

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

118th Legislative Day

April 7, 2000

Speaker Hartke: "The House shall come to order. Members will please be in their chairs. Guests in the gallery may wish to join us in the invocation by standing and stay standing for the pledge. We shall be led in prayer, today, by Pastor Jim McGuire of the Living Way Church of New Lenox. Pastor McGuire is the guest of Representative Kosel. Pastor McGuire."

Pastor McGuire: "I invite Members of the House, administrators, Clerks and guests, to quiet your hearts as we take a moment for reflection, for renewal, and for fulfilling our responsibility. Let us bow our hearts before our gracious Creator. Oh Sovereign God, sustainer of all, the one who created heaven and earth, we call upon You this day. We ask that You speak light and life and love in our midst. We reflect upon Your strength and Your love for You know all and You see all and we acknowledge our absolute dependency upon You. We trust You for that which concerns us, personally. We lift up our families, our friends and neighbors. We trust You for that which afflicts us physically, emotionally, and spiritually. And we ask You to come, even now, and heal us. Renew our strength, O'Lord, as we wait upon You at this time and may no one become weary in well doing, but place within each one the hope that what is good and acceptable in Your eyes will come to pass. Now, O'God, give each one courage to fulfill the responsibilities set before them and may the needs of others be given full consideration. O'Lord, this is not a time for carelessness or cowardice, but sobriety and service. Truly, Lord, help Illinois be first. First to reflect upon Your goodness, first to find renewal through Your grace, first to fulfill our responsibility as we are guided by Your truth. We ask all this through Christ, our

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Lord. Amen."

Speaker Hartke: "We shall be led in the Pledge by Representative Bellock."

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

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

Currie: "Thank you, Speaker. Please let the record show that there are no reports of excused absences among House Democrats today."

Speaker Hartke: "Representative Poe."

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

Speaker Hartke: "Mr. Clerk, take the record. Being 117 Members answering the Roll Call, the House is in order to do the business of the state. A quorum is present. Committee Reports."

Clerk Rossi: "Representative Pugh, Chairperson from the Committee on Revenue, to which the following measure/s was/were referred, action taken on April 7, 2000, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #3 to Senate Bill 1707. Representative Feigenholtz, Chairperson from the Committee on Human Services, to which the following measure/s was/were referred, action taken on April 7, 2000, reported the same back with the following recommendation/s: 'be adopted' Floor Amendments 8 and 9 to Senate Bill 677."

Speaker Hartke: "Page 4 on the Calendar, on Third Reading, appears Senate Bill 1780. Representative Bellock. Mr. Clerk, read the Bill. Read the Bill."

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Clerk Rossi: "Senate Bill 1780, a Bill for an Act regarding appropriations. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Bellock."

Bellock: "Thank you very much, Mr. Speaker. I'm honored today to be here to present Senate Bill 1780. We've spoken a lot in the last couple of months about the World War II Memorial to be built in Washington, D.C. and today the last Bill is to be presented that will authorize the \$987 thousand direct appropriation to go to the Veterans' Affairs to build that memorial in Washington, D.C. I'm honored, today and as a personal privilege, I would like to introduce to you some members who served in World War II. I'd like them to stand, right now. I have to my right, Jake Klein who served in the 835th Signal Service. He served overseas in World War II for 19 months in China and Burma. And I have, further on the right, Russell Rotsch who served in 136th Infantry, the 33rd Division. He served in the South Pacific for over 30 months in New Guinea, Butaritari, the Philippines and ended up in Japan. We ask them... Oh, thank you. Thank you very much. We, also, have with us Cliff KeVERN, Fred Albers, Brian Von Hauten and John O'Neil who, also, wanted to represent the AmVets and the (sic-Veterans of) Foreign Wars, with us today. There were over 16 million Americans who served in World War II. They are now dying at the rate of 1500 a day. And we want to send this money to make sure that that memorial is built. They have already collected \$74 million. They hope to have 100 million by November 11th, this year 2000, for the ground-breaking ceremony. Their motto is, 'This is the right time and this is the right place.' It will be located between the Washington Monument and the Lincoln Monument. And we're honored that the State of Illinois is

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going to make this direct appropriation so that the Illinois contingency is represented in Washington D.C. I ask for your support."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1780?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1780, there are 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 4 of the Calendar, on Third Reading, appears Senate Bill 1426. Representative Jim Meyers (sic-Meyer). Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1426, a Bill for an Act in relation to probation and supervision. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Meyers (sic-Meyer)."

Meyer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1426 is the original Bill and then a subsequent Bill that was amended on by Representative Mitchell. Representative Mitchell will be presenting his part of the Bill and I'll present mine, if that's leave of the Chair. The underlying Bill provides that a minor who is placed on probation or supervision as a condition of that probation or supervision with the consent of the chief administrative officer or superintendent of the facility, may be required to attend an educational program at a facility other than the school where the offense was committed if the minor was convicted or placed on supervision for a crime of violence as defined in the Crime

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Victims' Compensation Act and the offense was committed in the school on the real property comprising the school or within a 1000 feet of the school. This Bill passed unanimously last year. It was not acted on in the Senate and we're now looking at a Senate Bill that does the same thing as my original Bill last year. I'd appreciate a favorable vote."

Speaker Hartke: "Representative Mitchell, would you make a comment? Representative Mitchell from Whiteside."

Mitchell, J.: "Thank you, Mr. Speaker, Ladies and Gentlemen. The Amendment is a Bill that passed this chamber with over a hundred votes. Basically, we have changed that Amendment to read differently than it did before. Now, it simply says that any local district, if they so choose, they may pass board policy which becomes a part of their policy manual to uphold the expulsion of any other district in the State of Illinois. If they don't do that, then the law does not change, it stays the way it is. Be happy to answer any questions. Thank you."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1426?' 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 Senate Bill 1426, there are 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 3 of the Calendar, appears Senate Bill... on Third Reading, appears Senate Bill 730. Representative Davis. Monique Davis. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 730, a Bill for an Act amending the

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Juvenile Court Act of 1987. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Davis."

Davis, M.: "Thank you, Mr. Speaker. With leave of the Body, Doug Scott will handle this Bill. Thank you."

Speaker Hartke: "The Chair recognizes the Gentleman from Winnebago, Representative Scott."

Scott: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 730, we discussed it briefly yesterday when we put an Amendment on the Bill that became the Bill. It's a concept that we've talked about for a little while here in a couple of different forms. This would provide counsel for youths who are 12 years of age and under during custodial interrogations where they're charged with a crime that if committed as an adult would constitute either a sexual assault or a homicide. The reason being that there are a high incidence of false confessions among children who are accused of crimes. At this particular point, there was some opposition when this Bill was originally 17 years of age and under, but now with the change that we've amended it to now, where it is just people who are age 12 years of age or under, I'm not gonna say there isn't any opposition, but there is a significantly less opposition than there was to it before and even some state's attorneys, that I've talked to, would be neutral on this particular provision now. I'd be glad to take any questions."

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

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

Speaker Hartke: "The Sponsor will yield."

Cross: "Doug, Amendment 2 becomes the Bill, is that correct?"

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Scott: "Yes."

Cross: "It refers to 'must be represented by counsel during the entire custodial interrogation of the minor'. Is there either in the Code or has there been determination by courts as to what the definition of 'custodial interrogation' is?"

Scott: "Through case law, Representative Cross. Then you know, as a prosecutor, it's come out as an interrogation, that being where the questions that are asked are designed to find out incriminating evidence with respect to the person who's being asked the questions. And 'in custody' meaning the person is not free to leave."

Cross: "Is there a penalty in any type or what would be the affect of a statement made by a minor admitting to one of these offenses, outlined in your Amendment, to a police officer and there was a determination that a statement was made prior to the counsel being present and in effect, would happen to be an admission?"

Scott: "It would be up to the judge whether or not that would come in. You might recall, when we talked about this concept earlier when we were discussing the video taping Bill and there was a similar provision in that Bill that referred to this, there was an automatic inadmissibility. That's not the case here."

Cross: "What..."

Scott: "So Tom, just in answer to your question. In answer to your question, when we debated this earlier, in an earlier version of this, there was an automatic inadmissibility if this wasn't... if counsel wasn't present. That's not the case in Senate Bill 730, the way it exists. So it would be up to the judge to determine whether or not that statement could come in."

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Cross: "Though it does, as I read it, it says 'must be' so it would certainly lead you to believe that you're setting up scenarios where statements are thrown out."

Scott: "But we intentionally didn't put that in there because we wanted to leave that open to the judge. If we'd wanted to do that, then we would have said it was automatically inadmissible."

Cross: "Let me ask you a couple other questions, Doug."

Scott: "Sure."

Cross: "It doesn't appear that there's any waiver ability on behalf of the minor to the right to counsel. Is that intentional?"

Scott: "Well, no. And that's a good point, but this is what we're sayin'. The problem with minors and especially, the younger that you get, is that the ability to adequately waive Miranda rights really doesn't exist, Tom. I mean, that's the whole point of this. And so, Tom, you know as well as I do, that there are a lot of adults that don't fully understand all the implications of waiving Miranda rights and what we've found with children is that that incidence of being able to fully comprehend and understand the legal complexities of that just isn't present. It isn't present in any minors really to any great degree, but remember we're talking about people who are 12 years old and under now, Tom. Just 12 years old and under. You know, we don't let people under 18 enter into contracts. We say they can get out of those as a matter of law. What we're talking about here is not saying that a 12-year-old can waive Miranda."

Cross: "Doug, are there any transfer cases? Are there anyone 13 and under, is there any potential to be transferred to adult court or is it over 13?"



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Scott: "I think... my understanding is it's just 13 and over."

Cross: "For the transfer cases?"

Scott: "Right. Right."

Cross: "Either discretionary or automatic."

Scott: "Right."

Cross: "Final, I guess just the other concern is. What and I don't remember ever doing that many juvenile cases, but what if you have a scenario... Some of these penalties delineated in here are offenses to deal with sex crimes or sex offenses. Is that correct?"

Scott: "Right."

Cross: "And I don't quarrel with some of the things you've said at all. I'm just kinda curious. If a 12-year-old comes to the station with his parents and they want to talk and they say, 'Look we don't want an attorney. This is something we can handle.' Now, you and I might both agree that he needs an attorney..."

Scott: "Right."

Cross: "...but a parent says, 'I don't want an attorney. Let's work this out.' And maybe it involved another young child and they maybe... I don't know, whatever the scenario. What do you do in that situation under your Bill where a parent insists or a custodial... You know, in a custody case the custodial parent insists, 'I don't want a lawyer.'"

Scott: "Well, there's a couple points to that, Tom. That's a good question. Right now, the law is and we're not changing that, that the police when they arrest a juvenile have to make a reasonable attempt, that's the phrase that's in the law, they have to make a reasonable attempt to locate a parent or an attorney. All we're saying here is that if the minor is 12 years of age or under the attorney

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has be present. What we're saying in this particular case, Tom, is that we don't think that the legal complexities that are involved warrant the automatic admission of statements by a 12 year-old who waives counsel, whether the parent agrees with that or not, is the bottom line for it here. And there's precedent for that in a lot of other states, a lot of which are not what you would consider 'wild-eyed liberal criminal justice' states, Tom. You've got some states that are involved here that don't allow any statements at all to come in from minors even if they're represented by counsel."

Cross: "And Doug, I don't want to spend too much time on this, but I guess, one of the other concerns I've had about the... and it's not necessarily philosophical on your issue or with under 13, but what do you do in a scenario where someone starts out as, perhaps, a witness and then all of a sudden the police..."

Scott: "It's not a custodial interrogation, then. 'Cause if they're just a witness, they're free to leave, right? So..."

Cross: "Hopefully."

Scott: "Well..."

Cross: "I mean..."

Scott: "Well..."

Cross: "That's the idea. That's the idea that we all believe, but..."

Scott: "But see that's determined by the court and that's done right now in all kinds of cases. If you or I are asked to come in for questioning, we're just a witness. We're free to leave until they tell us we can't. At that point, we're in custody."

Cross: "I guess we're just gonna have to explore this, Doug, in

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terms of the context of the court system. I just think there's gonna be some confusion there. I'm not sure there's a way to draft it. Are there any peculiarities to the Juvenile Court Act where there are other people that need to be present in a juvenile courtroom? I mean, do you..."

Scott: "I started to go under that a little bit ago. You have to make a reasonable attempt to contact a parent, right now, under the Juvenile Court Act, but the parent doesn't have to be there. You have to make a reasonable attempt to contact a parent or one of these, what are called youth officers in certain places, you're probably familiar with that, but the youth officers are generally employees of the county and so, I'm not really sure that we're doing much to protect the rights of the juvenile there."

Cross: "All right. Doug, thanks for all your answers."

Scott: "Thank you, Tom."

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

Scott: "Thank you very much and I really appreciate Representative Cross's questions. What we're really talking about here is a fundamental issue of, not just fairness, I don't want to say it like that, but a fundamental issue of administration of justice. Right now, 18 year-old... people who are under 18, if they go out and enter into a contract, even for a minor amount, they're allowed to void that contract as a matter of right, as a matter of law. And the reason for that is because we're concerned with the mental capacity of juveniles to enter into contracts. Well, here we're talking about something very different. We're talking about very serious crimes and minors who are 12 years of age and under and whether or

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not they can adequately waive Miranda rights. I don't believe they can and there's an entire body of legislation that would support that particular position. And because of that, we think it's necessary that counsel is present during these custodial interrogations. I think this is a fair Bill. It's good for the administration of justice. It's done in a lot of other states, a similar provision to this. And I'd ask for a favorable vote."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 730?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 730, there are 111 Members voting 'yes', 6 people voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 3 of the Calendar, on Third Reading, appears Senate Bill 1249. Representative Boland. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1249, a Bill for an Act amending the Longtime Owner-Occupant Property Tax Relief Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Boland."

Boland: "Thank you, Mr. Speaker. Senate Bill 1249 amends the Longtime Owner-Occupant Property Tax Relief Act in regard to eligibility notification and provides that that notification take place within 30 days to the owner-occupant or to the mortgage lender if that's the only address to send it to. It passed 59-0 in the Senate and has no opposition that I know of."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass

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Senate Bill 1249?' 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? Mr. Clerk, take the record. On Senate Bill 1249, there are 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 3 of the Calendar, on Third Reading, appears Senate Bill 649. Representative Stephens. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 649, a Bill for an Act in relation to cloning. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Stephens."

Stephens: "Thank you, Mr. Speaker. This Bill had a technical Amendment, yesterday. Basically, the Bill calls for a moratorium on human cloning. The Bill was introduced in the Senate by Senator Burzynski. The issue of cloning is one that we're familiar with, but in the area of human cloning, I believe, it makes sense to place a moratorium on human cloning. I want to make sure that we know the terms that we're talking about. Cloning means to create, in this Bill, means to create, using human somatic cell tissue, cell nucleus transfer technology, of a human being, a human embryo, or a human fetus by transferring the nucleus from a human cell of whatever source, into a human egg from which the nucleus has been removed for any purpose regardless of whether or not the resulting product which would result in a human embryo, fetus, or being. Regardless of whether or not this is intended to be implanted into a womb or may or may not result in pregnancy and a birth of a human being. For the purposes of this Section, clone does not refer to duplicating DNA sequences, organ tissues, or cells and by cells we mean other human cells. I'd be glad to respond to

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any questions. And I would ask the Body's favorable consideration of Senate Bill 649, as amended."

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

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

Speaker Hartke: "Sponsor will yield."

Lang: "Mr. Stephens, when you were in committee on this Bill, we asked you the question as to whether or not it was your legislative intent to insure that all research could continue so long as we were not cloning actual human beings. Is that still your legislative intent?"

Stephens: "That is our intent and furthermore, I believe that it was delineated in the Bill. But regardless, if it's not specifically in the Bill, which I think it is, it is our intent not to limit other cellular experimentation, DNA research. This is simply about cloning a human being and the restriction, thereof, not of any other DNA research or other of the things that technology are bringing us into."

Lang: "Mr. Stephens, I recognize that that's your intent and I appreciate the fact that you recognize that we need to do research on human cells and DNA, et cetera, to be able to allow scientists and researchers to help rid our society of dread diseases. However, I'm told that some of the researchers at Northwestern, University of Chicago, University of Illinois, and others have read the language of your Bill and although your intent may be otherwise, they believe that this Bill would stop the kind of research that they feel is necessary. Is there a way to redraft your legislation to be clearer, so that research might continue? I think we share a view that no one should be allowed to clone human cells to make human beings. Some of us read the book Boys From Brazil and saw the movie Boys

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From Brazil and we saw in that movie thousands of Hitlers being made. I don't think we want to be about the business of allowing that to happen. We don't want anyone to be able to clone human beings. But there seems to be a strong concern that research will stop on the language of your Bill, not the intent of your Bill. Can you address that, Sir?"

Stephens: "I'd be glad to. And let's go through the exact language of the Bill. Okay, here we go. On page 14 of the Bill, line 25. Criminal cloning of humans, 'no person shall engage in activity which involves the use of a human somatic cell nucleus transfer technology to produce a human embryo for the process of producing a human clone'. A violation of this Section is a Class IV felony. For the purpose of definition: human clone means a human being created by transferring the nucleus from a human cell from whatever source into a human egg cell from which the nucleus has been removed for the purpose of or to implant the resulting product to initiate a pregnancy that could result in the birth of a human being. Now, Representative, Representative Lang, that's what the Bill's intent is and furthermore, nothing in this Section shall be construed to restrict or prohibit biomedical research using cloning technology that is not expressly prohibited in this Section, including the cloning of human genes, cells, and tissues. And so we are not and we checked with others in the research field and as far as my knowledge and Senator Burzynski's file is replete with this information, those that are doing research in DNA and cloning of other tissues, trying to recreate heart tissue and skin tissue, liver tissue, things like that, they are not intimidated by this language and they feel they are not restricted by this

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language. But they do know that they are restricted in this sense, that they shall not engage in an activity the sole purpose of which is to produce a human clone and..."

Speaker Hartke: "Ladies and Gentlemen, let's tone it down out here just a little bit. Shhh, please."

Stephens: "And Representative, I think that makes it as clear as I can. We want to place a moratorium on research the sole purpose of which is to create a human clone. We do not want to limit the research on cloning, in general or on the wonderful work in biotechnology that's being done on DNA and the genome project, just announced this morning or last night the complete, not the complete mapping, but certainly the identification of the entire human DNA chain. Now, to make it a little more complicated to put that together in order, but that progress will not be impeded by this Bill at all."

Lang: "Well, I recognize that that's your intent. Nobody questions your intent. But I have some concerns about the language. Let me ask you this question. Today there are... You used the term in your Bill, 'human somatic cell transfer technology'. Today, that technology is used to transfer cells in utero to a fetus to investigate Tay-Sachs disease, cystic fibrosis and sickle-cell anemia among others. I have some concerns, as the researchers do, that because that very technology is used to save the lives of those fetuses in utero that they will not be able to do that technology because of your Bill. And I would suggest that since that you and I agree that human cloning is not appropriate, you and I would both agree that we should not be allowing human cloning, you and I agree that we should have a Bill that prohibits human cloning and we also agree that we want to save the lives of people, we want to save



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the lives of people through research, we want to protect fetuses that are unborn. I know that's a particular interest of yours. And since there's a technology available that uses the very language you want to prohibit in your Bill, it seems to me that this Bill is not written exactly the way you would have hoped. And I'm not trying to stop your Bill, Representative, I'm suggesting that you take it out of the record and that we take the time to fix the Bill, so it does what we all want to do which is to prohibit human cloning. But it doesn't keep us from doing something else we all want to do which is do all the research that is necessary, but also protect those unborn that need this technology to work on that cystic fibrosis, that sickle-cell anemia, that Tay-Sachs. Can we ask you to take this out of the record so we can go through this language and try to repair it so that we can get a unanimous vote out of here?"

Stephens: "Representative, I'm certainly willing to work with you. But let me just ask you this question."

Speaker Hartke: "Excuse me, Mr. Stephens. Ladies and Gentlemen. Shhh. Let's, please, lower the noise level out here. We're in a Third Reading debate. Representative Stephens."

Stephens: "If you'll look with me on the Bill, Section 1235. It's the last page of the Bill, actually, Section D."

Lang: "I'm with ya'."

Stephens: "Okay. And now, Representative Lang, I thought that this covered the issues that you brought up when it says.."

Lang: "Well, Representative, this may cover the issue of research, some might argue it doesn't. It may cover the issue of research. But what about the issue of this cell transfer technology that is being used in utero to help protect the unborn?"

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Stephens: "Absolutely not related to this."

Lang: "Well, except that you prohibit that cell transfer in another portion of your Bill."

Stephens: "No, Sir. Only..."

Lang: "So that..."

Stephens: "... only if..."

Lang: "... so that..."

Stephens: "... only if the..."

Lang: "... the unborn that have Tay-Sachs and cystic fibrosis and sickle-cell anemia, who could be helped by certain cell transplant technology, that very technology has been prohibited by your Bill."

Stephens: "Well, I don't agree with you because what the Bill says is, 'that you shall not engage in activity which involves the use of the human somatic cell nucleus transfer technology to produce a human embryo for producing a human clone.' That has nothing to do with transferring cells. Because we're talking about the cloning process, Representative, you have to take a somatic cell, remove the nucleus, and then put the nucleus of another cell that has been deprived of nutrients and reduced to its most basic state, remove that cell nucleus and put it in a somatic cell that had its nucleus removed, individual cells, for the purpose of cloning a human being. Because the next step, if you follow that process, take that starved cell, it reduces to its most basic state, the nucleus does. I'm not sure why, but it does. Take that nucleus, put it in another cell that it has... a human cell that has had its nucleus removed. The next step in that process, by nature, is that that cell then will duplicate and that, indeed, is what cloning is because the duplication is, indeed, a replication of a original strand of DNA. Our Bill says

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that if you're doing it for the purpose of cloning a human being, it's prohibited, but all other things, as Section D says, are allowed. I don't know how you would improve that."

Lang: "But you're doing more than that. Your Amendment, lines 13 to 17, says referring to a nucleus, 'removed for any purpose regardless of whether or not the resulting product could result in a human embryo, human fetus or human being and regardless of whether or not it is intended to be implanted into a womb and may or may not result in the pregnancy and the birth of a human being.'"

Stephens: "What page are you on?"

Lang: "You're going be... that's lines 13 through 17 of Amendment #1. Your Amendment goes way beyond what you have stated to me and I believe, that you think that the Bill does what you want it to do, but the plain words of the Amendment go way beyond your comments, Representative."

Stephens: "Okay."

Lang: "They go way beyond your comments."

Stephens: "Let's put the Amendment with the Bill. We are under Section C. You're amending... The lines that you read begin to amend Section C, on page 1, line 8, by inserting 'human embryo, or human fetus' after the word 'human being'. So that sentence then would read, 'no person shall purchase or sell an ovum, a zygote, embryo, or human fetus... excuse me, 'or human fetus for the purpose of cloning a human being, human embryo, or human fetus.' Now, furthermore, when the lines that you get down to have to do with Section C and you said that we need to be careful because clone means 'to create a human somatic cell nucleus technology, a human being, embryo, or fetus by'. That language would go on line 15 and 16, for the purpose of

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this Section, clone means... The original Bill says, 'the practice of creating or attempting to create a human being by transferring the nucleus from a human cell from whatever source into a human egg cell.' The Amendment changes that language, Representative, to read, 'creates using a human somatic cell nucleus transfer technology, a human being, human embryo, or human fetus by' and then we go to line 11, which on page 1, replaces lines 19 through 21, which you quoted, and those lines say, 'the nucleus has been removed for the purpose of or to implant the resulting product to initiate a pregnancy that could result in the birth of a human being.' We are replacing that with the following, 'removed for any purpose regardless of whether or not the resulting product could result in a human embryo, fetus, or human being and regardless of whether or not is intended to be implanted in a womb and may or may not result in a pregnancy and a birth of a human being', but it is still cloning, Representative. And what this means to me is that then we would be talking about cloning and making that a test tube baby."

Lang: "Representative, your stated purpose, on the floor today and in committee a couple of weeks ago, was not to stop research and not to stop the ability of scientists to cure disease. Is that correct?"

Stephens: "That is correct."

Lang: "This Bill, the way it's written, your new definition of cloning in Amendment 1 which says, 'whether or not it can result in a human embryo, human fetus, or human being', which means it could just simply be to cure a disease, it's not going to be allowed. The researchers, the scientists, the doctors who are looking at this and are looking at it a little later than they might... Could we clear this aisle,

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Mr. Dart? Mr. Dart. Thank you. The researchers and scientists and doctors who are now looking at it, I admit to you, maybe they should have looked at it a little earlier than today, are telling us that you will stop in its tracks certain research and moreover, maybe more important, the ability of doctors to go inter-utero and cure disease today on a fetus that could be born healthy. This Bill, if it stops us from curing disease inter-utero, is not what we want to do. I'm simply asking you, as someone that supports what you're trying to do, to take the Bill out of the record, sit down with some people who know the right language, 'cause I surely don't, I'm not a medical expert, and draft this in a way that'll get us to the point we want to be. Surely, if... no you cannot agree on language, this Bill will get called again and you can have your vote. I'm just simply asking you, on behalf of the medical community, the researchers that want to help to get rid of disease in our society, to not go forward with this until we've had another look at the language."

Stephens: "Well, I'm just concerned with your definition of another look. I would like to get this Bill out today because you're talking about going interuterine (sic-intrauterine) and looking at a fetus. A fetus is mentioned in this Bill only in regard to if you are cloning an individual cell and nucleus for the purpose of creating a fetus. This has nothing to do with experiments and biotechnology involved with an already created fetus, Representative."

Lang: "Representative, I know that's your intent, but lines 13 et al, in your Amendment, talk about whether it can result in a human embryo or not."

Stephens: "Mr. Speaker. I'll take the Bill out of the record and

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he and I can discuss this personally and we can get back to it later. Is that all right with you?"

Lang: "Thank you."

Stephens: "Thank you."

Speaker Hartke: "That is fine with me. Take this Bill out of the record, Mr. Clerk. On page 4 of the Calendar, on Third Reading, appears Senate Bill 1404. Representative Burke. Danny Burke. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1404, a Bill for an Act concerning the regulation of audiologists. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Burke."

Burke: "Thank you, Mr. Speaker. This legislation would address the subject of the audiologists and their licensing requirements. What it would do is eliminate some of the duplicative licensing that these professionals have to undergo each year so it cleans it up. It makes it one license for one activity. And I would ask for the Body's favorable consideration. And I'll 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 pass Senate Bill 1404?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? There are still three people not voting. Mr. Clerk, take the record. On Senate Bill 1404, there are 95 people voting 'yes', 21 people voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 3 of the Calendar, appears Senate Bill 747. Representative Currie. Mr. Clerk, read the

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Bill."

Clerk Bolin: "Senate Bill 747, a Bill for an Act to amend the Property Tax Code. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. This Bill is about a \$650 million reduction in the valuation of properties in the County of Cook, only commercial and industrial properties, this Bill is not about breaks for residential homeowners. Two recent decisions by the Property Tax Appeal Board using the standard that, does not bear constitutional muster, according to the Illinois Supreme Court, would result over time in the devaluation, the debasing of that \$650 million valuation of property in Cook. That amounts to 10% of the valuation in the County of Cook. It means an automatic 20% reduction in the value of commercial and industrial property. What this Bill seeks to do is to rectify that problem by establishing a reasonable standard for valuing property that is before the Property Tax Appeal Board. The Appeal Board used a standard that is based on sales ratio studies done by the Department of Revenue that works downstate and it works for residential property in Cook because there is large volume. When it comes to the other classes of property in Cook, classes that have been adopted by the county board under the Constitution of the State of Illinois, those sales ratio studies do not give good information. In addition, this Bill would establish certain kinds of standards for those who seek substantial changes in assessment before the Property Tax Appeal Board, a hundred thousand or more would be at stake. Let me tell you what that \$650 million loss means in the County of Cook, \$220 million lost to school districts in the County of Cook. If local districts are

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able to recoup the lost revenue that will mean an automatic increase in residential property tax rates. Let me suggest also to downstaters, that there will be an impact of that \$220 million loss to school districts and that is there will be an automatic take from the state school aid formula of an additional \$90 million for school districts in the County of Cook. If you are from Cook County and you care about property taxes that your homeowners are paying, you'll vote 'yes'. You will not approve this back door effort by the business community to get breaks that they are not entitled to today under the Cook County Classification Ordinance. If you are a downstater, you ought to be voting 'yes', too. Because if you vote 'no', you are saying 'yes' to \$90 million more in state school aid payments away from your school districts, right smack dab into the school districts in Cook. That's the Bill, Ladies and Gentlemen. You can be for the 'fat cats' or you can be for the homeowners. That's your choice in Senate Bill 747. My advice to you is to vote right, to vote 'yes'. Thank you."

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

Skinner: "Yes, Mr. Speaker. I ask the Sponsor to take this Bill out of the record until the State Property Tax Appeal Board can get us data on exactly what the extent of the appeals are in Cook County for the last three years. I've been told this data will be available by 1:00 p.m. today."

Speaker Hartke: "Representative Currie."

Skinner: "Will you take the Bill out of the record until then, please?"

Currie: "I will not take the Bill out of the record. I would have to tell the Representative who asked that question



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that given those two decisions by the Property Tax Appeals Board last month, in the month of March, I can guarantee that every commercial and industrial property owner in Cook will come before the Property Tax Appeals Board. That's a guarantee."

Skinner: "Well, Mr. Speaker, then I have no choice but to oppose this Bill. The suburban Cook County Republicans and I have ten or so precincts in Cook County, met with the representatives of the Assessor's Office of Cook County two nights ago and asked for information. We asked, first of all, for the methodology behind the list of purported losses that school districts in Cook County would receive. Sue Sikes, the Assessor's employee and methodologist, gave me a list last night of what the assumptions are. Two of the assumptions are patently false, patently false. The Sponsor's not listening. Of course she doesn't care whether it's false or not. Number one, when the Revenue Department figures out the multiplier they figure out a weighted median average. If indeed, some of the classes in Cook County have a lower median average next year than they have this year, then guess what folks? There will be a higher state multiplier. That means that the net assessed valuation in Cook County will remain constant. Constant. There will be no loss in assessed valuation, total assessed valuation in Cook County. The second assumption that is patently false is that tax rates will remain constant. Now, anyone who lives in a tax cap county has received complaints from their local school districts and other tax districts that their tax rates have decreased as the assessed valuation has increased faster than the increase in the cost of living. The reason for that is the tax cap. The tax cap says that the amount of money that a tax

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district collects cannot increase more than the increase in the cost of living. Therefore, if the assessment, if the total assessment level goes up faster than the increase in the cost of living, the second variable in the equation, that is the tax rate, has to go down. So, even if the total assessed valuation in a given tax district in Cook County went down, because it had a disproportionate share of the industrial and commercial base of Cook County, the tax district in that particular part of Cook County would have the ability to raise its taxes back to whatever its statutory level would be. So, from a technical point of view, the position being put forth by the Cook County Assessor's Office represents basically the 'henny penny' approach to policy formulation. 'The sky is falling, we must do something.' Well, why must we do something now? Well, obviously, there's no difference between doing something now than doing something after 1:00 p.m. this afternoon when there will be some solid data on our desks. So, it is clear that the Sponsors of this Bill do not want us to have solid data on which to make extremely important decisions. And what is that extremely important decision? That is to determine whether we shall revert to treating Cook County differently from the whole rest of the state. Shall we return to the 'fix 'em' approach to assessments that has ruled Cook County since, at least, the Depression and which there was a discontinuity placed, if I may put it that way, by the passage of the State Property Tax Appeal Board Bill putting jurisdiction over Cook County. Now, what has happened in downstate Illinois since the late 1960s when the State Property Tax Appeal Board was put into place under Governor Ogilvie? What has happened is that in the best tradition of the Federalist Papers we have a

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series of checks and balances that works. If a taxpayer is underassessed, the taxpayer may appeal. Conversely, if the tax district finds a taxpayer who is underassessed, then the tax district can appeal the assessment of the underassessed property. The result is as fair a system as one is gonna get in property tax assessments. What the Sponsor is attempting to do is to tell homeowners in Cook County, tell 99% of the homeowners in Cook County, that they have no legitimate appeal even though 49% of those homeowners are overassessed. In every jurisdiction of the state, 50% of the homeowners are overassessed and 50% are underassessed, that's the nature of the median assessment. The median assessment is the middle assessment from high to low. In Cook County, 99% of the homeowners are assessed below the ordinance level of 16%. And as I understand the proposal, if you are under the... if you are not under... excuse me... if you not over the ordinance level, you can't appeal. Well, there are some other issues running around here, there's some macro issues. We hear the moaning and groaning of Cook County and Chicago taxpayers and business leaders that businesses keep moving to DuPage County, to Lake County, to McHenry County, to Kane County, to Will County, even as far out as Kendall County, because they want lower assessments. They want lower taxes. Well, if this Bill passes, they'll continue moving. The jobs that you want, in the City of Chicago, will not be there. The Motorolas of the world will continue moving to the Harvard, Illinois' of the world rather than the Ciceros of the world, if you will. Mr. Speaker, this Bill does not have to be passed at this hour. It could be passed this afternoon, but it's even worse than that. This doesn't even have to be passed this month. The assessment date in

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the State of Illinois is January 1st. Guess what, folks? January 1st, 2000 has already passed. We can have extremely intensive hearings on this Bill all summer long to figure out what all the nooks and crannies are, find out who the Speaker of the House represents before the State Property Tax Appeal Board and the Cook County Assessor and the Cook County Board of Review. We can find all of the contributors to the Irish Democrats who do work with the State Property Tax Appeal Board and we can come back in November and decide whether it's a good idea or not. I'll still be in here in November, as will all the other Members of the Lame Duck Caucus and so will all the rest of you. Why don't we wait and give due diligence to this idea, which most assuredly is not being given by the Sponsor and her supporters."

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

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

Speaker Hartke: "Sponsor will yield."

Black: "Now, Representative, if I understand your Amendment correctly, I can go to the assessor's office and get ten needles and syringes, correct?"

Currie: "Absolutely."

Black: "That's the wrong Bill. I'm sorry. I was stuck. Groundhog Day. That was yesterday. Representative, hasn't the Cook County assessor asked that the Cook County board pass an ordinance that would not really be in complete agreement with this legislation, as amended?"

Currie: "No."

Black: "What has he... I don't have it in my file, but we have been told that he has asked the Cook County board to do

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something on this issue. Is that not correct?"

Currie: "The Cook County Assessor has asked the Cook County Board for some changes in the ordinance levels with respect to certain classes of property in Cook County. That has nothing to do with this Bill. This Bill is about the standard that is used by the Property Tax Appeal Board in considering appeals on valuation issues. And whatever happens to Assessor Houlihan's ordinance changes has nothing to do with this Bill. The problem that this Bill seeks to address is that the Property Tax Appeals Board is using a standard that works perfectly well downstate, works perfectly well for residential property in the County of Cook, but just plain can't work when it comes to valuations for commercial and industrial property because of the small numbers and because of the variety of kinds of properties that are included within each of those classes. That's the issue."

Black: "Well, thank you very much, Representative. I do appreciate your answering the question. Mr. Speaker, if I could, to the Bill. Ladies and Gentlemen of the House, if you'll look at this very carefully, there are few things that we can debate in Springfield, in this chamber, more complicated than the property tax system utilized in the State of Illinois. And I want you to keep in mind and I don't say this because I think it's a trophy we should display proudly, but the fact is, the State of Illinois has more units of taxing government than any state in the country, bar none. In fact, we're two times higher than the next state closest to us. The bulk of these taxing bodies, the bulk, almost 99% of them, are financed by the property tax. And I would submit to you that when you are asked to vote on a Bill to codify a practice on property

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tax assessments, which then leads to property tax receipts, you should make very, very certain that you know exactly what you're doing because you will have an impact far beyond your vote on this particular issue. You will have an impact on units of government throughout Suburban Cook County and Cook County in general by action on this Bill. I do not purport to be an expert on the property tax issue. I served a long time on a county board, I know how complicated it is. If you look at this Amendment and I've tried to do so to the best of my ability, you're asking Members of the General Assembly to lock in a ratio of 3.6 to 1 and 3.8 to 1 for industrial and commercial property, respectively, to residential property. The Constitution does not allow that. It limits the classification of the ratio of different classes of property to 2.5 to 1. In addition, the Amendment provides for a different burden of proof for commercial and industrial property owners who attempt to make a case to the board of review or the Property Tax Appeals Board than it puts on residential taxpayers. You know, I have a hunch that the Sponsor of the Bill is very well-intentioned and that this may, in fact, be a major problem that could face Cook County. But I have been here long enough, as has the Sponsor of this Bill, to know that very seldom are major problems corrected by a quick fix drafted by somebody, put on a Bill and allowed to be debated for 15, 20, 25 minutes. It has long-term implications. I think, a previous speaker indicated that there's certainly time over the summer to have a number of hearings on how property should be assessed and how taxpayers' rights could be impacted by this Bill given the classification system in Cook County, which by the way, is different than any of the other 101

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counties of this state. One could say, 'Well, it needs to be different. It's certainly a bigger county than any of the other 101.' And to some extent, that is certainly true. But when we start to legislate, mandate if you will, changes to the Property Tax Code without the full knowledge of what we're doing, we could have a impact on the taxpayer that would be very, very serious, in my opinion. This is a complicated Bill. I've actually read through this thing and I'll tell you something, I daresay that other than the Cook County Assessor and professional staff in his office, I'm not sure that anybody could really tell you exactly what the impact of this Bill would be. And I'm not prepared to make a vote on an issue of this complexity on the last day of deadline action. I would submit to you that perhaps a 'present' vote for those of you in the Cook County area would be advisable and we can work this out after having a number of hearings in trying to educate ourselves are far better than we have been able to get out of this debate or will get out of this debate. It's a different situation. You're enacting into law something that I don't think many of us understand and that could be very difficult to change once it's enacted. I intend to vote 'no' and would welcome an opportunity to work with the Sponsor on hearings in Cook County, so that all of us could have a better understanding of what the real issue is and how it will affect property taxpayers and property owners in the biggest county in the State of Illinois. I hope that we not rush in to something. I have a hunch and I say this in all due respect to the Sponsor, I have a hunch that this is more of a political issue than it is an issue of inherent fairness to property taxpayers. It's just a hunch and if that's the case, then I would submit to you don't

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act hastily, today. Thank you very much."

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

Cross: "Thank you, Mr. Speaker. Incidentally, in the event this gets the requisite number of votes..."

Speaker Hartke: "The Sponsor will yield."

Cross: "...before I get there... In the event it gets the requisite number of votes, I request a verification."

Speaker Hartke: "Okay."

Cross: "Just a couple questions. Representative, is there any reason why we are not waiting for and I know Representative Skinner asked this earlier, waiting for the State Board of Education's fiscal note? Apparently, you don't want to, but how did we get to figure of 90 million, if we haven't seen their fiscal impact?"

Currie: "That was extrapolation. There was a fiscal note filed to this Bill, in fact, that's how the Bill got to be on Third Reading. But the information about the 90 million and the state aid formula comes from an extrapolation of the effect of those first two decisions that happened less than a month ago before the Property Tax Appeals Board. This issue may be new to us, but it is not a new issue. There have been negotiations for more than two years between the Cook County Assessor's Office, the Property Tax Appeals Board, the Department of Revenue. There have been rulings by JCAR that we thought meant that the decisions by PTAB would, in fact, be based on sound ground. So, the assessor's office has calculated what the total loss of revenues would be to local governments in the County of Cook, identify to \$220 million loss to school districts. Some would not have increased access to state general aid because they are flat grant districts or for other reasons.



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But among those that are not flat grant districts, you can calculate what their take, given valuation and given population of the student body, you can calculate what their call on state aid would be; that figure is \$90 million. Now, as a Cook County resident, I, of course, welcome 90 million more dollars for my local schools coming from the state. If I were a downstater, I wouldn't be so thrilled. And in fact, as someone from Cook County, I'm still concerned about the difference between 220 million and 90 million. There still would be a major gap for school districts either to eat and then offer less quality education to my kids or to make up for by virtue of raising residential rates."

Cross: "Apparently, every..."

Currie: "And I think that's a Hobson's choice. Some school districts will be able to raise rates, some will not. And those that are not able to make up the shortfall are going to have a very difficult time meeting the needs of school children across Cook County."

Cross: "There's obviously some question about the amount that's gonna be needed or that's gonna be lost, Representative. Why don't we wait for the... and apparently, it's on its way or it's gonna be here soon. Why don't we at least know what the number's gonna be from the very agency that deals with the state aid formula? Why can't we say, 'Let's wait another hour or half hour, forty-five minutes and see what the State Board of Education actually says will be the amount needed?'"

Currie: "Representative, I was ready to call this Bill, yesterday. I was prevailed upon to wait because some of the Suburban Cook County Republicans were waiting on data from the assessor's office. By the time that data arrived,

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the House had adjourned. So I've done my waiting and I've told you how we calculated the \$90 million figure and how we calculated..."

Cross: "Who's doin' that calculation?"

Currie: "... \$220 million for school districts, a total of \$650 million lost in Cook County local governments."

Cross: "Who's providing that number, Representative?"

Currie: "I believe those figures came from the assessor's office, but they were based on a calculation of what happens if industrial and commercial properties in Cook are devalued 20%. Then you look at what that means about revenues coming into school districts, that's how we got the 220 million figure. Then you have to look school district by school district to see whether it's a formula district or whether it's a flat grant district. And you can look at the value, the number of students and the take from the school aid formula."

Cross: "But Representative, with all..."

Currie: "It's a simple calculation."

Cross: "With all due respect, outside of Cook and I would suggest that it's the same in Cook, would any of us go to our local assessors' office and say, 'What are our schools gonna get in general state aid?' I don't think we do that."

Currie: "You'd be able to."

Cross: "I think there are bodies that provide that number and know how to get to that number and then assessor's offices do other things."

Currie: "Representative, you would be able to do that and the next time you don't get an answer from the state board, I suggest you try the assessor."

Cross: "What are the other, if you want to perceive that and obviously, you have the right to do it and the power to do

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that, Representative and we'll go ahead with that, that's fine. One of the other issues that Representative Black alluded to and I guess more than alluded to it, mentioned the fact that for both commercial and industrial... the assessment will be based on a level of approximately somewhere between 38 and 36 percent. Do you agree with that?"

Currie: "Was that a question, Representative? I'm sorry. I was on the phone with the state board."

Cross: "Yeah. Would you agree with Representative Black's earlier comments that either for both commercial and/or industrial the assessment will be based on a value of somewhere between 36 and 38 percent with the resulting..."

Currie: "I'll tell you what actually happens, as I understand it, in the assessment process. If I believe that my property has been overassessed, I bring in information that has to do with sales, I bring in information about comparable properties. If I can show that properties that are identical to mine are assessed at a lower rate, I win. What's happened with this decision, however, is that all I have to do is to come in and show that the median level of assessment is below where my individual assessment is. That's how we get the 20% decline. And it is absolutely clear, in Cook County, that while there may be and this is itself a question, there may be some validity to using the sales ratio studies to define median assessment for purposes of the multiplier, the equalizer, courts have actually ruled that the median level of assessment in Cook County because it is done by classes which do not provide the number..."

Cross: "Maybe I didn't... I didn't ask that question correctly."

Currie: "... that, in fact, you cannot define individual value

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based on the median. It's a meaningless number."

Cross: "But, your Bill..."

Currie: "And that's the problem."

Cross: "... if I read it correctly..."

Currie: "So, if you don't vote for this Bill, you are saying to commercial and industrial properties, 'Go to PTAB. You don't have to show us a thing about how my property is valued compared to somebody's else's, all you have to do is show that you are above the median.' That's where you get the 20% reduction and I don't think, Representative Cross, that that is fair. You get the 20% off the top, never mind the seller and the buyer will tell you that the property, in fact, is valued at 20% above what PTAB will say."

Cross: "You would not disagree that your Bill says for commercial and industrial and it should be valued at somewhere between 36 and 38 percent, is that correct? That's the amount?"

Currie: "Say it again? Say again?"

Cross: "Your Bill reads that industrial and commercial shall be valued or assessed at 36... somewhere between 36 and 38 percent. Is that correct?"

Currie: "Yes."

Cross: "Your Bill says that."

Currie: "My Bill doesn't say that, that is in fact, the ordinance level in the County of Cook. My Bill doesn't... it's not about..."

Cross: "You must use your ordinance level and that is at somewhere between 36 and 38 percent. You wouldn't disagree with that?"

Currie: "That's right."

Cross: "Your Bill also says that for residential that it'll be approximately 10%."

Currie: "No, my Bill does not say that. My Bill says that you

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can... my Bill is silent on what standard PTAB can use, they can use the median level."

Cross: "But it allows for the median level to be at 10%. It allows for that and the potential is there that that will happen. Is that correct?"

Currie: "This Bill is silent on residential. We're only concerned about commercial and industrial."

Cross: "But the potential is there for that to occur, based on the way the Bill's drafted. And the concern, Representative, is with that scenario the difference between 10 up to the 36 to 38 percent is that appears, if we read the Constitution, to be in direct conflict with the Constitution. And my question is, how do you address that?"

Currie: "The Constitution provides that counties may classify real property for purposes of taxation. The County of Cook does. End of story."

Cross: "Well, the Constitution that I have in front of me, reads, 'the level of assessment or rate of tax of the highest class in a county, the highest class in a county, shall not exceed 2.5 times the level of assessment or rate of tax of the lowest class in that county.' So we have the potential to go from 10 all the way up to 38, which exceeds the 2.5 time value."

Currie: "Sixteen is the residential ordinance level in the County of Cook. Sixteen percent..."

Cross: "The Bill... your Bill provides..."

Currie: "... which meets the constitutional requirement. End of story."

Cross: "Thank you, Representative."

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

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

Speaker Hartke: "Sponsor will yield."

Currie: "Reluctantly..."

Speaker Hartke: "Reluctantly."

Currie: "There have been a lot of questions and very little light has been added to this topic."

Speaker Hartke: "Representative Mulligan."

Mulligan: "Representative, when did you put this Amendment on, wasn't it April 4th?"

Currie: "I think it was two days ago, but every day here seems like a year, so it could have been eons ago."

Mulligan: "I certainly agree, but I don't think in the long run when you're evaluating an issue that you want to vote on that that's a very long time, particularly since this has great import. A number of us met as, several of the other Representatives said, the Republican Cook County Members met with people from the assessor's office earlier this week and asked questions. Many of the answers were not available and so I think what we find ourselves in is a quandary as to how we can actually vote on this when we don't have all the answers. Representative Black asked you, and you responded that the answer was 'no', but when we asked the assessor's office they told us that the assessor does have a measure pending before the Cook County Board to do a similar thing only in a slower incremental values of doing it. And when I met with the assessor earlier this year or the end of last year, he was seeking support for doing something quite similar. So, I was not surprised to find that he did have something pending before the Cook County Board, which I think is a measure that we need to go back and talk to people in our districts about before we vote on this."

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Currie: "Could the Chair ask people to keep their remarks relevant to the measure that is before us, Senate Bill 747, and not extraneous issues?"

Mulligan: "I think that..."

Speaker Hartke: "Representative Mulligan, keep your remarks to the Bill."

Mulligan: "What I think is relevant is you're asking us to pass a Bill that has much other legislation outside this Body pending, that has only been to introduced for several days which the assessor who is sponsoring this Bill cannot give us full answers for. You won't even take it out of the record until later on this afternoon. And I also have a letter that is copied to us that President Stroger wrote to Maureen Murphy, who's the commissioner on the PTAB Board, and said that the county is planning a lawsuit that is going to be filed to appeal these before the April 14th. So, why would you want to pass this measure today without letting us take a look at it for a little while longer, so that those of us on this side of the aisle, particularly those of us that represent particularly Cook County homeowners, which may have a big impact from this legislation, so that we cannot have a better time to look at it, a longer time, a little more time to get the actual figures? It's a very complex matter. And there's a lot of other things pending regarding this issue. If we were to do something like this, I think you would ask us rightfully so, to take this out of the record so that we can have a little more discussion on it and actually get the figures. I think it's very unfair to bring this up at this time of the Session and ask us to vote on it. And I would ask once again, that you would take it out of the record."

Speaker Hartke: "Representative Currie to close."

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Currie: "Thank you, Speaker and Members of the House. For everybody's edification, the State Board of Education tells me that they pegged the School Aid Formula price a little lower than we did. It's only \$76.5 million. They were unable to do a school district by school district analysis, however. When they do, I think their figure will look like mine at 90. It's a simple Bill. You're either with the 'fat cats' or you're with your residential homeowners and you're with your park boards and your school districts. You want to make sure that units of local government in Cook County have adequate resources to do the job, a 20% automatic off-the-top reduction for commercial and industrial property in Cook County, makes no sense. If I were the business community, I too, would try to slip in through this back door, but there is no reason to think that those properties, in fact, today are overassessed. The 'no' vote is a backdoor opportunity to hand it off to the commercial and industrial enterprises. There are better ways to solve their problems. I urge a 'yes' vote for the kids, for the homeowners, and for local units of government."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 747?' All those on favor will vote 'yes'; those opposed vote 'no'. The voting is open. There has been a request for a verification. 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 Senate Bill 747, there were 66 Members voting 'yes', 43 Members voting 'no', and 8 Members voting 'present'. Mr. Cross, do you insist on your verification? Mr. Clerk."

Clerk Bolin: "A Poll of those voting in the affirmative. Acevedo. Boland. Bradley. Brosnahan. Brunsvold. Bugielski.



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Burke. Capparelli. Crotty. Currie. Curry. Dart. Davis,  
M. Davis, S. Delgado. Durkin. Erwin. Feigenholtz.  
Flowers. Fowler. Fritchey. Gash. Giglio. Giles.  
Granberg. Hamos. Hannig. Harris. Hartke. Hoffman.  
Holbrook. Howard. Jones, L. Jones, S. Kenner. Krause.  
Lang. Lopez. Lyons, J. Mautino. McAuliffe. McCarthy.  
McGuire. McKeon. Morrow. Mulligan. Murphy. Novak.  
O'Brien. O'Connor. Osterman. Parke. Pugh. Saviano.  
Schoenberg. Scott. Scully. Sharp. Silva. Smith.  
Stroger. Turner, A. Winters. Woolard. Younge. Mr.  
Speaker."

Speaker Hartke: "Mr. Cross, questions of the affirmative. Leave  
has been requested for Representative Bugielski, Giles,  
Shirley Jones, Lou Jones."

Cross: "Well, they must be going somewhere we'd all like to go.  
But I guess that's okay. Representative Julie Curry?"

Speaker Hartke: "Representative Julie Curry. She is in the back  
of the chamber by Representative Hannig's chair."

Cross: "Representative Winters?"

Speaker Hartke: "Representative Winters. Mr. Turner asks leave  
for verification. Leave. Representative Winters. Mr.  
Clerk, remove Representative Winters from the roll.  
Further questions?"

Cross: "Representative Capparelli?"

Speaker Hartke: "Representative Capparelli is in his chair."

Cross: "Representative Giles? He may have..."

Speaker Hartke: "Asked for leave."

Cross: "... I apologize. Representative Sharp?"

Speaker Hartke: "Representative Sharp. She's in her chair."

Cross: "Nothing further."

Speaker Hartke: "On Senate Bill 747, there were 65 Members voting  
'yes', 43 Members voting 'no', and 8 Members voting

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'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Stephens. Would you care to go back to your Bill, now or are you ready? Okay. On page 6 of the Calendar, appears Senate Bill 1281. Representative Black. Mr. Clerk, what's the status of that Bill?"

Clerk Bolin: "Senate Bill 1281, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #2 has been adopted to the Bill. No further Amendments. No Motions filed."

Speaker Hartke: "Third Reading. On page 4, on the Calendar, on Third Reading, appears Senate Bill 1851. Representative Stephens. Would you like to call that Bill? Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1851, a Bill for an Act to amend the State Finance Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Stephens."

Stephens: "Well, thank you, Mr. Speaker. This is a Stephens-Schoenberg Bill. Provides that the State Treasurer may invest monies in the Tobacco Settlement Recovery Fund in the same manner provided in the Illinois Pension Code. The State Treasurer, obviously, supports the Bill. The bottom line is that while that money is being held by the Treasurer the Pension Fund is gonna show about a seven or historically, the last few years it's shown a 7 or 8% return whereas other investments required, if we don't do this, would yield only 5 or 6% and I think that makes good sense, until we decide what we're gonna do with the money. It's another common sense Bill by our Treasurer. I'd be glad to try to respond to any questions and urge your 'aye' vote."

Speaker Hartke: "Further discussion? The Chair recognizes the

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Gentleman from Cook, Representative Fritchey."

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

Speaker Hartke: "Sponsor will yield."

Fritchey: "Representative Stephens, this is not originally your Bill. Is that correct?"

Stephens: "Excuse me?"

Fritchey: "This was not originally your Bill. Is that correct?"

Stephens: "Well, that depends on what your definition of originally is."

Fritchey: "When did you take control of this Bill?"

Stephens: "Well, originally, just a moment ago."

Fritchey: "Whose Bill was it prior to that?"

Stephens: "I'm sorry?"

Fritchey: "Who did you take control of the Bill from?"

Stephens: "Representative Hannig and I agreed that I should become the Sponsor of this Bill about a half an hour ago."

Fritchey: "A couple of months ago the Treasurer had legislation that was set forth in detail her investment authority of the tobacco funds. And that legislation and those provisions were rolled into the Health First legislation which we passed out of this House. Are you aware of that?"

Stephens: "I don't recall the details, but I remember the issue in general, yes."

Fritchey: "I'm curious as to why... I see you've got the Treasurer's capable assistant there with you. She's now seeking broader authority over investment of the funds than she originally sought earlier this Session. Do you know why that is?"

Stephens: "Well, I believe the other investment had to do with bonding. This is a totally separate concept. This is money that would be sitting in some fund as a result of receipts from the tobacco settlement. This is entirely

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separate from the previous concept. That's what Representative Hannig said."

Fritchey: "Well, I understand that. Let me get to that. I don't believe that the Treasurer has any ulterior motives here, in fact, I'm confident that she doesn't. I've had representations from her staff, which I am relying upon, that the only motive here is to attempt to generate as much return on these funds as possible. Is that correct?"

Stephens: "That's correct and that seems to me to make good sense."

Fritchey: "And the Treasurer is not going to use this vehicle as a way for generating extra funds, so that tobacco money can be used for other purposes. Is that correct?"

Stephens: "There's no spending authority. This is just going to cause there to be the maximum benefit, financially, of the money that we currently have on deposit or would receive in the immediate future."

Fritchey: "There is presently, if you take a look in the newspapers on any given day, there's presently a lot of discussion as far as tobacco funds being used for purposes other than health-related purposes, be it tax cuts or things along those lines. You're aware of that, aren't you?"

Stephens: "I believe only half of what I read in the newspaper and I forget the other half. I only can tell you, Representative, that this Bill is not about spending any of the proceeds of the tobacco settlement. It's about investing what we currently have available in the most beneficial manner to the people of Illinois. In other words, getting the best return on the current dollar investment."

Fritchey: "I'm troubled and I'll tell you why. Ron, I'm not

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trying to put you on the spot. I'm really not. I know you just took control of this and it's odd that you did and here's why. The woman standing next to you sat next to me yesterday. I informed her that Representative Hannig was going to move this Bill. I discussed with Representative Hannig that he was going to move the Bill and that was our understanding as of the end of the day, yesterday. The first time that I was aware that sponsorship of this Bill had been transferred over was when I just saw this go up on the board, right now. My understanding had been that the Treasurer's Office was going to be supportive of the concept that tobacco money was going to be spent on health-related purposes. While this has no spending provisions in it and I'm keenly aware of that, there's been a lot of effort to move forward on these investment provisions without anybody stepping up on what we're doing with the tobacco money. As everybody is sitting around this chamber, right now, discussions are taking place all over this building to syphon off hundreds of millions of dollars of money that should be spent on health-related issues for nonhealth-related purposes. All right, that is something that is troubling to me. I do not want to use this as a vehicle to excoriate anybody, but we are sitting here with these issues and it is just wrong. And we're gonna sit here and we're gonna vote on a budget at the end of this Session and we're gonna see hundreds of millions of dollars go out the window and out the door and every other opening of this building for everything but health-related purposes. We're talking about spending hundreds of millions of dollars on property tax relief, hundreds of millions of dollars in various abatements and refunds and maybe two or three or five million dollars on the health of

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our children, the health of our seniors and the health of our families. And it's something that troubles me. Representative, I told you, I am not taking this out on you. It's a very frustrating process that has happened here. I've had a number of representations that have been made to me and then people walking away from these things. To the Bill, Mr. Speaker."

Speaker Hartke: "To the Bill."

Fritchey: "The Bill, in and of itself, is innocuous. It will give the Treasurer broader authority akin to the authority she has over the pension funds. Anything that we can do to increase the return on those funds and maximize the dollars that we'll get pursuant to the settlement, I will support. I will continue to raise my concerns and objections at every possible avenue as to how this money is going to be spent and how the Legislature is being cut out of the process of how that money is going to be spent. I support the Speaker (sic-Sponsor). I ultimately support this legislation. Thank you."

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

Stephens: "Well, during the debate, I understand that some Senators were over here trying to clone our first baseman. Now, I think I object to that. Mr. Speaker, the Bill, to close, this simply allows the Treasurer to invest monies in the fund in the same manner and the same type of investments and subject to the same limitations provided in the Illinois Pension Code. I appreciate the Gentleman's comments and he knows, as we all do, there's no spending authority in this Bill. This is just about making good investments. I'd appreciate your 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass Senate

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Bill 1851?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1851, there are 117 Members voting 'yes', 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 4 of the Calendar, on Third Reading, appears Senate Bill 1690. Representative Feigenholtz. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1690, a Bill for an Act to amend the Principal and Income Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Feigenholtz."

Feigenholtz: "Thank you very much, Mr. Speaker. Senate Bill 1690 amends Section 14 which currently provides that interest and penalties on real estate transfer taxes is to be charged to principal except in cases where the tax has been deferred pursuant to a statutory provision, interest is to be charged to income. The proposed Amendment would result in all interest to be charged one half to income and one half to principal. This change represents a fair allocation of interest on transfer taxes and on any penalties and said taxes. These changes will result in that savings and fuller benefit payments to beneficiaries of trusts."

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

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

Speaker Hartke: "Sponsor will yield."

Cross: "Representative, would you explain to us, 'cause it appears that this Bill also applies or would have applicability or actually, I should say, it might violate

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the rule against perpetuities. What would be your interpretation of this Bill with respect to its violation of the rule against perpetuities?"

Feigenholtz: "It doesn't."

Cross: "Well, Representative, would you agree that it applies to the rule of perpetuities?"

Feigenholtz: "The Rule in Shelley's Case took care of that, Representative."

Cross: "Is that Shelly Winters? Would this apply to all estates, Representative?"

Feigenholtz: "Yes."

Cross: "Including those out of the State of Illinois?"

Feigenholtz: "No."

Cross: "Okay. Would it apply to federal estate returns?"

Feigenholtz: "I'm sorry, Tom. One more time."

Cross: "Would it apply to federal estate returns? Maybe that gentleman next to you can explain the rule against perpetuities and the Shelley's Case, if you don't mind."

Feigenholtz: "No, actually, Tom, this is a Bar Association Bill."

Cross: "Is that your answer to whether or not this applies to a federal estate cases?"

Feigenholtz: "It's not about taxes. It's about..."

Cross: "Is that your final answer?"

Feigenholtz: "... trust. That is. Thank God, it is, yes."

Cross: "So, Representative, you don't feel it's appropriate at this time to explain either Shelley's, anything about Shelley, or the rule against perpetuities? Who is Shelley? What do you mean by Shelley?"

Feigenholtz: "It's the seminal case dealing with the rule of perpetuities."

Cross: "Because no one on this side can explain it either, Representative."



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Feigenholtz: "But Shelly..."

Cross: "Just so you know."

Feigenholtz: "... is somebody that I went to grammar school with.  
Her last name was Rosen and she was on the volleyball  
team."

Cross: "Would this Bill apply to her?"

Feigenholtz: "I hope so."

Cross: "Well, Representative, I appreciate all your answers and  
your analysis of the Bill. And I know it's a fine Bill.  
And you say it's an initiative of the Chicago Bar  
Association?"

Feigenholtz: "I believe so."

Cross: "And they drafted it?"

Feigenholtz: "I believe they did."

Cross: "Where's the Illinois State Bar Association, do they  
support it?"

Feigenholtz: "I don't have that on my analysis from the Senate,  
Representative."

Cross: "You're not aware if the Illinois State Bar Association  
opposes this, are ya? I mean, I don't believe... Sara, I  
don't believe they do."

Feigenholtz: "That's good. I'm glad that you could have  
clarified that."

Cross: "You don't know?"

Feigenholtz: "No."

Cross: "Okay. Are you gonna, as a general rule in the future,  
continue to handle Bills dealing with principal and incomes  
and estates? Are you gonna stick with the easier Bills  
like the needle Bills?"

Feigenholtz: "You know, Tom, I don't know how I got this Bill,  
but thanks for asking."

Cross: "Maybe you ought to see if you can get on the Judiciary

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Committee next year, Sara. Thank you."

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

Lang: "Thank you. Would the Lady yield?"

Speaker Hartke: "The Sponsor will yield."

Lang: "Thank you. Representative, I'm talkin' to you. Were you finished with your Bill?"

Feigenholtz: "I thought so."

Lang: "Well, no, there are questions. So, I heard Mr. Cross ask you if the Bill violated the rule against perpetuities and you said 'no'. Can you explain the rule against perpetuities to us? Because the lawyers here all passed the bar exam really have no idea what it does. Can you explain to us what the rule against perpetuities does? It took us 23 years in law school, we still didn't understand it. Maybe staff can explain it to you in 20 seconds."

Feigenholtz: "Okay. Are you ready?"

Lang: "Oh, we're ready."

Speaker Hartke: "Mr. Lang, would you keep your remarks to the Bill."

Feigenholtz: "If an interest vests in over..."

Lang: "This is to the Bill."

Feigenholtz: "... 21 years..."

Lang: "Wait. I missed the beginning. Wait. Start over. Start over. I'm waiting. I'm sorry. Is this your first Bill, Representative? All right. You know what? You know what? Forget about it. I don't know why we should vote for a Lady's Bill if she doesn't even know what it does. So, if Mr. Cross is opposed, I'll have to be opposed."

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

Feigenholtz: "Vote for this Bill."

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Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1690?' All those in favor will vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1690, there are 116 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 4 of the Calendar, on Third Reading, appears Senate Bill 1397. Representative Lawfer. Out of the record. Mr. Stephens. Ron Stephens. Are you ready yet? On 649? Excuse me? Okay. On page 3 of the Calendar, on Third Reading, appears Senate Bill 1307. Representative O'Connor. Representative O'Connor. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1307, a Bill for an Act to amend the Property Tax Code. Third Reading of this Senate Bill."

Speaker Hartke: "Representative O'Connor."

O'Connor: "Thank you, Mr. Speaker, Members of the House. This legislation amends the Property Tax Code by changing the definition of income for the purposes of the Senior Citizens Assessment Freeze Homestead Exemption. What it does is it exempts veterans' benefits from the definition. I'd be glad to answer any questions. It is not opposed by any party and it's supported by the veterans' groups."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1307?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1307, there are 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional

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Majority, is hereby declared passed. On page 4, on the Calendar, on Third Reading, appears Senate Bill 1871. Representative Kenner. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1871, a Bill for an Act concerning state contracts. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Kenner."

Kenner: "Thank you, Mr. Speaker. Thank you. Senate Bill 1871 amends the Illinois Procurement Code and basically, provides that state agencies file with the Comptroller any grants exceeding \$10 thousand before the Comptroller will authorize payment. There's no known opposition and it passed the Senate, unanimously. And I would just ask for an 'aye' vote. Thank you."

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

Cross: "Thank you, Mr. Speaker. Real quick, Representative. Is there a reason why you tabled Amendment 1?"

Kenner: "Yes. Negotiations for Amendment 1 are still ongoing and that'll come up in the next Session."

Cross: "Is there any opposition then to the Bill as it now stands or as written?"

Kenner: "No known opposition."

Cross: "All right. Thanks a lot."

Speaker Hartke: "Further discussion? Seeing no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1871?' 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 Senate Bill 1871, there are 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On

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page 4 of the Calendar, on Third Reading, appears Senate Bill 1541. Representative Rutherford. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1541, a Bill for an Act to amend the Public Utilities Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The genesis of this Bill actually came up my first year as a Legislator. My mother had her trees, at her home, severely cut by the utility company with no notice ahead of time. And as I started to look into it, there really were no guidelines at what a utility company could or could not do with regards to tree trimming. So, we put together legislation which has now, actually been... that would require a utility company to follow the International Society of Arboricultural standards. It would require a utility to notify a community or an unincorporated rural area 21 days before they would come in with their trimming crews. It would require them to notify the customer at least seven days prior to them coming on their property to trim their trees and it would require them to provide a toll-free number for the individual that had any questions or concerns with regards to that. In order to insure that certain local ordinances could retain their integrity, with regards to tree trimming, we've also provided that this legislation would not interfere with any type of franchise agreement, written contract, or any other type of written agreement. And if there were any ordinances in place now or in the future, that they would be able to be in effect. It would just state that if their standards were greater than those established statutorily here and there was an additional cost to that, that the municipality would have

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to pay the difference if the utility company would charge them for that. As we have it now, the City of Chicago, the Municipal League and the other organizations representing municipal groups are all neutral on this. A couple of the utility companies are proponents of it and a couple of them are opponents to it. I'd be glad to answer any questions."

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

Wojcik: "Thank you, Mr. Speaker and Members of the House. I just rise to support this piece of legislation and to compliment the Sponsor for all the time and effort he put into this Bill and to understand the problems I had within my own community. He worked very hard and diligently to appease everyone and it's my compliments to him. And I urge its passage."

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

Lang: "Thank you, Mr. Speaker. I was not sure how I was gonna vote on this Bill until Representative Rutherford mentioned that it was his mother's idea. If I came to the House Floor with a Bill that my mother had given me, I hope you would all vote for it. So, let's all vote for Representative Rutherford's Bill."

Speaker Hartke: "The Chair recognizes the Gentleman from Cook, Representative Fritchey."

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

Speaker Hartke: "Sponsor will yield."

Rutherford: "I will yield. If I could real quick, I just want to clarify Representative Lang. It really wasn't my mother's idea for this Bill. It was her problem with her trees' butchered that gave me the genesis... that put the genesis to doing this. Representative Fritchey, I'd be glad to

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answer 'em."

Fritchey: "That answered my first question, if she was the one that's been drafting all of your Bills for you."

Rutherford: "No, no, no. She's not... no."

Fritchey: "Question two, I'm wondering in all seriousness, does this provide anything in situations, in emergency situations? Let's say you had an ice storm that would necessitate branches being cut down immediately for danger of them weighing down or pulling down power lines, is there still a seven-day notice requirement?"

Rutherford: "No, page 2, line 16, it specifically notes that a public utility shall not be required to comply with these and then it goes through. The very example you just gave, in order to maintain specific emergency reliability and the like."

Fritchey: "And so that would be anything that they deem to be an emergency that they don't have to go and get special clearance first."

Rutherford: "Correct. And it's specifically written in the Bill so we don't have that problem."

Fritchey: "I mean, obviously, the intention's good to protect the homeowners. I just wanted to make sure that, you know, I hate to admit that I haven't actually read the Bill, Dan, but that we've got the protections that we need in there and another issue had been raised as to after such time, let's say they give seven-day notice, it's required or they don't if it's not, there may be special notice required in my district, Representative McKeon's district we had the problem with the Asian beetles."

Rutherford: "I missed that last part."

Fritchey: "We had problems with Asian beetles..."

Rutherford: "Rutherford: "Okay."

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Fritchey: "...over this past year and so while utility companies in the city had to come in and cut down trees and tree branches on peoples' property... Does anything here affect disposal requirements of any vegetation that's cut down by the utility companies?"

Rutherford: "No, nothing in here addresses the issue of how it's disposed of."

Fritchey: "So..."

Rutherford: "And if I could respond though perhaps, in your specific area, what you've got is the City of Chicago's under a franchise agreement with Commonwealth Edison and whatever terms of the franchise agreement have to provide for those, this would not disavow those as to continue on as they are."

Fritchey: "As usual, you're a step ahead of me, again. 'Cause my next question was, what if there was an external agreement between the utility and a municipality?"

Rutherford: "This does not..."

Fritchey: "This wouldn't impact that."

Rutherford: "No. Any franchise agreement, written agreement, or contract retains its integrity."

Fritchey: "But this would then prevent new contracts from being entered into or franchise agreements which would have terms other than those specified in the statutes."

Rutherford: "It would not. If, for example, a franchise agreement between a community and the utility suggested that rather than seven days notice they would require to give a different alternative, the franchise agreement would have precedence."

Fritchey: "So, a utility then... tell me if I'm wrong. A utility, if they didn't want to comply with this, they could negotiate the terms of this statute away with the



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local municipality?"

Rutherford: 'I wouldn't quite go that far with it, but if it was in a franchise agreement and they had different terms than what is laid out here, that is correct. And again, the reason for this is, the vast majority of the State of Illinois has absolutely no standard, whatsoever. The very small hand full of communities that do have local ordinances and the limited number of franchise agreements are gonna continue on and have precedence. What this does, it really protects or covers many folks that are in communities that do not have these types of agreements and particularly, in unincorporated rural areas where there is no agreement whatsoever. We, now, at least will have some obligatory standard they have to meet."

Fritchey: "Thank you very much and my commendations to your mom."

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

Novak: "Yes, Mr. Speaker. The Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Novak: "Dan, is this a trim Bill? This is a trim Bill."

Rutherford: "This is the tree trimming Bill."

Novak: "Okay. Could you tell me, is CIPS still opposed to this Bill?"

Rutherford: "It is my understanding that they are still opposed to this Bill."

Novak: "All right. And that's the only utility opposed to this Bill?"

Rutherford: "I want to be careful. I'm not sure, but possibly CILCO is. They had not filed a witness slip when we were in committee. My discussions with 'em, though, led me to believe that they may also be opposed to it."

Novak: "And what about Commonwealth Edison, Illinois Power?"

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Rutherford: "Commonwealth Edison and Illinois Power are proponents of the legislation."

Novak: "And the Municipal League is?"

Rutherford: "The Municipal League is now neutral on the legislation."

Novak: "Okay. So since we had our discussion in the committee, what has transpired since then to precipitate the neutrality of the Municipal League? In 30 words or less."

Rutherford: "In 30 words or less, there was a minor change to clarify that the ICC's sole authority would apply to subsection (a), so that that would allow if they were to have an ordinance and if the violation from a utility company under ordinance, that it would not necessitate ICC intervention that they could utilize the circuit courts. And I believe that was one of the major clarifications that allowed the municipalities some comfort in this."

Novak: "So, in the Village of Dwight..."

Rutherford: "Okay."

Novak: "...if the city wants to pass an ordinance controlling vegetation management, with respect to utility lines, do they have the right to do this under your Bill?"

Rutherford: "Yes, they do. The caveat to it and this is, I think, is very fair. Is that the Village of Dwight could pass an ordinance if their standards were stricter than those outlined here and it would have cost the utility company more to implement than what the standards outlined here, the utility company may charge that additional cost back to the community and the community would be responsible to pay that. And the reason for doing that is that it would then not necessitate the utility bearing additional cost and then cost shifting that back to additional ratepayers outside of that specific community

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but yet within the service territory of that utility company."

Novak: "How are these costs determined?"

Rutherford: "It would be through... It's statutorily obligated that the public utility would have to give them a cost estimate so they'd have to send in someone from their tree-trimming operation, noting what it costs, what a standard is and then note what the variances would be as a requirement of the ordinance. An example may be that they would necessitate to have an arborist with them at every tree they go to, if that was an ordinance requirement and that's not a part of the standard, the cost to have an arborist at every tree they trim, they can be calculated and that estimate would be given to the city."

Novak: "Well, getting back to the local municipality, where applicable, can their own employees go ahead and do these tree trimming or does it have to be on a... or does the utility have to contract with a arborist or any other type of tree-trimming business?"

Rutherford: "Yeah. I want to be careful. I don't know the answer to that, but what I do know is this legislation would not affect or change whatever that procedure is in place now."

Novak: "Okay. And then what type of a standard or maybe I shouldn't refer to the word standard, but what type of a concept or rule does the commission have authority to do under this Bill?"

Rutherford: "Everything that the commission had authority to do under this... prior to this Bill is retained. And it, actually, is a specific wording in here to insure the fact that it's recognized that if the Illinois Commerce Commission promulgated rules with regards to vegetation

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management, those rules would continue to have precedence as they do today by authority of the Public Utility Act. As well, if a utility files a tariff for vegetation management as approved by the Illinois Commerce Commission, its authority to retain its integrity, as it stands under the Public Utilities Act, would still be there."

Novak: "And so that we're gonna have a new rule making with the ICC. Is that correct?"

Rutherford: "No."

Novak: "No."

Rutherford: "The underlying Bill, Representative, required the ICC to promulgate rules. There was some concerns with regards to some of the parties about mandating them to do that. We have taken this out of here as far as an obligation for them to do it, but yet the opportunity still remains if they, on their own volition, decided to do it they can do it. And its authority would continue as it is today."

Novak: "Okay. You say they... but so they retain the authority to promulgate rules, right?"

Rutherford: "That is correct. They are not mandated by this Bill to do that, though."

Novak: "Okay, but if they go ahead on their own and promulgate rules that are more restrictive than let's say the Village of Dwight's ordinance, what happens here?"

Rutherford: "In the case of that, because of the authority of that village... I'm sorry... of the Commerce Commission having the purview of the right-of-way for utility companies they would have the ability to pre-empt that local ordinance. And again, this legislation does not add that power or detract from that power, that power already exists for the Commerce Commission under the authority of

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the Public Utilities Act."

Novak: "Okay. Thank you very much."

Rutherford: "Thank you."

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

Rutherford: "I'd appreciate a favorable roll call."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1541?' 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? Mr. Clerk, take the record. On Senate Bill 1541, there are 103 Members voting 'yes', 9 Members voting 'no', and 8 Members voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 4 of the Calendar, on Third Reading, appears Senate Bill 1425. Representative Turner. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1425, a Bill for an Act concerning park districts. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Turner."

Turner, A.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. Senate Bill 1425 is an initiative of the Chicago Park District and that it basically does the following three items. The first Amendment, Amendment #1, was an Amendment which would allow the museums to experiment with free days. Right now, there are 52 free days that the museums are allowed to implement and what we requested is that these 52 days be used during the summer months between June and August. Amendment #2 is an Amendment that was given to me by Senator Shaw. It's an Amendment... an initiative on behalf of the South Suburban Mayors and it would form a museum district in the south

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suburbs. This Amendment would allow counties with a population of more than 2 million to create museum districts. And Amendment #3 is an initiative introduced by Representative Ricca Slone and it prohibits the park board from transferring 70% or more of its land to a transferee who plans to substantially alter the use of that property unless the proposal gains the approval of the majority of voters in a general election. I would move for the favorable adoption of Senate Bill 1425. And ready to address any questions that you may have."

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

Skinner: "Could you tell us the property tax implications of Amendment #2? If any."

Turner, A.: "I didn't hear the first part of that question."

Skinner: "Could you tell us the property tax implications of Amendment #2, if any?"

Turner, A.: "I don't think that anything can happen unless there's a referendum. It has to be referendum first so that once that's passed and whatever they call for in a referendum that would be the implication, but there's nothing that happens automatic."

Skinner: "And what tax rate can be imposed if a referendum passes in the south suburbs?"

Turner, A.: "Representative, I'm having a hard time hearing you. What did you say, again?"

Skinner: "I think I used up all my volume on the last Bill. What property tax rate can be imposed if a referendum passes in the south suburbs?"

Turner, A.: "We didn't address that in the Bill, Representative."

Skinner: "I guess I'm getting lost in the lack of chain of logic. If you can't create a district without a referendum, what's

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the use of having a referendum if you don't have a tax rate?"

Turner, A.: "The referendum would include the proposed tax rate. If it's a new district that we're creating, then I would assume that the referendum would talk about what that tax rate is."

Skinner: "Well, what is the maximum tax rate that could be levied?"

Turner, A.: "What's the maximum for... What's the maximum tax rate? I don't know the answer to that question, Representative."

Skinner: "Is Amendment #2 more than nine lines long?"

Turner, A.: "Is it more than nine lines long?"

Skinner: "Yes."

Turner, A.: "It's exactly nine lines long."

Skinner: "If you're reading what I'm reading, I can understand why you don't have a clue what it's about."

Turner, A.: "It's exactly nine lines long."

Skinner: "Well..."

Turner, A.: "It's approved by the... it's an initiative by the South Suburban Mayors and ultimately, the taxpayers will determine if, in fact, there's going to be a museum district."

Skinner: "All right. Well, I'm making... I just have this wild assumption that somewhere in the underlying law there must be a maximum tax rate. Could you ask one of your astute staffers to dig it out for you?"

Turner, A.: "Yes. Hold on just one minute."

Speaker Hartke: "Mr. Turner, do you have the answer?"

Turner, A.: "I'm trying to get an answer for the Representative. Your question again is, what is the maximum allowable tax rate?"

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Skinner: "That's correct."

Turner, A.: "Well, as I say, I thought that that would be a question that would be put in the referendum itself, how far or what the limit is. I just don't know and I'll try to... we're trying to get an answer for you."

Skinner: "Well, I was willing to wait until 1:00 this afternoon on Senate Bill 747. I'm surely willing to wait 'til 1:00 this afternoon on this one."

Turner, A.: "Well, you may be here by yourself, Representative. There's a few of us that don't want to wait."

Skinner: "We should all be so blessed that no one is here at 1:00 this afternoon."

Turner, A.: "I've heard from a few that are ready to go."

Skinner: "Well, Representative, I really think we need to protect the South Suburban Legislators, all of whom, we hope, on the Republican side of the aisle are targets. So, it would be helpful to know if they're gonna vote for a dollar tax rate or a 10¢ tax rate. I mean, we should give 'em a reason to vote 'yes' or 'no'."

Turner, A.: "Well, this Bill doesn't spell any particular rate. So whatever that rate is statewide... What is the rate statewide? I mean, what currently, do we pay statewide or is it different for cities over 2 million? And if so, whatever that maximum limit is I would assume that that would be the current law that would have impact here, that that would be the gauge. Yet, the voters themselves in the referendum would determine whether we go one dollar or we go up to whatever the max is."

Skinner: "Well, maybe the Senate will clarify it. Usually, there's a maximum rate built in. Thank you."

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



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

Speaker Hartke: "The Sponsor will yield."

Turner, A.: "I'll try."

Black: "Representative, Floor Amendment #3. Let me address my concerns to the Chair. Mr. Speaker."

Speaker Hartke: "Yes, Sir."

Black: "Is Floor Amendment #3 germane to the Chicago Park District Code, since it deals with a downstate park district?"

Speaker Hartke: "I'm gonna have my parliamentarian take a look at that."

Black: "I would appreciate that. I would appreciate that."

Speaker Hartke: "Floor Amendment #4."

Black: "No, 3."

Speaker Hartke: "You're asking if it is germane to the Bill?"

Black: "Yes. As I interpret the underlying Bill, it deals with the Chicago Park District and Floor Amendment #3, obviously, deals with a downstate park district code. You know, the Supreme Court looks very carefully at this kind of thing. I just was curious. While I'm waiting for that, Mr. Speaker, could I ask the Sponsor a question or two?"

Speaker Hartke: "You may."

Black: "Thank you. Representative, forgive me, I was upstairs during part of the questioning and I do apologize if I go over something that Representative Skinner has asked you. I'm not sure I understand why you are wanting to put Chicago under the... Let me get the language here. The Museum District Act."

Turner, A.: "What was the first part of the question?"

Black: "Yeah. Floor Amendment #2..."

Turner, A.: "Right."

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Black: "... you delete a Section of the Park District Act and you... which would allow Cook County then to come under the Museum District Act. To be real honest with you, I don't know what the Museum District Act does and it's unusual... we don't see legislation very often that does away with a population requirement so Chicago can participate. Generally, it's just the opposite. What does the Museum District Act do?"

Turner, A.: "It permits cities and towns outside the City of Chicago to have museum districts. This Act was created in 1989."

Black: "Okay. Now, and I think then, Representative Skinner may have been asking if you want to, in Chicago, be under that Act, I assume then there may be a purpose to create a new museum. Somebody may, in your area, say, 'We'd like to create a new museum.' The question is, under the existing Museum District Act, to create a new museum if, in fact, it is to be partially or in whole supported by tax dollars, is there a referenda requirement in a front-door referenda, at that?"

Turner, A.: "Yes, a referendum is required. And in regards to the question that Representative Skinner asked, in terms of the rate, the rate is not to exceed the rate of .2% of the assessed value as equalized by our Department of Revenue."

Black: "Are you at liberty to say what this new museum may be? I mean and I don't want you to violate anyone's confidence. I thought maybe since Mayor and Senator and all around public servant the honorable Mr. Shaw was standing next to you that perhaps this will be the Shaw Museum. And he's certainly deserving of that. I just wondered if it was... What is being considered?"

Turner, A.: "It would be a multicultural museum and I think,

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there's some seven south side mayors that are interested in creating this museum."

Black: "So, in this case, the gentleman standing behind you, is wearing his mayoral hat, correct?"

Turner, A.: "No, he, I think, he's an interested Sponsor in support of the Amendment and willing to help guide this Bill when it comes back over to the Senate."

Black: "I see."

Turner, A.: "I would hate to say that he's lobbying or wearing any hat on the House Floor here, other than that as a Legislator."

Black: "Under his most capable hands and direction, there is no question that this will fly out of the Senate. I mean, the Shaw name is magic. We all know that. We can only hope to aspire to his level of public service. The proposed museum, would it perhaps, be located in the thriving and fast growing community of Dolton?"

Turner, A.: "The location has not been determined at this time. There will be a committee of the South Suburban Mayors who will determine where that location is."

Black: "Okay. And would the mayors all have one vote or would it be a weighted vote? Now, you don't need to answer that, 'cause I know where most of the weight is on the southside mayoral organization, but I don't want to go there. But there is a front-door referenda on any new museum..."

Turner, A.: "Yes."

Black: "... correct? That's what your staff has indicated."

Turner, A.: "There is a front-door referendum, right."

Black: "Okay. And then the only other question that I had is pending from the parliamentarian on Floor Amendment #3. I do appreciate your forthright answers to the questions. So, thank you."

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Turner, A.: "Thank you, Representative. Okay."

Black: "Mr. Speaker."

Speaker Hartke: "And Mr. Black, I do have an answer for you.  
I've checked with my parliamentarian and he will respond."

Black: "Thank you."

Parliamentarian Uhe: "Representative Black, on behalf of the  
Speaker in response to your inquiry, the question of  
germaneness is properly decided under Rule 63 of the House  
Rules. Amendment #3 which is the subject of your question  
has been adopted to the Bill, therefore, the question of  
germaneness and the Motion on a different subject is  
untimely, at this point."

Black: "Okay. Well, I just... Mr. Speaker, given the point then  
that Floor Amendment #3 is on the Bill, would I be in order  
to ask the Sponsor of Floor Amendment #3 just two simple  
questions? I believe that's Representative Slone. Slone's  
Amendment."

Speaker Hartke: "You may. Representative Slone."

Slone: "Thank you, Mr. Speaker."

Black: "Yeah. Representative, the only reason that I raise the  
question is I think I know, I remember this Bill, as I  
recall. But there's always a question, lately, of the  
Supreme Court looking at everything we do. I trust that  
this is a single subject. But let me refresh my memory.  
You have a situation in your district where a park district  
wants to sell some land to a developer who will then build  
a golf course, correct?"

Slone: "Close. Mr. Black, the situation is in my region, it is  
not in my district."

Black: "Okay."

Slone: "And they want to lease the land. If they..."

Black: "Lease, all right."

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Slone: " ... wanted to sell the land..."

Black: "Okay."

Slone: " ... they would be required to have a referendum."

Black: "Right."

Slone: "They want to lease the land, this language would require them to hold the referendum, in this case, also."

Black: "Okay. And I remember, my earlier questions to you, the proposed golf course on this park land, would it be a fully public access course or a private or limited access course?"

Slone: "I don't remember, Mr. Black. I'm sorry."

Black: "The reason I ask, I think I would have a real problem if they are leasing public land to develop a quasi country club. I mean and I would think you and Representative Leitch would also have a problem if, in fact, public land would be leased from a public park district, I assume, supported with some tax revenue, would that be a correct assumption? The park district, does it operate on some kind of tax levy?"

Slone: "I believe so, yes."

Black: "Okay. But it appears to me what you are doing, if I understand this correctly, you are trying to empower the people in this district to be able to answer the question, 'Do you want this land leased for a golf course, 'yes' or 'no', ' in a public referendum, correct?"

Slone: "That's correct."

Black: "Okay. That sounds eminently fair to me. And I appreciate your answering the question. Thank you."

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

Turner, A.: "I thank you, Mr. Speaker and I just move for the favorable adoption of Senate Bill 1425."

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Speaker Hartke: "The question is, 'Shall the House adopt Senate Bill 1425?' 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 Senate Bill 1425, there are 116 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Stephens, are you ready now? Mr. Lang. On page 4, on Third Reading, appears Senate Bill 1629. Representative Wait. Ron Wait. Out of the record. On page 4, on Third Reading, appears Senate Bill 1453. Representative Beaubien. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1453, a Bill for an Act concerning taxation. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Beaubien."

Beaubien: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen. This Bill is the initiative of the Illinois Chamber of Commerce in agreed language with the Department of Revenue to reform a committee to study the simplifying of the sales tax reporting. There are five other subparts that were part of the Bill 4431, which passed through the House, previously and they are also in this Bill. And I would urge passage of this Bill."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 14... Excuse me. Slow on the switch. Representative Slone. For discussion. Representative Slone."

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

Speaker Hartke: "The Sponsor will yield."

Slone: "Mr. Beaubien, is this... I'm sorry. I didn't hear. Is

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this for a study or they've already had the study and this would implement the results of the study?"

Beaubien: "This is for a study. There was a Bill in this year to actually pass a Bill dealing with the simplification. There were too many questions dealing with the municipal leagues and municipal areas, so this is strictly a study to come back next year, perhaps, with a Bill. There's more numbers and everybody will be able to agree to. Thank you."

Slone: "Thank you."

Speaker Hartke: "Further discussion? Seeing no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1453?' 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 Senate Bill 1453, there are 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 4 of the Calendar, on Third Reading, appears Senate Bill 1693. Representative Hamos. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1693, a Bill for an Act to amend the Property Tax Code. Third Reading of this House Bill."

Speaker Hartke: "Representative Hamos."

Hamos: "Thank you, Mr. Speaker, Ladies and Gentlemen. The underlying Bill makes a small change in the Tax Code to provide that it's the certificate of the... the owner of the certificate of purchase that has the right, under the sales and error statute in the Property Tax Code, rather than the tax purchaser. And that's because sometimes the tax sale is sold to a different owner, so it's a different

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owner of the certificate of purchase who has those rights. That's the underlying Bill. Amendment #2... And that was brought to us by the Chicago Bar Association. Amendment #2 was also brought by the Chicago Bar Association to correct a problem that and it's a small change again, in last year's, in a Bill that we passed last year, which has to do with the indemnity fund and how much, again, a tax sale purchaser has to put into the indemnity fund, 5% of the taxes, interest, and penalties paid by the purchaser not 5% of the total taxes, which had been inadvertently left in last year's statute. Now, Amendment #4 which supersedes one Section of Amendment #2 is an Amendment that I am bringing on behalf of one of my constituents and I have sort of honored her by calling this the Willie Weeks Amendment. This is a woman who owned her modest home in Evanston for 27 years only to find out, accidentally, that her home had been sold erroneously in a tax sale. And that's because after her mortgage had been paid off she had had the taxes transferred to her name and address, but because of a bureaucratic error it was posted to a different property identification number. So she found out two and a half years into it, after paying her taxes on time, that her property had been sold and we then had to go to court. Now, the law was very unclear on what could be done in these cases, when again, because of a mistake an error in the post, in the way that the taxes are attributed to the property identification number, innocent homeowners can be heard. And what we are saying here, in Amendment #4, is that as one of the grounds on which the Treasurer and the state's attorney may go to court on behalf of a homeowner, one of the grounds we're adding is that the owner had tendered timely and full payment of the taxes



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that the owner reasonably believed was due and owing and the county collector did not apply the payment to that homestead property. This Section only applies to homeowners and we've added a phrase here on behalf of the Cook County Treasurer that it does not apply to mortgage companies. We do want mortgage companies who pay real estate taxes on behalf of homeowners to be very careful about what property identification number they are asking taxes to be posted to, but sometimes homeowners do not know exactly where those taxes are being posted. This is a very important Bill to, not only, my constituent, Willie Weeks, who really fought this out all the way into court and told her story to a judge, but I believe there are many other innocent homeowners who are inadvertently caught up in this problem. And I ask you for your favorable support."

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

Black: "Thank you very much, Mr. Speaker. I was conferring with staff. This is a very complicated Bill. Could the Speaker (sic-Sponsor) go through her presentation again? Did she read the Bill or did she just give a summary?"

Speaker Hartke: "She gave a summary."

Black: "Thank goodness. Will the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Black: "Representative, I remember reading about this case and I stand in complete support of your Bill. What I'd like to mention to you, I brought a Bill very similar to this only a little different kind of a problem three or four, five years ago, I don't remember and ran into some problems and maybe you and I can work together. Because I think this is a good Bill and a positive step. What I'd like us to consider; I had an elderly person in my district, who

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probably now we would say in the initial stages of Alzheimer's, she would get her property tax bill and would always pay it, but there came a time when she didn't know what to do with it, she said later, she stuck it in her desk drawer and didn't pay. She did have the resources to pay the tax bill, that was not the issue. She lost her house. I tried to pass a Bill that simply said the bank or the holder of the mortgage or in this case the house was paid off, the assessor's office would have to send a duplicate notice to anyone designated. For example, she had a son who lived out of the state who would have made certain those taxes were paid, had he known. And I don't know why this Bill attracted opposition, but we couldn't pass it. And it just seems like maybe you're gonna be successful in this and maybe you and I could work together. I can't imagine why we couldn't send a duplicate tax notice, in case of a senior, to someone they would designate, either their attorney or one of their children. If you'd help me do that, 'cause I don't know why it couldn't pass several years ago, but maybe we could tag along on the success of your Bill next year, if you'd help me."

Hamos: "Who's your new staffer over there, Representative Black?  
I don't..."

Black: "I'm sorry, what?"

Hamos: "You have an expert staffer over there advising you on these property tax matters."

Black: "Let me just say this. She has done an excellent job for us. Her performance evaluation was a little shaky last year, but it's coming along. I think she might even get a bonus at the end of the year."

Hamos: "Representative Black, since I've introduced this Bill, a

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number of Legislators have talked to me about specific problems that they've heard about. I am very interested in this area of law since I've had to work on this issue. I am, however, at this time going to take this out of the record, if I get an extension to call it next week."

Black: "I'm sorry. Wait. You want to take this out of the record and extend the deadline? Do you have an agreement to extend the deadline? Mr. Speaker, I haven't seen that many people since we negotiated the Nuclear Nonproliferation Treaty? What's going on here?"

Hamos: "This is a very popular Bill because Willie Weeks has really made an impact. I'm going to take this out of the record, right now. Thank you."

Black: "Well, I hope it isn't anything I said."

Speaker Hartke: "Mr. Clerk, take this Bill out of the record. On page 4, on Third Reading, appears Senate Bill 1451. Representative Sommer. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1451, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Sommer."

Sommer: "Thank you, Mr. Speaker. Senate Bill 1451 is a clean up of a TIF legislation that was passed last year. Left off of it was some direction as to reports that are to be filed with the Comptroller's Office and also, an Amendment to specify how certain audits are supposed to be done on an annual basis and presented to the Comptroller's Office. This is supported by the Comptroller and the Municipal Association in Illinois. Appreciate it."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1451?' All those in favor will signify by

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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 Senate Bill 1451, there are 116 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 4 of the Calendar, on Third Reading, appears Senate Bill 1428. Representative Silva. Out of the record. Mr. Clerk, what is the status of Senate Bill 1281?"

Clerk Bolin: "Senate Bill 1281 is on the order of Senate Bills - Third Reading."

Speaker Hartke: "Move that Bill to Second Reading for the purposes of an Amendment at the request of the Sponsor. On page 4 of the Calendar, appears Senate Bill 1629. Representative Wait. Take that Bill out of the record. Representative Black, for what reason do you seek recognition?"

Black: "Yes. I'm thoroughly confused. A Bill that probably would have passed, unanimously, was taken out of the record and my Bill went on the board and it was taken out of the record. And I wanted to move that Bill back to Second. Or did you already do that?"

Speaker Hartke: "We took your Bill and put it on Second Reading."

Black: "You're very kind. Thank you."

Speaker Hartke: "You're welcome. On page 4 on the Calendar, on Third Reading, appears House Bill or Senate Bill 1391. Representative Lyons. Eileen Lyons. 1391. Out of the record. On page 4, on the Calendar, on Third Reading, appears Senate Bill 1660. Representative Leitch. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1660, a Bill for an Act to amend the

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Illinois Public Aid Code. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Leitch."

Leitch: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1660, in its underlying form, repeals obsolete language for the Mediplan Plus that we have never used in Illinois, though we spent hours and hours and hours putting it together. But that language is no longer necessary. The Amendment, in Senate Bill 1660, is directed to keep open the Golfview Developmental Center. It's a 135 bed facility for developmentally disabled people in Des Plaines. And this makes changes to the reimbursement rate, capital reimbursement rate, so that this important agency can stay in business and with that, I would ask for your support."

Speaker Hartke: "Is there any discussion? Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1660?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1660, there are 115 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 3, on the Calendar, on Third Reading, appears Senate Bill 1377. Representative Hannig. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1377, a Bill for an Act to amend the Fire Protection District Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Hannig."

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Hannig: "Mr. Speaker, Representative Slone is actually the new chief Sponsor on this Bill and so I would yield to Representative Slone."

Speaker Hartke: "The Chair recognizes Representative Slone."

Slone: "Thank you, Mr. Speaker. I am standing. And this Bill is an initiative of the fire protection districts. And what it does is it says, that if two fire protection districts are combining, they have to go for a referendum on that. And the Bill would require, in that case, that the referendum indicate what the combined tax rate would be for the two fire protection districts so people know what they're voting on. I would appreciate an 'aye' vote."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1377?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1377, there are 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Stephens, are you ready? The Chair recognizes Representative Stephens."

Stephens: "Mr. Speaker, I believe that there's an agreement with the Majority Leader that she has a mechanism by which we can extend the deadline. And I trust that that's in her hands and going to be taken care of. We'd like to extend the deadline to sometime next week and we'll have an Amendment ready."

Speaker Hartke: "Let me check on that and I'll be right with you."

Stephens: "Okay."

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Speaker Hartke: "Mr. Clerk, take this Bill out of the record, temporarily. On page 5 of the Calendar, on Second Reading, appears Senate Bill 121. Representative Scott. Mr. Clerk, call the Bill. Out of the record. Page 5, on the Calendar, appears Senate 807. Representative Smith. Mr. Clerk, call the Bill."

Clerk Bolin: "Senate Bill 807, the Bill's been read a second time, previously. Amendments 1 and 2 were adopted in committee. Floor Amendment #9, offered by Representative Smith, has been approved for consideration."

Speaker Hartke: "Representative Smith."

Smith: "Thank you, Mr. Speaker. We have before you today Amendment #9 which has been recommended by the Human Services Committee. The underlying Bill is a reform of the 'certificate of need' process that many of you have probably heard about before the Health Facilities Planning Board. Amendment #9 actually becomes the Bill and I'll explain the provisions of it. This legislation would create a threshold for projects that would have to come before the board for the 'certificate of need' approval. That threshold in this Amendment is set at \$6 million. Nonclinical projects would be exempt. That would be for projects such as roof repairs, boilers, anything that is nonclinical. However, as part of the agreement that was reached and is represented by this Amendment, there would be an annual capital expenditure report that would be filed with the board by all health care facilities for capital expenditures over \$200,000. This Amendment bans ex parte communications between applicants before the board and members of the Health Facilities Planning Board. It addresses concerns raised by fitness centers and clearly states that nothing in this legislation changes the current

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law on fitness centers. It includes language from Senate Bill 1278 which regulates surgical services provided by out-of-state providers or their affiliates coming into the State of Illinois. There's further... requires an audit by the Auditor General, requires transcribing of all closed sessions of the Health Facilities Planning Board. This represents a number of discussions that have occurred since the original Bill passed out of committee between the Hospital and Health Systems Association and the State Medical Society and other groups. This is not completely agreed to by all those parties, but I believe that we have come a long ways in addressing the concerns that were raised by many of those organizations. We have language in here to clarify that assisted living facilities are not part of the 'certificate of need' process as well. That, essentially, are the main points of Amendment #9 and I'd be happy to answer any questions."

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

Klingler: "Thank you very much, Mr. Speaker. I rise in support of this Amendment and I believe, this is a good compromise to address this very important issue. I think it's very important that the Health Facilities Planning Board be able to focus its time and its efforts and energy on new facilities that are being planned and new services rather than on routine. I think it's important that this Bill exempts the nonclinical from the 'certificate of need' process such as new roofs or buildings or parking lots. Example, yesterday I was at one of the two major hospitals in Springfield and picking up my mother who was being discharged and I got there before Session around 10 or 11, could not get a parking spot. I went through all the lots,



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cars were circling, had to park three or four blocks away at a small clinic and walked there simply to be able to go through the discharge information and pick her up. But for that hospital, if that parking crisis continues, they should, as a part of a marketplace analysis, be able to decide whether they needed to build a new parking lot. I don't believe that they should have to go through the expensive 'certificate of need' process. So, I think this is a good Bill. Many states do not even have a 'certificate of need' requirement, that it relies again on marketplace and economics just as other businesses would not expand unless there was a justification in the business world for it. And I do urge support for this Bill."

Speaker Hartke: "The Chair recognizes the Lady from Will, Representative Kosel."

Kosel: "Thank you, Mr. Speaker. I rise in support of 807 (sic-Senate Bill), today. It makes common sense changes to a program that has needed some addressing and has had some problems. It means that expenditures for nonclinical things such as computers or phone systems, parking lots, boilers, and so forth, will not need a 'certificate of need' anymore. The state asks hospitals to make safety changes. The state asks us to make architectural improvements for safety and enhance the hospitals, on one hand, and then asks the hospitals to come and get 'certificate of need', raising the costs of these changes when they've been mandated by another part of the state. There's no reason for the bureaucracy to approve these kind of expenses. The planning board can much better spend its time reviewing major clinical expenditures and this is appropriate for them to do. We need to take this step forward today. A lot of work for many Members of this

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House have gone into the compromises that are shown in this Bill today and I want to commend all those people for the hard work to get to the point that we are today. And I urge your support of 807."

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

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

Speaker Hartke: "Sponsor will yield."

Bost: "Representative, in this language, and I know you've worked very hard on it and I compliment you on that. There are some of these programs, I think, that probably could have been covered and we could have went a little further with. For instance, kidney dialysis centers are not covered in this, are they?"

Smith: "I'm sorry, Representative Bost. Could you repeat? I heard the kidney dialysis, but that was it."

Bost: "Yes. Kidney dialysis placement, they're not covered in this legislation. They still have to go before the facilities planning board. Is that correct?"

Smith: "That is correct."

Bost: "Okay. You know, I do... To the Bill, Mr. Speaker."

Speaker Hartke: "To the Bill."

Bost: "I do agree with the Bill. I support the Bill. I think it's wonderful that we keep the facilities planning board off of these projects like parking lots, that shouldn't be a case where you have to go back to a board to build a parking lot. There are a lot of other things, I think, we can expand on this Bill and I hope, that in the future, we'll look into this. Certain things we should let the market generate. We have the kidney dialysis centers and the reason I brought that up a while ago is a concern in my district. People needing to have access to these machines

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and facilities could be put in, but they have to go through the whole process of the facilities planning board, getting the 'certificate of need'. And because of the bureaucratic mess that these people have to go through, to put these facilities in, many people have to drive 30 and 40 and 50 miles in all kinds of weather and I think, that should be removed and be allowed to let the market generate, it as well. I do compliment the Sponsor. I think this is a great Bill. I think it's a step in the right direction. It's been a long time coming and I think everyone should vote 'aye'."

Smith: "Representative Bost, if I could just address that point a little bit further. It is my hope, along with Senator Karpel who's the Senate Sponsor of this Bill, that there will also be a Resolution passed which will come over to us from the Senate creating a task force that'll address some of these further issues, such as the one you raised, and I would encourage your continued participation in that."

Bost: "Thank you very much."

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

O'Connor: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

O'Connor: "Representative, a question about the \$200,000 reporting requirement. Is it a correct interpretation that the \$200,000 amount represents a per project expenditure? In other words, it is not the intent to aggregate individual capital expenditures up to an amount of \$200,000 for reporting purposes."

Smith: "Representative, it is, I believe, the language reads 'all capital expenditures', so it is not per project."

O'Connor: "Thank you."

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Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Vermilion, Representative Black. Representative Black. Representative Stephens, for what reason do you seek recognition?"

Stephens: "A sad point of personal privilege."

Speaker Hartke: "State your point."

Stephens: "A lot of you might remember Lisa Kincaid, a secretary that worked on the Republican side of the aisle. She worked in the Stratton Building. She was my first secretary when I came here. Her mother, Betty J. Kincaid, died Wednesday, April 5th. She is, she'll be shown... There's a funeral mass at 9:00 a.m., Saturday, at St. Joseph's Church in Chatham. The Staab Funeral Home is in charge of the arrangements and I believe she will be shown tonight. I appreciate your indulgence, Mr. Speaker."

Speaker Hartke: "Thank you. Representative Krause."

Krause: "Thank you, Mr. Speaker. Very briefly. I rise in support of the Amendment to Senate Bill 807. I have a hospital in my area that had to get a permit to replace its MRI. The hospital already had a permit to offer MRI services, but because the replacement equipment was over the threshold for equipment, the hospital had to go through the permit process. The cost, however, of the total project was low. The equipment itself was less expensive than the construction required to accommodate the newer technology and insure patient safety. By raising the capital expenditure threshold, this Senate Bill 807 with the Amendment will eliminate the need for review of replacement MRIs. And I join with others in support of the Amendment."

Speaker Hartke: "The Chair recognizes the Gentleman from Vermilion, Representative Black. I apologize. I thought

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you'd given up."

Black: "That's quite all right, Mr. Speaker. Will the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Black: "Representative, I've heard all this wonderful love fest about the Bill and I think, we're still on the Amendment, correct? We're not debating the Bill. We're debating the Amendment, correct?"

Speaker Hartke: "To the Amendment. Representative Smith?"

Smith: "Representative Black, that is correct, however, the Amendment becomes the Bill."

Black: "I understand that. But I'll have a chance to ask you some questions on Third Reading. Right now, we're concentrating on a Floor Amendment #9, correct?"

Smith: "That is correct."

Black: "Yes, and I don't share in all of the lovely bouquets I've heard about the Bill or the Amendment. May I ask you a question about the Amendment? There are hospitals in this state that are huge. They make huge sums of money. And I just heard somebody say, 'Let the marketplace prevail.' Holy mackerel. You're a downstater. If we let the marketplace prevail, how many hospitals are there gonna be in downstate Illinois in ten years?"

Smith: "Representative Black, that's not what this Amendment or this Bill does."

Black: "Oh, indirectly, it does, Sir. Indirectly it does. Let me rephrase the question. Is there anything, in this Amendment, that says a hospital cannot construct a medical supply store that would be 500,000 square feet and sell every kind of medical appliance, surgical prosthesis known to mankind that would be owned and operated by the hospital?"

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Smith: "Representative Black, that's not a health facility, so it's not covered by the current law."

Black: "What would you call the plethora of medical supply stores that they are building all across the state, if it isn't a health facility?"

Smith: "I'm not sure what you would call them. They're not subject to the regulation currently and I guess, I'd refer you to what I said to Representative Bost. We're gonna talk..."

Black: "I understand that."

Smith: "... about many of those other issues."

Black: "Would you not say that the real intent of this Amendment is to abolish, once and for all, the Health Facilities Planning Board? Isn't that the ultimate objective of this Amendment?"

Smith: "No, it's not, Representative Black. That's not my intent and that's not the intent of this Amendment."

Black: "I don't think I share your optimism over where this Bill is headed. I'll have some questions for legislative intent on Third Reading. Mr. Speaker, to the Amendment."

Speaker Hartke: "To the Amendment."

Black: "Once again, I realize that swimming upstream is an exercise in futility and I'm too old, and I'm too tired to do that much longer. This has been put together by some very powerful interests in this state. And it has been sold as the best Christmas present you're ever gonna get. I happen to represent a downstate area, in my district of several hundred square miles, I only have three hospitals left, two of them are relatively small, one struggles to exist, and the other one, the largest one, because of certain changes in the health care delivery system, may not exist five, ten years from now. There are people on the

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floor of this House if you'd stop and think, you've already lost all your hospitals in downstate counties. Some of you in far downstate Illinois, if you want to go to a hospital you go to St. Louis, or you go to Kentucky. In my area, more and more people are going to Indianapolis. Where's the flow going? Springfield's a medical center, Chicago certainly is, Champaign-Urbana is to some extent, Peoria is to some extent, that leaves an awful lot of cities that are in danger of not having a hospital because, eventually, the CON will be done away with. That's the ultimate intent here and then the big health care providers, with unlimited resources, will have all the bells and whistles, all the hardware, all of the specialties that you have to have in the next century, and where are those going to be? They going to be in Georgetown, Illinois? They going to be in Danville, Illinois? Nah, I know where they're going to be and so do you. And I know this Bill is gonna pass, but there are some concerns here. You mark my word, I won't be here five, six, seven years from now, I won't be here, some of you will. Five, six, seven years from now you're going to rue the day that you started down this slippery slope, because many of you are going to represent counties and areas of the state that will not have any kind of hospital, whatsoever. So be it."

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

Lang: "Thank you, Mr. Speaker. Ladies and Gentlemen, I rise in support of Floor Amendment #9. I don't necessarily agree with the prior speaker regarding its affect on the areas of Illinois which he raises a concern. Let's just go through some of the aspects of this Bill that make a good deal of sense. First, the Bill will not change the requirement

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that a CON be procured if a facility is going to offer a new service. In fact, the law will remain the same if they're going to offer a new service. If they're going to do open heart surgery, or certain cancer therapies that they've never done before, even if they're going to spend a quarter, they have to come before the board and get a CON. Next, there's a whole series of states, 18 states, don't have this requirement at all of a CON. The State of Massachusetts has one of \$9 million. Initially, the proponents of this piece of legislation were going to ask for \$9 million, they reduced it to 6. Now, you can argue that that's still too high, but I think we have to recognize that Representative Smith and the proponents have done an excellent job trying to narrow this focus of this, and narrow it down. Surely, if states like California, and Texas, and Pennsylvania don't have a certificate of need at all, it strains the imagination to think that if we change our requirement to a \$6 million requirement, that we'll be doing any harm to health care in our state. Many of the reasons have already been given by others why we need to move forward with this. It just seems to me that to allow the hospitals of Illinois to do the work they do best, which is taking care of patients, to not have to deal with in some cases, although not all, frivolous requirements at a time when buying equipment and making capital expenditures is very, very expensive. Seems to me we have to limit as much as we can the bureaucratic mess that they have to go through to do these things. As I said before, the telling point for me was when they're adding a medical service, they still have to go before the board, they still have to get the CON. And because of that and because of the reasons given by others who are proponents of this



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legislation, it seems to me that the prudent vote is an 'aye' vote. You would join us and many others, including the Chicago Tribune in their editorial, recently, that believe this is an idea that's time has come now. We should pass this now. I would recommend your 'aye' vote."

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

Turner, J.: "Thank you, Mr. Speaker. It's been pointed out that this is Floor Amendment #9 and we're still on Second Reading, so I'll keep my remarks very short. I'd just suggest to you that we have heard that this is in some way... if this Amendment is adopted and the Bill passes, is going to affect in a negative manner, downstate hospitals. I happened to speak to an administrator from a very small hospital this morning. Couldn't thank me enough for being a cosponsor in this particular measure. And I would like to commend Representative Smith, who has worked extremely hard on this piece of legislation, resulting in Floor Amendment #9. Point out to the Members on the floor, as well that although I suppose it can be argued that this is in some way, if passed, going to be negative for downstate hospitals. The last time I looked, Representative Smith is from downstate, Representative Klingler is from downstate, and we just had a new Sponsor it looks like added to the Bill, as well. I think I'm still considered a downstater, I'm right in the middle of the state, frankly. But I've heard nothing but positive about changing this CON process for several years now from my downstate hospitals. And, Representative Smith, I appreciate the work that you have done on this Bill. And I certainly will be speaking on Third Reading. And I hope that you don't need a lot of us speaking in favor of this piece of legislation, because I

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hope that the Members can see the wisdom of moving forward with this, and at least putting some limitations on the CON process that is not working. And I think that most Members on the floor know that is is not working in the fashion that it should work for the interests of patients throughout the State of Illinois. Thank you."

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

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

Speaker Hartke: "The Sponsor will yield."

McCarthy: "Representative Smith, I also thank you for your flexibility in working through this process. However, I did want to, just for legislative intent on the Amendment say, that is it your view that health and fitness centers that are going to be built by hospitals in the state, will be under the same set of instructions that they're under now, as far as going to the certificate of need or the Facilities Planning Board?"

Smith: "Yes, Representative McCarthy, that is correct. There is specific language to that point in this Amendment that we were happy to work with you on."

McCarthy: "Okay. The only other thing is and I have gotten two notices from the Service Employees Union saying that they are opposed to the Bill. Do you know why they are opposed?"

Smith: "Representative McCarthy, I've seen, I think, the same sheet you have. I think some of the points that they mentioned were items that may have been addressed in other Bills or other versions of this Bill, and I really... that's all I can say on their position."

McCarthy: "And do you know if these were after Amendment 9? I know one was at least was before Amendment 9, but the

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second one I not quite sure of the timetable. Do you believe they're still opposed after Amendment 9, or do you believe that..."

Smith: "No, I didn't say that, they're still opponents. I have not heard from the Service Employees but they're still opponents to the legislation, I'm sure.

McCarthy: "Okay. And the spending limit now is one of the changes from Amendment 9, went from 7 million to 6 million, is that correct?"

Smith: "That is correct. That's the threshold for projects..."

McCarthy: "Okay."

Smith: "... for the review."

McCarthy: "And I know there was discussion about making the level of expenditure correspond to the size of the institution, like making a certain percentage of patient revenues, or whatever. Because as I had shared with you I think, you know, 6 million to some hospitals is nothing. But 6 million to some of our smaller hospitals across the state could be a significant part of their budget. Do you know why it was chosen not to go along that route as far as making it any percentage?"

Smith: "Well, I think, Representative McCarthy, some people did propose that, or advocate for that, but I think that the flat threshold was preferred. As you know, the original or maybe you don't, the original proposal was for 9 million. It was lowered in the Senate to 7 million, and this is a further compromise of that in working with the various groups who had opposition to that."

McCarthy: "And the Senate Sponsor is in agreement with Amendment 9, as well?"

Smith: "That's my understanding. Yes."

McCarthy: "Okay. And the technical language is that the health

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and fitness centers will be considered clinical?"

Smith: "That is correct."

McCarthy: "Thank you very much."

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

Novak: "Thank you, Mr. Speaker. Mr. Smith, just a couple questions. Is there anything in this Amendment that deals with eliminating a CON for a wellness centers or physical fitness centers, that some of our hospitals build?"

Smith: "No, there's not, Representative Novak. In fact, there's..."

Novak: "Is there any reference at all to any relaxation of any requirements that the Facilities Planning Board imposes upon approval for a facility, these wellness facilities, or some people characterize them as health clubs?"

Smith: "No, there's not. There's nothing in this that would change the current law on that."

Novak: "Okay. Thank you."

Speaker Hartke: "Representative Smith to close."

Smith: "Thank you, Mr. Speaker. Again, I'd ask for approval of Amendment #9 that makes some changes as a result of discussions that have gone on, on this topic, and we'll discuss this further on Third Reading. But I'd ask for an 'aye' vote on this Amendment."

Speaker Hartke: "The question is, 'Shall the House adopt Amendment #9 to Senate Bill 807?' All those 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 Bolin: "No further Amendments. No Motions filed."

Speaker Hartke: "Third Reading. The Chair recognizes Representative Lyons. For what reason do you seek

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recognition?"

Lyons, J.: "Speaker, I ask for a point of personal privilege."

Speaker Hartke: "State your point."

Lyons, J.: "Ladies and Gentlemen of the House, I'd like to give a warm welcome to my home parish who are here. The seventh grade class of 2001, in the gallery, from Our Lady of Victory School, seventh grade. Welcome, OLV."

Speaker Hartke: "Welcome to your Capitol. On page 5, on the Calendar, appears Senate Bill 1231. Representative Durkin. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1231, the Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments have been approved for consideration. No Motions filed."

Speaker Hartke: "Third Reading. Senate Bill 1330. Representative Cross. Mr. Cross in the chamber? Mr. Clerk, what is the status of 1231?"

Clerk Bolin: "Senate Bill 1231 is on the order of Senate Bills - Third Reading."

Speaker Hartke: "Place that Bill on Second for the purpose of an Amendment at the request of the Sponsor. Senate Bill 1636. Representative McAuliffe. Out of the record. Senate Bill 1881. Representative Kosel. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1881, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Kosel, has been approved for consideration."

Speaker Hartke: "Representative Kosel."

Kosel: "Thank you, Mr. Speaker. I would move for the adoption of Floor Amendment #1."

Speaker Hartke: "Would you explain the Amendment, please?"

Kosel: "Yes, Sir. Floor Amendment #1 is a technical change the

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administrative rules law for the water reclamation district. And literally, does some technical changes within the water reclamation Bill."

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

Giles: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I want to applaud the Representative for allowing this Amendment to be on this legislation and she kept in good faith and her words. This Bill came out of the Local Government Committee with an agreement and I would like to thank her for her commitment."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Amendment #1 to Senate Bill 1881?' All those 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 Bolin: "Floor Amendment #2 offered by Representative Kosel."

Kosel: "Thank you, Mr. Speaker. Floor Amendment #2 affects Representative Parke's district and I would welcome his comments on it. A group of his citizens would like to join the water reclamation district and this Amendment would do that."

Speaker Hartke: "Representative Parke."

Parke: "Mr. Speaker, Floor Amendment #2 just allows a piece of property to be annexed to the Metropolitan Water District of Chicago."

Speaker Hartke: "Any further discussion? Seeing none, the question is, 'Shall the House adopt Amendment #2 to Senate Bill 1881?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have

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it. And Amendment #2 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments. No Motions filed."

Speaker Hartke: "Please, let that Bill remain on Second Reading. Senate Bill 1330. Representative Cross. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1330, the Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. On page 7, on the Calendar, appears Senate Bill 1513. Representative Osmond. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1513, a Bill for an Act to amend the North Shore Sanitary District Act. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Mr. Clerk, read the Bill. Mr. Clerk, read the Bill. Okay. Out of the record. On page 7, on the Calendar, on Third Reading, appears Senate Bill 1537. Representative Righter. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1537, the Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments have been approved for consideration. No Motions filed."

Speaker Hartke: "Third Reading. The Chair recognizes Mr. Righter."

Righter: "Thank you, Mr. Speaker. Previously, I had made a request for Senate Bill 1537 to be rolled back to Second because House Amendment 1 is pending in House Rules. I have filed a letter asking that House Amendment 1 be approved and moved out onto the floor and today I have filed a letter asking that the deadline on this particular Bill be extended because we haven't had that Amendment,

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yet."

Speaker Hartke: "Okay. So you're requesting that we move it back to Second Reading for the purposes of an Amendment?"

Righter: "Along with my request that the deadline be extended on the Bill. Yes, Sir."

Speaker Hartke: "Well, we'll work on that later."

Righter: "Thank you, Mr. Speaker."

Speaker Hartke: "Put that Bill on Second Reading. Mr. Leitch, would you like to call Senate Bill 1707? Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1707, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #3, offered by Representative Hoffman, has been approved for consideration."

Speaker Hartke: "Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker. Floor Amendment #3 simply allows the Metro East Transit District to begin to receive information regarding title transfers so that they can collect a previously enacted fee with regard to those transfers to the metro link system. This has no affect on any... no increase in taxes. All it is, is allowing the information to be shared with the Metro East Transit District."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Amendment #3 to Senate Bill 1707?' All those 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 Bolin: "No further Amendments. No Motions filed."

Speaker Hartke: "Third Reading. On page 6, on the Calendar, on Second Reading, appears Senate Bill 1303. Representative



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Cowlishaw. Representative Cowlishaw. Mr. Clerk... Out of the record. Representative Wait returned to the chamber? On page 4 of the Calendar, on Third Reading, appears Senate Bill 1629. Representative Wait. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1629, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Wait."

Wait: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1629 is a Bill that just permits garbage trucks to stop along the road as they're picking up the garbage. It also adds additional safety lights requirement to the garbage trucks and also rotating and oscillating amber light. I'll be happy to answer any questions."

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

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

Speaker Hartke: "Yes, the Sponsor will yield."

Black: "Thank you. Representative, just one quick question because it often comes up and I remember talking to you about this. This is a good Bill. But wouldn't you say that this is an example of sometimes when we say, the police will use common sense that that doesn't always prevail?"

Wait: "That's exactly the case. We hear..."

Black: "Right."

Wait: "... that some cops have given tickets or warnings."

Black: "Yeah."

Wait: "And this is just to let 'em know that, you know, use common sense. And this is to send a message to the police to use common sense."

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Black: "Because there's absolutely no way... I know in my hometown, every Monday, the main street of Danville, the garbage truck goes up and down and it's clearly understood that they have to do that to pick up the garbage, the alleys are gone. And yet, you were relating that they were threatening to give tickets for stopping on a roadway. I mean, that's just, that is really ridiculous. So, we have to pass a law to make it clear that a garbage truck can stop every few feet to pick up garbage. Isn't that amazing?"

Wait: "It is."

Black: "Well..."

Wait: "That's why we're here, to serve the people."

Black: "God knows by the time you and I get out of here the statute books will be 30 volumes, but we have to do, sometimes, what we have to do. And I intend to vote 'aye'."

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

Wait: "I just ask an 'aye' vote on this Bill. This is a Bill to help to make the roads and streets safer. Thank you."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1629?' 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 Senate Bill 1629, there are 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 6, on the Calendar, on Second Reading, appears Senate Bill 1296. Representative Hoffman. Mr. Clerk, read the Bill."

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Clerk Bolin: "Senate Bill 1296, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments have been approved for consideration. No Motions filed."

Speaker Hartke: "Representative Hoffman. Third Reading. Mr. Clerk, read that Bill."

Clerk Bolin: "Senate Bill 1296, a Bill for an Act concerning taxation. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. What this does is provides for a property tax exemption for property used exclusively for public purposes belonging to a library system or a public library district. What had happened is, in Edwardsville, there was a library system intended to buy some property for parking lot expansion, however, the tax assessment was still imposed on the land. So, what we're saying is, if it's gonna be exclusively used for the library system or a public library district, that the property taxes will be exempt."

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: "Representative, I didn't understand this Bill before. I remember reading it. Let me make sure I understand this. An assessor in the metro east area said that a library would not be property tax exempt?"

Hoffman: "It's my understanding that what had happened was the library district had purchased some property that they intended to use as a parking lot, okay, for a parking lot expansion. I don't believe that they had done the

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expansion yet, but they had planned to do the expansion. They felt that it was not clear and this would allow it to be exempt."

Black: "Okay. And the parking lot in question was not revenue generating?"

Hoffman: "I'm sorry. I was talking. I apol..."

Black: "The parking lot in question, I assume, was to be used by patrons of the library, so would probably not be revenue generating, would it?"

Hoffman: "That's my understanding."

Black: "Okay."

Hoffman: "That's my understanding."

Black: "All right. Well, that clarifies that. Committee Amendment #2 is also on the Bill?"

Hoffman: "No. No. That's in Rules. We just left it in Rules. It never got out of Rules, Representative."

Black: "Okay. So, I have a brand new library and I'm trying to make darn sure that I'm not gonna get myself in trouble voting for this Bill. This library receives property tax money, not through a direct levy, I think the City of Danville gives the Danville Public Library an operating subsidy from the City of Danville's tax levy. Now, I assume, is the underlying purpose of your Bill is to just clarify that libraries are property tax exempt?"

Hoffman: "Yes. This would have no affect on your situation. We just want to make sure... I think it makes sense and I think you probably would agree that it wouldn't make any sense for libraries to be paying property taxes and this is just clarifying. That's all it does."

Black: "Okay. All right. So, it doesn't create a classification that you have to be a member of the Lincoln Trails or whatever the association is, a library is a library is a

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library, correct?"

Hoffman: "Yes. It doesn't affect the definition of libraries."

Black: "Okay. Fine. Thank you very much."

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

Hoffman: "I ask for a favorable roll call."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1296?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1296, there are 117 Members voting 'yes', 0 voting 'no', or 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 6, on the Calendar, on Second Reading, appears Senate Bill 1295. Representative Mathias. Out of the record. On page 7, on the Calendar, on Second Reading, appears Senate Bill 1645. Representative Biggins. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1645 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 Hartke: "Third Reading. Mr. Clerk, what is the status of... Representative Biggins."

Biggins: "Mr. Speaker, on Senate Bill 1645, an Amendment was filed this morning. And I don't understand that the deadline has been extended on the Bill and so I imagine we'll do this a little later. Is that the understanding of the Chair?"

Speaker Hartke: "Mr. Biggins, the deadline has not been extended on any Bill, at present time, at the present time."

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Biggins: "Well, I guess... Thank you. And as far as Senate Bill 1645 goes, but I'd sure like to get that police pension Bill moved along today before we leave."

Speaker Hartke: "Would you like for this to remain on Second?"

Biggins: "We'd like to leave it on Second, please."

Speaker Hartke: "Mr. Clerk, move that Bill back to Second Reading for the purpose of an Amendment at the request of the Sponsor. The House is prepared to adjourn. I might remind Members to drive carefully. The weather in Northern Illinois is not the best. Allowing perfunctory time for the Clerk, Representative Currie now moves that the House stand adjourned until the hour of 3 p.m., on Monday, April 10. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And this House stands adjourned until Monday, April 10th. All those in favor sig... The House does stand adjourned."

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