

STATE OF ILLINOIS  
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Speaker Hartke: "The House shall come to order. Members will please be in their seats. We will be led in prayer today by Pastor Don Jones with the Lifeline Assembly of Golconda. Pastor Jones is a guest of Representative Fowler. Guests in the gallery may wish to rise for the invocation and stay standing for the Pledge of Allegiance. Pastor Jones."

Pastor Jones: "Father God, I come to You this morning in the mighty name of Jesus Christ. First of all, I want to praise You and say thank You for being our God, for allowing us to be called Your children. Father, I thank You for Your word, I thank You because Your word is right and Your word is righteous and Your word shall not become void. I thank You, Master, cause Your word says, 'by His stripes we were healed.' And I'm asking You this morning, Master, that the healing virtue of the Holy Ghost just flow. Not just physically, but mentally, emotionally, spiritually, financially. I'm asking that the healing virtue of the Holy Ghost flow over our homes, over our families, over our children and over our schools. And Your word also says that, 'if My people who are called by My name will humble themselves and pray, I will hear from heaven and heal their land.' God, I'm asking this morning, heal our land. In the mighty name of Jesus Christ, Amen."

Speaker Hartke: "We will be led in the pledge today by Representative Connie Howard."

Howard - 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, a report on the Democrat side."

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

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because of the death of his mother, Representative Steve Davis is excused until later in the afternoon."

Speaker Hartke: "Representative Poe, on the Republican side."

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

Speaker Hartke: "Mr. Clerk, take the record. (117) Members answering the call. There is a quorum present and the House is in Session. Committee Reports."

Clerk Rossi: "Committee Reports. Representative Mike Boland, Chairperson from the Committee on Elections and Campaign Reform, to which the following measures were referred, action taken on May 12, 1999, reported the same back with the following recommendation/s: 'be adopted, recommend be adopted' Floor Amendment #1 to Senate Bill 933. Representative Doug Scott, Chairperson from the Committee on Urban Revitalization to which the following measures were referred, action taken on May 12, 1999, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #2 to Senate Bill 53. Representative Dan Burke, Chairperson from the Committee on Executive, to which the following measures were referred, action taken on May 12, 1999, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #2 to Senate Bill 1010. Representative Tom Dart, Chairperson from the Committee on Judiciary I-Civil Law, to which the following measures were referred, action taken on May 12, 1999, reported the same back with the following recommendation/s: 'be adopted Short Debate' Floor Amendment #3 to Senate Bill 19 and Floor Amendment #3 to Senate Bill 460."

Speaker Hartke: "Representative Black, Senate Bill 1227. Is Representative Black in the chamber? Out of the record. Senate Bill 336, Representative Brady. Representative

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Brady in the chamber? Out of the record. Senate Bill 736, Representative Hoffman, Jay Hoffman. Mr. Clerk, call the Bill."

Clerk Rossi: "Senate Bill 736, a Bill for an Act relating to home inspection. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is only a shell Bill. What we'd like to do is we would like to move it through the process, hopefully get it into a form, where we can have something we can maybe do in the fall, with regard to the licensing of home inspectors."

Speaker Hartke: "Is there any discussion? Representative Cross."

Cross: "Thank you, Mr.... will the Sponsor of this Bill yield?"

Speaker Hartke: "Sponsor will yield."

Hoffman: "Yeah. Could, Mr. Speaker, could you take this out of the record for one second?"

Speaker Hartke: "Take this Bill out of the record. Senate Bill 441, Representative Cowlshaw. Out of the record. Senate Bill 756, Representative Daniels. Out of the record. Senate Bill 321, Representative Hoeft. Would you like to call the Senate Bill? Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 321, a Bill for an Act amending the Illinois Health Facilities Planning Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Hoeft."

Hoeft: "Thank you, Mr. Speaker and colleagues. We talked about this yesterday. There are unmet medical needs across the State of Illinois. There are zones in which we do not have the capacity to serve in a complete manner of the medical needs. Much of that has been caused because of the fact the Anti-Trust Act refuses to allow hospitals and doctors

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to come together to form cooperatives so that they can serve in a better manner. The planning board has asked that we take a look at this for a number of years. And this is basically saying let's get the job done. I know of no opposition to this."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 321?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? This is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 321, there were 117 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill having received the Constitutional Majority is hereby declared passed. Senate Bill 749, Representative Scott. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 749, a Bill for an Act amending the Illinois Business Brokers Act of 1995. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Scott."

Scott: "Thank you, Mr. Speaker, Ladies and Gentlemen. Senate Bill 749 speaks to the Business Brokers Act. There's been a problem with business broker liens that enforce real property not being filed within the counties where people would do title searches. This does that, as well as make some other changes to the Act. I know of absolutely no opposition to this. We did put a Floor Amendment on which removed the only technical opposition which was by the title companies. That opposition is been removed. I'd ask for your favorable support."

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

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

Speaker Hartke: "Sponsor will yield."

Cross: "Representative... why... Doug, I'm just puzzled why we're even doing this. What's the rationale for this Bill?"

Scott: "Well, there's a few, Tom. I mean it's a... the Bill does a few different things and the rational is probably different with all of them. But, basically, what we're trying to do is make sure that when business brokers have liens that the enforcement mechanism for those liens is something that title companies can find, that there's notice provisions being given. So, really we're cleaning up that whole act to allow..."

Cross: "What's a... back it up, what's a business broker?"

Scott: "... business broker is a person who helps buy and sell businesses."

Cross: "And this is... okay, and this is an initiative of Chicago Bar Association?"

Scott: "Yes, it is. We had a similar Bill that passed out of committee unanimously. It ran into the time deadline. I don't believe there's any problem in the Senate with this, as well."

Cross: "And Doug, if I'm looking through the Bill and some of the language, some of it is, I don't want to say technical in nature, but more in terms of logistically getting... putting people in place to enforce their lien."

Scott: "Notice provisions and one of the things that's very important in here, right now, business broker liens are filed with the Secretary of State's Office. One of the things that we needed to clear up was that some of the liens are on real property and they weren't being filed in the counties where the property's located. So, when people were doing title searches they were missing this, missing

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these liens. And so, that's something that actually helps everybody out, by making sure that those liens are discoverable."

Cross: "You know... help out everybody. Will you give us a definition of 'tangible property'?"

Scott: "Real property."

Cross: "Okay, real estate, land. What about personal property and is there any effect on it?"

Scott: "Let me see, I believe there, the liens that can attach in these cases can, through, the liens that can attach through this Act, can attach to all property that's... it can attach to all property, real and personal property, as well. It's not just a... it's not just a real property there..."

Cross: "Why wouldn't it and maybe..."

Scott: "... it's like other judgements, Tom, where you do a citation, discover all assets, you can attach to all property that's involved."

Cross: "... so, including an automobile or a..."

Scott: "Sure."

Cross: "... cd or, where does it line up in the place of other liens, Doug, in ter... of existing liens whether a mechanic's lien is out there or a mortgage is out there? Assuming this is an enforceable brokers lien, where does this... does it fall in the line at the bottom or does it..."

Scott: "I believe in terms of personal property, they're first in time liens they're not... they don't take a priority versus any other lien that's out there already."

Cross: "... what about, yeah, in terms of real estate or any real property for that matter, where... you don't give this a priority or a special..."

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Scott: "Not under this Act."

Cross: "... so, it would just fall into place as in other..."

Scott: "First in time."

Cross: "... all right. So there's no... I just want to clarify this Doug and I think people are going to... sounds like they're going to support this Bill. Your Bill does not place into mechanism or create a super lien over any existing and if I'm reading our file right, title companies, banks, et cetera, are not opposed to this Bill with your Amendment?"

Scott: "Correct."

Cross: "So, you're not aware of any opposition?"

Scott: "No, and like I say we had the same Bill come through here as House Bill 1115 originally, and there was no opposition to it at that time either, other than the technical Amendments that we needed to clear up with the title companies."

Cross: "One other question, Doug. On page 3 of your Bill there's... there's reference to business assets. Is there a definition of 'business asset' or 'assets' anywhere in your Bill or what do you envision or believe business assets are?"

Scott: "It's not in here, but I think there's a common definition of business assets that's already in the law that would, that would... you know any... any asset of the business including receivables, I would guess."

Speaker Hartke: "Further discussion?"

Cross: "Well, no, but thanks for asking."

Speaker Hartke: "Since no one else is seeking recognition, Representative Scott to close."

Scott: "Thanks, thanks Representative Cross, I appreciate those questions. This is a highly technical thing, but these are

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changes that are recommended from the Chicago Bar Association. I think they're needed, especially, this change that involves making sure that the liens on property are filed in the county where the property's located so that they can be tracked like other liens can. And I'd just appreciate your support."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 749?' 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 749, there were 117 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. Chair recognizes Representative Klingler from Sangamon. For what reason do you seek recognition?"

Klingler: "Thank you very much. As a point of personal privilege..."

Speaker Hartke: "State your point."

Klingler: "... in the Speaker's gallery I'd like to recognize the second grade class from Blackhawk School, Mrs. Terpstra and Mrs. Wanless. And I hope the second graders will be very good today and we'll all give them a round... welcome."

Speaker Hartke: "Good Morning, Representative Black. on page 4 of the Calendar, appears Senate Bill 800. Representative Kosel. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 800, a Bill for an Act amending the Illinois Dental Practice Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Kosel."

Kosel: "Thank you. Senate Bill 800 amends the Illinois Dental Practice Act provides that the board shall be made up of 11



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persons, instead of 10, with an additional member being a dental hygienist; change the lists of procedures and activities that are not included in the definition of dental practice; provides that a dental hygienist under the supervision of a dentist, may administer and monitor nitrous oxide upon completion of a training program; provides upon completion of a training program, dental assistants may perform several, additional duties. I would ask for your favorable consideration. Thank you."

Speaker Hartke: "Is there any discussion? Is there any discussion? Chair recognizes the Gentleman, excuse me, the Chair recognizes the Lady from Kane, Representative Lindner."

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

Speaker Hartke: "She indicates she will."

Lindner: "I have gotten, I think as many people have, numerous letters and phone calls from the dental hygienists. Now, has there been an agreement made on this Bill, or are the dental hygienists still against it?"

Kosel: "We have made working, Skip and I, working together have made every possible effort, including a Amendment that was introduced yesterday to reach a compromise on this. But no, they are still not, have not, withdrawn their opposition to it. Although we have made every honest attempt to do that."

Lindner: "All right, what have you added to the Bill, to try to get their agreement?"

Kosel: "We have stipulated... added additional education requirements, stipulated specific things that they addressed in their concerns. When the original, when their original concerns came out, they implied that there was no education in this. We always assumed that there was

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education in it. We strengthened those requirements. We have stipulated and used their definition of what coronal polishing is, which was one of their... one of their concerns. So, we have done that. And systematically taken each one of their things and attempted to strengthen their position within the Amendments every single time. I think the biggest problem has been that... that they say that there is no shortage of dental hygienists, and the Illinois Department of Regulation last week gave me some numbers, in the State of Illinois there are 9000."

Speaker Hartke: "Excuse me, Representative. Could we have a little order in the House? Please. This is Third Reading deadline, please. Representative Kosel."

Kosel: "There are 9140 dentists licensed in the State of Illinois, there are 5238 hygienists within the State of Illinois. Within my area, there has been a tremendous shortage. This will provide, this is an access issue. This will provide better quality dental care to many more patients within the State of Illinois, without displacing a single person."

Lindner: "Well, it sounds as if you have made a lot of accommodations. What is the issue now? Why are they still against it?"

Kosel: "I do not know."

Lindner: "Okay, thank you."

Speaker Hartke: "Further discussion, the Chair recognizes the Lady from DuPage, Representative Cowlshaw."

Cowlshaw: "Thank you, Mr. Speaker. Will the Sponsor yield? Thank you. Representative Kosel, I believe there is a statewide organization of dental hygienists. Is that correct?"

Kosel: "Yes, there is."

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Cowlshaw: "Does that organization have a position on this Bill?"

Kosel: "That is exactly what I was just talking about with Representative Lindner, yes they do."

Cowlshaw: "What is their position?"

Kosel: "They are opposed to it."

Cowlshaw: "They are opposed?"

Kosel: "That's correct."

Cowlshaw: "Is that... that is correct?"

Kosel: "That is correct."

Cowlshaw: "Are they aware of the numbers of Amendments and changes that you have attempted to make to satisfy their concerns?"

Kosel: "I hope they are."

Cowlshaw: "But you're not sure they are."

Kosel: "We have attempted to let them know through their organization, yes."

Cowlshaw: "Thank you, for answering my questions."

Speaker Hartke: "Further discussion? Chair recognizes the Gentleman from Will, Representative Meyer."

Meyer: "Thank you, Mr. Speaker. Would the Sponsor yield?"

Speaker Hartke: "She indicates she will."

Meyer: "Representative, you indicated to others on the floor here, that there had been attempts to... to reconcile this Bill and that you had made a number of attempts and that it was basically at the end of whatever those discussion points were. One of my constituents is very close to the issue with the dental hygienists as late as yesterday, indicated that the dentists had pulled out of the negotiations and were refusing to negotiate any further. Could you comment on that?"

Kosel: "I'm sorry, you said that your constituent said that the dental... that the dentists had pulled out of the

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negotiations?"

Meyer: "And were refusing to negotiate any further on the Bill that they were at the last of their offers and that was it."

Kosel: "It was my understanding that that was the reverse."

Meyer: "Well, I'm sure that you realize that the committee hearing on this issue was probably one of the worst committee hearings that I've been at, so far during the tenure that I have been here in this Body. And from my understanding is that the dental hygienists have continued to make an effort to reconcile on this issue and that it's just at this point going nowhere, and so the Bill was decided to be run. I have a number of dental hygienists, probably 40 or 50 of them in my district that have that live in my district, that have notified me of their position on this issue. To the Bill. It appears to me that much of the discussion on this is an economic issue, and I didn't feel that the Legislature should be a part of that issue until the two sides reconciled it. I would stand in opposition to it, hoping that if it fails that the work would continue with bringing the both sides together. This isn't the first time that we've had these types of issues brought before us and certainly, because of our perseverance in the other instances, we have been able to get both sides of the table to reach an agreement and everyone would seem to be happy. I would ask the Body for their support on this."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Cook, Representative Coulson. There are several people seeking recognition and she requests that this Bill be put on regular debate. Representative Coulson."

Coulson: "Will the Sponsor yield?"

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Speaker Hartke: "She indicates she will."

Coulson: "Representative, there have been suggestions that this may be a public safety issue. Can you explain to us how the public safety is not at risk with this Bill?"

Kosel: "Yes, there is... this is not a public safety issue. Originally, the hygienists were under the impression that no education was going to be included in this Bill. There is mandatory department approved education included in this Bill that must be met with, before any assistant can perform any of the idea. There is also additional education that is required for hygienists. One of the comments that was made in the hearing that I'd like to address on the House Floor was... was that, if these people really wanted to perform this that they could go back to school and do that. I have some... some statistics here from our community colleges, which are some of our biggest trainers of dental hygienists in the area. And in 19... the fiscal year 1998, there were 977 people who applied for hygiene programs, to fill only 210 slots. We have under 200 graduating from hygiene school today and this actually reaffirms the tremendous shortage that there is out there. There are many practices within the State of Illinois, that do not have dental hygienists, and have not been able to hire them for a long time. They are a wonderful profession, as we stated in Committee. They have done a wonderful job and the assistants now, will also have the opportunity to be trained. There will be absolutely no public health issue involved or threat to public health issue involved here at all. In fact, we will have more people having access to quality dental care through the passage of Senate Bill 800."

Coulson: "Isn't it true also, that the dentists are ultimately

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responsible, and that this does not remove any responsibility from the dentist for the patient's care?"

Kosel: "That is absolutely correct. Dental practices must be owned by dentists and they are responsible through their licensing for what happens within that practice."

Coulson: "So, basically, the dentist is allowed to decide who they will delegate activities to, either the dental hygienist or the dental assistant?"

Kosel: "Yes, within the confines of the law. But again, in another attempt to come to middle ground on this, with the Amendment that was put on yesterday, we have limited the number of assistants who could perform these duties to four for every dentist. So, again, another attempt to narrow down the parameters of this Bill to answer the hygienists concern. We also have stipulated in this Bill, very specific technical language, that you will see in Amendment #2, talking about the surfaces of a tooth in very technical terms that an assistant would be able to polish and the type of equipment that they could use to polish. Again, stipulating that... that this is not a safety issue, that this is something that is for the benefit of the people of the State of Illinois to provide greater access to quality care."

Coulson: "Another question. This does require that dental assistants have supervision by the dentist?"

Kosel: "Both training and supervision."

Coulson: "Okay, and my last question is related to the... addition of one dental hygienist to the Illinois State Board of Dentistry. Are there other dental hygienists on the board?"

Kosel: "There is already one on the board. So, this would take it... this would take it to another level, adding a second

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one for a total of 11 members on that board. This is something that they have asked for for a long time.

Coulson: "To the Bill..."

Kosel: "So this Bill is definitely not one sided, this is a two sided Bill."

Coulson: "... to the Bill."

Speaker Hartke: "To the Bill."

Coulson: "I believe there has been negotiation between the dentists and the dental hygienists. It's unfortunate that there were some professional internal battles in the Dental Hygiene Association. I believe that may have caused some of the problem here. And while I agree that we should not be getting involved in economic or turf battles, I think that this Bill is addressing a public health issue in that we need to provide access to more people to have... be able to have dental care, and be able to keep their teeth longer. And I urge a 'yes' vote."

Speaker Hartke: "Ladies and Gentlemen, please. This is a very important piece of legislation. It's going to be highly debated. Please give the speakers your attention. The Chair recognizes the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I rise in strong support of the Bill. This is one of those difficult issues, in that... the Illinois Dental Society supports the Bill and I dare say most of the 6500 dentists in Illinois support the Bill, not all of them, but most of them do. And on the other hand, those people who work closely with dentists, dental hygienists, do not support the Bill. So, it can be a complicated issue when you get people in the same office, in the same kind of health delivery system, who stand in opposition. But I

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think if you have been listening to the debate, Representative Kosel has very clearly outlined some of the changes that have been made in the Bill. It clearly states in the Bill that dental assistants will only be able to do coronal polishing and only done after an approved training course. It's not going to allow dental assistants to clean your teeth, using the various instruments to get up underneath your gum line and do any of the procedures that you have been flooded with by facsimile. Most of them, I might add, with not any attribution by the way, that will open up the office to an epidemic of AIDS or other illnesses. This has gotten completely out of hand, quite frankly. It's a... and again it goes to the heart of the diversity of the State of Illinois. Many of us live in areas, where there aren't any dental hygienists. We don't see any of them. If a dentist, as Representative Coulson said, if a dentist is to maximize his or her practice, then it only makes sense to allow dental assistants to do some things under the direct supervision of a dentist, and only after a training course, to be able to free up the dentist to see additional patients. I don't believe this is an economic issue at all. I don't know where that thing came from. Salaries aren't going to be reduced. In fact, with additional training and freeing up the dentist, I dare say the dental assistants will become more valuable to the dentist and will probably see an increase in their salary. And I don't know that we could regulate the economics of a dentist's office if we were inclined to do so. And I don't think this Bill has anything to do with economics. When all is said and done, the Sponsor of the Bill has made good forth change, good faith changes to the Bill. These assistants will not be doing dental procedures that would



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put any patient at risk. And they will only be able to polish your teeth with that little rubber thing that they use, that you're all familiar with, if you have been to the dentist to have the procedure done. And they'll only be able to use that after an approved training course. So, when all is said and done, it's unfortunate that the dentists and their hygienists cannot come to agreement on this Bill. But compromises have been made, and the dentists assure me, those that I've talked to back home, that this is a reasonable Bill that will allow dentists to see additional patients. And the health and welfare of their patient is first and foremost. Because when all is said and done, the dentist is responsible, not the assistant, not the hygienist, but the dentist will be held responsible for the practices carried out in their office. The Bill makes eminent good sense, the Sponsor has explained it carefully. Certain Amendments have been offered. Certain things have changed in the Bill. I think this is as close to a compromise as were going to get and I would urge a 'aye' vote."

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

Delgado: "Thank you, Mr. Speaker. I rise in strong support of this Bill. While we have small communities and communities in the city, where we have maybe one or two dentists, a lot of children and then we have rural areas that don't... may have only one dentist. When we could have more involvement on behalf of the hygienists, this is a positive move. It enhances their ability. It helps us in communities like Humbolt Park, Little Village. We have a lot of dental offices, but we have more people than that dentist can handle. A dental hygienist is a quality person. This will

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enable them to move forward, and I would ask for an 'aye' vote from our side of the aisle because this Bill is a progressive one and we think it's a wonderful Bill. Representative, I appreciate you submitting this piece of legislation because it definitely helps the inner City of Chicago, the district that I represent and I commend you."

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

Curry: "Thank you, Mr. Speaker, Members of the House. I also rise in support of this very important piece of legislation. I represent a largely rural district, and this Bill will allow dentists in my district, the ability to have their assistants provide a few extra services. And they have an obligation to their patients' health, a moral obligation to that make sure nothing goes wrong. And I think that we can all pretty much agree that they are not going to put their... themselves or their practice in jeopardy by allowing someone who is not trained or educated in the areas in which they would like to see some services perform. So, I could only echo the comments that have already been made by Representative Delgado and Representative Black. And say to my colleagues that this is an important Bill and I hope that you would support it. Thank you."

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

Klingler: "Thank you, Mr. Speaker. I rise in support of this Bill. I, like many other Members, have received a lot of communication from all sides in this issues and I have talked to many persons, from hygienists, to assistants, to dentists on this issue. And what is very clear, is there is really a shortage of dental hygienists in this state.

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There are no schools in this immediate area and Springfield dentists have to look elsewhere to find dental hygienists. This Bill would allow a dentist and many of them are involved in the actual teeth cleaning themselves, to have the final coronal polishing performed by a dental assistant. The dental society is also looking to expand the number of dental (sic-dental) hygienist schools in this state and it's showing that they're wanting to work very closely with the hygiene association to make that more available. I think this is a very good Bill. I think this will help the patients and help expand the availability and the access to dental care. I urge an 'aye' vote."

Speaker Hartke: "Seeing that no one is seeking recognition, the question... Representative Kosel to close."

Kosel: "Thank you very much. I appreciate all the very thoughtful comments that were given on this piece of legislation. I agree that it is very important. This Bill, will not only provide quality and improved access to dental care within the State of Illinois, but it will also elevate the worthiness of both the hygienist and the dental assistant within the practice and really give them expanded duties that will help to improve the quality of care throughout the state. I appreciate all your consideration on this and I would ask you to please vote 'yes'."

Speaker Hartke: "The Lady asks for the passage of Senate Bill 7... 800. All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 800, there were 99 Members voting 'yes', 15 Members voting 'no' and 1 Member voting 'present'. And this Bill having received a Constitutional

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Majority is hereby declared passed. Senate Bill 24, Representative Novak. Mr. Clerk, call the Bill."

Clerk Rossi: "Senate Bill 24, a Bill for an Act to encourage the development of cogeneration and self-generation of electricity. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Novak."

Novak: "Yes, Mr. Speaker, thank you, Ladies and Gentlemen of the House. Senate Bill 24 once again, for everyone's attention, it's a shell Bill. There isn't any... anything of any substance in this Bill as of yet. This Bill is a possible vehicle for legislation that will be the product of negotiations that are continuing in Springfield dealing with electric cogeneration for plants that want to construction on-site electricity plants, environmental program enhancements and, as well as, transmission and distribution commitments from Commonwealth Edison specifically, for those Legislators that reside in the Commonwealth Edison service territory. These negotiations deal with transmission and distribution commitments outside the the City of Chicago. So, for those Legislators in Cook County and in the collar counties and in the other areas of the Commonwealth Edison service territory, this is an important Bill, because there is going to be multi-billion dollar commitment for transmission and distribution upgrades and improvements. So, I would like to defer to my co-chair, Representative Persico, for his comments."

Speaker Hartke: "Representative Persico."

Persico: "Thank you, Mr. Chairman (sic-Speaker) and Members of the House. As Representative Novak said, these are ongoing discussions and I think we're getting very close to an Agreed Bill, but we have to move this on to put it into a Conference Committee. I know that the Republicans on my

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side of the aisle have no opposition anymore to this fine vehicle Bill."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 24?' 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 24, there are 82 Members voting 'yes', 34 Members voting 'no', 1 Member voting 'present'. And this Bill having received the Constitutional Majority is hereby declared passed. Chair recognizes the Lady from Cook, Representative Erwin."

Erwin: "Hi, thank you. I'd like all of my colleagues to join me in wishing my seatmate Jack McGuire happy birthday before they... instead of cake, Jack is always kind enough to provide the only healthy food we usually eat here during May. So, Jack, I'm afraid your fruit is almost all gone already. But, please join me in wishing him a happy birthday."

Speaker Hartke: "Happy birthday, Doctor McGuire. On page 4 of the Calendar appears Senate Bill 849. Representative Lang. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 849, a Bill for an Act regarding mental health. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. Senate Bill 849 is a Bill that was originally suggested by the Department of Human Services. It deals with several issues regarding the Mental Health Code. Provides that treatment plans be prepared for admissions, adds requirements to the content of the treatment plan, requires assessment by the

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court as to whether a recipient continues to meet the requirement for continued confinement. There was some Amendments added to the Bill that I believe were all added without objection. Amendment 2 added a requirement that, 'when the administrative director for the subdivision for mental health services is not a board-certified psychiatrist, the Secretary of Human Services must also appoint a Chief for Clinical Services who is a board-certified psychiatrist.' Amendment 3 deals with the disclosure of a persons mental health records to a county jail or other appropriate individuals. And Amendment 4 added the definition of a licensed clinical professional counselor to be summoned, with a master's or doctoral degree in counseling or psychology or similar program whose had a least three years of a certain kind of experience. I don't think there's any opposition to the Bill. Most of this was written by the department. I would ask your support."

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

Feigenholtz: "Thank you very much, Mr. Speaker. I rise on a point of personal privilege."

Speaker Hartke: "You're out of order. Is there anyone standing in opposition to this Bill? Chair recognizes Representative Black."

Black: "Thank you very much, Mr. Speaker. I don't rise in opposition, but would the Sponsor yield?"

Speaker Hartke: "He will yield."

Lang: "As long as you're not in opposition, I'd be proud to yield."

Black: "Thank you. Representative, as far as I know and having

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looked at all of your Amendments in the Bill, is it safe to assume that all of our community-based providers are in support of the language of this Bill?"

Lang: "The... I don't recall any opposition to any of the Amendments..."

Black: "Yeah."

Lang: "... and the initial Bill was basically an Agreed Bill, in fact, I think it was on the Agreed Bill list for awhile."

Black: "Just an observation and I know you're working on it. The Bill is well-crafted, extremely well-drafted, has an outstanding Sponsor. There are things in this Bill that obviously need to be done. But, just for the record, I think at some point you and I and others in this chamber have to work on giving our community-based providers the financial resources that they need to do the job. And while a lot of things that we've done help, creating a waiting registry, some of the language in your Bill help them do their job. My fear is, House Bill 616, for example, and others, seem to get bogged down every year in the process. And at some point our community-based providers will not be able to take advantage of the language in this Bill unless we are willing as a General Assembly to give them the financial resources to do so. I know you're working on it, many others in the chamber are, but I just couldn't resist putting that on the record. Because all that we do in substantive language won't mean much if we don't send the dollars to actually deliver the treatment to those people back home in our districts. I appreciate what you've done and I pledge to work with you to continue to deliver the resources necessary to carry out the substantive language in Bills like this."

Lang: "Representative, I'm glad you raised this point. I doubt

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whether there's a single Member of either the task force I chaired or the committee I now chair that wouldn't agree with you. The state now provides more and more dollars to community providers, in fact, we give more money to community providers today than we give to state facilities. But indeed, it's not enough. Mental health and the people who need mental health services have been basically the step-children of Illinois government for a very long time. And you point out correctly that we need to pay more attention and give more focus to how we can help people in their local communities. So, I join you in your comments and look forward to working with you in the next Session."

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

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

Speaker Hartke: "He indicates he will."

Reitz: "Representative, I guess... you know... And again, I applaud your movement on this, but do you know if the department has, has funding built in to assist the counties in these additional court assessments?"

Lang: "I have not discussed with them that issue. Since they drafted the Bill, Senator Parker was the Senate Sponsor of the Bill. Since they drafted the Bill, Representative, I'm simply going to assume that they have the resources to carry out the language that they drafted."

Reitz: "Okay, well, I would appreciate your assistance in... as I will, in following up on that to make sure that... I know in the case of the... in Randolph County the Chester Mental Health Center, the judges down there have informed me that this will probably double the amount of court assessments. And it's... you know, it's going to be a tremendous burden on the budget of the court system down there. So, if we



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can take care of that problem I think it's a good Bill."

Lang: "I will join you in that effort and I'm sure someone at DHS is listening to our voices as we speak and will scurry down to the floor to tell us the provisions they've made monetarily, to deal with this Bill."

Reitz: "Thank you."

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

Lang: "I would ask you for your support on this very important Bill for mental health."

Speaker Hartke: "Question is, 'Shall the House pass Senate Bill 849?' 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 849, there were 116 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill having received a Constitutional Majority, is hereby declared passed. The Chair recognizes the Lady from Cook, Representative Feigenholtz."

Feigenholtz: "Thank you, Mr. Speaker, very good."

Speaker Hartke: "I apologize, but you're out of order. We're making announcements between Bills, not during Bills."

Feigenholtz: "I... I was..."

Speaker Hartke: "Yes, state your point."

Feigenholtz: "... was apprised of that by my CB, thank you. Ladies and Gentlemen of the House, up in the gallery I am very proud to announce that I have some visitors from Hawthorne School Academy who are history fair finalists in the gallery. Can we welcome them?"

Speaker Hartke: "Welcome to the General Assembly. The Chair would like to announce that this week, Friday, is Third Reading deadline. So, it's highly suggested that if you

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have Amendments that you would like to file on any of your Senate Bills, that they should be filed today in order for the process to work. Mr. Clerk, what is the status of Senate Bill 556?"

Clerk Rossi: "Senate Bill 556 is on the Order of Senate Bills-Third Reading."

Speaker Hartke: "Place that Bill on the Order of Second Reading for the purposes of an Amendment, at the request of the Sponsor. Senate Bill 1114, Representative Ryder. What is the status of that Bill?"

Clerk Rossi: "Senate Bill 1114 is on the Order of Senate Bills - Third Reading."

Speaker Hartke: "Place that Bill on the Order of Second Reading for the purposes of an Amendment at the request of the Sponsor. Chair recognizes the Lady from Cook, Representative Wojcik."

Wojcik: "Thank you, Mr. Speaker. I noticed that you announced that Friday is the end of Third Reading. I have Senate Bill 956 on page 4 of the Calendar and to date it has not been called. And I'm just wondering what is the delay and when will this Bill be called?"

Speaker Hartke: "What was that Senate Bill?"

Wojcik: "Senate Bill 956."

Speaker Hartke: "I will check to see where we're at with that."

Wojcik: "I'd appreciate that, thank you."

Speaker Hartke: "On page 5 of the Calendar, appears Senate Bill 1227, Representative Black. Out of the record. Senate Bill 336, Representative Brady. Out of the record. Senate Bill 441. Representative Cowlshaw. Senate Bill 441. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 44... 441, a Bill for an Act amending the Public Community College Act. Third Reading of this

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Senate Bill."

Speaker Hartke: "Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker. Senate Bill 441, which was amended yesterday, no longer contains the material that was contained in it when it passed out of here and went to the Senate. That is because what was in there has since been decided by the Community College Associations, all of them, that that was not any longer necessary. What has been done with this Bill is that we have adopted three Amendments. We adopted them all yesterday. The first Amendment is sponsored by Representative Woolard and provides what is necessary in language for the Illinois Cooperative Work Study Program through the public community colleges. Amendment #2 was sponsored by Representative Erwin and makes some desired changes in the Graduation Incentive Grant Program through the Board of Higher Education. And Amendment #3, also sponsored by Representative Erwin, amends the Governors State University Law to permit the student on that board to be a part-time, not necessarily a full-time student. Partly, because there are a large number of part-time students at Governors State. So far as any of us know, there is no opposition, whatsoever, to any of those three items which now comprise the Bill. I'd be glad to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 441?' 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 441, there were 115 Members voting 'yes', 0 voting

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'no' and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. Senate Bill 680, Representative Hamos. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 680, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Hamos."

Hamos: "Thank you, Mr. Speaker, Ladies and Gentlemen. Senate Bill 680... Senate Bill 680 contains several provisions. The underlying Bill, Senate Bill 680 has a job skills enhancement pilot program in three different counties which will enable current and former TANF recipients to enhance their existing job skills. Amendment #1 that we discussed yesterday will include a customer... a set of customer relations and customer service improvements within the TANF program that will first of all, avoid inadvertently punishing families coping with severely disabled children. It will enhance relations between TANF recipients and IDHS offices by providing for some weekend and evening hours on a pilot basis for TANF recipients who are working. It will eliminate an unintended technical problem that presents some problems for the first few months of work. That's Amendment #1. Amendment #2 is exercising the domestic violence option that Representative Lindner had introduced and we passed earlier in the year, which will provide for identifying TANF recipients who may be domestic violence victims and referring them to the appropriate services and waiving rules when necessary. Amendment #3 adds certain categories of noncitizens eligible for public assistance, and also, eliminates the sunset for nutrition programs for immigrant services. Again, this one was introduced by

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Representative Coulson and passed earlier in the Session.

And I would ask for a favorable Roll Call."

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

Gash: "Thank you, Mr. Speaker. On Senate Bill 800, I would have like to have been recorded as having voted 'yes'."

Speaker Hartke: "The Journal will so reflect. Is there any further discussion on Senate Bill 680? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 680?' 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? Mr. Clerk, take the record. On Senate Bill 680, there were 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 648. Representative Krause. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 648, a Bill for an Act concerning charter schools. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Krause."

Krause: "Thank you, Mr. Speaker. I present Senate Bill 648 which seeks to remedy several issues in the current Illinois Charter School Law. Briefly, this Bill would provide that charter schools would be able to rent facilities from local school districts, that charter school students would be able to ride district buses to the same extent as nonpublic school students. In addition, the legislation provides for a transition impact aid to provide for a four-year-period to assist school districts with the impact of charter schools about to open. It goes down throughout the four years. In addition, the legislation provides that charter

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schools would now be included in the State Report Card Act, in addition that the state board would conduct periodic external evaluations of charter schools. Further, just briefly, it provides that a local school board, when petitioned by 5% or more of the voters, can submit or shall submit a questions regarding the establishment of a new charter school. Further, it provides that charter schools shall be entitled as lab schools to access dollars available on a competitive basis to local school districts. Just briefly, in the committee hearing and we recall yesterday we adopted Amendment #2 to the Bill which deletes the provision in the underlying Bill, which now removes the provision that once a region attained 15 school... 15 charter schools that it could then proceed with another 15. That was deleted. And one further comment, in the committee a number of the committee Members did raise issues basically on the broad issue of charter schools, the chair of the committee, Representative Woolard, has stated that there shall be hearings that the committee shall conduct throughout the summer to address some of those issues that were raised. I would be pleased to address 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?"

Speaker Hartke: "She indicates she will."

Black: "Representative, I think you've done outstanding work on the Bill. I'd like to focus on one area of concern that I'm simply not clear about the fiscal impact of this Bill. If you take the transition impact aid, the start-up costs grants, the revolving loan fund and the additional grants,

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where does all this money come from?"

Krause: "As I recall, the budget as proposed by the board already includes \$10,000,000. And that if everything, Representative, were funded, if every charter school opened, if it had the maximum students, everything else, they would need a maximum of \$17,000,000 if everything were funded. They did feel that it would come in at the 10, but nevertheless, if everything did come in given the other areas in the budget, that they could work within that, within that budget."

Black: "All right, now, these dollars, do they represent a separate appropriation or the transference of dollars within the common school fund that would otherwise flow into the general state aid formula?"

Krause: "It... it would be a separate appropriation."

Black: "So, it is... it is safe to assume that the common school fund, i. e. the general state aid formula would not be..."

Krause: "That is correct."

Black: "... damaged in any way, shape, or form, by this Bill?"

Krause: "That is correct."

Black: "Okay. The other question and again, it's simply a matter of not understanding some notes from the Board of Education about state chartered schools accessing up to a 100% of local per capita tuition. Can you expand that definition? What does that mean?"

Krause: "Well, my understanding is what that says in their memo is that to determine the per capita for a charter school for an enrollment of a child, that charter school back to the local district would receive a full 100% of what the local per capita amount is for that child."

Black: "All right. Does that mean that you take that per capita tuition away from the school district?"

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Krause: "That is correct. And that's why we've worked in the four-year transition in this Bill, but you are correct. The current law is that and now we have put in this Bill a four-year transition to address the issue that you're raising."

Black: "All right, so... you've... in talking with, with Don Payton..."

Krause: "Yes."

Black: "... this clarifies existing practice and if I understood him correctly, reduces the burden on the school district. Is that your interpretation?"

Krause: "That is correct."

Black: "Okay, fine, fine."

Krause: "That is what it does, it does as says."

Black: "Representative, as always I appreciate your indulgence and your forthright answers because obviously some of us were concerned that if we were transferring money within the common school fund, that put some schools at risk. And you've certainly eliminated the fear that I had and I commend you for your knowledge of the Bill, your forthright answers and I stand in support of your legislation."

Krause: "Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 648?' 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 648, there were 112 Members voting 'yes', 5 Members voting 'no'. And this Bill having received a Constitutional Majority is hereby declared passed. Chair would like to welcome Representative Hoffman's family to



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the floor today. Welcome them. Senate Bill 937, Representative Myers, Rich Myers. Out of the record. Senate Bill 384, Shirley Jones. Representative Jones. Out of the record. Senate Bill 146, Representative Mautino. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 146, a Bill for an Act in relation to state bonds. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Mautino."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 146 adds a new Section to the General Bond... General Obligation Bond Act. It amends other Sections of the Act: Build Illinois Bond Act, State Finance Act, Baccalaureate Savings Act, to address recent court challenges to Public Act 85-1135. What this was was when the, one portion of that legislation was struck down under the single subject rule as it related to the Cook County sales tax. Now, although this complaint was ultimately dismissed, there's an appeal or another challenge is possible. It's important to note that this does not... it is purely technical and does not increase or decrease authorization levels. But it's something that we have to do to protect the integrity of those bonds that the state has gone forward and issued. The Senate has sent a unanimously and leadership in those who understand the structure of the bonding and the importance of protecting our integrity on those projects that have gone out. Representative Rutherford, Ryder, who are very well versed in the importance of this legislation, as well as, Representative Hannig. And I ask for an 'aye' vote. This does not increase or decrease the current authorization levels. It simply codifies and protects what we have already done and it needs to be passed."

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

Black: "Yes, thank you very much, Mr. Speaker. I have an inquiry of the Chair."

Speaker Hartke: "State your inquiry."

Black: "Yes, this is very similar to a previous sales tax validation issue in which we... and I think there had to be a Motion to reconsider and I don't remember the Bill number. But, my inquiry to the Chair is, 'Does this require an extraordinary majority?' As we discovered on a previous sales tax validation Bill, it did. I just would like to avoid that problem with this Bill if we could."

Speaker Hartke: "The parliamentarian is checking into that. We will get back with you. Do you have any other questions about the Bill?"

Black: "No, that's all. I just... hopefully when we pass this we'll get that question and we don't have to worry about a Motion to reconsider and all that stuff."

Speaker Hartke: "Okay."

Mautino: "Mr. Speaker, on Senate Bill 146, so that the parliamentarian can get the proper ruling and take a look at it. Would you take this out of the record and then we'll come back to it?"

Speaker Hartke: "Okay, we will take this Bill out of the record. Mr. Skinner, for what reason do you seek recognition?"

Skinner: "Well, last Friday I asked a question as to whether Representative Mathias' Bill took a... 71 votes to pass. We had home rule units involved, I believe and we never got an answer. It's now Wednesday. The same question has been raised again. Was there an answer to... or is there an answer to my Friday question?"

Speaker Hartke: "We will get back to you. We're still

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researching that."

Skinner: "And is the Bill being held or has it been sent to the Governor?"

Speaker Hartke: "There is a Motion to reconsider and so that Bill is being held."

Skinner: "We've already reconsidered it once. I wasn't aware you could reconsider non infinitum (sic-ad infinitum)."

Speaker Hartke: "Yes, you can."

Skinner: "Is this Robert's Rules of Order or Hartke's rules of order or for what?"

Speaker Hartke: "Another Member filed a request to reconsider."

Skinner: "Well, I'm asking the question, 'On what basis is someone allowed to file a Motion to reconsider after a Motion to reconsider has already been considered?'"

Speaker Hartke: "We'll get back to you on that. Chair recognizes Representative Durkin."

Durkin: "Thank you, Mr. Speaker. Point of personal privilege, in the gallery..."

Speaker Hartke: "State your point."

Durkin: "... I'd like to welcome a group that made a long trek from Westchester, Illinois, the Westchester Chamber of Commerce. I'd like for us to give them a warm General Assembly welcome. Thank you very much."

Speaker Hartke: "Welcome to the General Assembly. Senate Bill 937, Representative Meyer. Out of the record. Senate Bill 376, Representative Kenner. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 376, a Bill for an Act in relation to truth in taxation. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Kenner."

Kenner: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 376 otherwise know as the Truth in Taxation Law passed out of committee unanimously. And it

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basically, requires the taxing district to disclose... disclose its intentions to increase its taxes by publication and to hold a public hearing. This is a pilot program which begins January 1, year 2000 to the year December 31, 2002. I would simply ask for your support, thank you."

Speaker Hartke: "Is there any discussion? Representative Black."

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

Kenner: "Yes, he will."

Black: "Representative, I... I'm a little confused on this, there has been a Truth in Taxation Law on the books for some time. Was Cook County excluded from the original enacting legislation? Cause I know many of my districts having to, have had to do this for years. A certain size ad in the paper, black border, truth in taxation hearing anytime the levy went up. I can't remember what the percentage is. But, I, evidently, Cook County was not included in the original legislation?"

Kenner: "That's certainly a possibility because this is not current law."

Black: "All right. So, this would be very similar to what I think 101 counties have had for a number of years. You have to have a public hearing, correct?"

Kenner: "And it's during a particular week in December, also. It's like a tax week."

Black: "Okay, right."

Kenner: "So, the intention is to provide taxpayers the opportunity to schedule in advance if they are interested in coming and testifying. So, that's the purpose in the legislation."

Black: "Okay. I would just be curious, I didn't know if staff

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was over there.. my analysis doesn't indicate why, if there was a reason that Cook County wasn't included in the original law. I was just... and I guess since it's been the law in the rest of the counties for a number of years... why is... why is the Municipal League opposed to it? And unless I'm wrong, maybe your staff or my staff can tell me, but unless I'm... got the wrong idea in my mind. My county has done it for years and yet I noticed that the Municipal League, the School Management Alliance and the LUDA Unit District Association signed in in opposition to this Bill. And I don't understand that, if they have had to live with this same truth in taxation hearing in all the other counties. Why would they oppose the same measure in Cook?"

Kenner: "Well, I think that their opposition is primarily technical in nature. What they want is... they're for the gist of the idea, but what they want is... if the... if the date is cancelled then they want a specific date in the Bill when the... when the rain date would be set. And that's not in the Bill. So, that is where their opposition is right now."

Black: "So, I'm just checking the staff where your Bill differs from what the other 101 counties do as I understand it, it's that narrow window of when these hearings will have to be held that might generate the opposition, correct?"

Kenner: "That probably is the difference."

Black: "Okay. Representative, I... I appreciate your indulgence and I'm not trying to go around you or do any subterfuge because I think I'm intending to vote for the Bill. But, Mr. Speaker, I do have an inquiry of the Chair."

Speaker Hartke: "State your inquiry."

Black: "In creating the Cook County Truth in Taxation Act that

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requires taxing districts, including home rule units, with any territory in Cook County to disclose, et cetera, et cetera. Since it appears we are preempting home rule in the county of Cook by this legislation, my inquiry is, 'does this impact the section of the law that would require an extraordinary majority for passage?'"

Speaker Hartke: "We'll take that under advisement."

Black: "Thank you very much, Mr. Speaker. I would assume that you will let us know prior to the vote on the Bill?"

Speaker Hartke: "Mr. Kenner takes the Bill out of the record."

Black: "Thank you very much."

Speaker Hartke: "Senate Bill 1029, Representative Ryder. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1029, a Bill for an Act amending the Illinois Administrative Procedure Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. This Bill with Amendment #1 which makes... takes effect December 31, 2002 requires a centralized database. As you know, we are required to have the statutes and other information of the state on the Internet by that time. In order to accomplish that, this central database is now deadlined to do that for rules and regulations as administered by the Joint Committee on Administrative Rules. And I would 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...'"

Ryder: "Speaker, Speaker, I apologize..."

Speaker Hartke: "... Representative Black."

Black: "Thank you, Mr. Speaker. I'm sorry I was delayed. Will

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the Sponsor yield for a question of clarification?"

Speaker Hartke: "He will."

Black: "Thank you. Representative, with the addition of the Amendment that you described, is it safe to assume that the various business groups who had originally opposed the Bill, now, no longer do so?"

Ryder: "Yes, Sir. I've been advised by a person for a state agency with which we negotiated that that opposition would be removed."

Black: "Thank you very much."

Speaker Hartke: "Further discussion? Seeing no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1029?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, excuse me all those in favor vote 'yes'; all 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 1029, there were 116 Members voting 'yes', 0 voting 'no'. And this Bill having received a Constitutional Majority is hereby declared passed. For what reason does the Lady from Cook, Representative Jones, seek recognition?"

Jones, S.: "Thank you, Mr. Speaker. I stand on point of personal privilege."

Speaker Hartke: "State your point."

Jones, S.: "I'd like to welcome back to the House, retired Senator Ethel Skiles Alexander. Let's welcome her back."

Speaker Hartke: "Welcome, welcome to the House. On page 4 of the Calendar, appears Senate Bill 1030. Representative Ryder. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1030, a Bill for an Act amending the Illinois Administrative Procedure Act. Third Reading of

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this Senate Bill."

Speaker Hartke: "Representative Ryder."

Ryder: "Thank you. This is a second in a series of Bills concerning the Administrative Procedures Act. With the Amendment that was adopted yesterday, I believe that all opposition has now been removed from the Bill. It does follow the Illinois State Bar Association's recommendation to tie more directly rules and regulations to the citations that are used on the statutes. And what it does, is ask for agencies when they promulgate rules, when applicable, to cite the specific statute they are using to promulgate the rule, if not, to cite a general citation. I'd be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1030?' 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 1030, there were 117 Members voting 'yes', 0 voting 'no'. And this Bill having received a Constitutional Majority is hereby declared passed. Senate Bill 384, Representative Jones, Shirley Jones. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 384, a Bill for an Act amending the Public Utilities Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Jones."

Jones, S.: "Senate Bill 384 is a Shell Bill and I ask for your favorable vote. Thank you."

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 384?' All



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those in favor signify by saying 'aye'... 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? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 384, there were 45 Members voting 'yes', 69 Members voting 'no', 3 Members voting 'present'. And this Bill having failed to reach a Constitutional Majority is hereby declared lost. Senate Bill 376, Representative Kenner. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 376, a Bill for an Act in relation to truth in taxation. Third Reading of this Senate Bill."

Speaker Hartke: "Yes, we heard the presentation of this Bill and we're getting back to Representative Black on his inquiry. The parliamentarian on behalf of the Speaker."

Parliamentarian Uhe: "On behalf of the Speaker in response to your inquiry, Representative Black. Senate Bill 376 amends certain provisions of the Cook County Truth in Taxation Law and amends procedures concerning the levy and extension of taxes. It does not limit or deny the power of the home rule unit to levy taxes and therefore, this does not require a 3/5 vote under Section (g), Section 6 of Article 7 of the United States or of the Illinois Constitution."

Speaker Hartke: "Is there any further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 376?' 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 376, there were 115 Members voting 'yes', 0 voting 'no', and 1 person voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 3 of the Calendar, appears

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Senate Bill 368, Representative Saviano. Out of the record. Senate Bill 801, Representative Saviano. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 801, a Bill for an Act amending the Collection Agency Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. Senate Bill 801 is an initiative of the Illinois Collection Agencies. This Bill is a proposal to bring up prima facie interest rates up to par with credit unions. This Bill passed out of Senate 52-4. I would ask for your favorable vote. Thank you."

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

Turner, J.: "Excuse me, Mr. Speaker."

Speaker Hartke: "Sponsor will yield."

Turner, J.: "Mr. Speaker, will the Sponsor yield?"

Speaker Hartke: "He indicates he will."

Turner, J.: "Representative, do you know what the vote in the Senate was on this measure?"

Saviano: "Fifty-two to four."

Turner, J.: "I'm sorry, Skip, did you say 50-34?"

Saviano: "Fifty-two to four."

Turner, J.: "Fifty-two to four. Are there any opponents?"

Saviano: "We know of none."

Turner, J.: "And I will frankly admit that I wasn't listening as closely as I should have been, but could you just real briefly go over the Bill again so that all the Members know what it does?"

Saviano: "All this would allow is the collection agencies to charge the going rate in... up front, in their contracts

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with debtors which would bring up to par with credit unions."

Turner, J.: "The... the collection agencies, if I understood that correctly, would be allowed to charge more on an up-front basis?"

Saviano: "Correct, in their agreements with their creditors they will be able to specify up front what the interest rate would be. And this is, this is to alleviate the problem that they have been going through with situations where they would charge this fee and then be brought up on disciplinary problems with the department. So, this would just take that out of the whole scenario."

Turner, J.: "All right, all right. A collection agency, as I understand it, then would collect money, I would assume they would charge a fee based upon a contingency, but you're talking about interest rates. How do interest rates tie into your Bill, Representative?"

Saviano: "Well, if you see, under... in your analysis on reason for change says, 'the Department of Professional Regulations rules that based on current case law any additional amount a collection agency collects must be based on costs occurred.' This change would allow collection agencies to collect additional money beyond or incurred expenses, but that would be stated up front in the contract with the creditor."

Turner, J.: "Is the additional amount that they are able to charge for their services, is that passed on to someone else down the line?"

Saviano: "Yes, the debtor. Now, these are all amounts that are in default, do you understand that? These are amounts that are owed, in default and it would be passed on to the debtor."

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Turner, J.: "What is a typical example of how much a collection agency currently charges? And how much would this allow them to increase that amount?"

Saviano: "The rate that is set right now is at 5%. This percentage has been around for about 80 or 90 years. And that's why we are trying to put it up to par with what the credit unions charge. That way, everybody is on a level playing field. This rate hasn't been increased in over 60, 70, 80 years."

Turner, J.: "And the rate increase is how much, again Representative?"

Saviano: "It would be... It used to be 5%. This would raise it to what the going rate is that credit unions charge."

Turner, J.: "Thank you."

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

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

Speaker Hartke: "He indicates he will."

Mulligan: "Representative, I'm sorry. Maybe Representative Turner asked you this and I didn't hear it, but if they're going to charge an additional fee, is that additional fee going to be over and above the amount of the original bill, or are they going to charge back to the person that's collecting it out of the amount of the bill?"

Saviano: "That would be over and above what is owed."

Mulligan: "So, if someone has a medical claim that they're arguing with the insurance company about paying, and the bill is \$500, and the doctor or the x-ray facility whoever is arguing for, forwards that bill on while you're still arguing with the insurance company about paying, you mean, the collection agency can then raise it x number of dollars? And what would x be?"

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Saviano: "I... I'm not aware of that. I mean, if you're saying that if a collection agency is working for a hospital?"

Mulligan: "Right. This happens... the reason I'm bringing up this, is because I think this happens, routinely. A collection agency will receive a bill from a hospital and they'll then send a claim to the patient. The patient in the mean time is arguing with an insurance company about either the amount of the payment or the total payment. So now you're telling me that if we pass this, the collection agency will then be able to add an amount over and above what the original bill was, because the hospital has routinely passed this on, before you can negotiate with your insurance company to pay the full amount."

Saviano: "Well, I... I know that you had a personal problem with this. I think you brought this up in committee. How did you handle it?"

Mulligan: "I handled it because I was waiting for the... and I was still arguing the insurance company. What I'm gonna do is I'm gonna end up paying it in full while I still argue with the insurance company. But in the meantime..."

Saviano: "Well, that's probably what you should do then. That's what I do. I pay it and then argue with the insurance company so I don't have the collection agency sitting on me."

Mulligan: "Right, but we're talking a couple hundred dollars, we're not talking \$3,000 that maybe a bill and it may be a poor person who can't afford to then automatically write a check. So then in the mean time... I think either the Bill needed to be reworked, which we discussed in committee or it needed to make an exception in certain instances. Because this happens routinely to a lot of people, so what you're then doing, is you're allowing the collection agency

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to add an amount over and above the original bill while you're still negotiating with the third party in payment. There's got to be a better way of doing this than just to automatically allowing them to add an amount, when this is a routine hassle."

Saviano: "Well, they don't... they don't automatically... I mean, what you're saying... I mean, if you owe the bill, the services are rendered to you, you gotta pay the bill. You sign when you go in. Now, let me tell you something, this situation where this bill applies, doesn't necessarily... you're singling out one situation. You're talking auto loans. You're talking, you know, other places where this is a problem. I know of no situation that's pending with the department that is concerned over a hospital bill. It's mostly these low-cost loans, things of that sort, where people are just avoiding payment. And I think that it's justified for these people to have to pay these costs over and above what they owe."

Mulligan: "But there's no distinction between a situation that routinely happens with medical claims and the rest of the things that you're talking about. Plus, is there a definition of how much or what types of fees this can be?"

Saviano: "Yes, it's all stated in the agreements with the creditor. That's what this says. It's in the agreement, up front, so, whatever's agreed upon up front, ultimately that's all they could charge."

Mulligan: "How is this different from House Bill 1837, which would raise it from 5% to 9%?"

Saviano: "This is the companion Bill from what I understand."

Mulligan: "So, did House Bill 1337 raise the percent you could charge on late, from five to nine?"

Saviano: "You have to repeat that."

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Mulligan: "Did House Bill 1837 raise the interest rates on late charges from 5% to 9%?"

Saviano: "Yes, I believe it did."

Mulligan: "And did that pass the House?"

Saviano: "That passed."

Mulligan: "And it passed the Senate?"

Saviano: "Yes."

Mulligan: "So then, now the interest rate on a late fee would be 9% and they could charge another amount over and above that?"

Saviano: "No, no that would be it. It caps it at 9%."

Mulligan: "Where in the Bill does it cap it?"

Saviano: "You know, if my staff was here to help me out, instead of giving you questions to ask me, it would be a lot better off, Rosemary. What do I need staff for? Take this Bill out of record, Mr. Speaker."

Mulligan: "I beg your pardon, but I asked these same questions in committee."

Saviano: "And Rosemary, the women's caucus will again suffer."

Speaker Hartke: "Take this Bill out of the record. Senate Bill 906, Representative Saviano. Out of the record. Senate Bill 215, Representative Gash. Mr. Clerk call the Bill."

Clerk Bolin: "Senate Bill 215, a Bill for an Act to amend the School Code. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Gash."

Gash: "Thank you very much, Mr. Speaker. This Bill is identical to the House Bill 323, which I carried in the House and is now in the Senate. It passed unanimously out of committee where all committee Members were added as cosponsors, it passed unanimously out of the House. Senate Bill 215 passed unanimously out of committee in the Senate, and unanimously out of the Senate. The current law provides

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for the detachment of areas... school areas that are located entirely within a military base from their present school districts when requested by the boards of the school district or a majority of voters within the district, but the law does not at this time provide for a means of ensuring that the new district actually gets up and running, or for a means of dissolving the newly-created district. This Bill would amend the school district to provide that, if such a new school district has not become or does not become operational within two years after it's date of detachment. I ask for your 'aye' vote."

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: "She will yield."

Cross: "Representative, frankly no one could hear a thing you said over here, and we didn't understand your explanation. Could you tell us what on earth this Bill does?"

Gash: "In 1994, the Legislature enacted a new law to allow the detachment of a mili... of a school district... of a school within a school district that had a military base on it. The reason for that law was to try to get impact aid from the Federal Government in a more fair manner, in fact that never happened. School District 100 was created out of School District 112. That school district never got up and running and never had any board members. What this will do is reattach that back into School District 112. There is no fiscal impact."

Cross: "So we're eliminating school districts under your Bill, is that the essence?"

Gash: "This eliminates School District 100, which in fact is not an operational school district, never has been and has



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never had any board members."

Cross: "How much state funding do they get?"

Gash: "Does who get?"

Cross: "School District 100."

Gash: "There are no students within School District 100, it has never become operational."

Cross: "What... is this limited to just this particular school district?"

Gash: "In fact, yes."

Cross: "Wouldn't you call that special legislation, Representative, that can be construed to be unconstitutional?"

Gash: "No, because this basically would allow for any school districts which were created under Section (b) on or before September 1, 1996, which has not elected a school board, and has not been operational since September 1, 1996, to be dissolved, but thank you for your question."

Cross: "Is the US Government supportive of this Bill? I know we're dealing with... is this... this is a military base out here?"

Gash: "This had been a military base."

Cross: "And it was closed?"

Gash: "Yes. There are some military school district... there are some students, theoretically. This has never become in any way operational. This is the request of the school district which would then be undertaking the education of these children, which it is presently doing. Nothing in fact changes from this legislation."

Cross: "Did you... what did you do with the Amendment, Representative, that you previously filed?"

Gash: "That Amendment which was a request of a Senate Member was withdrawn."

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Cross: "All right. I'm... so where do the kids go to school that were on that military base?"

Gash: "They are now in School District 112. There are very few, but they are already in School District 112, which will encompass School District 100 once this legislation passes."

Cross: "Why do you have to eliminate a school district, if we don't have school districts, if we don't have a school board, if we don't have kids there, there's no money there, why do you do this? Why are we creating, it seems like a needless piece of legislation?"

Gash: "There was some concern that if somebody ran for the school board theoretically there could become a problem with a school district that, in fact, doesn't really exist right now. It also allows School District 112, which is now already educating these kids, to claim that property in their tax base. This is something that Members of the Education Committee felt so strongly about that they literally not only voted unanimously for it, but they all asked to become cosponsors."

Cross: "So, there are 22 Members on as cosponsors to a Senate Bill?"

Gash: "I believe there are 23 Members of the Education Committee who are all cosponsors of the House Bill, which is identical to this, and the House Bill is House Bill 323."

Cross: "Oh, but they're not on the Senate Bill?"

Gash: "No, this Bill is identical to that Bill, but unfortunately before we could get them all to become cosponsors, or fortunately, this Bill was put onto the Agreed Bill List."

Cross: "Are there any other school districts now... I'm... this is what concerns me. Are there any other school districts that could fall within this criteria of your language that

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basically sets up the dissolution of the school district?"

Gash: "Not that I am aware of, but if there were to become one, this is something that the school districts that were related to them in some way would want. So this is something that would be advisable in case that occurred."

Cross: "Why would we want to create a scenario where other school districts throughout the state could potentially be dissolved?"

Gash: "They would only be dissolved within two years of being detached from a school district that has a military base in it. They'd fail to become operational. That means they would have to go for within two years, if they did not elect a school board, they did not become operational, then they would be reannexable into the school district that they had been taken out of."

Cross: "I guess, Representative, I don't see any reference in your Bill, and that's what concerns me, to a military base. All I see is the ability or the authority to dissolve a school district and I don't know why. I mean, I don't know why we'd want to give the opportunity for school districts to be dissolved. What if all of the sudden, people were angry with their particular school district and started the process of dissolution?"

Gash: "Representative Cross, it is my understanding, and I'm double checking on this that..."

Cross: "Do you want to pull this out of the record, because I'd hate for the Chicago School District to be dissolved?"

Gash: "No, thank you, but this actually refers to the dissolution of any school district that was established by subsection (b), which is related to military schools... military districts within school districts."

Cross: "Where does it say that? I just see the word territory,

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would this apply to a school district within an Indian Territory? Or an Indian Reservation, Representative? I mean, why would we want to dissolve school districts throughout the state that are in..."

Gash: "This legislation does not address that."

Cross: "Pardon me? I'm just not sure what a 'territory' is and I don't see the definition of a 'territory' in your Bill."

Speaker Hartke: "Representative Gash."

Cross: "It's obvious, Mr. Speaker, that we have a problem here, if maybe we could take it out of the record and work on this. I'd hate to see all the school districts around the state automatically dissolve because of Representative Gash's Bill."

Gash: "Representative, as would I, of course... Representative..."

Cross: "Pardon me?"

Gash: "I think we would all be concerned about that. Representative, this refers to subsection (b). Subsection (b) refers to, 'any elementary or high school district with 100 or more of its students residing upon territory located entirely within a military base or installation'..."

Cross: "Where, where, where... what page are you on, Representative?"

Gash: "Page 2, line 24, 25, 26."

Cross: "All right. Would this apply to a reserve base? I think there's a national guard base here in... or army reserve base here in Springfield..."

Gash: "This would apply to a military base, when under legislation they have been detached from an existing school district and they have not become operational. Let me repeat that for you, Representative Cross, when they have not become operational and they are not in... in fact, they

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are not, in fact, in existence. At the request of the other school district, they would then be able to file with the Regional Board of School Trustees, did you catch that part? Filing with the Regional Board of School Trustees, petition adopted by resolution of the board or a petition signed by a majority."

Cross: "Well, if there is no board, Representative, how do you file a petition with the board? You've just told us on your legislation that there's no board."

Gash: "Or... I was still talking, or a petition signed by a majority of the registered voters residing upon such military base or installation."

Cross: "I'm sorry, could... the last part there, because that's confusing. It almost makes it sound like you're asking us to have a board sign a petition to dissolve the school district, but you're also saying at the same time, you have to have a school board that's ineffective or doesn't exist. That seems contradictory."

Gash: "Representative Cross, to go back to the history of this particular legislation, in 1994 this Body passed a law that would allow for the detachment of a school district so that we could try to force the Federal Government into paying adequate impact aid for school districts. In fact, they did not do that. We want to make sure those children are still educated. The discussion at the time was to make sure that if this did not occur, we could make sure that if this did not occur, we could figure out a way to make sure the children were still educated."

Cross: "You still haven't answered our question, which I think is really the root of the problem of this Bill, Representative, is how does a school board that doesn't exist take action to dissolve itself?"

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Gash: "If it has not elected a school board, and has not become operational within two years after the date of detachment, then the district is automatically dissolved and the territory of this district would revert to the school district from which it had been detached or a successor district. Any school district which was created under this subsection, which is subsection (b), which refers to the military base, on or before September 1, 1996, that has not elected a school board and has not been operational is automatically dissolved on the effective date of this Amendatory Act of 1999."

Cross: "Representative, I... It's very confusing. My concern I guess, lastly, what are you gonna do to those kids at that school district when you eliminate their school district and they lose their ability to be in a biology class and dissect frogs? How are you going to handle that, Representative?"

Gash: "Representative, that's a great question."

Cross: "Well, I'm anxious to hear what we're gonna do about those poor kids who are gonna miss biology class in this territory and can't dissect their frogs."

Gash: "Parenthetically, Representative, I'm sure you'll be pleased to know that the Bill to which you are referencing, the Bill you're referencing elliptically has now passed the House and the Senate. Thank you for mentioning that. Of course, it's our concern about those children, and this legislation will allow those children to continue to be educated without potential severe problems. That was addressed in committee in the House. That was addressed in committee in the Senate when both of these Bills passed out of committees. They were then readdressed in the committee when they reverted back... when they went to the other

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House. That is why Members of the House Education Committee, who felt so strongly about this, all requested cosponsorship."

Cross: "So, you're not concerned..."

Gash: "They actually understood the Bill."

Cross: "You're not concerned that there are gonna be a bunch of kids floating around without a school district dissecting frogs? You don't see that happening?"

Gash: "Let me tell you, Representative Cross, on a really serious note. This legislation is attempting to address a situation where there may some kids who are actually left potentially without the ability to get an education whatsoever. This is a very, very serious matter. We have a relatively easy solution to what could become a potential major problem. And I'm sure you'd like to help us in that and I thank you for your support."

Cross: "Well, Representative, I appreciate your succinct answers and I worried about all the school districts that are going to be affected by this Bill, and I'm also worried about those kids out there that will never have the opportunity in your school district to dissect a frog. Thank you, Representative."

Gash: "Thank you."

Speaker Hartke: "The Chair recognizes the Gentleman from Williamson, Representative Woolard."

Woolard: "Would the Sponsor yield for a couple of questions?"

Speaker Hartke: "She indicates she will."

Woolard: "Representative, it's my understanding that in fact, maybe the title of this Bill is wrong. It's not dissolving a school district. It's ensuring that kids are served by a school district all across this state. Is that correct?"

Gash: "Absolutely."

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Woolard: "I... I think I heard you say that this was the kind of Bill the received the kind of support within the committee that all of the Republicans and Democrats joined together and asked you if we could make this a committee Bill and cosponsor collectively with you. Is that correct?"

Gash: "That is absolutely correct."

Woolard: "There was some concern a while ago as to how a defunct school district could petition or ask or receive some kind of report that would allow them to dissolve and become a part of the new school district that surrounds them. I think your Bill addresses specifically, that the Regional Superintendent shall automatically be the conduit and the responsible party for ensuring that these children in this area would be served by the incoming or new school district. Is that correct?"

Gash: "That is absolutely correct. And the discussion we were having earlier about petitions relates to how it can be detached and this automatic so-called dissolution relates to how it can become part of the school district again to make sure... to ensure that those students will continue to be educated."

Woolard: "To the Bill, Mr. Speaker."

Speaker Hartke: "To the Bill."

Woolard: "I think without question that we all across this state at various times have various unique needs within the district that we represent. I think that the Representative has brought before us something that is very important to a few children within her district. It should be our plan and responsibility to always stand with Legislators as they try to ensure that every child within their district receives ample opportunity to have a quality education and a responsible school district to make sure



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that they are taken care of in a proper fashion. I stand in total support of this legislation and I think that the Representative is doing a great service for a few children within her district."

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

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

Speaker Hartke: "She indicates she will."

Black: "Representative, notice that I am standing and would like to ask you a few questions. The Bill is drafted in such a way that it is not specific to Fort Sheridan, would you agree?"

Gash: "Absolutely."

Black: "It is not site specific to Fort Sheridan."

Gash: "Absolutely, you're correct."

Black: "All right. I have an abandoned military base very, very close to my district, I believe most of it is in Representative Johnson's district as I recall, Tim Johnson. And that is the former Chanute Air Force Base in Rantoul. Now, the student threshold and the population threshold in your Bill would appear to me to include the City of Rantoul and the former Chanute Air Force Base. Now, I believe that the City of Rantoul and the former air force base has already worked all of this out and that children who live on what used to be the air force base attend Rantoul schools. There is nothing in this Bill, give me assurance that there is nothing in this Bill that would complicate the transition efforts already made successfully by the City of Rantoul."

Gash: "That is correct."

Black: "So it would not allow for anybody to raise the question

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that they are living on what used to be federal property and therefore could claim perhaps that they had a somehow a right to go to a school in some other community, maybe they didn't like the Rantoul schools. This does not give them any such right, correct?"

Gash: "This only applies to school districts which have never become operational."

Black: "Okay. Can... is there anything in the Bill that could be construed? I have a federal installation in my hometown of Danville, it's a Veteran's Affairs Medical Center and that is federal property. Now, since time in memorial to the best of my recollection if medical staff live on the grounds of that facility and some of them do, while it is in fact federal property, there is no school district and there never has been on the grounds of the federal... of the Veterans Administration Medical Center. So the kids could go to the Danville Public Schools. And there's nothing in this Bill that would create any kind of a potential difficulty for that standard practice, correct?"

Gash: "And that standard practice of those kids going to the general public school district in which they reside is still the case. In 1994, we changed the law to specifically allow the detachment of a military base..."

Black: "Okay."

Gash: "We did that as a Body in order to shock the Federal Government into doing something with respect to their inadequate impact aid."

Black: "Okay. And was the underlying Bill, the detachment Bill, only aimed at Fort Sheridan?"

Gash: "It was aimed at that situation."

Black: "Okay, because I don't think Representative Stephens or others could correct me. I don't think we have a military

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installation in Illinois, and God knows we have very few left by the way. I don't think any of the existing Federal Installations have a school district or ever have had a school district, like Scott Air Force Base, Great Lakes Naval Training Center there is no K-12 district that's ever been formulated within that federal boundary, is there?"

Gash: "I believe you're correct on that. Highland Park and Highwood did this specifically, as I said, to knock some sense into the Federal Government and make them understand that they should pay a fair share."

Black: "Okay, all right. So, what you're addressing is kind of a hybrid and without your Bill, if I understand it, as Fort Sheridan is developed and people move on to the old federal property in residential subdivisions or whatever, then without your Bill it could raise the question that the family does not live in any school district, therefore you may have to pay tuition to attend the schools in that area, correct?"

Gash: "I believe that theoretically that may be correct. Now, District 112 has been voluntarily educating those children. I believe that we may have written it into the legislation in '94."

Black: "Okay, fine. I appreciate that clarification. Now, the issue at hand and I remember you had a Bill, I think it's identical to this Bill did you not? Wasn't it House Bill 323, that addressed exactly the same issue?"

Gash: "Yeah."

Black: "And what's the status on House Bill 323?"

Gash: "The status of House Bill 323 after it was unanimously passed by the House and unanimously passed by the committee, where all Members asked to be cosponsors, it went over to the Rules Committee as Representative Hamos

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was discussing the other day. There is some uncertainty about what the process of the Rules Committee in the Senate is, and what the Rules Committee in the Senate in fact does."

Black: "Well, Representative, this is the latest synopsis and digest. I think that if you look in the book, I think House Bill 323 is on the Governor's desk. Is it not?"

Gash: "I appreciate you thinking that, but in fact it isn't. I wish that it was."

Black: "Now, hang on just a second let me..."

Gash: "I'll wait."

Black: "I just looked it up and I thought that it was already on the Governor's desk as all good pieces of legislation should."

Gash: "It is sort of inconceivable that it would not be."

Black: "It's House Bill 323, correct?"

Gash: "Yes."

Black: "That's the right number? Okay. House Bill 323, well, by golly, you're right it died in the Senate Rules Committee."

Gash: "Well, it's still there. I suppose theoretically it could be popped out in some way."

Black: "Well, all be darned. Now, you've amended... did you amend this Bill in the House?"

Gash: "This Bill is not amended, no."

Black: "So, if we pass this Bill, it will go to the Governor's desk, correct? It does not have to go back to the Senate for concurrence?"

Gash: "That certainly... no that's correct."

Black: "All right. And it's identical to House Bill 323?"

Gash: "Yes."

Black: "That passed the House unanimously?"

Gash: "Yes. And this Bill passed the Senate unanimously."

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Black: "Well, most Bills they sent over seem to pass the Senate unanimously."

Gash: "It does seem that way, but this is one of those that really should have."

Black: "So, in other words, I don't see... we don't need to continue the questioning. This is identical to House Bill 323 that passed unanimously. It's pretty much site specific. The old Fort Sheridan property. It isn't gonna put anybody in any other federal installation at risk. It... there's nothing in the language as near as I can see that will allow somebody to dissolve a school district, although there might be some people who would like to do that on some occasion, but it's a rather straightforward Bill..."

Gash: "Right, and it's drafted carefully."

Black: "... Addresses a problem in the old Fort Sheridan property, and since it goes directly to the Governor, I'll join with you and let's send it to the Governor. Thank you for your indulgence."

Gash: "Thank you."

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

Gash: "I'd ask for your 'aye' vote."

Speaker Hartke: "The question is, 'Shall Senate Bill 215 pass?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 215, after 45 minutes of discussion, there's 117 Members voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 2 of the Calendar, appears Senate Bill

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287, Representative Burke. Out of the record. On page 5 of the Calendar, appears Senate Bill 1148, Representative Osmond. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1148, a Bill for an Act concerning Economic Development. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Osmond."

Osmond: "Thank you, this Bill is two parts as amended. One that would require DCCA to report back to the General Assembly each year the success or failure of the DCCA programs. And as amended would also include setting up of African trade and encourage our own business people to conduct business in Africa."

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 1148?' 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, have all voted who wish? There were 7 people not voting. Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1148, there were 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 2 of the Calendar, appears Senate Bill 287, Representative Burke. Mr. Clerk, call the Bill."

Clerk Rossi: "Senate Bill 287, a Bill for an Act amending the Illinois Dental Practice Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Burke."

Burke: "Thank you, Speaker. If the Members would remember this matter, yesterday there was an Amendment that passed unanimously. It's a very technical matter having to do

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with the practice of dentistry in our state. And I'd be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 287?' 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 287, there were 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 3 of the Calendar, appears Senate Bill 658, Representative Parke. Out of the record. Senate Bill 786, Representative Parke. Out of the record. On page 2 of the Calendar, appears Senate Bill 233, Representative Mautino. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 233, a Bill for an Act amending the Upper Illinois River Valley Development Authority Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Mautino."

Mautino: "Thank you. Senate Bill 233 affects the Upper Illinois River Development Authority and this would allow the interest on the bonds issued by the Authority to be exempt from state income tax. This is the same as the other Development Authorities. Quad City Regional Economic Development Authority has that. SWIDA has just passed that. Kankakee, I believe they are at the... the Will-Kankakee is just in the startup phase, but this legislation would put Upper Illinois River Development Authority on par with the other existing Authorities. And I ask for an 'aye' vote."

Speaker Hartke: "Is there any discussion? Seeing that no one is

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seeking recognition, the question is, 'Shall the House pass Senate Bill 233?' 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 233 there were 114 Members voting 'yes', 1 person voting 'no'. And this Bill having received a Constitutional Majority is hereby declared passed. Representative Saviano in the chamber? Representative Parke, let's try Senate Bill 658. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 658, a Bill for an Act to create the Orthotics Prosthetics and Pedorthics Practice Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a Bill that has been worked on for three years that has to do with... creates the Orthotics, Prosethics, and Pedorthics Practice Act. And this is for licensure. I... we've amended it so that it's taken care of the needs of the Medical Society. I do not know of any opposition. It will sunset on the year January 1, 2010. So... and the Department of Registration and Regulation has helped us draw up the Bill. So, it's been a lot of work on it and the chiropractors are in agreement with the Bill, so I know of no opposition."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 658?' 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



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Bill 658 there were 109 Members voting 'yes', 7 people voting 'no', and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On Senate Bill 146, Representative Mautino. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 146, a Bill for an Act in relation to state bonds. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Mautino. You've heard the discussion, the question right now is the parliamentary question requested by Representative Black."

Parliamentarian Uhe: "Thank you, Representative Black, in response to your inquiry and on behalf of the Speaker. Senate Bill 146 reenacts provisions in the General Obligation Bond Act and the Build Illinois Bond Act that provided for an increase in the amount of state debt that could be incurred by the state, through the issuance of additional bonds. This Bill would also validate actions taken in reliance upon the original enactment of those bond authorization provisions. Article 9, Section 9 of the Illinois Constitution requires a 3/5 vote for the passage of any Bill that authorizes an increase in the amount of state debt that may be incurred. Because this Bill has the effect of authorizing the issuance of state debt, legally this Bill requires a 3/5 vote or 71 votes to pass."

Speaker Hartke: "Representative Black."

Black: "Thank you very much, Mr. Speaker. We appreciate the indulgence of the Chair and we certainly agree with the ruling of the Chair and we're prepared to move ahead with the business of the day. Thank you."

Speaker Hartke: "Representative Mautino to close."

Mautino: "Thank you. And to Mr. Black, and Speaker, I appreciate that ruling as well. It's good to know that we will not

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have to go back and do this again. But the legislation, it's important that we pass it for the simple reason that we need to protect the obligations that have been made under this previous Act. And so, with that in mind, I ask for an 'aye' vote. I know of no opposition.

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 146?' 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 146 there are 78 Members voting 'yes', 39 Members voting 'no', and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. The Chair recognizes Representative Black."

Black: "Yes, thank you very much, Mr. Speaker. May I rise to a point of personal privilege."

Speaker Hartke: "State your point."

Black: "Yes, in the gallery today, I'd like you to welcome to Springfield, if you would, the students and staff and parents of St. Paul School in Milford, Illinois, Iroquois County, and their history instructor, Mr. Sam Risto. And they're over here in the Democrat side of the gallery. Welcome to Springfield. Good to see you."

Speaker Madigan: "Speaker Madigan in the Chair. Mr. Clerk, what is the status of Senate Bill 1141?"

Clerk Rossi: "Senate Bill 1141 is on the Order of Senate Bills-Second Reading."

Speaker Madigan: "Mr. Clerk, are there any Amendments?"

Clerk Rossi: "No Amendments."

Speaker Madigan: "Place that Bill on the Order of Third Reading. Excuse me, Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1141, a Bill for an Act amending the

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Illinois Municipal Code. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Place the Bill on the Order of Third Reading. Mr. McCarthy do you wish to call Senate Bill 1075? Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1075, a Bill for an Act amending the Illinois Income Tax Act. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. McCarthy."

McCarthy: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. Senate Bill 1075 is the Family Education Tax Credit Bill. This is a Bill that is ... exactly similar to House Bill 999, without the Fund Education First Amendment, which was put on at the last minute before we passed the Bill in the House. The Bill simply gives a credit toward education expenses over \$250 that a family incurs in educating their children through tuition, book fees, and lab fees. In order to apply for the full \$500 credit, they would have to justify that they had \$2250 of expenses, therefore, they'd get the 25% of 2000 and be capped at \$500. If they had exceptional expenses above and beyond \$2,250, they still remain at the \$500 tax credit limit. We've discussed this Bill many times in the last Assembly, as well as this Assembly, and I would ask for your favorable passage. And I'm ready to answer any questions that the Members would have."

Speaker Madigan: "Mr. Persico."

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

Speaker Madigan: "Sponsor yields."

Persico: "Representative, I know this is a Bill that you have worked on for the last couple years and the Senate Sponsor

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as well ... and both of you that... I respect very greatly, as well as the Governor, who also is in favor of this Bill. But I do have a few questions that I would like to ask you. Representative, do... if this Bill passes, what role do you see the state has... will have in regulating private schools?"

McCarthy: "I see this in no way changing any role that the state currently has... and except for the schools when they apply for local help with... their accreditation and things of that nature. But, I don't think it will change in any way, because this is not a state-appropriated fund going to the schools."

Persico: "Well, Representative, in an indirect way, it is a state..., you know, funding private schools. For example, will the teachers have to be certified? I think we're in the process of passing a new teacher certification Bill. Will private school teachers have to be certified if this Bill becomes law?"

McCarthy: "As I said that to your first question, the... there will be no changes in the private schools' relation to the state, whether this Bill passes or fails."

Persico: "Will private schools have to take students that public schools are not required to take, by State and Federal Law, such as; special education students, handicapped students, et cetera?"

McCarthy: "Each and every individual private school would make that determination on their own. Some know that they are equipped to handle such students, and some realize that they're not equipped. So they usually advise the parents not to enroll those students in that school. There will be no mandate that they have to accept every different kind of student."

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Persico: "If that's the case and you talk... earlier you talked about this being an issue of fairness, because private school parents, or you know, parents send their kids to private schools and they should be reimbursed for some of the expenses because they are helping to subsidize public schools, I guess would be your argument. If that's the case, how do you consider it a fairness issue? If you went down the list and there's a 160 school districts in the State of Illinois that would be receiving less money in state aid, than you a private school parent with public money would be receiving if your Bill passes? For example, the school district that I teach in, School District 41 in Glen Ellyn, receives about \$270 per pupil, going towards the education of about a \$6500 bill, or average school, per student. Glenbard West, ... Glenbard Township's High Schools receive about \$280. Puffer Hefty in Downers Grove receives about \$213 per pupil, yet if this Bill passes, you will be giving more to parents of private schools, than the... what we give to educate our children in these particular areas. How would that be an issue of fairness in your mind?"

McCarthy: "Well, I would say first of all that's a very specious argument, to talk about the amount of tax money would come directly from the state. Our public schools average over \$7000 per student. And you can say, 'Well, it comes from the state, it comes from the county, it comes from the Federal Government.' It comes from the taxpayers. So this is over \$7000 per student. We're asking for \$500 per family, who are taking that well over \$7000 per student expense off the hands of the taxpayers and I think it is a very small and inconsequential amount, when compared to the amount of money that they're saving us. And we have many

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tax credits in this state. We give them to businesses over and over again, because what they do for the state is a positive benefit to the state. And I think that these schools provide a very positive benefit to the state, and also deserve this same recognition as the businesses that currently receive tax credits."

Persico: "But yet, you are willing to say that they should not be regulated at all for us giving them this money, this tax break."

McCarthy: "I think they are regulated by the toughest regulations of all, and that's the marketplace. That's how we do business, and this is why our country is so successful internationally, because we can compete in the marketplace. These schools have the toughest regulations to meet of any school in the country, because they have to do a good job or they will go out of business. I think the marketplace requirements are much tougher than anything that we will pass on the public schools of our state."

Persico: "And I'm not arguing that the public or the private schools do not do a good job of educating their students because I happen to be a product of private schools from the K through eight. And I'm also very aware... well aware of the students that come from the private schools into our public high schools, and they are very well prepared. I guess my argument would be that... there... the public schools that I represent and that many of the Suburban Legislators represent do an excellent job of educating their students, and yet, under this Bill, if it becomes law, a parent of a private school student would receive more than the money that we are receiving for state aid for educating our public school teachers. And if you went to the argument that way, I mean I happen to pay taxes to the

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park district to run our public pool. I haven't used the public pool since I've been in... living in Glen Ellyn, yet, I'm more than willing to do my share of making sure that it's what is best for the community. To the Bill, Mr. Speaker. Members of the House, again, I have a tremendous amount of respect for Representative McCarthy, and the Senator who carried this legislation, as well as the Governor of this state. But our constitutional responsibility is to provide public money for the public school students. And I think that this Bill, and if you look around to many Suburban Legislators who will be receiving less in state aid, than the parents of private school kids will be getting under this Bill, I think in your conscience you know that this is not what we should be doing. This is a major change in public policy and I urge a 'no' vote on Senate Bill 1075."

Speaker Madigan: "Mr. Durkin."

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

Speaker Madigan: "Yes."

Durkin: "Representative McCarthy, approximately how much per year do you anticipate, if this Bill is passed, would it cost the State of Illinois?"

McCarthy: "I'd say the most accurate computations have come up between 60 and \$70,000,000."

Durkin: "And, is this money, money which is being taken out of the Education Fund or is it coming from the General Revenue Fund?"

McCarthy: "Well, actually it's not coming out of any fund because there will no be no appropriation for this. This will reduce the revenue. I'm not pretending it doesn't come from anywhere. It will reduce the revenue, but it will come out of every fund, if you want to look at it that

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way."

Durkin: "So, we're not taking money out of... money that is already earmarked for public education, correct?"

McCarthy: "In no way are we taking any money out of public education."

Durkin: "Thank you very much. To the Bill. I think this is a great Bill. Senate Bill 1075, I think is going to go a long way of keeping some type of balance within our school systems. Right now in the Western Suburbs, we have a numbe... excuse me, pardon my voice, a number of schools which are crumbling and the fact is they need some assistance. If they leave the parochial schools, they are going to go into an overbloated public school system in my district, which at a cost of approximately 7 to \$8000 a student. I think this Bill is commonsense. Cardinal George, I think ... a few months ago said, this is a 'GI Bill' for parents. A lot of us remember, that was one of the greatest success stories in United States history, after post World War II. Let's bring this to the Governor's Office. This is a great Bill and I applaud the Sponsor for taking this Bill this far. Thank you very much."

McCarthy: "Thank you."

Speaker Madigan: "Would all unauthorized personnel please leave the floor? The Chair recognizes Mr. Daniels."

Daniels: "Thank you, Mr. Speaker, fellow Members. Today I stand before you to ask you to join me in continuing our commitment to improving education in Illinois. We have a unique opportunity to enhance educational opportunities for our children, while addressing inequities in our system. Why are one group of children who reside in the state, more entitled to our support than another? I understand the



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legal arguments, and I understand our constitutional commitment to public education. But what about equity? I've thought long and hard about providing a tax credit to parents who, for religious or educational purposes, choose to send their children to a private school. I have analyzed its impact and I understand its need and I've talked to parents and children from throughout the state. Today, I stand before you to support Senate Bill 1075, which provides up to \$500 per family tax credit for educational expenses. This tax credit can be used for a private school tuition, or it can be used for a public school lab fee. It is for all children in all the State of Illinois. I believe the state has a responsibility to help provide the best possible education for all of its children throughout the whole State of Illinois. And that is regardless of race, gender, or the school they attend. Now, I've never shied away from the duty of improving public education, nor will I. In fact, we've taken the task of improving the quality of education to new levels in Illinois. And we take it even further. Our Chicago school reform package is now a national model for urban school districts. Our Quality First package funding, set new standards in achieving improved funding and reforms for local schools. And last year's Education Funding Program established a consistent source of state money for our children. We also developed a school construction program, which I might add, Governor Ryan intends to increase by over \$1,000,000,000 in his current Illinois First Plan. In over the last five years, we've increased funding to public schools in the State of Illinois as a result of your actions by over 1.5 billion dollars while implementing critical reforms to address the quality of education. I

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will not back away from my commitment to public education. I don't believe that you will back away from your commitment to public education, but I do have a commitment to all children. But now the issue isn't just quality, the issue is equity for all children in the State of Illinois. Now like you, I too know families that choose private schools for their children, even though they can barely keep their household budget out of the red. A friend of mine in the city, in the City of Chicago, pays over \$5,500 a year in property taxes, with almost 80% of that money or \$4,000 going to fund public schools, but he sends his children to private schools. His children's tuition costs are \$5,500 per year and he still has to pay his property taxes and all this on a modest income. These families need our help, and it's time for us now to respond. We have an obligation to ensure that all children of Illinois are receiving the best education we can provide to them. And that obligation extends to the families that choose to send their children to private schools. We've taken steps to assist these families. We passed measures that help the cost of school transportation and textbooks. But we know more can be done, and today is the time to take that action. And the time will never be better for this House to act on its ... obligation, than now. The choices these families make are rooted on one defining unselfish concern as they look at their children's needs. How can they provide the greatest opportunity for their children? And just like them, just like them, that is the question we are facing today. How can we continue to provide the greatest opportunity for the children of Illinois? There's no better time than today to answer that question. As the next few weeks we are dominated by discussions of roads,

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railroads, and airports, let's start today to build a path, a path for a better future for all the children of Illinois. Let's tell parents and families and children that they have a voice, that we are listening to their concerns. But above all, let's tell them that we agree. The quality of their childrens education is important to me and to you and we must have equity and fairness in the funding of our ... educational system. This legislation continues our commitment to all the children of Illinois. It reinforces our obligation to provide the best educational opportunities, encourages intellectual and creative growth, and fosters an environment for our children that is limitless in potential and infinite in support. But above all, this matter for me, this vote for me, is also a matter of conscience, bringing fairness to all families and to all children in Illinois, and providing them with a foundation for a brighter future. It is our obligation. It is our commitment, and it is why we serve in this chamber. Now make no mistake, this is not an easy vote, but it is the right vote, at the right time. All the children of Illinois deserve the opportunity for a bright future. Let us today, give them that opportunity. I urge you, I implore you, to join with me in voting for fairness, equity, and our childrens' future. I urge you, to join with me, in supporting Senate Bill 1075. Thank you very much."

Speaker Madigan: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. Much of the discussion about this measure, is a public policy discussion. We provide more help to public school students before we extend our largesse to those in the private system. Is it only fair to give aid to people who are in

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the private school system, because they perform such an important function for the education of all the state's young. I rise on a different point entirely, and that is the constitutional question, whether the provisions of Senate Bill 1075, violate the Establishment Clause of the United States and Illinois Constitutions, Constitutions we have sworn to uphold. I believe that the provisions of this Bill, advance the cause of religion. That is not acceptable under our constitutional frame of governance. Let me tell you how I believe that happens. It would be possible for example, to do a deduction or a tax credit that would prorate tuition expenses, so that the part of tuition that goes to pay for religious instruction is not supported by public dollars. This Bill does not do that. This Bill says that the educational instruction that is about religion is entitled to public dollars, public support, and that I believe, we have sworn in upholding our constitutions, we have sworn we will not do. In a second way I believe this Bill violates the Establishment Clause and that is, if we were to craft a program that were neutral in respect to the benefits it provides all citizens, whether they are in or out of the public system for example, that would be legitimate. So for example, we can provide aid to universities, whether they are religious universities, public universities, or other not-for-profit universities, because we are doing it across the board. But unfortunately, because of the \$250 threshold in Senate Bill 1075, this Bill does not provide benefits to all students, regardless of whether they are in a public, a private, or a parochial institution. The only... the only educational charges in this Bill are those for tuition, which public school students do not pay, for books, and for

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lab fees. I would argue that very few students in the public system, in the State of Illinois today, pay as much as \$250 for books and for lab fees. It seems to me on its face, the benefits in Senate Bill 1075, although apparently intended to include all school children, in fact accrue only to those or almost only to those, in the private and parochial school systems. For that reason, I believe, this law, if passed, would violate the Establishment Clause of the United States Constitution for its benefits would be targeted to those people in the parochial and in the private system they would not be available to all. It would have been possible to craft a Bill that created both of these points. It would have been possible to prorate tuition charges, for those who are in parochial schools, so we would not be supporting religion. It would have been possible to set no threshold, to say that whatever people spend on their education of their young would entitle them to a tax credit. But that's not the Bill that is before us. Senate Bill 1075 missed the boat, in two very important constitutional respects. I would urge my colleagues to remember the oath we took in January, and I would urge a 'no' vote on this measure."

Speaker Madigan: "Representative Hassert."

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

Speaker Madigan: "Sponsor yields."

Hassert: "Representative, I plan... to tend to support your Bill, but one of the concerns I've heard that is, how this affects, actually, poor people who attend parochial schools. Could you give me an example of how this would affect ...say the parochial schools in the City of Chicago, and what benefit this would be in the poor neighborhoods?"

McCarthy: "I think the major benefit is that the people in those

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schools, that are paying tuition, there are many people there that are on subsidy, either half tuition or full scholarship. But there are some parents there that are struggling very, you know... strong struggles, in order to meet the tuition. If those people don't get some help pretty soon, those schools aren't going to be their anymore, and whether you have a scholarship or a half scholarship, or any kind of financial aid, if you have no school to go to, well then you're not going to be able to access it. I think the poor people in the City of Chicago, who are attending schools, 90% of which in the Catholic schools, aren't even Catholic. So you know they are doing it for an education reason, not for a religion reason, and this will help them stay open. I don't think this is a panacea, where it's going to keep schools that are going to close tomorrow, open. But if I think if these people see a light at the end of the tunnel, they see some help, it may give them the spirit to continue that fight. And I think the dual education system that we have today has served us very well, and I think it is well worth doing our best efforts in order to make sure that that system will be there in the future. Thank you."

Speaker Madigan: "Mr. Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. Perhaps no Bill we'll vote on this year is more difficult for me than this one. We all support public education. In my district I have a very high concentration of Orthodox Jewish people and I have a very high concentration of Catholics going to parochial schools. I've heard from these folks over the last several days. I've received their message. It's a strong one. They say they need this kind of help. I've heard from people that have ten and 12 kids in parochial

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school. And they have trouble making ends meet. And it's a difficult problem for them, and they see and rightfully so, from their point of view, some help on the horizon for them. They say 'Representative Lang, 'We want you to be for this Bill, because it helps us. We're your constituents. Why don't you help us?' And I think I should tell the Body today, what I've told them. I'm opposed to Senate Bill 1075 for some... what I think are some very strong reasons involving our Constitution, and involving public policy. First, as to the Constitution, and some of this has been very well suggested to you by Representative Currie. The Constitution, both of the United States of America and the State of Illinois, is very clear on the issue of the separation of church and state. Maybe it's not as clear to others as it is to me. But to me it's very clear. We're not allowed to make any laws here that help religion. It's just that simple. Now, some say, 'Well, you know this money isn't going directly to schools, it's going into the pockets in the way of a tax credit of the people who send their kids to school, kids, who would be burdening the public schools, if they didn't go to private schools.' Well, that may be true in the absolute sense, but the fact is that, that money is then used to help kids go to private and parochial schools. And make no mistake about it, despite the fact that we keep talking about private and parochial schools, out of the hundreds of faxes and phone calls I've received, not a single one has been from the parent of a private school student. But, they're all from parents of parochial school students. So, this is about helping parents do what they think is right for their kids, putting them in a parochial school, so they can handle their childrens' lives the way

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they want to, so they can give them the kind of education they want to, and I applaud them for that. And some of those schools are some of the best schools in my community and I applaud them for that. And I am proud of those schools, and the parents should be proud of those schools. But, when we violate the separation of church and state, not only is it wrong, one Bill at a time, it's wrong as a start, the wrong way down a slope, that both our Federal and our State Constitutions tell us to avoid. Second, the Bill is unconstitutional because it discriminates against poor people. It says if you're rich enough or have means enough, let's not say rich enough, 'cause goodness knows some of the people that send their kids to parochial school are not rich. But if you have means enough to send your kids to a parochial school, we will provide you a tax credit for doing that. But those of you that send your kids to public school, you're not going to pay \$250 in fees, so sorry, you get no credit. And some say, 'Well we'll fix the Bill next year, we'll provide a credit to those people, too.' Well it's a problem for two reasons. One, it's not the same credit, and will not provide the same kind of help for some of the poorest people in Illinois, who really need that help. And second the costs of this Bill, which are about \$100,000,000 give or take today, will go up to 3, 4, \$500,000,000 if you include everyone. Next, the public policy debate is one we really have to take a look at. Aside from the constitutional issues, Ladies and Gentlemen, we're not just elected State Representative from the 16th District or the 35th District or the 118th District, we are elected State Representative for every person in the State of Illinois. Our trust is a public trust. Our responsibility is to first and foremost,



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take care of public school needs in the State of Illinois. And out of all the things we do here, all the things we do; putting criminals in jail, cleaning up the air, creating jobs, fixing the infrastructure, health care, out of all the things we do in the State of Illinois, there is nothing more important that we do in this Body, than educate children. That is our #1 goal. That is the #1 focus, and #1 priority we must have. This Bill diverts money from public school education. Well some say, 'Well, how? It's just a credit'. Well, if there's less money in the treasury, we can't provide more money for schools, particularly, when the Governor has said, even though he doesn't want to do it in legislation, he has said 'We're going to provide 51% of all new revenue to public schools, in addition to what they're getting today.' Take \$100,000,000 out of GRF, \$50,000,000 less for public schools. Next year more, the next year more, and the next year more. The more we divert from public schools, for whatever good cause, the less money that's available to them. And so, the public policy debate must focus on our priorities as Legislators. And so, Ladies and Gentlemen, despite the fact that there's good education going on in the private schools, despite the fact that kids that are in private schools are not further overburdening many of our more crowded public schools. What's right is not always popular. And we have a responsibility to all the school children that go to public schools in Illinois, first and foremost. This Bill will diminish our ability to properly fund public school education. If we were at the 50% level the Constitution required, this would be a tougher vote for me. Because I would be able to say, well, public schools are getting all they need, perhaps now we can take this

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unprecedented step. If we were guaranteeing public school children the education they need, we could take a look at this step. And we should take a look at providing help to private and parochial schools where the state mandates programs on them, where public schools and private schools all have to file the same paperwork, or all have to jump through the same hoops. I'm prepared to help, provide funding to that, direct state funding. But this Bill is bad for public school children. It's bad for public school parents. It's bad and wrong public policy for the taxpayers of the State of Illinois. The kids in my district that go to private and parochial schools are great kids. They have great families. They deserve our support. But they should not have, as a public policy matter, public school dollars as a result of that support. I would urge a 'no' vote."

Speaker Madigan: "Representative Monique Davis."

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

McCarthy: "Yes, Ma'am."

Davis, M.: "Okay. Do you have any residency requirements?"

McCarthy: "Residence requirement, you have to be a taxpayer in the State of Illinois and attend a school in the State of Illinois."

Davis, M.: "So, in other words, you could live in Chicago or you could live in Elmhurst for two months and have your child attend a private school for two months and get a year's tax credit. Is that correct?"

McCarthy: "You would get your percentage of the money you paid for that two months. I doubt you would get the full credit, if you are only there for two months. Unless you were at a school that charge a awfully high expense. Plus you would have to pay, if you were a registered taxpayer

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for the State of Illinois, then you could apply for the credit. If you only lived there for two months, you'd be a registered taxpayer of whatever other state you lived in for ten months."

Davis, M.: "Is it... It's my understanding that there is... the only requirement is that they are a resident at the time they file their taxes, in order to benefit from this. Is that correct?"

McCarthy: "They have to be a taxpayer to the State of Illinois."

Davis, M.: "I don't think the Bill says that. I think the Bill says you have to be a resident."

McCarthy: "They must be full-time students for the tax year in which the credit is sought. So, I hope that answers your question."

Davis, M.: "So if, a full-time student could be for two months. It could be for one month. Anyway, that's a technical flaw in your Bill."

McCarthy: "I don't see..."

Davis, M.: "It should identify exactly what time period would constitute one being, ... what shall I say, ... eligible to reap this benefit from the State of Illinois. Another question I have is, if a family has children who go to ... different private schools and maybe one who goes to a public school, can they only collect the dollars for those who went to the private school?"

McCarthy: "They could add up the expenses that they pay at the public school and also add up the expenses they pay for their children that attend the private schools, add them together and take 25% of anything over \$250. We do have some public schools that charge expenses in excess of \$250."

Davis, M.: "Do they... Does a prom or graduation fee get included

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into an educational expense?"

McCarthy: "No. It's lab fees, book fees, or tuition."

Davis, M.: "Well it's hard to have a lab fee if you don't have a lab, isn't it? Let me repeat that. It's hard to have a lab fee, if your schools don't have any labs?"

McCarthy: "I think that that's true in every school."

Davis, M.: "No, it shouldn't be though, should it? I'm glad you said that, Representative. I'm so glad you said that. To the Bill, Mr. Speaker. Here we have the Sponsor of this Bill, telling us on this House floor, that it is true of most of our public schools, that they don't have labs. Most of these public schools don't have physical science labs, biology labs, technology labs, but they should have. Would we not be better off to take these hundreds of millions that we're going to piecemeal out to particular families and put those dollars into our educational system to improve the system. Are we as Legislators abandoning our commitment to public education? On the one hand we have the charter schools, and we pay them at the rate that we pay for a public school. So we are paying people to run from our public school system. And then... this... tax credit Bill says, 'If you don't earn enough money now, you can't take advantage of this, no matter where your child goes.' Because your Bill says, 'This tax credit cannot reduce your tax liability to a zero level.' Well, now let's ask ourselves, 'Whose taxes would be reduced to a zero level by this Bill?' People who are not very well-off. Someone who has a minimum income, could have his or her taxes reduced to a zero level because of this Bill, therefore, they don't qualify. Now if that's not the sneakiest way to attack and discriminate against poor people, I don't know what is. Why can't they participate

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if they reduce them to a zero tax level? Why not? Why not? Because I don't earn enough money, and it would mean I don't have to pay any taxes now? Well, you're giving other people a big advantage of a big tax credit. Is it my fault that I don't earn as much as someone else at this particular point? Are my children less valuable because someone's parents earn more and they will have to pay some more taxes? But it would reduce me to a zero tax liability 'cause I don't make any money. I believe it is our responsibility in this Body to adhere to Article X of the Constitution of the State of Illinois and your responsibility is to fund a public education. I don't want my tax dollars going into a religious classroom. Not because I'm not religious, but because I just don't want to violate the Constitution by giving tax dollars to teach religion. It's wrong. It's wrong. What is wrong with us in the State of Illinois, while we are hesitant, fearful, refusing to clean up public education and stop giving the money away to people who want... who runaway from the system? If you runaway from the system, we want to give you some money. But if you stay in the system you have to fight, like you know what, to get what the kids need. Do they have labs? You're right, Representative McCarthy, they don't have labs. And they'll never have labs if we keep giving the money away, instead of putting it where it belongs. I believe you have the right intentions. But your intentions should go a little further and they should say, I want to help all the children in the State of Illinois, not just those whose parents can afford a private education. Is there anything wrong with a private education? No, there isn't. You choose it, you pay for it. You choose it, you pay for it. Our government should be

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trying to improve public education. This Bill is a sinful shame."

Speaker Madigan: "Mr. Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House as I introduce our distinguished visitor, I can't help but remember during all these speeches how many of you voted for Chicago school reform, the biggest reform package in the history of Illinois. Governor George Ryan is here with us today. Governor George Ryan."

Speaker Madigan: "Representative Wojcik. Wojcik. Wojcik."

Wojcik: "Oh, I'm sorry. I was just being spoken to. Mr. Speaker and Members of the House, I think I've listened to the debate and I've heard issues on both sides of the aisle. I have to say to you, my true feelings are, are we talking about the children and their education, or are we talking about special interest groups? We have a potential crisis in this state. Our schools are possibly going to close in the area of parochialism. We might have to put these students into the public system. What will we do then? What is it now to help with this little minor tax rebate? Nothing. Hardly anything. The concern is not so much for the children, the concern is the special interest. I ask you all to vote for this, the parents who are asking for this tax incentive are also taxpayers of Illinois and in one way or other it's some way that we can help them and we can stop a crisis from being developed. Please vote 'yes'."

Speaker Madigan: "Mr. Schoenberg."

Schoenberg: "Thank you. Thank you, Mr. Speaker. Before I begin with my questions, if this Bill should receive the requisite number of votes, I'd like to request a verification."

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Speaker Madigan: "Proceed."

McCarthy: "The Sponsor yields."

Schoenberg: "Thank you. Before I ask my questions, I'd just wish to point out in ... response to Mr. Daniels comments, that I for one can proudly say that one of the best votes I ever cast in my career was for the Chicago Public School Reform Bill. And having said that, I think it's very disingenuous to try to link that important initiative that bettered public education in Chicago with something... with a measure such as Senate Bill 1075, which is merely an effort to obfuscate and further blur the distinctions of the separation of church and state as expressed in both the U.S. and State Constitutions. Mr. McCarthy, in Senate Bill 1075, a qualified school is defined as a public or nonpublic elementary or secondary school in Illinois that's in compliance with Title VI of the Civil Rights Act of 1964, and which also had fulfilled some attendance requirements. What are... It's my understanding that the Civil Rights Act ensures that there's no discrimination based on race. Does that mean that... since the law was written to apply to federal and state agencies that these schools are, as a result, under the jurisdiction of the state?"

McCarthy: "As mentioned earlier with previous questioners, this Bill in no way puts any of these private schools under any jurisdictional arm of the state, in any way."

Schoenberg: "Mr. McCarthy, the ... in 1973 much has... much has been said about the constitutionality of this. I have and I would like to enter into the official House record a copy of the 1973 Illinois Supreme Court decision, Klingler vs. Howlett on virtually the same issue. And in this decision, which strikes down a similar attempt to commingle public

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and private educational systems, it references that the potential quote, 'the potential for conflict inheres in the situation and because of that, the state is constitutionally compelled to assure that state-supported activity is not being used for religious indoctrination.' Is there any mechanism in this Bill, which ensures that none of these dollars can be used for any religious indoctrination?"

Speaker McCarthy: "These dollars will be directed through a tax credit by decisions made by the parents which in various supreme court cases have said that it would be constitutional. The case that you referred to earlier was from state grants out of state funds. They weren't from the parents' taxes. They were a state grant that there was an appropriation for, there will be no appropriation for this, and that's why some of you like to call this a voucher or something, to try and make it sound unconstitutional, but it's a tax credit and it will face constitutional muster and be very successful."

Schoenberg: "This decision also points out that... that it... this constituted an imper... quote 'impermissible aid to religion', and that was because that the aid would be devoted to secular functions is not unidentifiable and separable from aid to secretarian (sic-sectarian) activities. How do we distinguish that there's no benefit for religious activity?"

McCarthy: "I think the constitutional justification will be whether there is a secular benefit, and there will certainly be a secular benefit in educating the children of our state very well. Because of the limited percentages, until this Bill would reach a point where it would be 100% of their expenses, we can say that by limiting the



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percentage allowed in the Bill we are deducting the time spent on religion in the classroom. We're only giving them 25% of expenses over \$250. So, we can easily say that at the most this is 22% of the day and I don't think any religious school would say that their religion classes are more than 78% of the day."

Schoenberg: "With all due respect, Mr. McCarthy, I know that there are some parochial schools, such as the one that I attended to for elementary and secondary school, where religious studies constitute 50% of the day and secular studies constitute 50% of the day. But..."

McCarthy: "... but less than 78%."

Schoenberg: "How does this... but to go back to my question, how do we ensure that the benefit... people send their children to sectarian and parochial schools for them ostensibly for them to receive a religious education. How do we... what mechanism is there in place, that to ensure that there is no benefit realized for religious education here?"

McCarthy: "I think that the only thing, as I said earlier, that we have to justify is that there is a secular benefit, and I think the education of these children can definitely be recognized as a secular benefit and therefore we won't have to worry about any constitutionality."

Schoenberg: "I'd like to go to another point in the decision which talks about a policy question, as to whether or not these parochial and sectarian schools should be subject to control of public school districts or teachers, and that there would be some quote, 'entanglement' Isn't there an inherent risk, if Senate Bill 1075 were to become law, that there would be an increased entanglement between the religious and sectarian schools in our communities and our public schools?"

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McCarthy: "I think that the wisdom of the General Assembly in making sure that these two independent systems have stayed independent of each other will be continued into the future. I don't think we'd be foolish enough in this Body to try and put all of the responsibility from one system onto the other and we'd be staring in the face of a successful system and we want to change it to make it unsuccessful. I don't think this General Assembly or any future General Assembly would do that."

Schoenberg: "I don't want to question the... I don't want to question the wisdom of the General Assembly. I... but in practical terms, how do we argue that there is some mechanism, device, stat... whether it's statutory or regulatory that makes certain, that provides some supervision over nonpublic schools, whether they are religious or nonreligious, that no benefit is derived for religious instruction."

McCarthy: "I would just reiterate the point that I think that we haven't done that yet. And I think that a proposal to do something like that would meet a very harsh defeat here in the House or in the Senate."

Schoenberg: "To the Bill. Mr. Speaker, Ladies and Gentlemen of the House, I find it... I find it sadly ironic, that on more than one occasion, we have heard arguments that say we should place equity and fairness over constitutionality. Not too long ago, our country was embroiled in a major controversy over whether or not the rule of law should be able to supersede the outcome of two popular elections for the highest office in this land. Now, what we're hearing, by those who are advocating this position, is that we should wink towards our system of laws. We should wink towards the constitutionality of this. We should defer

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this to the courts and exercise our legislative prerogative. My friends, the reason why we have a system of laws, the reason why the Constitution exists is to provide fairness, is to provide equity, especially, for religious minorities in our pluralistic society. So, I think it's disingenuous to wink and nod towards the system of laws, the rules of law, that we have in place in our society, the court decisions which have clearly established the parameters by which we can and cannot assist religious institutions in this state, in order to achieve this end goal. I'd just like to close by saying, Mr. Speaker, Ladies and Gentlemen of the House, that I think as the court decision and the prior debate have indicated, this Bill is perilously close to crossing the fundamental threshold constitutionally, between the separation of church and state. This legislation is admittedly a bold, yet misguided attempt, by those who wish to blur the courts distinction in clear delineation of church and state roles, by entangling state and religious institutions in attractive and popular packaging. I think the body of evidence speaks for itself. I don't think that we should abdicate our roles of the Legislators and just defer this decision to the courts, and I respectively urge you to vote 'no'. Thank you."

Speaker Madigan: "Mr. Woolard."

Woolard: "Thank you, Mr. Speaker. Ladies and Gentlemen, I think that we're dealing with one of the most important issues, that we as Legislators, will ever have the opportunity to participate in. Without question, we have some rules that we have to follow. Without question, there is the question whether it's constitutional or not. I don't pretend to have the answers to those types of questions. But I do

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understand that dollars make a difference. Without question, dollars make a difference for all of us in education. That's what this is about today. We're talking about the fact that there are individuals who are sending their kids to private schools, who would like to have a tax credit of \$500. But let's stop and think about that for just a second. Five hundred dollars probably won't impact or change the mind or decision of one family in this state, as to whether or not they choose to send their child to participate in a private school. Without question, there are quality educational opportunities for children all across this state in those private institutions. But not one child shall lose the opportunity, if this Bill fails. I'm here to tell you that we do have a responsibility. The responsibility is to ensure that we adequately fund public schools, in the right fashion, in the right way. Every dollar that becomes available to each and every one of us as Legislators, should be plugged in to the education of every student and the opportunity of every kid in this na... in this great state. Without question, \$100,000,000 or more, and I say more because I too, believe that the enhancement will increase the number who participate rather than see it stay stagnant and remain the same. I believe without question, that this can make a difference if we take these dollars away from the public schools in the poorest areas of this state. Five hundred dollars will not make one family choose to send their child to a private school, but \$100,000,000 and more will make a significant difference in the quality of education that we are able to provide, that we're obligated to provide to every resident who has a child that wants to be better educated in the State of Illinois. I implore and ask that each and every

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one of you stand up for the majority of the people that you represent, stand up for what you know is right. Vote against this Bill, even though we know that there's a lot of people that send their kids to get a good education in these private institutions. They have been doing it. They will be able to continue to do it. Our obligation is to see that the public schools are adequately funded and that our kids are all given the actual opportunity to receive the best education possible. Vote 'no'."

Speaker Madigan: "Mr. McCarthy to close."

McCarthy: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I have here on my desk many, many court cases that I could easily cite, telling you that the constitutional questions that have been raised by some of the opponents of this legislation, I believe are unfounded. Earlier when the debate was on the House Bill, I read a long quote from a man by the name of William Rehnquist, who just happens to be the Chief Judge (sic-Justice) of the United States Supreme Court. And with deference to my colleagues who consider themselves stronger constitutional experts than I, I think that even they would have to admit that Chief Judge (sic-Justice) Rehnquist would have something to say about whether things are constitutional in our country or not. And reading just two sentences from the decision in Mueller v. Allen, which he was the main author of the affirmative decision, he said, 'states should conclude that there is a strong public interest in assuring the continued financial help of private schools both sectarian and nonsectarian. By educating a substantial number of students, such schools relieve public schools of a correspondingly great burden to the benefit of all taxpayers.' I think that Judge (sic-Justice) Rehnquist's

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words are something that should be heeded by all of those who feel themselves to be strong constitutional experts. Last thing, because this Bill has been debated so many times, we've talked about a lot of percentages here today and I want to talk about the 16% of the people who attend these nonpublic schools and the help that they're looking for. Now, you think that are these 16% of the people looking for 16% of the money? No, this tax credit's nowhere near that. Are they looking for 8% of the money? No again. Four percent, 2%, 1%, we're down to 1/2 of 1% for 16% of the families of this state. And if we want to stand here and say, 'I respect, I really respect what they're doing. I respect parental rights. They should have a choice in this, but I don't want to give them 1/2 of 1% for 16% of the kids.' I think that your words are very shallow. And I think that you should look at it and say, 'I think this is long overdue, these people are struggling and they deserve this tax credit, and hopefully, it can help keep some of these schools alive. And if we give them a little bit of hope, maybe they'll struggle a little bit harder.' The previous speaker who talked about \$500 as not a lot of money, I'd love to bring some of the letters I got from all around the state, and especially, for the economically depressed areas of the state, and I could tell you that \$500 means a heck of a lot to those families. And maybe some of the things they're doing without now, can be replenished by that \$500 tax credit and maybe they will be able to take a vacation every second or third year. Many of these letters said, 'We haven't taken a family vacation in eight years, but we roll our pennies at the end of the month in order to pay for our children's education.' It's their right to decide where their children go to school.

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Ninety percent of the inner city Catholic schools of Chicago, are non-Catholic and they have no plans of becoming Catholic. They made that decision because they felt that was the best education for their family. I think they have a right to make that decision and I think they shouldn't abdicate all right to any tax dollars, just because they made what they thought was the best educational choice for their parents (sic-children). It's time to stand up. It's time for Illinois to be a leader. Let's jump on the front of the map. Let's say, 'we're the ones that are going to stand up for every kid. Let's be one hundred percenters, and not 84 percenters.' When I leave this Body today, I'll be representing a 100% of the kids in this state, that attend the K to 12 schools, not 84% of them. I want all of you to join with me and be a hundred percenters, and not 84 percenters today. Thank you for your attention."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 62 'ayes', and 52 'noes'. There has been a request for a verification. Mr. Clerk, read the names of those voting 'yes'."

Clerk Rossi: "A Poll of those voting in the Affirmative. Representatives Acevedo. Beaubien. Bellock. Biggins. Boland. Bradley. Brady. Brosnahan. Bugielski. Burke. Capparelli. Coulson. Cowlshaw. Daniels. Dart. Delgado. Durkin. Erwin. Flowers. Fritchey. Granberg. Hartke. Hassert. Hoeft. Hoffman. Holbrook. Hultgren. Johnson, Tom. Lawfer. Leitch. Lindner. Lopez. Lyons, Eileen. Lyons, Joe. Mathias. McAuliffe. McCarthy.

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McGuire. McKeon. Moore, Andrea. Mulligan. Novak.  
Osmond. Pankau. Parke. Poe. Rutherford. Saviano.  
Schmitz. Silva. Skinner. Sommer. Stephens. Stroger.  
Tenhouse. Turner, John. Wait. Winkel. Winters. Wojcik.  
Zickus and Mr. Speaker."

Speaker Madigan: "Mr. Schoenberg."

Schoenberg: "Mr. Rutherford."

Speaker Madigan: "Mr. Rutherford. He's in the aisle."

Schoenberg: "Mr. Fritchey."

Speaker Madigan: "Fritchey. Mr. Fritchey. The Gentleman is in  
the front of the chamber."

Schoenberg: "Mr. Mathias."

Speaker Madigan: "Mr. Mathias. He's in his seat."

Schoenberg: "Mr. Speaker, could you ask people to clear the  
aisles, so we can more clearly define..."

Speaker Madigan: "I think the Gentleman makes a good point. So,  
if the Members would please be in their chairs. If we  
would clear the aisles. The Members would please be in  
their chairs and clear the aisles. Mr. Schoenberg."

Schoenberg: "Mr. Cross. I apologize."

Speaker Madigan: "The Gentleman is in his chair."

Schoenberg: "Representative Krause."

Speaker Madigan: "The Lady's in her chair."

Schoenberg: "And she's... I apologize. She's in the negative.  
There's no further questions, Mr. Speaker. Thank you."

Speaker Madigan: "All right. There are 62 'ayes' and 52 'noes'.  
This Bill having received a Constitutional Majority is  
hereby declared passed. Mr. John Turner. Mr. John Turner.  
Do you wish to call Senate Bill 1112? Mr. Clerk, what is  
the status of Senate Bill 1112?"

Clerk Rossi: "Senate Bill 1112, a Bill for an Act in relation to  
criminal penalties. Second Reading of this Senate Bill.



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No Committee Amendments. Floor Amendment #1, offered by Representative John Turner, has been approved for consideration."

Speaker Madigan: "Mr. Turner."

Turner, J.: "Yes, Mr. Speaker, I'd like to withdraw Amendment #1 and proceed with Senate Amendment #2."

Speaker Madigan: "Mr. Clerk, what is the status of Amendment #1?"

Clerk Rossi: "Amendment #1 has been approved for consideration and withdrawn by the Sponsor. Floor Amendment #2, offered by Representative John Turner, has been approved for consideration."

Speaker Madigan: "Mr. Turner, on Amendment #2."

Turner, J.: "Thank you, Mr. Speaker. Floor Amendment #2 to Senate Bill 1112, deals with Governor Ryan's 15, 20, 25 life proposal. In order to deal with the concern, rewrites the proposal as sent over by the Senate to divide eligible felony offenses into three classifications. It also inserts legislative intent, language into the existing definition of the offense of armed violence. Stating the intent of the General Assembly that a felony offense be sentenced more severely if the felony offense is committed with a firearm, if the firearm is discharged during the commission of the felony or a person is killed or injured as a result of the discharge of the firearm. Floor Amendment #2 also reenacts the Safe Neighborhoods Law of 1994 which is threatened by an Appellate Court decision regarding the so-called single subject rule. Be glad to answer any questions."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Is there any discussion? There being no discussion, the question is, 'Shall the Amendment be adopted?' Those in favor say 'aye'; those opposed say

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'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Madigan: "Third Reading. Mr. Stephens, do you wish to move Senate Bill 946 from Second to Third? Mr. Clerk, what is the status of Senate Bill 946?"

Clerk Bolin: "Senate Bill 946, a Bill for an Act concerning taxes. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Stephens, has been approved for consideration."

Speaker Madigan: "Mr. Stephens, on Amendment #2."

Stephens: "Thank you, Mr. Speaker. Amendment #2 becomes the Bill. It amends the Gas Revenue Tax Act to change the manner in which the Invested Capital Tax is calculated for utility companies that engage in both electric and gas utility operations and have undergone a corporate restructuring as a result of electric deregulation. The reason for the change is under the Dereg Bill adopted in 1997. The Combined Electric and Gas Utility Tax and utility companies, the Investment Tax Credit, the ICT was replaced by a tax based on the number of kilowatt hours that the utility delivers to customers. However, under the Gas Revenue Tax Act, the combination electric, gas utilities, like Illinois Power, CIPS and others pay the ICT on their total capital. To avoid the overpayment by combination companies, the Gas Revenue Tax Act was also amended to provide that a combination electric gas utility company would pay an ICT equal to its total invested capital multiplied by the ratio of its gas plant in service to its total electric, to its total plant, which is the electric plus the gas, in the service multiplied by the

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statutory rate of .8%. Using 1996 as the base year, this revised tax scheme is revenue neutral. There were some unexpected consequences of this and basically what this does, Mr. Speaker, is eliminates the double taxation by capping the gas utility portion of the ICT paid, the ICT, paid by the combination utility companies at an amount based on the utilities 1996 gas utility plant investment, which is also the base year used for the Electric Dereg Bill, plus, any growth in the utilities capital investment or gas plant investment since 1996. Therefore, as the gas utility plants capital investment grows, so does the ICT and the electric, utility side of the combination company would continue to pay the full amount of the tax on the kilowatt hours distributed. I'd be glad to try to respond to any question and I would move it's favorable consideration."

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

Clerk Bolin: "No further Amendments."

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

Speaker Turner, A.: "On the Order of Third Reading, we have Senate Bill 79. Representative Delgado. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 79, a Bill for an Act in relation to day labor services. Third Reading of this Senate Bill."

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

Delgado: "Thank you, Mr. Speaker and Members of the House."

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Senate Bill 79, as amended, would create the Day Labor Services Act. It provides that day labor service agencies shall post a list of all employers that are seeking day laborers and provide a detailed description of the work, contains requirements concerning notices, meals, transportation, safety equipment, clothing accessories, payment of wages and other matters, provides the day labor service agency shall be registered with the Department of Labor and pay a registration fee, provides for the adoption of rules by the Department of Labor. As amended this will... and agreed upon, this Day Labor Bill will just address blue-collar, manufacturer, heavy-labor type work. It excludes the following, it excludes: employment of a professional or clerical nature, as we know it white-collar, front office, clerical. This Bill is aimed at making sure that when someone who walks in as a daily pay, walks into a center and ask for a job, they might send them to XYZ Steel Company. That steel company may require steel-toed shoes, ear plugs and a waistband. That waistband will help your back stay intact. With that, if the person is there in gym shoes and shorts, goes to that job site, he will be or she will be sent back and the job will not complete. I believe this Bill will assist all parties involved, not only the worker for safety, the day labor service in terms of their contract, but just as important the manufacturer does not lose production. At this point, I would ask for an 'aye' vote and I'm available for questions."

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

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

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

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Parke: "Representative, I appreciate all the hard work you've tried to put into making this a... acceptable to the Body. How is this different from House Bill 1735, which was placed on Postponed Consideration?"

Delgado: "The way it's different, Representative, was that there were penalties in 1735 for criminal... there were criminal penalties that would be imposed upon manufacturers upon a second violation, that has since been removed. It's different in that we also had just a generic day labor service. And we received many inquires... and working with your side of the aisle, did not want to include white-collar and clerical type positions, that has been excluded. So, we have some very, very distinctive differences and I'd like to report that it was in conjunction with yourself and others from your side of the aisle."

Parke: "Let me ask another question, then. Isn't this now geared specifically for day laborers working in manufacturing and industrial jobs, as it relates to protective clothing?"

Delgado: "As it relates to what, Sir?"

Parke: "Protective clothing."

Delgado: "That is correct, Sir. It would be sending a worker who's dressed appropriately to do the appropriate job. If they get sent to deal with food, I want someone in there with a head net... hair net. We want to make sure if they're going to deal with heavy steel that they're protected as a worker so that we can prevent any type of injury or any type of catastrophe in any of our manufacturing districts."

Parke: "Is there an increased cost to the Department of Labor if this Bill passes and goes to the Governor and he signs it?"

Delgado: "I'm sorry, Sir."

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Parke: "Will there be an increased cost to the Department of Labor if we pass this legislation?"

Delgado: "At this point, I have no knowledge of any increased costs or any preoccupations by the Department of Labor."

Parke: "Do you know what the position of the business community is with your Amendment 1 to your... to this Bill?"

Delgado: "They... by filing Amendment 1, Representative, they are... everyone is on board this train. And I feel very happy that I was able to facilitate everyone's concerns and needs without losing the intention of the Bill. And that was to protect workers who need to go out, the contractor who may put their contract in jeopardy, and the manufacturing without losing any kind of man hours in production."

Parke: "So, as far as you're concerned there's no known opposition to this legislation as amended?"

Delgado: "That is correct, Sir. The Amendment removes all opposition."

Parke: "Representative, I commend you on working with us to try and come up with something that I hope is a good public policy, protects those day laborers that you're so concerned about. And I will vote for your legislation, thank you."

Delgado: "Thank you, Representative."

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

Poe: "Mr. Speaker, for a personal point of privilege."

Speaker Turner, A.: "State your point."

Poe: "Yeah, I'd like to at this time... In the Speakers Gallery I have a group visiting with Russ Benning from Lutheran High School. Let's give them a real big, warm welcome to the House chambers."

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Turner, A.: "Welcome to Springfield. The Gentleman from Cook, Representative Delgado, to close."

Delgado: "Thank you, Mr. Speaker. It was my understanding that that's the other side of the aisle in Third Reading, we would not and with all due respect to all of our friends in the gallery, we would be able to do that at the conclusion of a Third Reading. But, in closing, I would say that as a freshman Legislator it gives me the wonderful opportunity and feeling to be able to try to facilitate legislation on both sides of the aisle, and to be able to bring legislation that does assist our community, our workers, our businesses and our manufacturers. At this point, I would ask for an 'aye' vote and let's take this and let's make sure that our workers are protected and that our economy continues to grow. Thank you."

Speaker Turner, A.: "Question is, 'Shall Senate Bill 79 pass?' All those in favor shall vote 'aye'; all those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 116 voting 'aye', 0 'noes', 0 'presents'. And this Bill having received the Constitutional Majority is hereby declared passed. Mr. Clerk, what's the status of Senate Bill 1168?"

Clerk Bolin: "Senate Bill 1168, the Bill has been read a second time previously. Amendment #1 was adopted in committee. No Floor Amendments have been approved for consideration. No Motions filed."

Speaker Turner, A.: "Third Reading. Mr. Clerk, Senate Bill 203. What's the status of that Bill?"

Clerk Bolin: "Senate Bill 203. The Bill's been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2 has been adopted to the Bill. No

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further Amendments have been approved for consideration.

No Motions filed."

Speaker Turner, A.: "Third Reading. Representative Hoffman, the Gentleman from Madison. You want to move this to Third, am I correct? The Gentleman from Madison, Representative Hoffman. Mr. Clerk, read the Senate Bill 203, again. And Mr. Clerk, could you also tell me, has a fiscal note been filed on this Bill?"

Clerk Bolin: "All notes that have been requested, have been filed."

Speaker Turner, A.: "Read the Bill."

Clerk Bolin: "Senate Bill 203, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of this Senate Bill."

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

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 203, essentially, indicates that we will, with regard to motorcycles in this state, have one uniform statewide policy. What Senate Bill 203 states is that municipalities throughout the state will no... will not be allowed to pass individual ordinances that would prohibit motorcycles, except in the instance of noise issues and traffic safety issues. I believe that Amendment #2 further defines those types of situations. We believe that with regard to motorcycles and motor vehicles, they are, essentially, a state issue. And these issues should be taken on, on a statewide basis. We shouldn't have a patchwork of different laws from city to city, municipality to municipality. So, therefore, I would ask that we have a favorable consideration on Senate Bill 203."

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



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Dart: "Will the Sponsor yield?"

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

Dart: "Representative, who's opposed to this Bill?"

Hoffman: "I think, that there are probably some Legislators from the city who would be. But,..."

Dart: "Is the City of Chicago still..."

Hoffman: "...I think they're neutral."

Dart: "They're neutral on this now?"

Hoffman: "Yes."

Dart: "Okay. Is there any organized opposition outside..."

Hoffman: "Well, let me tell you this. They... The Committee on the Amendment, let me just say this, the Committee on the Amendment, they remain neutral. Okay. I don't want to say that they're in favor of this. I don't want to indicate in any way that they are, but we worked with them on language. I am not saying that they're in favor of this Bill. No."

Dart: "But, you were saying in regards to your Amendment. Your Amendment allows municipalities to regulate motorcycles and other motor vehicles, too? Or just motorcycles?"

Hoffman: "The... all that my Amendment deals with, is that it indicates a no unit of local government can enact or enforce an ordinance that applies only to motorcycles."

Dart: "I see."

Hoffman: "If that principle purpose is to restrict the access of motorcycles. So, what they can do, is they still could, with regard to noise and noise ordinances, specifically Section 12-602 of the Vehicle Code, which deals with mufflers and such. They could still... they could still regulate in that kind of manner."

Dart: "Okay. So, the noise, and what were the other two reasons that they could still regulate too, did you say?"

Hoffman: "I'll read you the language."

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Dart: "Yeah."

Hoffman: "'Nothing in this Section shall affect the authority of a unit of local government, to regulate more sections for traffic control purposes or for Section 12-602', which is the noise issue."

Dart: "Okay."

Hoffman: "Now, the traffic control purposes, I can tell you my intent, is the same way that you could regulate cars, for traffic control purposes. But you will not be able to single out motorcycles."

Dart: "Okay. Thank you."

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

Cross: "Will the Sponsor yield?"

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

Cross: "Representative, we want to make sure there are just everything's covered here. Some of us have those 'Barbie Jeeps' at home, for our kids. Will this apply to our 'Barbie Jeeps', or to our kids' 'Barbie Jeeps'?"

Hoffman: "I think that... I had a 'Barbie Jeep' that ran on gasoline. Is yours?"

Cross: "No. Ours is electric. You have to plug it in every night to get it powered up. Charged."

Hoffman: "Yes. You know..."

Cross: "Yeah, they're people..."

Hoffman: "...No, this doesn't apply to 'Barbie Jeeps'. I don't think."

Cross: "How about like, 'Power Ranger' vehicles?"

Hoffman: "Well, it depends which of the 'Power Rangers' would be driving, I guess. I don't know. No."

Cross: "How about the 'Teletubbies'? All right, Representative. I understand this is an agreed to Bill, as you said

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earlier. ABATE's on board with this? They support this?"

Hoffman: "Yeah, I don't want to say that this is agreed to, but yes, it's ABATE's initiative."

Cross: "All right. I know you spent a lot of time working on it. I appreciate that."

Hoffman: "Yes."

Cross: "I know a lot of people on this side want to support it and notwithstanding the nonapplication of the 'Barbie Jeeps'. I appreciate it."

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

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

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

Righter: "Representative, in looking over our analysis, it states in there that municipalities and units of local government will be allowed to regulate motorcycles for purposes of traffic control. When you use that term we're talking about speeding, one-way streets, u-turns and things like that. Is that right?"

Hoffman: "Yes. For example, if cars are not allowed in the bicycle lane or a bus lane, then the motorcycles would not have any special right to use that lane either. So, those are the types of traffic controls we're talking about"

Righter: "So, when we... refer to traffic control we're going to treat cars and light trucks, first division motor vehicles the same as motorcycles. Is that right?"

Hoffman: "Yes. That's the intent."

Righter: "Now, I seem to recall, previously, there was an attempt in this state to use a loophole in federal statute to ban motorcycles on a U.S. highway. Now, this... this would not allow that, would it?"

Hoffman: "That's correct."

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Righter: "Okay. And you referenced in the... in the Statute, Section 12-602 of the Vehicle Code and that motorcycles like other vehicles can be regulated pursuant to that Section. But, when we talk about that Section, we're talking about loud mufflers or other things like that again, that's going to be applied equally. Is that right?"

Hoffman: "Yes. The intent is to allow for concurrent regulation, so long as it is in the Vehicle Code and not in a manner inconsistent with the Vehicle Code. That's... that's our intent. In addition, cities, towns could close lanes or roads for constructions, parades, marathons and for other reasons, but the closure would apply to all types of motor vehicles, not just motorcycles."

Righter: "So, we can... everyone here in this chamber can be assured that we're talking about a level playing field then between cars and motorcycles and nothing else. Is that right?"

Hoffman: "Yes. The idea is so that units of local governments cannot regulate motorcycles in a manner more restrictive than the Vehicle Code."

Righter: "Thank you, Representative. Thank you, Mr. Speaker."

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

Lyons, E.: "Thank you, Mr. Speaker. I rise on a point of personal privilege. Today I have from the 47th District, seniors and I would hope that the General Assembly would join me in welcoming them to the... to Springfield."

Speaker Turner, A.: "Welcome to Springfield, seniors. The Lady from Cook, Representative Erwin. For what reason do you rise?"

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

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

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Erwin: "Thank you. Representative Hoffman this is... just to clarify for the record, this is a preemption of local government control and specifically for home rule units."

Hoffman: "Yeah. It's for all... all..."

Erwin: "Okay."

Hoffman: "... all units of government. All units of local government. Including home rule units. Yes."

Erwin: "Okay. I will ask the Chair before I conclude my remarks, Mr. Speaker, to clarify the required, the requisite number of votes for this to pass, should it get to that point. But, we want to clarify what the actual number of votes required for preempting home rule units. Representative Hoffman, it's my understanding that the City of Chicago, in fact most recently, several aldermen within two weeks have told me that the city has not been attempting to pass an ordinance, this is, what I believe prompted this legislation, has, in fact, not been moving in this direction. And that they were trying to work on the noise issue. I think it is important for Members here to understand, that while I fully appreciate in rural areas of the state, or in wide-open areas of the state where, you know, we might not even see the need for a speed limit, the fact of the matter is, that in the City of Chicago where it is very densely populated, where specifically, we have high rise buildings that... where noise produces a canyon effect, it is very, very difficult to allow, you know, jackhammers to be going off in the middle of the night or there are noise restrictions. There is no effort, to the best of my knowledge, to single out anybody in particular. I think that, unfortunately, the motorcycle advocates have perceived this as more than it is and I would just urge my colleagues to think very carefully here. I don't care if

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you're from a very rural area of the state or suburban, we are preempting the right of a local community to decide very specific things. If you want to allow your communities to have more local control over what goes on in your communities, on your streets, not state highways, little, teeny, dirt roads or in our case, you know, very narrow streets, where there's no place to park, we are preempting the right of home, not just home rule, but every community in the state to make very specific decisions here. I think this is, not only totally unnecessary... the late Representative Terry Deering was kind enough to meet with aldermen from Chicago and at that point, his fears were allayed. The Bill did not move. I think this is totally unnecessary. It is a preemption, a very serious issue and I urge a 'no' vote. And Mr. Speaker, if the Chair would please clarify for the record the requisite number of votes that will be required."

Speaker Turner, A.: "The matter is being taken under advisement, Ma'am Erwin, and we should get back to you shortly on that. The Gentleman from Cook, Representative Giglio. For what reason do you rise?"

Giglio: "To speak to the Bill, Mr. Speaker."

Speaker Turner, A.: "Proceed."

Giglio: "Thank you. To the Bill. I rise in support of Senate Bill 203 and compliment Representative Hoffman in bringing it to the floor's attention. In argument of what was said earlier by a previous speaker, this is a very important Bill. It's important that we put this legislation in place. This isn't about preemption. This isn't about preempting home rule or taking local authority away. This is about discrimination. Discrimination against those who choose to ride other than four-wheel sedan vehicles,

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motorcycles. And in fact, this exact issue was brought up in the West Virginia Supreme Court, because the... in a town in Virginia... West Virginia tried to do this exact same thing. They said we don't like motorcycles. We don't want 'em running through our towns after six o'clock at night. And regrettably, it was brought before the Supreme Court and they found that, 'yes, in fact, it is discriminatory to not allow motorcycles where cars go.' And it's flat out wrong. It's not about preemption. It's not about taking away local control. It's about fairness. And it's about discrimination. And I would urge your favorable support. Thank you."

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

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. To reiterate what the previous Speaker had said, all we are talking about here is consistency and a fair playing ground. We're saying that you shouldn't discriminate against people simply because they either choose to or have to drive a motorcycle. With regard to the Representative from Chicago, I understand her concerns and I understand that I live in a different part of the state, but this Bill applies to the entire state. It doesn't just single out any single municipality. In addition, this Bill has specific provisions that allow regulation of noise consistent with the Vehicle Code. What we're saying here, is people who ride motorcycles should be treated the same way as people who ride, who drive cars, or people who drive other types of first division vehicles. That's all this is. It's about consistency. It's about fairness. And I ask for an 'aye' vote."

Speaker, Turner, A.: "We're waiting to give Representative Erwin

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a reply regarding the number of votes required or in terms of..."

Parliamentarian Uhe: "Representative Erwin, in response to your inquiry and on behalf of the Speaker, Senate Bill 203, does ... the Amendment to Senate Bill 3... I'm sorry, Senate Bill 203 as amended does two things. It prohibits local governments, including home rule units, from enacting an ordinance that applies only to motorcycles if the purpose of that ordinance is to restrict the access of motorcycles to a highway for which state or federal funds had been used. It also prohibits units of local government including home rule units from enacting an ordinance requiring motorcycle users to wear protective head gear. The... the preemption language in the Bill indicates that this is a preemption under Subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the state. The question is whether the powers that are limited, the home rule powers that are limited here, are in fact, being exercised by the state. And the answer is 'yes'. The state does regulate access to its highways, generally. And so with respect to the prohibition against the access of limiting the access of motorcycles, the state is in fact regulating that area. With respect to the prohibition against local governmental ordinances requiring motorcycle users to wear protective head gear, the state does regulate special equipment for persons riding motorcycles under the Vehicle Code. That's Section 11-1404, so that motorcycles are required to be protected by glasses, goggles, or a transparent shield. Current state law does not require motorcycle users to wear helmets. However, it is clear that the state is regulating



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the area of motorcycle safety in regard to equipment worn by users. Therefore, the ruling is that this is a limitation under Subsection (i) of the Constitution requiring a majority vote."

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

Erwin: "I think I caught the gist of it, which is basically, the Chair's ruled that the state already regulates in both of... in the areas so named in the Bill. I would just challenge the ruling of the Chair on that. I don't, we do not have a motorcycle helmet law in Illinois. So we do not regulate that. There is not an existing helmet law, protective headgear, which is what is in this Bill. So, I would challenge the ruling of the Chair on that determination, with all due respect."

Speaker Turner, A.: "The Motion, Mr. Clerk is to... The question is, 'Shall the Chair be sustained?' The Gentleman from Kendall, Representative Cross."

Cross: "Mr. Speaker, excuse me for a moment. I just want to make sure we understand. Are we talking about sustaining the opinion of the parliamentarian, with respect to the need for 60 votes?"

Speaker Turner, A.: "That's correct."

Cross: "So, a 'yes' vote on this Motion supports the Chair. Am I correct?"

Speaker Turner, A.: "That's correct."

Cross: "Which means that we would end up only needing 60 votes."

Speaker Turner, A.: "That's correct."

Cross: "So, if you're for the Bill, sounds like you'd want to be voting 'yes' on the, in the Motion."

Speaker Turner, A.: "That's correct."

Cross: "All right, well just, just wanted to make sure. Thank you, Mr. Speaker."

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Speaker Turner, A.: "That's correct. The question is, 'Shall the Chair be sustained?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 106 voting 'yes', 0 'noes', and the Motion passes. The question is now, 'Shall Senate Bill 203 as amended pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 103 voting 'yes', 12 voting 'no', 1 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. Mr. Clerk, read Senate Bill 19."

Clerk Bolin: "Senate Bill 19, the Bill has been read a second time, previously. Amendments 1 and 2 were adopted in committee. Floor Amendment #3, offered by Representative Lang, has been approved for consideration."

Speaker Turner, A.: "Gentleman from Cook, Representative Lang, on Floor Amendment 3."

Lang: "Thank you, Mr. Speaker. Senate Bill 19 is a Bill that deals with child support. It's got various issues in it. Amendment 3 simply changes the Bill to make it so that the severe punishments in here only apply to the most egregious offenders: people who willfully fail to pay their child support when they can; people who flee the state to avoid their child support when it's a substantial amount of dollars. That's really the only changes in Amendment 3 from the... from Amendment 2. I'd ask your support of the Amendment."

Speaker Turner, A.: "Gentleman from Kendall, Representative

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Cross."

Cross: "First of all, I'd like to ask or second of all, I'd like to ask the Sponsor some questions, but just, I thought he mentioned Amendment #2. Is this Amendment #3, either to Lou or to the Chair?"

Speaker Turner, A.: "Yes, we're considering Amendment #3."

Cross: "All right, will the Sponsor yield?"

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

Cross: "Representative, in our file it indicates that not only the Department of Public Aid and the Department of Human Services oppose part of this Amendment, but as well the Bar Association and the Department of Corrections. Do you know the source of their opposition?"

Lang: "Well, as for the department, they were concerned with one section of this Bill that derives from a Bill that Representative Hamos sponsored, House Bill 1232. That Bill is moving through the Senate, but we're unsure if it's going to get all the way through the Senate. The department has objected to that Bill from the beginning, but that Bill passed the House with substantial numbers. It's a good piece of legislation. Relative to the Bar Association, Representative, this Bill is quite different than it was when it first hit the House. We've had numerous meetings with them and we've made substantial changes in the Bill. I don't know if they're still opposed, but they certainly were not for the Bill when it hit the House. What we have done that made them the most happy, is to raise the thresholds on this so it applies mostly to the really most serious people that don't pay their child support, substantial sums of money over a substantial period of time. So, if they are still opposed and I'm not sure they are, they did not testify in

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committee today, when we dealt with this Bill at all. If they are still opposed, there opposition is much reduced."

Cross: "Lou, can you explain to me what the Amendment does, with respect to the issue of continuances or restrictions on continuances?"

Lang: "Sure. The previous Amendment added Representative Crotty's Bill which you may remember voting on, which was a Bill that limited continuances in a child support case to two. We sent that out of here, I believe, but I was uncomfortable myself with that. So, after adding that on this Bill, on the previous Amendment, I thought better of it and I've deleted that provision. So, that provision is no longer in the Bill if Amendment 3 is adopted."

Cross: "So, your Amendment has absolutely... your Amendment or the Bill with any of the Amendments, now has absolutely no restriction on continuances?"

Lang: "That is correct."

Cross: "Is there any reference to the restriction issue? And I only ask that because I wonder what it does to Representative Crotty's Bill. I'm not sure where that is in the Senate."

Lang: "I'm not sure where her Bill is in the Senate, but I've deleted all references in Amendment 3 to the provisions of her Bill. So, this Senate Bill 19, if Amendment 3 is adopted, will not deal with that issue at all."

Cross: "So, I guess, her Bill could continue, we would end up still... and if it gets signed by the Governor and passes the Senate, we will still have restrictions... we will then have restrictions on continuance?"

Lang: "If this Bill would pass and the..."

Cross: "No, if Representative Crotty's Bill passes."

Lang: "... if Representative Crotty's Bill would pass and the

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Governor would sign it, there would be a two... a two continuance restriction. I've thought better of that. I would... I wish we had that back here to look at. But, I did want to take it out of here, out of this Bill, in hopes that we could get this Bill to the Governor's desk and make some really strong statements about child support."

Cross: "Well, I happen to agree with you on... I have some concerns about the restrictions on continuances. The other area I see that there've been changes or this Amendment deals within the area of arrearages, at least in the amount the arrearage has to be before the imposition of the fine for failure to pay a support. What changes do you make there, Lou?"

Lang: "We've increased the thresholds into three categories, so that the most serious offenders, those who willfully refuse to pay their child support obligations, are the people that are hit by this. There was some concern that some folks, after a very short period of time, could owe a substantial sum of money. And we wanted to make sure that we raised the threshold and that was the concern of the Bar Association, as well, raising the threshold so that we're only talking about the worst offenders."

Cross: "What's the net result in terms of numbers on your threshold change or your cap change?"

Lang: "You mean, what have we done with these categories?"

Cross: "Yep."

Lang: "The original Amendment provided that if there is a unpaid obligation ranging from 1000 to \$5000 for a period of longer than two years or any arrearage up to \$10,000... wait a minute, let me rephrase that. We raised the... on the fines that would go from 1,000 to \$5,000, we raised the upper threshold to \$10,000 as opposed to \$5,000. So, for

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this category we've doubled that. On the next category of fines from \$5,000 to \$10,000, we've made the threshold \$20,000 instead of \$10,000. And so, the higher you make this threshold, Representative, the less people you're covering, but the more egregious cases are those ones those ones that you'd be covering."

Cross: "There are a couple of other changes and I apologize, it's been, as you know, often difficult to hear in the chamber. Could you, in a quick manner, tell us what those other changes are, if you don't mind, with your Amendment?"

Lang: "Sure. One dealt with the issue of who's covered under the Bill. So, the last Amendment indicated, as a matter of fact, the Bill came over from the Senate indicated, that anybody who either 'willfully or negligently' without lawful excuse doesn't pay, would fall under this Act. We've removed 'negligently' because we're not sure what that means relative to child support and we're not sure that we should use the term 'negligent' in the Criminal Code anyway. So, we're only talking about 'willful' violators. The other change was one recommended by Representative Hamos dealing with her portion of this, which would suggest that the department must conduct an evaluation of the child support pays program by the end of the year, 2003. So that, the program that she's putting into place is evaluated by the department. That's the only other minor change, Representative."

Cross: "All right, Mr. Speaker, I appreciate Sponsor's answering those questions. Thank you very much."

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

Black: "Thank you very much, Mr. Speaker. Want to welcome you back to Springfield, first of all. It's good to see you."

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Speaker Turner, A.: "Pleasure."

Black: "Will the Sponsor yield?"

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

Black: "Representative, I... I generally don't like Bills like this because it lumps so many Bills into one. Some of these Bills I did not vote for in the Child Support Committee. And I'm trying to go through all the paper work, as well as, the computer and find just what all is in here. I... I think you know my view on child support. I... I have no empathy for the deadbeat, none whatsoever. But I think the Chairman of the Child Support Committee and I share a view that the system that we have in Illinois does not seem to be working. And we spend a lot of time trying to get tough on the deadbeat, and inevitably, we find that he... deadbeat, in fact, isn't a deadbeat and is in fact, current in all obligations. And I... I'm trying to figure out... Amendment #3 incorporates all your Committee Amendments, correct?"

Lang: "Well, let me give you a list of the... well no, Amendment 3 becomes the Bill..."

Black: "Right."

Lang: "... Representative. And let me just run quickly by you what House Bills that had passed the House that are languishing in the Senate are included, if I might: House Bill 531, Representative O'Brien; House Bill 540, Representative Schmitz; House Bill 1232, Representative Hamos; House Bill 1414, Representative Bellock; House Bill 2617, Representative Franks. These are all Bills that received substantial majorities in the House. Most of them are still languishing in the Senate Rules Committee, others have been banished to a subcommittee. Maybe one or two of them are moving through the system, but these are all Bills

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that got out of the Child Support Committee easily, all Bills that we passed with substantial majorities. And we think we need to make stronger statements on the issue of child support in this Body."

Black: "Well, I... certainly don't disagree with you on that, but I do think we spend an awful lot of time patting ourselves on the back about how tough we are on the deadbeat. When our system... In all due respect to those who work in it, and they have a very difficult job, but more than 50% of my district office time is spent on child support cases. And we... we have a terrible time with income tax intercepts, conflicting court orders, then we find out that the arrearage in which the income tax was intercepted, is not in fact in arrearage. And I know... I know at one time Joe and were wondering if we just shouldn't start all over again, but that's not the time to bring this up."

Lang: "Well, I would agree with you by the way, please proceed with your question, but let me just comment. I would agree with you, it might be time for child support summit, where many of us can sit down with law enforcement, states attorneys, Department of Public Aid, et cetera and rewrite our whole system. I think we ought to do that, but in the meantime we need to take some steps forward in some of these areas."

Black: "All right, let me, let me ask you just a couple of questions, now that I have my thoughts in order. On removing the restriction on continuances, now I'm a nonlawyer and I... have no problem with that. I think continuances, not only this area, but in many areas of our court system go on ad nauseam and justice delayed is often justice denied. But, in your opinion, will the Supreme Court not say, 'That's not your responsibility. You can't



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tell us how many continuances a court can order.'?"

Lang: "Well, one of the reasons that I removed that provision from this Amendment is exactly that. Courts are... courts ought to have wide discretion to do what they feel is appropriate. Much of what this Bill does is give the courts tools to do their work. But, it's... I don't think it should be up us in this chamber to tell the courts how many continuances they ought to give."

Black: "All right."

Lang: "So, that's why it is out of Amendment #3."

Black: "Okay, so, you've removed that from the Bill."

Lang: "Yes, Sir."

Black: "Okay. I... Excuse me. I was doing the work of the people on... with a newspaper reporter and I missed a lot of the earlier debate. 'Cause I agree with you. I don't think the court would uphold us on that at all. Have you still included... and I think it was, I can't remember who had the Bill in Child Support Committee. But, it was yet another Bill saying that if your in arrearage we're going to take away your drivers license. Is that still in the, in the Bill as this Amendment would provide?"

Lang: "Yes, it is."

Black: "All right. Can you just give me some idea of what right of due process will be available to the person? Because in my area, if you lose your drivers license you cannot work, you can't get to work."

Lang: "Representative, I think it's a good question. This comes from Representative O'Brien's Bill which was House Bill 531. It provides as follows, 'that the Circuit Court shall certify to the Secretary of State if someone with a child support order against them is more than 90 days delinquent. After receiving the certification of the Circuit Court, the

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Secretary of State shall suspend the license, but the obligor has the option of requesting a hearing to contest this.' If they do, their license is not immediately suspended, but the hearing takes place. Let's also understand that for someone to be 90 days delinquent there has to be a court order saying they're delinquent. So, the person would have received due process at that hearing. The person, presumably, would know that if they don't show up at that hearing and the court orders that they're delinquent, that the law of the State of Illinois would say they could take away their drivers license. But yet, they're still afforded a Secretary of State's hearing if they request one before their license is suspended."

Black: "All right and I, and I would assume then that the opportunity to submit the court ledgers, the payment ledgers, the individual would have an opportunity to show, in fact, that they were not in arrearage."

Lang: "That is correct. And also, the Bill provides that the court may ord... enter an order directing the Secretary of State to issue what is called a 'family financial responsibility driving permit'. In essence... in essence, a permit that allows the person to use the car to go to work."

Black: "Okay. Is there still... it's my understanding that in the Amendment there still is a provision where if the custodial parent says that... that the other parent has intentionally tried to evade an order for support and that order remains unpaid longer than six months or in arrearage of greater than \$10,000, that the... that person would be guilty of a Class IV felony and sentenced to prison. Is that still in the... incorporated in Amendment #3?"

Lang: "If I remember the Bill correctly and I don't want to thumb

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through the pages, the first offense is the same offense that we have under the current law. The first offense is a Class A misdemeanor, the second offense or subsequent offense would become a Class IV felony. So, under this scenario, Representative, a person would have to go through all those court hearings, two continuances or more, have a court order that they're delinquent, have a court order that they're doing the wrong thing and then have it all over again happen a second time."

Black: "Okay."

Lang: "So, this is many court hearings, many continuances..."

Black: "Okay."

Lang: "... and two proofs, two separate sets of proof that the person has willfully evaded their child support obligation."

Black: "Representative... I... I appreciate your indulgence in the questions. Mr. Speaker. If I might... To the Bill. I... I honestly don't know how I'm going to vote on this Bill. I... I feel very strongly and I agree with Representative Lang that we're not here to make it easy for those who fail to live up to their responsibilities. When you bring a child or children into this world, you have a responsibility for that child or those children. And many people today are certainly evading that responsibility. In fact, one of the things that concerns me about contemporary society, is the ever increasing number of people who treat children as some kind of a possession, a toy if you will, that when you get tired of them or tired of the other parent you just simply abandon them and move on to something, some other aspect of your life. That is so prevalent today that we have in Illinois almost a billion dollars of unpaid child support. And that's wrong. On the

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other hand, I'm never quite certain of that billion dollars in unpaid child support, how accurate that figure is, because I have too many cases in my district where somebody has their professional license revoked or their drivers license revoked and after a 90 day review find, in fact, they were not in arrearage and that they were in fact current on child support. My district office staff is working on a case, as we speak, where the dissolution of marriage required that the house be sold and the proceeds given to the custodial parent in lieu of some child support. Well evidently, the court didn't enter it properly and several years after the fact, because it wasn't on the court order, the proceeds of the house don't show up as that child support, so they now are after my constituent for an arrearage of thousands of dollars, which was satisfied under the conditions of the divorce, but the courts forgot to put it on the order or handle it in the right manner. I think it'll be straightened out, but I'm telling you this individual is going through what none of us would want to go through in this case. So, I... I just would caution you as you look at this. There are a number of Bills rolled into this Amendment. And while child support is... well, I just go back to what I've said before on this floor. I'd feel more comfortable if all of us could agree on a system where child support was moved to the top of the priority list. The system needs to be changed. The computers need to be upgraded and we need, in fact, to make sure that we go after those who do owe child support. Unfortunately, we seem to catch an awful lot of people today in the net who don't owe child support. And I can tell you their lives can be made miserable for months until the system can exonerate them and I'm just not

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comfortable in a lot of these things until we can revise the system so that we truly go after those who evade their responsibilities and instead of going after those who make a good faith effort to live up to their responsibilities, but often run afoul of the current system. I thank you for your indulgence, Mr. Speaker."

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

Lyons, E.: "Thank you, Mr. Speaker. I rise in support of this legislation. The Speaker, in his wisdom, established in the House, a Child Support Enforcement Committee and as a result of that committee a lot of the components of this legislation passed unanimously out of the Child Support Enforcement Committee. We all recognize and the reason why this committee was established, we recognize Illinois' deplorable record on child support collections. And so, I rise in support of this because until we make systemic changes in that system, these are adjustments that must be made and I commend the Sponsor for carrying this forward. Because as I said, these are just some of the steps. But we have to do a whole lot more, but in the meantime, I would urge your 'aye' vote."

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

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

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

Harris: "Representative Lang, I'm in support of the Bill. I would just like to know why the Human Resources, why they are in opposed to this Bill?"

Lang: "I'm sorry, I did not hear you, Representative."

Harris: "The Department of Human Resources are..."

Lang: "The Department of Human Services is opposed to a portion

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of the Bill. That portion of the Bill's already in the Senate. It's a portion of the Bill that I think you voted for."

Harris: "... thank you."

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

Lyons, J.: "To the Bill on the issue, on the issue on the floor, Mr. Speaker. I, I support what Representative Lang is doing here wholeheartedly. As Chairman of the Child Enforcement Committee, we spent a lot of hours trying to put some good legislation on paper that passed out of committee almost unanimously, carried some tremendous numbers out of here, was sent over to the Senate and like too many things that we send over there, dies in committee. So, I'm strongly supporting Representative Lang for offering to take the best of the Bills that we had, put them on Senate Bill 19, breathe life into these things and give them another chance to be acted on this Session. I agree with Representative Black. There's a bigger picture than what we are probably addressing right here. The system of child support enforcement in this state is broken. It needs to be fixed. There's a larger issue here that we must address. When the Governor came in here in February, it was his intention to move child support to the Attorney General's office. We meet for four months and never did we have anybody approach us on furthering what Bill Black and I wanted to initiate in making that transfer. Representative Lang and I also have legislation to move the child support division into the Revenue Committee... to the Revenue Department where a more aggressive, active, role on getting after those in arrearage would be pursued. So, in light of... we're

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looking at two different issues here, the bigger picture which we'd like to address. And I'm confident in due time, if not this spring, hopefully after Senate Committee hearings are done over the Summer, as well as subcommittee hearings that Representative Hamos will be having in Chicago. We will have something, hopefully, no later than fall. But the issue at hand here, is to pass this legislation back to the Senate so we get a shot at putting some good legislation that was created out of this House on the Governor's desk. And I ask for support from both sides of the aisle on this very important Bill. Thank you."

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

Davis, M.: "Thank you, Mr. Speaker and welcome back. We missed you."

Speaker Turner, A.: "Good to be back."

Davis, M.: "Will the Sponsor yield?"

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

Davis, M.: "Representative, would you clarify why the Department of Human Services and the Department of Public Aid were opposed to parts of this Bill? Tell us what the parts were and where those parts are now."

Lang: "If I could defer that question to Representative Hamos. Representative Hamos, can you answer Representative Davis' question about what portions of this Bill the department is against and why?"

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

Hamos: "Thank you. As I understand it, the Department of Human Services continues to be against the portion of the Amendment which was originally House Bill 1232. I am proud to be the Sponsor along with other people, Representative Lyons, Representative Lyons, of 1232. That Bill will

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provide that people on TANF, who are working, will be able to keep for their children two out of three dollars collected from the father, the noncustodial parent on behalf of their children. Now, this is the children's money. Last year all of those noncustodial parents paid \$88,000,000 to the State of Illinois, but only \$8.9 million was actually given to the children."

Davis, M.: "Okay."

Hamos: "This will send more money to the children."

Davis, M.: "Okay, Representative. You're saying to me that because we would be sending more money to the children that the Department of Human Services and the Department of Public Aid oppose that?"

Hamos: "House Bill 1232 is right now moving through the Senate, I'm proud to say. And as of an hour ago they were still in the Senate Committee opposing that."

Davis, M.: "Okay, now, that portion of your Bill is also in this Bill, is that correct?"

Hamos: "Yes."

Davis, M.: "Okay, well, I think that's, that really helps your Bill and I... I believe that..."

Lang: "Thank you."

Davis, M.: "... Representative Lang, as usual you have a fine piece of legislation. Let me ask one more question. Do you have anything in this Bill to prevent or punish those who take on a different identity in order not to pay child support? In other words, there are some states who have passed laws that will punish an individual who changes his or her name, changes his or her Social Security number in order not to pay child support? Now, does your Bill take care of that?"

Lang: "I don't believe that's in here, Representative. Although,



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I do believe it's an excellent idea. What we do have in here, though, is a provision that talks about people that flee the State of Illinois to avoid their child support obligation. It's on the same order of what you're suggesting, but I think for... for what you're proposing I think that's something we ought to look at in years to come and I'd be happy to work with you on that."

Davis, M.: "Well no, it's not going to be years to come. It's going to be the next Amendment."

Lang: "I'm prepared to do that."

Davis, M.: "Representative Lyons and I will Sponsor that Amendment and that Amendment will state that, people who change their name or their identity in order not to pay child support will receive some punishment. We'll work it out later, but thank you very much."

Lang: "Thank you, Representative."

Speaker Turner, A.: "The Lady from DuPage, Representative Bellock."

Bellock: "Will the Speaker yield?"

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

Bellock: "To the Bill. I urge your support on this Bill. For the last four months the Child Support Committee worked hard on legislation in order to take Illinois from one of the worst states in the United States in child support collection to one of the better or at least in the median. I urge your support on this Bill and I also urge your support on helping this committee to get child support under the AG or else a cabinet position. Thank you very much."

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

Lang: "I would ask for your support."

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Speaker Turner, A.: "Question is, 'Shall Amendment #3 to Senate Bill 19 pass?' All those in favor say 'aye'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment 3 is adopted. Further Amendments, Mr. Clerk?"

Clerk Rossi: "No further Amendments."

Speaker Turner, A.: "Third Reading. Representative Lang asks leave for immediate consideration of Senate Bill 19. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 19, a Bill for an Act regarding child support enforcement. Third Reading of this Senate Bill."

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

Lang: "Thank you, Mr. Speaker. We've had a thorough debate on Amendment 3 as to what the Bill does. Ladies and Gentlemen, Illinois has a terrible record of collecting child support. There's right now, over \$8,000,000,000 due in owing the taxpayers by our own taxpayers and over a billion dollars of that is child support. It takes up the time of... of States Attorneys. It takes up the time of public officials and it robs children in Illinois of what they need and what their families need. We need to have a much stronger statement and the Bills incorporated in Senate Bill 19 will make that strong statement about how this General Assembly feels about children in Illinois. I want to thank the Child Support Enforcement Committee, led by their able Chairman, Representative Joe Lyons, for their hard work this year. You know, the Senate has really done us a disservice by holding back most of that legislation. We can reaffirm our interest in child support and send over to the Senate a good Bill that punishes wrongdoers, that makes sure the system we have now works better and takes

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care of the children of the State of Illinois. I would strongly suggest your 'aye' votes."

Speaker Turner, A.: "The question is, 'Shall Senate Bill 19 pass?' All those in favor shall vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 116 voting 'aye', 0 'noes', 0 'presents'. This Bill, having received the Constitutional Majority is hereby declared passed. The Lady from Cook, Representative Erwin. For what reason do you rise?"

Erwin: "Thank you, Mr. Speaker. On a point of personal privilege. I would like my colleagues today to join me in welcoming some truly outstanding people in the State of Illinois doing a wonderful job in our schools, they are the Golden Apple Scholars. So please, help me welcome them to Springfield."

Speaker Turner, A.: "Welcome scholars. Mr. Clerk, read Senate Bill 1061."

Clerk Rossi: "Senate Bill 1061, a Bill for an Act regarding the delivery of medical services in correctional institutions and facilities. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Fowler, has been approved for consideration."

Speaker Turner, A.: "Gentleman from Saline, Representative Fowler."

Fowler: "Thank you, Mr. Chairman (sic-Mr. Speaker). I offer Amendment #2 today to Senate Bill 1061. The Amendment reads, 'if a labor organization is the exclusive bargaining agent of the new contractors employees on the effective date of the new contract, the Act shall not apply to the

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new contractor.' And in Section 99 by changing 'on September 1, 1999', to 'upon becoming law'."

Speaker Turner, A.: "The question is, 'Shall House adopt Amendment #2 to Senate Bill 1061?' All those in favor shall say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #2 is adopted."

Fowler: "Thank you, Mr. Chairman (sic-Speaker)."

Speaker Turner, A.: "Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Turner, A.: "Third Reading. What's the status of Senate Bill 933, Mr. Clerk?"

Clerk Rossi: "Senate Bill 933 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Brunsvold, has been approved for consideration."

Speaker Turner, A.: "Representative Brunsvold. Take this Bill out of the record, Mr. Clerk. What's the status of Senate Bill 910, Mr. Clerk?"

Clerk Rossi: "Senate Bill 910..."

Speaker Turner, A.: "Take it out of the record. Senate Bill 26. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 26, a Bill for an Act regarding property which may be referred to as the Property Owners Protection Amendments of 1999. Second Reading of this Senate Bill."

Speaker Turner, A.: "Out of the record. Senate Bill 460, Mr. Clerk."

Clerk Rossi: "Senate Bill 460 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #3, offered by Representative Lang, has been approved for consideration."

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Speaker Turner, A.: "The Gentleman from Cook, Representative Lang, on Amendment #3."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. Amendment #3 was originally House Bill 1403 sponsored by Representative Scott. It's one of those Bills that was not picked up in the Senate at all. It amends the Code of Civil Procedure regarding the payment of expert witness fees. It applies to situations where a party to a civil suit has subpoenaed an expert witness and a conflict arises over the fees charged by the expert. Under the current law, after the expert testifies, the trial court must be advised of the conflict and conduct a hearing to determine the reasonable fee. This Bill provides that the court, after determining the fee, must order payment by the subpoenaing party to the expert witness. That's all the Bill does. It arises out of a situation in Representative Scott's county, Winnebago County. I would ask for your support."

Speaker Turner, A.: "The question is, 'Shall Amendment 3 to Senate Bill 460 pass?' All those in favor shall say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. Amendment 3 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Turner, A.: "Third Reading. The status of Senate Bill 53, Mr. Clerk?"

Clerk Rossi: "Senate Bill 53, a Bill for an Act amending the Illinois Municipal Code. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Barbara Currie, has been approved for consideration."

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Speaker Turner, A.: "The Lady from Cook, Representative Currie, on Amendment #2."

Currie: "Thank you, Speaker, Members of the House. This Amendment incorporates the provisions of an excellent House Bill that passed unanimously during House consideration of our measures. What it does is to extend the lives of enterprise zones across the State of Illinois. I know of no opposition and I'd appreciate your support for the Amendment."

Speaker Turner, A.: "Question is, 'Shall Amendment 2 to House Bill... to Senate Bill 53 pass?' All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #2 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Turner, A.: "Third Reading. Senate Bill 458. What's the status of that Bill, Mr. Clerk? Read the Bill."

Clerk Rossi: "Senate Bill 458, a Bill for an Act in relation to automated external defibrillators. Second Reading of this Senate Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Winters, has been approved for consideration."

Speaker Turner, A.: "Out of the record. Senate Bill 496. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 496, a Bill for an Act amending the Environmental Protection Act. Third Reading of this Senate Bill."

Speaker Turner, A.: "Gentleman from Kankakee, Representative Novak."

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Yesterday we adopted House Amendment #1 to 49... Senate Bill 496, which becomes the Bill. And essentially,

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this is the product of some negotiations that have been going on for well over a year dealing with the lives of landfills in 100-year floodplains. We had a serious situation that developed during the storms and the horrendous rains of 1993, and all the devastation that occurred along the Mississippi River. Well, there's one landfill that's currently in operation, actually, on sort of like an island, right in the river or near it. And unbelievably, that thing withstood all the pressures from that water. However, that became a great concern of the former Governor's environmental operation and their administration. So, once again, any type of expansion of any landfills in a 100-year floodplain, of currently operating landfills, have to meet certain perimeters. And essentially, this is an agreement between the Illinois Department of Environmental Protection Agency and the Governor's Office and the waste industry, Waste Management, Browning-Farris and the National Solid Waste Management Association. So, I'd be more than happy to entertain any questions. Thank you."

Speaker Turner, A.: "The Gentleman from Kendall, Representative Cross. Proceed."

Cross: "Will the Sponsor yield?"

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

Cross: "Representative, EPA, if my understanding is correct, is okay with this?"

Novak: "Pardon me? I could not hear you, Mr. Cross."

Cross: "Is the EPA supportive of this?"

Novak: "What?"

Cross: "The EPA..."

Novak: "Yes."

Cross: "... they are?"

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Novak: "Yes."

Cross: "All right. With the Amendment?"

Novak: "Yes, they were part of the negotiations."

Cross: "Is there any opposition to it?"

Novak: "Not in my knowledge."

Cross: "Where's the Sierra Club on this, Representative?"

Novak: "They are on board."

Cross: "I'm sorry, they're what?"

Novak: "They're on board. They agree. Do you have a big chapter in Kendall County? I was just curious."

Cross: "A big what?"

Novak: "Do you, do you have a large Sierra Club chapter in Kendall County? I was just curious."

Cross: "Oh, okay, I didn't follow the question earlier. No, Representative, but I was just curious. We have one. It's active and I think they do a good job and just wanted to see where they were on the Bill. And I appreciate your attention to my questions."

Novak: "Yes, Sir."

Cross: "Thank you."

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

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

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

Black: "Phil, I... I really don't understand this and I want to make sure that I am comfortable with this. When I first read the Bill it appeared to me that we were grandfathering a landfill that was built in a floodplain and excusing them from liability. Is that what we're doing?"

Novak: "No, No,..."

Black: "All right, good, okay."



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Novak: "...We're not excusing them from liability. They are subject... they are subject to the requir... all landfill requirements and post closure requirements. What they call, what they call 'subtitle (d)'."

Black: "Okay, now I always thought that the owners of a landfill accepted, literally, lifetime liability for that landfill. And this Bill says that instead of a 100 years of insurance, they only have to have 30?"

Novak: "No... No, this... there is... there is still a... there is still a requirement in here that... that they do have to maintain financial assurances."

Black: "For... for how long?"

Novak: "A hundred years."

Black: "Okay. Where did I run across language, maybe it was in another Bill that we were reducing the 100 years of insurance that they had to cover down to only 30?"

Novak: "No, I... I know that figure has come up in some... some discussions, Representative Black. It may have come from the waste industry side. But, of course, the agency and I believe the Governor's office would not accommodate that request. So, no, 100 year... 100 years still applies."

Black: "All right. What... what's the genesis of the Bill? I, it seems..."

Novak: "The Bill... the Bill has to deal with a landfill that's currently in, all right, a floodplain."

Black: "Right."

Novak: "All right. And if they want to expand, if they already own the land and if they want to expand, okay, they should have the right to expand, but they have to meet these certain financial assurances. Because this floodplain situation sort of creates... could create a situation where you could have, you know if another flood would come, in

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let's say five years from now, that could wreak devastation on public water supply, as well as, endanger the public health and safety."

Black: "Well, and that's what I want to make sure that I understand. It would seem to me that if we had an existing landfill in a floodplain and even though the owners of that landfill had an additional 500 acres that they could develop, why would we give them the authority to develop the additional acreage, if in fact, the landfill... the new acreage to be developed, is in a floodplain? Why would we encourage them to continue burying waste in a floodplain?"

Novak: "Well we're... I don't think we're encouraging them. I think... this is a compromise between the agency, the Governor's Office, Renee Cipriano, who is now the Governor's environmental representative. She was involved in these talks, as well as, the waste industry."

Black: "Well okay, Phil, and I know you work on these issues and I certainly respect your judgement. Maybe encourage is the wrong word. I just don't know why we would seriously consider, if we've identified a floodplain and that landfill ceased accepting waste by the effective date in your Bill; on or before the 19th of August 1997. And now they find that they want to develop additional acreage in that landfill that was closed and it's in a floodplain. I just don't know why we'd want to do that."

Novak: "Representative Black, I don't think this applies to any landfill that has been closed because they're in a floodplain. There's just a few landfills that are located in floodplains, currently, in this state. And so, if the... if the landfill owner had, let's say 10 or 15 acres more that they were... that they could use and develop to expand the landfill, meet all the permitting requirements

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and everything, with the agency. If they chose to expand it they would have to, on the basis of these negotiations and agreements, meet some strict guidelines, because it's located, it is unique. It's not like that landfill along I-55, that huge one in... around Mr. Rutherford's district, that does not... that is not in a floodplain. They have to meet newer and tighter standards because it lies in a floodplain. Believe me, no waste company is ever going to build a landfill in a floodplain from now on. It just happened to be there."

Black: "But, rather than say that they can continue to use it..."

Novak: "Right, these are..."

Black: "...why shouldn't we say, 'no you can't continue to use it?'"

Novak: "These are for the ones that are already permitted. We are not encouraging landfills at all to be built in floodplains."

Black: "Oh, I understand that. But it seems to me that what this Bill does is to say, 'we recognize inherent dangers in having a landfill in a floodplain. But since there are a few and they still have space, if you meet some new standards it's okay to go ahead and keep dumping disposable diapers, medical waste, garbage, newspapers..."

Novak: "I don't know, I don't know about medical waste."

Black: "Well, you're probably right."

Novak: "Better take that out of the conversation, yeah."

Black: "I... I withdraw that, you're probably right. But I, I just don't want to see, I've seen some floods in my area and I just would hate to wake up some day after a flood and see 500,000 tons worth of disposable diapers floating around in my water supply."

Novak: "You're right, we don't want to see that either. This

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applies only to one landfill and it's in Representative Holbrook's district. This is the landfill that through some God given-gift to this landfill because it withstood... it withstood millions of pounds of pressure of all this water during the rains in 1993 that were... that came down upon this landfill."

Black: "Okay."

Novak: "And this landfill, it's walls, it's retaining system withstood this pressure, miraculously. This is what promoted Governor Edgar's office, through Allen Grosboll, to draw up some new guidelines on any type of landfills that happen... might be located in a floodplain."

Black: "Now, would they then have to go back and retrofit the cells in the landfill prior to the new standards?"

Novak: "No."

Black: "Or is it only if they develop new cells in that area?"

Novak: "Let me... Let me just stipulate something here, Representative Black. This agreement requires the owner and operator to provide financial assurance. That means insurance, all right?"

Black: "Right."

Novak: "As specified by the Pollution Control Board, regulations to cover the costs of post closure activities of the site for 100 years. So, if that landfill in Representative Holbrook's district closed next week, they have to subscribe to these regulations in this Bill for the next 100 years. And I'm sure by that time we'll have a lot of seniority in this General Assembly."

Black: "So, in other words... and I apologize. I was just... I had to check with staff. The Amendment removed the 30-year reference and put it back to the 100 years."

Novak: "Right."

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Black: "Okay. And did you say, did you mean to imply there was only one landfill?"

Novak: "Yes."

Black: "Is.."

Novak: "That's the only landfill on an island..."

Black: "Oh."

Novak: "... in the entire state."

Black: "Is that upstream or downstream of me?"

Novak: "Well, it's a..."

Black: "It's very important."

Novak: "...it's upstream from you, Representative."

Black: "Oh, gee, I... just what I wanted you to say."

Novak: "But, it's on the other side of the state."

Black: "Well, you know, water sometimes moves in mysterious ways. But, I do appreciate your indulgence, Representative. And it is certainly not your intent to encourage or allow landfills, animal waste lagoons, for example, or anything else to be built in flood plains."

Novak: "You are absolutely correct."

Black: "Thank you very much."

Speaker Turner, A.: "Gentleman from Cook, Representative Novak, to, I mean from Kankakee, Representative Novak, to close."

Novak: "Mr. Speaker, has my residence changed? I have relatives that live in Cook County, but thank you very much. Ladies and Gentlemen, I think you've heard the debate. This is a product of an agreement between the... the Waste Management Association and the Illinois Environmental Protection Agency, as well as, the Governor's office. This... this in no way encourages any type of landfills to be built in floodplains. There was a landfill that located right on the Mississippi River, it's been operating there for years. It withstood tremendous... tremendous onslaught of water

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during the floods of 1993. Miraculously, the... some of those seams in the walls did not break. However, any type of future expansions of any flood, of any landfills in a floodplain, again it's only applied to one. They have to comply with 100 year financial assurances. So, this is in the public safety and health and welfare benefits to our Illinois citizens."

Speaker Turner, A.: "Question is, 'Shall Senate Bill 496 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 88 voting 'aye', 24 voting 'no', 4 voting 'present'. This Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk, read Senate Bill 458."

Clerk Rossi: "Senate Bill 458 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Winters, has been approved for consideration."

Speaker Turner, A.: "Gentleman from Winnebago, Representative Winters."

Winters: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #1 is an agreed Amendment between the Heart Association, the Trial Lawyers and the Medical Society. It amends the Automated External Defibrillator Act and exemptions from civil liability. And I'd be happy to answer any questions."

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

Osmond: "Will the Speaker yield?"

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

Osmond: "Representative Winters, right now the various EMS

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systems in the State of Illinois have the ability to create automatic defibrillator procedures. Why, what are we doing with this that would... why do we have to do this?"

Winters: "The Emergency Medical Systems and all of the technicians that work in that area are not covered under this Bill. This is an attempt to allow the defibrillators to be used in other areas, whether it be an apartment complex, senior housing. Our county is interested in putting them into the squad cars, where people who would specifically trained on the AED devices would be able to have very quick access to them, but would not necessarily be fully trained in all aspects of emergency medicine."

Osmond: "So, what.."

Winters: "But, it does not change anything on the Emergency Medical System and the way it's already exempt from civil liability."

Osmond: "...So then, this would also allow places like schools and banks and as you said, the police department, to go ahead on their own to have the defibrillators available even if their own particular EMS did not want to or had some philosophical differences there?"

Winters: "Well, that would certainly be up to a community decision of whether or not to do it. All this Bill does, though, is remove the civil liability provisions. So, that if a community organization, or a business person, or a government agency decides to make these available, there would not nec... there would not be civil liability."

Osmond: "I would support the Amendment. I think it's a absolutely terrific tool for people to get prompt service in times of need. I do not believe that it will require a lot of extensive training and I think that we should encourage our schools and food stores and banks to go ahead

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and train their people. This is a terrific tool to be used in quick response. Thank you."

Speaker Turner, A.: "Seeing no further questions, the Gentleman from Winnebago, Representative Winters, to close."

Winters: "Certainly urge the adoption of the Amendment."

Speaker Turner, A.: "The question is, 'Shall Amendment #1 to Senate Bill 458 pass?' All those in favor shall say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #1 is adopted. Further Amendments, Mr. Clerk?"

Clerk Rossi: "No further Amendments."

Speaker Turner, A.: "Third Reading. Mr. Clerk, what's the status of Senate Bill 1? The Gentleman from Winnebago, Representative Scott. What's your privilege on this Bill? Are you waiting for an Amendment? We understand there's an Amendment that's in Rules. Is that your Amendment? Yes, it is? Take it out of the record. Senate Bill 150. Read the Bill Mr. Clerk. Out of the record. Senate Bill 171. Out of the record. Senate Bill 224. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 224 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Turner, A.: "Third Reading. Leave the Bill on Second Reading. Senate Bill 27, Representative (sic-Senator) Bowles. Out of the record. Senate Bill 2... I should say Senate Bill 1009, Representative McKeon. Representative McKeon, would you like to call this Bill? Out of the record. Senate Bill 163. Read the Bill Mr. Clerk. What's the status of that Bill, Mr. Clerk?"

Clerk Rossi: "Senate Bill 163 is on the Order of Senate Bills-Third Reading."



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Speaker Turner, A.: "There's leave has been granted to move it back to Second Reading. On the Order of Third Readings, we have Senate Bill 564. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 564, a Bill for an Act concerning business organizations. Third Reading of this Senate Bill."

Speaker Turner, A.: "The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Currently in the Secretary of States Office, the Corporations Division, has an expedited process for corporations that need to have their paper work done immediately, because of whatever reason in the business world that we've all faced. This Bill merely allows that expansion to partnerships and limited partnerships. I'd be happy to answer any questions."

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

Cross: "What's the Secretary of State's position on this Bill?"

Granberg: "This is at his initiative, Representative Cross. It would allow the expansion of the expedited process for our limited partnerships."

Cross: "So, the answer... he's for it?"

Granberg: "Yes, he's for it."

Cross: "All right. Thank you, Mr... thank you Representative, thank you Mr. Speaker."

Granberg: "Thank you."

Speaker Turner, A.: "Seeing no further questions, the Gentleman from Clinton, Representative Granberg, to close."

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill merely allows limited partnerships to have the same flexibility as large corporations in the use

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of expedited... the expedited process in the Secretary of State's Corporation Division. I appreciate an 'aye' vote."

Speaker Turner, A.: "Question is, 'Shall Senate Bill 564 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 116 voting 'aye', 0 'noes', 0 'presents'. And this Bill having received the Constitutional Majority is hereby declared passed. Mr. Clerk, read Senate Bill 1066."

Clerk Rossi: "Senate Bill 1066, a Bill for an Act concerning military memorials. Third Reading of this Senate Bill."

Speaker Turner, A.: "Gentleman requests that the Bill be moved back to Second. Out of the record. Mr. Clerk, how about Senate Bill 355?"

Clerk Rossi: "Senate Bill 355, a Bill for an Act relating to consumer finance. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Turner, A.: "Third Reading. Senate Bill 356. Read the Bill, Mr. Clerk. Is there any Member in the chamber who currently has a Bill on Second Reading that they'd like to move to Third Reading? Would you please make your intention known? The Gentleman from Cook, Representative McCarthy."

McCarthy: "Thank you, Mr. Speaker. I have Senate Bill 1168 on Second Reading. I was holding for an Amendment, that's no longer necessary. So, I would like to move it to Third."

Speaker Turner, A.: "That Bill is already on Third Reading, Representative."

McCarthy: "Thank you."

Speaker Turner, A.: "Gentleman from Lake, Representative Osmond."

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Osmond: "Mr. Speaker, the... Senate Bill 355 should have remained on Second Reading. Thank you."

Speaker Turner, A.: "(355) will remain on Second Reading. Gentleman from Vermilion, Representative Black. For what reason do you rise?"

Black: "Yes, thank you very much, Mr. Speaker. An inquiry of the Chair on behalf of the poor, the downtrodden, the uninformed, which amounts to most of us sitting here in the House floor this afternoon. I couldn't help but notice we seem to be in a lengthy, pregnant pause and perhaps if we have run out of things to do, the Chair might discuss with the powers that be, that a Motion to adjourn perhaps would be in order."

Speaker Turner, A.: "The Gentleman from Lake, Representative Beaubien."

Beaubien: "Yes, I'd like to make a Motion to adjourn, please."

Speaker Turner, A.: "The Gentleman's Motion has been made. Allowing perfunctory time... hold on. Representative... the Gentleman from Cook, Representative Bugielski. For what reason do you rise?"

Bugielski: "Thank you, Mr. Speaker. Just to let all of the Members know that tomorrow morning at 11:30, out between the Capitol Building and the Stratton Building the firefighters of the State of Illinois will be dedicating their Firemen's Memorial and all are invited to come out. It's a... some of you saw the statue, the memorial going up. It's a beautiful statue. It's covered right now. So, all are invited to come out for the dedication of the Firemen's Memorial, for all the firemen that have dedicated their lives and all the work for the people of the State of Illinois. All are welcome to attend. Thank you."

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Speaker Turner, A.: "Now, the Gentleman from Lake, Representative Beaubien, what was your Motion, again?"

Beaubien: "Yes, I made a Motion to adjourn."

Speaker Turner, A.: "Allowing perfunctory time for the Clerk, the Motion has been made that the House stand adjourned until the hour of 12:00 on Thursday. All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House now stands adjourned."

Clerk Bolin: "The House Perfunctory Session will come to order. Second Reading of Senate Bills. Senate Bill 26, a Bill for an Act regarding property which may be referred to as the Property Owners Protection Amendments of 1999. Senate Bill 171, a Bill for an Act in relation to public safety. Senate Bill 217, a Bill for an Act concerning motor vehicles. Second Reading of this Senate Bill. Senate Bill 235, a Bill for an Act in relation to fire department promotions. Second Reading of this Senate Bill. Senate Bill 286, a Bill for an Act to amend the Airport Authorities Act. Second Reading of this Senate Bill. Senate Bill 351, a Bill for an Act to amend the Intergovernmental Cooperation Act. Second Reading of this Senate Bill. Senate Bill 356, a Bill for an Act concerning loans and interest. Second Reading of this Senate Bill. Senate Bill 369, a Bill for an Act regarding appropriations. Second Reading of this Senate Bill. Senate Bill 371, a Bill for an Act regarding appropriations. Second Reading of this Senate Bill. Senate Bill 391, a Bill for an Act in relation to probation and supervision. Second Reading of this Senate Bill. Senate Bill 392, a Bill for an Act relating to charitable and organizations and activities. Second Reading of this

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Senate Bill. Senate Bill 415, a Bill for an Act to amend the Unemployment Insurance Act. Second Reading of this Senate Bill. Senate Bill 427, a Bill for an Act to amend the Environmental Protection Act. Second Reading of this Senate Bill. Senate Bill 436, a Bill for an Act to amend the Illinois Insurance Code. Second Reading of this Senate Bill. Senate Bill 507, a Bill for an Act to amend the Physicians Lien Act. Second Reading of this Senate Bill. Senate Bill 581, a Bill for an Act regarding appropriations. Second Reading of this Senate Bill. Senate Bill 582, a Bill for an Act regarding appropriations. Second Reading of this Senate Bill. Senate Bill 583, a Bill for an Act regarding appropriations. Second Reading of this Senate Bill. Senate Bill 584, a Bill for an Act regarding appropriations. Second Reading of this Senate Bill. Senate Bill 585, a Bill for an Act regarding appropriations. Second Reading of this Senate Bill. Senate Bill 586, a Bill for an Act regarding appropriations. Second Reading of this Senate Bill. Senate Bill 587, a Bill for an Act regarding appropriations. Second Reading of this Senate Bill. Senate Bill 588, a Bill for an Act regarding appropriations. Second Reading of this Senate Bill. Senate Bill 589, a Bill for an Act regarding appropriations. Second Reading of this Senate Bill. Senate Bill 590, a Bill for an Act regarding appropriations. Second Reading of this Senate Bill. Senate Bill 591, a Bill for an Act regarding appropriations. Second Reading of this Senate Bill. Senate Bill 593, a Bill for an Act regarding appropriations. Second Reading of this Senate Bill. Senate Bill 594, a Bill for an Act regarding appropriations. Second Reading of this Senate Bill. Senate Bill 595, a Bill for an Act

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regarding appropriations. Second Reading of this Senate Bill. Senate Bill 596, a Bill for an Act regarding appropriations. Second Reading of this Senate Bill. Senate Bill 597, a Bill for an Act regarding appropriations. Second Reading of this Senate Bill. Senate Bill 598, a Bill for an Act making appropriations and reappropriations. Second Reading of this Senate Bill. Senate Bill 599, a Bill for an Act making appropriations and reappropriations. Second Reading of this Senate Bill. Senate Bill 600, a Bill for an Act regarding appropriations. Second Reading of this Senate Bill. Senate Bill 601, a Bill for an Act making appropriations. Second Reading of this Senate Bill. Senate Bill 602, a Bill for an Act regarding appropriations. Second Reading of this Senate Bill. Senate Bill 603, a Bill for an Act making appropriations. Second Reading of this Senate Bill. Senate Bill 604, a Bill for an Act regarding appropriations. Second Reading of this Senate Bill. Senate Bill 605, a Bill for an Act regarding appropriations. Second Reading of this Senate Bill. Senate Bill 606, a Bill for an Act making appropriations. Second Reading of this Senate Bill. Senate Bill 607, a Bill for an Act making appropriations. Second Reading of this Senate Bill. Senate Bill 608, a Bill for an Act regarding appropriations. Second Reading of this Senate Bill. Senate Bill 609, a Bill for an Act regarding appropriations. Second Reading of this Senate Bill. Senate Bill 610, a Bill for an Act regarding appropriations. Second Reading of this Senate Bill. Senate Bill 611, a Bill for an Act making appropriations. Second Reading of this Senate Bill. Senate Bill 612, a Bill for an Act making appropriations. Second Reading of

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this Senate Bill. Senate Bill 613, a Bill for an Act regarding appropriations. Second Reading of this Senate Bill. Senate Bill 614, a Bill for an Act regarding appropriations. Second Reading of this Senate Bill. Senate Bill 615, a Bill for an Act making appropriations. Second Reading of this Senate Bill. Senate Bill 616, a Bill for an Act regarding appropriations. Second Reading of this Senate Bill. Senate Bill 617, a Bill for an Act regarding appropriations. Second Reading of this Senate Bill. Senate Bill 618, a Bill for an Act regarding appropriations. Second Reading of this Senate Bill. Senate Bill 619, a Bill for an Act regarding appropriations. Second Reading of this Senate Bill. Senate Bill 621, a Bill for an Act regarding appropriations. Second Reading of this Senate Bill. Senate Bill 622, a Bill for an Act regarding appropriations. Second Reading of this Senate Bill. Senate Bill 623, a Bill for an Act regarding appropriations. Second Reading of this Senate Bill. Senate Bill 625, a Bill for an Act regarding appropriations. Second Reading of this Senate Bill. Senate Bill 627, a Bill for an Act regarding appropriations. Second Reading of this Senate Bill. Senate Bill 628, a Bill for an Act regarding appropriations. Second Reading of this Senate Bill. Senate Bill 629, a Bill for an Act regarding appropriations. Second Reading of this Senate Bill. Senate Bill 630, a Bill for an Act regarding appropriations. Second Reading of this Senate Bill. Senate Bill 631, a Bill for an Act regarding appropriations. Second Reading of this Senate Bill. Senate Bill 632, a Bill for an Act regarding

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appropriations. Second Reading of this Senate Bill. Senate Bill 656, a Bill for an Act to amend the Liquor Control Act of 1934. Second Reading of this Senate Bill. Senate Bill 666, a Bill for an Act in relation to taxes. Second Reading of this Senate Bill. Senate Bill 818, a Bill for an Act concerning disabled adults. Second Reading of this Senate Bill. Senate Bill 827, a Bill for an Act to amend the Metropolitan Water Reclamation District Act. Second Reading of this Senate Bill. Senate Bill 839, a Bill for an Act to amend the Local Governmental and Governmental Employees Tort Immunity Act. Second Reading of this Senate Bill. Senate Bill 876, a Bill for an Act to amend the Illinois Procurement Code. Second Reading of this Senate Bill. Senate Bill 877, a Bill for an Act to amend the Illinois Procurement Code. Second Reading of this Senate Bill. Senate Bill 890, a Bill for an Act to create the Illinois Financial Institutions Y2K Safety and Soundness Act. Second Reading of this Senate Bill. Senate Bill 910, a Bill for an Act to amend the Environmental Protection Act. Second Reading of this Senate Bill. Senate Bill 941, a Bill for an Act to amend the Local Governmental and Governmental Employees Tort Immunity Act. Second Reading of this Senate Bill. Senate Bill 949, a Bill for an Act to amend the Children and Family Services Act. Second Reading of this Senate Bill. Senate Bill 962, a Bill for an Act in relation to work place injuries and diseases. Second Reading of this Senate Bill. Senate Bill 980, a Bill for an Act to amend the State Gift Ban Act. Second Reading of this Senate Bill. Senate Bill 1002, a Bill for an Act in relation to the General Assembly. Second Reading of this Senate Bill. Senate Bill 1003, a Bill for an Act concerning the



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Governor. Second Reading of this Senate Bill. Senate Bill 1007, a Bill for an Act in relation to state employment. Second Reading of this Senate Bill. Senate Bill 1008, a Bill for an Act to amend the State Gift Ban Act. Second Reading of this Senate Bill. Senate Bill 1009, a Bill for an Act to amend the Illinois Governmental Ethics Act. Second Reading of this Senate Bill. Senate Bill 1010, a Bill for an Act in relation to local governments. Second Reading of this Senate Bill. Senate Bill 1011, a Bill for an Act in relation to the courts. Second Reading of this Senate Bill. Senate Bill 1015, a Bill for an Act concerning the Secretary of State. Second Reading of this Senate Bill. Senate Bill 1017, a Bill for an Act in relation to gaming. Second Reading of this Senate Bill. Senate Bill 1018, a Bill for an Act to amend the Civil Administrative Code. Second Reading of this Senate Bill. Senate Bill 1019, a Bill for an Act to amend the State Comptroller Act. Second Reading of this Senate Bill. Senate Bill 1020, a Bill for an Act to amend the Illinois Pension Code. Second Reading of this Senate Bill. Senate Bill 1028, a Bill for an Act in relation to transportation and transportation financing. Second Reading of this Senate Bill. Senate Bill 1079, a Bill for an Act to create the Budget Implementation Act for fiscal year 2000. Second Reading of this Senate Bill. Senate Bill 1080, a Bill for an Act to create the Budget Implementation Act for fiscal year 2000. Second Reading of this Senate Bill. Senate Bill 1014, Senate Bill 1104, a Bill for an Act to amend the Carnival and Amusement Rides Safety Act. Second Reading of this Senate Bill. Senate Bill 1128, a Bill for an Act to amend the Good Samaritan Food Donor Act. Second Reading of this Senate Bill. Senate Bill 1131, a Bill for an Act to

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amend the Counties Code. Second Reading of this Senate Bill. Senate Bill 1203, a Bill for an Act to amend the General Obligation Bond Act. Second Reading of this Senate Bill. Senate Bill 1204, a Bill for an Act to amend the General Obligation Bond Act. Second Reading of this Senate Bill. First Reading and Introduction of House Bills. House Bill 2867, offered by Representative Franks, a Bill for an Act to amend the Code of Civil Procedure by changing Section 2-622. House Bill 2868, offered by Representative Saviano, a Bill for an Act to amend the Illinois Professional Land Surveyor Act of 1989. First Reading of these House Bills. There being no further business, the House Perfunctory Session stands adjourned."