck of a player. Speaker of the House and Honorable... Honorable Representatives of the House, this certainly is a pleasure for us to be here and we'd like to take this opportunity to thank Senator Walsh and Representative Durkin for the invitation. It's the dream of every coach to win the state championship. And what makes it even more special is in the State of Illinois is that high school basketball in the State of Illinois is probably the toughest in the country and that makes it really special. What also makes it special to us is that we did it with a group of young men that were not highly touted and it's testimony to... to them that they won it with hard work,

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dedication, and teamwork. And once again thank you for the invitation. We certainly are enjoying this and... and we want to thank Senator Walsh and Senator... Representative Durkin. Thank you very much."

Speaker Madigan: "Chair recognizes Mr. McCarthy. Mr. McCarthy. Mr. McCarthy."

McCarthy: "Thank you, Mr. Speaker. If I could just ask the Representatives for a favor? Yesterday, I misplaced my organizer and this is Judy Erwin's, so don't think I'm holding one up in my hand that I misplaced, but if it happen to show up on your desk or around the area, I'd really appreciate it, because I don't have my name in it. I'd appreciate you returning it. And I know all of you would hate to see me disorganized. So thank you, Mr. Speaker."

Speaker Madigan: "Representative Sharp."

Sharp: "Yes, I stand on personal interest too, even though the school is in Westchester almost all of these young men are in my district, in Bellwood, Broadview, and Maywood. So I want to tell them how much... how proud I am of them. Thank you."

Speaker Madigan: "Ladies and Gentlemen, if I could have your attention. If you could give your attention to the Chair. I have some announcements to make. Number one, we've been advised by the Senate that many of the House Bills which have passed from the House to the Senate, do not have Senate Sponsors. I think the message from the Senate is that they're not gonna do your work for you. So, if you wish for someone to sponsor your Bill in the Senate, you should contact a Senator and try to persuade them to sponsor your Bill. Next, the plan for the next two days is that we will work today until about 8:00 tonight. And we



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will work tomorrow until about 4:00 in the afternoon. Quite obviously, we will not be able to call all of the Bills. And therefore, if you are working on Bills which don't have some level of agreement, I would suggest that you look at gutting the Bill making it a shell, trying to move the Bill to the Senate and then you can continue to work on the Bill after it arrives in the Senate. Now again, we are not going to be able to call all of the Bills, and if you're working on a Bill which does not have some level of agreement, I would suggest you consider shelling the Bill and sending it on to the Senate where you can continue to work on the Bill over the next couple of months of Session. Mr. Black."

Black: "Thank you very much, Mr. Speaker. I appreciate your announcements. I just wanted to share with the Members of the Body and I'm sure if you've read the Journal-Register this morning there's an article. The Senator, one of the Senator's who shall be unnamed, but you can look in the article, referred to the Senate as the House of Lords. If you'll join with me, I've asked the costume rental place to deliver 59 powdered wigs today, and if someone else can find a costume place, we'll also deliver black robes and we will now refer to them as our 'right honorable friends'."

Speaker Madigan: "House Bill 1281, Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1281 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Rutherford, has been approved for consideration."

Speaker Madigan: "Mr. Rutherford."

Rutherford: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. This Amendment will bring to the Bill many of the discussions that had taken place, with regards to the

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Community Bankers, AFSCME, the Governor's Office, Department of Financial Institutions, the Illinois Bankers' Association, and so forth. The underlying Bill, which I'll discuss in a moment of course, is dealing with transferring Unclaimed Property's responsibility for the Department of Financial Institutions to the Office of the Treasurer. And I'd be glad to answer any questions."

Speaker Madigan: "Mr. Hoffman."

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

Speaker Madigan: "The Sponsor yields."

Hoffman: "Representative, please explain to me the differences between the original Bill and what this Amendment does. What are the changes?"

Rutherford: "One thing is, this... the concept of transferring Unclaimed Property is still the underlying concept of the Bill. This Amendment would actually respond to the concern or question from DFI and Banks and Real Estates about who would be doing the audits on Unclaimed Properties. Today, banks... I'm sorry, today Unclaimed Property's audits is done by Department of Financial Institutions. The concern that the banking community had would be if these audits were to be done by the Treasurer's Office, then that may mean that there would be multiple auditors coming into their facilities. What we did in responding to that interest, was have it such that the... the auditing function for banks and such institutions would be done by Banks and Real Estates. The auditing functions would... for the credit unions and the like, would be done by the Department of Financial Institutions. The agreement between the parties involved would be that they would be coterminous with other audits taking place and as far as who would pay for these audits, it would be done through

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the appropriation of the Treasurer's Office and it would not be an additional fee then for those institutions. That's a primary... address that the underlying... that the Amendment does."

Hoffman: "Okay. Well, I think many of us have some problems with the underlying Bill, but the Amendment I guess actually makes the underlying Bill better. So, what I... what I will do is I'll save my arguments regarding the underlying Bill to the Third Reading. Thank you, Representative."

Rutherford: "Thank you, Representative."

Speaker Madigan: "Mr. Rutherford to close."

Rutherford: "I would appreciate a favorable roll call on the Amendment."

Speaker Madigan: "The question is 'Shall this Bill pass?' Those... "

Rutherford: "Amendment."

Speaker Madigan: "I'm sorry. The question is 'Shall this Amendment be adopted?' Those in favor of the Amendment vote 'yes', those oppo... say 'yes'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill... House Bill 1281, a Bill for an Act regarding unclaimed property. Third Reading of this House Bill."

Speaker Madigan: "Mr. Rutherford."

Rutherford: "Thank you, Mr. Speaker. As I said earlier, the underlying Bill, now as amended, would provide for the responsibility of Unclaimed Properties be transferred from the Department of Financial Institutions to the responsibility of the State Treasurer. The reason for that

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is it has been proven across the country that the Treasurer's Office and a constitutionally elected office has a much higher profile opportunity to try to retain or try to reidentify the properties that have been basically unclaimed in bringing it back to the original owners. I'd appreciate any questions you may have."

Speaker Madigan: "Mr. Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Hoffman: "Representative, I didn't know we'd be getting here this... this quickly. It's my understanding that... that there are certain organizations who still have problems with this Bill. One being the Credit Union League. What is the position of the... of AFSCME on this... on this Bill?"

Rutherford: "When I brought the parties together in my office, after the original Bill was introduced, one of the concerns that AFSCME had with... that some of the personnel from DFI being transferred to the Treasurer's Office, which are under an AFSCME contract. We sat down with the staff from AFSCME and the Treasurer's Office to negotiate it through. The intent is to have the same contractual obligation and bargaining agreement contract that they have in place today, transfer with them over to the Treasurer's Office. Somewhat similar to what was done when the Attorney General's Office took over other bargaining unit personnel when responsibilities were transferred to them."

Hoffman: "Well, the concern is, is as I read the Amendment on top of page 2, it indicates that AFSCME will be allowed to retain the rights under their agreement until July 1, 2000. What would happen then after that date?"

Rutherford: "Then it'd be in negotiation with the Treasurer's

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Office. As would be any other AFSCME negotiation."

Hoffman: "It my... "

Rutherford: "And actually this is my understanding that this was suggested language from AFSCME."

Hoffman: "It's my understanding though, that AFSCME still is opposed to the Bill. I don't want to talk out of school, but it's my understanding. Is that your understanding, Representative?"

Rutherford: "And I'm gonna be very candid with you, and I have spoken with the AFSCME representatives as of late of yesterday afternoon. I know that the Treasurer's Office, the Governor's Office, and AFSCME were in negotiations to bring about agreement to that."

Hoffman: "Okay, but they... they haven't reached that as... as we speak, I don't believe."

Rutherford: "And again, I'm only gonna... I have not talked to the representatives from AFSCME this morning. I don't know that they have, but I know that, very candidly, there is intent to have that happen. And I'm gonna... and I'll say it publicly here, Representative Hoffman, I mean that was the reason I did... I made the commitments to all to bring them into my office to find that concurrence."

Hoffman: "Well, it's my understanding that... that they still are opposed at this point. There may be ongoing negotiations, but at this point, AFSCME is not in favor of the legislation. Representative, how many employees currently work under the State Treasurer and how many employees would be transferred should this Bill become law?"

Rutherford: "I'm sorry under the Treasurer's Office now without this transfer?"

Hoffman: "Yes."

Rutherford: "Approximately 118 are in the Treasurer's Office now,

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and approximately 50 of them would be transferred. I'm sorry, and... and approximately 50 positions would be transferred from DFI to the Treasurer's Office."

Hoffman: "So 50 individuals will then come under the purview of the Treasurer's Office, is that right?"

Rutherford: "That is correct. And approximately 39 of those are under AFSCME agreement."

Hoffman: "Okay, 39 of which are AFSCME?"

Rutherford: "Correct."

Hoffman: "What's the position of the Department of Banks and Real Estate and the Department of Financial Institutions?"

Rutherford: "They are supportive of it. This is actually an agreement between the Governor's administration and the Treasurer's Office."

Hoffman: "I guess the question is, what's the... gimme the public policy purpose for transferring 50 employees and transferring these functions to the Treasurer's Office, when in my opinion we've done a pretty good job of this already in this state."

Rutherford: "Well, I think that... that may be where the differing is, I don't suggest transferring the 50 people. The bigger issue is being able to address the issue of unclaimed properties. As we've seen, 20 other states have the responsibility of unclaimed properties under the Office of the Treasurer. And I... and just to even cite as an example in the State of Nebraska, when they moved this program over under the State Treasurer within that first year they identified \$25,000,000 more in unclaimed properties. I mean, that's more than they'd collected in the last 25 years. The idea again, to this, is to identify unclaimed properties that are existing out in the... in the State of Illinois and make it very high profile, very

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public, very intense effort to try to put those dollars or assets back in the pocketbooks of the rightful owners. And the public policy reason for it, again, is not head count. The public policy reason for doing this is to try to enhance the opportunity to bring exposure to this program. And it's been proven around the country that the Treasurer's Office is the best place to have done that."

Hoffman: "It's been proven in 20 other states, not around the country... "

Rutherford: "Twenty-eight other... 28 other states."

Hoffman: "Twenty-eight other states?"

Rutherford: "Twenty-eight, so... "

Hoffman: "Representative, one last question and then I'd like to address the Bill."

Rutherford: "Sure."

Hoffman: "It seems kind of puzzling to me, that we would on one hand transfer all of the employees to the Treasurer's Office, and then on the other hand still require the Department of Banks and Real Estate to conduct the unclaimed property exams. Who's gonna be left in... in the Department to conduct those exams? Are they gonna now have to contract out those exams? Or... or are they gonna have to hire additional people after we transfer all... all the individuals?"

Rutherford: "No, that's a fair... that's a very fair question, and that was part of, part of what we sat down to negotiate. The reason that we are keeping the auditing function or putting the auditing function within the agency of Banks and Real Estates or Department of Financial Institutions is that they are the regulatory agencies for these financial institutions. It was the concern of the banking community, the credit unions or the like, that if

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there was a nonregulatory entity doing the audits that there could be some sensitivity of opening the books and so forth. So the response to that was keeping the auditing functions with the regulatory entity that is doing those, i.e. banks, or DFI. Now, in order to answer your question, the head counts that would be transferred from DFI to the Treasurer's Office would not include whatever the final agreed number of auditing functions, would not be transferred to the Treasurer's Office. And the funding for those audits, as I'd suggested earlier, will come from intergovernmental agreement with the Treasurer."

Hoffman: "To the Bill, Mr. Speaker. Basically, I have... I have some concerns. With all due respect to the Treasurer of the State, I think she's a fine lady, but I don't believe that... that transferring, simply transferring 50 people from one organization to another is a good pol... public policy move. It hasn't... it doesn't seem to me that in any way we're doing any consolidation, we're doing really any reorganization that's gonna save the state money. It doesn't seem to me that we are in any way enhancing the services... and the services that are being provided with regard to unclaimed property. And it seems to me that by transferring nearly 40% of the Department of Financial Institution's employees we essentially may be going down the path of dismantling that Department. Now, whether you want to do that or not, if you want to do it, let's... let's debate that. But let's not do it by simply transferring employees, number one, whose union doesn't want it, at this point; number two, whose credit... the Credit Union League opposes; and number three, I see no sound public policy reason to make the transfer at that time. I urge a 'no' vote."



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Speaker Madigan: "Mr. Joe Lyons."

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

Speaker Madigan: "Sponsor yields?"

Lyons, J.: "Representative, I know a lot of my questions were answered by Representative Hoffman, but there... there was an issue maybe you'd clarify for me, page 5 of the Amendment, there's a referral to existing language which appropriates funds from the state pension funds for the administration of the Unclaimed Property Act. Can you explain the purpose of this new language on the pension funds effect on us."

Rutherford: "Right. Right. No, the pension funds would not be affected by that. That is language as it exists today. The process that's set under statute is that Unclaimed Property's funds will go into the pension fund. And as the expenses related to the operation of Unclaimed Properties, it comes out of that same fund. And that's... that's the intent to be able to try to add opportunity in the pension fund to address... to attract the additional interest on that... on that unclaimed property while it's, ya know, sitting under the state auspices. So that's existing law."

Lyons, J.: "Representative, we're taking what is in effect, I think, somewhere in the vicinity of 40% of the DFI's responsibilities. Aren't we peeling away the Department as it exists and for the... "

Rutherford: "Thank you, Representative, that... and thank you for bringing that up, because that is the bottom line as to my understanding for the Credit Union League's opposition to this. So let's... let me... let me make an explanation of that to the Body. Ya know, I mean, the Credit Union League and this Representative, have been in very good paper with each other. We have been very supportive of each other and

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the efforts. And to be very candid during the introduction of this Bill, the negotiations with the credit unions was coming along just fine. Until this week, is when they had filed their opposition. It's my understanding very candidly, that the reason their opposition to this is not necessarily the responsibility of where Unclaimed Property's lies, but what may be as you had suggested, it's a philosophical decision here that some of the resources from the Department of Financial Institutions will be taken from there and placed elsewhere. Their concern is my understanding that could weaken the Department of Financial Institutions to the point that someday perhaps that would not exist. If that was the case, then the regulatory responsibility for credit unions then may be placed elsewhere. What I can tell you, Representative Lyons, is that directly in discussions with the Treasurer herself, and discussions with the Governor's Office it has been the commitment of this administration to the Bureau of the Budget to make sure that the Department of Financial Institutions has the resources to continue to operate."

Lyons, J.: "Thank you, Representative."

Rutherford: "Thank you, Representative."

Lyons, J.: "To the Bill. Speaker, it appears to me and Members of the House that... I don't know why we need House Bill 1281, it seems like the DFI has been doing an adequate job over the years on managing this and other obligatory departments that are part of them. I still am not absolutely sure that the AFSCME Union is totally in agreement with what you're saying here. You said that you talked to them yesterday. I've heard this morning that they're still not supportive of this. And I would just ask my Members on both sides of the aisle to take a good look

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at this, and I encourage a 'no' vote. Thank you."

Speaker Madigan: "Representative Hamos."

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

Speaker Madigan: "Sponsor yields."

Hamos: "I wanted to go back to something that I thought Representative Lyons was questioning. As I understand this program, and I don't very well, the unclaimed properties, we attempt to find the owners of the unclaimed property, correct?"

Rutherford: "There's two elements to it, Representative, one is that we attempt to identify unclaimed property, and then secondly, we attempt to identify who that owner of that unclaimed property is."

Hamos: "Okay, and after all of the work is done to identify the owners, there is some left over that we haven't been able to identify."

Rutherford: "Unfortunately, fortunately, no, unfortunately, over the years that we've had this in place since 1962, the state has identified approximately \$600,000,000 in unclaimed properties. That money goes into per the existing statute, the pension fund. I mean, that helps enhance revenue into the pension fund. It's sad to say that property did at one time, and still does belong to someone. Unfortunately, they've been lost out there for whatever reasons. It is... would be the responsibility of the Treasurer's Office to enhance the opportunity to find those people, and of that 600,000,000 we've identified since 1962, we've been able to place back into the rightful owners' hands \$100,000,000 of that."

Hamos: "So, there's quite a bit of money that is going into the pension fund, and as I understand it, one of the selling points of this Bill is that the Treasurer is a capable

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investor and will do a good job of managing this property, investing this property. But if it goes into the pension fund currently, under this Bill, wouldn't it be transferred over to GRF, in order for the Treasurer to be investing it?"

Rutherford: "No, no it goes directly into the pension fund, Representative."

Hamos: "But isn't it the pension... the pension board trustees that really manage the pension fund investments?"

Rutherford: "The Treasurer sits on that board."

Hamos: "Okay. So, this is really about, not on the investment side, but more on the administration side of this program, right?"

Rutherford: "Two points, two points you are... you are correct, Representative. Two points, one is identifying as much unclaimed property so it comes in under the auspices of the state to put it in the pension fund, but more so for the individual citizenry of our state, an aggressive effort to identify who the rightful owners, lost as they were, who they are to put that back into their hands."

Hamos: "Okay, thank you."

Rutherford: "Thank you, Representative."

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

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, can you give me a rough idea how much investment income the Treasurer's Office returned to the... to the state last year?"

Rutherford: "From just last year, Representative, approximately \$385,000,000, and over the last four years approximately 1.4, 'b', billion."

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Black: "So in a four-year period with aggressive management of our resources, we made over \$1,000,000,000 in interest income, correct?"

Rutherford: "That is correct, Representative."

Black: "Would it be... would it be a fair assumption to say that the Treasurer's Office deals with banks throughout the State of Illinois on a fairly regular basis?"

Rutherford: "I would say that would be an absolute."

Black: "Would it be a fair assumption to say that the Treasurer's Office would have a good relationship with most, if not all, of the banks in the State of Illinois?"

Rutherford: "I would say that'd be absolute, and I think that's testimony to the Treasurer's Office working with the representative groups in the banking industry to come to this Amendment which they all agree with."

Black: "And would it not also be fair to say that the Treasurer's Office has employees who are capable, knowledgeable, in the ways of financial management and financial claims, throughout the State of Illinois?"

Rutherford: "You are correct, Representative."

Black: "Well, thank you very much, Representative. Mr. Speaker, to the Bill. Ladies and Gentlemen of the House, change doesn't come easy, nobody likes change and unfortunately in governmental bodies we sometimes want to resist change more so, I think, than the public does on occasion. This Bill should not be construed as any attack on the Department of Financial Institutions, that's not the point of it. It isn't that they aren't doing a good job. But the kind of world we live in today says can you do a better job? Good is not necessarily good enough today. Can you do a better job? Is there a better way? When I came down here, we didn't have these laptops on our desks, by this time in the

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year, we'd have nine-foot stacks of paper behind us. Was there a better way? It certainly didn't say that the hard copy and the clerks that put it together didn't do a fine job, they did. All this Bill does, is to say there may be a better way of collecting unclaimed assets, of finding the owners of unclaimed assets, of maximizing the return on those dollars to the state and to the pension fund. Don't construe it as any other way. Change is not necessarily negative, it isn't necessarily bad. There simply, I think, after reading this Bill a better way to do it, than we do it currently and that's what this Bill says. And it deserves an 'aye' vote."

Speaker Madigan: "Representative Barbara Currie."

Currie: "Thank you, Speaker, and Members of the House. I rise in support of House Bill 1281. The fact is that treasurers in most of our sister states are the people who invest this money. It is their job to know how to get the best return on the dollar. And I think that there's reason to believe that we can get a better return on the unclaimed property dollar, if it's handled by the Office of the State Treasurer. I would remind my colleagues that this is an agreement between the Governor of the state, who chooses not to retain control over this activity, and the Treasurer of the state, who seeks that opportunity. I don't think it does us or the owners of unclaimed property or our pension funds any good to say, 'Nope, Governor, you can't give it over, you can't hand it over'. Even though this Governor wants to do exactly that. I am disappointed that there has been a late decision, a late uncertainty, excuse me, on the part of the workers in DFI about the wisdom of the shift. It is my understanding that there is a memorandum of understanding that has been signed by the Governor's Office

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and signed by the Treasurer's Office guaranteeing job security and continued bumping rights for the workers who now perform these responsibilities within the Department of Financial Institutions. This memorandum of understanding and the language in the statute in 1281 was good enough for the workers in the Department of Public Aid who handled child support for them to decide to support the shift to the Attorney General's Office, a discussion that we engaged in last year around this time. I am hopeful that this new decision by the AFSCME workers represents uncertainty on their part, rather than anything more substantive. I believe that they are protected under the memorandum that is an adjunct to this Bill and by the statute and I believe that we will do owners of unclaimed property in this state and our pension funds and our workers a whole lot of good, if we vote 'yes' on House Bill 1281."

Speaker Madigan: "Representative Moffitt."

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

Speaker Madigan: "Sponsor yields."

Moffitt: "Representative, just following up what the prior speaker said. I certainly have my regard for the Treasurer and for the Sponsor of this Bill, very high. My concern is and calls I've gotten was from constituents who work at DFI. If been based on the prior speaker, part of the agreement is a current employee would continue to have their job just work under a different depart... a different office, in effect. Is that correct?"

Rutherford: "Absolutely, Representative, and that's the reason that we are doing our work to have the agreement with the AFSCME finalized by all. So, yes, Representative, the intent of the Treasurer is to keep that going."

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Moffitt: "So, any current employee should not fear losing their job?"

Rutherford: "As the... as the Treasurer personally is shaking her head, that is the answer."

Moffitt: "Thank you very much."

Speaker Madigan: "Mr. McCauliffe."

McCauliffe: "The Sponsor yield?"

Speaker Madigan: "Sponsor yields."

McCauliffe: "Representative, as you know, right now the Department of Financial Institutions twice gives the Legislature copies of unclaimed property. Do you know, is the Treasurer's obligation to do the exact same thing?"

Rutherford: "Well, and again as... as the Treasurer is acting as her mouthpiece in this chamber today, on this answer, she is saying absolutely yes. And the intent obviously is to help identify as many people in the state that have unclaimed property. One of the vehicles that this Treasurer and hopefully those in decades to come will do, is to provide those names to Representatives and Senators to... because they obviously have... may have an understanding of who some of those constituents in their areas are. So, Representative McCauliffe, by commitment of Treasurer Topinka, that will commit... continue."

McCauliffe: "I think it's a good idea, by us looking at the list, we know the different zip codes, if there's a wrong zip code that we can find it. I've had experiences where I must have found 25 people last year. And it was just an error where maybe the wrong zip code was down there and they didn't know there was unclaimed property."

Rutherford: "And as a former Member of the chambers herself, this Treasurer recognizes and agrees with you."

McCauliffe: "Okay, thank you very much."



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Rutherford: "Thank you, Representative."

Speaker Madigan: "Mr. Bugielski, Bugielski, Mr. Bugielski."

Bugielski: "Thank you, Mr. Speaker. I rise today for one thing to commend and I think every Member of this Assembly is very proud of the Treasurer that we have. We have a very effective, a very bright, articulate and a very effervescent Treasurer, but my only concern on something like this is that as we've heard in the debate there are 20 some other states where it is administered by the treasurer. In most of those states, that is an appointed position. It is not an elected position as we have here. And I have a little problem on having an elected official take over a division of a... that is in a state agency right now that is doing an effective job. Previous terms that we've had, we've had previous Treasurers that were not as bright and as effective as our present Treasurer. And I have a problem that our present Treasurer will not stay as bright as she is, in the position that she is in. So, I'm just worried about who is going to come afterwards. We're dealing with a program that is very... is being dealt with very efficiently right now in a state agency. I believe that we are in the business of taking care of things where there's problems and to move them along so that better things can happen. But I feel that we should not worry about fixing something that is not broke. Right now, the program is working effectively and I don't feel we should be working on trying to move it over to see something be... they say it could be done more effectively, while all we have to do is give the department our suggestions right now on how to better run this department or this agency of unclaimed assets and I ask for a 'no' vote."

Rutherford: "I'm curious if the Representative would care to

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identify those past Treasurers."

Speaker Madigan: "Mr. Rutherford to close."

Rutherford: "Thank you, Mr. Speaker. I stand in support of this piece of legislation. Particularly, I think it is important for a publicly elected official to be responsible to their constituency on such an issue that's important, number one, to identify unclaimed properties, and actually more important is to identify who the rightful owners are in this state. I... I repledge publicly the commitment to our credit union friends that this is not something to be taken as an offense. It is something to be taken as a harmonious way to be working together. I repledge once again to our AFSCME friends that the intent is exactly as I have said here earlier and will continue to work on it if there exists to be problems. And Mr. Speaker, I would appreciate a favorable roll call."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 81 'ayes', 33 'noes'. This Bill having received a Constitutional Majority is hereby declared passed. The Chair recognizes Mr. Wirsing."

Wirsing: "Thank you, Mr. Speaker. I would like to make an introduction to the House, if I might. We have today with us right here down in the well in front of me the Honorable Frank Clucek, who is a South Dakota Senator. And he is in Springfield this week to discuss a relative to the ag issues of the Packer and Stockyard Acts. Also, we have... he is a member of the South Dakota Senate Ag and Natural Resource Committee and the former Vice Chairman. Also we

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have the Honorable Roland Chequin, who is a South Dakota State Representative, member of the House Ag and Natural Resource Committee. Let's give them a Springfield welcome."

Speaker Madigan: "On Supplemental Calendar #1, there appears House Resolution #60, Mr. Pugh. Mr. Pugh."

Pugh: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Resolution 60 resolves that the House of Representatives does establish an independent nonpartisan task force on the death penalty to study all aspects of the death penalty as currently administered in Illinois, not it's abolition. And I stand ready to answer any questions."

Speaker Madigan: "The Gentleman moves for the adoption of the Resolution. Is there any discussion? There being no discussion, the question is, 'Shall the Resolution be adopted?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please record yourselves. Have all voted who wish? The Clerk shall take the record. On this question, there are 70 'ayes', 40 'noes'. And the Resolution is adopted. Ladies and Gentlemen, for the next seven or eight Bills we'll deal with Bills where the Bill has been proposed for an Agreed Bill List, but we need an Amendment to be adopted to the Bill. So that's what we'll do for the next seven or eight Bills. The first Bill will be House Bill 137. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 137 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Steve Davis, has been approved for consideration."

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Speaker Madigan: "Mr. Davis."

Davis, S.: "Thank you, Speaker. Floor Amendment #1 is a technical Amendment. It changes... replaces the word 'granted to', with the word 'been granted by'. Would appreciate an 'aye' vote."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. The Chair recognizes Mr. Parke. Mr.... there's no one seeking recognition, those in favor of the Amendment say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. The next Bill will be House Bill 139. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 139 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Steve Davis, has been approved for consideration."

Speaker Madigan: "Mr... "

Davis, S.: "Thank you, Mr. Speaker. Floor Amendment #1 is agreed language that was worked out and it and it reads 'within 35 days after the decision becomes final is guilty of a petty offense and is subject to a fine of not more than \$500 dollars for each offense.' Would move for the adoption of the Amendment."

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

Clerk Rossi: "No further Amendments."

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

Speaker Hannig: "Mr. Clerk, for an announcement."

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Clerk Rossi: "An LIS printout of the Bills that are contained on Agreed 3 and Agreed 4 are being passed out."

Speaker Hannig: "Mr. Clerk, would you read House Bill 143. Representative Flowers. Excuse me, Mr. Clerk. Please read House Bill 485. Representative Ronen."

Clerk Rossi: "House Bill 485 has been read a second time, previously. No Committee Amendments. Floor Amendment #1 has been adopted to the Bill. No Motions have been filed. Floor Amendment #3, offered by Representative Erwin, has been approved for consideration."

Speaker Hannig: "Representative Erwin."

Erwin: "Thank you, Speaker. Floor Amendment #3 finalizes the agreement that Representative Ronen and the Foundation Kids in Danger have reached with the Illinois Retail Merchants Association on the product... Children's Product Safety Act. I know of no opposition. The Illinois Retail Merchants Association has done a great job in working through, I think, in a most expeditious manner some very complicated issues and I certainly would like to commend them for their efforts, as well as, Senator (sic-Representative) Ronen's efforts of doing this from home. So, I would urge the adoption of Amendment #3."

Speaker Hannig: "The Lady has moved for the adoption of the Amendment. Is there any discussion? There being none, the question is, 'Shall the Amendment be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 799. Representative Saviano."

Clerk Rossi: "House Bill 799 has been read a second time, previously. No Committee Amendments. Floor Amendment #1,

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

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

Saviano: "Thank you, Mr. Speaker, Members of the House. Floor Amendment #1 to House Bill 799 is a result of negotiations with the Illinois Retail Merchants which makes them neutral on the Bill, and therefore no known opponents on this Bill. I would ask for adoption for Floor Amendment #1 to House Bill 799."

Speaker Hannig: "And on that question, Representative Smith."

Smith: "Thank you, Mr. Speaker. I would, for the record, like the record to reflect on House Resolution 60, that I intended to vote 'no'. If we could have the record reflect that."

Speaker Hannig: "The Journal will reflect your intentions. On the Amendment, all in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 800."

Clerk Rossi: "House Bill 800 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Saviano, has been approved for consideration."

Speaker Hannig: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. Floor Amendment #1 to House Bill 800 is also a Bill that addressed the concerns of Illinois Retail Merchants Association. They have now become neutral on the Bill and there are no known opponents to this Bill. So I'd ask for adoption for Floor Amendment #1 to House Bill 800."

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Speaker Hannig: "Is there any discussion? There being none, the question is, 'Shall the Amendment be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 1441."

Clerk Rossi: "House Bill 1441... "

Speaker Hannig: "Okay, Mr. Clerk, would you re... move this Bill from the Order of Third Reading to Second Reading."

Clerk Rossi: "House Bill 1441 has been read a second time, previously. Amendments 1, 2, and 3 have been adopted to the Bill. No Motions have been filed. Floor Amendment #4, offered by Representative Saviano, has been approved for consideration."

Speaker Hannig: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker. Floor Amendment #4 to House Bill 1441 represents a concern that the Illinois Podiatrists had regarding a Bill. This takes them out of the Bill, just like we took the optometrists and the dentists, which makes everybody neutral and the Bill an Agreed Bill. And I would ask that we adopt Floor Amendment #4 to House Bill 1441. Thank you."

Speaker Hannig: "You've heard the Gentleman's discussion, the presentation. All in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 1792."

Clerk Rossi: "House Bill 1792 has been read a second time, previously. No Committee Amendments. Floor Amendment #1,

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

Speaker Hannig: "Representative Cowlshaw. Okay, out of the record. Mr. Clerk, read House Bill 2654."

Clerk Rossi: "House Bill 2654 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Parke, has been approved for consideration."

Speaker Hannig: "Representative Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #1 is a cleanup and technical Amendment for the Department of Employment Security. It also has the extension of the speed bumps and it extends them to the year 2000... 2005 and... I stand ready to answer any particular questions that anybody may have on that issue."

Speaker Hannig: "The Gentleman has moved for the adoption of the Amendment. Is there any discussion? Representative Skinner."

Skinner: "Could the Gentleman tell us how much is in the fund?"

Parke: "Are you talking about the Unemployment Insurance Fund?"

Skinner: "Yes."

Parke: "This Bill does not in... is not related to it, but we have almost \$2,000,000,000 in that fund, but this... this Bill does not address that issue."

Skinner: "Darn."

Speaker Hannig: "All in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 2823. And Mr. Clerk, would you move this from the Order of Third Reading to Second Reading, for the purposes of an



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Amendment."

Clerk Rossi: "House Bill 2823 has been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Zickus, has been approved for consideration."

Speaker Hannig: "Representative Zickus, on the Amendment."

Zickus: "Thank you, Mr. Speaker, but this went out yesterday. Hopefully, it was it was on the Agreed List yesterday, and I'm going to do the Amendment in the Senate."

Speaker Hannig: "Representative Zickus, the Rules Committee has or the Amendment is now here, if you'd like to adopt it, then we can send the Bill to the Senate."

Zickus: "Okay. We could do... "

Speaker Hannig: "We haven't sent the Agreed... we haven't passed the Agreed List yet."

Zickus: "Oh, all right... then this... what this Bill does is allows police... "

Speaker Hannig: "The Amendment."

Zickus: "... to the Amendment, police officers can register their license plates at the police department that they work for. The City of Chicago wanted to make certain that it did not effect their driver's licenses because of residency requirements. So the Amendment puts this in the Vehicle Code, so it's very clear that this only is only for the their license plates, their car registration."

Speaker Hannig: "Okay, so the Lady has moved for the adoption of the Amendment. Is there any discussion? There being none, the question is, 'Shall the Amendment be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

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

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House Bill 1792."

Clerk Rossi: "House Bill 1792 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Cowlshaw, has been approved for consideration."

Speaker Hannig: "Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. This Amendment was approved by the Human Services Committee this morning. I believe there were all 'yes' votes, except for one 'present' because of a conflict of interest as a potential. The Bill is simply something that addresses what is to be done, what the options are as long with the public hearing on any monies that are remaining after the bond indebtedness has been entirely paid off by a former public hospital district that has been dissolved, formulated into a private hospital, and then after 10 or 20 or however many years, all those bonds are paid. If there is any money left, what this does is to address what the options are that that money can be used for. There were several questions in the Committee. I think they were all satisfied with the answers. Also, Mr. Speaker, I want to make it very clear that this is... may very well not be the final form of this Amendment, which becomes the Bill. We are still working with the actual administrators in the hospital that would be effected by this in my district. The Bill is supported by the Illinois Hospital Association and the Illinois... Illinois State Medical Society. I'd be glad to answer any questions."

Speaker Hannig: "The Lady has moved for the adoption of the Amendment. Is there any discussion? There being none, the question is, 'Shall the Amendment be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And

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the Amendment is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hannig: "Third Reading. Those were the Amendments to Bills on the Agreed Bill List #3. Now, I will have the Clerk read those on Third Reading, so that we can vote on those Bills and send them over to the Senate. Mr. Clerk, read House Bill 69."

Clerk Rossi: "House Bill 69, a Bill for an Act in relation to the sale of certain information. Third Reading of this House Bill."

Speaker Hannig: "Okay, hold that on Third Reading. Representative Stephens, for what purpose do you rise?"

Stephens: "Point of inquiry."

Speaker Hannig: "Yes, state your point."

Stephens: "After hearing the sterling debate on these Amendments, how does this effect the votes that I cast yesterday on the Third Reading by filing the individual Agreed Bill List?"

Speaker Hannig: "So, Representative Stephens, if you'd like to inform the Clerk of a vote change, until we actually pass the Bill on Third and send it over, we will respect that request."

Stephens: "Are you trying to tell me, Mr. Speaker, that the Clerk has yet to tally those results?"

Speaker Hannig: "We haven't made an announcement because we haven't passed the Bill, Representative."

Stephens: "Mr. Speaker, with the Clerk's help you're trying to avoid the question."

Speaker Hannig: "He's doing a fine job, too, the Clerk."

Stephens: "He's... he's either tallied them or he hasn't."

Speaker Hannig: "He's got a pretty good idea what's out there and... "

Stephens: "He's blushing... he's blushing. Look at that."

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Speaker Hannig: "So, Representative, if you'd like to change your vote, or if anyone else would like to, please let the Clerk know and there's still time to do that."

Stephens: "Appreciate the information, Mr. Speaker."

Speaker Hannig: "Mr. Clerk, read House Bill 127... 137."

Clerk Rossi: "House Bill 137, a Bill for an Act amending the Liquor Control Act of 1934. Third Reading of this House Bill."

Speaker Hannig: "Okay. Mr. Clerk, read... Mr. Clerk, read House Bill 139."

Clerk Rossi: "House Bill... House Bill 139, a Bill for an Act amending the Medical Examination of Employees Act. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 143."

Clerk Rossi: "House Bill 143, a Bill for an Act concerning health care for women. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 245."

Clerk Rossi: "House Bill 245, a Bill for an Act amending the Professional Boxing and Wrestling Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Acevedo, for what reason do you seek recognition? No? Okay, Repres... Mr. Clerk, read House Bill 321."

Clerk Rossi: "House Bill 321, a Bill for an Act amending the Metropolitan Water Reclamation District Act. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 485."

Clerk Rossi: "House Bill 485, a Bill for an Act in relation to children's product safety. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 496."

Clerk Rossi: "House Bill 496, a Bill for an Act amending the

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Illinois Insurance Code. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 555."

Clerk Rossi: "House Bill 555, a Bill for an Act concerning motor vehicles. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 799."

Clerk Rossi: "House Bill 799, a Bill for an Act amending the Illinois Optometric Practice Act. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 800."

Clerk Rossi: "House Bill 800, a Bill for an Act concerning contact lenses. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 803."

Clerk Rossi: "House Bill 803, a Bill for an Act amending the Nursing Home Care Act. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 842."

Clerk Rossi: "House Bill 842, a Bill for an Act amending the Property Tax Code. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 1113."

Clerk Rossi: "House Bill 1113, a Bill for an Act concerning real estate. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 1162."

Clerk Rossi: "House Bill 1162, a Bill for an Act amending the Code of Criminal Procedure. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 1223."

Clerk Rossi: "House Bill 1223, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 1261."

Clerk Rossi: "House Bill 1261, a Bill for an Act concerning property valuation. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 1328."

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Clerk Rossi: "House Bill 1328, a Bill for an Act amending the Historic Preservation Act. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 1362."

Clerk Rossi: "House Bill 1362, a Bill for an Act amending the Fire Protection District Act. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 1436."

Clerk Rossi: "House Bill 1436, a Bill for an Act in relation to state loans. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 1441."

Clerk Rossi: "House Bill 1441, a Bill for an Act concerning advertising by regulated professionals. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 1700."

Clerk Rossi: "House Bill 1700, a Bill for an Act amending the Liquor Control Act. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 1778."

Clerk Rossi: "House Bill 1778, a Bill for an Act amending the Property Tax Code. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 1792."

Clerk Rossi: "House Bill 1792, a Bill for an Act amending the Hospital District Law. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 1834."

Clerk Rossi: "House Bill 1834, a Bill for an Act concerning public records. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 1869."

Clerk Rossi: "House Bill 1869, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 1870."

Clerk Rossi: "House Bill 1870, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this House Bill."

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Speaker Hannig: "Mr. Clerk, read House Bill 2137."

Clerk Rossi: "House Bill 2137, a Bill for an Act to create the Uniformed Peace Officers Drug and Alcohol Use Accountability Act. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 2147."

Clerk Rossi: "House Bill 2147, a Bill for an Act with regard to economic development. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 2148."

Clerk Rossi: "House Bill 2148, a Bill for an Act in regard to economic development. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 2188."

Clerk Rossi: "House Bill 2188, a Bill for an Act to amend the School Code. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 2198."

Clerk Rossi: "House Bill 2198, a Bill for an Act amending the Homelessness Prevention Act. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 2319."

Clerk Rossi: "House Bill 2319, a Bill for an Act amending the Illinois Public Aid Code. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 2654."

Clerk Rossi: "House Bill 2654, a Bill for an Act amending the Unemployment Insurance Act. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 2676."

Clerk Rossi: "House Bill 2676, a Bill for an Act amending the Mental Health and Developmental Disabilities Administrative Act. Third Reading of this House Bill."

Speaker Hannig: "And Mr. Clerk, read House Bill 2708."

Clerk Rossi: "House Bill 2708, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this House Bill."

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Speaker Hannig: "And Mr. Clerk, read House Bill 2823."

Clerk Rossi: "House Bill 2823, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Hannig: "Just for clarification purposes, now, everyone should have received a LIS printout that says 'Agreed #3'. It tells what exactly it is, that this Agreed Bill List consists of. At this time, now, we will take a Roll Call vote of those Bills pending your change of vote that you filed with the Clerk. So, the ques... Representative Dart, for what purpose do you rise?"

Dart: "Mr. Speaker, inquiry of the Clerk. Could we get a... the numbers of the Bills that were knocked off the Agreed List, of the ones that were originally submitted?"

Speaker Hannig: "Representative Dart, the numbers that were knocked off the Agreed Bill List are House Bills 408, 645, 1846, and 1899. Okay? So, now the question is, 'Shall these Bills pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Okay, have all voted who wish? Mr. Clerk, take the record. Now, after the Clerk has officially recorded all the tallies, we will announce the outcome. Representative Black, for what purpose do you rise?"

Black: "Yes, Mr. Speaker, an inquiry of the Chair."

Speaker Hannig: "Yes, state your inquiry."

Black: "I have filed a Motion to reconsider the vote by which House Resolution 60 passed the chamber just a few minutes ago. Just to make an inquiry as to whether that Motion is in order and the Clerk has received that written Motion."

Speaker Hannig: "Yes, Representative Black, we have your Motion at the podium and that Motion is in order. So, Representative Black now moves that we reconsider the vote by which House Resolution #60 passed. Representative



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Black."

Black: "Yes, Mr. Speaker, would it be in order for me to explain why I filed the Motion?"

Speaker Hannig: "Yes, Representative, why don't you proceed."

Black: "Yes, thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I filed the Motion to Reconsider because Members have come to me and said number one it was done quickly and that's certainly a matter of your perception. But there seemed to be some confusion as to whether the Resolution, as posted, made any reference to the fact that it was amended. And in fact, the Amendment was what we were voting on and not the Resolution. There is also a very legitimate and honest question as to whether our side of the aisle even had a copy of the actual Amendment to House Resolution 60. And... and given the fact that many people have questioned and brought to me concerns that they did not have an opportunity or felt they did not have an opportunity, to discuss the Resolution or to answer questions, ask questions about the Resolution, that they would like that opportunity to do so. And that, Mr. Speaker, is the only reason that I filed my Motion."

Speaker Hannig: "Representative, as a point of clarification only, the Amendment was adopted in committee."

Black: "I see. All right. And there was some confusion about that. And I understand that we all want to move as quickly as we can. The days are long and I know all of us are tired and would very much like to get home. And I think sometimes when we do move quickly there... there are questions, legitimate questions on the floor as to whether every Member's interests had an opportunity to be heard and discussed rationally. And from what I'm gathering, there are a number of Members who feel that, in this case, they

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did not have an opportunity to ask questions or to have their concerns raised in any question and answer period on the Resolution."

Speaker Hannig: "Okay. So the question is, 'Shall House Resolution 60 be cons... reconsidered?' All in favor vote 'aye'; opposed 'nay'. The voting is open. And this requires 60 votes. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'yes', and 1 voting 'no'. And the Motion prevails. And the Resolution is reconsidered. The vote by which the Resolution passed is reconsidered. On Sup... on Supplemental Calendar #1 is House Resolution #60. Representative Pugh, on House Resolution #60."

Pugh: "Okay. Thanks. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Resolution 60, as amended, is the result of negotiations by various Members from both sides of the aisle, who served on the Judiciary-II Committee. When the Bill was originally presented, there were some concerns relative to the number of Members that served on the commission to study this death penalty process. That concern was... was settled when we expanded the number of Members that served on that committee and also, there was some concern raised relative to the time that the commission would... would do their work. We also settled those concerns. This piece of legislation is the final result of a cooperative effort by both sides of the aisle, simply designed to study all aspects of the death penalty as the death penalty is currently being administered. This Bill is not designed to abolish the death penalty. This is not a step toward a debate on the death penalty. We are not attempting to abolish the death

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penalty, crush the death penalty. We are attempting to make sure that the fair and just administration of the death penalty is taken is... effective. The commission will be appointed by the Speaker of the House and four Members from the Speaker, four Members of the Minority by the Minority Leader, two members shall be appointed by the State Appellate Defender, and two members by the Attorney General. It was also suggested and agreed to, that two of the additional members shall be members of the State's Attorneys Office. And so with that, I present to you and stand ready to answer any and all questions relative to House Resolution 60, as amended."

Speaker Hannig: "So the Gentleman has moved for the adoption of House Resolution #60. Now we've debated this Bill, previously. On this question, Representative John Turner is recognized."

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

Speaker Hannig: "He indicates he will."

Turner, J.: "Representative, I do have some questions. I did want to thank you for... indeed, voting for the Motion to Reconsider, 'cause I know there were a lot of questions that need to be answered and those were not asked when it ran through so quickly before. First question that I have that since I am in favor of capital punishment, I want to make it perfectly clear so that everyone on the House Floor knows before they vote either 'yes' or 'no' on this, that this commission that you're proposing to form is not going to be studying whether or not the death penalty should be abolished, but indeed, it's just going to study how the death penalty is administered. Do you agree with that?"

Pugh: "You're absolutely correct, Representative."

Turner, J.: "And indeed, Representative, on page 2, just so that

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everyone will know, at line 12 it speaks specifically to the question of whether or not this commission will be studying the abolition of the death penalty and indeed, it says, unequivocally, absolutely, that the commission will not be looking to study abolishing the death penalty but only the administration. True?"

Pugh: "Yes, Sir."

Turner, J.: "And did I sight the cor... the right Section and right page?"

Pugh: "Yes, Sir, line 12, page 2 of the... of the Resolution. Yes, Sir. Thank you very much."

Turner, J.: "There have been some questions raised on this side of the aisle as to how the commission is formulated and what I'm getting at there are, who the appointees are going to be or who is going to make them. And I notice that the Attorney General gets one designee and that the State's Attorneys Appellate Prosecutor gets one. As compared, the State Appellate Defender has two designees and I think, Representative, it would behoove you to explain to the Members why it is that there are two from the Appellate Defenders and only one from the Attorney General and one from the State's Attorneys Appellate Prosecutor Association."

Pugh: "It was our attempt to balance the... the ticket, so to speak and offer two... two from the appellate defender side and two from the prosecutorial position."

Turner, J.: "All right. So, the two from the prosecutorial-oriented side, if we want to say it in that fashion, would be one from the Attorney General's Office and one from the Appellate Prosecutor's Office and the two from the more defense-oriented side would be from the Appellate Defenders?"

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Pugh: "Yes, Sir."

Turner, J.: "Okay. I know in committee this morning, although I did not ask questions, there were some questions asked with regard to the language found at... excuse me, found on page 1, at line 7, and you used the term 'innocent persons'. I know there's a question this morning whether or not you were trying to delineate the... any distinction between innocent persons and persons having been found not guilty. Could you respond to the Members of the Body in the same fashion that you did in the committee this morning as to that question?"

Pugh: "Well, once again, not... not being an attorney and being familiar with all the legalese, it... it is... it was our understanding that the 11 individuals that were currently exonerated from death row were found innocent beyond a shadow of a doubt, beyond any reasonable circumstance, they were. On the other side, an individual has to be found innocent during a course of a trial beyond a reasonable doubt. He has to be found guilty. So we're saying that these 11 individuals that were exonerated were, they were exonerated as a result of... of all doubt."

Turner, J.: "All right. I also noticed that the creation of the task force is for a six-month period. Is that cor... is that true?"

Pugh: "Yes, Sir. You're absolutely correct."

Turner, J.: "And I believe that it, originally, when you had brought this Resolution to the committee, you had... had a 12-month period for the task force to study the effects of the death penalty. Have you amended that to six months? And I think you worked with Tom Johnson in doing that?"

Pugh: "Right. You're absolutely right."

Turner, J.: "So, it's your intention, Representative, that after

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six months this task force will make a report... to whom, then, at the end of the six-month period?"

Pugh: "The report will be mad... after... after their findings have been made, the task force will make their report back to the General Assembly, to the Supreme Court, and to the Governor, with recommendations."

Turner, J.: "And it's during this six-month period where the study or commission is working on its study, I should say, that the Resolution simply makes a request to the... is it the Governor, to exercise his authority by... using the Constitution so that no executions would take place during the six-month period that the study's going on?"

Pugh: "Right. You're absolutely right. We will be asking the Governor to use his reprieve powers to do that."

Turner, J.: "And you've also by res... "

Speaker Hannig: "Representative, your time has expired. Would you bring your remarks to a close? Your five minutes have expired. We're going to use the timer today, Representative. See if we can move things along. Representative Black."

Black: "Thank you very much, Mr. Speaker. And I would hope we would be very judicious in the use of the timer on a Resolution of this impact. Will the Sponsor yield?"

Speaker Hannig: "He indicates he will."

Black: "Representative, if I read this correctly, this is... we're... we're being asked to vote on Amendment 1 to House Resolution 60. Correct? All right. I'm having a... I've got a technical expert here trying to get this on my system, but so far we haven't been able to call it up. The... "

Pugh: "You're being asked to... to vote on the Resolution, as amended, not on the Resol... the Resolution was adopted in

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committee."

Black: "Okay. So the Resolution as adopted by Amendment #1, correct? All right. The... If we ask the Governor, as embodied in the Resolution, to exercise his authority, that's all we're doing, we're asking. We aren't demanding, we aren't telling him he has to, correct?"

Pugh: "You're absolutely right."

Black: "All right. In your report... now and I want to make one thing very clear, six months from the adoption of this Resolution all of this ceases and no longer exists, correct?"

Pugh: "Yes, Sir."

Black: "So, if some of the questions over here were said, this moratorium on the death penalty could go on for ad infinitum and that's not true. If I read this correctly, the moratorium can only go forward six months from the adoption of this Resolution, as amended."

Pugh: "That... that is the exact intent of this Resolution, Sir."

Black: "Is it your understanding, that within that six-month window, there are no executions currently scheduled in the State of Illinois, anyway?"

Pugh: "That's... that's true, but there could be."

Black: "But none scheduled that we know of."

Pugh: "Well, there's one scheduled but there's not a claim of innocence. The a... there's a gentleman that is scheduled within the next three months, but there's not a claim of innocence."

Black: "Okay."

Pugh: "In that case."

Black: "All right."

Pugh: "Where the tests simply attempting to address those cases of innocence or doubt, where there might be some doubt

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whether or not an individual is innocent."

Black: "Okay. On page 2, that I'm looking at, beginning on line 26, it states, 'Resolved that the task force shall report its findings and recommendations regarding the death penalty, including remedies for any deficiencies, if any', and I emphasize, if any, 'found by the task force to the Governor,' et cetera. I would assume that the task force could come back with a recommendation that the appeal process is currently too long and too cumbersome. Could it not?"

Pugh: "You're absolutely right. That could take place but I... I... I submit to you, that the individuals that will make up the task force... all of those individuals I'm sure, who will be experienced professionals in these various areas, will not come back with any kind of farfetched or farflung recommendations."

Black: "But I... I think in answer to potential critics of the Resolution, as I read the Amendment, it is not aimed solely at... 'trashing' isn't the right word. It isn't aimed at doing away with the death penalty or getting a recommendation that we shouldn't have the death penalty. It's aimed at looking at the procedure, and if there are deficiencies, to note them. And deficiencies maybe in the current carriage of justice. And it may be that the appeal process is far too cumbersome. So, it's really a... a multifaceted Amendment. I don't think you're just... it's your intent just to focus on... on recent headlines."

Pugh: "Well, Sir, it's the... the legislation... we began this push in the fall Session of last year. This was prior to a lot of the cases that have been recently overturned. This is not a new piece of legislation, Sir."

Black: "No, I... I understand and I appreciate your answers. Mr.



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Speaker, to the Resolution, as amended. I don't think it hurts any... I don't think it hurts anything if we look at practices and procedures that we... put into law. I don't think it hurts anything at all to see how it is actually working. If on the other hand, it comes back, we will get a chance to act on anything that this Resolution may find or may not find. No change to the death penalty can be made without action of the General Assembly. So for those of us who are nervous a... "

Speaker Hannig: "Representative Black. Would you bring your remarks to a close, please?"

Black: "Yes, thank you, Speaker. For those who may be nervous about the Amendment, no change can be made to the death penalty without action of the General Assembly. The Resolution seems reasonable to me on its face and it may even point out that the fact that John Gacy lived 17 years on the death pen... on death row is too long. So, I think the Resolution is well-intentioned and even though I'm a strong proponent of the death penalty, I intend to vote for the Amen... the Resolution."

Speaker Hannig: "Representative Durkin."

Durkin: "Thank you, very much, Mr. Speaker. To the... Resolution."

Speaker Hannig: "To the Resolution."

Durkin: "I'd like to explain my vote. I'm going to support this Resolution, for one and only one reason. And that is what is on page 2, and that is strictly the formation of a task force to look at the death penalty statute. A question has been raised in recent months, and I think it's reasonable for the General Assembly to look at that statute to ensure that there are safeguards in the system to ensure that the right people are being convicted and sentenced to death. I

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support the death penalty. I have and I always will. I've been one of the strongest proponents of it. However, I think some people should... don't get misconceived to what's in this. On page 3, first of all, the issue of urging the Governor to exercise his authorities, we are doing nothing more than urging him. These... we are not requiring him to place a moratorium of any such thing. We're telling him to do something which he has the inherent right to do. And also, with the Supreme Court, we cannot do that under the 'separation of powers clause'. If it was... If we mandated that, these things would be, are unconstitutional. They would be unenforceable. I think, particularly the fact, that this is a six-month commission, no one is set to be executed during that period of time. It's a moot issue. I think... well, the only reason I'm voting for this Resolution is to review the penalty, just create a commission, to see whether or not we believe that there are sufficient safeguards in the statute and if we do believe so, fine. We don't have to do anything. However, if we think that there is some need for change, that's something which we can do legislatively, somewhere down the line. So, that's why I'm supporting this Resolution, for strictly that one purpose. Thank you."

Speaker Hannig: "Representative Winkel."

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

Speaker Hannig: "He indicates he will."

Winkel: "Representative, this morning in committee, we had a discussion about Rule 613 for the Supreme Court. And how it deals with... how your Resolution deals with that Rule. Page 3 of the Amendment... "

Pugh: "Yes, Sir."

Winkel: "... recall that language, where you asked the Supreme

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Court of Illinois to exercise its judicial discretion under Supreme Court Rule 613 and refrain from setting any execution dates until the task force has issued its findings and recommendations. And my concern, as I expressed to you during committee, and I would like to have you comment on it, is in Rule 613 it says, 'if a death sentence is affirmed, the Supreme Court shall set the time when the death sentence shall be executed'. And, as I pointed out to you earlier, certainly that's a double positive. I mean it... it sounds like there's no discretion there. It sounds like a mandate on the Illinois Supreme Court to go ahead and set the execution date at the time the sentence is affirmed. Would you care to comment on that?"

Pugh: "Yes, Sir. You're... you're absolutely right. And my just... my comments are the same as I articulated earlier today. And... and that was the result of conversation that we had with Justice Seymour Simon and he stated that there was some flexibility within that... that 'shall' as to when the judge would actually set the date for the execution and that the judge although he 'shall' set the date for the execution he can... or he may or may... that 'shall' can be set six months prior to or subsequent to the date of the conviction."

Winkel: "Okay. Representative, I mean, obviously, this is open to interpretation. You know, I understand you have a former Justice who has that opinion you've just explained. Course it's just as easy to read this language and believe that there is no discretion, that the Supreme Court really cannot do this that we're asking. We're certainly not attempting by this Resolution to command the Supreme Court not to set any execution date, are we?"

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Pugh: "No, Sir. We're certainly not. We understand the delineation of the power hours of the legislative branch and theirs of the judiciary."

Winkel: "I mean that... that'd clearly... that'd clearly violate the separation of powers, if we were even to attempt that. So, by this Resolution, what you're looking to do is set up a committee or a commission to look at the rules and the procedures under which we use the death penalty in the State of Illinois. Isn't that correct?"

Pugh: "You're absolutely right."

Winkel: "Okay. Are you seeking to abolish the death penalty by this Resolution?"

Pugh: "At no time... various Members of... of the committee that led to the formation of the language that's encompassed in this piece of legislation, some of those Members are in favor of the death penalty. Some of those Members are ardent supporters of the death penalty. Some of those Members understand the need for having a death penalty. This legislation is not designed to abolish the death penalty. It is not designed to stimulate debate about abolishing the death penalty. It is not a first step toward abolishing the death penalty. This piece of legislation is simply designed to create a task force to look at the inequities involved in the administration of the death penalty."

Winkel: "Well, thank you. Thank you, Representative, for answering my questions. Mr. Speaker, to the Resolution."

Speaker Hannig: "To the Resolution."

Winkel: "I stand as a strong proponent of the death penalty. I think the death penalty is an appropriate penalty in the State of Illinois and I would never seek its abolition. On the other hand, I am also very concerned as are many of the

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Members here today, that we probably do need to review the rules and the procedures that we use in this state for setting execution dates, for using the death penalty in this state. And I see absolutely nothing wrong with setting up a commission or a committee to review what those guidelines are, what the rules are, what the law is, what the procedures are, to make sure that no one who is innocent is ever put to death in the State of Illinois under the death penalty. And certainly, I think that's the intent of the Sponsor. That's my intent in supporting his Resolution. I'm gonna vote 'yes'."

Speaker Hannig: "Representative Mulligan."

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

Speaker Hannig: "He indicates he will."

Mulligan: "Representative Pugh, I'm going to try and speak to this briefly. I was getting prepared to file a written statement which I may still do. Last year in committee when you had a Bill with this, we got into a furious discussion, I would say, although at the time I did not support the moratorium but I did support a study that you were calling for. I'm interested in... when you say to study all aspects of the death penalty as currently administered in Illinois. What do you envision the scope of that study to include?"

Pugh: "Well, I... I think that we have to... to look at the judiciary process or the judicial process along with all concomitant areas that leads to an individual being placed on death row. But the scope of that is... is not in my purview and I leave that up to the experts to determine, within the short period of time that they will be allotted, just how much information that... or where the critical areas are that they could address."

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Mulligan: "And I listened to the end of the committee this morning. I came in and was listening to some of the comments that were made. There were some suggestions as to possible appointees to the task force and I think it was pointed out that there should be state's attorneys and law enforcement officials, which I thought was appropriate. I'd also like to include... I'd like to see one member of a victim's family included on that task force. Many of the issues that surround the death penalties and moratoriums include much publicity that goes on every time there's a stay of execution or a discussion of a moratorium. They pick out the individual person and then they link him up to the crime and the family, and then the family of the victim has then to go into listening to all of it being add... you know, approached by the press again. I think it's important that you include another perspective there. And the people that contacted me prior to your Bill last year, there were groups that were Victims' Families for Forgiveness and victims' families in general. I happen to be a victim from a victim family in general as many of colleagues know. My father was murdered. So I have a real stake in how you do this, for a number of reasons. I tend to agree with you that there seems to be a preponderance of minorities that are either less represented well or because of ghettoization and things that happen so that there's more crime in that area. They tend to be the ones that are found on death row or in prisons, and I'm very much in favor of trying to change that perception. Having sat through trials of the people that murdered my father, I felt that there were a lot of things that I would do, and now I am in the General Assembly and I look at it from a point of view of I don't think this starts here I certainly

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think that it starts as a child and how you're brought up. And if you're in an area where you're poor and you're dehumanized, things change over the course of your life and so you look at crime and murder in a different way. So, I don't think just looking at the death penalty from this aspect is the only thing, but I do think that it's fair to include state's attorneys, certainly law enforcement, and I would think at least one person that comes from a victim's family or a victim's point of view on your task force if you want to look at a full picture of what you're trying to study."

Pugh: "Well, Representative Mulligan, from... from the outset when you... when you expressed your concerns, you know, I began to share your pain vicariously. I... could not really put myself in your shoes, but I understand by our discussion, the depth of... of what you feel as a result of your loss. And... as you may or may not be aware, there are members of the victims' assistance programs that have been working with us in favor of this legislation. And I'd be more than happy to solicit their support and/or recommendations from you, relative to an individual, that could serve on this commission. I have no problems with that."

Mulligan: "Because the Bill or the Resolution was called so fast I voted 'present'. This time I... I intend to support it. I do not support the part about asking the Governor to put a moratorium on. But as Representative Durkin had assured me earlier today and then once again in debate, that there is no one actually coming up within the next six months. I do feel that I'm a very strong proponent of the death penalty, but I do think we have problems here that we have to take a look at, both why there are so many victims and

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so many... people that are in prison that come from underprivileged communities in particular. And so I'm... I'm willing to support you on this. I just don't support the part about the moratorium."

Pugh: "Thank you very much."

Speaker Hannig: "Representative Scully."

Scully: "Thank you, Mr. Speaker. I rise in support of this Resolution. This Resolution was debated at length this morning in the Criminal Judiciary Committee. I'm a supporter of the death penalty as being one of the tools available to our criminal justice system. I trust a properly administered criminal justice system to use this tool properly. But there is a question in the mind, in my mind. I think it's a question in the mind of many of the Members of this House. And certainly, a question in the mind of the people of the State of Illinois as to whether or not the death penalty is being properly administered. The language of this Resolution specifically gives that assignment to this task force, to review the administration of the death penalty. I support this Resolution. I support the Sponsor of this Resolution for his hard work in this cause. Thank you."

Speaker Hannig: "Representative Pugh to close."

Pugh: "Thank you, Mr. Speaker. There was an ample debate about this Bill (sic-Resolution) in... in... in committee this morning and I think the most outstanding or profound words that were spoken or reverberated in that committee was that reasonable minds agree that something has to take place. Reasonable minds agree that innocent people are being put to death. Reasonable minds agree that there is something that has to be done. And reasonable minds agree that we are the Body to do it. And I respectfully request an 'aye'



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vote."

Speaker Hannig: "So the question is, 'Shall the Resolution be adopted?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. This requires the majority of those voting. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 67 voting 'yes', and 47 voting 'no'. And the Resolution is adopted. Mr. Clerk, would you read House Bill 592?"

Clerk Bolin: "House Bill 592, a Bill for an Act to amend the Illinois Education Labor Relations Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Slone."

Slone: "Thank you, Mr. Speaker, Ladies and Gentlemen. This is a Bill that the House has seen and indeed passed before. It is a Bill that would restore collective bargaining rights to the faculty at the University of Illinois at Springfield. At the time that Sangamon State University was brought into the University of Illinois at Springfield, into the University of Illinois system, as the University of Illinois at Springfield, the faculty bargaining unit that was currently in existence at Sangamon State was decertified and the faculty at Sangamon State were told that they should join with their fellow faculty members at the other campuses of the University of Illinois who had not in the past had a faculty bargaining unit and attempt to form a unitary bargaining unit and that otherwise they would not be able to continue to have a bargaining unit. What this Bill does is to restore the fairly chosen faculty bargaining unit that was... that the university faculty chose to have at the Sangamon State campus prior to its inclusion in the University of Illinois system. And I

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would ask for your favorable consideration."

Speaker Hannig: "This Bill is on the Order of Short Debate.  
Representative Black."

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

Speaker Hannig: "She indicates she will."

Black: "Representative Slone, could you tell me, in your opinion,  
since the old Sangamon State University became the  
University of Illinois-Springfield, has that been a good  
thing for the institution or has that been a bad thing for  
the institution?"

Slone: "I don't... I'm not that closely familiar with the  
university as its been incorporated... "

Black: "I'm sorry, what?"

Slone: "I'm not that closely familiar with how the... how the  
campus's been functioning."

Black: "Oh, I see. If you're not that closely affiliated with  
the university, why are you carrying this Bill?"

Slone: "I've been asked to carry the Bill, Sir. And I do believe  
in the right to collective bargaining."

Black: "Okay, but you just told me you're not that closely  
affiliated with the university. But, you feel compelled to  
carry a Bill to restore bargaining rights for a university  
that you're not closely affiliated with. That's an  
interesting concept. Do you have any idea how many people  
since the University of Illinois-Springfield has taken over  
the campus? There was a window of opportunity that people  
could go back and get their degree or excuse me, their  
diploma changed from Sangamon State University to read the  
University of Illinois-Springfield, do you have any idea  
how many people have asked that their original diploma be  
reissued so that it would reflect their diploma would be

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from the University of Illinois-Springfield?"

Slone: "I... no, Mr. Black."

Black: "Ah. Can you give me any idea of any egregious incidents that have taken place on this campus since they have affiliated with the University of Illinois-Springfield and their bargaining unit was... was abolished by that action?"

Slone: "I'm sorry, Mr. Black, an egregious incident?"

Black: "Yes, can you give me any incident of egregious behavior where faculty members' rights were trampled on? That people's careers were put at risk? Could you give me any examples of anything like that that's taken place, on this campus, since they affiliated with the University of Illinois and their bargaining unit was abolished by that action?"

Slone: "Only the abolition of the bargaining unit itself, which was duly elected and chosen by the faculty members prior to the inclusion of the university within University of Illinois."

Black: "Okay, well thank you. Mr. Speaker, I hope you all listened to that question and answer because, if you did, then you should vote 'no'. Here's a Representative that brings a Bill, her admission not mine, she's not familiar or affiliated closely with the University of Illinois-Springfield. She doesn't have any idea how many people, who graduated from Sangamon State, now have gone back and requested that their diploma reflect that they graduated from the University of Illinois-Springfield. She can cite no egregious incident of anything that has taken place on that campus to that faculty. Not one, not even the hint of some kind of outrageous conduct that these faculty members have been subjected to since they became affiliated with the University of Illinois, your state

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university, the flagship university of this state, a world class university. I would think that if you brought this Bill to us you would have lived in the immediate service area of the University of Illinois- Springfield and you would have been able to cite specific instances where this absorption by the University of Illinois has created great stress, great tension, or great violation of basic human rights by affiliating with the University of Illinois. She can list none. I submit to you there are none. I would submit to you that most people that I have talked with, and there are people in my district who have attended and do attend the University of Illinois-Springfield, that it was a good merger and that they are moving forward as part of your state university, your flagship university, the University of Illinois that most of you have supported over the years as effectively and efficiently as we can. Now, I know what other speakers are going to say that come after me. They're going to make this out to be a union management dispute. Oh, really? If you really believe that, then where are your Bills to unionize... "

Speaker Hannig: "Representative, would you bring your remarks to a close, please?"

Black: "If you really believe that this is simply a union management dispute, then where are your Bills to unionize the faculty of every single institution of higher education in the State of Illinois. I submit to you, no one has been harmed by the Sangamon State University being absorbed into the University of Illinois system. There is no reason for this Bill, vote 'no'."

Speaker Hannig: "Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Hannig: "She indicates she will."

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Hoffman: "Representative, let's just clarify, let's just clarify the Bill a little bit, if you might. First of all, it is not your position nor are you taking any position as to whether it was good or proper or whether it's been a positive that the University of Illinois took over Sangamon State University. Is that right?"

Slone: "Certainly. Right."

Hoffman: "All you're saying with this Bill, is that there was a free and full election that took place prior to the absorption of the University of Illinois of Sangamon State and upon the absorption, that that free and open election, which put a bargaining unit in place, was essentially thrown out. Is that right?"

Slone: "That's correct."

Hoffman: "Well, with all due respect to the previous speaker, let me just say... say this, this is an issue with regard to self determination. This is an issue as to whether or not when a free election is held that we're going to be represented by a bargaining unit whether we're going to just pass a law, getting rid of that bargaining unit later. We're not saying that the absorption of the University of Illinois of Sangamon State whether that was good or bad. I happen to think it's been a positive for Springfield. It's been a positive for the University of Illinois. And sure people are going to go back and say, 'I want a degree from the University of Illinois instead of Sangamon State', because of the prestige that comes along with that degree. All we're saying in this Bill is we're saying that there was an election where workers said that they wanted to be represented by the Illinois Federation of Teachers. There was an election where they said that they wanted to have representation and they fully agreed to do that by that

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election. We, in this Legislature, should not throw out that election. We, in this Legislature, should say, that's what we support. We support free elections. You know, it could go the other way and what would you say if we would have taken over a university and said that now you're going to be represented by an organization or a union. You'd be jumping up and down and saying that's terrible because if that union was not freely and fully elected as the bargaining unit. You know, sure the University of Illinois is a world class educational institution. I've seen world class businesses that have bargaining units that were fully elected. We've seen world class governmental entities that have bargaining units that were elected fairly. We've seen world class sporting teams. We've seen world class governmental entities. We've seen world class businesses and small businesses. And when their workers independently elect a bargaining unit, they should be able under the laws of this state to have that protection. We're just saying put that back in place, put that bargaining unit back in place that was elected prior to the absorption of the university. I ask for an 'aye' vote."

Speaker Hannig: "Okay. This Bill is on the Order of Short Debate. We've had one proponent. We've had one opponent. Representative Slone, now, to close."

Slone: "Thank you, Mr. Speaker. I fully agree... "

Speaker Hannig: "Excuse me, Representative Johnson, for what reason do you rise?"

Johnson, Tim: "I would ask that the requisite number of people join me, and I don't do that often, in asking to remove this from Short Debate, so that we do have an opportunity to discuss an issue that's of significance."

Speaker Hannig: "All right. Do you have the requisite number,

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Representative? Representative Johnson."

Johnson, Tim: "Guess I have a few friends over here. Could I address the Bill?"

Speaker Hannig: "Representative Johnson, five minutes."

Johnson, Tim: "I've been a supporter of collective bargaining for public employees throughout my career. I recently was one of the few Republicans, as a matter of fact, to join with the other side of the aisle in supporting a Bill that gave collective bargaining rights to graduate employees at the University of Illinois. It was a controversial vote and issues or arguments on both sides of the issue. I'm not against the underlying concept of people being able to collectively bargain. I am, however, against dividing the University of Illinois against itself. We need to have a unified multicampus university. That was the whole purpose of our educational restructuring, university restructuring, that we effected a few years ago. And to now come in with this Bill and I think Representative Slone and, frankly, the proponents of this Bill are well-intentioned in their efforts. We're doing a disservice to higher education, generally, and specifically to the University of Illinois. The University of Illinois exists at Chicago. It exists at Urbana-Champaign (sic-Champaign-Urbana) and it exists at Springfield. As a matter of fact, in its medical branches it exists at Peoria and Rockford and otherwise. We don't need to have one set of standards, one set of rules, one set of, one bargaining unit here that don't exist at Champaign-Urbana, that don't exist in Chicago, and don't exist at the other campuses. This Bill would ultimately weaken the position of the University of Illinois and all of its campuses in its ability to do the job for the students and for the faculty and for the communities they

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serve. So with all due respect, I would urge a 'no' vote on this well-intentioned piece of legislation."

Speaker Hannig: "Representative Klingler."

Klingler: "Thank you, Mr. Speaker. As the Representative in whose district the University of Illinois at Springfield is located, I rise in opposition to this Bill. I remember well the days of Sangamon State University and even though many people got fine educations there and many people in this room have gotten degrees from Sangamon State University, the concern was always the fact that Sangamon State University was not known outside this area, even outside in different areas in Illinois. There, a lot of effort went together for the merger of Sangamon State University with the University of Illinois and I worked very closely on the Chancellor's Advisory Committee of community members that worked to help create and now to maintain, the standards of the University of Illinois at Springfield. The alumni were very pleased when recently working with the trustees we were able to have reissued diplomas at the board's initiative reflecting the fact that it's now the University of Illinois at Springfield. The objection to having a different bargaining unit from other bargaining units within the university is that the whole concept is that this would be one University of Illinois. There are campuses in Chicago. There are campuses in Champaign-Urbana. And there is a campus in Springfield. This a... when the merger occurred the Legislature provided that all units should be together. This... the faculty or other members are willing to have organizational activities that involve all the university. But, I think it's very important as we look at improving further the standard at the University of Illinois at Springfield that we not drive



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any wedge between the Springfield campus and the other campuses. And as a Representative in whose district UIS is located, I would strongly urge my colleagues to vote 'no' on this piece of legislation. Thank you."

Speaker Hannig: "Thank you. Now we've had three opponents and two proponents and we'll recognize Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. I'm a strong supporter of the University of Illinois. I'm a graduate. I also support each of its branches. I think the saying of the... the UIS is a wonderful institution. I've visited there many times. But, I also support the Sponsor and her Bill. I think some history is important here. This Bill is necessary today because during the period of time that the other side of the aisle controlled this chamber they went about the business of destroying a union contract. They said to the teachers, they said to the teachers at Sangamon State, 'We don't care that you've got this contract. We don't care that it was collectively bargained. You're out.' We're gonna decide by operation of law this Legislature is going to take it upon itself to take a contract in force, a negotiation that was ongoing and say, 'No, we're not gonna let you collectively bargain. We're not going to let you proceed with your bargaining unit.' It was wrong then as the transcript would show if someone read it. Many on this side of the aisle were angry at the time about it because it was the wrong thing to do. And the only way to resurrect that, the only way to undo the damage that was done to the collective bargaining rights of the teachers at that institution is to pass this piece of legislation. It's well thought out legislation. It takes us back to a time where this Body had some concern about collective bargaining rights for teachers. They're

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entitled to those collective bargaining rights. I hear much from the other side of the aisle about when it suits their purposes about well don't you believe in collective bargaining. Shouldn't we let, shouldn't we let negotiations take place. That's what this is about. This is about collective bargaining. This is about not having this Body determine for the teachers at UIS who will negotiate for them. That's not up to us to do. That's up to them to do. So, I strongly support this. Labor deserves the opportunity in all cases to negotiate their own contracts. It should not be up to this Body to do it for them."

Speaker Hannig: "Okay, now we've had three in favor and three opposed. That's what is allowed under Standard Debate. Now we will recognize Representative Slone to close. Yes, Representative Cross, for what reason do you rise?"

Cross: "I've simply rise for a request for verification in the event the Bill gets the requisite number of votes."

Speaker Hannig: "Okay, thank you, Representative. Representative Slone to crow... close."

Slone: "Thank you, Mr. Speaker. Ladies and Gentlemen, this is not, this Bill is in no way a reflection on the desirability of the merger of Sangamon State with the University of Illinois. What the former graduates have chosen to do with their diplomas is also not relevant here. Eighty percent of the UIS faculty signed a petition last fall in support of restoring bargaining rights. The contract rights of the UIS faculty should not have been broken when they were freely entered into by the parties. The Legislature should not have broken that by legislative fiat. The appropriate bargaining units for... in education are determined generally by the State Education Labor

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Relations Board and that board has determined that this was an appropriate bargaining unit for this university. I might add that Sangamon State, excuse me, that Southern Illinois University at Carbondale, the faculty there have negotiated a contract that does not include the other Southern Illinois University campuses. It is for that campus alone. And that seems to be working out quite well. I would urge an 'aye' vote to restore the rights of the faculty at the University of Illinois at Springfield. Thank you."

Speaker Hannig: "And so the question is, 'Shall House Bill 592 pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this... okay, on this question, there are 65 'yes', and 48 'no' and Representative Cross has requested a verification. And Mr. Cross withdraws his request. And there being 65 'yes', and 48 'no'. And this Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk, read House Bill 2271."

Clerk Bolin: "House Bill 2271, a Bill for an Act to amend the Illinois Health Insurance Portability and Accountability Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Coulson."

Coulson: "Thank you, Mr. Speaker. The intent of this Act is to improve the efficiency and fairness of the small group health insurance marketplace. Small employers between two and 50 employees are at a great disadvantage pertaining to stable insurance premiums for group health insurance. Today, Illinois is only one of three states that have no form of rate structure for small employer groups. This lack of rate structure causes small employers to receive

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substantial rate increases due to one large claim. Rate increases cause problems for employers and their employees and the options they face are not attractive. Employers must pass more of the cost onto their employees, decrease plan benefits, or drop coverage altogether. We can see that the current system does not work efficiently, because even though Illinois has a very low unemployment rate the uninsured ranks continue to swell. When an employer is looking to change their insurance carrier, they can be faced with a situation that the rate that has... was shown initially based on a healthy group, can be raised by an arbitrary percentage set by the carrier, sometimes 300% or even up to a 1000%, which is just another way of saying, 'Your request for coverage is declined.' House Bill 2271 will bring stability to the small group, employer group marketplace by limiting the amount of rate fluctuation an insurance carrier is allowed to pass along. This Bill is a modified version of a rating law that it was already in place prior to 1997 and the introduction of the Illinois Health Insurance Portability and Accountability Act. House Bill 2271 allows insurance carriers to create three classes of business for companies between two and 50 and within these classes they are allowed to vary the rates up or down 30% in the first year, 20% in the second year and 10% in the year 2002, and thereafter. At renewal, the increase in the rates for medical conditions or claims experience can be no more than 15%. This proposal is an initiative of the Illinois Manufacturers Association brought forth on behalf of their small employers who are experiencing difficulties in providing affordable insurance to their employees. I want to tell everyone that this is still a work in progress, this Bill. The insurance industry and I have

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just had discussions, yesterday and today. And we will continue to negotiate on a reasonable rate bonding level. And it is my intent to move the Bill over to the Senate at this time in order to continue these discussions. And I'd be happy to answer any questions."

Speaker Hannig: "Okay. This Bill is on the Order of Short Debate. And on that question, Representative Parke is recognized."

Parke: "Yes, thank you, Mr. Speaker. If... I would like a verification of the roll call if this receives a required number to pass."

Speaker Hannig: "And you shall receive that."

Parke: "Also, I would like to take this off of Short Debate. I would like to have enough hands shown to take it off."

Speaker Hannig: "Okay. And we'll put that on the Order of Standard Debate. And would you like to speak in... "

Parke: "I do."

Speaker Hannig: "... opposition or in favor, Representative?"

Parke: "I am opposed."

Speaker Hannig: "Okay. Please proceed."

Parke: "Representative, I understand you're trying to negotiate on this, but do you know what has happened on other states who have tried to implement a plan sim... similar to yours?"

Coulson: "I do know that there are only three states that have no form of rate structure at all. That's Michigan, Pennsylvania and Illinois."

Parke: "Okay. Well, I will explain to the Body what happens on that. Would this Bill favor current group coverage provided by some employer trade organizations in this state?"

Coulson: "I don't know. I don't know."

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Parke: "Well, it's my understanding that a number of the major large business organizations that have large mature groups are in favor of this because they see this as a way of levelling down these large groups. The groups that will be leveraged up are the small businesses of this state and that is one of the major problems with this legislation. The reason why some of the big business groups are for this is that they see this as an opportunity to lower their rates at the expense of small business. Ma'am... Mr. Speaker?"

Coulson: "Was that a question or... "

Speaker Hannig: "Yes, Representative Parke."

Parke: "That was not a question. To the Bill."

Speaker Hannig: "To the Bill."

Parke: "Ladies and Gentlemen, I would like to point out that Bills in the last 12 months, that have been implemented in other states, have shown that in Colorado there was a 38% increase in Tier E Levels, and Connecticut it was a 70% increase in Tier Level N. Which are the levels... the lower levels of small groups that had significant rate increases. Why would major corporations want this? The reason is simple. They will lower their cost of doing business by banding things, the rates together. Who ends up footing the bill? The small businesses. It's my understanding that Country Companies has indicated that they will have difficulty selling health insurance in Illinois if this Bill passes because the small group riders who they write in the small areas of this state will not be able to compete with the big major increases that they're gonna have. In addition, Ladies and Gentlemen, this is... this reduces the availability of group health insurance because the small markets are going start to dry up. Let

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me tell you what's gonna happen. Since the beginning of Session I've been standing on the floor and telling you what we're gonna do to the small businesses of this state. This Bill deliberately, deliberately, is being supported at the expense of small businesses, the small groups, the ones that are the 'Ma and Pa's', the ones that are creating the most jobs in this state, are gonna be at a disadvantage because the big, mature heavy groups are gonna find a way of lowering their costs at the expense of the small groups. Ladies and Gentlemen, this is not the way to solve it. One of the things that's been attractive about Illinois is that we have not had this in the past. It is not a bad thing not to have community rating. Where you put community rating in other states in this nation, there has been an increase in the cost, especially to small businesses. I strongly rise in opposition to this Bill."

Speaker Hannig: "Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. I rise in support of House Bill 2271. I'm not sure I agree with the prior speaker. I don't agree with him. The statistics I saw, the information I have seen, would indicate that this proposal will lower costs for small business. I think we're all interested in doing that. I think we're interested in making sure that the 'Ma and Pa' business, as he called it, is... has an opportunity to lower their costs to pass on those lower costs to their employees, as well as, to the consumers of the products they manufacture or the services they provide. So, this is something we ought to be doing. I see bipartisan support on the board for this piece of legislation and I would think that we would be interested in lowering costs for small business. This is a good step in that direction. I applaud Representative

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Coulson for bringing this legislation and for agreeing to continue to work on it once we send it to the Senate. So, I think we ought to do that for her and for our small businesses and let's continue to work in the Senate to make this even a better Bill."

Speaker Hannig: "Representative Mulligan."

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

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

Mulligan: "Representative Coulson, how do you define what a small employer group is?"

Coulson: "A small employer on... in this Bill is employers between two and 50 employees. And they are at a great disadvantage currently, because their insurance rates, if they have one incidence of illness, can go up a 100, 200, even a 1000%. I had a call from one of my businessmen that that happened to just this summer and he had to get rid of his insurance for his 35 employees because he could not afford the rate increase. And that is why I'm working on this Bill so hard."

Mulligan: "There were a number of questions in committee and some of them escape my mind right now, but there was something about community rating. Can you answer me if this would lead to that?"

Coulson: "Thank you very much for that question. There's been a lot of misinformation about this Bill. It is not a community rating Bill as the previous speaker has implied. It is not a modified community rating Bill. Insurance companies can set their rates where they want, however, there are rating limits from highest to lowest for new insured and it limits the increase to 15% after that. These are... there are 46 states that have some form of rating structure in place already. While I do not want to



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put any small insurance companies out of business, I don't think they can go to other states because there are 46 states that already have ratings structures in place."

Mulligan: "Weren't general agents in support of this Bill or the people that sell the policies or the insurance that the bigger groups give to them to be the agent for?"

Coulson: "The... there are several personal insurance agents in my district who called me with major concerns about this issue, also, this summer and they are in support of the concept. There is some problem and we will continue to negotiate on this issue as far as the percentages. And as I've said before, I will talk to the Senator who will pick this up and we will continue to negotiate."

Mulligan: "Some people believe that this will have insurance companies leaving the State of Illinois. Do you believe that's true?"

Coulson: "I don't believe that's true since 46 other states have this form of... have some form of rating. It's unlikely that it'll have a negative impact on the insurance market in Illinois."

Mulligan: "Wouldn't this be good for small agents because it'll give them a product that they can sell to small business?"

Coulson: "I believe it would be."

Mulligan: "To the Bill. I have a constituent that his daughter was born with a really bad congenital disease. What happened then was the employ... his employer's insurance carrier kept raising the rates, even though the initial cost of the child was great and then it leveled off. He was not promoted within that business any longer because I think the employer was really helping he and his family with this medical condition with leave. Eventually, he was forced to leave because his career was at a dead end and

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the employer could not afford the insurance because of one individual, even though he'd carried insurance for years and years and years. I think we're mistaken here about what insurance companies are supposed to do. It's not just make a profit. I do think when you spread the money out over the big picture you're insuring the people that may have a problem, you take in money from a lot of people that don't have a problem, so that when someone does have a problem you have money then to cover it. The object is to use that money then, not to go back and raise the rates on the poor person that has one instance of someone that has a claim one year and then they raise their rates off the roof and they no longer can afford the insurance. That's why we have a lot of people that shop every year for new rates. Certainly, it's not fair. I think the object of insurance is to put the money in to spread out over the people that have claims over the long haul, not to just raise the rates when you think you're going to have to pay out something, even though you're making a profit to begin with. I think this is a really good Bill for small business. I can understand why IRMA and Illinois manufacturers are backing this. I think it's a good idea. It certainly helps small companies still be able to provide these benefits for their employees when they work very hard to do that. I think we all ought to be voting 'aye'. This is a really good Bill. The Lady's worked really hard on it. She's tried to bring people together. The only people that don't come together are the one's that want to stall until the end of Session, so the Bill cannot be passed. People that truly want to work it out have come to the table with her."

Speaker Hannig: "And so we've had three in support and one in opposition. We need two more to... up to two more can

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    speak in opposition. Representative Mautino. In  
    opposition? Okay, Representative Mautino."

Mautino: "Thank you. I have a few questions of the Sponsor."

Speaker Hannig: "She indicates she'll yield."

Mautino: "Representative, is this a new idea here in Illinois?"

Coulson: "Not really. We had a rate structure law here in... it  
    was only... I'm trying to remember what year, in 1997 when  
    the HIPAA Bill passed, that it was taken out."

Mautino: "Okay and that's correct. That was a Bill that was  
    sponsored by Representative Krause and myself on the  
    original HIPAA Bill."

Coulson: "Correct."

Mautino: "When you're... I guess, to the Bill and I may return  
    for another question, but to the Bill right now. I rise in  
    opposition and just wanted to state a couple of things. We  
    have had the rating bands in the past and when we looked at  
    health insurance portability and this was studied  
    extensively in the Insurance Committee. We found that some  
    of the goals which the Representative is hoping to achieve  
    in this are probably not going to be realized. That's the  
    reason we took the band out in the first place. I think  
    the negotiated position they're looking at, in the Senate,  
    is to possibly return the bands which we had two years ago  
    and I believe that's something which is under  
    consideration. But, it does have the... the effect, when  
    you put these groups in, that if you do have one claim it  
    may keep down the higher end on these bands, but it forces  
    the smaller and the healthier groups to go and search for,  
    they either pick up the cost of those who are having the  
    higher claims or they go and they search for another avenue  
    and they end up leaving the market. That... that's just a  
    reality that we've seen in other states with the bands, as

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well. And for that reason, I understand fully what the Representative is trying to do, but there's a reason that everyone in this chamber voted to take these bands out in the first place and it was that they did not do what we had hoped that they would do. They did not create a savings to small business and we were hoping that in the portability and hopefully, we'll have enough time as that law takes a little bit more effect to have the affect she's looking for. As far as... some of the groups who are in opposition and who are putting this forward right now, they did not oppose taking these bands out two years ago when we conducted the extensive meetings. So, I... although, I know that one of the offers of compromise is going to be to return the bands we had two years ago, my only statement is two years ago they didn't do it then. And although your... your intentions are honorable in here, this Bill will not do for small business what you think it's going to do and in fact, may have a reverse effect of taking those healthier groups and forcing them out of the market. And I thank you and just appreciate a 'no' vote."

Speaker Hannig: "Representative Osmond, in opposition."

Osmond: "Will the Sponsor yield for a couple questions?"

Speaker Hannig: "She indicates she will."

Osmond: "I... I thought during her presentation that I heard the Sponsor say that this would limit increases in future premiums to 15%. Was I correct in that?"

Coulson: "Let me get my numbers here. That... there are rating limits in each class that have a high and low rate and then, in addition to that, for new insurers it would limit increases to 15%, for medical experience or claims reasons only."

Osmond: "So, you and I've talked on this. I don't want to give

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anybody the impression that that's going to limit increases to 15% because that whole pool could, in fact, go on up. So, you could still have your cost of living increase, your trend increases of 12 or 13%, plus the cost of any of the new enhancements that this Body has voted on to pass, plus then the experience rating?"

Coulson: "That's correct."

Osmond: "Okay."

Speaker Hannig: "If I could interrupt for just a moment, Governor Ryan is on the floor and we'd like to welcome him back to the House chambers. Representative Osmond, would you like to conclude your remarks, so we can go to a roll call?"

Osmond: "I certainly would defer to the Governor if he wants to say a few words. But... my... I did speak with several carriers on the effect of the Bill as proposed and I spoke with the Governor who's right here, of course. No, I won't go there. When I talked with two companies, Pekin Insurance and Country Companies, it's my understanding that if these bands are applied and we use the original number not altered in the Senate, that they in fact would discontinue writing group business in Illinois. That would not be good for small business. They would have to substitute with an individual policy. We'd lose the deductibility of it and probably benefits. My concern on this is that if it goes to the Senate and does not get adequately changed up to a 25% rate, that those, in fact, those companies will drop their coverages and that would not be good for small business. Thank you."

Speaker Hannig: "Representative Coulson to close."

Coulson: "I want to thank everyone for their concerns. I, too, have the same concerns. I'm going to work with the Senate to make sure that we don't end up losing companies in this

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state. I would like to mention that at the time we passed the HIPAA Bill, we wanted to see what would happen because of the requirement that all people would be insured. I think we've seen what's happened. The increases have been very, very high. In some cases, 100, 200 and even in one of my businesses' cases a thousand percent increase. The business could not plan and could not know how they could possibly afford to continue carrying insurance. I would urge a 'yes' vote and I will continue to work on this. Thank you very much."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 102 voting 'yes', and 11 voting 'no'. Representative Parke, do you withdraw your request for a verification? Representative Parke? Yeah, Representative Parke withdraws his request for a verification. And this Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk, would you read House Bill 2431? Representative Monique Davis."

Clerk Rossi: "House Bill 2431 has been read a second time, previously. No Committee Amendments or Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Monique Davis, has been approved for consideration."

Speaker Hannig: "Representative Davis."

Davis, M.: "Mr. Speaker, I believe this is DCFS' budget and we're just asking to pass this budget."

Speaker Hannig: "The question is, 'Shall Amendment #2 be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And Amendment #2 is adopted. Any further

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Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hannig: "Third Reading. We're now going to begin the process of reading for the third time the Agreed Bill 4 List. So, Mr. Clerk, would you read House Bill 5? House Bill #5. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 5, a Bill for an Act... the Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 52."

Clerk Rossi: "House Bill 52 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 53."

Clerk Rossi: "House Bill 53 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 303."

Clerk Rossi: "House Bill 303 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 373."

Clerk Rossi: "House Bill 373 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 1064."

Clerk Rossi: "House Bill 1064 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

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

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1065."

Clerk Rossi: "House Bill 1065 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 1477."

Clerk Rossi: "House Bill 1477 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 1532."

Clerk Rossi: "House Bill 1532 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 1534."

Clerk Rossi: "House Bill 1534 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 2273."

Clerk Rossi: "House Bill 2273 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 2383."

Clerk Rossi: "House Bill 23... "

Speaker Hannig: "2383."

Clerk Rossi: "... House Bill 2383, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hannig: "Okay, already on Third? Hold it on Third. House Bill 2426. Mr. Clerk, read the Bill."



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Clerk Rossi: "House Bill 2426 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 2428."

Clerk Rossi: "House Bill 2428 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 2431. Okay. Out of the record. Mr. Clerk, read House... Mr. Clerk, would you read House Bill 1089?"

Clerk Rossi: "House Bill 1089 has been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Speaker Madigan, has been approved for consideration."

Speaker Hannig: "Speaker Madigan."

Madigan: "Mr. Speaker, Ladies and Gentlemen. The Amendment becomes the Bill. I would move for the adoption of the Amendment and then debate the Bill on Third Reading."

Speaker Hannig: "Is there any discussion? The question is, 'Shall the Amendment be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "House Bill 1089, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Hannig: "Speaker Madigan."

Madigan: "Mr. Speaker, Ladies and Gentlemen. This concerns enforcement of the Illinois Seat Belt Law. Today, enforcement of the Illinois Seat Belt Law is considered a secondary offense, which means that the police officer is

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not authorized to stop a motorist simply because the motorist is not wearing a seat belt. The change in the law would provide that in the future a police officer could stop a motorist simply because they're not wearing the seat belt. Therefore, this particular offense would become a standard or primary offense. There are certain particulars in the Bill that I would like to recite at this time. Number one, there's a four-year sunset in the Bill. Number two, from the effective date of the Bill until January 1, 2000, the police may only issue warning citations. So again, from the effective date of the Bill until January 1, 2000, the police would not be authorized to issue the citation, just a warning. Next, from January 1, 2000, until four years after the effective date it would become a primary offense. It would remain a petty offense subject to a front \$25.00 fine. In addition, the Bill would provide that State Police and local law enforcement officers must receive racial sensitivity training as part of existing training programs. Next, beginning on January 1, 2000, state or local law enforcement officers must record on the face of all citations, even if issued for another violation under the vehicle code, whether the person being issued the citation is one of the following: Caucasian, African American, Hispanic, or any other race or ethnicity. Next, beginning January 1, 2000, all citations produced for use by state or local law enforcement officers shall contain on their face a list of these racial and ethnic groups. This allows police departments to use up old citation stock before January 1, 2000. The officers must still record racial data on the old citation. The Secretary of State would compile citation information and issue a report to the General Assembly based on data

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collected from the City of Chicago and the State Police. Purpose of the report is to determine whether there is a pattern of discrimination and enforcement by the City of Chicago and the State Police officers. Our purpose in offering this Bill is to save lives. The evidence is very clear that where adults buckle up, children buckle up. Seat belt compliance in Illinois has stabilized at about 64 or 65%. Statistical evidence from other states clearly indicates that if we become a standard or primary enforcement state, then the percentage of compliance will rise to over 80%. That will bring on the use of seat belts by children and therefore, reduce the loss of lives of children. Mr. Speaker, I'm available for questions."

Speaker Hannig: "The Gentleman has moved for our passage of House Bill 1089. And on that question, Representative Daniels is recognized."

Daniels: "Mr. Ladies an... Ladies and Gentlemen of the House, Mr. Speaker. I'm pleased to be joined today by our Governor, who is a very a strong and vocal supporter of this Bill. The Governor has asked Members on my side of the aisle to consider very strongly the support for this Bill. I want to commend the Speaker Madigan for his efforts on this and although there are provisions of the Bill that I don't necessary think are appropriate within a seat belt law, and I have some concerns about this. I think the overriding concern of safety of people, whether it's children that are in car seats or people that should wear seat belts to mitigate any potential damage or injury as a result of the accident. Not only is it a smart thing to do, but one that the state ought to encourage. We must and we should reduce injuries on the highways. This is a good Bill and I want to reiterate again my support for this Bill, asking my Members

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to support it and also to commend the Governor for his efforts in bringing this Bill to our attention."

Speaker Hannig: "Any further discussion? There being none, Representative Madigan to close."

Madigan: "Mr. Speaker, as I stated in my opening remarks, our purpose here is to save the lives... save the lives of children. Evidence from other states is very, very clear. When you move to primary or standard enforcement, more people use the belts. The more people that use the belts the more children that use the belts and you will save lives. I would request an 'aye' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 69 voting 'yes', and 39 voting 'no'. And this Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk, would you read House Bill 2012?"

Clerk Rossi: "House Bill 2012 has been read a second time, previously. Amendments 1 and 2 were adopted on the floor. No Motions have been filed."

Speaker Hannig: "Let's wait... let's take that out of the record while we're waiting for disposition of a fiscal note. All right. Let's just, for a few minutes, go back to the Order of the Agreed #4 List, the Appropriations Bills. Mr. Clerk, read House Bill 2453."

Clerk Rossi: "House Bill 2453 has been read a second time, previously."

Speaker Hannig: "Okay, Third Reading. Mr. Clerk, read the Bill on Third."

Clerk Rossi: "House Bill 2453, a Bill for an Act making

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appropriations. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 2457."

Clerk Rossi: "House Bill 2457 has been read a second time, previously."

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

Clerk Rossi: "House Bill 2457, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 2467."

Clerk Rossi: "House Bill 2467 has been read a second time, previously."

Speaker Hannig: "Third Reading. Mr. Clerk, read the Bill on Third."

Clerk Rossi: "House Bill 2467, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 2478."

Clerk Rossi: "House Bill 2478 has been read a second time, previously."

Speaker Hannig: "Third Reading. Mr. Clerk, read the Bill on Third."

Clerk Rossi: "House Bill 2478, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 2489."

Clerk Rossi: "House Bill 2489 has been read a second time, previously."

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

Clerk Rossi: "House Bill 2489, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 2507."

Clerk Rossi: "House Bill 2507 has been read a second time, previously."

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

Clerk Rossi: "House Bill 2507, a Bill for an Act making

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appropriations. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 2508."

Clerk Rossi: "House Bill 2508 has been read a second time, previously."

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

Clerk Rossi: "House Bill 2508, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 2509."

Clerk Rossi: "House Bill 2509 has been read a second time, previously."

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

Clerk Rossi: "House Bill 2509, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read 2511."

Clerk Rossi: "House Bill 2511 has been read a second time, previously."

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

Clerk Rossi: "House Bill 2511, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 2513."

Clerk Rossi: "House Bill 2513, a Bill... has been read a second time, previously."

Speaker Hannig: "Third Reading. Read the Bill."

Clerk Rossi: "House Bill 2513, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 2518."

Clerk Rossi: "House Bill 2518 has been read a second time, previously."

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

Clerk Rossi: "House Bill 2518, a Bill for an Act to create the Budget Implementation Act for fiscal year 2000. Third Reading of this House Bill."

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Speaker Hannig: "Mr. Clerk, read House Bill 2519."

Clerk Rossi: "House Bill 2519 has been read a second time, previously."

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

Clerk Rossi: "House Bill 2519, a Bill for an Act to create the Budget Implementation Act of fiscal year 2000. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read 2527."

Clerk Rossi: "House Bill 2527 has been read a second time, previously."

Speaker Hannig: "Third Reading. Mr. Clerk, read the Bill on Third."

Clerk Rossi: "House Bill 2527, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read 2528."

Clerk Rossi: "House Bill 2528 has been read a second time, previously."

Speaker Hannig: "Third Reading."

Clerk Rossi: "House Bill 2528, a Bill for an Act making appropriations."

Speaker Hannig: "Mr. Clerk, read House Bill 2532 on... read 2532."

Clerk Rossi: "House Bill 2532 has been read a second time, previously."

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

Clerk Rossi: "House Bill 2532, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 2534."

Clerk Rossi: "House Bill 2534, a Bill... has been read a second time, previously."

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

Clerk Rossi: "House Bill 2534, a Bill for an Act making

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appropriations. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read 2538."

Clerk Rossi: "House Bill 2538, a Bill for an Act making appropriations."

Speaker Hannig: "Mr. Clerk, read 2541. I'm sorry, Third Reading on 2538 and read the Bill."

Clerk Rossi: "House Bill 2538, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read 2541."

Clerk Rossi: "House Bill 2541 has been read a second time, previously."

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

Clerk Rossi: "House Bill 2541, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read 2542."

Clerk Rossi: "House Bill 2542 has been read a second time, previously."

Speaker Hannig: "Third Reading."

Clerk Rossi: "House Bill 2542, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read 2793."

Clerk Rossi: "House Bill 2793 has been read a second time, previously."

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

Clerk Rossi: "House Bill 2793, a Bill for an Act in relation to State Government. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read 2794."

Clerk Rossi: "House Bill 2794 has been read a second time, previously."

Speaker Hannig: "Third Reading."

Clerk Rossi: "House Bill 2794, a Bill for an Act in relation to State Government. Third Reading of this House Bill."



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Speaker Hannig: "Mr. Clerk, read House Bill 5 on Third Reading."

Clerk Rossi: "House Bill 5, a Bill for an Act making appropriations to the Attorney General. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 52."

Clerk Rossi: "House Bill 52, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 53."

Clerk Rossi: "House Bill 53, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read House Bill 303."

Clerk Rossi: "House Bill 303, a Bill for an Act to amend the Build Illinois Bond Act. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read 373."

Clerk Rossi: "House Bill 373, a Bill for an Act amending the General Obligation Bond Act. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read 1064."

Clerk Rossi: "House Bill 1064, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read 1065."

Clerk Rossi: "House Bill 1065, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read 1477."

Clerk Rossi: "House Bill 1477, a Bill for an Act making an appropriations to the Office of the State's Attorneys Appellate Prosecutor. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, read 1534."

Clerk Rossi: "House Bill 1534, a Bill for an Act making an appropriation to the Department of Children and Family Services. Third Reading of this House Bill."

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Speaker Hannig: "Mr. Clerk, read 2273."

Clerk Rossi: "House Bill 2273, a Bill for an Act making appropriations to the State Comptroller's Office. Third Reading of this House Bill."

Speaker Hannig: "Mr. Clerk, what is the status on 2383?"

Clerk Rossi: "House Bill 2383 is on the Order of Third Reading and has been read a third time."

Speaker Hannig: "Okay, out of the record. House Bill 2426. Read the Bill."

Clerk Rossi: "House Bill 2426... "

Speaker Hannig: "Mr. Clerk, read 2426."

Clerk Rossi: "House Bill 2426, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hannig: "Okay, so could I have the Members attentions? Could I have your attention, please? We're going to now have the roll call on the Agreed Bill List #4. That's the appropriation list of Agreed Bills. So, the question is, 'Shall these Bills pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Representative Skinner. Representative Skinner, we would like everyone to vote 'yes', and then your overriding vote will be recorded as you wish on the sheets that you turned in. Representative Harris needs to be recorded. Representative Stephens, for what reason do you rise?"

Stephens: "Are these the Agreed Bills as amended?"

Speaker Hannig: "Yes, and there was only one that was amended, Representative. And that, I'm sorry, two, excuse me."

Stephens: "All right, and has the Clerk tallied the results?"

Speaker Hannig: "The Clerk is, will begin to tally the results after we have the roll call."

Stephens: "If he needs the Assistant Clerk's help that, they're available."

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Speaker Hannig: "Very well. Thank you, Representative. Okay, Mr. Clerk, take the record. There are 114 voting 'yes', and 0 voting 'no'. Okay. And now with regards to the Agreed List #3, that's the Agreed Bill List on the substantive Bills. The Clerk has certified that all the Bills have received a sufficient number of votes. And therefore, the Bills contained on Agreed List #3 have received the required Constitutional Majority and are hereby declared passed. Representative Osmond, on House Bill 408. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 408, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Hannig: "Representative Osmond."

Osmond: "Mr. Speaker, this Bill, it changes the Criminal Code to include two other offenses to public officials with regards to threats. And we want to include the radio communication and computer communication as a offense against public officials."

Speaker Hannig: "The Gentleman has moved for passage of House Bill 408. The Bill is on Short Debate. Does anyone stand in opposition? And there being no one standing in opposition, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes', and 0 voting 'no'. And this Bill having received a Constitutional Majority is hereby declared passed. House Bill 233, Representative Dart. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 233 has been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Dart, has been approved for

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consideration."

Speaker Hannig: "Representative Dart."

Dart: "Thank you, Mr. Speaker, Members of the House. Amendment #2 is a series of exemptions that were worked out with numerous groups who have interest in the Bill. Exemptions for farms, utilities, manufacturers, retail merchants, and it deals also with the, the establishment of fees and the fund and the change of the date. We extended it from January 1st to July 1st. And I'd move for the adoption of Amendment #2."

Speaker Hannig: "The Gentleman has moved for the adoption of the Amendment. Is there any discussion? The question is, 'Shall the Amendment be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

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

Speaker Hannig: "Representative Dart."

Dart: "Thank you, Mr. Speaker. Amendment #3 deals with small, smaller towns in trying to make an accommodation for inspection and licensing in those areas. And I'd move for the adoption of Amendment #3."

Speaker Hannig: "The Gentleman has moved for the adoption of the Amendment. Is there any discussion? There being none, the question is, 'Shall the Amendment be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hannig: "Third Reading. Representative Cowlshaw. Representative Cowlshaw, on House Bill 134. Representative Cowlshaw. Representative Cowlshaw, would you like to call House Bill 134? Okay. Excuse me,

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Representative, the Bill's been amended today and we have to hold it until tomorrow."

Cowlshaw: "Oh, what a disappointment. But, I have the... the Speaker stood right where you are, the real Speaker, Michael Madigan, and said this Bill would be called tomorrow. So, I have every confidence that it will be called tomorrow and I thank you very much."

Speaker Hannig: "I have confidence, too, Representative. Thank you. 1762. Mr. Clerk, would you read the Bill?"

Clerk Rossi: "House Bill 1762 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Hultgren, has been approved for consideration."

Speaker Hannig: "Representative Hultgren."

Hultgren: "Thank you very much, Mr. Speaker. This is a... an Amendment clearing up the task program which is part of our Criminal Code. And what this does is, right now there's the more serious offenders who would be eligible for TASK. TASK has not been used because they had not been also eligible for probation. What this does is clear that up. We also are going to be adding some additional language after this, but I would ask for approval of Floor Amendment #1."

Speaker Hannig: "Gentleman has moved for the adoption of the Amendment. Is there any discussion? There being none, the question is, 'Shall the Amendment be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hannig: "Third Reading. Mr. Clerk, would you read House Bill 2823, for Representative Zickus?"

Clerk Rossi: "House Bill... "

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Speaker Hannig: "Excuse me, Representative Zickus, that was the Chair's mistake. That Bill's been amended today. We'll call it tomorrow."

Zickus: "Mr. Speaker."

Speaker Hannig: "Yes, Representative Zickus."

Zickus: "I believe that was on the Agreed List."

Speaker Hannig: "Okay. Very good, that's correct."

Zickus: "Thank you."

Speaker Hannig: "Representative Parke, on 1157. Would you like us to read that Bill? Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1157, a Bill for an Act amending the Barber, Cosmetology, Aesthetics, and Nail Technology Act of 1985. Third Reading of this House Bill."

Speaker Hannig: "Mr. Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I bring before you a Bill that is... corrects a problem that we're finding in some of our cosmetology schools where, specifically, a student who may be taking a course in cosmetology school so that they can have a job in a relatively short period of time. They are required to have 15 hours and so the... the structure of the curriculum was 1500 hours. What we find sometimes is these, mostly women, find that they end up having somebody ill or themselves or they have to be called away on jury duty and end up having to make up those hours after the course is over or maybe even have to restart it again. So, what we're doing is that we're going to allow some flexibility. What this does is it codifies about 10%, that gives the school some leeway that says that it's a curriculum, not hours. And that the program or curriculum is all that's necessary. And if it's determined that they have the proficiency or they have the ability to do the job with the

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hair, then they have fulfilled the requirements to become cosmetologists. I will stand ready to answer any questions anyone may have."

Speaker Hannig: "This Bill's on the Order of Short Debate. Does anyone stand in opposition? There being no one standing in opposition, the question is, 'Shall this Bill pass?' All in, oh excuse me, Representative Black. I didn't see your light on. Representative Black, are you seeking recognition?"

Black: "No."

Speaker Hannig: "Just time out. Okay, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes', and 0 voting 'no'. And this Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk, would you return to the Order of House Bill 2012. And what is the status of that Bill? For Representative Stroger?"

Clerk Rossi: "House Bill 2012 has been read a second time, previously and was held pending the filing of a fiscal note that has been requested as the Bill was amended by House Amendment #2. That note has now been filed."

Speaker Hannig: "Third Reading. Mr. Clerk, would you read the Bill?"

Clerk Rossi: "House Bill 2012, a Bill for an Act amending the Illinois Public Labor Relations Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Stroger."

Stroger: "Thank you, Mr. Speaker. House Bill 2012 provides that if a labor union submits a representation petition for

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employees of a union of local government employing between 10 and 34 employees, the board may process the petition after it's accompanied by a 75% showing of interest in the employees of that union of local government. So, what we're doing is we're dropping the threshold for local government employees to unionized to 10 from 35. And 75% would have to vote to do that. And I'll answer any questions."

Speaker Hannig: "This Bill is on the Order of Short Debate. Representative Black, do you stand in opposition?"

Black: "Yes. I'll have a short question, if the Sponsor would yield."

Speaker Hannig: "Yes, he indicates he'll yield."

Black: "Representative, so this would... this would be your attempt then to see that all... all workers for local units of government would be able to come together and after choir service, vote to bargain collectively, is that it?"

Stroger: "If there's over 10."

Black: "If there are over how many?"

Stroger: "If there's over 10 employees."

Black: "They... they have to be over 10 years of age, I'm, what are they... "

Stroger: "No, there have to be 10 employees, or more."

Black: "Oh, if the unit has more than 10 employees. And if they have more than 10 employees, how many of them would have to sign a card?"

Stroger: "Seventy-five percent."

Black: "Seventy-five percent of 10, how many would that be?"

Stroger: "That would be 8. That... that's that new math."

Black: "That's not too bad. So, 8 out of 10. Now, it's been a long time since I've been through this. I need to refresh my memory. They would then petition the unit of government



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to form a bargaining unit, right?"

Stroger: "Right. Yes."

Black: "Would the bargaining unit, would the unit of government be under your law mandated to say, 'Okay, sure, that's all right with us?' Or could they say, 'No?'"

Stroger: "There would be an investigation and a hearing before the Illinois Labor Board and then there... "

Black: "Okay. Would that be in any case or only if the unit of government said, after receiving 75% of the signed cards, if the unit of government says, 'No, it is not our intent nor desire to enter into a collective bargaining agreement.' Is it at... is it that point where they go to the Labor Relations Board?"

Stroger: "Always."

Black: "Okay. And is it only after the board makes a determination that and if... well, let me ask you both ways. Can the board side with the unit of government and say, 'No, you've not shown a compelling need or interest to form a bargaining unit?'"

Stroger: "No, actually what would happen is the employees, when they take the vote, if they get 75% then they will be able to unionize. The board decides the appropriate bargaining unit."

Black: "Okay. At that point, does the unit of government have any means to say, 'No, we don't want to do this?' Or does it at that point if the unit of government says, 'No, we don't want to recognize you, we don't want to bargain collectively.' Do they then have to go to court to carry that out? I mean to carry out that decision?"

Stroger: "The local government unit will have to do what is... what the employees dictate from the ballot. So, they have the choice to unionize or not to have any representation at

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all. If they choose the union then the local government unit has to work with the bargaining unit."

Black: "Okay. So the... could the unit of government, though, say, 'No, I'm not going to do... I'm not going to recognize this?'"

Stroger: "The employee would have to recognize them... "

Black: "Well, I know the employees, but what about the employer? If the employer said, 'No, I don't want to do this?' Mr. Speaker, I'd like... "

Speaker Hannig: "Yes."

Black: "... to request another minute here since we're having a three way conversation and Caleb's not answering very quickly today."

Stroger: "We're having a four way conversation... "

Black: "I... I understand."

Stroger: "... I see that young man beside you."

Black: "Okay."

Stroger: "And I think he's pretty smart, but... "

Black: "Okay."

Stroger: "The ques... the answer to your question is... is once the employees take the vote that they decide then the... that they want to have a union then the local government will have to amend to that decision. They'll have to... to work with 'em."

Black: "So, it would have to be submitted to the board for arbitration?"

Stroger: "They have to recognize them as a union."

Black: "Okay. Do they have any recourse? Can they go to court or can they petition the labor board... "

Speaker Hannig: "Representative Black, we'll give you some additional time to ask questions."

Black: "I... and I'll try to wrap it up. My... the only thing

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I'm trying to get at is... is whether the employer, i.e. the unit of local government, at this point, has any recourse. Can they take the bargaining attempt to court or can they have a hearing before the labor board?"

Stroger: "Mr. Black."

Black: "Yes, Sir."

Stroger: "As long as the procedure is carried out the way it is written, then they have to bargain."

Black: "Okay, all right. Just a couple of more quick questions. I look around this room. There are more than 10 of us. The working conditions are, in some cases, absolutely ridiculous. There's all kinds of food and garbage under my desk. I'm eating here at my desk. I'm hot, I'm tired, I need something to drink. What... can we bargain? Can we form a bargaining unit?"

Stroger: "I think we're a board of directors, so we couldn't do that."

Black: "Well, I may look into that. Well, I... I want to thank you Representative and I want to thank Caleb for the forthright answers to the questions. And Mr. Speaker, as always, we certainly thank you, Sir."

Speaker Hannig: "Thank you, Representative. The Bill, this Bill is on Short Debate. Does anyone stand in opposition? Anyone in opposition? Okay. Representative Durkin."

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

Speaker Hannig: "He indicates he will."

Durkin: "Representative Stroger, under this... House Bill 2012, can a part-time employee be one of the... would this be a person who would count towards that threshold?"

Stroger: "We're going to do a little research on that. Can you get to your next question? We'll come back to that."

Durkin: "All right, why don't we throw like independent

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contractors in there, also part-time employees. I just want to make sure how you define 'employee' under this 'cause we're forcing a... we're... this is a very big leap what you're doing and I'm not sure if I can support it. But, I think we've got to be very clear how we... how you define 'employee' under this Act."

Stroger: "We have an answer. Part-time employees are included as long... "

Durkin: "I have no further questions. I just want to get... do you have an answer to that question?"

Stroger: "Part-time employees are included as long as they're permanent employees."

Durkin: "Permanent part-time employees. So, summer help, college kids who come in and they'll work on and they'll paint fire hydrants... "

Stroger: "No, No... "

Durkin: "... would be part of a... "

Stroger: "No, you answered your own question. Summer help, that, that's not permanent."

Durkin: "It's part-time."

Stroger: "But, that's not permanent."

Durkin: "Well, all right, how do you define permanent? Is it permanent every summer, 'cause there's some people that work on a permanent basis from June through Labor Day."

Stroger: "You have to work... "

Durkin: "I mean, arguably that's permanent."

Stroger: "That's seasonal. But, no, you have to work around the year."

Durkin: "All right. Well, I think that there's maybe some confusion in the way that this may be applied sometime in the future. And I reluctantly stand in opposition."

Speaker Hannig: "Okay, we've had... we've had several speak,

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actually, in opposition. Several, two, we had two speak in opposition. The Bill's on Short Debate. Representative Stroger, would you close?"

Stroger: "I believe this is a good Bill. Having been a seasonal employee, I know that you don't have too many rights. This... we should give it a 'aye' vote. Thank you."

Speaker Hannig: "So, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 65 voting 'yes', and 50 voting 'no'. And this Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk, read House Bill 2081."

Clerk Rossi: "House Bill 2081, the Bill has been read a second time, previously. Amendment #1 was adopted in committee. Amendment #3 was adopted on the floor. No Motions have been filed. Floor Amendment #4, offered by Representative Moffitt, has been approved for consideration."

Speaker Hannig: "Representative Moffitt."

Moffitt: "Thank you, Mr. Speaker. Amendment #4 becomes the Bill. This is language from the Comptroller and it provides that the Comptroller may revoke any cemetery license if any fact or condition exists which would constitute grounds for denying an application for a new license. This is to deal with private cemeteries. So, we'd like this Amendment put on and it becomes the Bill."

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

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

Speaker Hannig: "Yes, Representative?"

Black: "Yes, is this Bill on Short Debate?"

Speaker Hannig: "Well, we're just doing the Amendment,

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Representative."

Black: "Oh, an Amendment, I'm sorry. Is the Amendment on Short Debate? Is the Amendment to the Cemetery Care Act? Oh, this Amendment is dead on arrival and I'll take care of it on Third."

Speaker Hannig: "Is there any further discussion? The question is, 'Shall the Amendment be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 523, Representative Mautino."

Clerk Rossi: "House Bill 523, it's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 1219."

Clerk Rossi: "House Bill 1219, the Bill has been read a second time, previously. Amendment #1 was adopted in committee. Amendment #3 was adopted on the floor. No Motions have been filed. No further Floor Amendments have been approved for consideration."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 2314."

Clerk Rossi: "House Bill 2314 has been read a second time, previously. Amendment #2 was adopted on the floor. No Motions have been filed. No further Floor Amendments approved for consideration. The notes that were requested on the Bill have been withdrawn."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 2134."

Clerk Rossi: "House Bill 2134, the Bill has been read a second

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time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 2036."

Clerk Rossi: "House Bill 2036, a Bill for an Act to create the Illinois Equal Justice Assistance Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Lopez."

Lopez: "Thank you, Mr. Speaker and Members of the General Assembly. House Bill 2036, is the proposed Act that is intended to provide a statewide structure to achieve the goals of the Illinois Equal Justice Project. The Illinois Equal Justice Project is a broad-based effort involving representatives from the civic, legal, government, religious, and social service organizations that was convened in 1997 by the Illinois State Bar Association and the Chicago Bar Association. The underlying goal of the project is to ensure that all Illinois residents can get the information and assistance they need to understand and protect their legal rights and appreciate and comply with their legal responsibilities. The objective of the project is to educate and provide information to Illinois residents about the legal system, self-help processes within the legal system and alternatives to litigation and to promote cost effective legal services for low-income individuals and families. The project in the proposed Act recognized that the complexities of the legal systems cannot be solved by simply providing more funding for existing legal services rather the focus must be on preventing legal programs whenever possible and resolve actual legal problems at the earliest possible stage to reduce the number of cases that must be handled by the courts. And I

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ask for a favorable roll call."

Speaker Hannig: "The Gentleman has moved for passage of the Bill.

And on that question, Representative Black is recognized."

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

Speaker Hannig: "He indicates he will."

Black: "Representative, how many Amendments are on the Bill now?"

Lopez: "Just one."

Black: "Floor Amendment #1. Is that correct?"

Lopez: "Right."

Black: "Okay. And Floor Amendment #1 just simply added to the Bill, correct?"

Lopez: "What it does is just took the fees off the Bill."

Black: "Took the fees off the Bill?"

Lopez: "Right."

Black: "Did you say fees or fleas?"

Lopez: "Fees. The fees."

Black: "Fees."

Lopez: "Fees."

Black: "Okay."

Lopez: "Money. Money."

Black: "Money. Now you're talking, all right. Took the money off the Bill, all right. Now, if we... if we move forward with your piece of legislation, how... how is the Equal Justice Assistance Act going to be funded?"

Lopez: "Currently, we're working to get appropriations through the state budget. So that's something that we're working on, is to getting some state appropriations towards the end of Session."

Black: "All right. So, right now you don't have a funding mechanism, but you're working on it?"

Lopez: "Right."



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Black: "Okay."

Lopez: "What... what this Bill is doing is setting the structure to set up the program and put the mechanism in place for the distribution of the money."

Black: "I'm a little confused. Let's see if we can... this Bill was presented in committee on one occasion and lost, didn't it?"

Lopez: "Someone... Representative Dart had this Bill at first. And so, I believe... "

Black: "Oh."

Lopez: "I think... I do believe it passed."

Black: "Well... "

Lopez: "I mean, it failed on the first chance."

Black: "... that explains why it lost the first time it was presented in committee. This was a Representative Dart Bill when it was first presented in committee and lost, right? And then you presented the Bill the second time in committee?"

Lopez: "No, I did not."

Black: "Oh, who did the second time?"

Lopez: "Dart."

Black: "Oh, well, he's one for two, not bad. And how does this mesh with the Legal Assistance Corporation, if that's the right word, that was created, oh gosh, what 30 some years ago? Under... under President Johnson's Civil Rights Bill, as I recall, I may be off. But I... I think... how does it mesh with that federal program?"

Lopez: "This Bill has nothing to do with that program. This is a state program that we're trying to create here."

Black: "Oh, so, this is separate, totally separate from the Federal Legal Assistance Foundation then?"

Lopez: "Correct."

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Black: "Well, I... in the words of President Clinton, I thought we were downsizing government? And moving towards a leaner, meaner, smarter government. And here you're... you're adding another layer of bureaucracy, why wouldn't you combine the two? So, we would have a Federal Legal Assistance Foundation merged with the Equal Justice Act in the State of Illinois. That... that would seem to make good sense under... under the President's mandate. Well, mandate's not the right word. Under his pledge to downsize government, to shrink government."

Lopez: "Well, Representative, you know how sometimes it is very difficult to work with the Federal Government."

Black: "Oh... "

Lopez: "I'm sure you've had some problems."

Black: "... I tell ya. When I think of it, it just overwhelms me. I get a headache."

Lopez: "Well, here we're trying to do something to take care of our own problems here in this state."

Black: "I see. So would... would we then, by the passage of this Bill, would we then eliminate the Federal Legal Assistance Foundation in Illinois? Would we tell them to go.... "

Lopez: "No, not at all. These are two separate programs."

Black: "Oh. So we, what we really have here is kind of a duplication then, right?"

Lopez: "I think that there's a great need in the state, so I don't think there's duplication of any services. 'Cause I... "

Black: "Well, there's... there's no question that there is a great need in this state to hire more lawyers."

Lopez: "Well... "

Black: "How... "

Lopez: "I think... I think it's a little further... a little bit

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more... "

Black: "Yes, I... "

Lopez: "... than hiring more lawyers."

Black: "Listen. I'm... I'm telling ya, Representative, the law schools are... are turning 'em out faster than they can find good work. So, if this is gonna put a lot of those recent law school graduates to work and you know since they no longer hand out the free package of cigarettes like they used to be able to do in the Chicago Loop. Remember those good days?"

Lopez: "You've got some lawyers behind you, be careful."

Black: "Yes, I remember that. Oh gosh. I met a lot of lawyers handing out packages of Lucky Strike. Boy, those were the good days. How many lawyers are we going to hire with this corporation?"

Lopez: "Well, it all depends on the funding that is gonna be available for this program. And also, depending on if the organizations that they work for, depends on if they meet the criteria that are set forth by the foundation."

Black: "Well, all right. I... I think, well, Mr. Speaker, to the Bill. You know the Sponsor, I just... I thoroughly respect the Sponsor. And I think he may be on to something here. Because as we know, the lawyers can just create so many difficulties for us in the General Assembly and sometimes make these things so complicated, and here comes a Bill to hire maybe thousands and thousands of them. So, he may be on... "

Speaker Hannig: "Yeah, Mr. Black would you bring your remarks to a close, please?"

Black: "Yes. Yes, but Mr. Speaker, I was just saying in conclusion, he may be on to something here. This Bill certainly bears watching."

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Speaker Hannig: "Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. I rise in strong support of this legislation. This was a good idea when it was first proposed. Early on I had a problem with the fees that were in the... in the original proposal. You've heard me talk on this House Floor before about the negative effect, I think, additional court fees have on the ability of ordinary citizens that use the courthouse. Mr. Lopez has taken those fees out. I, for one, think we should have a state appropriation out of GRF to fund this. I don't know how he's going to fund it, but he'll find the money somewhere. We have to take care of people who need the access... to access the court systems in the State of Illinois. This is an excellent proposal to do that. You ought to vote for it."

Speaker Hannig: "Representative Lopez to close."

Lopez: "Thank you, Representative Lang and Representative Black. And I just urge a positive vote for this Bill."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 60 voting 'yes', and 53 voting 'no'. And this Bill having received a Constitutional Majority is hereby declared passed. Representative Black."

Black: "I think I might be too late to request a verification, right? I... I see. You're absolutely certain?"

Speaker Hannig: "I'm sorry."

Black: "I would of sworn I asked for it. Did I forget?"

Speaker Hannig: "I... you'd make a big note here, Representative."

Black: "All right."

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Speaker Hannig: "But, no one asked."

Black: "All right, all right. I'll try to do better next time."

Speaker Hannig: "Thank you, Representative. Mr. Clerk, read House Bill 479."

Clerk Bolin: "House Bill 479, a Bill for an Act to amend the Riverboat Gambling Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Lyons."

Lyons, J.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 479 is an Amendment to amend the Riverboat Gambling Act, which will prohibit riverboat casinos from installing terminals that accept electronic transfers of money either on the boat, on the dock or on adjacent to the dock. It also, prevents a riverboat casino from providing or making available debt warrants or coupons redeemable for cash. I'd appreciate your favorable consideration and be happy to answer any questions."

Speaker Hannig: "This Bill's on the Order of Short Debate. Is there anyone to speak in opposition? Representative Black."

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

Speaker Hannig: "He indicates he will."

Black: "Representative, this Bill received a great deal of publicity in a certain publication this morning. Are you privy to that publication?"

Lyons, J.: "That's freedom of the press, Representative Black, I did read it."

Black: "Ah, listen and you'll get no argument from me on that. Absolutely, I'm for it a ton. Freedom of the press, yessiree bob. What's your intent with this Bill, seriously?"

Lyons, J.: "Representative, my intent is to send it over in its

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current form. It's a subject matter that's come up many times in conversation. Vehicle was available to send over on the subject of riverboat gambling. I chose to put this language in it to prohibit ATM machines, which is an obvious problem to a lot of people who do visit riverboats."

Black: "Is your Amendment still on the Bill? Did... didn't you amend this Bill?"

Lyons, J.: "The Amendment became the Bill. The Amendment became the Bill, Representative."

Black: "Okay. And... and the Amendment, very interesting too and I... I congratulate you on this Amendment, prohibiting any kind of electronic funds of machine or capability of getting cash through a credit card or whatever on a... on a riverboat. Now, if the Bill gets stripped in the Senate of that Amendment, do you... what would your intent be? What I'm trying to get you to say I guess, Representative, is it your intent that this Bill be used as a vehicle for riverboat gaming in the State of Illinois? Expansion, contraction or whatever."

Lyons, J.: "Representative, all I can control is how we send it out of here. What they do to it in the Senate, I'd have to wait and see. Now, when it comes back we'd discuss that issue. My intent is to send it out as it stands. When it comes back whatever it looks like, if it comes back, if it's not acted upon, we'd make that decision when it came back here."

Black: "Would... would you be willing to state what your intent is if it comes back from the Senate? Expanding the number of riverboat licenses."

Lyons, J.: "I would most likely not support that position."

Black: "That's all I want to know."

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Lyons, J.: "Not that I am, not that I am against potential license maneuvering or something like that, I don't know whatever something, somebody else may suggest. I would be willing to take a look at it, but it's not the intent of this Bill."

Black: "I... I think that's a fair statement. I... I appreciate your... your honesty and I... thank you for answering the questions. Thank you, Mr. Speaker."

Lyons, J.: "Thank you, Representative."

Speaker Hannig: "Okay. This, this Bill is on the Order of Short Debate. We've had a proponent and opponent. Representative Lyons to close."

Lyons, J.: "Thank you, Ladies and Gentlemen. The Bill is as written. It's an idea who, I think, merits serious concern by everybody with the problem of riverboat gambling and the accessibility to ATMs, at the time. I'd appreciate your 'aye' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 103 voting 'yes', and 2 voting 'no'. And this Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk, read House Bill 216. Representative Bost."

Clerk Rossi: "House Bill 216, a Bill for an Act amending the Wildlife Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Bost."

Bost: "Thank you, Mr. Speaker, Members of the House. House Bill 216 as amended provides that if a wild, if wild geese blinds or pits have been established for more than 10 years and it was believed by both the landowner and the

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Department of Natural Resources that during the time that it met the minimum yardage requirements that if a survey is done and the lines are redetermined, we'd not force these hunting clubs to move those pits. I'd be glad to answer any questions."

Speaker Hannig: "This Bill is on the Order of Short Debate. Does anyone stand in opposition? There being no one standing in opposition, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'yes', and 0 voting 'no'. And this Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk, read House Bill 1740."

Clerk Rossi: "House Bill 1740, a Bill for an Act amending the Illinois Loan Brokers Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Bugielski."

Bugielski: "Thank you, Mr. Speaker, Members of the House. House Bill 1740 as amended would amend the loan... Illinois Loan Brokers Act and what it would do is it refines and specifically numbers the exempt sections of the Act for certain parties under the conditions. The securities division of the Secretary of State's Office has agreed to this with the Illinois Mortgage Bankers. And what we are doing is just putting to language, actually, into the Bill because the securities division of the Secretary of State's Office is administering the Act in this manner already and we are just making now into the law. Thank you."

Speaker Hannig: "Gentleman has moved for passage of this Bill. This Bill is on Short Debate. Is there any discussion? There being none, the question is, 'Shall this Bill pass?'"



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All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 111 voting 'yes', and 0 voting 'no'. And this Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk, read House Bill 1940. Representative Fowler."

Clerk Rossi: "House Bill 1940, a Bill for an Act regarding respite care. Third Reading of this House Bill."

Speaker Hannig: "Representative Fowler."

Fowler: "Mr. Chairman, Ladies and Gentlemen of the Legislature. House Bill 1940 provides that the Director of Aging shall establish the Lifespan Respite Care Program to develop and encourage statewide coordination of respite care. And to work with community-based agencies and interested citizens' group in the establishment of community respite care programs. Provides that the Lifespan Respite Care Program shall accept proposals to operate community Lifespan Respite Care Programs from the community-based agencies that provide respite care services and shall designate and fund agencies to operate the community respite care programs. Also, provides that by no later than July 1, year 2000, the department shall establish at least 12 community respite care programs in Illinois. And by no later than July the 1st, 2004, ensure that individuals in all counties in Illinois have access to respite care through community respite care programs. Stand to answer any questions regarding it."

Speaker Hannig: "The Gentleman has moved for passage of House Bill 1940. This Bill's on Short Debate and Representative Black is recognized."

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

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yield?"

Speaker Hannig: "He indicates he will."

Black: "Representative, just one quick question. In committee, you indicated that you would hold this Bill until you had done a little bit of research on current programs and or the need for this program. Did... did you do so? Have you checked with the Department of Aging or anybody as you indicated you would?"

Fowler: "Yes, I did. We had a meeting on it. We were not in agreement on it and I have done some research on it since that time, Representative Black."

Black: "And... and the department felt that the need was definitely there?"

Fowler: "No, they did not. They were in disagreement with me on that. They felt... "

Black: "Is there a potential funding crisis in... in carrying out what you want to do?"

Fowler: "Well, this Bill was passed a couple of, three Sessions... Sessions ago, but it was never funded by the department."

Black: "Okay. Well, just so that you have looked into it as you had indicated in committee. I... I appreciate that, thank you."

Speaker Hannig: "Is there any further discussion? This Bill's on the Order of Short Debate. Does anyone stand in opposition? Okay, Representative Mulligan, in opposition."

Mulligan: "Thank you, Mr. Speaker. I'm not sure I'm in opposition, but I noticed the Department of Aging is against this and I'm wondering if the Sponsor will yield for some questions?"

Fowler: "Yes."

Mulligan: "Representative Fowler, did the department tell you why

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they were opposed to this Bill?"

Fowler: "As I stated earlier, Representative, they felt that they had current programs in place now to take care of this situation."

Mulligan: "Is there a price tag on this, about how much would it cost?"

Fowler: "Yes, Ma'am. They estimate it would be a \$95,000 start up."

Mulligan: "And this is for one program in one county?"

Fowler: "No, Ma'am."

Mulligan: "In our notes that says one county."

Fowler: "It was my understanding that this was not limited to the one county, Ma'am."

Mulligan: "I was just handed the fiscal note that says this program would cost \$4,139,000. That's a little different than \$95,000."

Fowler: "Okay, I've been advised that in the community care program this year there's a lapse of about \$10,000,000 which should be... "

Mulligan: "No, there is not. There's a lapse of \$6,000,000, it is not all in community care. Of the \$6,000,000 lapse, 4,000,000... 2,000,000 is in community care and there has been requests for that 2,000,000. Twelve cents of that or half a million will be a twelve cent raise starting in April instead of in July for the homemakers. And so, that, all that money won't be sitting there and to use 4,000,000 of it... it says in the fiscal note, 'the department estimates the cost to provide 1,000 clients respite care for two weeks per year would be \$4.1 million.' Now, I'm not saying that this is not a worthy thing, 'cause respite care is very, very important, except it doesn't appear to me that the program has been thoroughly thought out and

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that you're working with the department on it. So, I have some concern about the amount of money and I don't know if they're gonna roll over that money and the 6,000,000 would not be in the line item where you are. It would take a supplemental appropriation or a new appropriation for the coming year. So, that's quite a bit of money for this program, to serve a thousand people."

Fowler: "Representative, just this morning I talked to one of the ladies that's down in my area that's involved in one of these programs. And she said they have a waiting list simply because they do not have the workers available and they do not have the facilities available to accommodate those people who require these services. Down in region 11, which is in the area of the state that I live in and I represent most of it. Out of 13 counties, out of 13 only 5 of 'em, only 5 of 'em have adult day-care centers. Statewide there are 78 of 'em, 45 of those, over half, are located in the collar counties."

Mulligan: "My staff is telling me that in talking to the department, that Region 11 that you're speaking of, has one of the... currently has one of the best programs already in place."

Fowler: "I'm sorry, I couldn't understand you."

Mulligan: "Staff is telling me that the department told them that where you speaking of, Region 11, the area that you're from, Region 11, already has one of the best programs already in place. What... are you duplicating this program?"

Fowler: "No, Ma'am, we're not duplicating it. We're just trying to add to the care, to the respite care program to afford the services to more people."

Mulligan: "So, would this fund the program already in place or is

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it a new program?"

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

Mulligan: "Does it fund the program already in place to a greater extent or does it start a new program?"

Fowler: "It's just an attempt, Representative, to expand the program that is already there."

Mulligan: "All right, but my notes say that it's only serving the one area of the state, one county. Is that correct or not?"

Fowler: "No, Ma'am, that's not the way I understand it. This... this would be starting with... would mandate 12 or require 12 facilities and then that would expand by the year 2004, I think it is, to make it available to people in all counties throughout the state."

Mulligan: "All right. There's 12 and there's 13 area agencies. Is there one area that you're not covering?"

Fowler: "No, Ma'am, it's just that 12... "

Speaker Hannig: "Representative Fowler, to answer the question. Representative Fowler, would you answer her last question and then we'll go to a close?"

Fowler: "We're... we're... I think that we're talking about counties and she's talking about areas, I believe is the misunderstanding."

Speaker Hannig: "Okay. Representative Fowler to close."

Fowler: "I... I think this is a program that is needed throughout the State of Illinois and it's a very needy program and I would recommend and request an 'aye' vote on this. Thank you."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this

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question, there are 108 voting 'yes', and 3 voting 'no'.  
And this Bill having received a Constitutional Majority is  
hereby declared passed. Mr. Clerk, read House Bill 2320."

Clerk Rossi: "House Bill 2320, a Bill for an Act amending the  
Illinois Enterprise Zone Act. Third Reading of this House  
Bill."

Speaker Hannig: "Representative Holbrook."

Holbrook: "Thank you, Speaker. House Bill 2320, Amendment #3  
became the Bill. The only thing that this Bill does at  
this time is authorize an Enterprise Zone within the South  
West Illinois Development Authority Area and the area  
that's designated in the Mid... Mid America Airport Region,  
around O'Fallon."

Speaker Hannig: "The Gentleman has moved for passage of the Bill.  
This Bill is on Short Debate. Is there... is there any  
opposition? Representative Black."

Black: "Mr. Speaker, I don't know if I stand in opposition, but I  
do need to ask the Sponsor a question."

Speaker Hannig: "Yes, please proceed."

Black: "All right. Representative, this Bill is not as the file  
would indicate. You've added an Amendment to the Bill,  
haven't you, that becomes the Bill, in fact?"

Holbrook: "Absolutely."

Black: "And that is Amendment 3?"

Holbrook: "Number 3."

Black: "All right. So it no longer... really, it no longer has  
any bearing on the Metropolitan Community College."

Holbrook: "No. It only affects the Enterprise Zone at the Mid  
America Airport."

Black: "Okay. So, that is the only and that is the only  
Enterprise Zone your Bill amends?"

Holbrook: "Yeah. It'll... it will create one there under the

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SWIDA Authority."

Black: "So... so it doesn't create any new Enterprise Zones, right?"

Holbrook: "One new one. One new one at the airport."

Black: "One new one within, adjacent to the existing, or contiguous to?"

Holbrook: "Right at the airport. The airport itself will become the Enterprise Zone, it and the surrounding area."

Black: "Okay. All right. And is it a... in the Bill... do you specify the amount of time? Is it a 20 year zone?"

Holbrook: "Yeah. It's under the same criteria as the other Enterprise Zones in the state."

Black: "Okay. All right. So, a lot of people are looking at their records and seeing a Community College Bill and this is no longer what that is."

Holbrook: "No. It, this is... "

Black: "Okay. Fine. Thank you very much. I appreciate the answer."

Speaker Hannig: "Does anyone stand in opposition? Representative Schmitz, in opposition?"

Schmitz: "No. No."

Speaker Hannig: "No. Okay. Representative Holbrook to close."

Holbrook: "It's a fabulous Bill. I urge an 'aye' vote."

Speaker Hannig: "Excuse me, Representative, did you stand in opposition?"

Schmitz: "Mr. Speaker. House Bill 1940, by accident I hit my 'yes' button twice and took myself off of the record."

Speaker Hannig: "Okay. And the record will so reflect. Now, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there

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are 77 voting 'yes', and 33 voting 'no'. And this Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk, read House Bill 233."

Clerk Rossi: "House Bill 233, a Bill for an Act concerning the regulation of electricians. Third Reading of this House Bill."

Speaker Hannig: "Representative Fowler, for what reason do you rise?"

Fowler: "Mr... Mr. Chairman, I couldn't get my button to work on that last vote, but I'd like the record to reflect I would have voted 'aye' for that."

Speaker Hannig: "Yes, the record will reflect your intentions. Representative Dart."

Dart: "Thank you, Mr. Speaker, Members of the House. House Bill 233 is the Bill to license electricians in this state. In Illinois, presently, we license acupuncturists, athletic trainers, nail technicians. Over 130... over 300 other professions are licensed. We're asking that we join 26 other states that right now license their electricians. The compelling reasons are obvious. From 1993 to 1997 there were 31,000 reported electrical fires caused by faulty electrical wiring which resulted in 453 public servant injuries, 837 citizen injuries and 91 deaths. The dollar loss from these fires was over \$234,000,000. The reasons are compelling. I could go on with more statistics, but it's obvious with the individuals who are wiring our houses, the homes where people live in, that we want make sure the people doing that are trained and licensed to do so. The downside of that is obvious. Anybody who on this floor, within your district, who has has an individual whose house has burned and there's been a fatality, can well understand the dangers here. This is



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something that has been long overdue. We've worked with numerous groups to try to work out list of reasonable exemptions for people to make sure that individuals who are not in the area that we're talking about that are dealing with safety are going to be excluded from the Bill. There's some negotiations that are still ongoing. I've talked with a couple Members about some changes that can occur over in the Senate. But, as I said, this is a public safety issue that is of paramount concern. And I would appreciate your favorable vote and would be happy to answer any questions."

Speaker Hannig: "Gentleman has moved for passage of this Bill. This is on Standard Debate. Representative Black, do you rise in opposition or in support?"

Black: "Thank you very much, Mr. Speaker. I... I don't want to delay this, but many Members on my side of the aisle have asked if you're willing to take this off Standard Debate and have extended debate on this issue. It's been around a number of years. We'd like to debate it fully. I know that the rules say there's only one person that can do that. Does anyone know the theme song of Jeopardy?"

Speaker Hannig: "Representative."

Black: "Yes?"

Speaker Hannig: "We'll move... we'll move this to extended debate."

Black: "Thank, thank you very much, Mr. Speaker. I have a parliamentary inquiry of the... or an inquiry of the Chair."

Speaker Hannig: "Yes, Representative?"

Black: "I believe the Bill, even as amended, has a home rule preemption in the Bill. And if the parliamentarian would look at that home rule pre... preemption and could give us

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a ruling prior to voting, as to whether it would require an extraordinary majority, for that preemption. We... we'd appreciate it."

Speaker Hannig: "Yes, Representative, before we go to a roll call."

Black: "I... I... okay."

Speaker Hannig: "And we... now on extended debate it's 5 in favor, 5 in opposition."

Black: "Fine. And Mr. Speaker, may I speak now in opposition to the Bill?"

Speaker Hannig: "Yes, Representative, please proceed."

Black: "Thank you very much. Mr. Speaker and Ladies and Gentlemen of the House, I know it's late, I know it's noisy. I not only have the greatest respect for the Bill's Sponsor, I even like the guy. He's a... he's a intelligent, sharp, young Member of the House, and I... I have great respect for him. I just simply stand before you and tell you I am in abject, absolute, opposition to his position on this Bill. And I would like, with your indulgence, to just give you a few reasons why I stand in opposition. Let me say this, the Amendments have certainly eliminated some of the more strident opposition to the Bill. Prior to his Amendment, this Bill was so narrowly drafted that literally a farmer could not have done electrical work on his or her farm equipment and that was just absolutely ludicrous. Now, that's been amended out and I... I commend the Sponsor for his attempt to... to answer some of the concerns that this Bill has raised. And I might add, over the years, this is not a new Bill, this has been here at least four or five years, maybe longer. I... you know at... at some point and you're going to have to take a look at this Bill and I'm under no illusion that

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we're going to stop this Bill in the House. But this Bill simply says that the current system of people who are licensed electricians is not adequate. And we... in fact, we need a whole new board appointed by the Director of Labor to come up with some new category of electrical contractor or license or master electrician, whatever you want to call them. Let me tell you, they've exempted so many things in this Bill that there really are some hilarious exemptions. This Bill would say that a master electrician would have to show up on... on... at my house to install or inspect an electrical outlet. I want to add an electrical outlet, so I can have a TV set in my grandson's bedroom and a so-called master electrician is going to have to show up to either do it or inspect it. But, no licensed electrician has to do electrical work on a railroad crossing signal. I can go do that. That's kind of a silly exemption. Now, the big retail giants have exerted their pressure on this Bill, so that Home Depot, Sears & Roebuck, Montgomery Ward, Lowe's Home Improvement, they're exempt. You can walk in there and sit down with some kid who may not know AC from DC, that thinks it's a rock group. And he can take you through electrically fitting out your house. That's an exemption, 'cause they're exempt. But, a small contractor who's built 100 homes in the last year is not exempt. How do you expect us to compete with Home Depot when you give them an exemption in this Bill and tell someone like my brother, who's out trying to make a living and creating jobs, that no, no, a master electrician has to show up on your jobs? There's another point and for all of you that think your home is your castle, you ought to take a look at some of the things in this Bill. An inspector can show up at your house or

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your job site at I quote, 'Any reasonable time, to inspect the job.' So, he comes at supper time and you've already put the dry wall on your house, the inspector can say, 'Take the dry wall off. I want to see what's behind the dry wall.' Now, come on. You think you're going to put up with that for one second? This Bill should have ironclad language that inspection times must be agreed upon by the inspector, the contractor, and the homeowner. Once again, we create a duplication of service. Municipalities have been licensing electricians for years, it works very well. This goes far beyond the expressed purpose of the Sponsor to say that this is an issue of public safety. This is not an issue of public safety. You gonna show me hundreds of cases where licensed, the current licensed electrician system isn't working? I don't think you can do that. A simple Bill that would require the examination for the practice of electrical work would do very well. You know what this Bill is all about? It's about turf, it's about control, it's about licensure, it's about restriction of your right to be an electrician. 'Cause I'll tell you something Ladies and Gentlemen, if you're not in the IBEW and you don't get a master electrician's license or anything else that this board creates, you aren't going to do the work. That is fundamentally wrong. It is fundamentally the antithesis to what this country was founded on. This Bill has been around here for five or six years and in our infinite wisdom we've never seen fit yet to send it to the Governor's desk. And I hope we don't in 1999."

Speaker Hannig: "Representative Giglio. Are you a proponent or opponent?"

Giglio: "Proponent."

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Speaker Hannig: "Okay. Five minutes to explain your position."

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

Speaker Hannig: "He indicates he will."

Giglio: "Representative Dart, why is this Bill important?"

Dart: "Well, the importance of this Bill is, I... I think really at the heart, it... it is a safety issue because the reality of it is that at times people have thought, well, this is just a Bill to try to secure some unions, they're ability to keep people employed. The reality of it is we specifically put in a section in here with a grandfather clause so that individuals who are practicing with the required time periods to get the license that they would get for the practicing that limit, would be grandfathered in. And so that, as, if this Bill were to pass and be signed into law we would bring in, not just union members, there'd be more nonunion members that would be grandfathered in than union members."

Giglio: "So, what... "

Dart: "So, there would be licensing of a lot of people with the strict purpose being to try to secure people in their homes. And it's actually sort of funny you should say this. I had my house remodeled two years ago, the last time I actually brought this Bill up. And when we went about ripping out one of the walls to try to... to redo that area, we'd found that the entire wall had been scorched and had been covered up and replastered by somebody. They apparently had had some type of electrical fire in that area of my house and they tried covering it up. When we explored further, we found out we, I had electrical wires going all throughout my house that were at times taped together by masking tape. And the elec... the electrician that came in there said that he was absolutely

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stunned that my house had not burned to the ground and it really brought it home to me. That when you're dealing with something as strong as an electrical current that at times all of us probably have gotten jolted more than once, me probably more so than other people. That, it is something that is so inherently dangerous that we have to make sure that the people who are doing this in our homes, in our homes and in other areas where people work where they could be injured, that these are people that know what they're doing. So, at the heart of the Bill, a very long answer to your short question, Representative, is that we're attempting to secure safety."

Giglio: "Why, why did we need these Amendments that were added?"

Dart: "Well, the Amendments, frankly, were... were... were drawn about as a result of some... meetings we'd had with different groups that had concerns with the Bill and in effort to try to bring some consensus on the Bill. But also, in an effort too, to try to limit the Bill to where we are targeting primarily our emphasis, which is the safety issue here."

Giglio: "Thank you. To the Bill."

Speaker Hannig: "To the Bill."

Giglio: "You know, this Legislature in it... in its wisdom, has said that we should license, statewide license barbers, beauticians, plumbers, drivers, but it cannot see fit to license electricians. If you're in touch with your district, if you're... if you're in touch with your municipalities, if you're in touch with your contractors, pick up the phone now while the debate's going on and call 'em and ask 'em what they think and they'll tell you that statewide licensing of electricians is needed. It's important. The state needs to have a record of who's doing

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electrical work. It's a safety issue. It's a health issue. You go into a commercial business and if it's a commercial project, it's a, it's not a small project, it's a large commercial project, maybe a... a million dollar building. You look at the electrical panel. I guarantee you if you took the time to go and look you'd be in fear if someone told you to even touch that panel. You would be in fear. You do not want individuals who aren't licensed, who don't know what they're doing, playing around in that panel. And that's what we have right now and that's why we need this Bill. Licensing of electricians is important because they serve a need in our society, in our community and our business industry. It's a highly technical field. It is not a field that you would want any mope doing your electric or any electric in your business or any business within your district. And I would strongly urge you to vote 'aye'."

Speaker Hannig: "Representative Parke. Excuse me, we appreciate the people in the gallery coming to Springfield and watching government in action, but House Rules prohibit demonstrations in the gallery. So, I'd ask that you refrain from any demonstrations for or in opposition to the Bill or we'll have to ask the doorman to clear the galleries. Okay, Representative Parke."

Parke: "Thank you, Mr. Speaker."

Speaker Hannig: "In opp... In opposition or in favor?"

Parke: "I am in... opposed."

Speaker Hannig: "Thank you, Representative. Five minutes to explain your vote."

Parke: "Thank you. Ladies and Gentlemen, Ladies and Gentlemen of the House, I rise in opposition. I looked over this legislation and I wanted to have an opportunity to support

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it. I did everything I could in trying to figure out how I could come up with a vote that would support it, but the more I looked into it and the more I reviewed what was there, the more I found out that this is not a workable plan. Ladies and Gentlemen, I think with some more work we can come up with a Bill that everybody can live with. But when you have a test that will be administered by a Department of Labor that allows no other testing, by no other board and no outside service is allowed to do the test, but a board, appointed by the Director of Labor, not by the Governor, but by the Department of Labor as written in this legislation, I would say makes it difficult for some fairness. I'm not saying it's impossible, but I think it would be difficult to have that done in a favorable way. In addition, not only will the state set up a licensure system with this Bill, but it also allows municipal government to set up a licensure, a local government can do this. And therefore, you're gonna have electricians that have to apply to two different licenses, if this is passed the way it's presented. It also, is really structured in a way that doesn't allow independent contractors much flexibility. It's done because the, the union feels that they have the most qualified instructors, that their journeyman program is the best and that you must be a part of the union to have the expertise that they'd like to have pride in and they ought to. But they are... there's independent electricians that do not have the same schooling and they do not have the same testing, but are as qualified, in some ways, as the union guys. This is really, the way it's presented will make it very difficult for them to get licensed. So therefore, I would rise against this legislation. I might point out that earlier I



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was hoping that there was a compromise on it, that the business groups were in agreement on it and that it had been worked out. But since then, I've been contacted by the National Federation of Independent Businesses who say this is gonna be adversely affected by the small businesses, small electrician businesses that are out there. That it's very restrictive on what can be done. When you exempt some big Office Depots and Sears, you exempt them out of the Bill, it says that the smaller companies are not exempt. But if you can give it to one, but you can't give it to another. Therefore, the Small Business Association, the NFIB says they have to oppose it because a compromise needs to be worked on further. The Illinois Chamber of Commerce is opposed because they see this is also hurting small business. Ladies and Gentlemen, the Illinois Home Builders are adamantly opposed to this. The Illinois Municipal League sees this as another problem and they are opposed. And for those of you that have heard maybe that the manufacturers were in support, they are neutral because the companies of Deere and Calepillar, Deere and Caterpillar are opposed to this. It's... it's a... it's a beginning, I... I hope that if this doesn't pass that the Sponsor takes it back and continues to work on this to find some kind of a compromise. I think it's out there. This Bill is a take it or leave it approach. They've worked it as far as they want to work it. If it doesn't pass, I think they will have to come back with more of a compromise that I hope helps all the small businesses and those electricians that are nonunion that are out there also working, performing for the citizens of this state. Ladies and Gentlemen, I would ask that you vote 'no' or 'present', hoping that we would come up with a... with a

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compromise later. I... I would venture to say that it will be interesting to see what happens in the Senate and if it doesn't, if it's not successful in the Senate, then I would hope that the Sponsor will work with the Senate colleagues to try and find that compromise that is out there. And... and I'm confident that's out there because I know some of the guys from the IBEW and they're trying to find an answer and I think this muscle trying to push it through now ought not to be the approach. There's an answer out there and... and I will work to see with we can find it, but this is not it."

Speaker Hannig: "Okay."

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

Speaker Hannig: "Yes, Representative?"

Parke: "I've been asked to do a verification of the roll call if this receives the requisite number of votes."

Speaker Hannig: "Thank you, Representative, and you'll be recognized at that time. Representative Black, the parliamentarian is going to rule on your question."

Parliamentarian Uhe: "Representative Black, in response to your inquiry. House Bill 233 creates the Electrician Licensing Act to provide for state regulation of electrician licensing and to provide for standards pursuant to which electrical must be done. The Bill, also, expressively allows units of local government including home rule units to exercise concurrent regulation of electricians and electrical work standards so long as the local regulation is not inconsistent with the standards established by the state. Pursuant to House Rule 70 this is a limitation of home rule powers under Subsection (i) of Section 6 of Article 7 of the Illinois Constitution and therefore, it requires a majority vote."

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Speaker Hannig: "Representative Hartke, in support or opposition?"

Hartke: "In opposition."

Speaker Hannig: "Opposition?"

Hartke: "Well, possibly. I want to ask a couple questions."

Speaker Hannig: "Okay. Well, you... you... we'll, we're going to have to put you down one way or another, Chuck."

Hartke: "I want to ask some questions."

Speaker Hannig: "All right. Five minutes."

Hartke: "All right. It won't take me that long. Representative Dart, will you respond to some questions?"

Speaker Hannig: "He indicates he will."

Hartke: "Representative Dart, I... I've listened to my colleagues here talk about the many exemptions that you made and so forth. Appreciate the exemption for the ag-related field, such as I'm in, but what about ag-related business that, such as the Agricultural Retail Fertilizer Dealers, are they exempt?"

Dart: "Actually, myself and Representative Moffitt had a discussion just prior to the Bill being called a short time ago. And I expressed to him at that time that he had a concern about that very area. And I told him that I would continue negotiations on in the Senate, that presently right now there's... there is not an exemption per se for them. But that, as I mentioned before earlier, my thrust here is safety and the safety issue. If that's something where it does not come underneath that umbrella per se, then that's an area I could see where we could work on an exemption because I... I want to... as I say, the theme is gonna be constant here. It's an issue of safety for individuals working in certain environments. So that's something I could work on, but it's not in the present

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Bill."

Hartke: "And I guess agriculture-related farm equipment dealers are... are not in the Bill as well, correct?"

Dart: "Unless, unless they come under the exemption for the manufacturers, no."

Hartke: "Well, these businesses... retail businesses have a lot of electrical equipment on their equipment that spread fertilizer and so forth, and they're really more complicated than many of the common house wirings and so forth. And so, it's your commitment then that you're... you're going to be willing to work with the Senate Sponsor and see that these... these exemptions are written in without... without violating your concept of safety for life and limb?"

Dart: "Yeah, as I mentioned to Representative Moffitt beforehand, as we're going to continue to work on this in the Senate and that all along... the thinking and the theory here has been the same. For lack of a better understanding of certain areas which I don't have in some areas, our thrust was to deal with individuals' wh... homes, work settings and things along those lines that deal where injuries can occur as a result of fires. If there's certain things, like in the fertilizer industry, where it's machinery that's removed away from those type of environments, it doesn't seem to fit under what I'm trying to do here. So, I would... if people can put together the language is where I'm coming from to make both of these two things work, I'm absolutely for that."

Hartke: "Well, I really think the current Bill is entirely too broad. I'm going to support Representative Dart's Bill to get this Bill over to the Senate. And I'll be scrutinizing it very carefully as it comes back here to see if... that

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it meets those requests that I have. Thank you very much."

Speaker Hannig: "So, Representative Hartke was in support. Representative Saviano. Do you rise in support or opposition?"

Saviano: "I rise in support, Mr. Speaker."

Speaker Hannig: "Thank you, Representative. Five minutes to explain your vote."

Saviano: "A couple, just a couple of points that one of the previous... speakers brought up. A version of this Bill did hit the Governor's desk in 1992 in the form of a Conference Committee Report which... which was vetoed. Another clarification I'd like to make is that this is a Bill that I know I've been working on for the last four years. The previous, some of the previous speakers made light of the exemptions that are put in there. Our primary concern is public safety and I'm sure you know that no one sleeps in a Home Depot, nobody sleeps in a Sears, nobody sleeps in a Montgomery Wards, but people do sleep in their homes, where we have, I think, the obligation to protect those individuals. This is a Bill that is evolving. Last year a much more stringent Bill passed out of this chamber and was stopped in the Senate. I think this Bill... with the good faith of the people who've been negotiating this Bill and I must commend them because they really are going out of their way to accommodate everybody to bring about a piece of legislation that everybody could live with, without increasing costs to the consumer. So, I would ask that we show our support for this Bill to continue it, continue to let it evolve through the process and get over to the Senate and let them take a look at it. It's a good piece of legislation. It could be a better piece of legislation, but let's give it a chance. Thank you."

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Speaker Hannig: "Okay. Representative Lang. Do your rise... excuse me... Representative Jones, for what reason do you rise?"

Jones, S.: "My light been on for I don't know how long... when they first even called the Bill. Can I speak or are you waiting... waiting on Representative Lang?"

Speaker Hannig: "Representative Jones, you can speak. Are you in favor or opposed?"

Jones, S.: "I'm opposed."

Speaker Hannig: "Okay, then please proceed. You have five minutes."

Jones, S.: "You know, I've been in here since 1987 and every time the unions come here they take us in the Black... the Black Caucus in the back and try to make us vote on this Bill. They make promises, don't keep 'em. Now, we got people around us again, bringing us in the back to vote on this Bill. This Bill is an attempt to eliminate the minority and alternate union contracts by requiring electrical contractors to be a master contractor. This Bill is against... again I'll say, against the minorities or employ a master electrician to be electrical worker except for exemptions in the Bill. Well, small electrical contractors have constantly fought the language provided in this Bill because it would provide new hardships for them that they can not absorb without losing business to the large electrical contractors. This Bill is a bad Bill against the minority and I urge you to vote a 'no' on this Bill. Thank you."

Speaker Hannig: "Now, Representative Lang, for five minutes. Do you rise in support or in opposition, Representative Lang?"

Representative Lang: "I rise in support of this Bill and I'm a cosponsor of this Bill, Mr. Speaker."

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Speaker Hannig: "Thank you. Please proceed."

Lang: "Thank you. Mr. Speaker, this is an excellent piece of legislation, well-crafted, well-negotiated. I suppose reasonable people can differ about the comments the previous speaker made. I don't... I don't agree with her notion, but I would... she's entitled to that opinion. But this has been a carefully negotiated by the Sponsors. A lot of hard work went into this. Mr. Saviano is correct when he said that this was a... a joint effort and a lot of people were involved in the process of moving this Bill along. Mr. Speaker, Ladies and Gentlemen, I get calls in my district office often, I'm sure you do too, about problems with tradesmen in people's homes. People that say they can do work, but they can't do it. So an electrician comes to your home, you don't know whether they have the necessary skills to do the work. And this Bill will insure that the people that do come to your home, that come to your constituents' homes, that work on schools and work at hospitals will know what they're doing when they do some wiring, will know what they're doing when they put in a circuit, will know what they're doing when they address these issues, so that we don't have to worry about the safety of the people in either the home or at the school or at the hospital or wherever this work is being done. This is not a Bill that's designed to protect the tradesmen, this is a Bill that's designed for safety, to protect the homeowner, to protect the business man, to protect children from fires, from improper work, from people who would defraud consumers. How many of us have heard from seniors in our district who talk about home repair fraud? This Bill, which would license electricians, gives us the opportunity to make sure the tradesmen that do work in our

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communities know what they're doing. So that, when we pick up the phone and we call someone and the Yellow Pages says this is a licensed electrician, that we can count on the fact that they know what they're doing and that our home won't burn down because some shoddy workman did some bad work. So, it's important that we move this Bill along today. It's important that we focus on the real reason of the Bill. It's not about organized labor, although they certainly support it. It's about our constituents. It's about safety in our communities. And if you focus on that and focus on the real needs of real people living in your districts, I think you'll understand why this Bill requires an 'aye' vote."

Speaker Hannig: "Okay, five have spoke in support and three in opposition. Representative Cross, do you rise in opposition?"

Cross: "Well, I'd like to ask some questions, I'm at this point not sure how I'm going to vote. I want to know and I'm listening to the debate."

Speaker Hannig: "Please proceed, we'll write you down as undecided."

Dart: "And I'll try my best to convince you, Representative."

Cross: "Well, I appreciate both the Speaker's consideration and yours. How many pages are in this Amendment, Representative?"

Dart: "Which... the first Amendment is 6 pages, well actually, it's Amendment #2 has 6 pages, Amendment #3 is 1 page."

Cross: "So, how many, where are, how many Amendments have now been adopted on the Bill?"

Dart: "I believe just two Amendments, Amendment 2 and Amendment 3."

Cross: "Do they become the Bill?"



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Dart: "No, no. Well, both of them amend the Bill as it exists."

Cross: "Where in the Amendments does or does the farm, language that exempts farms or... "

Dart: "Actually, there's a farm exemption in the original Bill on page 16, lines 7-14. But there's also some more language in there about farms, as well, in the Amendment just to clarify, as well. But the heart of it is in the... is in the original Bill. The... the farm exemption was already in there."

Cross: "So... Tom, where again is the language dealing with the farming or the exemption?"

Dart: "The farming exemption on page 16, of the original Bill, lines 7-14 and then on the... in the Amendment on page 4, line 5 and 6 of the Amendment, it further expands the farming exemption. The farming exemption was already in there. What the Amendment does is it just expands the exemption to clarify that not just for farmers, but employees of them, as well."

Cross: "What about in the case where I... one of us might own a farm and we have a friend of ours or a relative farm the property for us and he or she may not have a... you know, may not have an interest in the farm, but merely helps operate it on my behalf?"

Dart: "Would, well, I mean if that... if that person is working with you, that person is an employee of you, it's clearly exempted from the law."

Cross: "Oh, I see, all right. Well, it says owner or operator of a farm. So, if my son was working on the farm on my behalf... "

Dart: "I think you'd... "

Cross: "...or my daughter, they could perform electrical work without the license that you speak of in this Bill. Is

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that correct?"

Dart: "They would come under, I believe, the definition of the operator of it then in that situation. And as I said in the Amendment, we tried to expand upon that to clarify that what we were trying to make the exemption there expansive enough. And the other point, too, I'd like to make on the farmer issue, we exempted them from the inspection issue, as well. So, we've tried in every aspect of this Bill to try to pull them out and I believe we have."

Cross: "Will that include, okay that... "

Dart: "In my understanding, in my old days, I've been told that the Farm Bureau is in fact neutral on the Bill now as a result of all the changes that have been made."

Cross: "So, even if I didn't... I owned 160 acres of land that I... that I happen to not be farming this year and I was gonna leave open, would I still be able to utilize this exemption in the statute?"

Dart: "Yeah, Yeah, I mean it would be the operator of it. So that, in your situation you're talking about either a friend of yours or your son or daughter who is there working the farm would be the operator of it in that situation and then you would have the exemption there."

Cross: "I see that there's an Electrical Safety Standards Fund and maybe somebody else talked about it. What is an Electrical Safety Standards Fund?"

Dart: "The fund is set up as a way where the money would come in via the... the fines and fees and that would be the thing that would be set up to be utilized by the department to fund all the activities."

Cross: "All right. And who has... the department will have complete discretion with the use of those funds?"

Dart: "Yeah, and the... the... the thought there is to allow the

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department the ability to try to take the funds that it brings in to administer the program as efficiently and effectively as they... they need to do. It's... it's really no different than most of the different inspecting type of schemes that we put together."

Cross: "All right. I guess the other final area I'll try to get into and I know I'm running out of time is... I see this board that's made up, how many members are on this board?"

Dart: "Eleven."

Cross: "And these 11 people get to prepare the exam?"

Dart: "They... they aid the director in the preparation of the exam and they... they aid the director in the list of duties that are listed in the Bill."

Cross: "Is this a multiple choice test or a true/false test or... it's an oral exam?"

Speaker Hannig: "Representative Cross, could you bring your remarks to a close? Your five minutes have expired."

Cross: "I was afraid there was an electrical problem. Can I... do I get a few more... there must be some electrical problems here."

Speaker Hannig: "No, we have, we have fine electricians."

Cross: "We should have passed this Bill a long time ago."

Speaker Hannig: "Your time is expired, Representative. We have Representative Turner, do you rise in opposition? We have room for one more opponent before we ask Representative Dart to close. Representative Turner, in opposition?"

Turner, J.: "I believe I am, Mr. Speaker, but I have a some questions first."

Speaker Hannig: "Okay, five minutes to explain your vote and the Sponsor will yield."

Dart: "Yeah, and John I'd be surprised if you weren't, it's one of my Bills."

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Turner, J.: "You said I've already surprised you? I haven't even said anything yet. What was that?"

Dart: "I think I know where it's going, though."

Turner, J.: "Oh, well. Let's try and see if we can follow up on what Representative Cross was talking about and just before he was shut off because of the electrical problem. I think he was asking about the 11 member board."

Dart: "Well, actually he was asking about the test. The Bill does not make any specifications whatsoever as far as the actual format of the test. That's gonna be the different board, the board will aid the director in the forming of the test and the like and then they will put the test together. Whether it's true or false or multiple choice that's gonna be left to them to determine."

Turner, J.: "All right, we had some talking going on here, I didn't hear all that. But there's nothing in the Bill about the particular test that's going to be determined by whom?"

Dart: "The... the director will develop the test based on the input he gets from the board, the different board members are. The basic role of the board members is to aid the director in various roles throughout his... his duties or her duties. And in putting the test together, that would be formulated based on, the director would do it, but it would be based on suggestions that came about as a result of the board. And what we did is, the members of the board we try to get from the profession, so you'd have people asking realistic, real questions, that would be the ones you'd want people to be proficient in."

Turner, J.: "One of the Members of your caucus expressed concern that it was prejudiced towards minorities and said that there had been some arm twisting by taking some certain

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Members into the back room and try to get them to vote for this. I think that to the Members of the Body, as well as, the Members on your side, maybe there should be some response from the Sponsor as to that accusation."

Dart: "Well, as you're well aware of, my Bills usually rise or fall on their merits and lately they've been doing more falling than rising. And... Yeah. And so, there hasn't been a great need for the arm twisting. As far as individuals being called into to discuss the Bill, I know there's being lobbying efforts going on throughout the course of the last couple days. I know I personally have lobbied people for the Bill. Because frankly, it's something that I feel very strongly about, that if you're concerned about safety issues in peoples' homes and in your constituents' homes, it's something you're gonna favor. So, I have been, you know lobbying for the Bill, but as far as anything outside of that, no. And as far as individuals who might think that this is a Bill that is somehow antiminority, it's not. As I say, we have a grandfather clause in here now, so that individuals who are practicing at the certain levels can get grandfathered in at those different levels within the Bill. So, there wouldn't be any ability for a union, nonunion situation to exclude anybody. So, I just... I really don't see where that one comes into play."

Turner, J.: "All right. As you know I'm from Atlanta, Eminence Township, Logan County, Illinois. And I have a lot of farmers who are my constituents. My question is, does this Bill affect the farm community with regard to some of the work that they do in and on and about the farm? Do they have to be electricians now to work on their bins and work on their sheds?"

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Dart: "In... at the farms?"

Turner, J.: "At the farms."

Dart: "No. On page 16 of... of the original Bill, lines 7-14, we put together an exemption that we've had in prior Bills that deals with the farmer and the farm situation to exempt everything that occurs in the farm area. And then to expand on it, in the Amendment, we also put provisions in there as well to try to insure that this was gonna be a broadly based exemption, so that it'd be the farmer, the operator of the farm, or the employees thereof."

Turner, J.: "Okay. I'm starting to run out of time, Tom and I do want to get just a couple more questions... answers, particularly, to the farm questions which I'm very concerned about. Can... and if you could answer very quickly, I'd appreciate it. Can a farmer then do the electrical work on his or her bin?"

Dart: "Correct."

Turner, J.: "... grain bin. Could they do it on a shed that they put up... "

Dart: "Correct."

Turner, J.: "... to store implements? Could they do it if they were putting an improvement on their house?"

Dart: "Correct."

Turner, J.: "On their own home?"

Dart: "And... and I'm not trying to delay you at all, John, but the language is; 'farm means land or building appurtenant to land that is used for the agriculture purpose.' So, we did it in such a broad way to try to include all the things that you're talking about."

Turner, J.: "Is it your opinion then, for the record, in case someone ever looks at this, is it your opinion that if a farmer were doing an improvement to his or her home, that

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they could do their own electrical work?"

Dart: "They could do it under both the farm exemption, but we also have a homeowner exemption, as well. So they would actually fit under both of them, so they could do both."

Turner, J.: "And as to agribusiness, for example, fertilizer company with three or four employees, which is fairly typical, can they do the electrical work on their fertilizer plant buildings?"

Dart: "On their fertilizer plant, did you say?"

Turner, J.: "Right."

Speaker Hannig: "Representative, your time is expired. Can you.... Okay. Would you... would you ask the last question and then we'll... we'll go to a roll call."

Turner, J.: "Thank you, Mr. Speaker, 'cause it is important. I was giving you the example of... agribusiness. A fertilizer company with maybe four or five employees that serves some of the farmers in the community, and they have several buildings and... electrical work that needs to be done, could they do their own electrical work?"

Dart: "If they're doing that work in the manufacturing type plant, they're building, they're setting there, there's exemptions for that in the Bill. But for other areas... that it dealt specifically with the fertilizer industry, Representative Moffitt, Representative Hartke and I have talked, it's an area that I think is fertile for a... looking at as far as potential language that might exclude parts of it, but certain parts of it are not. But within that building, the manufacturing building, yeah, it is."

Speaker Hannig: "Okay. Representative Stephens... "

Turner, J.: "Thank you, Mr. Speaker."

Speaker Hannig: "... for what reason do you rise?"

Stephens: "Well, Mr. Speaker, we've got to get a grip here. This

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is absolutely ridiculous. We have members of the press approaching Members at their desks. It's absolutely out of control. Let's just ask the staff and the members of the press to go to their own areas, not to approach Members on the House Floor. Got lobbyists on the House Floor. We've lost control, Mr. Speaker. Now, this is unusual when you're in the Chair, but it's time to get a grip on what's going on here on the House Floor."

Speaker Hannig: "Representative Stephens, your remarks are well-spoken. Would the press please retire to the press area. Would the staff please retire to the rear of the chamber. And lobbyists are prohibited from being on the House Floor while we are in Session. Now, we've had five speak in favor and five speak against, Representative Dart to close."

Dart: "Thank you, Mr. Speaker, Members of the House. This has been a rather lengthy debate. I just have to add one thing for legislative intent in regards to House Amendment #3. The Amendment... the legislative intent... Amendment is that the Department of Labor shall establish standards and qualifications for electrical inspectors by rule, except where municipality or unit of local government has such standards already in place. To the Body. This Bill has and was and always will be a Bill about safety. It's about trying to protect people in their homes. This is not a union/nonunion issue. This is truly an issue about trying to secure people within their homes, their places of business and places where people are, so that they're secure in knowing that they are not going to be dying from fires. It is a horribly dangerous area. We need professionals involved here and a state where we license people for some of the crazy act... craziest activities you



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can imagine. It seems to me that it's insane not to be licensing these type of people who impact each and every one of us and every single one of our constituents. So, with that, I would just ask you for your favorable vote and I appreciate your help. Thank you."

Speaker Hannig: "So the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. There's been a request for a verification, so would everyone please vote their own switches. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk. Mr. Clerk, take the record. On this question, there are 63 voting 'yes', and 43 voting 'no'. Representative Parke, do you request a verification? Mr. Clerk, read those voting in the affirmative."

Clerk Bolin: "A poll of those voting in the affirmative: Acevedo. Biggins. Bradley. Brosnahan. Brunsvold. Bugielski. Burke. Capparelli. Crotty. Barbara Currie. Julie Curry. Dart. Steve Davis. Delgado. Durkin. Erwin. Feigenholtz. Fowler. Fritchey. Garrett. Gash. Giglio. Granberg. Hamos. Hannig. Hartke. Hoffman. Holbrook. Howard. Tim Johnson. Lou Jones. Kenner. Kosel. Lang. Lopez. Joseph Lyons. Mautino. McAuliffe. McCarthy. McGuire. McKeon. Jim Meyer. Moffitt. Mulligan. Novak. O'Brien. O'Connor. Pankau. Persico. Pugh. Reitz. Saviano. Schoenberg. Scott. Scully. Silva. Slone. Smith. Stroger. Winters. Woolard. Younge. And Mr. Speaker."

Speaker Hannig: "Representative Parke. Representative Parke, Representative Novak is asking leave for verification. Okay. Are there any questions of those voting in the affirmative?"

Parke: "Yes, I would like to verify Representative Sharp. Thank

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you. She's not voting? Thank you. Representative Granberg."

Speaker Hannig: "Representative Granberg."

Parke: "Oh, I'm sorry. I didn't see Kurt there."

Speaker Hannig: "Okay. Did you find him?"

Parke: "Representative Lou Jones?"

Speaker Hannig: "Representative Lou Jones is in the aisle over by Representative Morrow."

Parke: "Thank you. Representative Art Turner?"

Speaker Hannig: "Representative Turner has voted 'present'."

Parke: "Okay, thank you. Representative Delgado?"

Speaker Hannig: "Representative Delgado. The Gentleman in the chamber? I think they're going to fish him out of the phone booth. Oh, I'm sorry. He's in the back by the men's room."

Parke: "Thank you. Representative Kenner. Oh, there he.... I'm sorry, I see him."

Speaker Hannig: "Representative Scully is asking leave to be verified and that is granted."

Parke: "That's fine."

Speaker Hannig: "Any further, Representative Parke?"

Parke: "I just want to check and see how one of the Reps. has voted. Representative Erwin?"

Speaker Hannig: "Representative Erwin is in her seat."

Parke: "Okay, thank you. Representative Reitz?"

Speaker Hannig: "Representative Reitz is against the far wall."

Parke: "Thank you. Representative Mike Smith?"

Speaker Hannig: "The Gentleman is in the rear of the chamber."

Parke: "Thank you, Mr. Speaker. That concludes my verification."

Speaker Hannig: "On this question there are 63 voting 'yes', 43 voting 'no'. And this Bill having received a Constitutional Majority is hereby declared passed. Yes,

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just for the record, let me say that with regards to the Agreed Bill List #4, the Appropriation Bills, the Clerk has certified that all Bills have received a sufficient number of votes and, therefore, the Bills contained on Agreed Bill List #4 have received the required Constitutional Majority and are hereby declared passed. Now, on the Order of Third Reading, Mr. Clerk, would you please read House Bill 931. Representative Harris, for what reason do you rise?"

Harris: "I'd like to be added to the Agreed Bill with a 'yes'. I was out in the washroom at the time. If I may."

Speaker Hannig: "The... the... the record will reflect your intentions, Representative."

Harris: "Thank you."

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

Clerk Bolin: "House Bill 931, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Feigenholtz."

Feigenholtz: "Thank you very much, Mr. Speaker. House Bill 931, Ladies and Gentlemen, as many of you know, in 1995 we voted for a very sweeping welfare reform package and part of what we eliminated was dental care for adults who are on Medicaid. This Bill restores dental coverage for people over the age of 21 who are on Medicaid and I would... encourage your 'aye' vote."

Speaker Hannig: "The Lady has moved for passage of House Bill 931. This Bill is on the Order of Short Debate. Does anyone stand in opposition? There being none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 110

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voting 'yes', and 2 voting 'no'. And this Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk, read House Bill 1843."

Clerk Bolin: "House Bill 1843. The Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative... "

Bassi: "Hold on a second, please."

Speaker Hannig: "Excuse me. You wish... Do you have an Amendment pending?"

Bassi: "We're working on a couple of different ideas."

Speaker Hannig: "Okay, Representative. We'll hold that Bill on the Order of Second Reading. Mr. Clerk... "

Bassi: "Thank you."

Speaker Hannig: "... return that to Second Reading. Mr. Clerk, read House Bill 1735."

Clerk Bolin: "House Bill 1735, a Bill for an Act in relation to day labor services. Third Reading of this House Bill."

Speaker Hannig: "Representative Delgado."

Delgado: "Thank you, Mr. Speaker and Members of the House. 1735 creates the Day Labor Services Act, provides that day labor service agencies shall post a list of all employers that are seeking day laborers and provide a detailed description of the work; contains requirements concerning notices, meals, transportation, safety equipment, clothing, payment of wages and other matters. It provides that the day labor services shall register with the Department of Labor and pay a registration fee. It provides for adoption of rules by the department and it should be effective January 1st, the year 2000."

Speaker Hannig: "The Gentleman has moved for passage of this Bill. This Bill is on the Order of Short Debate."

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Representative Black, did you... do you rise in opposition?"

Black: "Mr. Speaker, I'm really not sure. I just... I need to ask the... Can I ask the Gentleman a question or two?"

Speaker Hannig: "Sure. The Gentleman will yield."

Black: "Thank you. Representative, what's the fee that is referenced in the Bill that the day labor services will have to pay a new registration fee? Is the... And forgive me, I didn't... I didn't look at the Bill file. Is the fee referenced in the Bill?"

Delgado: "The fee is... to yesterday's reference in the Bill, Section 45, 'The Department may assess each agency a registration fee not exceeding \$250', Representative."

Black: "Two-hundred and fifty dollars. Now, is that a yearly fee or a fee on each... each posting or what... "

Delgado: "That's a onetime fee, as I understand it."

Black: "Okay. A onetime fee, but per year? Would they renew the fee?"

Delgado: "No, no, no. It's a \$250 fee, one shot."

Black: "So they... It isn't a renewable license or anything of that sort, huh?"

Delgado: "That's correct. Basic... "

Black: "All right. Okay. I know a Bill we had the other day had... had some references to day labor and it wasn't defined very well. How do you define day labor in your Bill?"

Delgado: "Day labor or day labor services. Like there's just jobs out there that'll need services, that send out workers to manufacturers. And just like any worker, if you're going into a new steel company they should have steel-toed shoes, they should know what kind of equipment they should have, the employees should be using to perform that duty."

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They might need gloves. They might need headgear. They need to post that so the employee knows what to bring with them before they're sent out onto a job, to make sure of the safety. So, in essence, this may save the employer some money in the long run."

Black: "Okay. So the posting would give constructive notice. For example; if it required that you wore steel-toed shoes, then they would have to give constructive notice. But would you take it a step further and say the... the temporary employment agency, would they furnish the safety equipment or would the employer have to furnish the safety equipment when you show up to work?"

Delgado: "No. This is simply a posting so that the worker who's coming forward would be able to know what they're required to use to go out to do that job safely. This is to protect that worker. At the same time, it's built in, it protects the employer because and then someone gets hurt on the job, a day laborer, that could be quite hefty in terms of a lawsuit."

Black: "Okay. And... and would the posting, if it is a... an office or clerical position where you... where, I'll use the example I used the other day, where you were going to be a receptionist at a business for one day. Would the... What would be required on the posting to go and be a receptionist, if you had to wear a suit, tie, or dress or whatever? I mean, is that the kind of things you want on there?"

Delgado: "Professional attire, Sir. Professional attire for clerical, if you will. Which is more aimed at the safety of workers who have to get into conditions. My dad was a steelworker. He couldn't go into Inland Steel and Ford Steel. Come home with quite a bit of burns already, but he

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at least knew what he had to wear in terms of heavy overalls, steel-toed shoes, heavy socks, warm clothes if he was working outside."

Black: "Representative, if the... if the temporary employment agency... and let's take the scenario that they simply overlooked the posting. They did not post. What would the penalty... what penalty would they... would they face?"

Delgado: "If they don't post the penal... I'm sorry. If they don't post the required notice, it's a petty offense and they'd be guilty of a petty offense for which a fine of \$1000 may be imposed for the first offense and shall be guilty of a Class C misdemeanor for the second or subsequent offense."

Black: "All right. So... And who would determine the amount of penalty, the Department of Labor?"

Delgado: "Right. That would be... it would be... It would have process, but that would be by a court, Sir."

Black: "Okay. I... I appreciate the... the answer to the questions. Mr. Speaker."

Speaker Hannig: "Yes, Representative."

Black: "I'll see if anybody else wants to take it off. Obviously, there's more to this Bill than I thought, but could you instruct Caleb to be a little faster in his answers."

Speaker Hannig: "Yes, Representative, we'll do our best. Representative Parke, would you like to speak in opposition?"

Parke: "Yes, Mr. Speaker. Well, I'm not sure. Representative, work with me on this. Representative. Representative. It's a posting requirement. Your Bill requires posting, right?"

Delgado: "I'm sorry."

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Parke: "It... There's a posting requirement to make sure that the information is posted in the work site?"

Delgado: "That... that is correct. Not the work site, Sir, at the day labor service."

Parke: "All right. And it's got to be in... in a number of languages or is it just in English?"

Delgado: "It would be in the primary lang... It would be in English. It would be in English. And in most day labor services throughout our districts there are a variety of folks who can speak various languages who work for the day labor services."

Parke: "And this is a... is a \$250 increase to each day labor company and... Is that right or is it a \$250 fine?"

Delgado: "No, it's a \$250 registration fee per agency. But that's a one shot deal, Representative."

Parke: "Register with whom?"

Delgado: "Department of Labor, Sir."

Parke: "And they're not paying anything now?"

Delgado: "No, because they're not registered. That's what we're trying to do here."

Parke: "So we're just going to register every... every day labor agency?"

Delgado: "It's a new Act, Representative. It would be a new Act instructing day labor to post in their offices the required tools that the worker that they want to send out to their contract that they've... that they've created with the company, to make sure that worker has the proper clothing, which could be interpreted as equipment, to go out there and do a safe job. It helps the day labor agency in a way because and then the manufacturer, who receives that worker, doesn't have to send that worker back because they couldn't perform the duty because they're not equipped with



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the proper shoes or gloves or headgear or earplugs, that...  
that young person or that worker would... have to have."

Parke: "Okay. I just noticed something in our staff analysis.  
It says, 'In counties with a population of 500,000 or  
greater, the notice shall be printed in English, Spanish  
and Polish.' Has that been changed in Amendment #1?"

Delgado: "Representative, can you repeat your question because  
I'm having a hard time hearing you over here?"

Parke: "Mr. Speaker, we're having trouble communicating. I just  
wanted to know... it says do you have to print the notices.  
It says here that, in our analysis, that you have to print  
a notice in both English, Spanish and Polish. Isn't that  
cumbersome for them to have three different notices posted,  
or is that what you intended to do?"

Delgado: "That was the original intention of the Bill. I'm  
trying to recollect. I thought when I went to committee on  
this Bill, I filed an Amendment. It does not require the  
agency to do that. It is requested of the agency to do  
that. Right. Representative, I should point out...  
Representative, I should point out to you that Amendment 1,  
that I ran through Labor and Commerce to... to deal with  
that question, which we anticipated, it's a recommenda...  
we... quote, 'The Department shall recommend' to day labor  
service agencies to post it in those languages. It is not  
a requirement, Representative."

Parke: "Okay. You know, one of the things on here is that  
we're... and on the face of this Bill doesn't sound too  
bad, but we're concerned about your fines. And... because,  
you know, it's... I guess it's interpretation of whether or  
not the employer gives the... proper notice to employees.  
Now the first time it's a Class... is a \$1,000 fine."

Delgado: "May... may be imposed."

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Parke: "But the second one... But the second one is a Class C misdemeanor, which is jail time. Isn't that kind of... kind of heavy duty?"

Delgado: "Once again, let's... on the hypothetical, if this didn't exist and something happened to that worker, it'd be... it'd be a lot worse for that employer than having to worry about a misdemeanor C in terms of punitive damages in addition to all of the medical costs that would come down the road. This, in essence, is a two-way street here. It protects the worker and at the same time enhances the ability of the day labor agency to take care of their business and cover themselves."

Parke: "Well, you know, you got a... you got a fine for the first offense. The second offense you go to a criminal fine, where they can end up in jail. Is that... "

Speaker Hannig: "Representative Parke, your time has expired. Would you bring your remarks to a close."

Parke: "I just want to finalize this last thing. If they're fined, ten years later they're brought to court again, could they end up with jail time? Do you have a time limit on this?"

Delgado: "No, there is no time limit on this, Representative. If a worker was to get injured within a reasonable amount of time, just as you well know, there is a limitation for you to go out and sue somebody. This is, again, protects the worker, protects the agency and basically just says, any company you go into, you know, private businesses, you want your employee to be protected. And this would help both the employer and the worker. It's a simple Bill, Representative."

Parke: "Well, thank you. Mr. Speaker, thank you for your indulgence. Just to finalize. On the face of this, this

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is... I don't think this is a bad Bill, but I think the penalties are very arbitrary and the second offense is jail time and I think that... that's a little bit too much. I would hope that this doesn't... doesn't pass today and that it comes back with... with some changes on the fines, and if that doesn't happen, maybe it could be worked on in the Senate."

Delgado: "Representative, for the record... "

Speaker Hannig: "Representative Winters."

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

Speaker Hannig: "He indicates he will."

Winters: "I don't totally know the industry, so that these may be relat... relatively naive questions, but you talk in the Bill about requesting an agency... a day labor service agency, to post the requirements of the job. Now, would that also include who the potential hirer would be, what company it is and where... where you would be working?"

Delgado: "Absolutely. Some... certain day laborers for example, Just Jobs for example, Just Jobs Incorporated sends workers to factories that process food. So, therefore, they may have to wear hairnets."

Winters: "Okay. What I'm... what I'm getting at is if this information is posted in the lobby of this business, what would stop a day laborer from coming in, reading who's looking for jobs and then going and contracting himself, rather than working through the day agency? I assume that that's not possible, but explain to me how it's not."

Delgado: "It's not possible in that, that company would have a contract with a day labor service, and therefore, when you go apply at that company they're gonna refer you to the day labor service."

Winters: "Okay. That was... Basically, I didn't know if there

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was some, you know, some mechanism that they would... that would stop somebody from walking in off the street at a canning factory, for instance, and just saying I need a job and they would refer them to that... that labor agency then."

Delgado: "That's correct. Because a day laborer... the manufacturers who are using day labor services do so to keep their overhead low. So, therefore, they don't have the ability, at that point, to prescreen that employee, work the personnel side of it. So they go ahead and contract with a day labor service, pay them a certain fee. That day labor service pays the worker a certain amount from that fee and then they do all the work."

Winters: "Thank you very much for your answers."

Speaker Hannig: "Okay. This Bill is on the Order of Short Debate. Representative Delgado to close."

Delgado: "Thank you, Mr. Speaker. I would ask for an 'aye' vote on this and I really appreciate the indulgence of the House Members."

Speaker Hannig: "Okay. The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 47 voting 'yes', and 64 voting 'no'. Do you request Postponed, Representative Delgado?"

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

Speaker Hannig: "Okay. Postponed Consideration. Mr. Clerk, read House Bill 2167."

Clerk Bolin: "House Bill 2167, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of this House Bill."

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Speaker Hannig: "Representative Schoenberg."

Schoenberg: "Mr. Speaker and Ladies and Gentlemen of the House. House Bill 2167 is part of the Start Early agenda of Voices for Illinois Children. It's a bipartisan initiative that recognizes that young children need time with their parents to help ensure that they grow up healthy and ready for school. In recognizing this fact, the Federal Welfare Reform Legislation allows states to adopt specific policies for young children. In this particular case, House Bill 2167 accommodates that by allowing parents with children under the age of 6 to satisfy their welfare work requirement by working 20 hours per week. This is supported by Voices for Illinois Children, the Ounce of Prevention Fund, Women Employed, the Sisters of Project Irene and the Poverty Law Project. I'd be happy to answer any questions."

Speaker Hannig: "The Gentleman has moved for passage of this Bill which is on Short Debate. Does anyone rise in opposition? Representative Skinner, in opposition?"

Skinner: "Yes. I wonder if the Gentleman would tell him... tell us, how many people in Illinois do you want to be in day care? I mean, how high does the income have to be before we have to pay for day care? What's your ultimate goal, \$50,000 family income?"

Schoenberg: "Mr. Skinner, this doesn't necessarily require... this speaks to the requirements that people have to fulfill under the TANF legislation for... in order to be with their own children. They don't necessarily... it fulfill... it addresses their work requirement. It doesn't necessarily address them being in day care. It addresses the work requirement that parents have, so that they can spend more time with their children."

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Skinner: "So what you're saying... what you're saying is, that... or what you're not saying, is right now you can earn up to 21... Wait. Let's get the right Bill here."

Schoenberg: "Mr. Skinner, I think you're referring to another Bill that was part of the Start Early package."

Skinner: "I'm referring to Representative Scott's Bill. What you're... This Bill seems to be attempting to put us out of compliance with the federal regulations on TANF. Why are you trying to do that?"

Schoenberg: "Well, in passing the original Federal Law, Congress acknowle... Congress already recognized that the importance of having people gainfully employed, moving parents into the work world, which enables them to attain self-sufficiency, while at the same time acknowledging that the importance of strong relationships between parents and their children. So what this does is it enables single parents with children under the age of 6 to work 20 hours a week to meet that work requirement, instead of 25. It makes that adjustment from 25 to 20 to allow parents to be productive members of the work force, while at the same time spending more time at home with their children."

Skinner: "You didn't answer my question. Why are you trying to put us out of compliance with federal requirements, which are 25 hours per week this year and it's going to rise to 30 hours per week this October? Why are you trying to put the Illinois Public Aid Program, the TANF Program, out of compliance with federal regulations?"

Schoenberg: "Mr. Skinner, the underlying premise of the Bill is the same... has the same intention of the federal program. What we're doing... And whether or not we would actually be out of compliance with the federal program is an issue of debate. I know it's an issue that the... that's currently

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under discussion with the Department of Human Services and I'm certainly willing to work with them, because I interpret it differently than they do. What this does is allow parents to reconcile meaningful, gainful employment with being home with their children more, and it's by no means intended to circumvent any federal legislation."

Skinner: "Well, Representative, are you a lawyer?"

Schoenberg: "No."

Skinner: "Well, why do you think the lawyers in the Department of Human Services don't know what they're talking about? Why do you want to supersede their legal judgement with your nonlegal judgement?"

Schoenberg: "Mr. Skinner, I wasn't suggesting that they didn't know what they were talking about. I was suggesting that instead of the 25 hour requirement in order to fulfill the work requirement, we go to 20 hours. And if a... "

Skinner: "Is this new math? The federal government requires 25 hours and we're going to be... we're going to say 20 hours equals 25 hours? And in October we're going to say 20 hours equals 30 hours? Let it be noted for the record that he shrugged, which I think means, maybe. Mr. Speaker, we are in the forefront of welfare reform in the State of Illinois and the Legislator, the Sponsor of this Bill, wants to take us backwards. He wants to use new math to say in the State of Illinois it doesn't matter what the federal rules and regulations say. Federal rules and regulations say we have to have a 25 hour work requirement per week. In October '99 it goes to 30 hours and he wants us to roll it back from 25 to 20. This certainly is new math. I'm not gonna vote for this Bill."

Speaker Hannig: "This Bill is on the Order of Short Debate. Representative Ryder, we've had an opponent. Are you in..."

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a... supporter?"

Ryder: "No, Mr. Speaker, I stand as an opponent."

Speaker Hannig: "Well, go ahead, proceed."

Ryder: "Thank you. We have passed legislation that makes Illinois for the 'Welfare to Work' process one of the best in the nation. This Bill severely damages that effort and, in fact, moves us backwards. Because of a provision in here that requires, or allows people to be continuing to receive welfare until the child reaches six years of age. We placed a five year limit that five years doesn't even start counting until the child reaches six. Instead of limiting, we're suggesting that we're expanding the access to welfare. In fact, we're suggesting that in this case, people could be receiving assistance for as many as 11 years, six years for the child, five years under the... under the limitations of current law. Additionally, the philosophy that we have here is for folks to find work and to work their way out of assistance. Well, you cannot support a family on 20 hours of work. The Representative would suggest that that is exactly what he wants to do. Next year we're going to require 25 and the year after that we're going to require 30. Doesn't it make sense that when we're moving folks off of assistance that we do indeed wish for those folks to get more than just a part-time job. We want them to increase so they can acquire benefits. We want them to increase so that the assistance of the state is no longer needed. As well-intentioned as this legislation may be, I would suggest to you that it is absolutely counterproductive to what we've all talked about, supported and suggested in our efforts to move from welfare to work. As a result, I would strongly suggest on a philosophical basis, not counting the astounding fiscal



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costs of this, but on a philosophical basis, that this Bill simply moves in the wrong direction. It... it sends a signal that is simply not the kind of signal that we wish to prevail at this time. And I would strongly encourage your serious consideration of this Bill and I think after you've done that you will be in a... enlightened and a position to vote 'no' on this piece of legislation."

Speaker Hannig: "Representative Schoenberg to close."

Schoenberg: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I would like to take issue with the previous speaker. The reason why we want to do this is because we want to help single parents with children under the age of six. The overwhelming majority of people on public assistance are single women with dependent children. And what we're looking to do with this is a reasonable attempt to help those single women with very young children reconcile the almost impossible competing demands of bonding with their children at that critical young age and being able to help support their family by transitioning into permanent employment. I urge your 'aye' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 64 voting 'yes', and 49 voting 'no'. And this Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk, read House Bill 1856."

Clerk Bolin: "House Bill 1856. The Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Mulligan, would

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you like us to read that Bill on Third? Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1856, a Bill for an Act to amend the Consumer Fraud and Deceptive Business Practices Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Mulligan. On the Bill."

Mulligan: "Thank you, Mr. Speaker. You just moved it to Third. Doesn't it have to wait for a day?"

Speaker Hannig: "It's been read a second time, Representative, and it was not amended."

Mulligan: "Thank you. I'll go along with that."

Speaker Hannig: "So, five minutes."

Mulligan: "House Bill 1856 amends the Consumer Fraud and Deceptive Business Practices Act. It provides that it's unlawful to advertise or solicit patrons to a gambling establishment without including a statement regarding obtaining assistance with gambling problems, including a toll-free 1-800 number; providing crisis counseling and referral services to problem gamblers; provides that a person who violates this prov... provision shall be subject to a civil penalty of \$1.00 per piece of advertising or a \$1,000, whichever is greater, but not to exceed \$50,000. It provides that the Department of Human Services may bring an action against a person who violates this provision. Several years ago I passed a law that provided for the 1-800 number and the people that were covered under that pretty much complied for a short while. There were no penalties at that time and it provided for a study and some other things that went on in this. And now lately, as the advertising comes to my home and to other's homes, there is no longer the 1-800 number universally on the bottom of the advertising, which was agreed to when the Governor signed

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that Bill and which was passed three years ago. So in order to make the point that the people are suppose... that are advertising should be doing this, I've come back with this Bill that would provide some penalties so that they realize they need to do it and I would ask for a favorable vote."

Speaker Hannig: "The Lady has moved for passage of House Bill 1856. This Bill is on Short Debate. Is there any discussion? There being none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 112 voting 'yes', and 0 voting 'no'. And this Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk, read House Bill 1124."

Clerk Bolin: "House Bill 1124, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Davis."

Davis, S.: "Yes, thank you, Speaker, Ladies and Gentlemen of the House. House Bill 1124 amends the Municipal Code. It allows areas of contiguous territory containing at least three square miles and 5,000 inhabitants in counties having more than 240,000, but fewer than 400,000 inhabitants, to incorporate as a village as provided in the Municipal Code. It would take the action of filing a petition signed by at least 250 electors to put the question on the ballot as to whether they would... as to whether they would be... would want to be incorporated or not. And I would be happy to answer any questions on the... on the Bill."

Speaker Hannig: "And the Bill is on the Order of Short Debate."

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Representative Stephens is recognized as an opponent?"

Stephens: "Gentleman yield?"

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

Stephens: "Representative Davis."

Davis, S.: "Hi, Representative."

Stephens: "Good evening."

Davis, S.: "How are you?"

Stephens: "What are you... I have never been better. Thank you very much."

Davis, S.: "That's nice."

Stephens: "How are you... how are you doing this evening?"

Davis, S.: "Wonderful."

Stephens: "What are you trying to do with this Bill?"

Davis, S.: "Representative, we have a community in Madison County called Mitchell. It's an unincorporated community. I'm sure you're aware of it and you've read about it in the local papers. The residents of Mitchell are wanting to incorporate their... their area. Currently, under the present code, they have had some problems in getting help from the surrounding communities, and by changing the current law, this will allow them to at least have a vote and allow them to determine, have their own self-determination as to what they want to do with their community."

Stephens: "This is in Madison County, is that right?"

Davis, S.: "Yes, Sir."

Stephens: "Chairman 'papa' agree with your Bill?"

Davis, S.: "I did not consult him on the Bill."

Stephens: "Excuse me?"

Davis, S.: "This would be a big surprise to him when he hears about it."

Stephens: "You didn't check with the Chairman?"

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Davis, S.: "I did not check with the Chairman."

Stephens: "I'll... I'll try to cover for you."

Davis, S.: "I'll... I may need your help on that."

Speaker Hannig: "Okay, this is on the Order of Short Debate. No one else is seeking recognition. The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes', and 0 voting 'no'. And this Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk, read House Bill 1587."

Clerk Bolin: "House Bill 1587, a Bill for an Act to amend the Workers' Compensation Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Mautino."

Mautino: "Thank you. The name threw me a minute, there. Ladies and Gentlemen of the House, I present 1587, as amended in committee. This will add 'subcontractor' to the section of Illinois law, just clarifying an ambiguity on who needs to carry workers' comp. insurance, talked with the business groups and don't see any problems with it. We met after committee and I think we got everything squared up. Be happy to answer any questions."

Speaker Hannig: "This Bill is on the Order of Short Debate. Representative Black. Representative Black, this Bill is on Short Debate. Do you rise in opposition?"

Black: "Well, I rise, first of all, to an inquiry of the Chair."

Speaker Hannig: "State your inquiry."

Black: "I know Representative Madigan. I recognize his voice. I know how he presents Bills. I know the inflection in his voice."

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Mautino: "We have the same tailor, though."

Black: "You may have the same tailor, but my inquiry of the Chair is, under House Rules, how is he able to present this Bill?"

Mautino: "Actually, the board is incorrect. I am the Sponsor of the Bill, if the Clerk would change that."

Speaker Hannig: "The Assistant Clerk is maybe lackadaisical in his duties here, Representative Black."

Black: "Well, it would... it would be nice if you would also correct the laptop computers because it doesn't list Representative Mautino as the Sponsor. He sponsored the Amendment and I would be more than happy to let him address the Amendment. But I... "

Speaker Hannig: "Representative... "

Black: "Yes."

Speaker Hannig: "... the board shows Representative Mautino as the Sponsor."

Black: "Yes."

Mautino: "And I have filled out the proper paperwork."

Black: "Is the paperwork on file? Where's the... where's the Chief Clerk?"

Speaker Hannig: "I'm informed, Representative, that it was filed this morning."

Black: "Oh, was it filed this morning?"

Speaker Hannig: "Yes."

Black: "Well, just... That's not bad and we get around to changing it at 5:40. Hey, we're... we're right on it today. Will the Gentleman yield?"

Speaker Hannig: "Yes, he indicates he'll yield."

Black: "Yes, Mr. Madigan, or excuse me, Mr. Mautino."

Mautino: "Mautino."

Black: "Yes, Mautino. Mautino or Mautino?"

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Mautino: "We'd have to check with Representative Huffman (sic-Hoffman) on that, but I think it's Mautino."

Black: "The Amendment simply adds subcontractors to those people who are covered, mandated to carry workers' comp. insurance, correct?"

Mautino: "Yes, if I could, let me just tell you where this came from. We had a pipeline project that was coming through my district and the contractor hired a subcontractor from Pennsylvania. The Pennsylvania contractor showed them a certificate of insurance. When one of our local steelworkers got hurt on the job, we found that the insurance was not valid inside Illinois. Now, if you look inside the statute itself, yes, they are employers but it's a little bit vague. So this clarifies it and just says, contractors and subcontractors. That's the reason for the Bill."

Black: "So the statute says they're suppose to carry insurance and your Bill will say, you really, really are supposed to carry workers' comp. Right? I mean... I mean, it's the law. I thought they were covered."

Mautino: "So did we, and a different section of law would reflect it back to the contractor itself. It is truly the contractor's responsibility that to make sure anyone he hires carries work comp. We're just explicitly stating it in here because in this one situation it was a little ambiguous."

Black: "Okay. But it would not cover any subcontractor or you're not getting into any area that is now exempt from workers' comp., correct?"

Mautino: "It changes nothing else in the law."

Black: "Okay. All right. One of the questions that's come up that I think is interesting, in the case like you

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described, why wouldn't the contractor's insurance have covered the sub's injured employee?"

Mautino: "It does. They'll have to go back to court and take care of that."

Black: "Okay. So... "

Mautino: "And the contractor itself actually thought their subcontractor... "

Black: "Okay."

Mautino: "... had done it because they showed them what appeared to them to be a valid... So it's gonna have to go through the court process."

Black: "Okay, but... but the worker then has, I assume... "

Mautino: "His bills haven't been paid yet, but it's in court now."

Black: "Okay. That's what I wanted to make sure of. I... I see what... You're just trying to clarify a point in law then, and I... While the... we don't do the Agreed Bill process like we used to a few years ago, I... I'm not aware of any significant opposition from labor or business to this, are you?"

Mautino: "No, I'm not."

Black: "All right, fine. Thank you very much."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'yes', and 0 voting 'no'. And this Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk, read House Bill 1938."

Clerk Bolin: "House Bill 1938, a Bill for an Act to amend the Illinois Human Rights Act. Third Reading of this House Bill."



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Speaker Hannig: "Representative Howard. Representative Connie Howard on 1938."

Howard: "Thank you, Mr. Chair... Mr. Speaker. House Bill 1938 amends the Illinois Human Rights Act. It prohibits discrimination and employment based on the receipt of public assistance and also makes it unlawful discrimination... It includes as unlawful discrimination, military discharge other than honorable."

Speaker Hannig: "The Lady has moved for passage of House Bill 1938. Is there any discussion? Representative Black. The Bill's on Short Debate."

Black: "I... Fine, Mr. Speaker, and I just rise for a few questions to the Sponsor."

Speaker Hannig: "Certainly. Lady indicates she'll yield."

Black: "All right. Representative, there have been some Floor Amendments on the Bill and Floor Amendment #2 became the Bill and then Floor Amendment #3 was added to the Bill. Is that... that where we are now?"

Howard: "No. At this point we're... we're only speaking of Amendment #2. Number 2 is the only Amendment that was added to the Bill, Representative. The others are no longer appropriate."

Black: "Okay. So there is no Floor Amendment #3 on the Bill, right?"

Howard: "That's correct."

Black: "All right. There was also a notation on a Floor Amendment #4. What's... what's the status of Floor Amendment #4?"

Howard: "That is no longer in question, either. It was never added to the Bill."

Black: "And Representative, I've no idea... I've no reason to doubt you, but could you instruct the Clerk. Our... our..."

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our computer is showing Amendments that I... and I think the Representative's right... "

Speaker Hannig: "We'll ask the Clerk, Mr... Mr. Black."

Black: "All right."

Speaker Hannig: "Mr. Clerk, would you tell us the Amendments that have been adopted?"

Clerk Bolin: "Only one Amendment has been adopted to the Bill and that is Floor Amendment #2."

Black: "All right. So Floor Amendment #2 is the only one on there. Okay, fine. And then, Representative, at one time the Bill had some concerns expressed by veterans' groups that... a dishonorable discharge might, in fact, be reason for an employer to not to hire someone. Was that... is that objection still valid in the Amend... "

Howard: "I am not aware of any objections from veterans' groups. They never came to me with such."

Black: "Okay. You know, our... our... Representative, is there still language in the Bill that says if you've received a dishonorable discharge from the military service, that a small business owner could not use that as a factor in refusing to hire someone?"

Howard: "Yes, that language is still... that intent is still there."

Black: "Well, I... I... I think this is where some of the concerns come from that were expressed by veterans' groups. A dishonorable discharge can be a rather serious offense in... in the military service. In fact, it can be extremely serious and I think there was some concern expressed that by saying that a dishonorable discharge may not be reason to refuse to hire or promote, or what have you, someone. They felt this might be a... unfair burden to put on a business owner. And... I mean, obviously you

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don't agree with that."

Howard: "I believe, Representative, that if something is very serious that that business owner has the option of not hiring for other reasons other than the dishonorable discharge."

Black: "Well, and... and that certainly may be the case, but a dishonorable discharge has, I think, historically been viewed as a red flag to a... to a prospective employer. Because, generally speaking, a dishonorable discharge is for some significant cause. And I... I think that that probably is changing the... the historic practice of the seriousness of a dishonorable discharge. But I, as always, Representative, I appreciate your... your indulgence in answering the questions and I appreciate the indulgence of the Speaker in letting me ask them. Thank you."

Speaker Hannig: "This Bill's on the Order of Short Debate. Does anyone wish to stand in opposition? Representative Stephens."

Stephens: "Thank you. Will the Lady yield?"

Speaker Hannig: "She indicates she will."

Stephens: "Representative, as I understand it, Amendment 2 becomes the Bill and that's all that... all the Amendments that were adopted. Is that correct?"

Howard: "That is correct, Representative."

Stephens: "And Amendment 2 amends the definition of unfavorable military discharge in the manner... in the same manner as the underlying Bill, so that in real estate or employment decisions cannot be made on the basis of an individual having a dishonorable discharge. Is that correct?"

Howard: "Representative, there are two parts... there are two different bases of discrimination that we're talking about. The housing issue relates to source of income. The... the

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less than honorable discharge would relate to employment."

Stephens: "I'm sorry, could you say that last part again?"

Howard: "The less than honorable discharge relates to employment opportunities."

Stephens: "All right. So we're not talking about... real estate transactions in reference to the honorable... dishonorable discharge. We're just talking about employment decisions. And to the Bill, Mr. Speaker. I... I think that the veterans' community still has concerns, serious concerns, about the wording of this legislation. I... I don't think the Lady has, certainly doesn't have bad intentions with this legislation, but the effect is that we are diminishing the value of an honorable discharge and this of all days, to be doing something that's going to... bring less than the highest honor upon our veterans, it would be... we'd be sending the wrong message to those that are flying in Eastern Europe today and delivering the message of freedom to those that are oppressed in... Eastern Europe. I think that, with all due respect, on behalf of the veterans of the State of Illinois, we're going to have to rise in opposition. I would urge a 'no' or a 'present' vote on this Bill."

Speaker Hannig: "Representative Stephens has risen in opposition. The Bill is on Short Debate. Representative Connie Howard to close."

Howard: "Thank you, Mr. Speaker. I think that we, as Members of the General Assembly, have a responsibility to understand that there's some people who are looking for employment who need a second chance. Oftentimes there are things that people do as youthful indiscretions and we... we believe that they should, in fact, have a second chance. I am hoping that this Bill will allow individuals who have been

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dishonorably discharged and who have learned the error of their ways to now have access to equal employment opportunities. I urge all of my colleagues to vote 'yes' for this House Bill. Thank you."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 29 voting 'yes', and 78 voting 'no', and this Bill fails. Mr. Clerk, what is the status of House Bill 1340?"

Clerk Bolin: "House Bill 1340 is on the Order of House Bills-Third Reading."

Speaker Hannig: "Please return that to the Order of Second Reading at the request of the Sponsor. Representative Acevedo, for what reason do you rise?"

Acevedo: "Mr. Speaker, on the last Bill that we just passed, my button wasn't working and I'd like to be recorded as a 'yes' vote."

Speaker Hannig: "The record will indicate your intentions. Mr. Clerk. Okay. Mr. Clerk. Mr. Clerk, read House Bill 1797. Representative Smith."

Clerk Bolin: "House Bill 1797, a Bill for an Act to amend the Disabled Persons Rehabilitation Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Smith, could you end your phone call and call your Bill. Representative Smith."

Smith: "Thank you, Mr. Speaker, for that kind introduction. This is legislation which has been before this General Assembly previously, in the 90th General Assembly. This would accommodate the personal assistants who are employed under the Home Services Program in the Department of Human

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Services who wish to be recognized and represented by the Service Employees International Union. This would do three things for those employees. First of all, it would provide that the state would not be considered as their employer for any purpose. Secondly, it would protect the customers' rights or the citizens' rights to higher, fire or supervise the personal assistants. And finally, it would preserve the existing system of representation for the personal assistants who choose to be represented by the Service Employees Union. These personal assistants have been represented by the Service Employees Union since 1994. They operated under a contract with the Department. However, for the last couple of years the department has, for whatever reason, not wanted to reissue that contract because of concerns that the personal assistants might be considered state employees. This is an attempt to clarify that. We do not want them to be considered state employees, but we do want them to have their rights of being represented by the Service Employees Union and also, the Fair Share Agreement. This is basically a meet and confer legislation for the Department of Human Services. And I'd be happy to answer any questions."

Speaker Hannig: "Thank you, Representative. And on that question Representative Parke is recognized."

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

Speaker Hannig: "He indicates he will."

Parke: "Representative, do we have any idea how much this is gonna cost?"

Smith: "I'm sorry, Representative Parke, could you repeat that?"

Parke: "Yeah. Do you have any idea how much this is gonna cost?"

Smith: "Representative Parke, there is no fiscal impart... no fiscal impact. There was no fiscal note required."

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Parke: "Can you tell the Body why the Department of Human Services is opposed to this?"

Smith: "I... I wish I could, Representative Parke. This is an attempt to help them resolve this issue."

Parke: "Now let me get this straight, these personal assistants must have representation, even if they don't want it?"

Smith: "No, that's not correct. As you know, Representative, the personal assistants have chosen to be represented by the Service Employees Union. This simply allows that agreement to continue."

Parke: "Well, according to the Department of Human Services, they feel that that will be true. And is there a bargaining agreement with this?"

Smith: "There is currently, Representative, and as you know with any bargaining agreement, those individuals who choose not to... to belong to the union would not be compelled to do so."

Parke: "Now, aren't they suppose to take and pay a part of the money they earn every hour to the union, a percentage of their gross, paid to the union even if they choose not to join?"

Smith: "That is correct, Representative Parke. That's a Fair Share Agreement just like any other union would have."

Parke: "To the Bill."

Speaker Hannig: "To the Bill."

Parke: "Mr. Speaker, Ladies and Gentlemen of the House, I want you to understand what we're talking about here. We have personal assistants that are making \$5.56 an hour and now we're going to inquire... require that part of their money, part of this money, this is meager amount of money that they're working for, barely over minimum wage. They're gonna have to pay part of that into the union, whether they

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want to be part of the union or not, you're gonna take part of that money. Now the Department of Human Services, the Illinois Assistive Technology Project, and the Statewide Independent Living Council are all opposed to this. Please, think about this. We don't need to do this. They're not making enough money as it is, and now we're going to take part of their money and tell them you got to spend it on a union as a fair share, whether they want it or not. This is just not good public policy. I would ask the Body, again, to do what I think is fair and not support this Bill."

Speaker Hannig: "Representative Smith to close."

Smith: "Thank you, Mr. Speaker. Let me clarify for the Body. The dues that are involved here are 2% for those who would be covered under the Fair Share Agreement and 2.5% for full members. For a lot of members that would amount to about a \$1.50 a month. Many of us are invited to speak before these personal assistants at the Service Employees Union speak-outs. Perhaps some of us are doing that over the Easter recess. We all go to those speak-outs and we tell them that we're going to fight for them for better wages in Springfield. But this is very important to them, so that they can continue to be represented by the Service Employees Union. This addresses the issues that the Department has raised with them and I would urge an 'aye' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 61 voting 'yes', and 48 voting 'no'. And this



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Bill having received a Constitutional Majority is hereby declared passed. Representative Johnson, for what reason do you rise?"

Johnson, Tim: "... electrical system, but I'd like the record to show that I would have voted 'no' on that Bill had I voted."

Speaker Hannig: "The record will show... so reflect. Mr. Clerk, read House Bill 822. Oh, excuse me, has Representative Black left? There he is. 822. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 822, a Bill for an Act to amend the Illinois Horse Racing Act of 1975. Third Reading of this House Bill."

Speaker Hannig: "Representative Black."

Black: "Thank you very much, Mr. Speaker. This is a fine Bill. It's for the Illinois quarter horses. I urge an 'aye' vote."

Speaker Hannig: "Excuse me, Representative Black, I wasn't paying any attention to your explanation, but I'm sure it was very good. Is there any discussion? Representative Lawfer. The Gentleman wishes to be in favor of the Bill. The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 112 voting 'yes', and 1 voting 'no'. And this Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk, read House Bill 721."

Clerk Bolin: "House Bill 721, a Bill for an Act to amend the Health Care Surrogate Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Hamos."

Hamos: "Thank you, Mr. Speaker and Ladies and Gentlemen. I'm

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carrying this Bill for Carol Ronen, Representative Ronen, so don't ask me too many tough questions. What this Bill provides is that a surrogate decision maker cannot consent to certain mental health services. Those tend to be three items that cannot be consented to: admitting to... admittance to a mental health hospital; electroshock therapy; and psychotropic medication. Basically, this says that a health care surrogate cannot get around the Mental Health Code, which of course, has very strict procedures on these kinds of mental health services. That's what this Bill provides, of course, there are opportunities to always go to court and seek court permission for these... for these important decisions. And I ask for your 'aye' vote. And this has... this has been agreed to between the Medical Society and the Chicago Bar Association."

Speaker Hannig: "This Bill's on the Order of Short Debate. Representative Black."

Hamos: "This has really, truly been agreed to by the Illinois State Medical Society and the Chicago Bar Association."

Speaker Hannig: "Representative Black."

Black: "Thank you very much, Mr. Speaker. She presented the Bill. She spoke in favor of the Bill and she closed all in... all in about 30 seconds."

Speaker Hannig: "Very efficient."

Black: "Yes. Yes."

Hamos: "Kind of like that Quarter Horse Bill. The last Bill, Representative Black."

Black: "Well, that was... that was the first mistake you've made since you've been here. Now, if you could define quarter horse, I'll ask you later. But, would the... would the Gentle... would the Gentle... "

Hamos: "The Gentleman will agree, yes."

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Black: "Would... would the Sponsor yield?"

Speaker Hannig: "She indicates she will."

Black: "Thank you."

Hamos: "I'll try to yield, yes."

Black: "Representative, this is your 100th Bill of your first Session, is it not?"

Hamos: "It is. Yes, it is."

Black: "Okay. You are familiar with the Gift Ban Act and the new Ethics Law, are you not?"

Hamos: "Yes, I am."

Black: "I'm afraid, Representative, and I don't want to embarrass you and I apologize in advance. Did you receive any remuneration (sic-remuneration) for carrying this Bill?"

Hamos: "Yes, I did."

Black: "Would you care to share with the Members what you got for carrying this Bill?"

Hamos: "The Sponsor sent me a box of candy, therefore, I remembered late in the day that perhaps I ought to ask Mr. Speaker to call the Bill since I had received a box of candy for it."

Black: "Well, I may have to... "

Hamos: "From the Sponsor."

Black: "... I may have to ask our ethics officer, Representative Lang, if... Now, Representative Lang, are you the ethics officer for the House, now? By the way, who is? I got my ethics... financial disclosure statement the other day and Secretary White put in there that we had to give it to our ethics officer before he could fill it back... and I, quite frankly, don't know who that is. Is that you? Representative Lang, could you tell me, is a box of candy all right? Can we accept a box of candy for carrying a Bill for someone?"

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Lang: "Mr. Black, my name was used in debate."

Black: "Yes."

Lang: "Mr. Black, two things: First, if it's good candy, you can keep it."

Black: "Okay. No, it's not... "

Lang: "Second... "

Black: "Well, I've not even been offered a piece of candy."

Lang: "Secondly, I am not the ethics officer, but I would be proud to review your ethics statement with you."

Black: "And let me just say it's been agreed to by the Illinois State Medical Society and the Chicago Bar Association. All right. Representative, if those are Frango Mints you're going to lose some Chicago votes, I'll tell you that. But since... since it is agreed to... Oh, we have a new Speaker. Welcome, Mr. Speaker."

Speaker Hartke: "Representative Hartke in the Chair."

Black: "Well, it's about time you announced it. You've been there for a couple of minutes. Mr. Speaker."

Speaker Hartke: "Yes."

Black: "I... this has been a day filled with some strange alliances. And I... I said, when I came here many many years ago, I... I said to Governor Small, at the time, I said, Governor, when the Chicago Bar Association and the Illinois State Medical Association agree on a Bill, I'm going to sit down and vote 'yes'."

Speaker Hartke: "Representative Hamos to close."

Hamos: "I ask for your 'aye' vote."

Speaker Hartke: "The question is, 'Shall House Bill 721 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 721, there are 113

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Members voting 'yes, 0 voting 'no', and 0 voting 'present'.  
And this Bill having received a Constitutional Majority is  
hereby declared passed. On page 30 of the Calendar appears  
House Bill 1522, Representative Hannig. This is on Short  
Debate. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1522, a Bill for an Act to amend the  
Higher Education Student Assistance Act. Third Reading of  
this House Bill."

Speaker Hartke: "Representative Hannig."

Hannig: "Thank you, Mr. Speaker and Members of the House. This  
Bill provides that if a student scored within the  
acceptable range on an ACT or an SAT test, that they cannot  
be required to take a GED test in order to receive  
admission into a state university. I'd be happy to answer  
any questions."

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

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

Speaker Hartke: "The Sponsor will yield."

Cross: "Is there any opposition?"

Hannig: "Representative, we had the Amendment to the Bill...  
which is the Bill... in committee yesterday, I believe, and  
there was... no one had signed in in opposition and the  
Bill passed out on the Attendance Roll Call. So its  
been... it had a very bipartisan send off from the Higher  
Education Committee."

Cross: "All right, thank you very much."

Speaker Hartke: "Further discussion? The Chair recognizes the  
Lady from Cook, Representative Erwin. She declines.  
Further discussion? The question is, 'Shall House Bill  
1522 pass?' All those in favor signify by saying 'aye';  
opposed 'no'. All those in favor will vote 'aye'; those

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opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 1522, there are 112 Members voting 'yes', 1 person voting 'no', and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 37 of the Calendar appears House Bill 881. Representative Winkel. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 881, a Bill for an Act to amend the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Hartke: "Representative Winkel."

Winkel: "Thank you, Mr. Speaker. House Bill 881 is legislation that would increase the penalties on motorists who knowingly avoid railroad warning devices. It would provide prosecutors with increased flexibility in prosecuting reckless motorists while increasing the penalties on motorists. 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 House Bill 881 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 881, there are 110 Members voting 'yes', 0 voting 'no', and 2 Members voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 40 of the Calendar appears House Bill 2112. Representative Hannig. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2112, a Bill for an Act to amend the Soil and Water Conservation Districts Act. Third Reading of this House Bill."

Speaker Hartke: "Representative Hannig."

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Hannig: "Yes, thank you, Mr. Speaker and Members of the House. This Bill represents an agreement between the soil and water conservation districts and the Municipal League under a proposal to bring all communities back into soil and water conservation districts. As you know, soil and water conservation districts have no taxing authority, so that was never a question. But the question often arose as to the provision... the providing of services from the soil and water conservation. So this is a mechanism that... that both the Municipal Leagues and the soil and water conservation people have agreed to 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 2112 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 2112, there are 113 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. For what reason does the Gentleman from Jackson, Representative Bost, seek recognition?"

Bost: "Thank you, Mr. Speaker. On House Bill 881, I inadvertently hit the 'present' switch. I would like to be recorded as 'aye'."

Speaker Hartke: "The Journal will so reflect. On page 37 of the Calendar appears House Bill 452. Representative Hannig. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 452, a Bill for an Act concerning real property. Third Reading of this House Bill."

Speaker Hartke: "Representative Hannig."

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Hannig: "Yes, thank you, Mr. Speaker and Members of the House. This Bill represents a number of quick-take proposals from throughout the State of Illinois. It's a proposal that came out of the Executive Committee with a rousing bipartisan, unanimous vote. It addresses every quick-take issue that I'm aware of that's out there. And I'd be happy to answer any questions and I'd move for its passage."

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: "The Sponsor will yield."

Black: "Thank you. Representative, can you give me just a quick definition of quick-take?"

Hannig: "Yes, Representative. The normal procedure where a community uses eminent domain, they go through a process and the land does not change hands. In other words, the municipality cannot take possession until the whole situation is finalized. In a quick-take proposal a community can take possession of the land very quickly, so, thus the name. And if there are disputes that are outstanding, the courts will eventually resolve... resolve the price that are paid. So it allows the community, in some special cases, to move quickly when... when the needs arise. It's something that we don't do all the time, but it's something that from time to time we need to do."

Black: "Yeah, I... and I understand that. My fear of quick-take has always been.... I... I saw... I saw eminent domain used in my district many, many years ago and many people lost their property, their farms, their homes for a project that was then never built. And that's always kind of bothered me."



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Hannig: "Was that... Representative, was that quick-take or was that just eminent domain?"

Black: "No, no, it... I... I... and I'm sorry... I shouldn't have... I should not have made that insinuation. It was eminent domain and then they never built the project and of course... I've... I've... I've introduced Bills here on two or three occasions, trying to get the right of... or the land to be able to sell back to the heirs. But it's been 30 years and it's probably useless now. But... I guess my question would be, could that kind of a scenario develop under a quick-take? Because you can... you can lose title to your property rather quickly and the court will then settle it afterwards, but has there ever been a scenario where we use quick-take and then we don't build the highway or we don't build the project?"

Hannig: "Representative, I... I really can't answer that. I'm not aware... "

Black: "Yeah, I'm sure that it isn't, 'cause usually quick-take is just exactly what it means, the project is actually underway or ready to go and... and not being able to use quick-take means you might have to wait... "

Hannig: "Right."

Black: "... a year... Excuse me."

Hannig: "If you have a dispute... "

Black: "A year or two or three."

Hannig: "... with the... with the... with... "

Black: "So I understand why it's there. I was just kind of curious about whether that had ever happened. I... As always, Representative, thank you for your... indulgence."

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

Davis, S.: "Thank you, Speaker. Would the Sponsor yield for one



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all voted who wish? Mr. Clerk... Everybody voted? Have all voted who wish? Mr. Clerk, take the record. On House Bill 452, there are 62 Members voting 'yes', 46 Members voting 'no', and 4 Members voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 37 of the Calendar appears House Bill 1117. Representative Mathias. Representative Moore, what's your pleasure? Representative Mathias. Slips have been filed and the Sponsor is now Representative Mathias. Representative Mathias."

Clerk Bolin: "House Bill 1117, a Bill for an Act to amend the Local Government Debt Reform Act. Third Reading of this House Bill."

Speaker Hartke: "Representative Mathias."

Mathias: "Thank you, Mr. Speaker. House Bill 1117, basically, does four different things. It allows alternate bonds to be used for lease provisions. It allows use of bonds for 20 years instead of 10 years. It changes the dates for alternate bond levies to coincide with other bonds, and it allows for local accounting firms to make financial projections. It does not affect tax caps and to the best of my knowledge there is no known opposition. Thank you, Mr. Speaker."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall House Bill 1117 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 1117, there were 111 Members voting 'yes', 1 person voting 'no', and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed."

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Representative Reitz, for what reason do you seek recognition?"

Reitz: "Mr. Speaker, my switch was not working. I would like to be recorded 'yes' in the record."

Speaker Hartke: "On which Bill?"

Reitz: "The last one."

Speaker Hartke: "It'd be 1117."

Reitz: "That sounds good."

Speaker Hartke: "The Journal will so reflect your wishes. On page 34 of the Calendar appears House Bill 63. Representative Granberg. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 63, a Bill for an Act to create the Land Banking Beneficial Disclosure Act. Third Reading of this House Bill."

Speaker Hartke: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill... this Bill creates the down... the Airport Land Loan Revolving Fund. It would enable downstate airports to have access to lower interest funds in order to access federal grants. This would allow them to access those federal dollars and then repay those monies on a longer term basis. Representative Parke raised an issue last week about whether O'Hare Airport was included in the Amendments. In fact, it was, Representative Parke. O'Hare Airport has now been removed. That was not supposed to be the case. That Amendment was supposed to be technical in nature and so for that... for that issue, I apologize. That has now been taken out and we've addressed that concern."

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

Parke: "Thank you, just for clarification, Representative, this

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is now strictly for downstate airports and... and... DuPage and... O'Hare and Midway and the collar county airports are not included."

Granberg: "That is correct, Sir. There is one county, McHenry County, asked to be included in this program."

Parke: "Okay, I don't have any problems with the Bill. Thank you."

Granberg: "Thank you."

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

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

Speaker Hartke: "He indicates he will."

Cross: "Representative, does this... is there anything in your Amendment or your underlying Bill that deals with... the land trust issue or... purchasing property?"

Granberg: "Representative Cross, thank you. No, we removed that language, Tom. That was the original Bill, for it to provide for disclosure of the beneficiaries on Illinois Land Trusts, for corrections and... for the Department of Corrections, I believe. We found out from dealing with the Department of Transportation and airports, actually, that in fact, those provisions are currently in Illinois law. For us to pursue those... to pursue that remedy would have been mostly redundant in nature. I removed that provision then and then let the downstate airport authority have this Bill for their purposes."

Cross: "So this... you know, we're a little slow sometimes over here. This doesn't have anything to do with Peotone, is that right? You're not trying to block Peotone or assist Peotone?"

Granberg: "No. This is for the Illinois Public Airports

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Association. This would allow them lower interest loans so they can access federal grant monies and then repay those funds to the Illinois Department of Transportation."

Cross: "Thanks a lot"

Speaker Hartke: "Further discussion? This is on Short Debate. Representative Skinner, do you have a question?"

Skinner: "I have a hypothetical that could turn into, perhaps, an actual. If the Village of Lake in the Hills were attempting to buy a farm, which would be in the flight path, would they be, through condemnation actually, would they be able to use money from this fund in order to finance it?"

Granberg: "Representative Skinner, I couldn't hear the beginning of your question."

Skinner: "If the Village of Lake in the Hills were attempting to buy a farm that was in one of its flight paths, could it use this type of money to pay for it?"

Granberg: "I believe the Amendment specifically addresses property... property for airport expansion, nothing in the flight path with actual physical construction."

Skinner: "So, it would have to be contiguous to the airport?"

Granberg: "Yes."

Skinner: "Okay, thank you."

Granberg: "Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall House Bill 63 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. Mr. Clerk, take the record. On House Bill 63, there are 78 Members voting 'yes', 31 Members voting 'no', and 1 Member voting

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'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 41 of the Calendar appears House Bill 2573. Representative Hoffman. Hoffman. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2573. A Bill for an Act to amend the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Hartke: "Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'm presenting this Bill for... for Carol Ronen. Essentially, what this... what this Bill would do is... it would ensure that... it would provide for a pilot project in five locations in the... in the City of Chicago only, that would have these automated red light enforcement, where you would take pictures of individuals who are either red... running red lights, involved in accidents, or otherwise. You would then send the... the... violation by certified mail and they could... then protest by certified mail, they would send a picture with it. So if you wanted to protest, say it wasn't you driving or whatever, you could do that by mail and wouldn't have to show up. I think it's... it... it has been pared down to a pilot project. It's for the City of Chicago only. And I would ask for an 'aye' vote."

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

Davis, M.: "Mr. Chairman will the Sponsor yield?"

Speaker Hartke: "She (sic-he) indicates she (sic-he) will."

Davis, M.: "Representative is there any reason that this kind of video taping should be for Chicago only?"

Hoffman: "Well, we don't know... I think it's only... you would have to ask Representative Ronen that."

Davis, M.: "And she what... why can't we ask her?"

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Hoffman: "Well, I... She... she has decided that she would like a pilot program only because... "

Davis, M.: "So Representative, if I... "

Hoffman: "... if you would let me answer, I would answer. She decided that she would... would like a pilot program because this is fairly new technology and that's why we're doing a pilot program."

Davis, M.: "New technology using what equipment?"

Hoffman: "It's my understanding the equipment would take... pictures of... of right now, we have it in certain areas of Chicago, if an accident occurs, what happens is they would have taken pictures at that intersection... certain intersections, to determine who actually caused that accident... who ran the red light. You see what I mean?"

Davis, M.: "There are different views, Representative, I mean, from the right-hand side, it may look one way and then if you go on the other side of that accident, it may look a different way, depending upon the view in which you are looking. You know, you could look from the rear of something and it looks kind of different. I'm really concerned, Representative, first of all, that we're... we're going to... say people are guilty and they won't have an opportunity to defend themselves?"

Hoffman: "No, this provides for a provision that indicates that the picture would actually be sent to your house, certified mail, and that if you... if number one, if it wasn't you driving or is not your car, then you could protest. Number two, if you wish to protest, like any other violation, you would... you would protest."

Davis, M.: "How would you protest? What method could you use to protest?"

Hoffman: "It's my understanding, Representative, that what..."



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what you would do, is like any other traffic citation, but also it has additional... an additional way to protest where you could do it through the mail."

Davis, M.: "So, you would go to a traffic court and you would say, here were the actually circumstances even though you are looking at this video tape of a traffic light or an accident, it actually occurred this way? Can you bring witnesses?"

Hoffman: "Yes. But Representative, you could also do it through the mail. So let's say, it... it took a picture and it wasn't you driving, it was your son or daughter driving."

Davis, M.: "My daughter looks just like me. I'm listening. Well... "

Hoffman: "She does?"

Davis, M.: "Yes, she does. She does. She absolutely does. But you know what, Representative, to the Bill."

Speaker Hartke: "To the Bill."

Davis, M.: "To the Bill. I am truly afraid. I am truly afraid to be at a... a place in Illinois where somebody can mail in a tape and accuse me of something. They're going to mail in a video tape. They're going to mail it in. What are the police going to be doing in Chicago that they can't be there and do what they do in every other place in the City of Chicago? Now they're going to mail in a picture and say I'm guilty. I have never heard of anything so absurd in my life. No wonder it's only Chicago. This is ridiculous. Every Chicago Legislator should stand here and talk about how ridiculous this is. We don't have video taping in Chicago. We don't have video taping because the police could set us up. Remember that? The police could actually make up a film, that's not true and then they're going to mail it."

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

Davis, M.: "Wait just a minute. Put it on long debate. This is long debate. This is real long debate. So, now, Ladies and Gentlemen, one day when you come home from work, there's gonna be a plain brown envelope with no return address on it. And in this plain... plain brown envelope, there's gonna be a picture of your husband. A picture of your husband at a stop light and maybe he took his secretary home. So, not... not only are you gonna be in traffic court, you're going to divorce court. This Bill deserves 118 red votes."

Speaker Hartke: "This Bill is on Short Debate. Representative Hoffman, would you like to close? Representative Hoffman."

Hoffman: "I... I think we'll take this Bill out of the record."

Speaker Hartke: "Mr. Clerk, take this Bill out of the record. Representative Black, for what reason do you rise?"

Black: "Mr. Speaker. I want to know who let Jerry Springer in here."

Speaker Hartke: "On page 9 of the Calendar appears House Bill 703. Representative O'Brien. This Bill is on Second Reading. Representative O'Brien."

Clerk Bolin: "House Bill 703. The Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative O'Brien, has been approved for consideration."

Speaker Hartke: "Representative O'Brien."

O'Brien: "Mr. Speaker, I would ask that Floor Amendment #1 be tabled."

Speaker Hartke: "Withdrawn. Floor Amendment #1 is withdrawn. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. Is Representative Wait in the

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chamber? Is Representative Wait in the chamber?  
Representative Wait, what are you doing up in the gallery?  
Representative Wait, would you please come down here and  
participate in the legislation. On page 17 of the Calendar  
appears House Bill 1466. Representative Morrow. Mr.  
Clerk, read the Bill."

Clerk Bolin: "House Bill 1466, the Bill's been read a second  
time, previously. Amendment #1 was adopted in committee.  
Floor Amendment #2, offered by Representative Morrow, has  
been approved for consideration."

Speaker Hartke: "Representative Morrow."

Morrow: "Thank you, Mr. Speaker, Ladies and Gentlemen of the  
House. Amendment #2 was given to me by DCCA. They wanted  
to... they had some problems with Amendment #1. Amendment  
#1 basically, confined them... confined DCCA to serving  
duties in House Bill 1466, and they felt that they needed  
some latitude in order to make this Bill work. I agreed to  
file Amendment #2 to 1466 on behalf of the Department.  
We're trying to move this Bill to the Senate. We're still  
talking about how we're going to work this project out to  
bring it to fruition (sic-fruition). I have a meeting  
scheduled with the director during the Easter break so we  
can codify actual language and a revenue stream to make  
this project come into effect. I'll be glad to answer any  
questions."

Speaker Hartke: "Representative Rutherford, do you stand in  
support of the Amendment?"

Rutherford: "Yes."

Speaker Hartke: "The question... the question is, 'Shall the  
Floor Amendment #2 to House Bill 1466 be approved?' All  
those in favor signify by saying 'aye'; opposed 'no'. In  
the opinion of the Chair, the 'ayes' have it. And Floor

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Amendment #2 to House Bill 1466 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 26 of the Calendar appears House Bill 2275. Representative Kenner. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2275. The Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Kenner, has been approved for consideration."

Speaker Hartke: "Representative Kenner."

Kenner: "Thank you, Mr. Speaker. House Bill... Floor Amendment #1 to House Bill 2275 basically permits the Comptroller to check the names of state contractors with the Comptroller's offset system to detect if the contractor's delinquent in paying debts to the state or for child support when contracts are filed with the Comptroller. If a match is found, the Comptroller may notify the contracting agency which may then void the contract. This is a Comptroller's Bill and there's no opposition to it at this time. So, if there are any questions, I'll be glad to take 'em."

Speaker Hartke: "Is there any discussion? Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall Floor Amendment #1 to 2275 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 #1 to House Bill 2275 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 11 of the Calendar appears House Bill 816. Representative Wait. Representative Wait. Oh well, we'll wait 'til he gets out

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of the gallery, must have important business up there. Take that out of the record. On page 14 of the Calendar appears House Bill 1219. Representative Slone. Mr. Clerk, call the Bill."

Clerk Bolin: "House Bill 1219, a Bill for an Act in relation to alcohol. Third Reading of this House Bill."

Speaker Hartke: "Representative Slone."

Slone: "Thank you, Mr. Speaker, Ladies and Gentlemen. With the Amendment that was adopted to this Bill yesterday, there is to my knowledge no further objection to the Bill and it is a signage Bill for bars and restaurants. I would appreciate an 'aye' vote."

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

Cross: "Will the Sponsor yield?"

Speaker Hartke: "She indicates she will."

Cross: "Representative. This Bill requires signs in restrooms, if I'm reading this correctly."

Slone: "Only in the ladies restroom."

Cross: "Well."

Slone: "You never have to see it."

Cross: "Where... what establishments are required to... well, first of all, tell us what the sign is supposed to say."

Slone: "It would have the standard language that the existing signs have, which is the Surgeon General's Warning against drinking when you're pregnant."

Cross: "The sign... the sign in the language that we already see all over the place?"

Slone: "Right. It would have that language."

Cross: "So, why are we now adding... where in the bathroom's it gonna be?"

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Slone: "Wherever the bar or restaurant owner wants to put it."

Cross: "So you could put it around the seat for instance, or on the floor, or on the ceiling wherever, it really doesn't matter where we put it?"

Slone: "Right. We are not legislating where they should choose to put it. That's correct."

Cross: "Well, that's big of us. Where... why are we putting it in the bathroom? What's the rationale behind the bathroom?"

Slone: "That's where pregnant ladies spend much of their time."

Cross: "Don't you think... don't you... don't you think by the time they've... they're going to the bathroom, they maybe should have seen the sign before that?"

Slone: "No, they go to the bathroom before they have anything to drink was... was the reasoning."

Cross: "Why... is there... well, I'm going to try to be serious about it 'cause obviously it's a serious subject. What's the... seriously, why do we need another... another sign in another location warning us of the problems with alcohol and pregnant women? I mean, we do see this on beer bottles. We see it in establishments already. Physicians, I assume, advise pregnant women and their husbands that they shouldn't be drinking. Why do we now have to find a new place and require a new sign in a new location?"

Slone: "Well, first of all, Representative Cross, perhaps I should say that the way the Bill is drafted, the sign that you're accustomed to seeing in the bar, if... if... the establishment serves on premises, they would not have to have that sign anymore. They would only need the bathroom sign. Only the package stores would need the existing sign."

Cross: "All right. So, you no longer need it in the restaurant

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part. You're... you're sufficiently covered if you put it just in the bathroom?"

Slone: "That's our understanding. Yes."

Cross: "Is that what it says?"

Slone: "That's what it says."

Cross: "All right. Now... so you're only applying this to establishments that already need the sign. It's not... so you're not adding... this is not a new requirement. It's just for places that already have to have a sign."

Slone: "That's right."

Cross: "All right, so do we... do you anticipate any... any new costs to these establishments to... "

Slone: "No, there shouldn't be because with the Amendment we adopted yesterday, liquor control will provide the signs, like they provide the existing signs."

Cross: "Oh, all right. So the only... maybe the cost to affix them to the wall would be the extent of it?"

Slone: "Right."

Cross: "Okay, thank you, Representative."

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

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

Speaker Hartke: "She indicates she will."

Mulligan: "Representative, isn't this similar to legislation that Representative Leitch has passed in the past and also a Bill that one of... that several of us carried last year?"

Slone: "I believe so."

Mulligan: "You've worked hard to come to a compromise with the few people that did object to this?"

Slone: "Yes, there was some people in the industry that had a problem with the original Bill as it was originally drafted and I worked with the Restaurant Association, the retail

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merchants and the tavern owners and everybody... "

Mulligan: "But they're all... "

Slone: "... seems to be okay... "

Mulligan: "... on board from what I... "

Slone: "... everybody's neutral on the Bill."

Mulligan: "To the Bill. I certainly think this is a important Bill. The Bill, the picture that she's shown us of the sign also has symbols on it which would help for a multilanguage. It would be a universal symbol showing a woman with a baby inside and a drink and a line through it, which I think is very important. We all know that fetal alcohol syndrome is just a terrible thing to deal with over the course of a life of any individual. It hampers the way they relate in school, many other things that will happen and I think that what she's doing is... is a smart thing to do. It's probably a good thing for all of us to vote for and I think that she's worked very hard to come to a compromise. I don't see why anyone would object to this. All we're doing is putting out a warning there. It certainly isn't going to change how people do things. When I was young, we never knew these things. Now when you're carrying a child, doctors tell you to stay off of most anything; caffeine, aspirin, but especially things such as alcohol and drugs. I think it's really important and I think nobody objects to the fact that it's common knowledge now, but not everybody, particularly young women know this. They need to be reminded of it and it's a good thing to have and I think this is a Bill we should all support."

Speaker Hartke: "Representative Davis, do you stand in opposition to signs in the Ladies' room?"

Davis, S.: "Representative... Speaker, excuse me, I promised the Lady I would not speak in opposition to the Bill. However,



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I would like to ask one question of the Sponsor."

Speaker Hartke: "State your question."

Davis, S.: "Representative Giglio, being a plumber, wanted to know actually, that since this is going to be a bathroom fixture, does it have to be a licensed plumber that puts the sign up or can it just be any mope?"

Speaker Hartke: "Representative Slone to close."

Slone: "Any mope can install the sign."

Speaker Hartke: "The question is, 'Shall House Bill 1219 pass?' 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 1219, there are 89 Members voting 'yes', 24 Members voting 'no', and 0 voting 'present'. And this Bill having received the Constitutional Majority is hereby declared passed. On page 14 of the Calendar appears House Bill 1112. Representative Younge. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1112. The Bill's been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Younge, has been approved for consideration."

Speaker Hartke: "Representative Younge."

Younge: "Thank you, Mr. Speaker. Amendment #2 is an Agreed Amendment between me and Dr. Joe Cipfl, the Executive Director of the Illinois Community College Board and it is... it is an Amendment which says new district... former Metropolitan Community College, District 541, 'the State Board shall develop criteria that must be met prior to the establishment of a Class I community college district in the geographical territory of Metropolitan Community College. When the criteria are met, the State Board shall

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plan for the development of a new district. As a part of the plan, the land and buildings comprising former Metropolitan Community College District 541 shall be transferred to the board of trustees elected to govern the new district.' I move for the adoption of the Amendment."

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

Black: "Mr. Speaker, an inquiry of the Chair, parliamentary inquiry."

Speaker Hartke: "Parliamentary inquiry."

Black: "Would you ask the parliamentarian, in all seriousness, the underlying Bill amends the Vehicle Code. The Amendments... the Amendments amend the Community College Act. I would ask if the Amendments were germane to the Bill."

Speaker Hartke: "The parliamentarian will look at it. For what reason does the Gentleman from Madison, Representative Stephens... he declines. The parliamentarian will give you your answer."

Parliamentarian Uhe: "Representative Black, in response to your inquiry, your point is well-taken. House Bill... the Amendment #2 to House Bill 1112 amends the public Community College Act concerning the formation of a new community college district. I take it that your inquiry... inquiry is pursuant to House Rule 63 regarding Motions on a different subject. The Rule states that no Motion or other legislative measure on a subject different from that under consideration shall be admitted under color of Amendment. As this Amendment is being offered to a Bill concerning the Vehicle Code and the issuance of traffic citations, the ruling of the parliamentarian is that this Amendment is out of order."

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Black: "And Mr. Speaker, I... I... I appreciate the ruling of the parliamentarian. And let me just say, if the Representative can find an appropriate Bill to file her Amendment, we can debate that question. I... I don't... it was not... it's not my intent just to simply deny the Lady the right to move her... her Bill, but I do think, and I appreciate the view of the parliamentarian, in all due respect of the Representative, I really do think that this was a clear-cut question of germaneness. I would hope, Mr. Speaker, that she can find another suitable Bill for her Amendment because it's not simply our intent to try and prevent the Representative from moving that Amendment. It's just that we did feel that this was a rather clear-cut case of... of the germaneness question and I... I hope that she can find another place to put her Amendment on."

Speaker Hartke: "Representative Younge, would you like to take that Bill out of the record?"

Younge: "Yes."

Speaker Hartke: "Take that Bill out of the record. On page 7 appears House Bill 506. Representative Cowlshaw. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 506. The Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Cowlshaw, has been approved for consideration."

Speaker Hartke: "Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 506 which was amended this morning by an Amendment which passed out of the Education Committee... this very morning is a... an attempt to address an issue that has been brought before us by the State Board of Education in regard to the state-required

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testing program for students in the high school grades. The creation of a test that was intended to be a so-called 'exit exam' for 11th or 12th graders was instituted a few years ago. But it was not, at that time, devised as either a substitute for an IGAP Test or a supplement to it. The IGAP Tests, of course, in many respects are meant to be the kinds of things that provide information in order that remedial programs can be created, whereas the Prairie State Achievement Test was intended simply to be an exit exam, not for remediation. But the State Board of Education believed that we ought to try to be more efficient in the use of both the time of both students and teachers. And so, along with State Representative Joel Brunsvold, we have held meetings with the new State School Superintendent with other Members of this chamber, as well as other people representing the State Board of Education. And this is the arrangement that has been made. The Prairie State Achievement Exam, if this Bill passes, will be the final test that is required by the state in the 11th and 12th grades of high school throughout Illinois. It will not be in addition to any IGAP Tests at those two final grade levels. It will be instead of the IGAP Test at those grade levels. The initial test will be given in the second semester of the 11th grade. That taking that test at that grade level is by this Amendment required. In the 12th grade, if there are any of the five major sections of the Bill... of the test, the student has not passed, he or she may take those tests over again, twice, once in the first semester, once in the second semester, until they are satisfied with their grade. They are not, however, required to take that test at all during the 12th grade, only in the second semester of the 11th grade. That is

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what the Bill does. The State Board of Education assures me that this will continue to meet all the requirements about the maximum number of hours every year the student should be involved testing and all of the other standard requirements within the School Code. I think this is a very good Amendment. It is in accord with, I'm told, the best practices as far as testing and use of testing results and I would 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 adopt Floor Amendment #1 to House Bill 506?' 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 #1 to House Bill 506 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 11 of the Calendar appears House Bill 816. Representative Wait. Mr. Clerk, read the Bill. Mr. Clerk, read the Bill."

Speaker Hartke: "House Bill 816, a Bill for an Act to amend the Public Funds Statement Publication Act. Third Reading of this House Bill."

Speaker Hartke: "Third Reading."

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

Speaker Hartke: "Third Reading. On page 14 of the Calendar appears House Bill 1105. Representative Younge. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1105. The Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Younge, has been

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approved for consideration."

Speaker Hartke: "Representative Younge."

Younge: "Thank you, Mr. Speaker. Amendment #1 becomes the Bill, to House Bill 1105, and it would permit DCCA to appoint an advisory committee to work in conjunction with the Office of Urban Assistance and has the responsibility for urban development in depressed areas. And under the Bill, the advisory committee would assist in the establishment of the Katherine Dunham Centers for district and the Mary Brown Center renovation, the parks, technology park and the O'Neal Lumber Company Project. I move for the adoption of the Amendment."

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 1105?' All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #1 to House Bill 1105 is adopted. On page 12 of the Calendar appears House... any further Amendments?"

Clerk Bolin: "No further Amendments. Several notes have been requested on the Bill as amended and have not been filed."

Speaker Hartke: "Leave that Bill on Second Reading. On page 12 of the Calendar appears House Bill 865. Representative Meyer. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 865. The Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Jim Meyer, has been approved for consideration."

Speaker Hartke: "Representative Meyer."

Meyer, J.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #1 is an Amendment that is being added to the Bill... at the request of Members of the

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committee that... voted it out of committee. Any person who has been charged with or convicted of any of... there are 28 enumerated offenses, if assigned to home monitoring shall be required to have his or her whereabouts known at all times. If any defendant is in these categories, a crime victim shall have the right to request to be informed whenever the defendant is not being monitored. This Amendment has been worked out with the Sheriff's Department of Cook County. They're in full support, as a matter of fact, they helped me write the Amendment and Representative Dart and myself both worked on that Amendment."

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 865?' All those in favor signify by saying 'aye'; opposed 'no'. And 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 15 of the Calendar appears House Bill 1248. Representative Currie, Barb Currie. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1248. The Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Barbara Currie, has been approved for consideration."

Speaker Hartke: "Representative Currie."

Currie: "Thank you, Speaker, Members of the House. This is permissive language, permitting the Department of Public Aid to add adults of children in the Kid Care Program to that program. The Department of Public Aid was neutral on the Bill. The effort is to try to make sure that our Kid Care Program works and there are many who believe that

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allowing parents to participate will boost enrollment. I'd appreciate your support for the Amendment."

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

Skinner: "Hi there. Can you tell me how much this is gonna cost? Can anybody tell me what it's gonna cost?"

Currie: "Unclear, because it's not clear whether these... can participate through Kid Care at a 65% federal match or whether it would be a Medicaid match, which is 50%. The language is permissive. The Department of Public Aid is looking at this language. They're trying to figure how we implement it, but they are neutral on the Amendment at this time."

Skinner: "Well, perhaps I could ask a more straightforward question. What does the fiscal note say?"

Currie: "There... I don't know that the fiscal note has come, but they thought if they were to implement it fully, and there is no requirement that they do so, I believe they used the figure \$20,000,000 in committee, unclear whether that is a matched number, and again we don't whether it's a 65 or a 50% match."

Skinner: "Does this Amendment have the 'Hillary' stamp of approval?"

Currie: "You know, actually Senator Rauschenberger is very interested in this Amendment. I don't know if that's... "

Skinner: "Hillary Rauschenberger?"

Currie: "I don't know if that's the same, Representative."

Skinner: "Hillary Rauschenberger? I think this is a bad idea."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 1248?' 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. Floor Amendment #1 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments. A fiscal note has been requested on the Bill as amended and that note has not been filed."

Speaker Hartke: "This Bill will remain on Second Reading. On page 7 of the Calendar appears House Bill 583. Representative Hassert. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 583. The Bill's been read a second time, previously. Floor Amendment #3, offered by Representative Hassert, has been approved for consideration."

Speaker Hartke: "Representative Hassert."

Hassert: "Thank you, Mr. Speaker. Floor Amendment #3 becomes the Bill. It's simply a land transfer from Department of Corrections in Will County to Lockport Township Park District and the Will County Highway Department. 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 the House adopt Floor Amendment #3 to House Bill 583?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. Floor Amendment #3's adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 12 of the Calendar appears House Bill 878. Representative Hoffman. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 878. The Bill's been read a second time, previously. Floor Amendment #2, offered by Representative Hoffman, has been approved for consideration."

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Speaker Hartke: "Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker. Floor Amendment #2 is... is a variety of school safety proposals that... that are an initiative of the task force which we had on school safety. I ask that it be adopted."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall... Representative Black."

Black: "Yes, Mr. Speaker, having had the privilege and pleasure of sitting up there for awhile. If you don't leave your left arm sitting there and that board there in front of you, that lights up, that means somebody speak light's on. So, if you look down there, you'll see that, all right."

Speaker Hartke: "Pardon me, I... I failed to see you."

Black: "Well, your... your apology is accepted. Representative, since this is a school safety Amendment and it's rather lengthy, is there anything in here that would allow school officials to videotape children while on the school ground and then send a copy of that tape to their parents?"

Hoffman: "No."

Black: "Oh, okay, well, that's fine. I just wanted to make sure."

Hoffman: "Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #2 to House Bill 878?' 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 Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On Page 27 of the Calendar appears House Bill 2336. Representative Giglio. Mr.

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Clerk, read the Bill."

Clerk Bolin: "House Bill 2336. The Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Giglio, has been approved for consideration."

Speaker Hartke: "Representative Giglio."

Giglio: "Thank you, Mr. Speaker, Members of the House. What Amendment #1 to House Bill 2336 does is it eliminates the local electoral board in municipal, a township, and community college school board... community college board races and I would encourage your favorable support."

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 2336?' 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 2336 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. Mr. Clerk for an announcement."

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

Speaker Hartke: "On page 27 of the Calendar appears House Bill 2355. Representative Brady. Mr. Clerk."

Clerk Bolin: "House Bill 2355. The Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Brady, has been approved for consideration."

Speaker Hartke: "Representative Brady."

Brady: "Thank you, Mr. Speaker. This piece of legislation passed out of committee. It is a... attempt to help towing truck

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operators, tow emergency vehicles when an emergency exists. It allows them to receive a permit on a quarterly or annual basis with some increased limitations. We've worked with the Department of Transportation and as far as we know, there's no opposition."

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 2355?' All those 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 34 of the Calendar appears House Bill 2831, Representative Scully. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2831. The Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Scully, has been approved for consideration."

Speaker Hartke: "Representative Scully."

Scully: "Thank you, Mr. Speaker. I... Ladies and Gentlemen of the House. I present to you... House Bill 2831 which is an Amendment to the Criminal Code increasing the penalties... for abuse and neglect... of a person in a... elderly facility. The penalty for the abuse of a long-term care facility resident would be increased from a Class III Felony to a Class II. The penalty for gross neglect would be increased from a Class IV Felony to a Class III Felony. I'd appreciate your support."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1... ' Representative Cross. Do you

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seek recognition?"

Cross: "I'm sorry, Mr. Speaker. I have Speaker abuse. Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Cross: "George. Are there any opponents to this Bill?"

Scully: "No, there are not."

Cross: "All right. George, am I reading the notes on our file correctly? We're decreasing the current penalties for crimes of abuse and gross neglect against the elderly?"

Scully: "We're increasing them."

Cross: "I'm sorry. Are you okay? Our files says we're decreasing the current penalties for crimes of abuse in gross neglect."

Scully: "Gross neglect. The penalty is changed from a Class IV Felony to a Class III Felony."

Cross: "Well then, okay. What... George what's the... why are we going down... going up to a three... is there... what's the problem?"

Scully: "Tom... excuse me, Representative, we're increasing the penalty from a Class IV to a Class III."

Cross: "Yeah, I see that George. I'm just curious why."

Scully: "The issues of criminal abuse and neglect in long care facilities is a concern that has been raised as an issue in my community, among my constituents. I think you and your constituents probably share that concern. I think it's very appropriate that we increase the penalty for this... this crime. The specific definitions for these crimes are very well laid out in the statute."

Cross: "All right, I didn't know there... we'd had a problem with this going on, but thanks."

Speaker Hartke: "Further discussion? Seeing no one is seeking recognition, the question is, 'Shall the House adopt Floor

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Amendment #1 to House Bill 2831?' 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 Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page 32 of the Calendar appears House Bill 2626. Representative Mautino. Representative Mautino. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2626 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Mautino, has been approved for consideration."

Speaker Hartke: "Representative Mautino, would you like to... Representative Mautino. Would you like to present your Amendment?"

Mautino: "So kind of you to ask. Yes."

Speaker Hartke: "Present your Amendment."

Mautino: "Here's Amendment #1. This is Amendment 1 to House Bill 2626 and this Bill passed out of committee unanimously today and it allows the municipalities an option for collecting overdue water and sewer bills that they don't have. Many of the communities, I think there's about 60 communities that are involved in this legislation. We've worked with the opponents and I know of no opponents at this time. Answer any questions and appreciate you putting it on."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Jefferson, Representative Jones. For what reason do you seek recognition? Representative Meyer, for what reason do you seek recognition? Would someone please turn off their... their lights? Any discussion? Seeing that no one is seeking recognition, the question is,

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'Shall the House adopt Floor Amendment #1 to House Bill 2626?' All those in favor signify by saying 'aye' ; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #1 to House Bill 2626 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page 20 of the Calendar appears House Bill 1729. Representative Woolard. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1729 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. The Chair would like to make an announcement. The next nine Bills have technical Amendments. We will move the Amendment to the Bill and then we'll vote on that Bill on Third Reading. On page 20 of the Calendar appears House Bill 1744. Representative Beaubien. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1744 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Beaubien, has been approved for consideration."

Speaker Hartke: "Representative Beaubien."

Beaubien: "Thank you, Mr. Speaker. House Bill 744 (sic-1744), the underlying Bill dealt with corporate fiduciaries. It was sent to the House Floor to be held on Second Reading until an agreement could be reached between the Illinois State Bar Association, the Illinois Trial Lawyers, and the corporate fiduciar... fiduciaries. They've informed me they want to continue to work this in the Senate, so we're putting the Bill into a shell Bill just called 'Computer Systems'. They will either reach an agreement and come

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back with a Bill from the Senate or... or nothing will happen with the Bill in the Senate. Thank you. I urge it be adopted."

Speaker Hartke: "Is there any discussion on the Amendment? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 1744?' All in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. Mr. Clerk, call the Bill."

Clerk Rossi: "House Bill 1744, a Bill for an Act amending the Corporate Fiduciary Act. Third Reading of this House Bill."

Speaker Hartke: "Representative Beaubien."

Beaubien: "I would just repeat what I stated earlier. This is a shell Bill with... "

Speaker Hartke: "Is there any discussion?"

Beaubien: "... all of these three parties attempting to agree."

Speaker Hartke: "Seeing that no one is seeking recognition, the question is, 'Shall House Bill 1744 pass?' All those in favor will vote 'aye'; 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 1744, there are 101 Members voting 'yes', 11 Members 'no', and 0 Members voting 'present'. And this Bill having received the Constitutional Majority is hereby declared passed. On page 9 of the Calendar appears House Bill 650. Representative Lindner. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 650 has been read a second time, previously. No Committee Amendments. Floor Amendment #1,



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

Speaker Hartke: "Representative Lindner."

Lindner: "Thank you, Mr. Speaker. This is an initiative of the Governor and the Commission on the Status of Women and it is the domestic violence exception to TANF and the Amendment is the agreed language with the Department of Human Services."

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 650?' 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 Rossi: "No further Amendments."

Speaker Hartke: "Third reading. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 650. A Bill for an Act amending the Illinois Public Aid Code. Third Reading of this House Bill."

Speaker Hartke: "Representative Lindner."

Lindner: "Yes, thank you. I think everyone is aware that the domestic violence option is already in the Social Security Act. This adopts it for the Department of Human Services and identifies the things that the Department of Human Services has to do to identify victims of domestic violence who are on TANF."

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: "The Sponsor indicates she will."

Black: "Representative, in all due respect to you, I just did not

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hear one word that you said. I heard something about the Poverty Law Project, the Domestic Violence Act and Social Security. And I am having a hard time putting the three of those together."

Lindner: "I'm sorry. Representative Black, this is the Domestic Violence Option to TANF. And this is a initiative of the Governor and the Commission on the Status of Women. It was originally drafted by someone from the Poverty Law Project. The Department of Human Services objected to that language, so this Amendment which is the Bill now, is the language from the Department of Human Services, which they agree on for the domestic violence exception to the TANF Program."

Black: "Okay and what's the reference to the Social Security Act?"

Lindner: "That is on page 2 of the Amendment and it says that, 'in recognition of the reality of domestic violence, the State of Illinois adopts the Domestic Violence Option' and that is what follows in the Department of Human Services to tell the Department of Human Services what they have to do to determine if someone is a victim of domestic violence and it just adopts the federal language."

Black: "But it... it doesn't mean that someone can attach a Social Security check?"

Lindner: "No. No. No. It doesn't have anything... "

Black: "Okay."

Lindner: "... to do with social security."

Black: "Well... "

Lindner: "It just adopts that language."

Black: "All right. Thank you very much, Representative. Mr. Speaker, to the Bill."

Speaker Hartke: "To the Bill."

Black: "If I could have the attention of the chamber. Every once

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in awhile, every once in awhile in this Body, certain things take place. I'm not into astrology. But... and I don't know what Representative Lindner's sign is, but I look up on the board and I can tell you one thing for certain. All of the planets must be in alignment tonight. Because when you can get Representative Lindner, Representative Stephens, Representative Rutherford, Representative Ronen, and Representative Howard to cosponsor a domestic violence Bill, Ladies and Gentlemen, if they say we're not making progress in this country, I would say look at the sponsorship of this Amendment. We have come a long way."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House... ' the question is, 'Shall the House approve the House Bill 650?' 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 650, there are 110 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill having received the Constitutional Majority is hereby declared passed. On page 27 of the Calendar appears House Bill 2303. Representative Lopez. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2303 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Lopez, has been approved for consideration."

Speaker Hartke: "Representative Lopez."

Lopez: "Thank you, Mr. Speaker, and Members of the General Assembly. Basically, Amendment #1 is just defining what 'willful and wanton misconduct' means. That's all the

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Amendment does and I move for the passage."

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 2303?' All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #1 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2303, a Bill for an Act amending the Hospital Licensing Act. Third Reading of this House Bill."

Speaker Hartke: "Representative Lopez."

Lopez: "Thank you, Mr. Speaker. House Bill 2303 amends the Hospital Licensing Act. It provides that a hospital and certain hospital employees, and staff members are liable for suable damages as a result of willful or wanton misconduct with certain committees within the hospital administration. This Bill is an agreement between the Medical Society, The Trial Lawyers, and my belief is the Hospital Association is neutral on this Bill. And I urge for... for the passage."

Speaker Hartke: "Is there any discussion? The Chair recognizes Representative Black."

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

Speaker Hartke: "He indicates he will."

Black: "Representative it's... if I'm reading this correctly as amended, the Trial Lawyers are in favor of the Bill. Would that be correct?"

Lopez: "You're correct."

Black: "The Illinois State Medical Society is in favor of the Bill, is that correct?"

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Lopez: "The planets are lining up."

Black: "And the Illinois Hospital Association is in favor of the Bill."

Lopez: "They're neutral."

Black: "They're neutral. The planets are indeed lined up. Enough said. Let's vote."

Lopez: "Thank you and I urge for the passage."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, Representative Lopez asks for the passage of House Bill 2303. 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 2303, there are 113 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 18 of the Calendar appears House Bill 1569. Representative Turner. John Turner. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1569 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative John Turner, has been approved for consideration."

Speaker Hartke: "Representative Turner."

Turner, J.: "Thank you, Mr. Speaker. The original Bill provided that a courtroom could be closed to spectators during the voir dire examination. There were some questions raised about whether that language was too broad, therefore, the Amendment narrows that down so it could only be closed for the protection and the privacy of the prospective juror and the court would only have a discretion to do so for those two considerations. And I would ask for approval of the

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Amendment."

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 1569?' 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, but Representative Brady has requested a mandate's note and a balance budget note, and a home rule note on the Bill, that have not been filed."

Speaker Hartke: "The Bill will remain on Second Reading. On page 21 of the Calendar appears House Bill 1781. Representative Reitz. Mr. Clerk, read the Bill. 1781."

Clerk Bolin: "House Bill 1781. The Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Reitz, has been approved for consideration."

Speaker Hartke: "Representative Reitz."

Reitz: "Thank you, Mr. Speaker. House Bill 1781 addresses the redemption period for real estate and foreclosure. The Amendment simply makes this a shell Bill, allows the community bankers and the Illinois bankers to work on their language and bring it back to us."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Amendment #1 to House Bill 1781?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #1 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1781. A Bill for an Act to amend the

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Code of Civil Procedure. Third Reading of this House Bill."

Reitz: "Thank you, Mr. Speaker. I'm sure at some time, this will be a very good Bill. Thank you."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is... hello... Representative Black."

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

Speaker Hartke: "He indicates he will."

Black: "Representative, at some time this may, in fact, be a very good Bill, but since your last name isn't Gallo, I don't want to move any Bill before its time. What... what is your intent with the Bill? This Bill's a vehicle Bill. What's your intent?"

Reitz: "My intent is to allow the community bankers and the Illinois Bankers Association and the Illinois State Bar Association to continue their negotiations. And they are very close to an agreement. And bring this Bill back to us and allow you to gladly vote on it."

Black: "And what is the intent of the 'House of Lords'? Do you have a Senate Sponsor? I mean, are you... can you give me some reasonable assurance that the Bill will come back in what... the form that you said? I mean... sometimes they come back and they... they look different. They act different. They walk different. They talk different. They smell different."

Reitz: "No. In... in my short tenure here, I've learned that I cannot give any assurance what will come back from the Senate. So, I hate... I couldn't do that."

Black: "All right. But it... surely you could give us some reasonable... it's... it's your intent to work out an

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agreement between the parties that you mentioned and not to use the Bill for some purpose that we've not even heard of at this point?"

Reitz: "Correct."

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

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

Franks: "Mr. Speaker, I have a potential conflict and I'll be voting 'present'."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 1781?' All those in favor... will signify by saying... 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 1781, there were 93 Members voting 'yes', 6 Members voting 'no', and 13 Members voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk, what is the status of House Bill 1569?"

Clerk Rossi: "House Bill 1569 is on the Order of House Bills-Second Reading. It has been read a second time. It was held pending the filing of various notes. That request has been withdrawn."

Speaker Hartke: "Third Reading. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1569, a Bill for an Act to amend the Code of Criminal Procedure. Third Reading of this House Bill."

Speaker Hartke: "Representative Turner."

Turner, J.: "Thank you, Mr. Speaker. I've had quite a time with notes over the last couple of days. As I explained a few



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minutes ago, the Bill now as amended does allow the court to close a voir dire examination to the spectators who may be in the courtroom in criminal proceedings, but only under special and very limited circumstances. I'd be happy to answer any questions and would appreciate an 'aye' vote."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the Gentleman asks for the passage of House Bill 1569. All those in favor of the Bill 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? Have all voted who wish? Mr. Clerk, take the record. On House Bill 1569, there are 110 Members voting 'yes', 1 person voting 'no', and 1 person voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 21 of the Calendar appears House Bill 1835. Representative Feigenholtz. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1835 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Feigenholtz, has been approved for consideration."

Speaker Hartke: "Representative Feigenholtz."

Feigenholtz: "Thank you very much, Mr. Speaker. House Amendment #2 adds the language, 'subject to appropriation', to the Bill which was requested by the Department of Public Health and provides a specific date."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is... seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #2 to House Bill 1835?' 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 #2 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1835. A Bill for an Act to amend the Civil Administrative Code of Illinois. Third Reading of this House Bill."

Speaker Hartke: "Representative Feigenholtz."

Feigenholtz: "Thank you very much, Mr. Speaker. Many of us know that... this is, basically, a Bill to study ways to reduce or treat obesity and thereby reduce serious chronic illnesses that result from untreated obesity. I'd be glad to ask any questions, especially after we've all eaten dinner for the last two weeks on the floor."

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

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

Speaker Hartke: "She indicates she will."

Black: "Representative, is... wouldn't it, perhaps, be better to do this by Resolution, rather than by law?"

Feigenholtz: "Do what?"

Black: "Wouldn't... wouldn't it be better to... "

Feigenholtz: "... to eat for two... "

Black: "... make this a House Resolution?"

Feigenholtz: "You mean do... do this piece of legislation?"

Black: "Well, no. If... if all you're asking is the Department of Public Health to conduct a study, it would seem that it would be simpler and not... not put something in the statute books to do it by Resolution rather than... rather than... rather than legislation."

Feigenholtz: "You know, Representative Black, I think that's a

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fabulous idea. I'm not sure why the Department didn't recom... recommend it to me when they were helping me draft these Amendments."

Black: "So, so you're telling me that this is a Department of Public Health Administration Bill?"

Feigenholtz: "No, this is my Bill and the Department had asked me to attach those two Amendments."

Black: "So, we're... we're going to put in to statute... we're putting into Illinois Statute Books, that are already eight volumes, that the Department of Public Health shall convene a committee to study the effect of obesity in both adults and children and on the costly health complications such as et cetera, et cetera. This... this needs to be in the statute books? I mean I... I... I... I'm just... it... it boggles my mind. I mean, the... the statute books are so overweight already, we don't need to add more weight to the Illinois Statute Books. I... I just... you know... and I'm not trying to make light of a serious issue. I mean, all you have to do is look over here and see that I resemble the... I resemble the problem. But I... "

Feigenholtz: "Maybe that's why we ought to put it in statute, Representative Black."

Black: "Well, I... I don't know, Representative. Well... Mr. Speaker, to the Bill."

Speaker Hartke: "To the Bill."

Black: "And this is kind of a trick bag, you know, somebody is going to say, if you vote against this, well you're not sensitive, you don't care. It is an important health problem. Yeah, it is. It is an important health problem and I think we already know that. I think we're bombarded with it every day. Our doctors tell us. Public service announcements tell us. Everybody on this floor, at one

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time or another's either on a diet, getting off a diet, or going on a diet. I... I don't think anybody in the State of Illinois could seriously stand and say, 'I didn't have any idea. I didn't have any idea that obesity could be a health problem.' I think it's clearly in the public realm and knowledge that it is and can be a serious problem. But... but this Bill doesn't do anything to solve the problem. It puts something in the statute books that simply says, 'we're going to make a study'. Now, that will be in the statute books 50 years from now. And all I... all I said, and I said this a week ago on a very similar type of Bill, this is why we have the power of Resolution of the House. We can make a Resolution demanding or asking that the agency conduct this study and report back to us by a date certain. I really and truly think that's the way we should handle these issues and not put them into state law, particularly, at this late hour. Interpret my vote any way you want, but I'm dead serious when I say, you shouldn't put this kind of... of request into the statute book. This isn't a law. We're not making something illegal. We're not making something legal. We're asking for a study and that's what we should use Resolution for and it doesn't add to the already overburdened statute books... "

Feigenholtz: "Mr. Speaker."

Black: "... and it's for that reason, and I may be the only one, but I'm dead serious and I said this a week ago, that's why I'm gonna vote 'no'."

Speaker Hartke: "On this weighty issue, Representative Feigenholtz."

Feigenholtz: "Mr. Speaker, clearly, Representative Black has made a very, very good point and also established the fact that he and many other people in this room may have a conflict

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of interest on this Bill, including myself, so... "

Speaker Hartke: "Representative Feigenholtz, he was speaking to the Bill."

Feigenholtz: "I would like to take this Bill out of the record and I will do a Resolution, Representative Black. Thank you."

Speaker Hartke: "Take this Bill out of the record. For what reason does the Gentleman from Kendall, Mr. Cross, seek recognition?"

Cross: "Can we go eat now? Please? Please?"

Speaker Hartke: "The Clerk has a Committee Report."

Clerk Rossi: "Representative Barbara Flynn Currie, Chairperson for the Committee on Rules, to which the following measures were referred; action taken on March 25, 1999 reported the same back with the following recommendations. To the Floor for consideration: Amendment #3 to House Bill 144, Amendment #5 to House Bill 182, Amendment #1 to House Bill 658, Amendment #3 to House Bill 733, Amendment #2 to House Bill 742, Amendment #1 to House Bill 1233, Amendment #2 to House Bill 1326, Amendment #2 to House Bill 1327, Amendment #2 to House Bill 1340, Amendment #2 to House Bill 1718, Amendment #2 to House Bill 1822, Amendment #1 to House Bill 2605, Amendment #3 to House Bill 2704, and Amendment #3 to House Bill 2713."

Speaker Hartke: "On page 23 of the Calendar appears House Bill 2023. Representative Silva. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2023 has been read a second time, previously. Amendment #1 and Floor Amendment #2 have been adopted to the Bill. No Motions have been filed. Floor Amendment #3, offered by Representative Silva, has been approved for consideration."

Speaker Hartke: "Representative Silva."



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wish? Mr. Clerk, take the record. On House Bill 2023, there are 89 Members voting 'yes', 24 Members voting 'no', and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 24 of the Calendar appears 2086. Representative Pugh. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2086 has been a second time, previously. No Committee Amendments. Floor Amendment #3, offered by Representative Pugh, has been approved for consideration."

Speaker Hartke: "Representative Pugh."

Pugh: "Thank you, Ladies and Gentlemen of the Committee (sic-House). Floor Amendment #3 is a agreed upon Amendment to a piece of legislation that we've been working on with the Chicago Bar Association, the National Indemnity Fund, and the State's Attorneys Office. It's a Bill that has an agreement between these three individuals... organizations and we look forward to your support."

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 2086?' 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."

Speaker Hartke: "Third Reading. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2086, a Bill for an Act to amend the Property Tax Code. Third Reading of this House Bill."

Speaker Hartke: "Representative Pugh."

Pugh: "Thank you again, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 2086 amends the Revenue Code with respect to several sections dealing with delinquent tax purchases and purchasers and the Indemnity Fund. As some of you all

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know, the Indemnity Fund has been established to assist those homeowners who lose their property in a tax sale by assisting them in recovering their home in a judicial proceeding. The Indemnity Fund is funded by fees collected from property tax buyers and held by each county. Amendment #3 is the work... a product of a considerable negotiation, a lengthy, considerable negotiation, supervised by the Property Tax Subcommittee and the House Revenue Committee. This Amendment has been agreed to by the Cook County's State's Attorneys Office, the Chicago Bar Association, and the National Indemnity Group, a leading tax purchaser. The indemnity fund in Cook County is operating with a \$20,000,000 deficit and this Amendment will restore the integrity of the fund in several ways. By one, by creating the offense of indemnity fund fraud to protect homeowners from unscrupulous purchase of... of their judgments. Number 2, it would place a soft cap of awards from the fund at \$99,000 that still permits greater awards where there's no fault or negligence involved. And lastly, it increases the fees paid by the tax buyer in Cook County, only to increase the revenue that is currently in the fund."

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

Turner, J.: "Thank you."

Speaker Hartke: "The Sponsor will yield."

Turner, J.: "Will the Sponsor yield?"

Speaker Hartke: "Yes."

Turner, J.: "Representative, I heard you mention that there's a fee in your Bill. And when we hear that on this side of the aisle that always gets our attention. What is the fee that will become the law if this is passed. And who pays



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it?"

Pugh: "There... currently, there's already a fee that taxpayers... and these are tax buyers, individuals that buy property taxes, that buy property on tax delinquent property and buy property through various tax delinquent sales. There's already a fee of \$80... accrued to an individual tax buyer per property that he purchases. We're planning to and the tax purchasers, which are represented by the National Indemnity Fund, has agreed to a slight increase of 5% of the amount of taxes that are owed on the property. So, we're talking about \$80 plus a 5% of the actual taxes."

Turner, J.: "Wait a minute. You said that the fee increase is going to be 5% of whatever the taxes owed on the property... are? That's the fee increase? That sounds like a substantial fee increase."

Pugh: "It's a... the increase is... is an agreed upon increase paid by the individual tax buyer. The tax buyers purchase these properties and they resell them on... on the open market. So there is no tax increase. This is not any fees accrued to the public. This is through... business transactions."

Turner, J.: "Well, I understand that. I know it's not a tax, but as I understood what you said the fee increase is based upon the amount of delinquent taxes that are being purchased. Is... is that not what you indicated?"

Pugh: "The 5%, this additional 5%, won't be required after the year... after December 31st, in the year 2006. The purpose of this additional fee is because of the \$20,000,000 deficit that Cook County faces and the individuals who pay this fee have agreed that this is a... fee that they don't have a problem with paying."

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Turner, J.: "I... I can't... I don't follow that. How could the individuals have agreed to this? This... if this passes, they're gonna have a new fee that's not gonna affect tax purchasers in the future? It's not gonna increase the fee for the tax purchasers of delinquent taxes in the future? And if it is, then how could they have agreed to this?"

Pugh: "It affects the... the purchasers of... of the properties, not the individual homeowners."

Turner, J.: "I... I... okay."

Pugh: "Tax delinquent property buyers."

Turner, J.: "Right. The buyer buys the taxes, correct?"

Pugh: "Right."

Turner, J.: "And the buyer buys the taxes, you're saying that the fee, the additional fee, that they pay is gonna be based upon a percentage of whatever that tax amount that he or she is purchasing. So, I guess, the question... I guess then the answer is that the fee's gonna be different. If you're buying \$10,000 in taxes, the percent of \$10,000 is obviously going to be different than the percent than if you're buying \$50,000 in delinquent taxes. Am I saying that right? Is that where the fee increase is?"

Pugh: "You're absolutely correct. Yes, Sir."

Turner, J.: "How did Cook County get in this kind of shape to have such a deficit in this fund?"

Pugh: "Well, the... the... problem has... the way that I understand the problem is that once an individual property is sold in error, which is called a sale in error, he has the right for... to... to go in front of a judge and have... to be reimbursed for the amount of dollars that he... he has lost as a result of this sale in error. And the judges have been very lenient in awarding the homeowners the sale in error or the results of the..."

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fines."

Turner, J.: "Yes, but how... how does that account for the heart... huge deficit? Just because the court's been lenient and allowing them to a certificate of error in granting the certificate of error, I don't understand how that created this large deficit. And isn't this something that... Cook County government... the Cook County Board should be taking care of?"

Pugh: "It's... it's my understanding that the Cook County Board is in favor of this... of this Amendment. This is a... this is the result of a... a... if you'll notice, there was three Amendments and we worked on this... this process for... for a very long time and we've got all the interested parties to the table. Everyone that will be affected by this have been to the table. Every individual that will be responsible for... contributing resources to this project have been to the table. What we're attempting to do is to fill that void, that you just mentioned, with the Indemnity Fund that is... that exists in the County of Cook."

Turner, J.: "Well, this fee, I think this fee, by the way, is a really large fee increase, at least the way I read your Bill. Is this gonna have a chilling effect on potential tax purchasers? 'Cause, you know, we do although tax purchasers sometimes aren't thought of real well, actually, they're a necessary part of the system when taxes become delinquent. Someone has to go in and pick up the taxes so that entities depending upon tax revenue, property tax revenue can be paid. My question is with this gigantic fee increase, is this not going to have a chilling effect on potential tax purchasers in the future?"

Pugh: "The... the National Indemnity Fund, which has signed,

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which was one of the organizations that... that worked together on this piece of legislation who represents the tax buyers in the State of Illinois, don't seem to feel that this 5% increase will have such a chilling effect on the purchasers of property." Speaker Hartke; "Further discussion? The Chair recognizes the Lady from Lake, Representative Andrea Moore."

Moore: "Thank you, Mr. Speaker. This... this initiative is difficult to understand admittedly, but to give... to give the... Legislature just a little bit of background on this. This was a public policy issue that was brought to the Revenue Committee by the Chicago Bar Association. And it was put in place specifically to address the bankrupt... the bankrupt Indemnity Fund that exists in Cook County. They work closely with the Cook County State's Attorneys Office and initially with the tax buyers that work in Cook County and across the state. Initially, there was some difficulties with some of the tax buyers and through the changes and negotiations that occurred, to my knowledge, there's no known opponents on this. The fee increase that you see here is one that is going to sunset in 2006 and it was put in place only for Cook County and only to address the Indemnity Fund issue in Cook County. The other Indemnity Funds in the other parts of the state are okay. So, if you are from Chicago or Cook County, this is a good thing for taxpayers who have lost their home, to... through no fault of their own. They are able to go to the Indemnity Fund for some kind of reimbursement. Without that, these people have nowhere to turn and there are cases of people who are not sophisticated enough to understand what's happening with taxes. Their taxes go to tax sale, they lose their property. This Indemnity Fund is for those

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unsuspecting people, through no fault of their own have lost their taxes (sic-homes). The Indemnity Fund functions in every other part of the state well. In Cook County, it is bankrupt because its been woefully underfunded and there's been a much greater need because of the high population rate there. So, this... to my knowledge there's no known opponent on it. The only fee that's attached to it has the increase and the initial fee on the \$80, which went from \$50 to... was it \$50 to \$80 and then the percentage. It will sunset in 2006. It was a negotiated Bill and I would urge support."

Pugh: "It's the tax buyer."

Moore: "It's a good thing for Cook County."

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

Pugh: "Thank you. Once again, this... this piece of legislation as... as so carefully articulated by Representative Moore, is designed to allow those individuals who have lost... lost their homes to have some kind of recourse in... in reoccurring... reacquiring their properties. And the individual tax... the tax buyers have agreed that they would like to assist in this effort and they have agreed that the 5% increase is... is... is adequate. So, therefore, I request a favorable vote."

Speaker Hartke: "The Gentleman's asked for the passage of House Bill 2086. 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? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 2086, there are 49 Members voting 'yes', 60 Members voting 'no', and 4 Members

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voting 'present'. And Representative Pugh."

Pugh: "Request Postponed Consideration."

Speaker Hartke: "Your request is granted. Ladies and Gentleman I have an announcement. We have distributed a list of Bills on the yellow sheet. These are a list of approved Agreed to vehicle Bills. We would request that you have and as you have all week, on those Bills that you would like to vote 'no', 'present' or not voting on, check those and we'll have those back by 10:00 tomorrow morning. Representative Biggins now moves that the House stand adjourned... adjourned 'til the hour of 9:00 a.m. tomorrow morning, allowing perfunctory time for the Clerk. All those in favor say 'aye'; opposed 'no'. In the opinion of the Chair, the Motion carries and the House does stand adjourned."

Clerk Rossi: "The House Perfunctory Session will come to order. Introduction- First Reading. Senate Bills. Senate Bill 125, offered by Representative Saviano, a Bill for an Act to relation to Landscape Architecture. Senate Bill 284, offered by Representative Novak, a Bill for an Act to amend the Illinois Municipal Code. Senate Bill 286, offered by Representative Steve Davis, a Bill for an Act to amend the Airport Authorities Act. Senate Bill 359, offered by Representative Winters, a Bill for an Act to amend the Civil Administrative Code. Senate Bill 376, offered by Representative Kenner, a Bill for an Act in relation to Truth in Taxation. Senate Bill 462, offered by Representative Howard, a Bill for an Act to amend the Higher Education Student Assistance Act. Senate Bill 463, offered by Representative Erwin, a Bill for an Act to amend the Higher Education Student Assistance Act. Senate Bill 464, offered by Representative Holbrook, a Bill for an Act

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concerning prepaid tuition. Senate Bill 465, offered by Representative Lang, a Bill for an Act to amend the Probate Act. Senate Bill 469, offered by Representative Franks, a Bill for an Act regarding interest on support obligations. Senate Bill 498, offered by Representative Art Turner, a Bill for an Act to amend the Illinois Public Aid Code. Senate Bill 507, offered by Representative Dart, a Bill for an Act amending the Physicians Lien Act. Senate Bill 554, offered by Representative Krause, a Bill for an Act amending the Hospital Licensing Act. Senate Bill 561, offered by Representative Hamos, a Bill for an Act to amend the Health Care Surrogate Act. Senate Bill 624, offered by Representative Schoenberg, a Bill for an Act to amend the State Finance Act. Senate Bill 642, offered by Representative Delgado, a Bill for an Act concerning prostitution offenses committed near a school. Senate Bill 650, offered by Representative Winters, a Bill for an Act to create the Illinois Natural Resources Congress. Senate Bill 680, offered by Representative Hamos, a Bill for an Act to amend the Illinois Public Aid Code. Senate Bill 764, offered by Representative Hultgren, a Bill for an Act to amend the Public Utilities Act. Senate Bill 777, offered by Representative Parke, a Bill for an Act to amend the Unemployment Insurance Act. Senate Bill 795, offered by Representative Bugielski, a Bill for an Act to amend the Title Insurance Act. Senate Bill 805, offered by Representative McCarthy, a Bill for an Act concerning grants to fire protection districts. Senate Bill 849, offered by Representative Lang, a Bill for an Act regarding mental health. Senate Bill 851, offered by Representative Murphy, a Bill for an Act to amend the Illinois Pension Code. Senate Bill 856, offered by Representative Smith, a

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Bill for an Act to amend the Illinois Pension Code. Senate Bill 910, offered by Representative Stroger, a Bill for an Act to amend the Environmental Protection Act. Senate Bill 937, offered by Representative Myers, a Bill for an Act to amend the Illinois Municipal Code. Senate Bill 949, offered by Representative Garrett, a Bill for an Act to amend the Children and Family Services Act. Senate Bill 953, offered by Representative Ryder, a Bill for an Act amending the Hospital Licensing Act. Senate Bill 956, offered by Representative Wojcik, a Bill for an Act to amend the Election Code. Senate Bill 967, offered by Representative Lyons, Eileen Lyons, a Bill for an Act concerning products with recycled contents. Senate Bill 1024, offered by Representative Bugielski, a Bill for an Act amending the Illinois Insurance Code. Senate Bill 1063, offered by Representative Lyons, a Bill for an Act regarding child support. Senate Bill 1067, offered by Representative Durkin, a Bill for an Act to amend the Illinois Public Aid Code. Senate Bill 1072, offered by Representative Ryder, a Bill for an Act in relation to certain land. Senate Bill 1078, offered by Representative Hassert, a Bill for an Act to amend the Radiation Protection Act. Senate Bill 1082, offered by Representative Granberg, a Bill for an Act concerning motor fuel. Senate Bill 1110, offered by Representative Holbrook, a Bill for an Act amending the Disabled Veterans Housing Act. Senate Bill 1113, offered by Representative McGuire, a Bill for an Act to amend the Illinois Act on aging. Senate Bill 1129, offered by Representative Steve Davis, a Bill for an Act in relation to motor vehicle ignition interlock devices. Senate Bill 1168, offered by Representative McCarthy, a Bill for an Act to amend the



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School Code. Senate Bill 1201, offered by Representative Hoffman, a Bill for an Act to amend the Illinois Vehicle Code. Senate Bill 1202, offered by Representative Mautino, a Bill for an Act to amend the Counties Code. Senate Bill 1227, offered by Representative Wojcik, a Bill for an Act to amend the Military Code of Illinois. First Reading of these Senate Bills. Senate Bill 13, offered by Representative Currie, a Bill for an Act to amend the Illinois Controlled Substances Act. Senate Bill 26, offered by Representative Holbrook, a Bill for an Act regarding property. Senate Bill 32, offered by Representative Crotty, a Bill for an Act to amend the Bingo Licensing Act. Senate Bill 40, offered by Representative Holbrook, a Bill for an Act concerning economic development. Senate Bill 79, offered by Representative Delgado, a Bill for an Act in relation to day labor services. Senate Bill 121, offered by Representative Stroger, a Bill for an Act to amend the Code of Criminal Procedure of 1963. Senate Bill 149, offered by Representative Black, a Bill for an Act to amend the Emergency Telephone System Act. Senate Bill 188, offered by Representative Dart, a Bill for an Act to amend the Criminal Code of 1961. Senate Bill 202, offered by Representative Dart, a Bill for an Act in relation to sex offenders. Senate Bill 311, offered by Representative Garrett, a Bill for an Act to amend the Civil Administrative Code. Senate Bill 319, offered by Representative Krause, a Bill for an Act concerning health insurance for children. Senate Bill 323, offered by Representative Schoenberg, a Bill for an Act to amend the Abused and Neglected Child Reporting Act. Senate Bill 336, offered by Representative Lang, a Bill for an Act to amend

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the Bingo License and Tax Act. Senate Bill 367, offered by Representative Saviano, a Bill for an Act to amend the Illinois Optometric Practice Act. Senate Bill 368, offered by Representative Saviano, a Bill for an Act concerning contact lenses. Senate Bill 371, offered by Representative Righter, a Bill for an Act regarding appropriations. Senate Bill 427, offered by Representative Eileen Lyons, a Bill for an Act to amend the Environmental Protection Act. Senate Bill 435, offered by Representative Saviano, a Bill for an Act concerning real estate time-share interests. Senate Bill 436, offered by Representative Dart, a Bill for an Act to amend the Illinois Insurance Code. Senate Bill 445, offered by Representative Saviano, a Bill for an Act to amend the Residential Mortgage License Act. Senate Bill 458, offered by Representative Winters, a Bill for an Act in relation to automated external defibrillators. First Reading of these Senate Bills. Senate Bill 480, offered by Representative Capparelli, a Bill for an Act to amend the Code of Civil Procedure. Senate Bill 527, offered by Representative Bellock, a Bill for an Act to amend the Long Care Products Application and Notice Act. Senate Bill 562, offered by Representative Andrea Moore, a Bill for an Act to amend the Illinois Public Aid Code. Senate Bill 578, offered by Representative Lawfer, a Bill for an Act to amend the Illinois Vehicle Code. Senate Bill 581, offered by Representative Cowlshaw, a Bill for an Act regarding appropriations. Senate Bill 582, offered by Representative Winkel, a Bill for an Act regarding appropriations. Senate Bill 587, offered by Representative Biggins, a Bill for an Act regarding appropriations. Senate Bill 590, offered by Representative Wirsing, a Bill for an Act regarding appropriations. First Reading of these Senate Bills.

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Clerk Rossi: "Introduction of Resolutions. House Resolution 156, offered by Representative Flowers; House Resolution 158, offered by Representative Mulligan; and House Resolution 160, offered by Representative Lang are assigned to the Rules Committee. There being no further business, the House Perfunctory Session stands adjourned."