

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

55th Legislative Day

May 20, 1999

Speaker Brunsvold: "The House come to order. All unauthorized personnel please leave the floor. The House shall come to order. We'll be led in prayer today, by Reverend Tom Pelt from the Church of God in Harrisburg. Reverend Pelt is a guest of Representative Fowler, in fact, Pastor Pelt is the personal pastor for Mr. Fowler. Guests in the gallery may wish to rise and join us in the invocation and the Pledge of Allegiance. Pastor."

Reverend Pelt: "Let's pray. This morning we give you praise and honor and glory simply because you're worthy. Father, we thank you for your word upon which this great nation was founded. Father, in that word it says, 'Blessed is the man that walks not in the council of the ungodly nor stands in the way of sinners nor sits in the seat of the scornful. But, his delight is in the law of the Lord and in His law he meditates day and night and then he shall be like a tree planted by the rivers of water that bring forth fruit in His season. His leaf also shall not wither and whatever he does shall prosper.' Father, for this I claim for this Assembly here today that Father they would indeed be like trees planted by living water that lord in the winds of adversity may bend but never break. Father, I pray today for their families, Lord Jesus, the spouses and the sons and the daughters and the grandchildren that Father, they're separated from as they come here to serve this great state. Father, may your anointing rest upon the family. Now Father, for the business of this day we ask that your Holy Spirit would have His will and way as we seek to meet the needs of the people. And as you do your great work we'll be careful to give You all of the praise and honor and glory. In the name of Jesus, at whose presence every knee shall bow and tongue confess that Jesus

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Christ is Lord. Amen. Amen."

Speaker Brunsvold: "We shall be led in the pledge by Representative Maggie Crotty."

Crotty 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 Brunsvold: "Roll Call for Attendance, Mr. Clerk."

Poe: "Mr. Speaker, let the record show today that Representative Osmond has an excused absent. Rest of the Republicans are here."

Speaker Brunsvold: "Thank you, Mr. Poe. Representative Currie."

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

Speaker Brunsvold: "Thank you. Mr. Clerk. Mr. Clerk, take the roll. Being a quorum present the House is prepared to do business. Committee Reports."

Clerk Bolin: "Representative Jeff Schoenberg, Chairperson..."

Speaker Brunsvold: "Excuse me, Mr. Clerk. Mr. Poe."

Poe: "Just for an announcement. Today the City of Springfield is making a presentation on the Lincoln Presidential Library Center in Room 114. And there will be lunch served so anybody that wants to stop by between 11:00 and 1:00 can browse over that real quick and pick up some lunch. Thank you."

Speaker Brunsvold: "Thank you, Mr. Poe. There any other announcements? Would anyone else like to make an announcement before we begin? Seeing none, Mr. Clerk, Committee Reports."

Clerk Bolin: "... Representative Jeff Schoenberg, Chairperson from the Committee on State Procurement, to which the following measures were referred, action taken May 20,

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1999, reported the same back with the following recommendations: 'be adopted Short Debate' House Amendment #3 to Senate Bill 876, recommend 'be adopted Standard Debate' House Amendment #4 to Senate Bill 876. Representative Calvin Giles, Chairperson from the Committee on Local Government, to which the following measures were referred, action taken on May 20, 1999, reported the same back with the following recommendation/s: Motion to concur 'be approved for consideration' Short Debate from Senate Amendments 1, 3, and 4 to House Bill 845, Senate Amendment 1 to House Bill 2008 and Senate Amendment #4 to House Bill 2320; Motion to concur 'be approved for consideration' Standard Debate Senate Amendments 1 and 2 to House Bill 702. Representative Tom Dart, Chairperson from the Committee on Judiciary I Civil Law, to which the following measures were referred, action taken on May 20, 1999, reported the same back with the following recommendation/s: Motion to concur 'be approved for consideration' Short Debate Senate Amendment #1 to House Bill 1769 and Senate Amendment #1 to House Bill 1978. Representative Shirley Jones, Chairperson from the Committee on Public Utilities, to which the following measures were referred, action taken on May 20, 1999, reported the same back with the following recommendation/s: Motion to concur 'be approved for consideration' Short Debate Senate Amendments 1 and 2 to House Bill 1383. Representative Howard Kenner, Chairperson from the Committee on State Government, to which the following measures were referred, action taken on May 20, 1999, reported the same back with the following recommendation/s: 'be adopted' Short Debate House Amendment #1 to Senate Bill 311. Representative Skip Saviano, Chairperson from the Committee on Registration and

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Regulation, to which the following measures were referred, action taken on May 20, 1999, reported the same back with the following recommendation/s: Motion to concur 'be approved for consideration' Short Debate Senate Amendments 1, 2, and 3 to House Bill 619; Senate Amendments 4 and 6 to House Bill 619. Representative Daniel Burke, Chairperson from the Committee on Executive, to which the following measures were referred, action taken on May 19, 1999, reported the same back with the following recommendation/s: Motion to concur 'be approved for consideration' Short Debate Senate Amendment 1 to House Bill 1700; recommend 'be adopted' Short Debate House Amendment 3 to Senate Bill 286. Representative Phil Novak, Chairperson from the Committee on the Environment and Energy, to which the following measures were referred, action taken on May 19, 1999, reported the same back with the following recommendation/s: Motion to concur 'be approved for consideration' Short Debate Senate Amendment #1 to House Bill 95."

Speaker Brunsvold: "Mr. Clerk, excuse me. Lobbyists should be off the floor, press should be in the press area. Press is to not be on the floor while we're in business. Lobbyists, of course, should not be on the floor. Proceed Mr. Clerk."

Clerk Bolin: "Representative Michael Boland, Chairperson from the Committee on Elections and Campaign Reform, to which the following measures were referred, action taken on May 19, 1999, reported the same back with the following recommendation/s: Motion to concur 'be approved for consideration' Short Debate Senate Amendment 1, and 3 to House Bill 2005. Representative Steve Davis, Chairperson from the Committee on Constitutional Officers, to which the following measures were referred, action taken on May 19, 1999, reported the same back with the following

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recommendation/s: Motion to concur 'be approved for consideration' Short Debate Senate Amendments 1 and 2 to House Bill 2081. Representative John Fritchey, Chairperson from the Committee on Consumer Protection and Product Regulation, to which the following measures were referred, action taken on May 19, 1999, reported the same back with the following recommendation/s: Motion to concur 'be approved for consideration' Short Debate Senate Amendment #3 to House Bill 1177. Representative Constance Howard, Chairperson from the Committee on Computer Technology, to which the following measures were referred, action taken on May 19, 1999, reported the same back with the following recommendation/s: recommend 'be adopted' Short Debate House Amendment #1 to Senate Bill 890. Representative Sara Feigenholtz, Chairperson from the Committee on Human Services, to which the following measures were referred, action taken on May 19, 1999, reported the same back with the following recommendation/s: recommend 'be adopted Short Debate' House Amendment #2 to Senate Bill 43. Representative Lauren Beth Gash, Chairperson from the Committee on Judiciary II Criminal Law, to which the following measures were referred, action taken on May 20, 1999, reported the same back with the following recommendation/s: Motion to concur 'be approved for consideration' Short Debate Senate Amendments 1 and 2 to House Bill 777; Senate Amendment #1 to House Bill 1162; Senate Amendments 1, 2, and 3 to House Bill 1720 and Senate Amendments 1 and 2 to House Bill 2103. Representative Coy Pugh, Chairperson from the Committee on Revenue, to which the following measures were referred, action taken on May 20, 1999, reported the same back with the following recommendation/s: Motion to concur 'be approved for

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consideration' Short Debate Senate Amendments 1 and 2 to House Bill 1778 and Senate Amendment #1 to House Bill 2180."

Speaker Brunsvold: "Page 11 of the Calendar appears House Bill 95, Mr. Novak. Out of the record. Excuse me, Mr. Novak on House Bill 95."

Novak: "Yes, thank you Mr. Speaker, Ladies and Gentlemen of the House. I now to move to concur in Senate Amendment #1 to House Bill 95. Senate Amendment #1 becomes the Bill, it is an initiative of the Department of Nuclear Safety and it simply extends a deadline date, I believe, to 2002. With respect to submitting a report dealing with looking, making recommendations or looking for materials, and other resources relative to the sighting of a low level nuclear waste facility. That's been a... that's been an objective of the state for a number of years but, this report it's not gonna list any sights, it's just going to, this report has to be submitted by the I believe by the end of this year and it's gonna be extended for two years. So, this is an initiative it's noncontroversial and I'd ask my colleagues to concur in Senate Amendment #1 to House Bill 95."

Speaker Brunsvold: "And on that Motion, is there any discussion? Seeing none the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 9-5, 95?' This is final action. Those in favor vote '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 that question, 116 voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill having received a Constitutional Majority, excuse me, the House does concur in Senate

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Amendment #1 to House Bill 95. And this Bill having received a Constitutional Majority is hereby declared passed. Page 11 appears House Bill 152, Mr. Righter. Out of the record. Page 12 of the Calendar appears House Bill 604, Mr. Hoffman or Huffman. Page 12 of the Calendar appears House Bill 619, Mr. Capparelli. Mr. Capparelli. Out of the record. Page 12 of the Calendar appears House Bill 777, Mr. Winkel. Mr. Winkel. On Senate Amendments 1 and 2."

Winkel: "Thank you, Mr. Speaker. Yes, thank you, Mr. Speaker. Moving to concur on Senate Amendments 1 and 2 to House Bill 777. Senate Amendment #1 would authorize the Department of Corrections to establish nursing home facilities for eligible inmates who are aged or infirm. Amendment #2 clarifies that a municipality would have to give its consent before such a facility could be located in that municipality. And also, restricts these facilities from being located within residential areas. I would ask for the adoption of Senate Amendments 1 and 2."

Speaker Brunsvold: "Gentleman has asked for concurrence in Senate Amendments 1 and 2. Is there any discussion? Seeing none the question is, 'Shall the House concur in Senate Amendments 1 and 2 to House Bill 777?' This is final action. All those in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 100 voting 'yes', 14 voting 'no', 0 voting 'present'. The House does concur in Senate Amendments 1 and 2 to House Bill 777. And this Bill having received a Constitutional Majority is hereby declared passed. Page 12 of the Calendar appears House Bill 845, Representative Moore. Andrea Moore. Out of the

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record. Page 13 of the Calendar appears House Bill 1061, Mr. Cross. Out of the record. On Page 13 of the Calendar appears House Bill 1177, Mr. Winters. Mr. Winters."

Winters: "Thank you, Mr. Speaker. I would move to concur in Senate Amendment 3, I believe, to 1177."

Speaker Brunsvold: "Can you explain the Senate Amendment, Mr. Winters?"

Winters: "Certainly. Senate Amendment 3 makes the Home Repair Fraud Act, it's an entirely new Act, an omnibus Act, has three major provisions. One, is that all home repair contractors will be required to have insurance. And an interesting point of that is they will have to have a \$10,000 policy against faulty home repair. So, that the home owner would be allowed to go after the insurance company to put pressure on the contractor if the repairs are not up to the building codes. A second provision would require a signed contract for any contracts of \$1,000 or more, that would layout any work to be done. If there are addendums that later come up, what are commonly know as change orders, those would also have to be signed off. The third provision is a requirement that the contractor must distribute to any home owner who is seeking repair of more than \$500, a brochure that lists different types of home repair fraud, ways to avoid them, toll free numbers for the consumer aware.. or consumer protection division of the Attorney General, ways to get lien waivers from the contractors so that a supplier of materials to the contractor can not put a lien on the home. That, if the contract is over \$1,000 not only must the brochure be distributed but must have a copy or a tear off slip signed by the home owner, signed by the contractor. Each party would then keep their portion that way the State's Attorney

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or the Attorney General can come back and make sure that in fact this, this avoidance of fraud brochure was in fact given to each homeowner. It's very far reaching it's a instead of increasing the criminal penalties which are hard to prove in these types of cases. What we're doing is asking for much more consumer awareness before the problems develop. We feel that by doing this that 90 or 95% of the cases of consumer fraud will in fact be stopped before they even develop. We won't have homeowners that find projects half done, they have already paid thousands of dollars out to their contractor and can't even find him. The contract itself will require that the contractor not only have insurance but that he list on that contract his place of doing business and it cannot be a post office box, it's got to be a street address, either where his company is or where his residence is. So, it's a way to track down that contractor. In our legislative offices we've often had these problems and we can't even find the contractor. So, feel it's a very wide ranging improvement in how we deal with home repair fraud and would urge its adoption."

Speaker Brunsvold: "And on that Motion to concur, any discussion? The Gentleman from Vermilion, Mr. Black."

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

Speaker Brunsvold: "Sponsor yields."

Black: "Yes. Representative, some of the requirements of this Act I find very interesting. I, for example, it requires that a pamphlet be printed. What's in the pamphlet, what has to be in the pamphlet?"

Winters: "There is actually language contained within the Bill that is quite specific. And we have had some of those drawn up over in the Senate, unfortunately, I don't have a

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copy with me today. But, the it's basically a pamphlet know your consumer rights, different tips on how to identify somebody who might be a potential fraud artist, watch out for door to door salesmen, solicitations for repair work that list only a home telephone number or a post office box or an out of state company. That's another tip to the consumer to be to be extra cautious in signing any contract. Another item in the brochure would be to say if the contractors does not provide you with references, then again, be very careful. Free home inspections is another tip that... "

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

Winters: "... just be sure you know who it is. Cash payment for jobs ahead of the work actually being done, checks that are made payable to people other than the owners or that contractors name, offers to drive you to the bank to withdraw funds to pay for the work. That would be a pretty good tip off, that is listed and required by the legislation to be listed in that brochure."

Black: "And who's responsible for printing the brochure? Each individual contractor?"

Winters: "Yes, there, the Attorney General has the basic format but, and would make blanks available to the contractor. But, the contractor themselves is responsible for the printing. That would allow him to customize it, to put on the cover of it this is the ACME Home Repair Company."

Black: "See, you're telling me a general contractor in my district who builds one new house a year, might remodel seven bathrooms, six kitchens, and maybe remodel four family rooms is going to have to print at his expense a pamphlet warning you about the crooks in the business?"

Winters: "Well, first off let me say that this does not deal with

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new construction. So, if it's a contractor, a general contractor who deals exclusively in new construction... "

Black: "I don't have any that deal in new construction, Representative. I don't have any at all."

Winters: "... Well, if you have a home repair contractor who is dealing with remodeling, that is correct. In estimate, if you have as good a printers or printing companies in your district as mine, for \$100 I would imagine they could get enough brochures to last for several years. And we have found and I'm sure in your legislative district you have also been approached by many people who have lost thousands upon thousands of dollars. We feel that this consumer protection brochure is a excellent tool that would help relieve these people of that burden."

Black: "Okay, thank you very much, Representative. Mr. Speaker, to the Bill. To the Motion in concurrence. Thank you very much. Ladies and Gentlemen of the House, if you take a look at this, this is a and I'm sure there is a sound genesis for this Bill. But, this is another classic example of what may be a problem in an area of high growth where you may be building 15 thousand homes a year, this Bill may work in some of the suburban areas of the collar counties. I would submit to you that this a very burdensome mandate on the rest of the state where what few home builders I have left no longer can concentrate exclusively on building new homes. They're in the remodeling business and you're mandating that they print a brochure personalized with their business name, that they now have to carry a certain level of insurance. The good contractors already do so and that's the point I want to make. The good contractors are impacted by this Bill to the point where in my area it may just decide to make some

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of them say the heck with it. I don't need anymore hassles I'm outta here. This is not the language that I was led to believe that the Attorney General was after. I think this is some hybrid language. My brother owns a heating and air conditioning business and I can stand on this floor and say that because I have no financial interest in that business whatsoever. I don't own stock, I'm not on his payroll and I never have been. Ladies and Gentlemen, why don't you just concentrate on punishing the bad actors. Let's punish the crooks, I'll help ya do that. I'll Sponsor or cosponsor any Bill that goes after those people who prey on senior citizens. Do you think this Bill is gonna make any crook fearful of doing business in this state? You're still gonna get people in areas all over the state knock on a senior citizens door to coat their asphalt driveway with what in effect is colored water. Brochure isn't gonna stop them, the insurance coverage isn't gonna stop them; they are crooks. They aren't gonna comply with any part of this and they're still gonna be able to rip people off. Those are the people we need to go after and put in jail. This Bill goes far beyond that, it imposes another mandate on small general contractors, in my part of the state, who are already having trouble just simply trying to survive. And I would submit to you that before we leave here we're gonna make that even more difficult. But, there comes a point when you have to say, 'Hey, wait a minute one size does not fit all in a state as diverse as Illinois.' I stand in absolute opposition to this Bill; let's go after the bad actors and the crooks, find them put them in jail whatever ya wanna do. But, there is no reason that a bona fide contractor in the southern part of this state who's been in business for two or three generations should have to bear

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the expense of printing a brochure, making sure that his or her insurance now meets the state code and in most cases I dare say they probably already exceed the state code. This doesn't do anything to the crook but, it puts additional mandates, burdens, and expenses on those honest business men and women who, quite frankly, would just as soon we leave them alone. I urge a 'no' vote."

Speaker Lang: "Mr. Giglio."

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

Winters: "Certainly."

Speaker Lang: "Gentleman yields."

Giglio: "Representative, first off the Vehicle Bill that was sent over to the Senate on this one, did it have anything to do with consumer fraud in home repairs?"

Winters: "Representative, I am not sure, I was not the original Sponsor of this Bill, Representative Beaubien was. So, I can look it up but I'm not aware."

Giglio: "Okay. I believe that it had something to do with the Vehicle Code and.... "

Winters: "Oh, no it did deal with the consumer, Consumer Fraud Code, yes. So, it was very closely tied to this."

Giglio: "... In what capacity, though? With retail sales of vehicles, I believe. Correct?"

Winters: "Yes, the Attorney General's representative is initiating... "

Giglio: "Okay, this is my, my point being is there's a concern for me first off, that with the recent court rulings on subject matter. Well, that's a concern that will be there, we'll keep that to the side for now. Number 1, what are the penalties for violations of this, any of this Act?"

Winters: "The penalties of are up to 50,000."

Giglio: "Up to 50,000?"

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Winters: "Correct."

Giglio: "For a \$500 contract or violation or \$1000 contract?"

Winters: "This is a violation of the Consumer Fraud Act and it's really up to the State's Attorney or the Attorney General to prosecute. Obviously, if you have a \$1010 contract that there is some dispute over, the penalties are certainly not going to \$50,000 on that."

Giglio: "Can we add that into the, into the Bill?"

Winters: "I'm sorry, I'm sorry."

Giglio: "Can we add that into the Bill? How do we know they're not gonna be \$50,000?"

Winters: "It's got to be a pattern of deception. A single violation is not going to lead to any charges, it has to be a pattern for the Attorney General or State's Attorney to do it."

Giglio: "Okay."

Winters: "Time after time after time and in fact we have cases in our district as I'm sure you, you do also."

Giglio: "How are we going to get the word out to the literally thousands of home repair contractors of this new law?"

Winters: "Hopefully the media will do a good job, we've already had widespread coverage of this that... "

Giglio: "I haven't heard anything about this back in my district. They haven't heard anything about it down here."

Winters: "... Well, one of the things that we could do is have the legislative printing unit print a number of these brochures and make them available in our district offices. We can distribute them."

Giglio: "So, it's... it's the Legislator's responsibility to publicize this program to the thousands of home repair contractors?"

Winters: "No, it's the job of the media and it's the job of the

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State's Attorney if they start getting complaints in their districts. The Home Builders Association by the will is in support of this Bill, will make the brochures widely available and certainly do the publications with their members."

Giglio: "Well, the home builders are not the people that are going to fall under this Bill for the most part. These are home repair contractors, not home builders. Let me ask you this, what committee, what slips were filed in committee?"

Winters: "I believe the slips that were filed was the Retail Merchants who are neutral, the Attorney General and the Home Builders Association. I'm not aware of... "

Giglio: "How about the contractors? Any groups representing home repair contractors? For instance, the Illinois Association of Plumbing and Heating and Cooling Contractors."

Winters: "... They did not file a slip."

Giglio: "Any other associations that represent home repair contractors?"

Winters: "I already listed who filed slips, none others were there."

Giglio: "Mr. Speaker, to the... "

Winters: "It must not be that important to them if they didn't file a slip."

Giglio: "... I would tend to disagree with you on that, Representative. I wouldn't say that it's not an important issue to the contractors. To the Bill, Mr. Speaker."

Speaker Lang: "To the Bill."

Giglio: "The comments are beginning to get a little bit hostile and I think unfairly so. It's unfair to assume that the contractors and the association that represent repair contractors don't care. It's unfair to assume that the Legislators and the individuals doing this work don't care."

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We sent an entirely different Bill to the Senate, they sent an entirely different Bill back to us and here we are a couple days before the end of Session trying to ram this through our repair contractors throats. There's nothing in there that limits what the penalties can be, there's nothing in here to tell your contractors how they're supposed to write their contracts. Well, isn't this great. Now, we're telling our business people how to write their own contracts. I don't think that's fair, I think that's an unfair burden. We're telling the contractors they need to print up a brochure at their cost. Well, that certainly isn't fair. We don't do that to other businesses, we shouldn't do it to home repair contractors. Some of you may be looking at this as a I don't want to vote against a consumer fraud or I don't want to be on record as soft on these individuals. But, I gotta, I gotta, agree with the previous speakers. We are punishing to good guys, we're not punishing the bad guys with this legislation, we're punishing the good guys. Well, tell ya what everybody take a stand up for the good guys today and vote 'no'. Thank you."

Speaker Lang: "Representative Fritchey."

Fritchey: "Thank you, Sponsor. Thank you, Speaker. To the Bill.

Representative Giglio is absolutely correct, we should take a stand here today. We should take a stand for the seniors that are disproportionately affected by home repair fraud. We should take a stand for consumers that get victimized at a time of need. This has been legislation that has been needed throughout this state, this is not a city issue, a suburban issue or just a rural issue. People have come to me from my district and Representative Scott's district to talk about the need to get this done. This Bill was

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presented in my committee yesterday, with the support of the Attorney Generals' office, with the support of the Home Builders and if anything this Bill does not go far enough. This is a reasonable Bill. Home repair contractors that are doing their job in a good and professional manner will not be effected by this Bill. They're not gonna worry about the ramifications of doing their job well because they will make it right. What this Bill says is if you do home repair work and you do it in a way that doesn't comply with building codes, you do it in a way that could somebody is house in danger, that could put somebody is life at risk because of substandard work you're going to be liable for that. Represen ... Representative, from across the aisle said that the good home repair people already carry insurance. In that case, this Bill doesn't do anything to them, they're already complying with this. What this prevents is the fly by night people, what this prevents is the people that come and prey on seniors, that come and prey on homeowners after disasters, after tragedies whose homes are in need of repair and come and fix this. The Bill came with the support of the interested parties. This was not a surprise the shell Bill went over to the Senate, it came through went through Senate Committee, went through the full Senate, came back. The contract is all new, what was in the Bill, they all new that it was a reasonable Bill. That's why nobody filed a slip in opposition to this Bill in my committee yesterday. This is a good Bill, it's pro consumer, it's pro seniors, it's in favor of your constituents and it's in favor of health and safety. I urge an 'aye' vote. Thank you."

Speaker Lang: "Representative Giglio, you've spoken in debate. For what reason do you rise?"

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Giglio: "Yes, Mr. Speaker. My name was used in debate and I'd like to respond to those remarks. The contractors were not informed. The Home Builders which is a very well recognized lobbying agency that sometimes is assumed to represent all contractors in all of construction work that is not the case. And the buil ... the repair contractors were not notified. You say that th... this thing doesn't go far enough a potential of up to a 50 thousand dollar fine for violation of a law you'd like passed. That were not, have no way of informing the contractors of how we're gonna do it. That's nuts. This is an unfair burden and to the good guys that you say are already gonna abide by this. How are we gonna let them know that this is now how their contracts have to be written? There is no provision as to let them know, every contractor is gonna be in violation with this contract writing until the work gets out to them. You wanna put a decent Bill into place, fine, let's clean it up, let's put in language that will notify the contractors, #1. Let's not punish the good guys that are doing it right, let's go after the bad guys. Please vote 'no'."

Speaker Lang: "Representative Scott."

Scott: "Thank you, thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this legislation and I agree with the, with Representative Fritchey. When he talked about how this particular legislation may not go far enough. Response to an earlier speaker talked about going after the bad ones and I think we probably all agree on doing that. The problem is, that when you go after the fact and you go after the bad contractors, somebody has gotten hurt before that happens. Some seniors gotten ripped off before that happens, some person who may not

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have any money at all who's existing and their house has needed repairs that have to be made winds up with a reverse mortgage or with a lien and they're gonna lose their house as a result of some bad work done by a contractor. Now, let's look at the provisions of this and see just how onerous this is. A brochure which outlines the rights and responsibilities under this, not what questions about who's gonna pay for that. But, I have every anticipation that the Attorney Generals' office will make up a broc ... will make up a list which shows that the rights and responsibilities are under this, that somebody can incorporate and give out to people. I don't see that as being very onerous at all. A written contract for something over \$1000, well, my goodness gee what an outrageous thing we're requiring somebody to do. Have a written contract for a home repair where there could be liens, there could be other things involved for work over \$1000. Come on, that's not onerous at all; that's a very reasonable restriction. What we've got is the fact that in the Attorney Generals' office and in everyone of our offices we get every year a number, a large number of complaints about not just bad work but about work that never gets done, work where the house gets torn up and never gets finished. And the money that's paid out by the seniors or by the people who are the victims, more often than not of this fraud, ends up going to start the next job where that house gets torn up and work doesn't get done again. And what you're left with is a situation where State's Attorney or Attorney General is chasing somebody around, they finally catch them, we've had some in Winnebago County where the State's Attorney has successfully prosecuted these guys. But after the fact,

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several years down the road and several senior citizens ripped off down the road, it's not a great remedy just to go catch somebody way after the fact. The idea behind this is to allow the seniors to have some more information up front, to have some more protection up front, to have some insurance that they can go after if the work doesn't get done. These are all things that we should require in just about any business in this state. It's not onerous on this business, it doesn't go far enough but, it is a good first step in helping to make sure that people who are getting ripped off every week, every month in our state right now have some protections that they deserve. Please vote 'yes'."

Speaker Lang: "Representative Winters to close."

Winters: "Thank you. Let me, again, reiterate the points of this. The Attorney General of the State of Illinois has listed home repair fraud as the #1 consumer complaint in their offices. Over the last five years, they average almost 500 complaints from consumers a year of being ripped off by artists who simply go up and down the street looking for the elderly, looking for the unprotected, looking for the uninformed. This Bill seeks to inform the consumer, it is not onerous to the contractors, a simple brochure and contract language is all that it requires. The Attorney General when we did home or auto repair fraud attempted to contact every auto repair shop in this state to make them aware. The Association of Retired Persons is soundly in favor of this because the #1 target of these fraud artists is, in fact, the elderly. The only way that the criminal provisions in this would be put forward is in fact that the State's Attorney or the Attorney General can find a consistent pattern of fraud. And it is only a civil

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penalty in this Bill, it is not criminal. We have other criminal statutes under deceptive business practices. This Bill is simply civil penalties for failing to have the brochure disseminated and signed off by the consumer. It is a great consumer protection Bill, very little burden to the, to the contractors of this state. And I would urge the adoption of this Bill."

Speaker Lang: "The question is, 'Shall the House concur in Senate Amendment #3 to House Bill 1177?' This is final action. All those in favor shall vote 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? 3 Members not voting. Mr. Clerk, please take the record. On this question, there are 96 voting 'yes', 18 voting 'no' and 1 voting 'present'. And the House does concur in Senate Amendment #3 to House Bill 1177. And this Bill having received the Constitutional Majority is hereby declared passed. Mr. Clerk, Committee Reports."

Clerk Rossi: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measures were referred, action taken on May 20, 1999, reported the same back with the following recommendation/s: 'to the floor for consideration' House Resolution 204 and House Joint Resolution #27; 'to the floor for consideration' Amendment #3 to Senate Bill 574, Amendment #2 to Senate Bill 608, Amendment #3 to Senate Bill 615 and Amendment #1 to Senate Bill 1131; 'approved for consideration to the Order of Concurrence' House Bills 230, 371, 424, 1165, 1348, 1688, 1839, 2593, 2630, 2713, and 2748."

Speaker Lang: "On the Order of nonconcurrence appears Senate Bill 1014, the Chair recognizes Representative Scott. Mr. Scott, before you proceed Representative Kosel, 'For what

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reason do you rise'?"

Kosel: "I rise for a point of personal privilege and would please like to have the attention of the House. Ladies and Gentlemen of the House, in the day that we hear so much negative about students, I have the great privilege today of introducing to you the state championship concert band that represents both my district and Representative Brent Hassert's district. The Lockport Township High School Concert Band is in the Speakers Gallery and would ask them to stand, please. On May 5th of this year they took the championship down in Champaign-Urbana. They are 60 members strong and they are directed by Dan Valcoma, who I am very proud to also say is my son-in-law. Both Brent Hassert and I, both Brent Hassert and I are very proud to invite you to visit the rotunda. They will be playing between 12 and 1 downstairs in the rotunda and you are in for a real treat to hear them perform. Thank you very much for your attention."

Speaker Lang: "Thank you, Representative. The Chair recognizes Representative Scott on Senate Bill 1014."

Scott: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to refuse to recede from House Amendment 1 to Senate Bill 1014. In order that this might go to a Conference Committee."

Speaker Lang: "Question is, 'Shall the House refuse to recede from House Amendment #1 to Senate Bill 1014?' All in favor say 'aye'; opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House refuses to recede from House Amendment #1 to Senate Bill 1014 and the House request a Conference Committee be appointed. On the Order of Concurrence, page 15 of the Calendar appears House Bill 2103, Representative Delgado."

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Delgado: "Thank you, Mr. Speaker and Members of the House. I would ask that the Members concur with House Bill, with Senate Amendment #1 and 2 for House Bill 2103."

Speaker Lang: "Please explain to the Body what the Amendments do, Mr. Delgado."

Delgado: "One second, Mr. Speaker. 2103 (sic-House Bill), what it's originated through Amendment House #1 clarifies the underlying Bill to require the department to send the same notification, when they are informed that an adjudicated delinquent intends to reside in a CHA residence. Senate Amendment #2 deletes the reference, actually, of the adjudicated delinquent from the Bill. So, what we did was we made an adjustment to make sure that adjudicated delinquent was not included in this process. And I would ask for you concurrence."

Speaker: "You've heard the Gentleman's Motion. On that question, the Chair recognizes Representative Cross."

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

Speaker Lang: "Gentleman will yield."

Cross: "Representative, who initiated the two Senate Amendments or proposed them?"

Delgado: "The, I believe these, the Amendments came, on the Senate side it was Senator Walter Dudycz who was carrying the Bill. And I do believe that the Amendment sponsored both of the Amendments, also."

Cross: "I'm sorry, what?"

Delgado: "Senator Walter Dudycz sponsored both Amendments, Representative."

Cross: "Is there... I see that we're directing DOC as well as County Governments. Says, 'To notify a local public housing authority whenever they learn that a person convicted of a felony or intends to live in housing unit.'

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Is there a mechanism in which they're t... is it to be a notification in writing, by phone, is it certified mail? And what's the penalty if they neglect or make a mistake and not notify?"

Delgado: "Yes, Representative, that's written notification by CHA to the residents. This is, this was a joint venture between the Department of Corrections and CHA to be able to have a better system, to be able to make sure they knew what they were doing to bring this forward. There's already and we should note there's already a Federal Law that we're trying to comply with by creating the state one. In terms of this was, the Federal Law prohibited felons from living in CHA residence. So, now by moving this legislation forward DOC and CHA have created a partnership in sharing information and it will be CHA's duty to notify them via written notice."

Cross: "Is this statewide or just Cook County?"

Delgado: "Well, there would be where CHA residences are at. And CHA residences are, are primarily in the City of Chicago, Cook County area."

Cross: "So, it only applies... it only applies to the Chicago Housing Authority?"

Delgado: "That is correct."

Cross: "Cause there's some reference to Public Housing Authorities. My understanding is that Public Housing Authorities outside the City of Chicago. I mean just and I see... "

Delgado: "This is a CHA Bill, Representative, I can only speak to, to Chicago Housing Authority. And what this did was as they were releasing felons to the community, CHA, there was no way for the Department of Corrections to know where they were sending those individuals to. So, CHA is making

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available software to DOC so that they will be able to red flag these particular individuals. I think this is a step in the right direction and Senator Dudycz assisted us by adding to it to make sure that we just didn't penalize the adjudicated delinquents."

Cross: "... It seems to make it a better Bill. Thank you, Representative."

Delgado: "Thank you, Sir."

Speaker Lang: "There being no further discussion, the question is, 'Shall the House concur in Senate Amendments #1 and 2 to House Bill 2103?' This is final action. All those in favor shall signify by voting 'aye'; those opposed shall vote 'no'. The voting will be open. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And the House does concur in Senate Amendments #1 and 2 to House Bill 2103. And this Bill having received a Constitutional Majority is hereby declared passed. On the Order of concurrence appears House Bill 702, Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 702 is an initiative that only effects the metro east area, the five county area in the metro east that would be: Madison, St. Clair, Clinton, Bond, and potentially Jersey counties. What this would do is in conjunction with what is called St. Louis 2000, on a regional basis we'll look at doing regional... a regional park district, a metro east regional park district. This is front door referendum that each county will vote on individually, it would be a 1/10 of 1% sales tax, however, it is a front door referendum. Each county would have to pass it individually and I ask for an 'aye' vote."

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Speaker Lang: "Chair recognizes Representative Stephens."

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

Hoffman: "Yes."

Stephens: "Am I a cosponsor of this Bill?"

Hoffman: "If you want to be... you will be like in two seconds."

Stephens: "I would just like to rise in support of the Gentleman's Motion. And remind the Members of this side of the aisle, this is a, there's a sales tax of 1/10 of 1% that is an issue but, it is a front door referendum. So the voters of Madison, St. Clair, and area counties will be able to vote on whether they want to raise sales tax to invest in the park districts and to link the trails of our area. I think that's an issue that should be decided by the voters in our area and I rise in support."

Speaker Lang: "Representative Durkin."

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

Speaker Lang: "Gentleman yields."

Durkin: "Representative Hoffman... are there, you're saying you're creating a new park district. Is this a creation of a new park district entity in your region?"

Hoffman: "Yes, only, only in the five county area: Madison, St. Clair, Monroe, Clinton and Jersey. Actually, this is just the Act, this doesn't create a district, essentially. Because what would have to happen is each individual county would then have a referendum and decide whether they want to be a part of this. If no counties pass the referendum, then essentially, the district doesn't exist."

Durkin: "Are there currently park districts, park districts in that area?"

Hoffman: "Yes."

Durkin: "So, my concern is that you're gonna have, you're already gonna have one existing park district which does have a

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levy power but, you're going to create another one on top of that which would also have the power to levy. Is that correct?"

Hoffman: "Yeah, Jim, and that was my initial concern when I heard about the Bill so, here's what this does. It kinda, what it does is all the park districts in our area are for this, it would kinda be a regional type thing and half of the money is shared with the local park districts. The other half would be used on a regional basis in order to provide for things like trails to... to attach all the various park districts and parks."

Durkin: "All right. When does the effective date end, is this immediate or is this going to go into effect after January 1st? If this does reach the Governor's desk."

Hoffman: "It would be effective immediately upon becoming law. And then the anticipation is that November of 2000, the local county boards would then put this on the ballot. At the same time they are going to have a similar one in St. Louis so it would be a regional effort on behalf of what is called St. Louis 2004. Which is, essentially, help funded by the Dan Forth Foundation, you may be aware of former Senator Dan Forth from Missouri."

Durkin: "Now, we're just creating an Act, which is going to, the money is going to be siphoned down to the park, the existing park districts, correct? Was that the... "

Hoffman: "I'm sorry?"

Durkin: "... Is the monies going to be siphoned down to the existing park districts in that area?"

Hoffman: "Half of it will go directly to, for grants to existing park districts, the other half will be utilized by the regional group in order to come up with the regional concept. All of it that's collected in Illinois, will be

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spent in Illinois. So, it's going to be utilized two separate ways. One, grants directly.. "

Durkin: "But, if it's sales tax it's gonna be a passed through people who are, obviously people who are from Missouri would be paying the sales tax as well."

Hoffman: "... Absolutely."

Durkin: "Do you have any anticipation of like what you think the anticipated revenues would be from this?"

Hoffman: "I believe that it's actually around 3 million a year, I think maybe 3.1 million a year."

Durkin: "Good, thank you very much."

Speaker Lang: "Representative Holbrook."

Holbrook: "Thank you, Mr. Speaker. I also support this measure. I think this is an absolutely fabulous program that will give our citizens an opportunity, to network with the entire St. Louis region, to improve the quality of life for all our individuals and their and allow them a voice in it and a front door referendum. I would urge it's adoption."

Speaker Lang: "Mr. Hoffman, do you wish to close?"

Hoffman: "Yes, thank you Mr. Speaker, Ladies and Gentlemen of the House. Like I... like I indicated all the local Legislators from our area are in support of this. It only affects our area, we want our voters to be able to decide their future with regards to park and recreation issues. I ask for an 'aye' vote."

Speaker Lang: "Gentleman moves for concurrence in Senate Amendments #1 and 2 to House Bill 702. This is final action. All those in favor shall vote 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? 2 Members not voting, record yourselves. Mr. Clerk, please take the record. On this question, there are 75 voting 'yes' and 39 voting

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'no'. And the House does concur in Senate Amendments #1 and 2 to House Bill 702. And this Bill having received the Constitutional Majority is hereby declared passed. Representative McAuliffe, for what reason do you rise?"

McAuliffe: "I stand here on a point of personal privilege. Today is Skip Saviano's birthday and we have cake downstairs or down at the front aisle. So, let's have a big hand for Skip and he's 41 today."

Speaker Lang: "Happy Birthday, Representative. The Chair recognizes the Clerk for a Supplemental Calendar announcement."

Clerk Bolin: "Supplemental Calendar #1 is being distributed."

Speaker Lang: "On the Order of concurrence appears House Bill 17, I'm sorry, 2790, Representative Coulson. Out of the record. On the Order of concurrence appears House Bill 2320, Representative Holbrook."

Holbrook: "Thank you, Speaker. House Bill 2320 we passed out of the House at... earlier with support for the Southwest Illinois Developmental Authority to have an enterprised zone at Mid America Airport. They tacked an Amendment on it, Senate Amendment 4 allows for the expansion of the current enterprise zone. In Sterling, for the Northwest Steel and Wire Company, they have a couple thousands employees and 900 personnel involved with retirees, they want to upgrade and do a massive investment in their mini mill. And I would, I support and move for concurrence."

Speaker Lang: "You've heard the Gentleman's Motion, on that question the Chair recognizes Representative Mautino."

Mautino: "Thank you, Mr. Speaker. I rise in support of the Gentleman's legislation, I 'd like to thank Representative Holbrook for working with and allowing Representative Mitchell to place the Amendment on which is vital to the

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City of Sterling. And it will allow for expansion at the Northwestern Steel and Wire Plant which is a tremendous economic engine for the City of Sterling and the surrounding cities. I ask for an 'aye' vote."

Speaker Lang: "Representative Cross."

Cross: "Will the Sponsor yield?"

Speaker Lang: "He will yield."

Cross: "Inquiry to the Chair."

Speaker Lang: "State your inquiry."

Cross: "Is this preempt home rule? And then if I could ask some questions."

Speaker Lang: "We will review that while you ask your questions, Representative. Please proceed."

Cross: "Representative, you're only... you're Motion to concur is only related to Senate Amendment #3, is that or Senate Amendment #4?"

Holbrook: "Correct."

Cross: "What happened to Amendments, Floor Amendments 2 and 3?"

Holbrook: "I don't know."

Cross: "My... at one point I thought if I'm not mistaken Floor Amendment 3 became the Bill that you adopted. Is that... "

Holbrook: "House Amendment 3 which became the Bill in still in there for Mascoutah Airport...Mid-America Airport. That is still there, the addition here is for the Whiteside County, Carol County, Northwest Steel and Wire Company."

Cross: "Are you aware of any opposition to the Bill?"

Holbrook: "There was none in committee."

Cross: "All right, I have no further questions."

Speaker Lang: "Thank you and we'll get back to you on your Parliamentary inquiry. The Chair recognizes Representative Jerry Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. I rise in strong support

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of this Amendment. Quite frankly, this is the economic engine we need, the tool we need to insure that Northwestern Steel and Wire stays viable to the cities of Rockfall, Sterling. Northwestern Steel and Wire impacts the economic, the economy of my entire district. They've been a great partner, they have over 2000 jobs, they give so much back to our communities that none of my taxing bodies have a problem with expanding the enterprise zone. The enterprise zone will be... will be lengthened to another 30 years, they lose nothing that they have now. But, if we can't pass this Amendment we will lose jobs, families, and the economy of my district will suffer greatly. I urge everyone in this Chamber that is concerned about unions, labor, jobs, and economy to join with us and get an 'aye' vote. Thank you."

Speaker Lang: "We'll be at ease while we await the appearance of the Parliamentarian relative to Mr. Cross's inquiry. Mr. Holbrook, while we're waiting for the Parliamentarian can we take your Bill out of the record and come right back to it? There does not seem to be any other discussion on it."

Holbrook: "Can we hold on just one second while I check with Representative Mitchell?"

Speaker Lang: "Mr. Cross, could you approach the podium, please."

Cross: "Is it all right if I ask the question from here? Do I, what's the podium, do you want me to come down there?"

Speaker Lang: "Well, they're, they're... "

Cross: "I'd like to withdraw the request."

Speaker Lang: "That's what I was hoping you would do. The Gentleman withdraws his Parliamentary inquiry. Mr. Holbrook moves for concurrence to Senate Amendment #4 to House Bill 2320. This is final action. Those in favor shall vote 'aye'; those opposed 'no'. The voting is open."

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Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 94 voting 'yes' and 22 voting 'no'. And the House does concur in Senate Amendment #4 to House Bill 2320. And this Bill having received the Constitutional Majority is hereby declared passed. Representative Coulson, House Bill 2790."

Coulson: "I'm waiting for it to pop up. House Bill 2790 is, the Amendment basically just adds the parties that need to be part of this task force in order to look into the shortage of nurses assistants in long term care facilities. It's an Agreed Amendment and I would urge your concurrence."

Speaker Lang: "You've heard the Lady's Motion. Is there any discussion? Seeing none the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 2790?' This is final action. Those in favor shall vote 'aye'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? 3 Members not voting. Mr. Clerk, please take the record. On this question, there are 115 voting 'yes' and 0 voting 'no'. And the House does concur in Senate Amendment #1 to House Bill 2790. And this Bill having received the Constitutional Majority is hereby declared passed. Representative Hoffman, House Bill 1162."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move that we concur in Senate Amendment #1 to House Bill 1162. Essentially, what the underlying Bill does is it allows for and provides that the business records exception as to evidence, applies when we're talking about technical violations in a probation revocation case. A technical, an example of a technical violation would be a person who misses an appointment, comes in late, doesn't comply with the technical aspects of probation. It says that probation officers would not have

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to travel if the individual is being, is being... supervised in another area of the state, that probation officer wouldn't have to travel to the area the revocation has taken place because the business records exception would apply. Senate Amendment #1 just limits the admissibility of the business records exception to cases that have been transferred to another county. In other words, you can only utilize this and not have a live witness if the case is being monitored in another county from the one that it's being revoked in. I ask for a concurrence on Senate Amendment #1."

Speaker Lang: "You heard the Gentleman's Motion, on that question the Chair recognizes Representative Durkin."

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

Speaker Lang: "He will yield."

Durkin: "Representative, this is gonna waive the appearance of the probation officer, correct?"

Hoffman: "Essentially, all that it would do is... yes and no. I guess what it says is if you still need live testimony because the records are not sufficient in order to revoke the individual."

Durkin: "I guess it comes down to whether or not it's a technical or a substantive violation, correct?"

Hoffman: "No, it's only technical."

Durkin: "Technical."

Hoffman: "Yes, it would apply to another... "

Durkin: "And a substantive violation which perhaps would be someone is charged with an offense while they are on probation, that would not... "

Hoffman: "It would not apply to that."

Durkin: "Okay."

Hoffman: "Because if you're charged with another crime, that's a

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substantive violation. This is only technical."

Durkin: "Exactly, that's what I want to make the distinction clear, the difference between the technical and the substantive violations."

Hoffman: "Obviously, it would be very difficult if there was a substantive violation to have the business records exception apply to another crime. You know, you would have to be convicted of that crime, obviously."

Durkin: "I wish it was that easy when I was a State's Attorney to do this stuff."

Hoffman: "Yeah, I know."

Durkin: "Now, you said this is gonna be limited just, what was the Amendment again, the, what it's gonna be limited to?"

Hoffman: "The Amendment I think ultimately is a good Amendment, Jim. Because what it does is it limits the admissibility of the business records exception, and the applicability of business records exception only to cases where the probation or defendant was transferred or moved from the county having jurisdiction over the original charge or sentence. So, what we're saying is... is, for instance, if an individual had been sentenced in St. Clair County and is transferred to Cook County and he has a technical violation. Instead of the Cook County probation officer having to trans.. come to St. Clair County to testify they could send the records, the business records exception would apply."

Durkin: "Would that record have to be notarized to say that this... or I'm just kinda curious what the certification process gonna be to show that this is a true and accurate record of the probation officer. Is something... is it something which they are going to sign under oath to establish that this is a true and accurate report which

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reflects the technical violation?"

Hoffman: "Well, I... I think what this does, it is my understanding it would apply as would any other business records exception. So, you would have to still lay the proper foundation that you need to... to lay with regard to any business record exception. So, the authenticity of the document would certainly be an issue. Therefore, I would assume what they would do is they would provide some kind of authenticating document."

Durkin: "Business records exception was for records which are not anticipated to be part of litigation, that's the why that they are. But, I think that I know what you're getting at and I think that you've done a great job with this Bill and I'm going to support it."

Hoffman: "Coming from you that means a heck of a lot."

Speaker Lang: "Further discussion? Seeing none, Mr. Hoffman do you wish to close?"

Hoffman: "Yes, I think that the Amendment makes the Bill better and I would ask that we concur."

Speaker Lang: "Gentleman moves for concurrence in Senate Amendment #1 to House Bill 1162. This is final action. All those in favor shall vote 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? 3 Members not voting. Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 115 voting 'yes' and 0 voting 'no'. And the House does concur in Senate Amendment #1 to House Bill 1162. And this Bill having received the Constitutional Majority is hereby declared passed. Continuing on the Order of concurrence House Bill 845, Representative Andrea Moore."

Moore, A.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the

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House. I would move to concur with Senate Amendments #1, 3 and 4, which are basically technical Amendments to House Bill 845. The underlying Bill is suggested by the Illinois Association of Waste Water Agency and does make a few technical Amendments. Senate Amendment #1 did make a change in the original Bill, makes it a little broader as far as publishing newspapers, ordinances, contracts, and annexations. Senate Amendment #3 adds to the Bill and it brings the Board of Trustees of the Fox River Water Reclamation District up to 5 members rather than 3 which is more appropriate for their population in the 1917 Sanitary District Act. Senate Amendment #4 deletes the amendatory provisions that authorize a district to provide life and health insurance to appointed officers. I'd be happy to answer any questions."

Speaker Lang: "Seeing no discussion, the Lady moves for concurrence in Senate Amendments #1, 3, and 4 to House Bill 845. This is final action. All those in favor shall signify by voting 'yes'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And the House does concur in Senate Amendments 1, 3 and 4 to House Bill 845. And this Bill having received the Constitutional Majority is hereby declared passed. House Bill 230, Representative Bassi. We'll be patient, Representative, don't drop your cake."

Bassi: "Thank you, Mr. Speaker, Members of the House. It is, this is a very, this particular Amendment what it does is just limit the number of charter schools which can exist in the state and make sure that we do not increase the number and... I ask for your concurrence."

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Speaker Lang: "You've heard the Lady's Motion. On that question, the Chair recognizes Representative Cross."

Cross: "Representative, I see the mentioning of charter boats. Will this allow dockside charter schools in your district?"

Bassi: "Absolutely not."

Cross: "Will it allow for the transfer of charter schools or an expansion of charter schools into your county?"

Bassi: "No, Sir. As a matter of fact, the Amendment keeps the number of charter schools exactly where it's at in the state."

Cross: "Will this allow for the placing of charter schools in or around navigable waters?"

Bassi: "Should the school district choose to do that, yes."

Cross: "Okay."

Bassi: "And if they are navigable waters in the school district area."

Cross: "So, this Bill is not the gaming Bill like we thought. It just a charter school Bill."

Bassi: "Absolutely. And that is my vote."

Cross: "How is the... Representative, you had the opportunity to have a piece of that cake that you went down to get when your Bill was called?"

Bassi: "Not yet. I would love to share it with you."

Cross: "But, of course, you're not asking me to vote for it so I can have a piece of cake, are you?"

Bassi: "No, Sir."

Cross: "Thank you, Representative."

Speaker Lang: "The Chair recognizes Representative Woolard."

Woolard: "Thank you, Mr. Chairman, Ladies and Gentlemen of the Body. I think that everyone recognizes the charter schools as an issue that we all have lots of questions about. I commend the Sponsor of this legislation for being very

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limited and specific in the direction that we're headed. I stand in support of Representative Bassi's Bill and would encourage you all to join her in Sponsoring or in passing this piece of legislation."

Speaker Lang: "Representative Bassi, do you wish to close?"

Bassi: "I would request an 'aye' vote and thank you all."

Speaker Lang: "Lady moves for concurrence in Senate Amendment #1 to House Bill 230. This is final action. Those in favor shall vote 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Still 3 Members not voting, record yourselves. Mr. Clerk, please take the record. On this question, there are 114 voting 'yes', 0 voting 'no' and 2 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 230. And this Bill having received the Constitutional Majority is hereby declared passed. On the Order of concurrence appears House Bill 371, Representative Biggins."

Biggins: "Thank you, Mr. Speaker. Ladies and Gentlemen, I would move to concur in Senate Amendment #1 to House Bill 371. A Bill on behalf of the Metropolitan Water Reclamation District of Cook County, that will enable their properties to be exempt from taxation just as the other governmental agencies properties are in Cook County. Be glad to answer any questions. Request an 'aye' vote."

Speaker Lang: "You heard the Motion, is there any discussion? Seeing none, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 371?' This is final action. Those in favor shall vote 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 114 voting 'yes', 0

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voting 'no' and 1 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 371. And this Bill having received the Constitutional Majority is hereby declared passed. Mr. Cross, for what reason do you rise?"

Cross: "Thank you, Mr. Speaker. I'd like to just take a second to introduce the junior high class from Thompson, a junior class from Thompson Junior High in Oswego, which is my home town, with their teacher, Tom Fletcher, the resident historian from Kendall County and Civil War Hero."

Speaker Lang: "Welcome to Springfield. Representative Hoffman, a concurrence on House Bill 1165. Mr. Hoffman. Out of the record. Mr. Hoffman, are you ready on 604?"

Hoffman: "Yes."

Speaker Lang: "Mr. Clerk, House Bill 604."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 604, you may recall, is an initiative of the Illinois Automobile Dealers Association. Essentially, what it would do is it provides that when a person takes a dealers vehicle as a loaner or a test drive that actually that persons insurance would be primary. It also provides that the dealers insurance will be in excess over the drivers insurance in the amount of 100/350. The... the Senate Amendment I think makes the Bill better in that it further amends the Vehicle Code to provide that automobile liability coverage that new and used dealers are required to provide only applies to permitted users. In other words, the requirements would only kick in under this Bill if the permitted user was the one using the vehicle and excludes certain officers, directors, employees of new and used vehicle dealers as well as their spouses. So, in other, what we're saying here is we're talking truly about loaner car issues and we're not, loaner car and test drive

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cars and we're not talking about when the dealers, officers or directors get a car to drive around for their work. I think that that's a reasonable Amendment and I ask that we concur."

Speaker Lang: "Representative Brunsvold in the Chair."

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

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

Speaker Brunsvold: "Sponsor yields."

Parke: "Representative, your Amendment does what, now?"

Hoffman: "It's no actually my Amendment, Representative. It's Senate Amendment #1, which was Senator Fawell's Amendment. And what it does is it further... it further amends the Vehicle Code to provide that the automobile liability coverage that new and used automobile dealers are required to provide only applies to permitted users. Provides that permitted users insurance is a primary insurance and that, that's essentially what we're saying. It says that permitted users exclude officers, directors, employees of new or used vehicle dealers. So, this is not designed to apply to the situation where a salesman gets to drive the vehicle of the car dealer. It's supposed, it only applies to the loaner situation or the test drive situation."

Parke: "My understanding was and you elaborate on it that this is supposed to go to a Conference Committee. How come it didn't go to a Conference Committee? Do you know?"

Hoffman: "That was not my understanding."

Parke: "Well, supposedly. Do you know besides the Auto Dealers Association, who else supports this?"

Hoffman: "I think that there are some, the Universal Underwriters and John Deere Insurance also support this."

Parke: "So, do the majority of the other insurance companies

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oppose this?"

Hoffman: "I think that the other insurance companies oppose this, yes. So, there's a split within the industry, yeah."

Parke: "Okay, and so it's just strictly, if you can, cause if we vote for this, this is final vote. And therefore, it goes to the Governor's desk, I presume, right?"

Hoffman: "Yes, Yes."

Parke: "So, let's, let's talk about what the underlying Bill as amended does now. In essence, if Representative Hoffman, you went to test a car and they gave you the keys to the car and you took it for a ride. Under your Bill, and there is an accident, who's liable for the insurance on the car that the dealer gave the keys to somebody to test drive it. Who's liable for that?"

Hoffman: "Well, if you take a dealers car out for a test drive and you run a stop sign and you have an accident. You're first of all, your primary insurance would be the one that would be responsible and then secondarily the dealers insurance in the amounts of 100/350."

Parke: "And that's how this Bill will be if we pass it? What you just said is how the Bill will be if it passes?"

Hoffman: "Yeah, essentially what we're saying here is the, there was recently a Illinois Supreme Court decision that ruled otherwise. The common passes in a pass practice in the industry has been to provide coverage through the drivers insurance policy, not through the dealers. What we're saying is, is if you have a loaner car and the dealership loans you a car, you've already paid you're premiums, you're the one that's driving, if you have an accident then you should be the one initially responsible. But the dealer is still required to have a ceiling of 100,000/300,000 that then could be accessed later."

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Parke: "So, the dealer has no direct responsibility. If we pass this Bill the responsibility is in the hands of the consumer, the person driving it and therefore, the dealers no longer have primary responsibility for an accident that, regardless of whose fault it is."

Hoffman: "Well, the dealer, I believe that in certain situations the dealer would still have primary responsibility. Let me give you, in certain situations if they were the one that was ultimately liable. For instance, if they hadn't fixed the brakes on the loaner car and it was their direct negligence then I think they would still have ultimate responsibility. However, if there is an accident that occurs while you're using the loaner car, then initially, initially until the limits are reached, it would be the responsibility of the insurance company, the insurance company of the driver."

Parke: "Is there any requirements that, that an insured, a person using this car or using a loaner has a certain limit that they must carry. And is it checked or is it, doesn't matter at all, could be minimum?"

Hoffman: "Yeah, Representative the... the liability is the same as for any driver which I believe is, what is it, 20/40/15 in this state."

Parke: "So, that doesn't change."

Hoffman: "That would not change."

Parke: "Thank you. Mr. Speaker, to the Bill."

Speaker Brunsvold: "Proceed."

Parke: "Ladies and Gentlemen, this is a, this is a difficult Bill because it's more or less a changing of the guard on who's going to be responsible for an accident with the car. We have a current way of doing it that the dealer has the primary responsibility, now, we're gonna change that to the

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driver has the primary responsibility with the dealer being secondary. I would like to see this go into a Conference Committee Report so that they can further try and compromise. I know both sides have met on it but, I believe that the Senate Sponsor feels that they want to try and just push it through. So, I'm gonna ask you to vote 'no' on this, so that can go to Conference Committee and they can further try to find a compromise that both sides can work with. So, I'm gonna vote 'no' and would hope that you would also vote 'no'."

Speaker Brunsvold: "Further discussion? Gentleman from Bureau, Mr. Mautino. Gentleman yields."

Mautino: "Hi, Jay. Representative Hoffman, a few questions on this. I know that this is a Bill which effects the insurance code and basically deals with what insurance company or what user is primary on policies. I believe this went through, of course, the Transportation Committee."

Hoffman: "Yeah, I, I think it did. It does amend the Vehicle Code, though, I believe also."

Mautino: "Kind of an interesting way to do this. I understand that there was some discussion about going to Conference Committee with this to see if they could work it out but, I believe there was a meeting this morning."

Hoffman: "Representative, I don't... I don't know if, I'm not sure that there was a meeting this morning. I know that it was determined by... The Automobile Dealers said that we should just run the Bill, because they couldn't come to a consensus. So, I don't know if it was this morning or the last couple of days, Frank."

Mautino: "Oh, okay. Yeah, it was this morning there, so, that... Just to clear up what was said earlier about a Conference."

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There'd been discussion earlier. They met this morning. On this legislation, you are basically changing the way the policies are structured, who's going to be primary, correct?"

Hoffman: "Yeah, what we're saying is that car dealers are obviously at a distinct disadvantage. When an individual walks in, wants a loaner or test drive a car, you don't run their driving record. And there was recently a Supreme Court decision that said that the dealers would always be primary; however, common practice in the industry has been just the opposite. What we're saying here is the person who causes the accident essentially is going to be primary. But, we're also requiring, above and beyond that, that the dealers have a 100/300 coverage. So that they indeed would be... could be assessed after the limits of the insurance of the driver, who actually caused the incident, were accessed."

Mautino: "So, why then, if this has been upheld by the courts... We're basically reversing a court ruling, changing it through the Legislature. Is that your intent with this?"

Hoffman: "Well, I think that what the Court did, I don't know that the Court said which public policy is the best. I think what the Court did is it ruled on the current status of the law. And it was their interpretation, the current status of the law was different than what we're passing here. So, what I'm saying is that the common pass practice of the insurance industry was to provide insurance coverage through the driver's insurance policy and not the dealer's. And that was the common practice. However, there was a court decision that ruled differently, and what we're trying to do is just return to the common practice. I think, ultimately, it's a proconsumer Bill, because what

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happens here is when you make the dealer's primary, it obviously increases the cost of the vehicle, as well as increases the cost of repairs when you give these loaners out. Because the consumer is... The cost to the dealer is passed on to the consumer ultimately."

Mautino: "So, if I'm driving, test driving a car or have a loaner that's out there, I'm sitting at a stop sign. Some one runs through the stop sign and hits that car. Who is... Who pays for that claim? Who is primary?"

Hoffman: "The primary would be the person, I would think... In that situation, you're saying that the person who is driving the loaner did not cause the accident?"

Mautino: "Yeah, if they're underinsured or not insured, that's a situation, which is a reality out there. So you're out on a test drive, uninsured or underinsured motorist hits you, is the balance going to be made up by the driver's insurance policy or by the car when it was not the fault of the driver in the first place?"

Hoffman: "It's my understanding in this Bill, here's how that would go. So first, the liable person, the person who caused the accident, you would make a claim against their insurance and they would be primary under that situation. Second, the individual who is driving the loaner would have all ready have paid his premiums from the underinsured, and you would attempt to access their underinsured motorist coverage. Third, the dealer with their 100/300 policy, or more if they happen to have a minimum of 100/300 policy under this Bill, would then be accessed. So, liable person... Yeah, the liable person, the individual driving the car... "

Mautino: "... is the driver who was not at fault and was sitting at the stop sign, so then his uninsured or underinsured

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motorist coverage kicks in, on that."

Hoffman: "The same as if he was driving his own car. Yeah."

Mautino: "Okay, and this is... This is basically a flip of what the current law was?"

Hoffman: "I wish... I think what it does is it puts into the statute the common practice that was in place prior to the Supreme Court decision. Now, I guess you could say, and you characterize it as changing current law. Well, obviously it changes current law, but actually, the common practice was different because the interpretation was different until the Supreme Court decision."

Mautino: "Now, when the... When the insurance companies testified in Committee or... Why don't you tell me, who in committee opposed this legislation?"

Hoffman: "The insurance, I believe, I'm trying to think back because it's been awhile since it's been through the House Committee, and I wasn't at the Senate hearing, Frank. So, I think that the insurance... there was an insurance... The State Farm Insurance, I believe, opposed it. And I think that there was another... possibly insurance... the insurance industry, and I can't think of their exact name of their group."

Mautino: "AIA."

Hoffman: "Yeah. I think they opposed it, Frank. But, I don't know that they testified. I can't remember who testified. I think State Farm testified. I can't remember."

Mautino: "I just wonder if the Supreme Court didn't really protect the consumers' rates on an accident that wasn't their fault. Currently, I mean the effect this will have is it will be a claim on your uninsured motorist and drive up the cost on that, potentially. I mean, but we legislate for the exceptions here, I mean that's what we do."

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Hoffman: "Yeah, I mean... "

Mautino: "To the Bill."

Speaker Brunsvold: "Proceed."

Mautino: "I simply and I understand and I appreciate what the Representative has been trying to do with this legislation. I stand in opposition and appreciate a 'no' vote."

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

Brady: "Will the Sponsor yield?"

Speaker Brunsvold: "The Sponsor yields."

Brady: "Representative Hoffman, the provisions of this Bill require that individual's coverage to be the primary coverage in the example which you've cited. Is that only for liability or does it also include collision?"

Hoffman: "Can I get my staff... Can we move on from that? Let me get the staff to find out, okay."

Brady: "Okay, another question I have is... "

Hoffman: "I'm not sure about that, that's a good question."

Brady: "... in the example... "

Hoffman: "I'm sorry, go ahead."

Brady: "Another question I have is, if you loan me your car and I drive your car, is my insurance, and I get in an accident, does the present... do the present statutes require that my insurance by the primary insurance or your insurance?"

Hoffman: "I think the liable person's insurance would be the primary. I hate to answer that, I don't want to answer wrong. And I don't know, I don't know that."

Brady: "Are you going... Can you get an answer? I mean, Representative, those are pretty... "

Hoffman: "If I could ever get a staff person down here, I would get an answer. But we're.. if they're somewhere in this.. "

Brady: "You're asking us to make a decision... "

Hoffman: "... in the Springfield region, I guess."

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Brady: "... that establishes the statutes. And I think it's important to know these things, because... "

Hoffman: "I agree, Representative. If I could get a staff person down here, if they're listening, I'd be able to answer."

Brady: "Would you like us to send our staff person over, Representative?"

Speaker Brunsvold: "Mr. Turner is there to help you, Mr. Hoffman. Mr. Hoffman."

Hoffman: "So, it's my understanding that the question was, does this apply to collision?"

Brady: "What coverages does this apply to?"

Hoffman: "Mr. Speaker."

Speaker Brunsvold: "Mr. Hoffman."

Hoffman: "Can we go right back to this when we get the proper staff person here?"

Speaker Brunsvold: "Yes, Sir."

Hoffman: "Thank you."

Speaker Brunsvold: "Mr. Clerk, take this Bill out of the record. On page 11 of the Calendar appears House Bill 424. Representative Eileen Lyons."

Lyons, E.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to concur with Senate Amendment #1 to House Bill 424. The original Bill was the establishment of the Gang Crime Witness Protection Act, and the Senate Amendment merely extends the deadline to 2004 and also allows local police to access those funds. I'd be happy to answer any questions."

Speaker Brunsvold: "The Lady has asked to concur in the Senate Amendments. Is there any discussion? Seeing none, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 424?' This is final action. All those in favor vote 'aye'; all opposed vote 'no'. The voting is

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open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 112 voting 'yes', 0 voting 'no', 0 voting 'present'. The House does concur in Senate Amendment #1 to House Bill 424. And this Bill, having received a Constitutional Majority is hereby declared passed. On page 15 of the Calendar appears House Bill 1839, Mr. Kenner. Mr. Kenner."

Kenner: "Thank you, Mr. Speaker. Okay. I would... "

Speaker Brunsvold: "Senate Amendment #1."

Kenner: "... move to concur with Amendment #1 to House Bill 1839. Basically, a stylistic change, just change the heading. Thank you, all. I'll answer any questions at this time."

Speaker Brunsvold: "The Gentleman has... The Gentleman has asked for the concurrence in Senate Amendment #1. On that issue, Mr. Kenner... Mr. Cross, from Kendall County."

Cross: "Thank you, Mr. Speaker. What county are you... Where do you come?"

Speaker Brunsvold: "I can't remember."

Cross: "Brunsvold County."

Speaker Brunsvold: "That's right."

Cross: "Will the Sponsor yield?"

Speaker Brunsvold: "The Sponsor yields."

Cross: "Representative, our notes indicate that the Senate Amendment, and maybe you said this, I just couldn't hear, primarily provide technical changes at most, and that the Bill remains in a substantially... remains in substantially the same format as when it left here."

Kenner: "It stays exactly the same; it just changes the Department of Family Services to Department of Children and Family Services."

Cross: "All right, and everyone's... There's no opposition to it."

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All right."

Kenner: "Not that I'm aware of."

Cross: "All right. It seems like it's... The Amendment's good.
Thank you very much."

Speaker Brunsvold: "The Lady from Lake, Representative Garret."

Garrett: "Yes. Mr. Chairman (sic - Speaker), I was away from my
seat and if I had been at my seat, I would have voted 'aye'
on the last Bill."

Speaker Brunsvold: "Thank you, Representative. The Gentleman
from Randolph, Mr. Reitz."

Reitz: "Thank you, Mr. Speaker. My switch failed to work on the
last vote also, Sen... House Bill 424, like to be recorded
as 'yes'."

Speaker Brunsvold: "Thank you, Mr. Reitz. Is there any
discussion on the concurrence Motion? Seeing none, the
question is, 'Shall the House concur in Senate Amendment #1
to House Bill 1839?' This is final action. All those in
favor vote 'aye'; all opposed vote 'nay'. The voting is
open. Have all voted who wish? Have all voted who wish?
Have all voted who wish? Record yourself. Mr. Clerk, take
the record. On that question, there are 115 voting 'yes',
0 voting 'no', 0 voting 'present'. And the House does
concur in Senate Amendment #1 to House Bill 1839. And this
Bill, having received a Constitutional Majority is hereby
declared passed. House Bill 1348, Mr. Brady. Mr. Brady.
1348."

Brady: "Thank you, Mr. Speaker. House Bill 1348 is made up, as
amended by the Senate, of three Bills which passed through
this House unanimously. The Senate simply put those three
Bills into one. I'd be happy to discuss them in detail,
but the House has unanimously supported all three
provisions. I ask for your favorable consideration."

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Speaker Brunsvold: "The Gentleman has asked for concurrence in Senate Amendment #1. Is there any discussion? Seeing none, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 1348?' This is final action. All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, 115 voting 'yes', 0 voting 'no', 0 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 12... House Bill 1348. And this Bill, having received a Constitutional Majority is hereby declared passed. House Bill 2593, Representative Gash. Representative Gash. Senate Amendment #1."

Gash: "Thank you, Mr. Speaker. I move to concur with Senate Amendment #1. The original legislation amended the Women's Business Ownership Act by repealing the sunset section of the Act, so that it would remain in the books until we move to repeal the Act. What Senate Amendment 1 does is reinstate the sunset section of the Act and establish a new sunset date, which would be September 1st, 2004, instead of what the existing sunset date is, which is September 1st of 1999. This Bill passed unanimously out of the House. This Bill passed, as amended, unanimously out of the second... out of the Senate. I urge your support."

Speaker Brunsvold: "The Lady has moved for concurrence on Senate Amendment #1. Is there any discussion? The Gentleman from Kendall, Mr. Cross."

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

Speaker Brunsvold: "The Sponsor yields."

Cross: "Representative, where's COWL on this?"

Gash: "I would think that COWL would be in support of this legislation."

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Cross: "Can you explain to us the meaning of the change on line 12 of the Amendment?"

Gash: "Let me get the Bill. The meaning of the change?"

Cross: "Yeah, the significance of 12 and 13. I just... What's the gist of it?"

Gash: "Well, rather than repealing this Act on September 1st, 1999, it gives it an extra five years. Come 1999 to 2004 would, in fact, be five years."

Cross: "Why would we limit this? It seems like we should, if we really want to be supportive of this, we would have either one, not put a sunset date in there or two, extend it further out. Is there reason for limiting it to five years?"

Gash: "As you know by the fact that I sponsored the original Bill, I'm okay with not having a sunset provision in this legislation. But the Senate did feel, in its infinite wisdom, that there should be a sunset date, and that's okay."

Cross: "It appears, Representative, by us concurring in their Amendment, that we're accepting their judgment, and it's a weaker Bill. And I just don't think that's where we want to go with this. Do you?"

Gash: "I would prefer to have a stronger Bill, but I definitely think that this Bill is vastly preferable than the alternative. And as you know, when you work with a legislative Body, that's what you have to deal with."

Cross: "Do you, I mean... Do you... Should we not, I mean I think you'd find some support on this side if you nonconcurrent in the Senate Amendment, and let's send them a message that they can't tell us what we want to do or really, what you want to do under your original language."

Gash: "I'm glad that you've expressed that sentiment on the

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record, cause I would like to do that in the future, and I will certainly try to do that. For right now, I want to make sure that we can, in fact, make sure that as of September 1st, 1999, which is quickly... which is very soon, as you know, we want to make sure that this Act is not repealed as of then. So we need to move quickly. We won't have the opportunity to do what you'd like to do before then, so we're going to do this... We're requesting this."

Cross: "Representative, maybe I'll join you in a Motion to Nonconcur if you'd like to do that right now. Take this out of the record."

Gash: "I understand what you're saying and I actually would support that concept in the future, but right now this Act is at such risk that I think for the women's community... for women throughout Illinois, this is something we need to do, and it's not a risk we can take."

Cross: "I guess the concern, Representative, is we don't want to appear by voting 'yes' on this as being weak or not supportive of women's issues. That's why I think you should seriously considering move... filing a Motion to Nonconcur."

Gash: "I appreciate your opinion."

Cross: "And I don't want you to be viewed as someone that doesn't support women's issues either."

Gash: "I appreciate that immensely."

Cross: "So you're just going to let the Senate run right over you and you want us to vote 'yes' on this Motion."

Gash: "You understand how legislation is made, Representative Cross, and there are many times when we wish for something specifically the way we wish it, but the Senate or various Members of the House even at times, wish to amend it. And

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what we try to do is get the best possible deal that we possibly can for what we're trying to accomplish. And this is it."

Cross: "Representative, I'm... There's... Okay, if that's what you want. Thank you."

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

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

Speaker Brunsvold: "The Sponsor yields."

Black: "Yes, Representative, is there anything in the Senate Amendment that would require a woman business owner to print a brochure? But then they'd have to pass out in their area."

Gash: "No, Representative."

Black: "Why not? Is there anything in the Senate Amendment that makes them carry insurance?"

Gash: "No, Representative."

Black: "Well, that's all right. I've... We've already taken care of that. We've already taken care of that. I forgot that was in another Bill. Now, if you're a woman-owned business, does the brochure you have to print, in case you're in the contracting business, does it have to be a pink brochure? Or does it have to be a blue brochure?"

Gash: "Your next question."

Black: "Yeah, I mean really, because we've already passed that. I assume that there are woman-owned businesses who are in the construction business, and they're going to have to print this brochure. And the brochure says on the title, as I recall from previous discussion, the brochure says with a picture of the business owner on it, and it says, 'I am not a crook.' And then they pass that out to all the

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senior citizens' homes. Is that connected or was that with another Bill? We passed that earlier, didn't we? That brochure and the 'I am not a crook' brochure."

Gash: "That is not in this legislation."

Black: "So these two are not related?"

Gash: "That is not in this legislation."

Black: "Oh, all right. Well, I thought maybe they were related, and I was going to try to divide the question, but... So you've accepted the deleter clause that says we have to revisit this again in 2004."

Gash: "It doesn't, in fact, say that we have to. What it does is allow five more years for the Act."

Black: "Okay. So, in five more years..."

Gash: "I'd highly suggest that we do."

Black: "In five more years, assuming that any of us are still here, and that's... I can give you pretty favorable odds on that right now, but whoever's here five years from now will have to revisit the deletion clause, correct?"

Gash: "They could revisit it, but I would suggest they do it before five years, because they need time to.. "

Black: "Oh, I'm with you. Could we do it... Could we do it in the Veto Session?"

Gash: "I suppose you could."

Black: "Cause I... Cause I'll join with you, because I think... I don't think this will appear in a long enough time. I think the... I think the repealer should go to at least the next Star Wars movie. I don't know how long that will be, but at least till the next Star Wars movie. So we can compromise on that. Representative, I look forward to working with you on that issue. Thank you."

Gash: "As do I."

Speaker Brunsvold: "Further... Further discussion? Seeing none,

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Representative Gash to close."

Gash: "I urge your support in concurring in the Senate Amendment."

Speaker Brunsvold: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 2593?' This is final action. All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 114 voting 'yes', 0 voting 'no', 0 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 2593. And this Bill, having received a Constitutional Majority is hereby declared passed. House Bill 2748. Mr. Johnson, Tim Johnson. Out of the record, Mr. Clerk. House Bill 2713. Mr. Dart. Be Senate Amendments #1, 2 and 3."

Dart: "Thank you, Mr. Speaker. I move to concur in Senate Amendments 1, 2 and 3. 1 and 3 are technical Amendments; 2 is the heart of the concurrence. It cleans up the Bill that we had sent over to the Senate, and it makes changes to try to get it what we had been working on. Representative Coulson and I have been working on this; the different parties have all come to an agreement on this. And I know of no opposition whatsoever to this Bill. It passed out of the Senate unanimously. And what it does is it requires that the prompt payment of bills that are submitted by health care professionals, and then once again as I say, the different parties have worked on this extensively. And I know of no opposition to it and I'd appreciate a favorable vote."

Speaker Brunsvold: "The Gentleman has moved for the concurrence in Senate Amendments 1,2 and 3. Is there any discussion?"

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The Gentleman from Vermilion, Mr. Black."

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

Speaker Brunsvold: "The Sponsor yields."

Black: "Representative, the... Okay, the timely payment provision is in Senate Amendment #1, correct?"

Dart: "It's in Senate Amendment #2. Number 1 was just the Bill (sic - Amendment) we used to gut... "

Black: "Okay, all right... "

Dart: "... the Amendment we gutted it with."

Black: "All right, and... "

Dart: "And 3 makes some minor technical part."

Black: "And I agree with you; I don't think there's any opposition to that. I would like to ask a question, because maybe there's a trailer Bill. I think it's nice that we're going to pay on a timely basis. Are we doing anything to raise the rates to some certain Medicaid providers like nursing homes? Is that in a trailer somewhere?"

Dart: "I wish it was. I wish it was. It would make a great deal of sense to do that and I appreciate where you're coming from this."

Black: "Well, I really think that we're going to put some providers in jeopardy. And some of my providers will tell me they do appreciate being paid in a timely fashion. They would like to be paid on a cost recovery fashion as well, but we take little steps and eventually we'll get to where we are going. And I thank you for your work."

Dart: "Thank you."

Speaker Brunsvold: "Further discussion? Further discussion? Seeing none, Mr. Dart to close."

Dart: "Thank you, Mr. Speaker, Members of the House. I would

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just move that we concur in Senate Amendments 1,2 and 3. It's, as I say, it's an Agreed Amendment. They've been worked out by all the parties and will ensure prompt payment to all the different providers, which is something that we owe them."

Speaker Brunsvold: "The question is, 'Shall the House concur in Senate Amendments #1, 2 and 3 to House Bill 2713?' This is final action. All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 115 voting 'aye', 1 voting 'no' and 0 voting 'present'. And the House does concur in Senate Amendments #1, 2 and 3 to House Bill 2713. And this Bill, having received a Constitutional Majority is hereby declared passed. House Bill 2748, Mr. Tim Johnson."

Johnson, Tim: "Thank you, Mr. Speaker, Members of the House. I would move to concur with Senate Amendment #1 to House Bill 2748. Simply language changes that makes a mandatory Bill voluntary. The Bill passed out of here, I believe, unanimously. It deals with notification of victims and criminal offenses. And I would ask for your support in the adoption of... or concurrence with Senate Amendment #1."

Speaker Brunsvold: "The Gentleman has moved to concur in Senate Amendment #1. Is there any discussion? Seeing none, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 2748?' This is final action. All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question, there are 115 voting 'yes', 0 voting 'no', 0 voting 'present'. And the House does concur Senate

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Amendment #1 to House Bill 2748. And this Bill, having received a Constitutional Majority is hereby declared passed. House Bill 2630, Representative Gash."

Gash: "Thank you, Mr. Speaker. I move to concur with Senate Amendment 1 to House Bill 2630. House Bill 2630, as amended, this would amend the Vehicle Code and increases the penalty for persons convicted of... actually keeps the first offense the same with the Senate Amendment. What it does is increase the penalty for a second or subsequent offense to a Class III Felony from a Class IV Felony."

Speaker Brunsvold: "The Lady has moved for concurrence in Senate Amendment #1. Any discussion? The Gentleman from Kendall, Mr. Cross."

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

Speaker Brunsvold: "The Sponsor yields."

Gash: "Mr. Cross, I thought you were in the gallery."

Cross: "Some things are worth coming down for, Representative. I'm puzzled by your Amendment, quite frankly, more so than I was on the Bill before."

Gash: "You do understand it's not my Amendment. It's a Senate Amendment #1. It's Beverly Fawell's Amendment."

Cross: "All right, this deletes the enhanced penalty for forgery of a motor vehicle title document and returns the penalty... returns the penalty to a Class A misdemeanor. Why do you want to do that?"

Gash: "Excuse me?"

Cross: "You are softening up or reducing the penalty, the increased penalty in the original Bill. Why do we want to soften it?"

Gash: "Actually with the Amendment, what this does is increase the penalty from a Class IV felony to a Class III penalty for subsequent offenses."

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Cross: "Representative, with all due respect, that's not how it reads. Deletes the enhanced penalty that we initially had, that you had in the original Bill, which was pretty good, when we're talking about the forgery of a motor vehicle title and puts it back to a Class A. That's softening up the law."

Gash: "My original Bill was a negotiating Bill. When the Senate got it, I was hoping they would keep it exactly the way it was. What they did was actually remove certain parts and keep other parts in, so the legislation as passed will increase the penalty for a second or subsequent offense from a Class IV felony to a Class III felony."

Cross: "You're not disputing, are you, Lauren, that in the first part I'm talking about, I know you're going into the second part, and I read... I was able to read that. We just hadn't gotten to that part. But you're not disputing the part of this Amendment deletes the enhanced portion you earlier, you had in your Bill."

Gash: "I am absolutely not disputing that. Senator Fawell thought that it was best to remove that particular part, which we can continue to work on and still retain another part, which I would like to keep, in terms of enhancing penalties. As you know, Representative Cross, there are two things they say you should never watch being made: One is sausage and one is legislation. It's a very messy process. I'm very pleased that the Senate has still left the enhanced penalty for a subsequent offense."

Cross: "Well, this sausage's spice is gone, because this Bill was a pretty good Bill when you sent it over and this House voted on it... "

Gash: "Thank you."

Cross: "And now you've taken the sting out of the sausage. And

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that's what's real sad about it. And this sausage has no more bite to it. And do we really want to concur in this Amendment with a softer, 'kindler' version? Kindler's not a word, 'kinder' version?"

Gash: "Well, when we started discussing the Bill, we really weren't sure that we would be able to get anything passed this year at all. And we really do feel that this is a very good improvement to the existing law. So the answer to that is, 'Yes, we would like to continue to... We would like to accept this and we would like to continue to work on the problem.' This will help."

Cross: "Let's make sure we kind of just get to the point. Yes or no, the Amendment softens the Bill."

Gash: "The Amendment is not as strong as the original Bill, yes."

Cross: "Yes. You know... "

Gash: "Yes."

Cross: "I've been here all year. I can't remember us passing any Bills where we made the crime, the penalty, less."

Gash: "This does not soften the penalty that exists in existing law. This actually will increase penalties from where the existing law is. When this legislation is passed, we will be tougher on crime than we are now."

Cross: "Representative, why don't you you know, and I... Why don't we show the Senate that we can make sausage better than them. And you file a Motion to Nonconcur, so you won't be the Sponsor of a Bill that weakens, softens, the penalties on one of the more heinous crimes that take place in this state."

Gash: "This does not soften the penalties on this crime. It weakens... It strengthens the penalties. What this Amendment does is remove some of the strengthening power."

Cross: "Can we take this off Short Debate, Mr. Speaker. This

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side, I'm joined by a requisite number of peoples on...
people... people on this side of the aisle. And it's
obvious... "

Speaker Brunsvold: "The Bill will be removed from Short Debate."

Cross: "Thank you. And, Representative, just a couple more
questions, because I... "

Gash: "I'm happy to."

Cross: "I, well, I'm glad to know that."

Gash: "Ecstatic."

Cross: "Makes me... "

Speaker Brunsvold: "Mr. Cross, I'm going to put the timer on now
though. Is that okay?"

Cross: "If you don't mind. That's fine. Is this the sausage
maker timer, Mr. Speaker?"

Speaker Brunsvold: "You have five minutes to make sausage."

Cross: "Well, this poor piece of sausage is going to have to be
very good. Representative, would you consider... Would you
consider taking this out of the record, filing a Motion to
Nonconcur, and let's do this the right way."

Gash: "This legislation strengthens the penalty that exists in
the law now. We have worked and negotiated this Bill, and
I appreciate your concern, and, in fact, I agree with you.
But what we're trying to do is make stronger penalties and
this legislation does that. I ask for your support,
Representative Cross, the quicker, the better."

Cross: "So you agree with my idea to file a Motion to Nonconcur,
if you want to make... do it the right way."

Gash: "Mr. Speaker, asked and answered."

Cross: "I didn't know that she was now the judge. This is pretty
good, Mr. Speaker."

Speaker Brunsvold: "Did she refuse to answer a question, Mr.
Cross?"

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Cross: "Well, Mr. Speaker, it's not the first time."

Speaker Brunsvold: "Well, that's her privilege, Mr. Cross. She can... "

Cross: "Well, I see there are a lot of other lights on, and there are some people obviously concerned about the way this Bill's being treated. So I'm going to defer to those people, Mr. Speaker. Thank you."

Speaker Brunsvold: "Thank you, Mr. Cross. Mr. Black."

Black: "Yeah, thank you very much, Mr. Speaker. Representative, your remark about sausage was a lighthearted remark, I trust. I was just on the phone, one of the major employers, seriously, one of the major employers in my district, is Devro T-Pack. And their primary product is to manufacture casings for the sausage industry. That's a true story. And I was just trying to get a hold of the plant manager, Doug Cunningham, to see if we could arrange a tour for you after Session."

Gash: "I would love that."

Black: "So that you could visit it, because, I mean, I'm going to take your remark as a lighthearted remark about watching sausage. Okay?"

Gash: "Okay."

Black: "All right, okay. No offense, but seriously, that is one of the major, major plants in my district, and I knew that you... you certainly weren't impugning their integrity or what they do."

Gash: "Oh, not in the slightest."

Black: "Because there's about.. Okay, yeah, because there's 400 people that work there who do a very good job. I appreciate... "

Gash: "I was merely expressing the fact that it is a very difficult process... "

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Black: "Oh, absolutely."

Gash: "... that requires tremendous skill, et cetera, much like making legislation."

Black: "Yes, and I appreciate that. Maybe we can. We'll work on getting you a tour of that plant. It's a fascinating place to visit. I need to ask you one question about the Bill."

Gash: "I'll get my scheduler in touch with you immediately."

Black: "On the Bill as amended in the Senate, odometer, if you tamper with an odometer reading, there's going to be an enhanced penalty, be a Class A misdemeanor; a subsequent offense could be a felony. Now, in your underlying Bill, was the tampering with the odometer, meaning the vehicle itself or falsifying the odometer reading on the title?"

Gash: "I would think either one."

Black: "Well, now, see that's what I'm concerned about, because the Bill, the Bill relates to titles. Now, if you're going... If you're enhancing the penalty for someone who rolls back or attempts to roll back an odometer reading on a car, I want to make sure that we're not talking, because that would be an apple to an orange. You're not, that's already covered, right?"

Gash: "Correct."

Black: "If you role back an odometer, physically do that, that's already covered under the Act, correct?"

Gash: "Right, and this deals with falsification on the title."

Black: "Okay. So, your Bill would say if you falsify a reading, an odometer reading, on the title, then it could become an enhanced penalty, correct?"

Gash: "Yes."

Black: "All right. Now, what's the language... What is the language if I honestly don't know or... Well, scratch that, strike that, Mr. Speaker. I watched 'Law and Order' last

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night. I learned that; strike that."

Speaker Brunsvold: "Strike."

Gash: "Stricken."

Black: "All right, now, if I put down the mileage on my title when I'm going to transfer the car, and I put down 37,000 miles, and because of my failing eyesight, and I was dyslexic as a child, it should have been 87,000 miles. Is there anything in your Bill that says, that speaks to the intent? Could I plead, oh, my gosh, I made an honest error. I did not mean to put down the wrong mileage on the title."

Gash: "This does not address the intent in that sense."

Black: "Does not address the intent. Well, ask your Staffer, he's a very sharp, young fellow... "

Gash: "Correct."

Black: "Surely, intent would be covered somewhere under the Vehicle Code. I mean that's basically under the Criminal Code, I mean."

Gash: "Right. It doesn't do anything to change that."

Black: "Obviously, if I make an honest error, I don't want to bec... I don't want to have to face charges of Class I felony."

Gash: "Right."

Black: "All right, so, that... My due process rights will not be impacted by this Bill."

Gash: "Absolutely not, correct."

Black: "Okay. In the workings of the Bill, did you talk with anybody in the salvage auto business? There are a number... I have two very good ones in my district, and they... I have purchased cars from them. And the title is clearly marked 'salvage' or 'rebuild'."

Gash: "Correct."

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Black: "At any time in your Bill, has their industry weighed in in opposition or support of, or have they been silent?"

Gash: "No, not that I'm aware of. They've been silent."

Black: "I'm sorry. They did what?"

Gash: "They have been silent on this."

Black: "Okay, you have not heard from any of the rebuilders or auto recyclers?"

Gash: "That is correct."

Black: "Okay. The automob... You see. You know, we said you couldn't order contact lenses through the mail. Now we've got to work on false teeth. Excuse me here. All right, now we go, okay. Lost my train of thought there and also my upper bridge. The Illinois Automobile Dealers' Association, do they have any concerns with the language of your Bill? Because they handle probably as many titles on trade-ins as anybody is going to handle in the State of Illinois."

Speaker Brunsvold: "Mr. Black."

Black: "Yes."

Speaker Brunsvold: "Could I interrupt for just a moment to... "

Black: "Yes, of course, Sir."

Speaker Brunsvold: "... to recognize Mayor Karen Hasara of Springfield here in..."

Black: "Former Member of the House, I might add, my seatmate."

Speaker Brunsvold: "Former Member of the House and Senate. Karen Hasara, Mayor of Springfield. Continue, Mr. Black."

Black: "Thank you. And who was that accompanying her? Her chief of staff? Mr. Poe. Good to see you, Mayor."

Speaker Brunsvold: "They're going out to get some chicken, I think."

Black: "She was my seatmate the first two... three years I was down here, and that's why I turned out the way I did. But

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anyway, that's a whole other story. Did you answer the question? The Illinois Automobile Dealers' Association, you said had no problems with the... with this language."

Gash: "I'm sorry. Say that again."

Black: "Yes, the Illinois Automobile Dealers'... Is there an echo in here? The Illinois Automobile Dealers' Association, they handle a lot of titles."

Gash: "Right."

Black: "And they have no problems the way the Bill is drafted. And they have no problem... "

Gash: "To the best of my knowledge, that is correct."

Black: "They have no problem with the Senate Amendment."

Gash: "That is, to the best of my knowledge, that is correct."

Black: "All right. At any time in this process, has anybody come forward to say that your... your penalty is too, too severe?"

Gash: "No, to the best of my knowledge, the way this is drafted now, the way this would be amended, no one has any problem with it."

Black: "Were there problems in the original Bill?"

Gash: "Some people were concerned about it; that is why there was some suggestion that it be changed. But I believe that concern came from presumptions of what might be... what people were thinking."

Black: "Well, I... No, and that's a very fair response. I... "

Speaker Brunsvold: "Mr. Black, bring your comments, your questions... "

Black: "I'm sorry. Let me bring this to a close. Thank you, Mr. Speaker. Representative, I assume then that any concerns expressed would have been on making this a felony, raising it to a felony from a Class A misdemeanor. Would that be your presumption?"

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Gash: "That might have been some concern."

Black: "Okay, and then that was addressed in the Senate Amendment."

Gash: "That is addressed by the Senate Amendment."

Black: "Okay, fine, good. Thank you, Representative."

Gash: "And contrary to what Representative Cross was saying, the Senate Amendment, this Bill, as... with the Senate Amendment, will enhance penalties. This Bill does not weaken the law in any way."

Black: "Oh, I would expect... Representative, I would expect nothing left... nothing less from the Senate. They are tough on everything, so I... That thought never entered my mind, and I appreciate your indulgence."

Speaker Brunsvold: "Mr. Durkin."

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

Speaker Brunsvold: "The Sponsor yields."

Durkin: "Representative, I know that the last comments where you say that there is an enhanced penalty for the second offense; however, the problem I have is that you have a black market industry where you have an unscrupulous car dealer, who is going to have a number of documents which are forged, either dealing with the odometer reading or with the alteration or deletion of any other information that's on the certificate. This person could have a hundred... There could be a sting operation in which the authorities determine that there's approximately a hundred so called documents, which have been forged. And it's ludicrous to me to believe that this person is going to be under the guise, under the misdemeanor system, and he's not going to be charged as a felon. That's what your law is saying right now."

Gash: "No, the law is not saying that. For a second or

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subsequent.. "

Durkin: "Yes, it is. It says that the second offense; but the fact is if you conduct an operation where the person is found to have in access of one or it could be multiple titles which are forged, that will be... that will be a misdemeanor. That is not a second or subsequent offense."

Gash: "Each individual violation of the law would be considered a separate offense."

Durkin: "Could you point to me, cause I... that's the way I read this law. It says that the second offense when you charge somebody, when you go in in that type of operation where you have multiple violations at once, that's not a second or subsequent offense. That is a... That is a single offense and they are charged as one."

Gash: "At the second violation, if you have several different.. "

Durkin: "But what I'm trying to say is that you're going to have a situation where someone... a search warrant is going to be conducted on a used car dealer who is the... who has been fooling with the odometer readings. And he's going to have a hundred... a hundred or fifty to a hundred documents, which have been altered. And the fact is through that one single sting operation, it will not be under the felony court system. It's going to be a Class A misdemeanor, and if he has no prior background."

Gash: "That could be considered several different violations. I understand what you're saying."

Durkin: "I'm afraid not. That's not the way the law works."

Gash: "I understand what you're saying. You would like to see this be stronger, as would I. The way the Senate has changed it, it would not be as strong as I would have originally liked it, but it's absolutely much stronger than what we have now."

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Durkin: "I could not disagree with you more on that, cause I think that what you're trying to do, I understand what... that the second offense is going to be an enhanced penalty, but what you're going to do is that you're going to put a lot of people who are, like I said before, involved in this black market area of falsifying documents, automobile documents. And the penalty for them for that first offense, whether or not they have one document or a hundred, is going to be a Class A misdemeanor. The fact is, also, we have a Forgery Statute, which the first offense is a Class III felony, and what I see this as a further diluting of the Forgery statutes. And I think we're sending the wrong message throughout the State of Illinois. And I don't know if I'm going to be able to support this."

Gash: "Representative, of course, that's absurdly not the case, since this does nothing to weaken existing law. So it couldn't possibly be a softening under any scenario. It doesn't... What it would not do is strengthen that particular part that you may be concerned about, and it may. But, in fact, it couldn't possibly be interrupted as softening in any way, but it does enhance the penalties with second and subsequent offenses, however, you may read that unquestionably."

Speaker Brunsvold "Representative Gash to close, briefly."

Gash: "Thank you very much and I urge your support in concurring in the Senate Amendment to make this type of crime, to enhance the penalty on this type of a crime. Thank you."

Speaker Brunsvold: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 2630?' This is final action. All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the

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record. And on that question, there are 108 voting 'yes', 7 voting 'no', 0 voting 'present'. The House does concur in Senate Amendment #1 to House Bill 2630. And this Bill, having received a Constitutional Majority is hereby declared passed. Page 14 of the Calendar appears House Bill 1700, Mr. Saviano. Senate Amendment #1 to House Bill 1700."

Saviano: "Thank you, Mr. Speaker, Members of the House. House Bill 1700... I want to make a Motion to Concur with Senate Amendment #1 to House Bill 1700. On that... Okay, Senate Amendment #1 provides that the Liquor Control Commission shall have the power to receive complaints from licensees, local officials, law enforcement agencies, organizations or anybody who sees that there has been or is someone is violating a provision of the Liquor Control Act. This is a cleanup Amendment from the Illinois Liquor Control Commission, and I would ask that we concur with Senate Amendment #1 to House Bill 1700."

Speaker Brunsvold: "The Gentleman has asked for concurrence in Senate Amendment #1. Is there any discussion? Seeing none, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 1700?' This is final action. All in favor vote 'aye'; opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question, there are 114 voting 'yes', 0 voting 'no', 0 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 1700. And this Bill, having received a Constitutional Majority is hereby declared passed. Going back on the Calendar to Mr. Hoffman's Bill that we took out of the record, House Bill 604. Mr. Hoffman, are you prepared to answer Mr. Brady's questions?"

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Hoffman: "Yes, Mr. Speaker, we had talked about House Bill 604 at length previously, is an initiative of the Automobile Dealers' Association. What it does is it indicates that if... when you get a loaner car or test drive a car, that your insurance will be primary. I believe that the question by Mr. Brady was, 'Is collision covered under this Bill?' No, the answer is, no. This only deals with liability. So... "

Speaker Brunsvold: "Mr. Brady. Mr. Brady. Mr. Hoffman is answering your question on this Bill, question you previously asked on this Bill. Mr. Brady, do you have any further questions of Mr. Hoffman?"

Brady: "I'm sorry, I didn't hear his answer."

Speaker Brunsvold: "Mr. Hoffman."

Hoffman: "I answered your question."

Speaker Brunsvold: "Repeat your answer."

Hoffman: "The question, I believe was, is collision covered under this Bill?. No, it's only liability. That was the first question and then there may have been additional questions."

Brady: "Is it... Is that specified in the legislation?"

Hoffman: "The decision that we're talking about, the court decision, only dealt with liability, and this Bill only deals with liability. And it is not the intent, if you're asking for legislative intent, is not the intent to deal with collision issues, only liability."

Brady: "But... the problem I think many are having with this legislation, even if you agree with what you believe it to be in concept, is that it seems rather ambiguous and I don't... I'm not sure that's the way it's going to be interpreted. The other problem I see, even if it just were liability, Representative, if we have now deemed through

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this Statute that, in fact, I am the primary one responsible because my liability insurance is responsible, and the accident occurs and the collision is not responsible, now, I could be at risk of being sued for the collision losses by the insurance company that covers it. Because, I think what you're trying to do is establish the responsible party in this legislation. And in doing that, it could become a tremendous cost to consumers. Consumers throughout the state, who get in these accidents could, in fact, be sued for a tremendous amount of money, that I'm not sure this legislation is clearly defining whether or not they are responsible. And I think that's one of the problems with the legislation. The other question that I asked you, Representative, was, if you loan me your car today and I drive it and I get in an accident, who's insurance is responsible?."

Hoffman: "As a general rule, and I've talked with a couple people on this since we had our last discussion, but as a general rule, the insurance would, but... as common practice, okay, it's not... I don't believe it's statutory, but common practice is the insurance would be... would fall with the car. The car would be the insured... insurance."

Brady: "So, you were trying, you're establishing a separate standard, versus common practice on almost all loaner transactions, where you lend me your car, those typical types where most of the car loans occur. Is that correct?"

Hoffman: "Well, it's my understanding that... that, that is the case and is the common practice, however, isn't always the rule."

Brady: "Ladies and Gentlemen, to the Bill. I understand what the Sponsor is trying to do and I understand the challenges of the court case. I would caution you that this may not be

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what we... may not be interpreted by the courts as we are hoping, the Sponsor is hoping it would be. And, frankly, I think this Bill at least needs to go into a Conference Committee to be worked out. I'd encourage a 'no' vote."

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

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

Speaker Brunsvold: "The Sponsor yields."

Mulligan: "Representative, how would this pertain to cars that have dealer plates on them that are driven by employees of the dealership?"

Hoffman: "The Senate Amendment #1 indicated that this doesn't apply to that situation."

Mulligan: "So, they would have to carry separate insurance to cover... I mean if you're driving that as your full-time car as a perk from being an employee, who has the liability then for that car if they get into an accident?"

Hoffman: "I apologize. Could you repeat that, I was looking at the Bill. I apologize, I didn't hear you."

Mulligan: "Oh, you, okay, I said if you're an employee of a car dealership, you drive the car with dealer's plates on it as a full-time perk of your employment, who is responsible if you're involved in an accident?"

Hoffman: "The... Well, first of all, I guess... I'm not trying to not answer a question, but it kind of depends on the situation. Because if somebody else would... Somebody else caused the accident, they would be primarily responsible, number one."

Mulligan: "Yeah, I... all right."

Hoffman: "But if you caused the accident, essentially I think the... the doctor in respond to his superior would apply and the dealers hopefully would be responsible in that

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situation. And, the Senate Amendment specifically indicates that this only applies to... This Bill would only apply to permitted users, and excludes certain officers, directors and employees of new and used vehicles as define permitted user. So therefore, this Bill does not address that situation or change what currently happens. So, I guess the answer is, whatever currently happens in... with regard to that situation would remain."

Mulligan: "All right, thank you."

Speaker Brunsvold: "Further discussion? The Gentleman from Logan, Mr. Turner."

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

Speaker Brunsvold: "The Sponsor yields."

Turner, J.: "Representative, I'm not sure exactly what the Amendment does. Could you go over it with me again?"

Hoffman: "Yeah."

Turner, J.: "And specifically, in our analysis, it says that Allstate Insurance raised the question of whether or not the Amendment actually... and, of course, they were against it from the beginning, makes the Bill even morose from their standpoint. Could you address that for me?"

Hoffman: "Yeah, well, I don't know... I know... I think they were against it from the beginning, John. So, I guess you can't... can you be more against something? I guess you can. So, now I'm really against it. I was just semiagainst it before. But I don't know if it made it worse or not, from their standpoint. I think they're still against the Bill. But what it does, what the Amendment did, the Senate Amendment, Senator Fawell's Amendment, further amended the Vehicle Code to provide that automobile liability coverage, that new and used automobile dealers are required to provide, only would apply to permitted

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users. Okay? And indicates that permitted users don't include officers, directors and employees of the new and used vehicle dealers, so essentially what we're saying is it defines permitted users as somebody who borrows the car or somebody who uses it as a test drive and would not apply to the situation Representative Mulligan was concerned about."

Turner, J.: "Okay, so it doesn't in any fashion then take out the secondary responsibility on the part of the dealership, even if the driver's primarily responsible. It doesn't have anything to do with that?"

Hoffman: "No, not... No, as a matter of fact, it indicates that they still would be 'secondarily'... I don't know if 'secondarily' is a word, but they would still be responsible, ultimately, and would have to have a... would still under this Bill have to have a 100/350 coverage."

Turner, J.: "You haven't reduced the amount of coverage acquired by existing statute then."

Hoffman: "The Senate Amendment did change ... The Senate Amendment did changes, it originally was, when it went out the House with regard to that, I don't believe."

Turner, J.: "My last inquiry is with regard to the answer you gave to Representative Brady. I never did understand what your response was. Were you saying that in the customary situation where one individual loans another individual a vehicle, that the loanee has the primary responsibility or primary liability?"

Hoffman: "No, I... So like I indicated, after our initial discussion, I went and called supposed experts in the field. They indicated to me that customarily, the person who... The policy of the insurance industry generally is the person who loaned the car, that insurance on that car

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would be the one that would be covered. But see, that's... It's a different situation. Because, what we're talking about here is we're talking about a dealer who when a person comes in, either wants to buy a car or wants to get a loaner car because there's being fixed, they're not in a situation to really know that individual. If I... I'm not going to loan my car to somebody I don't know, as a general rule. Now, I would trust you, Representative, to drive my car any day of the week. But certainly... "

Turner, J.: "What do you drive? I might take you up on that."

Hoffman: "Well, I... Well, it depends if I have my car or my wife's car."

Turner, J.: "Really."

Hoffman: "I wouldn't loan you my wife's car, because she'd get mad, but I'll loan you my car, which is an Explorer."

Turner, J.: "I hope your registration fee doesn't go up on either of those vehicles, Representative. I don't have any other questions."

Hoffman: "I think it is."

Speaker Brunsvold: "Thank you, Mr. Winkel. Turner."

Winkel: "Will the Sponsor yield?"

Speaker Brunsvold: "The Sponsor yields."

Winkel: "Representative, it's my understanding that the purpose of this Bill, as you're proposing to have it amended, would simply return it back to the practice that was in effect prior to the Supreme Court rulings?"

Hoffman: "Exactly, customarily prior to the Supreme Court ruling, what would happen is, the primary coverage would be the person who took the loaner car. Then, there was subsequent ruling. This just returns back to the customary practice of the industry prior to that ruling."

Winkel: "So this Bill is really not contemplating anything new."

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It's been the practice for years. In fact, this is simply restoring what had been the practice before it was struck down by the Illinois Supreme Court."

Hoffman: "That's an excellent point, Representative. That is correct."

Winkel: "So we're not cutting into any new territory here. We're simply returning it back to the status quo that existed prior to the Supreme Court cases. And I think that's just fine, I'll vote for this Bill."

Hoffman: "Thank you."

Speaker Brunsvold: "Mr. Hoffman to close."

Hoffman: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. This is a fairly simple Bill. Essentially what we're saying is, automobile dealers are in a very difficult situation when individuals come in, need a loaner car, want to test drive a car, they just allow them to do it, without knowing the history of that driver. What we're saying here is, is that insurance has been paid for by that driver. That driver who comes in has some type of insurance, has paid their premiums, and if he or she were to cause an accident or if he or she were to be involved in an accident, that their insurance would be primary. Then, this also requires that the automobile dealers provide for insurance that then could be accessed after that. I think that this is a reasonable proconsumer Bill, because what we're doing now is, because automobile dealers can't access driving records of individuals, they're charging more for their ultimate product. And I think that it doesn't make any sense when the individual who is taking the loaner cars already paid a premium, has already paid the insurance company for coverage. So, I think it's a reasonable Bill. I understand the concerns of some, but we're returning this

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back to the way it use to be. I ask that we concur in this Senate Amendment #1."

Speaker Brunsvold: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 604?' This is final action. All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Record yourself. Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 98 voting 'yes', 16 voting 'no', 0 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 604. And this Bill, having received a Constitutional Majority is hereby declared passed. House Bill 1688, Representative Moore, Andrea Moore. Proceed."

Moore: "Thank you, Mr. Speaker. Sixteen eighty-eight is legislation that amends the Real Property Conservation Rights Act to clarify conservation rights. And Senate Amendment #1 was some technical language that was requested in the Senate. We agreed to it and I would move to concur in Senate Amendment #1."

Speaker Brunsvold: "Is there any discussion? Seeing none, the question is... "

Moore: "Wait, wait, wait, excuse me, Mr. Speaker."

Speaker Brunsvold: "Yes, Mr. ... Lady... "

Moore: "Is Mr. Cross in his seat? Mr. Cross did have a question that he wanted to talk to me about."

Speaker Brunsvold: "Now the Sponsor is asking for questions."

Moore: "For the purposes of legislative intent. Thank you."

Speaker Brunsvold: "Mr. Cross, with the program."

Cross: "Will the Sponsor yield?"

Speaker Brunsvold: "The Sponsor yields."

Cross: "Why, thank you, Mr. Speaker. Representative, just off

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the top of my head, I have a question. Do you have, I hope you have an answer. Representative, my understanding is the Illinois... And you might want to wait a second before you answer this."

Moore: "I might have to wait a second."

Cross: "Okay and that's fine. The Illinois courts have determined that just compensation requires the application of what is referred to as the 'unit rule'. That's not the question. This concept requires valuing property as a whole, rather than by the sum of the values of the various interests into which it may be carved. Will House Bill 1688... Will House Bill 1688 be consistent with the 'unit rule'?"

Speaker Brunsvold: "Representative Moore, on the answer."

Moore: "Yes, I am consulting for a moment... "

Cross: "And don't ask me to repeat it."

Moore: "... And I would like to reply. Thank you. Yes, it will be consistent with the 'unit rule'. When property subject to a conservation right is condemned, the value of the prop... the whole property shall be determined as through the prop... as though the property is not encumbered by a conservation easement. Once the value of the property, as a whole, is determined, it is the responsibility of the holders, the various interests in the property to seek their proportionate share of the just compensation award. And I thank everyone for their patience. It's the Illinois Department of Transportation that really would have liked to have had that information read into the record."

Cross: "I have other questions. No, I don't, Representative. Thank you for answering my question."

Speaker Brunsvold: "The Chair has been informed that your screen tests have been cancelled. Mr. Winters, for what reason do

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you rise?"

Winters: "Will the Sponsor yield, please?"

Speaker Brunsvold: "The Sponsor yields."

Winters: "In a cursory examination of the Bill, I don't see, Representative, that you're dealing with the valuation under the agricultural valuation site of property taxes. Could you explore that, because they are assessed in a different manner. And if you're dealing with development rights... Okay, let me explain then."

Moore: "You're not dealing with development rights. They're conservation rights."

Winters: "Okay. Are you dealing with conservation easements or only... I guess just answer that question. Are you dealing with conservation easements?"

Moore: "Yes. This is some technical language dealing with conservation easements."

Winters: "Well, as I understand, a conservation easement could be placed on agricultural land and that land remain in agriculture. Is that your understanding?"

Moore: "Could you repeat the question, please?"

Winters: "Well, what I'm getting at is it looks to me like you're freezing the assessment and then splitting it off, depending on who owns which portion of the property rights. Is that a correct statement?"

Moore: "No, that's not the way I understand it. Conservation easement is a covenant running with the land."

Winters: "Correct. And, how are you dealing then with the property assessment? You're freezing it at the preeasement level. Correct?"

Moore: "I really... "

Winters: "Let me tell you what I think may be a potential problem, and you may be able to handle this. Agricultural

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land is not assessed on market value. So that, even if you place a conservation easement on the agricultural land, its assessed value for property tax purposes is not changed. We assess farm land based on its soil productivity, on the market prices of agricultural products, and on the Federal Land Bank's recent rolling average interest rates. So, farm land that may be worth \$10,000 an acre in a developing neighborhood, may not be assessed at more than... It may actually be assessed at \$1,000 an acre, because that is the agricultural value. Now, if you put a conservation easement on that, you're not, in fact, lowering the assessment for the farm land. Is this addressed at all in the Bill?"

Moore: "Representative, I'm sorry. I really cannot answer this. I know that the Farm Bureau has signed off on this legislation, as has the Department of Natural Resources, the Department of Transportation, the Home Builders, the Realtors. And this wasn't really substantive changes that were made in this. These were more technical Amendments that were made."

Winters: "Okay. Well, it was an area that I was unsure if the Farm Bureau had signed off. I assume that their legal staff has... "

Moore: "Yes."

Winters: "... has looked at the questions that I'm asking... "

Moore: "Yes."

Winters: "... So, I, with their approval, I will assume that this does not affect how those are being reassessed."

Moore: "I'm sorry. I'm unable to answer that, but I know that everyone has reviewed it and signed off."

Winters: "Okay. Thank you."

Speaker Brunsvold: "Representative Moore to close."

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Moore: "I would ask for support of Senate Amendment #1 for House Bill 1688."

Speaker Brunsvold: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 1688?' This is final action. All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question, there are 112 voting 'yes', 2 voting 'no', 1 voting 'present'. The Senate... The House does concur in Senate Amendment #1 to House Bill 1688. And this Bill, having received a Constitutional Majority is hereby declared passed. Page 15 of the Calendar appears House Bill 1978. Mr. Giles."

Giles: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I ask to concur with Senate Amendment #1 to House Bill 1978. The Bill was gutted in the Senate for some very important language, and I'm going to ask the Sponsor of that language to explain the Amendment and also answer questions to that Amendment. Representative Scott."

Speaker Brunsvold: "The Gentleman has asked to concur in Senate Amendment #1. Is there any discussion? Seeing none, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 1978?' This is final action. All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question, there are 114 voting 'yes', 0 voting 'no', 0 voting 'present'. The House does concur in Senate Amendment #1 to House Bill 1978. And this Bill, having received a Constitutional Majority is hereby declared passed. Page 13 of the Calendar appears House Bill 1383, Mr. Black."

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Black: "Thank you very much, Mr. Speaker. I would move to concur in Senate Amendments #1 and 2 to House Bill 1383. 1383 (sic-House Bill) got out of the House with 101 votes. We've worked on this for eight years. The Gentleman in the Chair, Representative Brunsvold, and I have worked on it, and others, have worked on it for many, many years. Senate Amendment #1 becomes the Bill. It creates the Wireless Emergency Telephone Safety Act. It creates the Wireless Enhanced 9-1-1 Board, which consists of seven members appointed by the Governor, with the advice and consent of the Senate. The Board shall then set the amount of a monthly wireless surcharge. This may not exceed 75¢ per month. The Board shall report to the General Assembly by January 1, 2000, on implementing wireless nonemergency services for the purpose of public safety using the digits 3-1-1. It goes on after that. It's pretty much what the original underlying House Bill was. There is a sunset clause in the Bill. The Act is repealed on April 1st in the year 2005. Senate Amendment #2 is a technical Amendment, renumbering Sections so that they will be in proper order and deletes the word, 'of' in a sentence where it was improperly used. When all is said and done, this creates the Cellular 9-1-1 Emergency Legislation, that will allow you and any other Member of the... any other citizen or anybody travelling in the State of Illinois, if you have an emergency and dial 9-1-1 on your cellular telephone, with the technology that this will enable us to put into place and the public service answering points, the answer... the person who answers that emergency call will be able to tell where you are, and dispatch help as necessary. That is currently not possible in all areas of the State of Illinois. I'd urge your favorable

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consideration of the Concurrence Motion. Be glad to answer any questions that you have."

Speaker Brunsvold: "The Gentleman's moved for concurrence. Is there any discussion? The Gentleman from Madison, Mr. Davis."

Davis, S.: "Thank... Thank you, Speaker. Would the Sponsor yield?"

Speaker Brunsvold: "The Sponsor yields."

Davis, S.: "Representative Black, I'd asked you a couple of questions in Committee and I think I'd like to... I ask those questions again, just to get them on record. Number one, the seven member Board that's being created, they are going to be all appointed by the Governor, and the Senate will then have to advise and consent with the appointments. Is that correct?"

Black: "That's correct. The way most gubernatorial appointments are made."

Davis, S.: "Now, but there... None of the appointees are to be Legislators or Senators. These are coming from the general public."

Black: "To the best of my knowledge, the Bill is silent on the make-up of the Board."

Davis, S.: "Okay. Now, according to the Amendment that I'm looking at, it looks like there are three funds being established. One, is the Wireless Service Emergency Fund. The other is the State Police Wireless Service Emergency Fund. And the other one is the Wireless Carrier Reimbursement Fund. Could you explain a little bit about what each of the funds are? How much money will be in the funds? And where the money's going to be spent?"

Black: "Yes, I will, Representative. Let me go back and address a question that you asked. I made a mistake, I apologize."

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The Bill, as amended, is not silent on who the seven members will be. It is recommended that the Governor appoint members from the following: the Illinois Chapter of the National Emergency Number Association, the Illinois State Police, Law Enforcement Agencies, the Wireless Telecommunications Industry, and an Emerge... excuse me, an Emergency Telephone System Board Member in Cook County, an Emergency Telephone System Board in the Metro-East Area, and an Emergency Telephone System Board Member from the Collar Counties. Members of the Board may not receive any compensation, however, will be reimbursed for any necessary expenditure. So, there is a recommendation, and I apologize. I told you it was silent, and it isn't silent. The... assuming that the Board would say that all 75... the 75¢ per month would be enacted, 50¢ of that goes back to the county or the public service answering point. Now let me break down the 25¢, let me check with staff here just a second. The other 25¢ will go into the Fund that you mentioned, to the Wireless Providers. They will have to submit verified vouchers, invoices, for that money as to their expenses. That's the breakdown of the fund."

Davis, S.: "Can I ask you this question? Now, when the Board recommends what the costs are going to be, it is going to be kept at no more than 75¢ per phone bill or... per cell phone."

Black: "Per cellular phone bill, right."

Davis, S.: "Now, will their recommendation automatically become the law? Or will we have to vote on that at some time? Or will it be by rule?"

Black: "No, we create the Board, the Board will create the fee, the fee will be adopted by rule."

Davis, S.: "Okay, I'm in support of the legislation,

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Representative, but I do think that some of that should be cleared up, so everybody understands what is going on."

Black: "I absolutely agree with you and I appreciate the question you asked this morning in Committee about the Illinois State Police Wireless Fund, and I'm glad that was clarified in Committee. There are 21 counties in Illinois that have no 9-1-1 system of any kind. Under this Bill, should it become law, the State Police will be responsible for answering and dispatching the wireless 9-1-1 calls in those areas that do not have 9-1-1 service. Now, it will not be the enhanced service. And they will be reimbursed for that, and then when the Bill sunsets, we're hopeful that that will all be taken care of by the voters in those 21 counties that don't yet have 9-1-1 service."

Davis, S.: "Thank you for that answer. And just for clarification for the Body and the people in the gallery, could you give a brief explanation between the difference between just regular 9-1-1 service and the enhanced service? Cause I believe the enhanced service is the one that we have been discussing, where we can pinpoint exactly where certain emergencies are occurring in buildings. And that would be the provision that the State Police is not going to be required to abide by is the enhanced version."

Black: "Right. In those 21 counties that do not have 9-1-1 service, and the State Police will be responsible for answering those wireless or cellular 9-1-1 calls, we are not going to install or give the State Police the equipment to locate where that cellular call came from. For example, if you are in one of those 21 counties where there's no service, you can still call 9-1-1, it will be answered, but you're going to have to try and provide as best you can some explanation as to where you are. That's not the best

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set of circumstances, but given the realities of the varying degrees of sophistication on 9-1-1 that we have in the State of Illinois, that's workable. The other counties, and the reason for the surcharge is that technology is available and will be installed so that the dispatcher... For example, in my home county of Vermilion, if I go home and I have a heart attack, and according to some calls I've had this morning, there are a lot of people hoping that that's exactly what happens, and I pull off to the side of the road and I... all I can do is dial 9-1-1 on my cell phone and then I pass out, when this Bill is fully implemented in Vermilion County or Macon County or Sangamon County, that dispatcher will receive that 9-1-1 call and will be able to tell within approximately 125 meters, 40 yards, of where that call came from, and then dispatch assistance to my location."

Davis, S.: "Thank you, Representative Black. As you said, this Bill has been floating around here for eight years, the idea has been floating around for eight years. There's been a lot of negotiation, a lot of discussion concerning cellular 9-1-1. I, personally, am very happy to finally see a resolution to this problem. I think it's a good Bill and I would urge the Members of the Body to support your concurrence."

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

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

Speaker Brunsvold: "Sponsor yields."

Mulligan: "Representative, I think you've answered most of the questions in the last series of questions you were asked. I just want to make sure now, 50¢ of the 75¢ a month on you cellular phone bill and the phone company would then

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distribute 50¢ to the county and 25¢ where?"

Black: "25¢ will be, will go to the cellular provider for the upgrade of the equipment, et cetera. They have to furnish proof of their expenses, as staff indicated and then they will be reimbursed for the expenses of making sure that the technology is available so that they can locate where the phone came from or the call, excuse me, where the call came from. 50¢ of the sale, assuming it's 75 and it may not go that high, the bulk of the money goes back to the public service answering points which would be the county, in most cases."

Mulligan: "All right. So, if you have a local 9-1-1 service in your community they wouldn't be the ones that would be doing the responding, it would be county... "

Black: "Yes, yes. In those counties that have 9-1-1 this is going to set up a dual or for lack of a better word, I'm not that technologically sophisticated in all this, I mean it absolutely amazes me that they'll be able to locate you if you can't give your location. The problem that we've had, and I've started looking into this when the Tammy Zywicki case was in the news eight years ago, a young college coed on her way to school was abducted and all of a sudden, I think, hundreds if not thousands of cell phones were purchased for safety reasons. And then all of a sudden many of us, Representative Brunsvold and others, discovered that you could dial 9-1-1 on a cellular phone in many places of the State of Illinois and nobody would answer. And if they did answer, you'd have to tell them exactly where you were, they had no idea. So, this, this will enable the 9-1-1 boards, that are currently in operation, to get the equipment necessary to answer these calls and they've been concerned about this because their mandate, in

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most counties by referendum, is to handle land line, hardwired telephone calls. That's what they were set up to do, and in some of these counties cellular 9-1-1 calls are now actually outnumbering the land line calls. And they were saying, 'You know, wait a minute we, you've got to do something here before we get into some problems because we answer a cellular call and delay a land line call, we could be in big trouble.'

Mulligan: "I think this is a good Bill. My local Police Chief Association in our area met with us over the summer about instituting something like this and they certainly supported this. So, I'm certainly supporting your Bill and voting 'aye'."

Black: "Thank you."

Speaker Brunsvold: "Representative Lang, in the Chair."

Speaker Lang: "Representative Smith."

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

Speaker Lang: "Gentleman yields."

Smith: "Representative Black, I know this is an issue you put a lot of time into, I just had one question which was raised to me by 9-1-1 folks back home. And that is, the provisions of this Bill that may be in or may not, maybe you've addressed this but, they were concerned about the 3-1-1 provisions and... "

Black: "Yes, the only thing in this Bill dealing with 3-1-1 is that the board, to be appointed by the Governor, will study that issue and make a report to the General Assembly on whether or not a 3-1-1 system for non emergency calls could be or should be implemented. And then we would have to act on, on the recommendation of that board. I can tell ya, personally, I hope, I shouldn't say that but, I have a biased, I hope we don't get into several different letter

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combinations. I think most of us are familiar with 9-1-1 and if we start throwing other combinations in I think will just simply lead to confusion."

Smith: "As, as you know, in the area I represent much like yours, we barley have 9-1-1 in some counties and to, to add that additional burden I think is a concern of theirs and I commend you for what you've done and I support your package here."

Black: "Thank you."

Speaker Lang: "Representative Durkin."

Durkin: "Thank you, Mr. Speaker. Will the Sponsor yield for a few questions?"

Speaker Lang: "Yes, he will yield."

Durkin: "Representative Black, as I read the Amendment we are creating a 9-1-1 board. Could you tell me who is going to be in charge of appointing to the members and how many members will be on this board?"

Black: "The Governor, the Governor will appoint a wireless enhanced 9-1-1 board which Representative Davis and I talked about. That will consist of 7 members, the underlying language recommends that those come from existing 9-1-1 boards, law enforcement officials, state police, et cetera. But, it's a Gubernatorial appointment."

Smith: "Okay. Will this be subject to the Senate approval, the members of this board?"

Black: "Absolutely, it's subject to the advice and consent of the Members of the Illinois Senate."

Smith: "And what's the, what's the length of this board? How long will they be commissioned to serve?"

Black: "The entire act will sunset, I believe, let me make sure I'm right, the entire act will be repealed on April 1st, I hope there's no hidden meaning there. But, it's repealed

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on April 1, 2005. The board is to report to the General Assembly by January 1, 2000 on the, I'm sorry that's on the implementation of a possible 3-1-1 system. There is no specific time limit for the board to set up this cellular collection system in the underlying Bill."

Smith: "Well, thank you. There has been an Amendment made to the Freedom of Information Act, there's an Amendment made to the Freedom of Information, Freedom of Information Act. Could you explain to me what exactly the changes that we made in that area?"

Black: "Yes, the Press Association had requested a certain change, they later determined that they could not make that change or it could not be made in accordance with law. And they dropped that request and they have no opposition to the Bill."

Smith: "That's great. One last question, the billing procedure, the example is that if there is, if I have corporate existence and billing address which is in Indiana but I do a substantial amount of work in Illinois. If I am an employee of this corporate entity but I'm in Indiana and I have to use the 9-1-1 service, 'Would the surcharge apply at that point?' Or is it just cause it's an Indiana out of state corporation, would they be exempt from this type of charge?"

Black: "I believe the language of the Bill clearly states that you have to have a telephone number, your cellular telephone number must be within an area code assigned to Illinois by the North American Numbering Plant Administrator and I didn't even know we had one or your billing address would be an Illinois address."

Smith: "Okay, I just want to make sure under the liability section that we are providing at least to some extent some

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type of indemnification. However, correct me if I'm wrong, but you can penetrate this umbrella of liability if you can show that the 9-1-1 individual or whoever the law enforcement official acts with gross negligence, recklessness or an act of intentional misconduct, correct? That is not indemnified under this Act, correct?"

Black: "There is a limitation of liability in the Act that was asked for and given by almost all of the emergency access parties. In no event shall a unit of local government, CMS, state police or any public safety agency, wireless carrier, public service answering point or emergency telephone service system board be liable for any form of civil damage or liability that directly results from or is caused by any act or emission in the development, debting, installation, et cetera, of a wireless 9-1-1 system. Unless, the act constitutes gross negligence, recklessness or intentional misconduct."

Smith: "Well, I think that's good, cause I think we're providing a great service to the constituents in Illinois and particularly in emergency situations where they should not be left, these local governments should not be held, carry the bag for any type of potential liability in the future. I want to commend you Representative Black, this is a Bill that's been in the works for a long time and I appreciate your patience in answering my questions, but also, the patience of the General Assembly to move this important piece of legislation to the floor. Thank you very much."

Black: "Thank you. Representative, I appreciate your questions, they're always welcome."

Speaker Lang: "Representative Giles."

Giles: "Thank you, Mr. Speaker. I rise for a point of personal... "

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Speaker Lang: "Please proceed."

Giles: "... I would like the Body to, I would like the Body to indulge for one moment. Here in the General Assembly we've been, we have an august body who have come down from the City of Chicago, from the City Council, the Alderman of the City Council. I'm sure we have many in quite a few wards and we would just like to welcome them to Springfield. Especially, two of my favorite aldermen, one from the 29th ward, Alderman Bill Caruthers and the other one Alderman Terry Peters and also Alderman Walt Burnett. But, I'm sure some of the other reps will welcome their alderman as well but, we have a host of aldermen here and Alderman... Alderman Tony Pratwinkle is on the floor. Alderman Austin is here, Alderman John Pope here for the 10th ward, Alderman Jessie Granaudo is here; let's give them all a big hand, let's give them all a big hand for coming down."

Speaker Lang: "Thank you, Representative. The Chair would like to announce that from time to time you have introductions you want to do, please do them between Bills, that would be much, much more beneficial to the working of the House. Chair recognizes Representative Novak."

Novak: "Yes, Mr. Speaker. Will the Sponsor yield?"

Speaker Lang: "Gentleman yields."

Novak: "Representative Black, I can hardly see, I know there's a lot of commotion, but I just had, I'm gonna support this Bill. I know you've worked long and hard on it, but I just had a question. If you're a little taller I could see ya, maybe you ought to put your shoes back on."

Speaker Lang: "Excuse me, Mr. Novak, Mr. Novak, pardon me, Representative. Could we tone down the noise in the chamber?"

Novak: "Could you put your shoes back on Representative Black?"

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Speaker Lang: "Could we clear the center aisle? We know these aldermen are very important people but we need to conduct some business here. So, could we hold it down, could we clear the aisles and could we conduct the business of the House of Representatives. Mr. Novak."

Novak: "Would you put those cowboy boots back on so you're a little taller? Thank you, Mr. Speaker. Mr. Black, I know you've worked long and hard on this subject and you're very knowledgeable. I have a question, we have an enhanced 9-1-1 system in my home county of Kankakee, that was passed through a referendum. Now, under this plan, this, this board that's gonna be appointed by the Governor will have the authority to impose a... what's this?"

Black: "No, they will not be able to impose. In your county and my county they simply will move forward and work with your counties 9-1-1 board in making sure they have the technology to handle the cellular 9-1-1 calls. We can't impose anything different than what your voters have done."

Novak: "What about the fee?"

Black: "The fee is separate and will be imposed on cellular phone users statewide."

Novak: "Right, I understand, cellular phone users statewide."

Black: "Okay, all right."

Novak: "So, what I'm trying to ask here if I can get things in the correct context is that; let's assume we had a law that allowed your, your counties to have a referendum to impose a fee on cell phone users within that county, now let's relegate this question to my county. So, let's say there's 50,000 cell phone users in my county, so if this fee goes statewide, will my county, my county won't get short changed or other counties won't get short changed as far as the necessary fees that would come in because on the basis

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of the number of handsfree usage phones or cell phones in those respective counties? Do you understand what I'm saying?"

Black: "Yes, absolutely. And the Bill is very specific as to your question and I think you'll find that your 9-1-1 board, as mine in Vermilion, favors this Bill because they realize there's really no effective way for them to levy any kind of a fee on a 9-1-1 cellular or a cellular telephone. If you do you just transfer your number to another county area code or what have you. And so, the Bill is very specific and it does say, 'You may not impose a separate surcharge on any wireless 9-1-1 service that in addition to what will be imposed under this Act.'"

Novak: "Okay, thank you."

Speaker Lang: "Representative Cowlshaw."

Cowlshaw: "Pardon me, Mr. Speaker. I think perhaps my timing is a bit inappropriate, but nevertheless, since we have already interrupted this Bill once for someone who rose on a matter of personal privilege. I wonder if I might be permitted that same indiscretion."

Speaker Lang: "Proceed."

Cowlshaw: "Thank you, Sir. I rise on a matter of two personal privilege issues and I do not intend to raise my voice to be heard. There are a number of young people sitting in the galleries... "

Speaker Lang: "Could we hold down the noise in the Chamber, please? Please hold down the noise in the Chamber. Let Representative Cowlshaw be heard."

Cowlshaw: "... There are a number of young people sitting in the galleries and I have to wonder what they must think of the way we are conducting ourselves in this chamber. Whatever you think, young ladies and young gentlemen, it's probably

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justified. The other matter that I wish to rise upon, Mr. Speaker. I have just been told by someone who is a registered lobbyist that one of the reasons why there are so many Nonconcurrency Motions on the Calendar that are not being called is because there is someone who's been appointed by the leadership on the other side of the aisle to look at proposed conference Committee Reports, read them in their entirety and approve them or the Nonconcurrency Motion will not be called at all. Mr. Speaker, I do not know who that individual may be, but I do know that I have two Bills on which I have filed Nonconcurrency Motions; House Bill 134 and 542. Both of which left this Chamber with unanimous 'yes' votes. I also, do not know who the individual is who sits at the right hand of God and decides whether or not anybody's Nonconcurrency Motion is to be called. And Mr. Speaker, I believe that I speak for my colleagues on both sides of the aisle in this House when I say, I disapprove. If there is any truth, whatsoever, in what the lobbyist has told me. To not call Nonconcurrency Motions because you want to be totally in control of anything that happens here, is wrong. I believe there's a name for it, Mr. Speaker, the name is; totalitarianism. I didn't think that was the form of government that we have and I would ask, Sir, for there to be some response provided to all of the Members of this House, as to just what the posture of the Chair is in regard to the calling of Nonconcurrency Motions. Because if we have to submit something to the man who sits at the right hand of God, we'd like to find out what his name is and where we find the throne. Thank you for your indulgence."

Speaker Lang: "Mr. Black to close."

Black: "Thank you very much, Mr. Speaker. In all of the down

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time that I had, the city, some of the aldermen came over. I'm very glad to announce to you that the City of Chicago is not impacted by this Bill, they already have their own cellular surcharge. So, they're not impacted and it's always good to talk to the aldermen of the City of Chicago. Ladies and Gentlemen, in all seriousness, Representative Brunsvold, many people, staff, the wireless industry, the telephone company, the sheriffs, the state police, people have been working on this issue for eight years. What this does is to set up a system whereby if you need help and you dial your cell phone 9-1-1, when this is fully implemented, the equipment at your answering point will be able to tell exactly, well actually within about 40 yards of where you are calling from and dispatch help. This could mean the difference between your life and your death and I thought that's what cellular phones were all about. We'll make that happen if we pass this law. I appreciate your indulgence and I ask for an 'aye' vote."

Speaker Brunsvold: "The question is, 'Shall the House concur in Senate Amendment #'s 1 and 2 to House Bill 1383?' This is final action. All those in favor shall vote 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Several Members not recording themselves, please record yourselves. Mr. Clerk, please take the record. On this question, there are 102 voting 'yes', 13 voting 'no' and 1 voting 'present'. And the House does concur in Senate Amendments #1 and 2 to House Bill 1383. And this Bill having received a Constitutional Majority is hereby declared passed. For what reason does Representative Rutherford rise?"

Rutherford: "Recognize that we're in between Bills and it is the courteous and appropriate time to make some personal

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remarks, I understand."

Speaker Lang: "Bless you, Representative."

Rutherford: "Thank you, Representative Lang. I stand as a point of personal privilege. One of the true treasures of the United States of America is the historic pullman area of the City of Chicago. And we're very fortunate today to have the president of the Historic Pullman Foundation visiting with us, Mr. Robert Fearetti."

Speaker Lang: "Next on the Order of Concurrence House Bill 1720, Representative Scott."

Scott: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to concur with Senate Amendments 1, 2 and 3 to House Bill 1720. The Bill when it left the House did two things; it provided for some enhanced penalties for the crimes of prostitution and soliciting for a prostitute. It also allowed for the two hour impoundment of vehicles, for those who are arrested for soliciting. The Senate made some changes to it, I believe, they're all very good changes. Senate Amendment #1 made some changes to the technical wording of how the enhancement of penalties was made, that was a good technical change. Senate Amendment 2 made reference to the fact that the money that was collected for the impoundment, was to go to the municipality from which they were to pay the cost of any towing. And Senate Amendment 3 made a provision that if the person were to be found not guilty or have the charges dismissed, upon assigned order of the court they could get their \$200 back. I'd be happy to answer any questions."

Speaker Lang: "You've heard the Gentleman's Motion. On that question, the Chair recognizes Representative Cross."

Cross: "Thank you, Mr. Speaker. Mr. Speaker, I absolutely had no idea what Representative Scott just said. I'm sure he said

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something that made a lot sense, but you can't hear a thing on this House Floor."

Speaker Lang: "I think you make a good point, Representative. Can we please tone down the volume in the House chamber? Can we please tone down the volume in the House chamber? Please proceed Mr. Cross."

Cross: "Doug, at one point Cook County, for whatever reason I'm not sure, opposed this Bill. Do you know if that opposition is still here? At least it's showing that in our file?"

Scott: "No, in fact, they never talked to me. I'm not sure what that would have been about."

Cross: "So, can you... "

Scott: "In fact, they didn't testify against, nobody testified against it in the Senate or anything like that. The Bar Association had some concerns over the... the impound money language and those were worked out with Senate Amendments 2 and 3."

Cross: "Could you go over again briefly, Doug, we couldn't hear what the Senate Amendments, all three of them do?"

Scott: "Sure. Right. When the Bill left, Tom, when it left the House it did two things; it provided for some enhancements of penalties for second and subsequent convictions of prostitution and soliciting for prostitutes, juvenile pimping and other things, related crimes. It also provided a second portion of the Bill that provided for a two hour minimum impoundment of vehicles with a fine to be paid to get the vehicle back. Senate Amendment #1 rewrote the language concerning the enhancements because there had been some problems, some flaws that we hadn't caught over here in the House. They actually caught them and did what we wanted to do in the language in the first place, so that

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was a good technical Amendment. Senate Amendment #2 made sure that the costs that were involved in recovering the car or costs that were paid to the municipality would include any towing costs. So, that in other words, when it left here it was a little vague, they clarified that to make sure that there wasn't going to be a second cost that was involved in it. And the Third Amendment is a provision that the Senate wanted that would allow that if, upon assigned order that charges were either dismissed or there was a not guilty, that the \$200 would be refunded."

Cross: "So, am I reading, Amendment 1 now says on a second as opposed to your initial language, third conviction, no it says a second violation of this section is a Class IV felony?"

Scott: "Yeah, that's the way it was when it left here. That didn't change."

Cross: "It was at one point a, then at one time it was a third and we... "

Scott: "It is a third now, we've changed that to a second and subsequent. That's the way it was when it left the House."

Cross: "... All right. So, the solicitation of a prostitution on the second offense... second violation not even offense you're charged, it's charged as a Class IV felony?"

Scott: "Yes."

Cross: "And obviously no one supports prostitution I'm sure that in this chamber, Doug. But, why, why do we want to make that a prison, I mean that's a sentence of one to three years in the penitentiary."

Scott: "That's right. Well, we've talked about this when the Bill was up the first time here. The rationale behind that was that, that, in, in a lot of areas and I'm sure they're in your district as well as in mine."

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Cross: "There are."

Scott: "... an ... it's an incredible problem. And it's an problem that really degrades neighborhoods and really causes a tremendous amount of difficulties with other crimes, related crimes as well. And so the feeling was that, in addition to, making the penalty for prostitution more severe it was also a good idea to punish the, to work on both the supply and the demand side. That's the way the Bill was when we all voted for it the first time when it left here."

Cross: "Now, this \$200 fee, Is that separate and above, separate and apart from the fine?"

Scott: "Yes."

Cross: "And it goes only to the unit of local government?"

Scott: "Yes. And from that they're to pay any cost of towing. So, they do what they do now. They make deals with either private towing companies or they have their own service where they will do the towing. So, what the Senate did to clarify that was make sure that there wasn't some, like two different fines coming, one from the towing company and one from the unit of local government."

Cross: "It seems like, Doug, you know oftentimes, I mean in the real world we know that prosecutors make agreements with people, to charge them with lesser included or to dismiss or do a deferred prosecution. Given the fact that... "

Scott: "It can happen here, too."

Cross: "... No question about it."

Scott: "Yeah, I mean, I mean... "

Cross: "Given the fact though, as my question is, given the fact that there's added money for the municipality over and above normal fine money. Are municipalities going to less inclined to agree to those plea agreements?"

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Scott: "Oh, I wouldn't think so. No, I wouldn't think so at all, Tom, because the, the, part of the rationale behind that impoundment is the same as it is with a DUI. Because what happens and we had a kind of a humorous debate about this the first time but, the rationale is that we've got people that are getting notice to appeared right now because it's a misdemeanor. They're getting notice to appeared even it's a 17th violation for that particular offense, getting notice to appeared and then running right back out a soliciting again, that same night. So, the idea is to try to stop that through a couple of different methods; 1) through the more severe charging document and 2) through the impoundment portion of it."

Cross: "Anyone checked on the DOC cost to now send the prost... the second violation of prostitution to DOC? Do we have any idea what that cost us?"

Scott: "We could check on that, I had that originally when it came through. Let us check the file, Tom, I'm sure that's there."

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

Speaker Lang: "Representative Shirley Jones."

Jones, S.: "Yes. Will the Sponsor yield?"

Scott: "Sure."

Jones, S.: "Representative, if a prostitute is sitting in the car with maybe a relative and the police come by, a relative and it's a male and the police come by knowing that she's a prostitute. What happens with the property of that man's car or whatever?"

Scott: "Well, unless they're gonna charge the individual with soliciting for his relative... "

Jones, S.: "Yeah but, I mean, he's probably gonna charge her with soliciting but, he don't know that this is a relative of

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hers."

Scott: "... He's gonna charge, he's not gonna charge her with solicitation, he's gonna charge... "

Jones, S.: "The him with soliciting, right."

Scott: "... him with soliciting. Well, a couple things can happen: 1) he may charge them, but there may be a way to check that out and find out that it's her, brother or her uncle or whoever, she may be sitting in the car with."

Jones, S.: "Right."

Scott: "So, they don't get charged in the first place. The... "

Jones, S.: "Cause they gonna take his property away from him."

Scott: "... Well, they give it, I mean it's not a seizure, we're not talking about a seizure where they lose it like they do in other places. We're talking about like with a DUI statute where they just hold it for a couple hours then they get it back. We're not talking about seizing it and selling it or anything like we've seen in some of the other cases."

Jones, S.: "Is, so they will get it back. Do they have to pay a fine or something to get... "

Scott: "They pay a fee for the towing or the impoundment of it."

Jones, S.: "Right."

Scott: "And then they would get it back that night. If it's dismissed they get their money back."

Jones, S.: "... Even if it's a relative, they still... "

Scott: "I gotta... "

Jones, S.: "... I know, I mean things like that could happen."

Scott: "... Well, there are a couple things here, where I come from and having worked with police department a lot on these issues. Almost never do they charge somebody for, for soliciting except on what they call the 'reverse stings'. Where the police officers pose as the prostitutes

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and then try to lure the 'johns' that way. In all the years that I worked with the police department I don't remember them charging somebody for soliciting, unless it was one of those kinds of cases cause it's too hard to prove. Because you, you can't prove exactly what that person said and what the other person said at the time. So, that kind of charge is very difficult, I mean, maybe they do it differently somewhere else but, we used to see a lot of arrests but... "

Jones, S.: "You said you was a policeman, right?"

Scott: "Pardon me."

Jones, S.: "You said you were, you worked as a policeman?"

Scott: "Yeah, I was a City Attorney for Rockford."

Jones, S.: "Right, and you know nine times out of ten you did know some of the prostitutes."

Scott: "Pardon me."

Jones, S.: "You did know some of the prostitutes? You did know some of the prostitutes that would work the street?"

Scott: "Oh, you some of, who's the police department knows who some of them are?"

Jones, S.: "Yes."

Scott: "Sure."

Jones, S.: "Okay. So, just, that's what I'm asking you. So, you, the policemen knew this prostitute was sitting in the car with this person."

Scott: "Yeah but, see that's not enough to, that's not enough to even charge somebody with soliciting. Because you've got to, to charge somebody with soliciting a prostitute it's not enough just to be in their company, it's not enough just to be in their company. You've gotta to actually have them making some kind of offer to commit that act. And so, the only way you really know that.... "

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Jones, S.: "But, her brother or her relative is giving her \$10 to go by her something to eat."

Scott: "... But, see I don't even think that's, and I can't remember ever seeing any cases like that, in ten years, I never remember seeing one."

Jones, S.: "Okay, but I'm just, I'm just saying it can happen, though."

Scott: "The way people get charged is female police officers soliciting or standing on the street getting made offers to by 'johns' and that's the way the soliciting charges get made. And really I mean it could but, it's pretty far out there, I think."

Jones, S.: "Okay, thank you."

Scott: "Thank you."

Speaker Lang: "Mr. Scott to close."

Scott: "Thank you, Mr. Speaker. Again, this, this Bill in substantially similar form passed out of here, I believe unanimously or close to unanimously, when we had it before and the changes to it are good. I think they actually make some clarifications and actually make some narrowing down that that makes more sense for the people that are going to be charged with this offense. And I'd ask for your support."

Speaker Lang: "Question is, 'Shall the House concur in Senate Amendments #1, 2 and 3 to House Bill 1720?' This is final action. All those in favor shall signify by voting 'aye'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 116 voting 'yes', 0 voting 'no' and 0 voting 'present'. And the House does concur in Senate Amendments 1, 2, and 3 to House Bill 1720. And this Bill having received the Constitutional Majority

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is hereby declared passed. The Chair recognizes Representative Meyer for an announcement."

Meyer: "Thank you, Mr. Speaker. I rise on a point of personal privilege. Representative Brent Hassert and myself would ask you to join with us in welcoming the members of the Jane Adams Middle School Band. Jane Adams Middle School Band is from Bolingbrook which is a community that we divide in our, our representation. I ask for a nice round of applause for them."

Speaker Lang: "On the Order of Concurrence, Representative Moffitt. I'm sorry, Representative Black, for what reason do you rise?"

Black: "Yes, thank you very much, Mr. Speaker. I rise for a point of personal privilege, if I might."

Speaker Lang: "State, oh you might."

Black: "Thank you very much. I, since we're not on Third Reading I would like, the Body I think has received notice. I would just like all of you to wish the very best and congratulate the Republican Press Spokesperson and Secretary, Vicki Crawford, on the birth of her baby boy this morning. Vicki and her husband Sean welcomed the little baby boy, 6 pound and 9 ounces. And the last I heard, Mr. Speaker, it's named Lou Lang Crawford."

Speaker Lang: "Certainly a good choice. Thank you, Representative. Representative Moffitt, House Bill 2081."

Moffitt: "Thank you very much, Mr. Speaker. And may I also extend a congratulations on the birth of Lou Lang Crawford, that's quite an honor Mr. Speaker. House Bill 2081, I move to concur on Amendments 1 and 2. The underlying Bill that we had passed through here expanded the authority of the Comptroller's office, in dealing with revoking license of private cemeteries. What we had, and there's been a

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problem back in my area. There's a private cemetery at Monmouth, you've heard a lot about one in Peoria and this would expand the need in the Comptroller being able to deal with those problems. These Amendments, I believe, take what was a good consumer protection Bill and take it further and strengthens it and helps streamline government. Senate Amendment #1 would allow licenses under the Pre-Need Cemetery Sales Act to sale burial vaults under that Act instead of the Funeral or Burial Funds Burial Act. This allows the cemetery owners to be licensed under just one Act, instead of two. So, that very, that would streamline government. The second Amendment also clarifies existing law to protect consumers if a cemetery or funeral home files for bankruptcy. It clarifies that the money that is held in trust funds should go back to the consumer and requires that the consumers be notified of this refund. It simply further expands consumer protection. Be happy to answer any questions, Mr. Speaker."

Speaker Lang: "You've heard the Gentleman's Motion. Is there any discussion? Seeing none, the Gentleman moves for the House concur in Senate Amendments #'s 1 and 2 to House Bill 2081. This is final action. All those in favor shall vote 'aye'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 116 voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill having received the Constitutional Majority is hereby declared passed. Speaker Madigan, in the Chair."

Speaker Madigan: "Is Mr. Cross in the chamber? Mr. Cross. On the Order of Concurrence, on page 13 of the Calendar, there appears House Bill 1061. Mr. Cross. Mr. Cross. Ladies and Gentlemen, if I could have your attention. This Bill

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is concerned with the relationship between soft drink producers and soft drink distributors. We had a very thorough debate on this Bill. It passed the House. Now, we will be debating and voting on the Bill again. The Chair is suggesting that this matter be on the Order of Standard Debate, which means that three people will speak for the Motion and three will speak against the Motion, if there are that many that wish to speak on the question. And as the first proponent of the Motion, the Chair recognizes Mr. Cross."

Cross: "Thank you, Mr. Speaker. I think, as you said, this Bill has been debated on numerous occasions, not only on the House Floor, but in committee and throughout the capitol. I think everybody knows, primarily, what's in this Bill. I will tell you though, that there were several minor changes in the Senate. The Amendment, Senate Amendment, does become the Bill. And what the Senate Amendment did is take out the language dealing with irreparable harm in the area of injunctions. I think that's a relatively significant change, that makes the Bill even better. There's also some slight modification dealing with the issue of transfers of a bottlers business, if he or she chooses. And finally, the Senate Amendment has fewer legislative findings in the preamble part of the Bill, that more so than the original House Bill, before it went over to the Senate. I will be glad to answer any questions at this time. As I said, I think, and as you did, Mr. Speaker, we know what's in this Bill. And I would, of course, appreciate an 'aye' vote on the Motion to Concur."

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

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. I belong to a Chicago law firm of 185 lawyers, some of whom

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do work for Pepsi bottlers throughout the State of Illinois. I have a conflict of interest in this Bill, and I will therefore vote 'present'."

Speaker Madigan: "Mr. Franks. Mr. Franks, do you rise in support or in opposition?"

Franks: "In opposition."

Speaker Madigan: "Proceed."

Franks: "To the Bill, Mr. Speaker. This is embarrassing. It's really embarrassing. When I was elected in November, I never imagined the General Assembly would try to regulate soda pop. I'm a proponent of free markets and I look forward to working with other Legislators with these views. What are we going to meddle in next? Cotton Candy? Balloons? Yo-yos? Frisbees? Jaw Breakers? This is a special interest piece of legislation for Mr. Crisp. And unlike Mr. Wirtz, he can't even give us a left-winger. Now, this Bill would put the State of Illinois right into the middle of fairly negotiated contracts between suppliers and distributors. It would affect bottling agreements that have been in places for decades. We have no idea how it would affect the industry, which is reason enough to vote it down. No one who votes to pass House Bill 1061, should be surprised to learn it puts Illinois jobs at risk down the road. Even more importantly, it sends the message that in Illinois, no business relationship is safe from the interference of the government. If your vendors or customers don't like the contract you negotiated with them, then go to the General Assembly and get a new law passed to change it. Who would want to do business in a state like that? This Bill is antibusiness and it's anticonsumer. We should constantly be looking for ways to create jobs and economic development in Illinois. Instead, this Bill will

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hurt our ability to compete with other regions, by scaring off large companies looking for places to relocate. Business needs a stable environment and a level playing field. House Bill 1061 takes both of those things away from the soft drink industry in Illinois. And other industries will, certainly, take note. There are a lot of good reasons to vote against this Bill and I urge you to do so. There is, certainly, no good reason to vote for it. Thank you."

Speaker Madigan: "Mr. Black, in opposition."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I rise in opposition to the Bill. And there will be two of these before the day is over, involving two, two outstanding companies. I've had the great pleasure of meeting one of the owners, of one of these companies and I can attest to the fact that he is, in every respect to my knowledge, an outstanding, upstanding individual. The kind of person that we would like and want to do business in Illinois and in our communities. He is truly an outstanding man. The other gentleman from Chicago, I've not had the pleasure of meeting, but I'm sure he is, as well. Ladies and Gentlemen of the House, the two Bills that we'll be faced with involve companies owned by successful, ambitious, hard working individuals who have used the free market system and the free enterprise system in this country to become successful businessmen. And that, I thought, is what this country was all about. You compete in the marketplace, and if you know your business, and if you do your business well, and you're a man of your word, and your customers appreciate the business that you provide, you have the opportunity to succeed. And that's what makes this country so great. And I was thinking about

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this as I went home last week. And in the paper over the weekend, two stories of people that I've known for years. The headline, I know you can't see it, but the headline and a four column story is 'Voorhees Lumber To Close'. I went to the grand opening of Voorhees Lumber, which means nothing to you, but at the time it was one of the larger lumber companies, lumber stores, in the City of Danville, where I live. And by the way, I've always purchased my plywood there for political signs, so I know a little bit about the operation. I went to the grand opening there, in 1972. I went with the then, biggest building contractor in the City of Danville, the gentleman who owned Cary Construction. He, too, is now out of business. Let me just share with you what this article says, 'Twenty-seven years after the store opened, the owners began this week selling off inventory to close the store. The store will close when it's empty and the building and the land will be sold. Co-owners Tom Harmon and his brother-in-law Glenn Johnson, tried to compete, but changes in the marketplace have left them with no choice'. The store has 8,000 square feet, whereas Lowe's, who just built in my hometown of Danville, has 110,000 square feet. Along with the larger stores like Lowe's, is Menard's, who just opened a huge new store in Champaign. And others, other businesses have entered this market, and Voorhees Lumber, which at one time was a thriving, business finds that they no longer compete. Two years ago, they invested \$50,000 to upgrade their store, put a new sign out in front, with a message board and a complete overhaul of inside. They said at the time, 'Our mainstay is our customer service. From the smallest job people may have, they can come in and talk to us'. This he said, 'is what I will miss most of all, that

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interaction with the customer.' Sandy Block, a manager who worked with the original owners of the store, and watched the current owners grow up, is scared and angry that the store is closing. As she said, 'It's hard to think that you have to start all over again. When you're younger, it's a lot easier.' Sandy is uncertain where she will work, but she's looking for a job, as the store where she has worked for 26 years will be closing. 'When that last day comes, I'll probably bawl like a baby', Sandy Block said. 'I've been doing this for a long time and it's not easy to walk away.' I have seen business after business close in my hometown and in my home county. Each one of them have a sad tale to tell. What do you want me to do? Do you want me to come down here next year and seek legislation that says, 'Lowe's cannot come to a city where you already have an established lumber company. You can't come here. And if you do, I'm going to seek legislation to get you out. We don't want you. We don't want you to compete with people that we grew up with and went to school with, and we know.' Is that what we're going to come to? I can't do that, as much sometimes, as I would like to. And you know what? Tom and Glenn didn't ask me to, and wouldn't ask me to, as much as I'm sure it bothers them, the marketplace changed and they could longer compete. People voted with their hard earned paychecks, where they were going to go to buy lumber, sinks, hardware, et cetera. So what's the message here? If you are just a small businessman and woman, in a small town in Central Illinois, the marketplace works. Some survive and some don't. But evidently, if you're big enough, and you know enough people, you can come down and change the rules of the game. Well, I dare say, these two gentlemen know the rules of the

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game. They've worked it very well. They are successful. They will continue to be successful and I wish them nothing but the best. But my fear is, once we start down this road, there isn't anyplace to stop and there isn't anyplace to get off. All anybody should have in this country is an opportunity. That's all any of us ask for who came over 200 years ago, and that's all the Constitution promises us, an opportunity to do what we can. And that's how the marketplace works and when you start to fundamentally change and tinker with that free enterprise marketplace, you're on a slippery slope to someplace I don't want to be. With all due respect to the people involved in this and the Sponsors, I have nothing but the highest regard for the Sponsor of this legislation and the one who will follow, but I really think this is a wrong course of action. The marketplace is there and you compete in it. And you compete in it as best you can. And unfortunately, no matter how much it hurts, sometimes there are losers. And my hometown has certainly had its share of businesses who cannot compete with the giants that exist in the marketplace today. I will vote 'no'."

Speaker Madigan: "In support of the Motion, Mr. Woolard."

Woolard: "Thank you, Mr. Speaker. I think that everyone recognizes that the previous speaker spoke from the heart. You know, I can speak from the heart, as well. I think, without question, that we could stand here and talk about the individual, the individuals who have ownership of these franchises across this state. I think we can say all kinds of good things about the leadership that they provided, the tremendous work ethic of one individual that happens to reside in my territory, that I know very well. We can be proud of the fact that he has been successful. And this is

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not just open, free market consideration that we are talking about. We're talking about the real giant, the person who controls the name. The person who actually makes the syrup. The person who really is the potential culprit, is the one who may be taking away the franchise from these individuals, for whatever reason. And we're just saying that, if in fact, those individuals are doing a good job, as they have been, and continue, that that cannot be taken away in future years. Let me tell you a little bit about the history of the business in Marion, Illinois, where my office resides. A few years ago, a family decided that they wanted to start making Pepsi Cola and selling it. And they started doing it themselves, from the very bottom. Driving the truck themselves, to deliver it, after they got one. To begin with, it was delivered on a wagon. Then we saw another truck and another truck. Then we saw a facility that was able to produce the product that was sold. And we are seeing contingent, other industries that came about because of it. We've seen a bottling facility. We've seen a place that makes the bottles, themselves, that was built in the neighborhood, as well. What I am standing up and fighting for today, is the 500 people who work there. The people who make a living, feed their families, and I want them to have the opportunity to continue to have the quality jobs that they have now. I know there's other places in this state that are just the same, but what we're really talking about is industry and business in our state, because of great leadership from individuals, and protecting the right for them to have that franchise that allows them to employ people and export products, even out of this state, from within. We're talking about 500 families that will continue to be able to feed their

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family, 500 individual employees. I plead with you to support this legislation because it does make a difference, especially in the area that I live."

Speaker Madigan: "Mr. Cross to close."

Cross: "Thank you, Mr. Speaker. I'll keep this rather simple. But, you know, Mr. Speaker, I think the opponents of this Bill have unfairly characterized or labeled this Bill. And I want to make sure we keep this in perspective and what this Bill is truly about. This is the classic, the classic, 'David versus Goliath' scenario. And let's keep in mind that we are talking about bottlers, and I emphasize plural. We're talking about Illinois bottlers. Our Illinois bottlers against out of state foreign corporations. In State of Illinois people, versus out of state massive corporations, who I dare say, really don't care about the economy of Illinois, like our family-owned, independent bottlers. And once again, I emphasize, bottlers. This isn't about one person, this is about literally hundreds, if not thousands of people, in the State of Illinois. I want you to keep in mind, or at least know if you don't know, what the international or national corporation Pepsi, has been doing. And I'm not limiting this Bill to Pepsi, by any means. This is limited or expanded to all bottlers and suppliers throughout the country. Pepsico company or Pepsi, back in 1987 owned 32% of the soft drink market. They now today, own 72% of the Pepsi Cola drink market. What they are doing, is going around the country closing down independently-owned companies, throughout the country. And they're doing it, they at one time... there were 500 independently owned and now we are down to a little over 100. So, we're going to have one major company own all the Pepsi bottling

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companies. And you think they're going to care about how they provide service? Of course, they're not. They're going to care about the bottom line. They're going to care about their corporate profits. Not about whether or not the employees are treated right. Not whether or not the service is good. Not whether or not they buy from vendors in Illinois or outside of Illinois. They're going to care about their bottom line, not Illinois. Now, I want to make sure, yet, before you get self-righteous on this Bill and you say, 'Oh, we can't do this for business, we can't do that for business, keep in mind, that earlier in this Session we passed almost an identical Bill for the automobile industry, an almost identical Bill. It passed out of here and the Senate unanimously. That Bill dealt with instate, Illinois dealers, who had to deal with out-of-state manufacturers. It was a Bill drafted almost comparable to what this Bill does. It passed out of here, I believe, if I'm not mistaken, unanimously. We've done that in the area, as well, of beer. We've also gotten into the business relationship world with our Franchise Act. We deal with that on a day-to-day basis, here in this state. Now, for one minute you think that we're only caring about the owners, caring about the owners. I want you to keep in mind, that yesterday, here in the State Capitol, from Chicago, members of the Teamster's Local 744 were here, in this Capitol, lobbying on behalf of this Bill because they know and are of the firm belief that if this Bill does not pass, their jobs will be in jeopardy. They know what the national corporations are doing. They know that the national corporations are coming in and buying up the family-owned, independently-owned bottling companies. And they fear for their jobs. So, to suggest this is for one

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person is ludicrous. This is for employees throughout the State of Illinois. This is for people that sell supplies to the bottlers in the State of Illinois. This is for people who sell trucks to the bottlers in the State of Illinois, and who build buildings. This is a Bill about protecting the Illinois economy. It's very simple. You can be for those of us in Illinois that care about our economy or you can be for the people from outside the State of Illinois who could care less about us. Mr. Speaker, I would appreciate an 'aye' vote on the Motion to Concur. Thank you."

Speaker Madigan: "The Gentleman has moved that the House does concur in the, Senate Amendment #1. All those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Please record yourself. The Clerk shall take the record. On this question, there are 63 'ayes', 45 'noes', and the House does concur in Senate Amendment #1 to House Bill 1061. And this Bill having received a Constitutional Majority is hereby declared passed. Mr. Ryder, on House Bill 152."

Ryder: "Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Ryder, if I could interrupt you again, Ladies and Gentleman, Ladies and Gentlemen. The Chair would suggest the same policy on this Bill as the last, which is that three people will speak for the Motion, three against. And then we'll go to Roll Call. Mr. Ryder."

Ryder: "Thank you, Mr. Speaker. For the third time, this is the Illinois Wine and Spirits Industry Fair Dealing Act and I would move that we concur with Senate Amendment #1."

Speaker Madigan: "The Gentleman moves that the House does concur in Senate Amendment #1. Is there any discussion? There

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being no discussion, the question is, 'Shall the House concur in Senate Amendment #1?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? This is a Third Reading Roll Call. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 78 'ayes', 35 'noes'. The House does concur in Senate Amendment #1 to House Bill 152. And this Bill having received a Constitutional Majority is hereby declared passed. Is Mr. Saviano on the floor? Mr. Saviano. Mr. Saviano. Mr. Tenhouse. Is Mr. Tenhouse on the floor? Mr. Tenhouse, House Bill 2283. Mr. Tenhouse. Turn on Mr. Tenhouse."

Tenhouse: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, this isn't quite as controversial as the last two Bills. All this does is deal with some changes that were added as far as the Mid-America port authority. Which was passed, legislation passed here last year, does two things. First of all, it cleans up some language in terms of what we're trying to do here. This would allow Illinois to enter into tri-state agreement with Iowa and Missouri. This just allows for the appointment of those people and clears up some language. And Senate Amendment #2 adds some additional counties that were requested to be included in the port authority district. I would ask for a concurrence of the House on Senate Amendments 1 and 2."

Speaker Madigan: "The Gentleman moves that the House does concur in Senate Amendment #1 and 2. Is there any discussion? There being no discussion, the question is, 'Shall this Motion be adopted?' Those in favor signify by voting 'aye'; those opposed by voting 'nay'. Have all voted who wish? Have all voted who wish? Have all voted who wish?"

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The Clerk shall take the record. On this question, there are 116 people voting 'yes', 0 voting 'no'. And the House does concur in Senate Amendments #1 and 2 to the Bill. And this Bill having received the Constitutional Majority is hereby declared passed. Mr. Saviano. Mr. Saviano, on House Bill 2008."

Saviano: "Thank you, Mr. Speaker, Members of the House. I would move that the, that we concur with Senate Amendment #1 to House Bill 2008. Senate Amendment #1 is a cleanup Amendment. The underlying Bill is to set up a railroad relocation authority between the towns of Bellwood and Melrose Park, for the purposes of constructing underpass. The authority has no authority to tax, it's simply a body to oversee the construction. Funded by, whether it be state dollars or private dollars, railroad dollars. I would ask that we concur with Senate Amendment #1 to House Bill 2008. Thank you."

Speaker Madigan: "The Gentleman moves that the House does concur in Senate Amendment #1 to the Bill. The question is, 'Shall the House concur?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 101 people voting 'yes', 14 people voting 'no'. And the House does concur in Senate Amendment #1. And this Bill having received a Constitutional Majority is hereby declared passed. Representative Hamos. Representative Hamos. Mr. Stroger, 'Do you wish to call House Bill 2005?' Mr. Stroger, on House Bill 2005."

Stroger: "Thank you, Mr. Speaker. I move to concur in Senate Amendments 1 and 3."

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Speaker Madigan: "Mr. Stroger moves that the House concur in Senate Amendments #1 and 3. Is there any discussion? There being no discussion, the question is, 'Shall the House concur in Senate Amendments #1 and 3?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 116 people voting 'yes', 0 voting 'no'. The House does concur in Senate Amendments #1 and 3. And this Bill having received a Constitutional Majority is hereby declared passed. On the Order of Supplemental Calendar #1, 'Is Representative Currie here?' The Chair recognizes Mr. Lang on Senate Bill 1066, which is on the Order of the Supplemental Calendar, Nonconcurrency. Mr. Lang. Mr. Lang, for a Motion to Nonconcur."

Lang: "Mr. Speaker, I move to non... I move to nonconcur in Senate Amendments, Mr. Speaker."

Speaker Madigan: "The Gentleman has moved that the House nonconcur in the Senate Amendments. All those in favor say 'aye'; those opposed say 'nay'. The 'ayes' have it, the Motion carries and the... Mr. Lang, could you... "

Lang: "Thank you, Mr. Speaker. I was as confused as everyone else. I move to refuse to recede with House Amendments to the Senate Bill 1066."

Speaker Madigan: "You've all heard the Motion. Those in favor say 'aye; those opposed say 'nay'. The 'ayes' have it and this Bill having and the House, the Motion is adopted. And the House refuses to recede, request a Conference Committee. Representative Hannig is in the Chair."

Speaker Hannig: "Representative Brady, on House Bill 2355. Representative Brady. Representative Brady, on the Motion

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to concur."

Brady: "Thank you, Mr. Speaker. House Bill 2355 passed the House with 106 favorable votes. This is a Bill that allows for tow truck companies to legally tow large trucks. It provides for a Amendment that adds a stipulation for using an overweight permit by the Senate. I'd ask for your favorable consideration."

Speaker Hannig: "Is there any discussion? Representative Stephens."

Stephens: "Gentleman yield?"

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

Stephens: "Representative, were you here a couple years ago when we did the, 'wide load' legislation? Rather an innocuous, administrative Bill that called for... "

Brady: "Let me ask my staffer."

Stephens: "... Excuse me."

Brady: "I want to ask my staffer. Is that comment directed toward my staffer?"

Stephens: "Should I direct my questions straight to the staff? Is that what you're saying?"

Brady: "Please do, I'll send him over."

Stephens: "You were here during the 'wide load' days and this might be similar, 'Is that true?'"

Brady: "No."

Stephens: "Well, if that's the case, then we're about to go on a journey that will lead to every one of the targeted districts in the state. So, I would caution that we be careful here. The rather innocuous 'wide load' legislation that I sponsored last year, led to about 13 direct mail pieces in every targeted district. And I wonder if that's the future that of, that you are leading us towards. You can consult with your staff, if you wish. My question is,

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'Is it similar to the 'wide load' legislation of 1993?'

Brady: "Staff tells me, no."

Stephens: "Mr. Speaker, to the Bill."

Speaker Hannig: "To the Bill."

Stephens: "If, as I understand the Senate Amendment adds another stipulation for using the overweight, overweight permit. And provides the movement of overweight vehicles shall be valid only on state routes approved by the Department of Transportation. And that sounds rather innocuous to me. But, I remember when we went to the 12 foot wide load and it shall be regulated by the Department of Transportation, it led to a whole bevy of rules and regulations that virtually united downstate communities involved in the farming industry and the movement of vehicles in tow or otherwise and created quite a stir downstate. And I just want to make sure that we're not giving the Department of Transportation 'carte blanche' permission to create some new rules and regulations as to overweight vehicles that were not aware of before we send this legislation to the Governor."

Brady: "Representative, we are not, we are not, in fact, we're limiting it to Department of Transportation roads. Which they are going to now allow someone to legally tow, by permit, a large vehicle that is distressed on the highway or in a location. So, these... these reflect Department of Transportation Illinois Highways. And the ability to legally do this, which is necessary."

Stephens: "Well, with that brilliant explanation, I remove my opposition."

Speaker Hannig: "Representative Bost."

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

Speaker Hannig: "He indicates he will."

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Bost: "Representative, can you tell me how many of the existing counties, I know this says that the language will only allow on state road. How many existing counties out there now have permitting processes available in their county?"

Brady: "Representative, I'm sorry, I don't know the answer to that question."

Bost: "Okay, here's the problem I see with the legislation. We have counties all over the state that have not set up particular permitting procedures for the hauling of overweight vehicles... overweight loads on their county roads. The state could permit, if I remember right, that the language before, that we're not trying to change here, allowed a certain amount of miles off state routes. Would this remove that"

Brady: "The Amendment limits it to state routes."

Bost: "Yeah, okay. The problem is, the state could permit up to so many miles on local roads, before."

Brady: "Representative, we don't change any of that."

Bost: "Okay, the concern I have and... "

Brady: "This only deals with state permits, state roads, authorizing a way for Illinois to legally collect permit fees that the tow truck operators are willing to pay, rather than have to operate illegally. Moving on state roads, on state roads. This only permissive for state roads."

Bost: "... Okay. My, does this have anything to do with permitted tractor-trailer loads overweight, and over with loads that are not on tow?"

Brady: "No."

Bost: "Okay."

Brady: "This is only for emergency tow trucking purposes."

Bost: "Okay, that's the in for... thanks for clearing that up. I

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will support the Bill."

Brady: "Thank you."

Speaker Hannig: "Any further discussion? Representative Brady to close."

Brady: "I ask for favorable consideration."

Speaker Hannig: "The question is, 'Shall the House concur in this Senate Amendment?' All in favor vote 'aye'; opposed 'no'. The voting is open and this is final passage. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 93 voting 'yes' and 19 voting 'no'. And the House does concur in this Senate Amendment. And this Bill having received a Constitutional Majority is hereby declared passed. Representative Hoffman, on House Bill 1165. Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would move that we concur on Senate Amendment #1 to 1165. Essentially, what this does is it indicates that nonhome rule municipalities will have discipline as a permissive subject of bargaining, for nonhome rule municipalities, who have not negotiated arbitration of discipline in the past. In addition, if they have negotiated arbitration in the past, then the legislation would make arbitration of discipline a historical mandatory subject of bargaining for these nonhome rule municipalities. In addition, the contract provisions, that were in effect prior to the Markham Appellate Courts ruling, would essentially be back in place. I think that this is something that is reasonable. It's initiative of the Associated Firefighters of Illinois and address the issue of how we are going to insure that discipline provisions, that had been previously negotiated, are back

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in force. And insure how we are going to deal with the issue of discipline, with regard to these instances in the future. I ask that we concur in Senate Amendment #1."

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

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

Speaker Hannig: "He indicates he will."

Scott: "Thank you. Representative Hoffman, I'm in support of the Bill, but I do have a few questions that I want to ask. I used to do this line of work for several years, so I want to make sure of exactly what we are doing here. So, if you would, I'd like to ask you a couple of questions."

Hoffman: "Representative, I welcome your support."

Scott: "Great. So, there's a decision in a case involving Markham, which invalidated, in essence, a lot of previously negotiated contracts between labor unions and their municipalities."

Hoffman: "Yes, that's true."

Scott: "And, one of the main purposes of this particular Bill, is to say, that in those instances where there was a previously negotiated discipline arrangement, that that would now be a mandatory subject of bargaining in those municipalities."

Hoffman: "Yes."

Scott: "And in the areas where there was not a previously negotiated discipline clause, in their collective bargaining agreement, that would now be a permissive subject of bargaining."

Hoffman: "Yes. If there wasn't a previously negotiated discipline clause, I guess, for a lack of a better term, it would be permissive. Yes."

Scott: "And when we say 'previously negotiated', we mean something that was actually in a collective bargaining

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agreement."

Hoffman: "Yes."

Scott: "Okay. And so, when we say 'permissive bargaining', that's a labor law term of ours. It means that one of the parties can say 'no' and that neither party can then take that particular cause to arbitration."

Hoffman: "Absolutely."

Scott: "Okay. So, when we talk about historical bargaining we'd make sure it was something that was in the contract before, so we're not just talking about one side making a proposal. They may talk about it for a minute, but the other side ultimately says, 'No, that's not something that we want to do.' That wouldn't be considered a historical bargaining. You're talking about something that was actually in a contract."

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

Scott: "And even if there is an arbitration clause in the contract to deal with other contractual disputes, hours of work, shifts, different things, there is a grievance procedure for that. That wouldn't be considered for discipline cases unless the arbitration clause, clearly and specifically designated that it was for discipline cases."

Hoffman: "Yes."

Scott: "Okay. So, the real intent is to put back those clauses which were in contracts before Markham, and then to leave it to be negotiated if both parties agree, in the other instances."

Hoffman: "Yes. In addition, it's to allow for permissive bargaining if they have not negotiated the arbitration. And if they had previously negotiated, to make it historical mandatory bargaining."

Scott: "And again, when we say permissive, that means that, if

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one side doesn't want something to happen on that regard with that proposal, then it can't be arbitrated."

Hoffman: "Yes."

Scott: "Okay. Thank you very much for your answers."

Speaker Hannig: "Representative Murphy. Representative Harold Murphy."

Murphy: "Yes Sir, Mr. Speaker. Will the Sponsor yield?"

Speaker Hannig: "Yes. He indicates he will."

Murphy: "Representative, I think a lot of people are confused with this Bill and they really think it's permissible. But, this Bill is not permissible, is it?"

Hoffman: "It does two things, Representative. The first... Well, actually three things, three general things. The first thing, it only applies to nonhome rule municipalities. It only applies to nonhome rule municipalities. And if you had not previously bargained or had a clause, with regard to discipline and in your contract, it indicates that it is permissive. If you did not previously have the discipline as an agreement. However, if you, prior to the Markham Decision, which I know is in your district, Representative, and I understand your concern. If you, prior to the Markham Decision, if you had previously negotiated discipline arbitration in good faith within the existing contracts, then it would be a historical mandatory subject of bargaining. And also, the last thing essentially it does, is it puts back into effect the previously negotiated discipline arbitrations, which were negotiated in good faith, prior to the Markham Decision."

Murphy: "Yes. Representative, thanks. I understand that. But, in small communities in which I represent, and I represent 13 of them and they're not home ruled, but yet they

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bargained before, then they have to do this. And what's happening here, Representative, you've taken away all the power from the fire and police commissioner. Isn't that right?"

Hoffman: "Well, no, only if you negotiate away that power. So, essentially what we are saying here, is that if those municipalities that you're talking about, if they had previously, Representative, if they had previously bargained and negotiated discipline arbitration in good faith, within their existing contracts, then that is true. It is a historical mandatory subject of bargaining. But, if prior to that, you may have some of those municipalities that didn't do that. They hadn't negotiated their discipline, then it's just permissive. So, it's really if they had done it previously. If they had done it previously, it's mandatory, if they hadn't, then it's permissive. So, you can still negotiate the issue of discipline with the other side in good faith, and either make the issue of discipline always go to the police and fire board, that could still be done, if that's the way it's negotiated or you can go either way. You can say, we're going to have arbitration or we're going to go before the police and fire board, and the employee can choose. Some people do that. Some municipalities, they agree just to arbitrate. So, it really depends on the collective bargaining process."

Murphy: "Except, it's a court case and I understand what you are saying, Representative, and the court upheld. The City of Markham went to court on this issue and the court upheld, so we're going contrary to what the court said."

Hoffman: "Yeah. Representative, the Markham Decision, essentially took away the rights that we have in this Bill."

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That's why we believe it's necessary for the firefighters and the policemen to have those rights."

Murphy: "And so, and so now, you want to go back and take away the rights of the City of Markham and other villages that's not home ruled."

Hoffman: "Well, no. What we're saying is, is that what you'll have to do, if you had negotiated prior to that decision, a discipline arbitration in good faith, within the existing contract, then you always will have to negotiate that. It is a mandatory subject of bargaining. If you didn't do that, if you didn't do that, then it's permissive. And this only applies to nonhome rule. That's, that's correct."

Murphy: "And that's what I'm talking about. Representative, you keep telling me the same thing over. And I understand, that you're very clear. You're very clear, but obviously you're not clear on the court case and where the City of Markham was coming from. And I believe just because you're not home ruled, you ought to have a control of your community. You shouldn't have to listen to arbitrators, when you have police and fire commissioners. And so this is what you're doing. This is what this Bill would do."

Hoffman: "Well, I don't think though, that we're talking about requiring bargaining or making bargaining permissive. Okay? I don't think that bargaining, necessarily means that arbitration will result. The two sides could agree on something else. You see what I'm saying? We're just saying that it would be historical mandatory subject of bargaining, the disciplinary procedure, or if you had not done it before the Markham Decision, it would be a permissive subject of bargaining."

Murphy: "You keep telling me that, Representative, and I agree."

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Except, it seems to me, that we can take this Bill, Representative, can we take this Bill out?"

Hoffman: "Representative, I respect your concerns, but I really want to call this Bill. Okay? I want to call the Bill. I think it's important to the firefighters of Illinois. If I could give you one example and maybe it'll clear it up. An example would be, Rockford. Rockford has bargained these issues. Okay? They have bargained the issue with regard to discipline, but Rockford has never agreed to do anything other than utilize the police and fire commissions for the disciplinary procedures. Therefore, they have not had in their contract... contract the issue of discipline. And it would still be permissive, subject of bargaining under this Bill."

Murphy: "Well, I understand that. And you know that I wasn't talking about Rockford and I understand that, whether you know I do or not. So, we're not talking about the City of Rockford, we're really talking about the City of Markham. And that's where the problem is. And I think it's wrong what this Bill is doing. It's unfair to people who elect the board and the mayor, and the principle in it. We come down and say 'No, this is not right.' We're going to make a law to... circumvents what everything you did. We're going to make a law that says, 'That's no good. We'll run it from Springfield.' And because the firemen say so."

Hoffman: "Well, what was in the contract, and I don't know the specifics about that court case, but what was ever in that contract initially at some point, was agreed to between the organization representing the firemen and the policemen and the city. They made that decision. Why they made that decision, I don't know, but that was bargained fairly. That's still the case here. We would put the previously

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good faith bargain provisions that were bargained prior to the time of that Markham Decision, back into place. And in the future they would still have to bargain with regard to those."

Murphy: "To the Bill."

Speaker Hannig: "Yes, to the Bill, Representative."

Murphy: "Ladies and Gentlemen of the General Assembly. This is a Bill that's destroying one of my communities. A community that I lived in for the last 22 years. We have a police and fire commission, well trained, to take care of local people, and this is a local issue. I don't believe we should be making rules, laws, for everything in the State of Illinois. This has to do with the City of Markham and small cities and villages. I would ask for a 'no' vote on this because it's not right and it's unfair. It's not right and it's unfair. So, please vote 'no'."

Speaker Hannig: "Representative Black."

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

Speaker Hannig: "He indicates he will."

Black: "Representative, the underlying Bill had some language about how promotions of firefighters would be handled. Now, that, that original language has been completely removed from the Bill. Correct?"

Hoffman: "Yeah. There's none of that left."

Black: "Okay."

Hoffman: "The whole issue here is with regard to the discipline bargaining."

Black: "All right. So, the Senate Amendment that you are asking us to concur in, only impacts nonhome rule municipalities. Correct?"

Hoffman: "Yes."

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Black: "It does not affect counties, sheriffs, or the Sheriff's Merit Commission?"

Hoffman: "Not at all. Only nonhome rule municipalities."

Black: "Okay. Fire and Police Chief Associations are neutral. Is that your understanding?"

Hoffman: "They're not against it."

Black: "The Sheriff's Association has withdrawn any opposition."

Hoffman: "If it doesn't affect them, they don't care."

Black: "Right. Right. And the legislation makes arbitration of discipline matters a permissive subject of bargaining, correct?"

Hoffman: "That's, unless there has been a historical record of previously negotiated discipline arbitrations, which were negotiated in good faith. So, essentially what the Bill does, is for nonhome rule municipalities, if you had previously negotiated a discipline arbitration in good faith, within the existing contract, then it is historical and mandatory for the future. But if you hadn't previously, then it is permissive."

Black: "That would seem eminently reasonable to me. Thank you, Representative."

Hoffman: "Thank you."

Speaker Hannig: "Representative Hoffman to close."

Hoffman: "Well, I appreciate some of the Representative's comments and he represents his district well. And I think he does a heck of a job and I appreciate his concerns, but I hope that the people of the chamber really understand what we are trying to do here. We're talking about... we're talking about provisions regarding discipline that were actually already in existence, that were agreements between local municipalities and the organizations that represented firefighters and policemen in this state.

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We're talking about things that were bargained in good faith, that were ultimately, thrown out because of a court decision. What we're saying, is we think that those things that are bargained in good faith, with regard to discipline, should remain. This would do that. It also provides, permissive bargaining for nonhome rule municipalities that have, previously had an agreement, with regard to discipline arbitration. And subsequently, it requires, mandatory bargaining, if you had previously negotiated discipline arbitration in good faith and it was within the existing contract. We're not mandating any agreements. We're mandating, in certain circumstances, that you sit down at a table, across the table from the people who represent your firemen and your policemen, and talk about how we're going to deal with the issue of disciplining individuals. You bargain. You bargain in good faith. You come to an agreement. That's what we are talking about in this Bill. And I would ask for an 'aye' vote."

Speaker Hannig: "The question is, 'Shall the House concur in Senate Amendment #1?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 92 voting 'yes' and 17 voting 'no'. And the House does concur in Senate Amendment #1. And this Bill having received a Constitutional Majority is hereby declared passed. Representative Kosel, for what purpose do you rise?"

Kosel: "I rise to ask that the record reflect on House Bill 2355, that if I had been able to get back to my seat in time, I would have voted 'yes'."

Speaker Hannig: "Thank you, Representative. Representative Hamos

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on House Bill 1769. Okay, out of the record. On the Order of Second Reading, on page 2 of the Calendar, is Senate Bill 311. Representative Garrett. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 311 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Garrett, has been approved for consideration."

Speaker Hannig: "Representative Garrett."

Garrett: "Thank you, Mr. Speaker, Ladies and Gentlemen. Senate Bill 311 simply amends the Civil Administrative Code of Illinois. It limits the provision allowing the Department of Transportation to grant a lease to governmental unit, to government units in counties with a population not less than 500,000 and more than 800,000. It also provides that the duration of the lease may be for a period of time, not longer than 55 years instead of 99 years."

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

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

Speaker Hannig: "She indicates she will."

Black: "Representative, the Amendment, the Amendment has some interesting, let's just say this. My perceptions of this Amendment may be different than yours, I think that's a fair assessment. You're increasing the maximum time period for which the Illinois Department of Transportation may lease it's property from 5 years to 55 years? That's a 50 year jump in a lease, in a period of a lease. What's the genesis of this Amendment? Why, why do you want to make a quantum leap, in the amount of time that IDOT can lease property?"

Garrett: "That's a good question, Representative. The reason we

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are bringing this Bill forward is because it is specific to Lake County. It is specific to Waukegan which is in many areas blighted. And we are trying very hard to redevelop this district and the way in which to attract potential developers, is to eliminate this 5 year negotiation of air rights. IDOT has signed off on this, IDOT is a supporter of this Amendment. And I ask that you would also support it, Representative."

Black: "Representative, my, I've got a couple of concerns. One is, your Amendment is drafted, it impacts any IDOT property statewide."

Garrett: "No, it's specific to Lake County."

Black: "Where does it say that in the Amendment?"

Garrett: "As I read the Amendment, let me go through it again. In counties with a population of not less than 500,000 or more than 800,000."

Black: "Does the Amendment clearly state... we're trying to find the Amendment, I apologize Representative."

Garrett: "I can give you a copy."

Black: "Does the Amendment clearly state that it's limited to a county of so many people adjacent to a county of such and such?"

Garrett: "No, no. Let me say it again, not less than 500,000 or more than 800,000. It is very specific to Lake County."

Black: "Well, the Amendment just simply is about six words. Replacing 5 with 55. So, that must then, when you say the Amendment is specific, you must mean, you must mean the Amendment is specific to the underlying Bill."

Garrett: "I, I, I would concur with that Representative Black."

Black: "Well, now I'm really confused, Representative. Because I'm looking at the underlying Bill, I can give you the LRB number. But, the underlying Bill simply says, Section

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49-13, 'Lease of property. From time to time to lease any land or property with or without a pertinences, et cetera, et cetera, et cetera. Which are not immediately be used or developed by the state provided there's no lease as longer period of time than that which reasonably expected. Further provided, that no such lease shall be for a longer period of time than 5 years.' There's nothing in the underlying Bill that limits it to a county of certain population. And there's certainly nothing in the Amendment."

Garrett: "Okay, Okay, Representative Black. It's the Second Amendment. If you could get your staff to give you the Second Amendment."

Black: "Representative, we don't have a Second Amendment. We only show that one Amendment has been released from Rules Committee. So, if there's another Amendment we don't have it."

Garrett: "Senate Amendment, this is, excuse me, Senate Amendment #1 further amends the Civil Administrative Code of Illinois. Limits the provision allowing the Department of Transportation to grant a lease to a governmental unit, to governmental units in counties with a population of not less than 500,000 more than 800,000."

Black: "Representative, in all due respect to you; Mr. Speaker, an inquiry to the Chair, a parliamentary inquiry."

Speaker Hannig: "Yes, Representative Black? State your inquiry."

Black: "We have the engrossed copy of Senate Bill 311. There is no Senate Amendment #1, there is no modifying language. So, if there's been an Amendment to this Bill, then we have a problem that the parliamentarian's gonna have to straighten out. Here's the engrossed copy of Senate Bill 311, there is no Senate Amendment, of any kind, to this

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Bill. Floor Amendment #1 to Senate Bill 311 simply says, 'Replacing, on page 1, line 15, which is in the engrossed copy. Replacing 5 years with 55 years.'

Garrett: "All right."

Black: "I mean there's nothing in here that's a limiting factor of population and so it impacts us statewide."

Garrett: "Representative Black, let me respond to that. I think what has happened, because I introduced this, as you well know, in committee this morning. Your staff probably doesn't have a copy of that. Can I pull this from the record and make sure... "

Black: "Well, yeah, very definitely because it's not a copy."

Garrett: "... And I will get you a copy."

Black: "I mean all we have is the engrossed version of the Senate Bill and so, if it was amended in the Senate we don't even have that. So, there, we've got a problem here and if you'll take it out of the record and staff get it straightened out. We'd be very grateful."

Garrett: "And I would like to reintroduce it, as soon as you get your information."

Black: "Oh, the Chair will get back to you, I'm sure. We're just trying to figure out what's going on here. I appreciate your indulgence."

Garrett: "We'll give you all the information."

Speaker Hannig: "So, we'll take this Bill out of the record, and we'll have a little pow wow, and then we'll get back to it. And in the mean time, Representative Parke on Senate Bill 43. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 43."

Parke: "Thank you, Mr. Speaker. Senate Bill 43 Amendment #2 is Barbara Flynn Currie's Amendment and I would like her to speak to her Amendment."

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Speaker Hannig: "Okay. Mr. Clerk, read the Bill please."

Clerk Bolin: "Senate Bill 43, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Barbara Flynn Currie, has been approved for consideration."

Speaker Hannig: "Representative Currie."

Currie: "Thank you, Speaker, Members of the House. This Amendment merely sets up a fund, in the Department of Public Aid, so that in the event that a local public health program can show that it is serving Medicaid needs, federal match might be made available. I know of no opposition, no dollar amounts are involved, this merely establishes an intergovernmental financing mechanism, in the event that we were able to use federal dollars to help pay the cost of health care services of the local level."

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

Clerk Bolin: "No further Amendments."

Speaker Hannig: "Third Reading. On page 6 of the Calendar is Senate Bill 646. Representative Woolard. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 646, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Woolard, has been approved for consideration."

Speaker Hannig: "Representative Woolard."

Woolard: "Essentially, what this Amendment does is shells the Bill, prepares it for Conference Committee."

Speaker Hannig: "Is there any discussion? There being none, the question is, 'Shall the Amendment be adopted?' All in

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favor say 'aye'; opposed 'nay'. The 'ayes' have it, and the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hannig: "Third Reading. On page 6 of the Calendar, Senate Bill 659. Representative Mautino. Representative Mautino, on 659. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 659, the Bill's been read a second time, previously. Amendment #1 has been adopted to the Bill. Floor Amendment #2, offered by Representative Mautino, has been approved for consideration."

Speaker Hannig: "Representative Mautino."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Today I present Floor Amendment 2, this is on the point of sale for the telecommunication cards. And it takes care of some of the concerns that were raised about the school construction fund. The language was agreed upon by staff and I simply ask it's adoption."

Speaker Hannig: "And on that question, Representative Bassi is recognized."

Bassi: "Thank you, Mr. Speaker. With regard to House Bill 1165, I would like to be recorded as being a 'no' vote. I inadvertently had pushed the wrong button."

Speaker Hannig: "Okay, and the record will so reflect."

Bassi: "Thank you, thank you."

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

Clerk Bolin: "No further Amendments. Notes have been requested on the Bill as amended and those notes have not yet been filed."

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Speaker Hannig: "Representative Mautino, did you hear that there are some requests for notes? You need to file these notes before the Bill can move to Third. So, this Bill will remain on Second Reading. On page 7 of the Calendar is Senate Bill 4, or excuse me 941. Representative Winters. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 941, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Barbara Flynn Currie, has been approved for consideration."

Speaker Hannig: "Representative Currie."

Winters: "Three, we want three."

Speaker Hannig: "Representative Winters, can you handle, excuse me."

Winters: "We need Amendment 3. We'd like to Table Amendments 1, and 2."

Speaker Hannig: "Representative, do you know if Representative Currie intended to withdraw the Amendment?"

Winters: "I believe she has agreed to simply running Amendment 3 which guts the Bill and puts it into a shell form."

Speaker Hannig: "Okay. So, Amendment #1 is withdrawn. Any further Amendments?"

Clerk Bolin: "Floor Amendment #3, offered by Representative Winters, has been approved for consideration."

Speaker Hannig: "Representative Winters."

Winters: "Thank you, Mr. Speaker. Floor Amendment #3 simply deletes the provisions of the Bill, sends it back over to the Senate where they will refuse to concur. And will put it into Conference Committee."

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

Silva: "Will the Sponsor yield?"

Winters: "Sure."

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Speaker Hannig: "He indicates he will."

Silva: "One of the questions that I had is, 'What is your intent in gutting the Bill, putting it into Conference Committee?'"

Winters: "Well, as we've talked privately, we have a meeting scheduled for tomorrow morning to discuss whether or not we can arrive at some common language to yet get it passed this session. If not, we can ask to extend the Conference Committee to continue work on it over the summer, possibly bring it back in the veto session."

Silva: "I just wanted to clarify that, thank you."

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

Clerk Bolin: "No further Amendments."

Speaker Hannig: "Third Reading. Representative Brunsvold, on House Bill 962. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 962, the Bill's been read a... "

Speaker Hannig: "Excuse me, out of the record, Mr. Clerk. Out of the record at the request of the Sponsor. On page 9 is Senate Bill, excuse me, a change of plans and Representative Brunsvold has asked us to read the Bill. Senate Bill 962."

Clerk Bolin: "... Senate Bill 962, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Brunsvold, has been approved for consideration."

Speaker Hannig: "Representative Brunsvold. Out of the record, we'll get back this. On, on... Mr. Clerk, what is the status of House Bill 52?"

Clerk Bolin: "House Bill 52 is on the Order of Concurrence."

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Speaker Hannig: "And Representative Madigan makes a Motion that the House not concur in the Senate Amendment #1 to House Bill 52. All in favor of the Motion, to just repeat, Representative Madigan moves that we, that the House not concur in Senate Amendment #1 to House Bill 52. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the House does not concur. On page 9 of the Calendar is Senate Bill 1131. Representative Holbrook. Out of the record. Mr. Clerk, are there any announcements?"

Clerk Bolin: "The Rules Committee will meet immediately in the Speakers Conference Room. The Rules Committee will meet immediately in the Speakers Conference Room."

Speaker Hannig: "Representative Brunsvold, could you come to the podium? On page 6 of the Calendar is Senate Bill 827. Representative Durkin. Do you want us to call the Amendment? Okay, Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 827, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Hoeft, has been approved for consideration."

Speaker Hannig: "Representative Hoeft."

Hoeft: "Thank you, Mr. Speaker. Senate Bill 827 is the water reclamation, the Cook County Water Reclamation Bill. We do this every year, in order to increase the boundaries of the water reclamation district we have to come before this group. It has always done with the concurrence with the water reclamation district, there are a series of Amendments here from three different individuals. The first is mine and it is expanding the area in South Barrington, slightly, to include some of the boundary areas of the base group that came in here and asked for this Bill to begin with. Amendment #2, was Mr. Durkin's and it

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also ask for areas. I don't know if you want to take them three at a time or one at a time."

Speaker Hannig: "Is there any discussion on Amendment #1? Question is, 'Shall Amendment #1 be adopted?' All in favor say 'aye'; opposed 'no'. The 'ayes' have it and Amendment #1 is adopted. Further Amendments?"

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

Speaker Hannig: "Mr. Durkin."

Durkin: "Thank you, Mr. Speaker. Floor Amendment #2 is similar to what Representative Hoeft has just done. This is to accommodate a development in the Streamwood area which is unincorporated Cook County, it's a 180 home development. They wish to participate in the MWRD to receive their services. They need the Legislature to approve that, MWRD has signed off and they agree with this Amendment."

Speaker Hannig: "The Gentleman has asked for the adoption of Amendment #2. Is there any discussion? Seeing none, the question is, 'Shall the Amendment be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it, Floor Amendment #2 is adopted. Further Amendments?"

Clerk Bolin: "Floor Amendment #3, offered by Representative Kosel, has been approved for consideration."

Kosel: "I would move that Floor Amendment #3 be adopted, to remove some people from the original Bill that were not able to quite get things together as they wished they could have, before this was adopted. So, I would ask that we adopt this Amendment."

Speaker Hannig: "Any discussion on the Amendment? Motion is, 'Shall Amendment 3 be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and Floor Amendment #3 is adopted. Further Amendments?"

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Clerk Bolin: "No further Amendments."

Speaker Hannig: "Third Reading. Mr. Clerk, what is the status of Senate Bill 608?"

Clerk Bolin: "Senate Bill 608, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Morrow, has been approved for consideration."

Speaker Hannig: "Mr. Morrow."

Morrow: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 608 is the budget for the Prisoner Review Board. It, Amendment, Floor Amendment #2, I'm sorry, Floor Amendment #2 brings the level back to the Governor's introduced level of \$1,292,900. This is a change from FY99 of \$141,800; which is 12.32 increase. Be glad to answer any questions."

Speaker Hannig: "Gentleman has asked for the adoption. Is there any discussion? Seeing none, the question is, 'Shall Floor Amendment #2 be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment has been adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hannig: "Third Reading. Mr. Clerk, Senate Bill 16.. 615."

Clerk Bolin: "Senate Bill 615, the Bill's been read a second time, previously. Amendment #1 was adopted in to the Bill in committee. Floor Amendment #3, offered by Representative Morrow, has been approved for consideration."

Speaker Hannig: "Mr. Morrow."

Morrow: "Yes, thank you Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #3 to Senate Bill 615 just brings the budget of the Illinois Sports Facility Authority back

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to the Governor's introduced level of \$18,000,000. This is the same level that was given in FY99. So, there's no change at all in the budget for this agency. I'd be glad to answer any questions."

Speaker Hannig: "Gentleman has asked for the adoption of Floor Amendment #3. Is there any discussion? Seeing none, the question is, 'Shall Floor Amendment #3 be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and Floor Amendment #3 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hannig: "Third Reading. Mr. Clerk, what's the status of Senate Bill 632?"

Clerk Bolin: "Senate Bill 632 is on the Order of Senate Bills-Third Reading."

Speaker Hannig: "Read the Bill."

Clerk Bolin: "Senate Bill 632, a Bill for an Act regarding appropriations. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Davis."

Davis: "This is a Shell Bill, Mr. Speaker and it studies the long term care rates. And at this point, I think we just changing the effective date."

Speaker Hannig: "The Lady has asked for the passage of Senate Bill 632. Is there any discussion? Seeing no discussion, the question is, 'Shall Senate Bill 632 pass?' All in favor vote 'aye'; opposed 'nay'. 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 this question, 105, 107 voting 'yes', 8 voting 'no' and 0 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. Mr. Clerk, what's the status of Senate Bill 646?"

Clerk Rossi: "Senate Bill 646 is on the Order of Senate

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Bills-Third Reading."

Speaker Hannig: "Place that Bill on Second Reading. Mr. Clerk, Senate Bill 286."

Clerk Rossi: "Senate Bill 286 is on the Order of Senate Bills-Third Reading."

Speaker Hannig: "Place this Bill on Second Reading. Mr. Clerk, other Amendments?"

Clerk Rossi: "Amendments 1 and 2 were adopted in committee. No Motions have been filed. Floor Amendment #3, offered by Representative Steve Davis, has been approved for consideration."

Speaker Hannig: "Mr. Davis. Steve Davis, on Floor Amendment #3."

Davis, S.: "Thank you, Speaker. Let me get my file out here. Floor Amendment 3 is an initiative that came to us from the Metropolitan Airport Authority. And it deletes a section of the law that requires the Illinois Department of Transportation to conduct or cause to conduct an annual program audit of the Metropolitan Airport Authority. I believe that IDOT is in accordance with the removal of this section of the law. Move for it's adoption."

Speaker Hannig: "Gentleman moves for adoption. Is there any discussion? Seeing none, the question is, 'Shall Floor Amendment #3 be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hannig: "Third Reading. Mr. Clerk, what's the status of Senate Bill 574?"

Clerk Rossi: "Senate Bill 574 has been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Durkin, has been approved for consideration."

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Speaker Hannig: "Representative Durkin moves to withdraw Amendment #2. Further Amendments?"

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

Speaker Hannig: "Floor Amendment #3, Mr. Durkin."

Durkin: "Thank you, Mr. Speaker. Floor Amendment #3 becomes the Bill in Senate Bill 574. This is the creation of the Capital Litigation Trust Fund. And what we are going to do, for the first time, is that we are going to create a separate trust fund for the office of the Attorney General, State Appellate Prosecutors, State Appellate Defender, Cook County State's Attorney, and the also, the Cook County Public Defender. In which, they can seek appropriations from the General Assembly to assist for the prosecution and defense in capital punishment cases."

Speaker Hannig: "Any discussion? There being none, all in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hannig: "Third Reading. On the Supplemental Calendar, under the Order of Resolutions, is House Joint Resolution 27. Representative Erwin. Representative Erwin, on your resolution."

Erwin: "Thank you, Speaker. House Joint Resolution 27 just recreates the same Host Committee for the National Conference of State Legislators meeting in Chicago in the year 2000. We have to actually, resolutions only last for the General Assembly in which they're adopted. So, we have to do it again and I would appreciate a favorable Roll Call and invite everyone to help us plan and welcome, we think, 8000 plus Legislators and their families to Chicago for NCSL 2000. Thank you."

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Speaker Hannig: "Is there any discussion? Being none, the question is, 'Shall the Resolution be adopted?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'yes' and 0 voting 'no', and the resolution is adopted. Senate Bill 756. Mr. Clerk, what's the status of the Bill?"

Clerk Rossi: "Senate Bill 756 is on the Order of Senate Bills-Third Reading."

Speaker Hannig: "Read the Bill."

Clerk Rossi: "Senate Bill 756, a Bill for an Act concerning schools. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Daniels."

Daniels: "I think we're going to return this to Second Reading."

Speaker Hannig: "Mr. Clerk, return this to the Order of Second Reading."

Daniels: "And then I think Representative Lang... "

Speaker Hannig: "Representative Lang, do you have a Motion?"

Lang: "Thank you, Mr. Speaker. House Amendment #1, that was added to this Bill, is a Bill regarding safe storage of firearms. While I feel that the language of that Amendment is substantially superior to the Bill we've sent to the Governor's desk. I indicated to Attorney General Jim Ryan, that I would not allow this Amendment to slow down this important Bill relative to safety in our Illinois Public Schools. Accordingly, at this time I would withdraw the Amendment and ask the Body to move to pass Senate Bill 756 onto the Governor."

Speaker Hannig: "Okay, so the Gentleman moves to table Amendment #1. And on that question, all in favor vote 'aye'; opposed 'nay'. The voting is open. Requires 60 votes. Have all

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voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'yes' and 1 voting 'no'. And the Amendment is tabled. Any further Amendments?"

Clerk Rossi: "No further Motions, no further Amendments."

Speaker Hannig: "Third Reading. Representative Daniels, on the Bill."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, Senate Bill 756 is now in the form that passed the Senate and has been sent to us. This is part of Attorney General Jim Ryan's 'Safe To Learn' package of Bills. It requires school officials in both public and private schools to immediately notify a law enforcement agency and the office of the principal in the event that they observe any person in possession of a firearm on school grounds. It also provides that if the law enforcement agency determines that probable cause exists to believe that a minor committed the offense of unlawful use of weapons, the agency shall detain the minor for processing. Which includes allowing the court to order a physiological evaluation and to issue a restraining order. It provides that a person is not immediately bailable before conviction for possessing a firearm on school grounds and that is a condition of a bail bond for possessing a firearm on school grounds. A person is required to submit to a physiological evaluation and refrain from entering upon the property of the school. Considering the recent events that we all witnessed in Littleton, Colorado and of course today in the suburb of Atlanta, Georgia and around the nation; I strongly encourage you to vote 'yes' for this Bill. Which serves to ensure that schools and law enforcement do not ignore or minimize the very real danger of guns in our school. And

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I'd ask for your favorable support."

Speaker Hannig: "And on that question, the Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker. We have a severe problem in this country with violence in our schools and firearms in our schools. And accordingly, I'm proud to stand in support of Senate Bill 756. There's no question we must do more and more to stem this tide. Again today, in Georgia, there was a shooting in a public school. Something must be done about it. Senate Bill 756 isn't the only answer, but it certainly is a good step forward to protect the children in our schools and protect our schools. And to make them safe places for learning that they ought to be. So, I'm happy to stand in a bipartisan way with Leader Daniels and urge your support of this measure."

Speaker Hannig: "The Gentleman from Rock Island, Representative Brunsvold."

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

Speaker Hannig: "He indicates he will."

Brunsvold: "Mr. Daniels, I'm gonna, I'm supporting your Bill and recognize the importance of this issue. Does Attorney General Ryan have a program to address the copycat situation going on in controlling the press and publicizing these events? So, that we get events like Atlanta happening today, which are exactly that, copycat events that are stimulated by the press."

Daniels: "The Attorney General has established a phone call line in which people can call in to report potential violence or potential problems which have been set up to deal with this. As you know, Representative Brunsvold, this House is in the process of reviewing a resolution that would deal with dress codes throughout the State of Illinois. The

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Attorney General has introduced a package of Bills on 'Safe To Learn'. The goal being which, to make sure that the school environment is safe throughout and the Attorney General has been a leader in that area. As far as the press is concerned, we all are encouraging responsible reporting of incidences and notification that there's responsibilities throughout all of our categories. Whether it's legislative, whether it's judicial, in the judges not only taking a strong control of the criminal justice system as it relates to possession, a wrongful possession of guns in schools. But also, in the parental sense, for all of us to do our job and the school districts to do theirs. So, the Attorney General has set up a task force on this issue which has taken direct action on it."

Brunsvold: "Are they gonna also look at video games and violence in movies and things like that, as part of this task force?"

Daniels: "They haven't as of this point, but they have discussed that. And we have had before this House, as you know, language dealing with the internet which has passed the House. Unfortunately, it's stalled in the Senate Rules Committee right now. We have before us several other Bills, we have a resolution that we're looking at, is being studied right now. That would set up a task force of this House and of Members of the House that would review the industries and perhaps set up a rating system for the internet system. All of which would address the issues that you're bringing up right now."

Brunsvold: "I agree and I applaud the Attorney General for doing that. I think we all realize on this House Floor that we could pass some gun laws here and restrict the access of children to the guns and that's fine and we support that."

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But, I think folks ought to realize that we have a problem in society. We have an illness going on in our society that needs to be addressed. And the kids that would go about performing these kind of acts on other kids in their schools, now there's a serious problem and it's not just necessarily guns. Because we can pass all the laws in the world and that's not gonna stop this. The question is, 'When are we gonna address the problem with society and what we've got that's going on in our society that's causing kids to do this?'"

Daniels: "Representative Brunsvold, I agree with your comments. And certainly I am cognizant of the fact that legitimate gun use and ownership in this country has a legitimate purpose and that's much of what you stand for and believe in and I agree with that. We are, as I said earlier in this, on this chambers after the Littleton incident, we need to really completely review all aspects of our responsibility as a society as it relates to the issue of violence and violence in schools. I'm pleased to work with you and Representative Lang and other Members of the House to come forth with the Attorney General's Bills and 'Safe To Learn', which is an outstanding step in the right direction. And to pass legislation, such as this, that would deal with unlawful possession and where a child is wrongfully using a gun in a school grounds and making sure that we have evaluation of that child before they are able to go out and injure somebody. So, I appreciate your support, and also am cognizant of your efforts as it regards legitimate usage of guns for hunting purposes and sport purposes."

Brunsvold: "Thank you, Mr. Daniels."

Speaker Hannig: "Representative Skinner."

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Skinner: "Yes, the Representative from the Democratic side of the aisle asked, 'When we're going to something about internet violence?' Well, we have that opportunity on House Bill 1812, with Senate Amendments 1 and 2. Which would require internet filters on public access computers at schools. This was defeated in our own Public Education Committee yesterday by a 9-9-1 vote. Fortunately, there will be a second chance. Maybe the Gentleman from the other side of the aisle can prevail on some upon some of the 9 'no' votes to filters on internet accessible by school children at the next meeting of the Education Committee."

Speaker Hannig: "Representative Scully."

Scully: "Thank you, Mr. Speaker. In reference to the comments by the last speaker blaming the Democrats for the failure of that Amendment yesterday. I suggest that that person speak to Members of his own side of the aisle. Thank you."

Speaker Hannig: "Representative Daniels to close."

Daniels: "I don't know if that last comment helped pass the Bill or not. But, let me just say the prior speaker that I for one am delighted to have some Democrat help on this Bill. And delighted to have Republican help on this Bill. We go way beyond the issue of partisanship when we deal with legislation of this nature. I want to commend the Attorney General for his, his legislation and his task force and commend all of those that have worked so hard to address the issue of violence in our school. And I ask for favorable support."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there 115 voting 'yes' and 0 voting 'no'. And

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this Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk, read Senate Bill 876."

Clerk Rossi: "Senate Bill 876 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #3, offered by Representative Schoenberg, has been approved for consideration."

Speaker Hannig: "Representative Schoenberg. Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House. Floor Amendment #3 is identical to legislation which Mr. Wirsing had introduced earlier. Pertaining to the ability of Northern Illinois University to enter into contractual relationships, for business training at their Oakbrook Campus. The Procurement Policy Board has endorsed this and I urge the adoption."

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

Clerk Rossi: "Floor Amendment #4, offered by Representative Schoenberg, has been approved for consideration."

Speaker Hannig: "Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #4 clarifies that contractual services for colleges and universities cannot be contingent upon contributions or consulting services as a prerequisite for entering or terminating that relationship. This essentially says, that you can, do not have to pay to play and I urge the adoption of Floor Amendment #4."

Speaker Hannig: "And on that question, Representative Black is recognized."

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

Speaker Hannig: "He indicates he will."

Black: "Representative, this Amendment, as I understand it, would prohibit a practice that has gained momentum, shall we say, in the last year or two or three. If the, if a university wants to enter into a contract with coca-cola for example, to be their exclusive soft drink vendor on a campus. For which financial remuneration (sic-remuneration), obviously, will accrue. Would that be prohibited under this Amendment?"

Schoenberg: "Mr. Black, what, what the Amendment does is clarify that within the contract it could not be required to make a contribution or to engage the services of faculty members as consultant as a condition of the contract. That vendor would certainly not be precluded from doing that. And it's certainly not my, and it's certainly not the intention. If anything, Mr. Black, what I'm seeking to do here is make certain that these relationships are not cozeled, but that they are discreetly separate from each other. Which I think you can agree to or at least I hope that you can."

Black: "I'm not sure. We'll see if you can convince me."

Schoenberg: "Okay."

Black: "For example, again, one of the, let's just say it's a fact of business today that sneaker companies enter into contracts with universities. I think, I think, correct me if I'm wrong, I think Nike has a contract with the University of Illinois. I don't know what all that involves. I'm sure there's financial remuneration (sic-remuneration), reduced cost, if not free equipment for in return they wear the Nike logo on their jersey. I believe, they have it displayed in their stadium and on the

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basketball arena. And there may well be involved in this contract not only remuneration (sic-remuneration) to the university but, I would suppose remuneration (sic-remuneration) to the coaches, what we used to know as 'shoe contracts' a few years ago. Would that be prohibited under this Amendment?"

Schoenberg: "Mr. Black, the purpose of the Amendment is to ensure that these are separate transactions. Let me give, let me give you an analogy which perhaps will make this a, a little clearer. Say the Toll Highway Authority wishes to take, make a project, to go out to bid for a project to do, for their I pass or for some paving of a portion of the tollway. And they say to the, and they say to the vendor, 'We'd like you to make a contribution to Mothers Against Drunk Driving because, as you know, Mothers Against Drunk Driving is a very worthwhile cause.' There's nothing to preclude the encouragement of making, of helping worthwhile causes like Mothers Against Drunk Driving or the, or a university's athletic program. All I'm saying is that they should be separate transactions and not within the same contract. So that, it's not as if you are requiring somebody to make what is called a contribution. And requiring somebody to hire personnel under your employ as consultants as a prerequisite to doing business with this state agency and with this institution. That's not to say that they can't do it if they, I certainly want vendors to be contributing to these worthwhile programs. All I'm saying is, they should be separate transactions."

Black: "Representative, I can certainly understand the example as it pertains to the Tollway Authority or the Department of Revenue or any entity, normal entity that we would associate with government. The concerns being expressed to

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me largely come from the collegiate community in the State of Illinois. Would it be possible to exclude our collegiate communities from this provision?"

Schoenberg: "Mr. Black, this Amendment will not prohibit schools like the University of Illinois at Champaign-Urbana, it will not prohibit the University of Illinois at Chicago, Northern Illinois, Southern Illinois or any other state institution from receiving contributions. What it does do is set parameters which protect them so that you can't put it in the contract that if you don't make a charitable contribution we will terminate your business."

Black: "Excuse me just a minute, Representative. Thank you very much Representative, I do appreciate your indulgence and I do appreciate what you're doing. Mr. Speaker, if I could, by the applicable rule in House Rules, I'm joined by a significant number of colleagues on my side of the aisle, raise your hands. Thank you. We'd request a record Roll Call on Amendment #4 to Senate Bill 876. And if I could, to the Amendment, Mr. Speaker."

Speaker Hannig: "To the Amendment."

Black: "Thank you. I, I appreciate and understand what Representative Schoenberg is trying to do, no one has worked any harder than he has on cleaning up the Procurement Code of Illinois. And I commend him for doing that, it was a mess and he's done yeoman work. My only fear with Amendment #4 and the reason I have asked for the record vote, I'm just not comfortable with colleges being included. I won't say that it's the right thing to do, I'm just telling you that the way things are done today there are, colleges do enter into exclusive contracts with bidders. It's being done all across the country. The rightness or the wrongness of that could be debated far

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longer than we have time here. But, Coca-Cola, Pepsi-Cola, Nike, Converse, you name it, entire stadiums are being named after sponsors. And obviously, there is a financial remuneration (sic-remuneration) to the college or university for that fact. My only fear is that by passing Amendment #4, if you somehow inadvertently take this ability away to raise outside money for libraries, it's conceivable that this could be used for a library, not just an athletic program. Then, where do you think the money is gonna come from? Out of GRF, money hard to come by. I would be more than willing to work with the Sponsor to tighten this up if he thinks there's a problem in these exclusive bidding contracts where our universities are concerned. I think he's on target with most other agencies of the State of Illinois but, who knows. If the Tollway Authority could sell advertising and help pay maintenance and I could ride down the tollway to see a logo of some food company, I guess that wouldn't be all bad. So, I, I'm certainly not opposed to what the Representative is doing, I am opposed to some of the implications that will occur in Floor Amendment #4 if adopted. And I would urge the Members to reject Amendment #4, I don't think it will harm the overall intent of the Gentleman's Bill. And I would urge a 'no' vote on Floor Amendment #4."

Speaker Hannig: "Representative Wirsing."

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

Speaker Hannig: "He indicates he will."

Wirsing: "Representative, just a couple of questions. I know that I sat in committee this morning and heard your presentation, 'Is there any opposition to Amendment #4?' I guess, I want to clarify that."

Schoenberg: "No one, no one expressed, there were no witness

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slips filed in opposition to Amendment #4."

Wirsing: "Has... "

Schoenberg: "And frankly, Mr. Wirsing, Amendment #4 reinforces pretty much what all of us acknowledge are the boundaries between what is proper for soliciting charitable contributions in return for state business."

Wirsing: "... Has anybody come to you with concern about Amendment #4?"

Schoenberg: "No one has expressed to me any concern about Amendment #4. I, in fact, I think it's rather benign and I'm surprised at Mr. Black's insistence that people not support it because I'll tell you, if a Chicago Alderman came to a local businessman and said, 'I need a contribution to my favorite cause for you to get this zoning change.' I don't think there's anybody here who would say we should allow that to happen."

Wirsing: "I don't know maybe you thought that was pretty good. Clarify for me, 'Does this include community colleges?'"

Schoenberg: "I'm sorry sir, could you repeat that last question?"

Wirsing: "Does Amendment #4 include community colleges?"

Schoenberg: "Mr. Wirsing, to reference the language in the Amendment, they're colleges, universities or institutions that are under this jurisdiction of the State Governing Board."

Wirsing: "So, you're saying it does include community colleges? Are you saying it does not or does include community colleges?"

Schoenberg: "It does not specifically address community colleges."

Wirsing: "Okay. Now, the Procurement Act included all state agencies or state entities including universities and community colleges. I'm curious as to why this did not

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include community colleges?"

Schoenberg: "Well, Mr. Wirsing, the Procurement Law, of which I was the author, did not specifically, it referenced state agencies and quasi public entities that range from the colleges and universities to the Toll Highway Authorities to all the other quasi public entities. It would be my interpretation that if, that it would be, that if those institutions are also governed by the state's Procurement Code that this, too, would be. And I just want to say that I acknowledge the unique circumstances of the fine work that they do at Northern Illinois University for their business training programs, that was addressed in Floor Amendment #3. And I think that Floor Amendment #4, in whatever the contractual relationship, provides further protection for the institutions and for the vendors. So, that there are no misunderstandings about requiring charitable contributions in order to receive any kind of government business."

Wirsing: "Well, I'm just trying to look at your Amendment and what it's net worth is. And I, that's where I'm having a problem, why I'm asking the questions. If you're going to include, if you're going to go after the 9 public university systems in the state, which you're saying that's what this Amendment does. When the Procurement Act includes all of higher education which is the community college system, I'm, I find it curious why that's not in there. And leads me to, to the previous, Representative Black offered to work on this Amendment because it, it does not complete what you say you're attempting to do. And that, so, I'm, help me out here. Why, once, why... "

Schoenberg: "Mr. Wirsing, I'd be happy to help you out."

Wirsing: "... Excuse me."

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Schoenberg: "Mr. Wirsing, the Amendment says, that if it falls under the state's governance then we in fact, then it would in fact, that it would in fact be subject to the Procurement Code. And for the purposes of legislative intent, I'd like to state that in the promulgation of rules for this, should it become law, that we would have it be inclusive for all institutions that come under state governance, including community colleges. I think the intention is clear, we don't want to require contributions as a prerequisite to state business."

Wirsing: "Well, I guess, I would disagree. The intent and the wording do not follow through to what you're saying is legislative intent. That's really a reach and I've read this Amendment several times and reviewed it. It, the, what is in this Amendment, did this go through the Procurement Policy Board? Was that, as most of the, anything relative to the new Procurement Act has had to do?"

Schoenberg: "No, this is not Mr. Wirsing."

Wirsing: "To the, to the Amendment, Mr. Speaker."

Speaker Hannig: "Yes, to the Amendment."

Wirsing: "I, as I read this, this Amendment I find that it's short in what the Sponsor indicates he's trying to do. There's a great deal of concern that's already been registered about potential loss of dollars into our university systems. When at the same time, we as Legislators, are telling our universities to be more entrepreneurial, go out and generate income, non tax dollar income to pay some of your Bills. And I find this Amendment to be very troublesome and restrictive in allowing that to happen. So, it, it has the potential, in my mind, of causing a financial shortfall that is already

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flowing through universities. And I know that the Sponsor indicated there was no, no formal opposition. But, I can tell of the Members here today that there is a lot of opposition and great concern about Amendment #4. I respectfully submit that and ask for your 'no' vote, on Amendment #4."

Speaker Hannig: "Representative Tom Johnson."

Johnson, Tom: "Will the Sponsor yield?"

Speaker Hannig: "He indicates he will."

Johnson, Tom: "Jeff, I basically support what you're saying in this Amendment, you know. But, I also believe that this is really kind of a hostile Amendment to this particular Bill and and I, and that's why I'm going to be voting 'present' on this. And when you put it in as a straight up Bill and probably some other stuff that we need to get done, you know, I think that would be the appropriate way to do it. And I, I certainly don't want to see the underlying Bill here held back and so on because of the debate we're having on your particular Amendment here today. So, that's why my vote is gonna be 'present'."

Speaker Hannig: "Representative Schoenberg to close."

Schoenberg: "Contrary to what those on the other side of the aisle have tried to characterize this, I just want to share with you my personal experience with this issue. Which is, when University of Illinois at Champaign-Urbana sought to enter into an exclusive pouring rights contract for their athletic contests, I welcomed the opportunity for the university to receive corporate dollars to fund many worthwhile programs at the university. The issue I took was that, I don't believe that it should be in the same contract that a soft drink vendor or any other vendor should have to give money as a contribution and how your

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faculty members, as a consultant and if they fail to do so then they would lose that state institution's business. What ended up happening when I raised this issue is that the university met with me, I met with their attorneys, I met with their vice president of business. And they separated the transactions and that's all I'm asking you to do, is separate the transactions. Nobody is gonna lose any money and all I'm saying is, 'You don't have to pay to play' to do business in Illinois. Thank you."

Speaker Hannig: "The question is, 'Shall the Amendment be adopted?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take, Mr. Clerk, take the record. On this question, there are 58 voting 'yes' and 55 voting 'no', and the Amendment is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hannig: "Third Reading. Mr. Clerk, what is the status of Senate Bill 480?"

Clerk Rossi: "Senate Bill 480 is on the Order of Senate Bills-Third Reading."

Speaker Hannig: "Mr. Clerk, return, return that to the Order of Second Reading. Are there any Amendments? Representative Turner, there was some confusion as to the status of House Amendment #2, but apparently that is already on the Bill. And so, Mr. Clerk, would you move that to the Order of Third Reading and read the Bill?"

Turner, J: "Thank you."

Clerk Rossi: "Senate Bill 480, an Bill for an Act amending the Code of Civil Procedure. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Turner."

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Turner, J.: "Thank you, Mr. Speaker. This Bill as I indicated yesterday when we put the Amendment on is now a compromise between the Illinois State Medical Society, the Illinois Trial Lawyers Association and the Illinois Bar Association. It puts some caps on medical records that patients obtain from physicians or from hospitals and it also places caps on medical records. And I'm talking about the cost of copies on legal records that clients obtain from their attorneys. And the caps are as follows: the maximum amount that can be charged is a \$25 processing fee, 37¢ per page with exceptions for microfiche and microfilm which can be charged at a rate of \$1 per page. And there is also a COLA put into the statute per the Amendment. I ask for an 'aye' vote."

Speaker Hannig: "Is there any discussion? Representative Ryder."

Ryder: "Thank you, Mr. Speaker. I want to compliment the Sponsor on this Bill, he's worked long and hard. Through his perseverance and great effort we have an Agreed Bill. I just can't tell you how great the Sponsor is on this piece of legislation. What, he is the guy. I urge your support."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk, read Senate Bill 618."

Clerk Bolin: "Senate Bill 618, the Bill's been read a second time, previously. Amendments 1 and 2 were adopted in committee. No Floor Amendments, no Motions filed."

Speaker Hannig: "Out of the record. On the Order of

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Concurrences, Representative Andrea Moore. Are you prepared on Senate Bill 2180? Representative Moore."

Moore, A.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Amendment #1 to House Bill 2180 was legislation that was brought to us and drafted by the Chicago Bar Association and the Cook County State's Attorney. In conjunction with the National Indemnity Corporation to try and remedy long standing problems with Cook County's indemnity fund. Mr. Speaker, this is really a complicated piece of legislation; could we have order, please."

Speaker Hannig: "Could you give the Lady your attention, please."

Moore, A.: "There's \$23,000,000 in unsatisfied judgements outstanding, plus statutory interest at 9%. These revenues that would be obtained from this legislation would improve the indemnity fund and I would ask for concurrence."

Speaker Hannig: "Is there any discussion? There being none, the question is, 'Shall the House concur in Senate Amendment #1?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 58 voting 'yes' and 53 voting 'no', and the Motion fails. Representative, you can file the Motion again. Mr. Clerk, read Senate Bill 608."

Clerk Bolin: "Senate Bill 608, a Bill for an Act regarding appropriations. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Morrow."

Morrow: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Earlier today we just adopted a Floor Amendment to Senate Bill 608 that brought the budget to the Prisoner Review Board back to the Governor's introduced level of \$1,292,900. Which is a \$141,800 increase over FY99. I'd

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be glad to answer any questions."

Speaker Hannig: "Is there any discussion? There being none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes' and 0 voting 'no'. And this Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk, read Senate Bill 615."

Clerk Bolin: "Senate Bill 615, a Bill for an Act making appropriations. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Morrow."

Morrow: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This budget was also dealt with earlier today on Second Reading when we adopted an Amendment to Senate Bill 615. Which is the budget of the Illinois Sports Facility Authority. The Amendment that we adopted earlier today brought the level of... for this agency back to the Governor's introduced level of \$18,000,000. Which is exactly the same amount as FY99. Be glad to answer any questions."

Speaker Hannig: "Is there any discussion? The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there 116 voting 'yes' and 0 voting 'no'. And this Bill having received the Constitutional Majority is hereby declared passed. If I could have your attention, please. At this time the Chair will ask that the chamber be at ease for a few moments. At 5:00 the Executive Committee will meet for the purposes of discussing a Gaming Amendment. And after that committee

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has held it's deliberation, it's the intention of the Chair to resume at 5:30 so that we can consider the outcome of that debate. So, at this time the House will stand at ease. The House will be in order. The Members will please be in their seats. Mr. Clerk, do we have any Committee Reports?"

Clerk Rossi: "Committee Report. Representative Dan Burke, Chairperson from the Committee on Executive, to which the following measure was referred, action taken on May 20, 1999, reported the same back with the following recommendation/s: 'recommend be adopted' House Amendment #3 to Senate Bill 1017."

Speaker Hannig: "Representative Biggins, would you like to move to Senate Bill 1778, on the Order of Concurrences? Representative Biggins."

Biggins: "Thank you, Mr. Speaker. I'd like to move to concur on Senate Amendments 1 and 2 to House Bill 1778. A matter involving the calculation of the sales ratio study for Cook County and also to the rest of the state, as well in terms of the decreasing the size of government by taking a four page form and making it a two page form. And still getting the required information to make the same studies affecting the real estate transfer tax as well. I appreciate an 'aye' vote."

Speaker Hannig: "The Gentleman has moved that the House concur in Senate Amendments #1 and 2 to House Bill 1778. Is there any discussion? The Gentleman from Cook, Representative Lang."

Lang: "Pardon me one moment while I find my file, Mr. Speaker. Will the Gentleman yield?"

Speaker Hannig: "He indicates that he will."

Lang: "Oh, that's fine. I will find my file and, where are we?"

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Oh, there he is, Representative Biggins. So, I have to admit I wasn't completely listening when you explained the two Senate Amendments. Could you run them by us again, Sir? Please forgive me."

Biggins: "Yes, thank you. Senate Amendment #1, well it's rather technical in nature, deletes provisions mandating the Department of Revenue apply separate township equalization factors if there are substantial differences in the assessment level in the townships. Deletes the provisions except in counties that elect a county assessor from certain provisions. Provides that the department may not include in its sales ratio study cellar paid point and the reported sale price in the initial sale of residential property that has been converted to condominium property. Deletes the provision excluding from the real estate transfer tax, the outstanding mortgage stated in the deed or the document and changes the required information on the transfer declaration."

Lang: "Was that Amendment 1 or was that both Amendments?"

Biggins: "That was Amendment #1, Amendment #2 restores the provision excluding from the real estate transfer tax the outstanding mortgage stated in the deed or trust document. Deletes the amendatory provisions including any person who prepares a transfer declaration within the penalty provisions of the Real Estate Tax Transfer Law. It is supported, I might add, by the Cook County Assessors Office, the County Assessment Officers Association of Illinois, the Department of Revenue, and there are no known opponents. Also, has the support, I understand, of the Chicago Bar Association."

Lang: "With all due respect, Representative, I'm an attorney and I've no idea what you just told me on those two Amendments."

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I don't know if anybody else does either. Can you tell me what those things mean?"

Biggins: "Well, Representative, I, I know you're familiar with the real estate transfer declaration because, because you are an attorney and I presume you've done some closings."

Lang: "I'm certainly familiar with the real estate transfer declaration. But, I don't know how you're changing it. If you would just tell me that, we'd be in great shape."

Biggins: "Well, maybe I can give you visual explanation."

Lang: "Careful."

Biggins: "This is the current real estate transfer declaration sheet commonly called the 'green sheet'."

Lang: "The 'green sheet', I'm familiar with that and hence the green color."

Biggins: "For those of, yeah, of color blind this is a green sheet, just to help. This is the new transfer declaration form, 1 1/2 the size of the other."

Lang: "The same information on it?"

Biggins: "No, we've eliminated information considered to be extraneous, but maintained the information to which the real estate transfer declaration tax can be collected. And also, changed some of the information to be reported for purposes of calculating a more accurate classification or multiplier for Cook County."

Lang: "So, that's what the Amendments do? It changes the requirements that would be on what used to be called the 'green sheet'?"

Biggins: "Yes, it does."

Lang: "And so, this Bill as, if we concur we're gonna have the sheet that's in your right hand as opposed to the sheet that's in your left hand?"

Biggins: "That's correct."

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Lang: "So, this is, this is, the whole Bill is technical then. There's no real change in the law about transfer of property, it's just about the document."

Biggins: "That's correct."

Lang: "Will the new sheet be green?"

Biggins: "I have not determined the color, yet. I'd be happy to work with you on that."

Lang: "You know, there's some horse racing people here today who know another kind of green sheet. Would they be confused by any of this debate?"

Biggins: "I don't know that the horse racing people that are here today would be confused by this, I don't think so."

Lang: "All right, thank you, Representative."

Speaker Hannig: "Is there any further discussion? There being none, Representative Biggins to close."

Biggins: "I would request an 'aye' vote."

Speaker Hannig: "The question is, 'Shall the House concur in Senate Amendments #1 and 2 on this Bill?' All in favor vote 'aye'; opposed 'nay'. The voting is open. And 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 this question, there are 109 voting 'yes' and 0 voting 'no'. And the House does concur in Senate Amendments #1 and 2. And this Bill having received a Constitutional Majority is hereby declared passed. Representative Andrea Moore. Representative Andrea Moore on Senate Bill 349. Mr. Clerk, read the Bill."

Moore: "Thank you, Mr. Speaker."

Speaker Hannig: "Excuse me, Representative. Let the Clerk read the Bill."

Moore: "Thank you."

Clerk Rossi: "Senate Bill 349 has been read a second time,

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previously. Amendments #1 and 2 have been adopted to the Bill. No Motions have been filed. Floor Amendment #4, offered by Representative Andrea Moore, has been approved for consideration."

Speaker Hannig: "Representative Moore."

Moore: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would move to concur with Senate Amendment #4 which brings the financial institutions into the new Telemarketing Act that was created by Senate Bill 349. At the same time it recognizes that financial institutions have not previously been covered by federal telemarketing laws and need some time to address the compliance issues in order to prepare for the required changes and I would ask you to support the concurrence."

Speaker Hannig: "The Lady has moved for the adoption of the Amendment. Is there any discussion? There being none the question is, 'Shall House Amendment #4 be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 1769. Excuse me, that's on the Order of Concurrence, Representative Hamos."

Hamos: "Thank you, Mr. Speaker. I move that we concur with Senate Amendment #1 to House Bill 1769. By way of explanation, this... this is a Bill that applies only to Cook County and it applies to situations in which the Housing Court has appointed a receiver for dilapidated (sic-dilapidated) properties that have been brought into Housing Court. The receiver does do some kind of a study, a feasibility study, and if the receiver finds that the property cannot be brought into the minimum standards of

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health and safety, then the receiver incurs some costs. Under this Bill Cook County will set up a feasibility study, a receivership feasibility study and fee fund. This is with its own money. It's money that has... that it has right now in an indemnity fund and with that money the receiver, under court supervision, can be reimbursed for the kinds of expenses that the receiver has incurred in finding that housing cannot be brought into good repair and I ask for your support."

Speaker Hannig: "And on that question the Gentleman from Vermilion, Representative Black, is recognized."

Black: "Excuse me, Mr. Speaker, will the Sponsor yield?"

Speaker Hannig: "She indicates she will."

Black: "I was attacked by my microphone. Representative, a question was raised in committee and staff indicates that the question is still a legitimate concern, it's unclear to us if the provisions of Senate Amendment #1, in fact, may very well apply statewide. What assurance can you give us that that is not the case?"

Hamos: "Let me answer that in a couple ways and, Representative Black, I did have an opportunity to take the documents that we uncovered in our research, to Representative Turner before I brought this to the floor. Let me see if I can explain this. It's a little convoluted. There is a section in the Torrens Act which sets up an indemnity fund and that indemnity fund pertains to three sections of law, two of which have now been repealed. The third section of that law, again, referencing this indemnity fund, also refers to two sections of law that have been repealed. So under the current law there can be no other indemnity funds created, under Illinois statutes. The only indemnity fund that has been created in the past is the one that Cook

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County created. As I understand it the Legislature eliminated the Torrens Fund in Cook County several years ago, in '92. In the Torrens Indemnity Fund \$4 to 5,000,000 has now been set aside to pay for those leftover claims. That indemnity fund, again, was created under past law. There are no more indemnity funds that can be created under current law because all those relevant sections have been repealed. So that's my first answer. The second answer, I'd like to point to, is that this says the new section that I'm introducing under House Bill 1769 says the receiver may petition the court for reimbursement, for the cost of the feasibility study from the Receivership Feasibility Study and Fee Fund. So first of all this is 'may' language and secondly that Receivership Feasibility Study and Fee Fund will not exist in any other county, except Cook County because under the provisions of this Act it can only be created from this indemnity fund. That was a very convoluted answer, but when Representative Turner and I had a chance to go through that we were pretty convinced that this only applies to Cook County."

Black: "Well, Representative, since there is no population trigger in the Bill which we normally would see for something that it would impact only the county of Cook, can you give me some reasonable assurance without digging out the statute books behind us. Are you confident that there isn't an indemnity fund in any county statewide, other than in Cook, that's already in existence and maybe has been in existence for decades?"

Hamos: "Well, Representative Black, from everything that we understand there is no indemnity fund in any county but Cook, #1, and #2 this specific receivership study, feasibility study and fee fund would have to be created by

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a county board, #2, and #3 any receiver would... it's 'may' language whether they could petition the court for a fund that didn't even exist in any other county. So it is the statutory intent of this Bill to pertain only to Cook County where there is this indemnity fund, where the Cook County would like to set aside a very small amount, \$250,000, to pay for these un... you know, unusual costs for the receiver and be able to move forward in tearing down dilapidated (sic-dilapidated) property."

Black: "Well, let me change direction here just a little bit. It's my understanding that the Cook County Indemnity Fund is insolvent. Is that correct?"

Hamos: "No. The Cook County Indem.... The Torrens Fund, as I understand it, is insolvent. But because there were some leftover claims Cook County has set aside four to five million dollars in the Torrens Indemnity Fund, and it's out of that four to five million dollar fund that Cook County would now like to set aside \$250,000."

Black: "But in fact that money is obligated to pay claims against the fund, is it not? Where is this... "

Hamos: "Well, it will be. It is paying claims as they come in, but Cook County believes that it can set aside 250,000 from that fund."

Black: "Okay. Mr. Speaker, to the... to the Motion to concur in the Senate Amendments if I could. I.... I'm going to do something I don't really like to do. I can be as reasonable as anybody on the floor of this House and on occasion I have been, but that often is not... that often is not in the best interests of the Body or the statewide. But I'm just going to send a message to my downstate colleagues. This is a complicated piece of legislation. I don't know whether there could be an indemnity fund in a

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downstate county that was established years and years ago. I don't know. I tend to believe the Sponsor is probably correct in saying that there isn't, but I'm going to tell you something, if there is and since this Bill will allow under the Torrens Act, if your indemnity fund doesn't have any money then you're going to have to pay some claims. In a downstate county the only way you're going to pay some claims is to raise your property taxes, and in all due respect to you, Representative, and I think you're probably right but the hour grows late and I know neither one of us want to continue the discussion for 30 minutes, I intend to vote 'no' to protect my interests in the downstate counties of Vermilion and Iroquois, and I would say to my downstate colleagues this is a very complicated issue. This is one of those things we could vote for in a feel good movement and it's probably... the Sponsor is probably absolutely correct, it only impacts Cook. My warning to you, is if it doesn't, you're going to hear about it and that's why I intend to vote 'no'."

Speaker Madigan: "Representative Hamos to close."

Hamos: "Thank you, Ladies and Gentlemen. Just disagreeing with the esteemed speaker before me, this isn't that complicated in that it's pretty straightforward that receivers, in fact, are very important to the whole system of Housing Courts. We do have dilapidated (sic-dilapidated) property probably everywhere, but in Cook County when this is setting aside a very specific kind of fund that Cook County wants to absorb itself, it's not asking much from us and it really only deals with the situations where there is property out there that needs to go to probably demolition. The Senate passed this unanimously because it really only applies to a very narrow set of circumstances and it's

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something that Cook County has asked us to do, so I ask for your support. Thank you."

Speaker Madigan: "The Lady moves that the House does concur in Senate Amendment #1. Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 70 'ayes' and 45 'noes'. The House does concur in Senate Amendment #1 and this Bill, having received a Constitutional Majority is hereby declared passed. House Bill 1017 (sic-Senate Bill), Mr. Brunsvold. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1017 has been read a second time, previously. No Committee Amendments. Floor Amendment #3, offered by Representative Brunsvold, has been approved for consideration."

Speaker Madigan: "Mr. Brunsvold."

Brunsvold: "Thank you, Mr. Chairman... Mr. Speaker, Ladies and Gentlemen of the House. Amendment #3 really has two provisions. One on dockside gambling with our riverboats and the other provision has to do with the horse industry in this state. Both industries, right now, are in trouble. Our riverboats are in competition with other states and we're losing money in taxes to the state. And our horse racing industry is ailing and we have known that and it has been going down for years now and we'd like to... like to really save both entities, if we can. This Bill addresses that issue. On the dockside riverboat issue, language is there for a contiguous... or continuous egress and ingress into the boats. In other words, dockside gambling there's provision for a four year license if the Gaming Board

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chooses to do so. There's language in there for relocation of the boat that is presently not being used in this state. There's also language in there for 20% minority ownership or female ownership in a boat... in the boat that really is going to be relocated. And a hundred million dollars into the Education Assistance Fund. So, those... that basically covers the... the elements of the riverboat and I'd like to yield to Mr. Cross, who will go over the provisions of the horse issues on the Bill."

Speaker Madigan: "Mr. Cross."

Cross: "Thank you, Mr. Speaker. This Bill does a variety or several major things relating to the horse racing industry and I will try to outline them brief... as briefly as I can. One; it reduces pari-mutuel taxes from three to 1.5%, which is about the national average. 2; it allocates 15% of adjusted gross revenues of the relocated license to horse racing. In addition, it allocates 2% from the relocated license to the University Athletic Capital Improvement Fund. 3; the proceeds of the tax reductions and the revenue from the riverboat gaming is split 50/50 between the race track and horse purposes... horse purses. The Bill will provide a substantial infusion of new revenue into the industry to preserve as well as enhance the quality of horse racing. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Black."

Black: "Yes. Thank you very much, Mr. Speaker. Which one of the Sponsors do I ask to yield? The captain of the ship or the jockey on the horse?"

Speaker Madigan: "I... I... I guess that Mr. Brunsvold would be available to answer questions on gaming and Mr. Cross... "

Black: "Yes."

Speaker Madigan: "... would be available on racing."

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Black: "Yes. Well, the captain certainly would be the ranking officer here. Nothing against jockeys, you understand. But if the captain, if Representative Brunsvold will yield, I'd like to ask him a few questions."

Speaker Madigan: "The Sponsor yields."

Black: "Thank you. Representative, I listened to your explanation very carefully. Is there anything in the Amendment that would permit or require, either word, a municipality who wants to take the existing license from the Silver Eagle to conduct a referendum before they could accept the license?"

Brunsvold: "No. No referendum, Mr... Mr. Black. They have to have approval, however, but there's not a referendum."

Black: "Approval of... "

Brunsvold: "The municipality, for example, would have to approve of it."

Black: "The governing board of said municipality?"

Brunsvold: "Absolutely."

Black: "By Resolution I... "

Brunsvold: "Resolution... "

Black: "... would suppose. All right."

Brunsvold: "... council action."

Black: "Okay. So, one could say that the peoples' elected Representatives would make the decision. If they make the wrong decision, obviously, they'll be held accountable at the next election."

Brunsvold: "Be like any municipality. I'm sure they'd have... "

Black: "Okay."

Brunsvold: "... a hearing to decide whether they wanted to do it and let everybody... "

Black: "Well, I think in one draft there had been a... referendum provision... "

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Brunsvold: "There had been... "

Black: "... in one of the drafts... "

Brunsvold: "... in an earlier draft."

Black: "... and I... I personally favor that, but I... that's why I wanted to make sure that it was or was not in there. In Floor Amendment #3 is there language that changes the current Riverboat Act, as I understand it, that was enacted in 1991? It had a specific number of boats that must be on the Mississippi River."

Brunsvold: "Correct."

Black: "Is there language in Floor Amendment #3 that changes that number?"

Brunsvold: "The number originally was four and now it's three."

Black: "All right. In the enacting legislation, it's further my understanding that there was language that a boat was to go to a city in some economic distress. The last time I was in Rosemont, I'm not there often, but the last time I was in Rosemont I thought it was doing fairly well. Is that language... Is the language indicating that it was a city in some economic distress, has that been changed in Amendment #3?"

Brunsvold: "The staff indicates that's not been changed."

Black: "Very interesting. The... And it also, you said, had a dockside provision in Amendment #3 which would be very similar, I assume, to what Iowa has, correct?"

Brunsvold: "Similar, but not exactly alike."

Black: "Well, can you enlighten me? I mean, to me... "

Brunsvold: "Iowa... Iowa requires boats to cruise 100 times a year and usually what happens is they pick a very early morning cruise of 8 o'clock in the morning and they cruise and then come back to the dock... "

Black: "Okay."

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Brunsvold: "... and sit there for the rest of the time."

Black: "And this Amendment would allow a permanent mooring of a boat?"

Brunsvold: "Yes."

Black: "Okay. Nothing in this Amendment can be construed as creating any new licenses, correct?"

Brunsvold: "There are no new licenses... "

Black: "All right."

Brunsvold: "... in this Bill."

Black: "Thank you. Mr. Speaker, Mr. Speaker could I... "

Speaker Madigan: "Mr. Black."

Black: "Yes. Could I... I now would like Representative Cross, the trainer of Sea Biscuit, to answer some questions, if he would."

Speaker Madigan: "Mr. Cross."

Cross: "Yes."

Black: "Representative, you mentioned that... something about a Universities Athletic Capital Improvement Fund. (sic-State University Athletic Improvement Fund) Is that going to be funded out of the boat or some kind of a new racing privilege tax?"

Cross: "Representative, it's going to come out of the tenth license that where it ends up, I don't know. Two percent of the adjusted gross revenues from that tenth license will be paid into the Universities Athletic Capital Improvement Fund (sic-State University Athletic Improvement Fund) which, as I'm sure you know, was created some time ago, but has never received any funding. The State Board of Higher Education will make grants from this... from this fund into or to, I should say, state supported universities in Illinois... "

Black: "Okay... "

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Cross: "... for capital improvement."

Black: "That... that was the point I wanted to make. All state supported universities can participate in this fund?"

Cross: "Correct."

Black: "All right. There was a rumor that it was only the University of Illinois and that is not the case."

Cross: "They are all... "

Black: "All right."

Cross: "... eligible and they will be given out by the State Board of Higher Education."

Black: "Okay. I don't know whether you or Representative Brunsvold can answer the question. There's an interesting provision in here about 2% of adjusted gross receipts. If a... if the Silver Eagle is relocated, 2% of the adjusted gross rec... receipts shall be paid to Cook County for the enhancement of the county's criminal justice system. Now, does that hold true if this boat should end up somewhere other than Cook County?"

Brunsvold: "The staff indicates, yes."

Black: "Well, that could be interesting if it ends up in some other county.."

Brunsvold: "It's not contingent... "

Black: "... other than Cook."

Brunsvold: "... on where it goes according to the language, Mr. Black."

Black: "Okay. All right. My last question. Is there anything in Floor Amendment 3 and I don't recall the enacting language of '91. I don't know whether it's in the enacting Act of 1991 or subsequent legislation or prior legislation, but the County of Cook, by current law, cannot have a riverboat. Is that changed in Floor Amendment #3 or does that require the action of the County of Cook?"

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Brunsvold: "This, and I apologize for not stating this in my opening remarks, but this does remove the restriction on Cook County."

Black: "All right. Fine. Representatives, both of you, I appreciate your indulgence, your forthright answers to the questions. Thank you very much."

Speaker Madigan: "Mr. Steve Davis."

Davis, S.: "Two things, Speaker. One, an inquiry of the Chair. Under single subject matter, racing and gaming... "

Speaker Madigan: "Mr. Davis?"

Davis, S.: "Yes."

Speaker Madigan: "The Chair does not render opinions on the question of single subject matter. That's a... an issue that is litigated in the courts."

Davis, S.: "Thank you, Sir. Then would the Sponsor yield for a few questions?"

Speaker Madigan: "The Sponsor yields."

Davis, S.: "Representative Brunsvold, a couple of questions. 1. Currently, we have the two hour boarding times on the gaming boats. Is that eliminated under the Bill?"

Brunsvold: "This is continuous ingress and egress. It means there will be no boarding times or exit times."

Davis, S.: "So, you can come on in the morning... "

Brunsvold: "There's no cruise... "

Davis, S.: "... you can come on.... You can come and goes as you please."

Brunsvold: "There's no posted cruising times."

Davis, S.: "There will be no boarding times."

Brunsvold: "No. I mean, it's continuous."

Davis, S.: "Twenty-four hours a day?"

Brunsvold: "Twenty-four hours when they're gambling. Twenty-three hour... twenty-three and half hours a day,

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now."

Davis, S.: "Okay. A question about... "

Brunsvold: "And they can be... and the Gaming Board can regulate that, Representative."

Davis, S.: "Okay. A question about the fees. Currently, every two hours that you are on the boat the... the gaming boats are paying a head tax and the cities get a portion of the head tax, for every boarding time and everybody who is on that boat from the time they go on to the boat until the time they leave. Every two hours there's a head tax being paid. What has happened to that head tax and what is the effect on the cities that have the gaming boats?"

Brunsvold: "The language indicates that this would be per admission. So, if you go on the boat once and stay on there for four hours, that's an admission fee. Now, if you leave to go someplace else, you come back, you're going to have to pay another admission fee. But you could stay on all day if you wanted to... "

Davis, S.: "Okay."

Brunsvold: "... for one fee."

Davis, S.: "So, instead of the cities re... getting a dollar a head every two hours, if you go on the boat at 8 o'clock in the morning and you leave at midnight, under the current law, the cities would get a dollar a head every two hours."

Brunsvold: "Now, let me... "

Davis, S.: "Under the new provision, they'll get a dollar a head when you get on the boat... "

Brunsvold: "Let me... "

Davis, S.: "... no matter how long you stay."

Brunsvold: "... if I could, Mr. Davis, read the fiscal note from the Gaming Board. The adjusted gross receipts will increase in the following boats because of dockside

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gambling. Fifteen percent in Alton, East Peoria 15%, Rock Island 100%, the Joliet boat 15%, Metropolis 15%, Joliet 15, Aurora 10, East St. Louis 15 and Elgin 8. Which would be a total amount of 119.9 million dollars more."

Davis, S.: "That's in adjusted gross and adjusted gross being the difference between what is wagered and what is paid out."

Brunsvold: "This is... this is the increase in revenue, yes... "

Davis, S.: "To the boat."

Brunsvold: "... that will result... as a result of dockside."

Davis, S.: "To the boats not to the cities. However, the cities will receive a 5% portion of the increase... "

Brunsvold: "Yes. Absolutely."

Davis, S.: "... in adjusted gross revenues."

Brunsvold: "Yep."

Davis, S.: "An increase of a pretty good percent."

Brunsvold: "Right."

Davis, S.: "One other question. The boats who are currently on the Mississippi River."

Brunsvold: "Correct."

Davis, S.: "Okay. Under current law, what is the current law regarding the moving of these boats to another site? And... "

Brunsvold: "There is no language."

Davis, S.: "There is no language. Is there language in this Bill that would require three boats to remain on the Mississippi River?"

Brunsvold: "Yes, there is. The language was changed to... from four to three, now. And this three is in this... is in this Bill that would require to be... remain on the Mississippi River."

Davis, S.: "I want to make sure, for the record, that... "

Brunsvold: "There are three boats."

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Davis, S.: "... that is very clear, that three boats will remain on the Mississippi River. That they will not end up in Cook County or in the City of Chicago."

Brunsvold: "This is the number that's been in the language all along the process."

Davis, S.: "No further questions. Thank you very much."

Brunsvold: "Thank you."

Speaker Madigan: "Mr. Parke. Mr. Parke."

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

Speaker Madigan: "Which one?"

Parke: "Mr... Representative Brunsvold."

Speaker Madigan: "Mr. Brunsvold yields."

Parke: "Thank you. Representative, who determines where the location of the tenth license, that is in limbo at this time, who makes the decision where that license will go?"

Brunsvold: "Gaming Board."

Parke: "Thank you."

Brunsvold: "Ultimately, they do."

Parke: "Okay. You mentioned earlier, in debate, that the hours of operation of the license or of gambling will be the same as it was before. How many hours a day is it currently?"

Brunsvold: "I'm... I'm told that it's twenty-three and a half, now."

Parke: "And under the new legislation, will it change?"

Brunsvold: "It could be 24, but that could be adjusted by the Gaming Board."

Parke: "But under the legislation will it stay at twenty-three and a half, as far as you know, unless they change it?"

Brunsvold: "I don't think there's any language in the Bill that says anything like that."

Parke: "Okay. So, in other words... "

Brunsvold: "It's up to the Gaming Board to adjust whatever they

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would like to do on that, you know, the number of hours."

Parke: "So this legis... this legislation does not expand the hours of operation. It just simply says that that license will be transferred and it can be transferred anywhere in the State of Illinois."

Brunsvold: "To go any place, a community would have to approve it to start with, then the Gaming Board would also have to approve it."

Parke: "Would you, in your opinion, say that this is expanding gambling or is just simply the movement of a license?"

Brunsvold: "I would.... It's my view that this is not expanding gambling. We had ten licenses to start with in '91 and we've got ten licenses today."

Parke: "So, it's the same. There's no expansion."

Brunsvold: "The number of gambling positions has not changed. It's the same and it's been the same."

Parke: "In this legislation, is there any money that will be going to education?"

Brunsvold: "There will be about a hundred... \$100,100,000 to the Education Assistance Fund."

Parke: "That is new and that is an additional money that will...
"

Brunsvold: "That is... "

Parke: "... be going to that?"

Brunsvold: "... that's new money."

Parke: "Thank you. In addition, the... this license that we're transferring, will the renewal be changed? Will it still be the same renewal date as all the other nine licenses will be renewed at the same time or do you know?"

Brunsvold: "No, this... this boat would... would set up and would be individual licensure according to the Gaming Board. You know, I don't know how long it's gonna take for them to

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choose a site, to approve the site, but the Gaming Board would be in control of issuing that license."

Parke: "My last question. Currently, do the riverboats uniformly go out on a pulley or on their own power everyday?"

Brunsvold: "They do when the weather is good. If the weather is bad in the winter or it's high winds and it would be unsafe, the Coast Guard mandates that they not go out, but they still raise the gangplanks at the times prescribed."

Parke: "So, in essence, that at... that would be at that point it would still be dockside 'cause they would be docked right there, it would not be moving out."

Brunsvold: "Correct."

Parke: "Thank you. Mr. Speaker, to Representative Cross. Would Representative Cross... "

Speaker Madigan: "Mr. Parke. Mr. Parke, could I interrupt for just... "

Parke: "Yes."

Speaker Madigan: "... a moment? It's time to pray, everybody. Mr. Brunsvold."

Brunsvold: "Mr. Speaker, would you take the Bill out of the record?"

Speaker Madigan: "Take the... take the Bill out of the record. Senate Bill 933, Mr. Hoeft... Black. Mr. Clerk, what is the status of Senate Bill 933?"

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 Madigan: "Mr. Brunsvold on the Amendment. This is a... this is an election... Mr. Brunsvold."

Brunsvold: "Mr. Speaker, withdraw Amendment #1."

Speaker Madigan: "Withdraw Amendment #1. Are there any further

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Amendments?"

Clerk Rossi: "Floor Amendment #2, offered by Representative Brunsvold."

Speaker Madigan: "Mr. Brunsvold."

Brunsvold: "Withdraw."

Speaker Madigan: "Withdraw the Amendment. Are there any further Amendments?"

Clerk Rossi: "Floor Amendment #3... "

Brunsvold: "Excuse me, Mr. Speaker, Mr. Hoeft has a comment."

Speaker Madigan: "Mr. Hoeft."

Hoeft: "Excuse me. Floor Amendment #2 is the combination of previous one and House Bill 1109. This is the one we had agreed upon."

Speaker Madigan: "All right, so back... "

Hoeft: "Excuse me, Mr. Speaker, we do want Amendment #2."

Speaker Madigan: "All right, so there's an Amendment #2. Mr. Brunsvold moves for the adoption of the Amendment. Mr. Hoeft rises in support of that question and the Chair recognizes Mr. Skinner."

Skinner: "Is this the Amendment that prohibits gambling interests from making campaign contributions?"

Speaker Madigan: "No, it's not."

Skinner: "I guess that was too much to hope for."

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

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

Speaker Madigan: "Mr. Black."

Black: "Yes, thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. Floor Amendment #3 was embodied in

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House Bill 2059. I think it passed the House unanimously. I don't have my correct file, I may be wrong. It went to the Senate, it died in Senate Rules. My Senator then added it on to Representative Boland's Bill, but unfortunately nobody told Mr... Representative Boland that. So Representative Boland, and rightfully so, refused to concur with the Amendment. What the Amendment does: My hometown of Danville is one of five cities that had their form of government changed by a federal court decree. And what we... what has happened since that lawsuit, we had a primary in March in which there were no contested primaries, but under the court decree and as interpreted under the Election Code we had to have a primary. So we had a \$35,000 primary for 732 people to vote in an uncontested primary. What this Amendment does is to simply clarify that in the case of a... excuse me. In the case where there is no contested primaries and a write-in candidate has not expressed a desire prior... 61 days prior to the election, no primary will have to be held. That's all it does. Be glad to answer questions."

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

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. Mr. Clerk, has this Bill been read previously?"

Clerk Rossi: "This Bill has been read a second time, previously."

Speaker Madigan: "Read the Bill for a third time."

Clerk Rossi: "Senate Bill 933, a Bill for an Act concerning elections. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Hoeft."

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Hoeft: "Thank you, Mr. Speaker. The core Bill here deals with the problem that we've had and we've addressed on the floor and it deals with referendum and the proper wording of referendum. If you remember in the Veto Session we had special Bills because four clerks had misread the code and had improperly placed a referendum on the ballot. These ballots had... referendum had passed. We had to go back and reverify the referendums as valid. The wording in 933 addresses this. While we were having this, other people came up with similar problems, Representative Brunsvold, Representative Black, so we added this. This is basically a Bill to clarify referendum and also added to it was 1109, which is a House Bill we passed out of here unanimously and the Senate removed one of the provisions and it came back. This will help make our elections more accurate. It will help us not go back and bail out the poor clerks who got confused because of the complexity of our Illinois Code. I know of no opposition."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Is there any discussion? There being no discussion the question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 116 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority is hereby declared passed. The Chair recognizes Representative Currie."

Currie: "Thank you, Speaker. I move that the House suspend the posting requirements on House Resolution 236 so it can be heard in the Committee on Agriculture tomorrow. House..."

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House Resolutions 228 and House Joint Resolution 22 to be heard in Elementary and Secondary. House Resolutions 243 and 304, House Joint Resolution 19 to be heard in Higher Ed. House Resolution 299 in Human Services. House Resolution 270, House Joint Resolution 20, Senate Joint Resolution 28 to be heard in State Government. Senate Joint Resolution 21 to be heard in Urban. House Resolutions 301 and 303 in Environment. Senate Bill.... I'm sorry, House Resolution 229, 230, 235, 239, and House Joint Resolution Constitutional Amendment 15 in Revenue. House Resolutions 234, 274, Senate Joint Resolutions 3 and 29 in Transportation. House Resolution 296 in Veterans."

Speaker Madigan: "The Lady moves to suspend the posting requirements. You've all heard the Motion. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted. Mr. Clerk for an announcement."

Clerk Rossi: "The following committees will meet tomorrow: At 9:00 a.m. the Agriculture Committee in D-1. At 9:00 a.m. the Elementary and Secondary Education Committee in Room 114. At 9:00 a.m. the Higher Education Committee in Room C-1. At 9:00 a.m. the Human Services Committee in Room 118. At 9:00 a.m. the State Government Committee in Room 122B. At 9:15 the Urban Revitalization Committee in Room 122B. At 9:30 the Environment and Energy Committee in Room D-1. At 9:30 the Registration and Regulation Committee in Room C-1. At 9:30 the Revenue Committee in Room 118. At 9:30 the Transportation Committee in Room 114. At 9:30 the Veterans Affairs Committee in Room 122B."

Speaker Madigan: "The Chair recognizes Mr. Murphy. Representative Harold Murphy. The Chair would like to announce that there will be a meeting of the Pension Committee immediately in Room 118. So, if Members of the

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Pension Committee would please go to Room 118 immediately, we're prepared to adjourn. Representative Currie moves to... the House stand adjourned until 10:00 a.m. tomorrow morning providing perfunctory time for the Clerk. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The House does stand adjourned until 10:00 a.m. tomorrow morning providing perfunctory time for the Clerk."

Clerk Rossi: "House Perfunctory Session will come to order. Introduction of Resolutions. Senate Joint Resolution #37, offered by Representative Kosel; Senate Joint Resolution #35, offered by Representative Shaw; House Resolution 327, offered by Representative Ryder; House Resolution 329, offered by Representative Novak; House Resolution 336, offered by Representative Slone; House Joint Resolution 26, offered by Representative Jerry Mitchell, are assigned to the Rules Committee. Senate Joint Resolution #32, offered by Representative McGuire, is assigned to the Rules Committee. There being no further business, the House Perfunctory Session stands adjourned."