

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

59th Legislative Day

May 26, 1999

Speaker Hartke: "The House shall come to order. The House shall come to order. We'll be led in prayer today, by Lee Crawford, the Assistant Pastor of the Victory Temple Church, in Springfield. Our guests in the gallery may wish to rise and join us for the invocation and stay standing for the Pledge. Reverend Crawford."

Reverend Crawford: "As we elevate our minds as well as our hearts, before the throne of God's most glorious grace. Lord, I pray according to the words of Your Psalmist, when he said that the Lord is his shepherd, I shall not want. He maketh me to lie down in green pastures. He leadeth me beside the still waters. He restoreth my soul. He leadeth me in the path of righteousness of His namesake. Yea, thou I walk through the valley of the shadow of death, that I will fear no evil, for Thou art with me. Thy rod and Thy staff they comfort me. Thou prepareth a table before me in the presence of my enemies. Thou anointeth my head with oil. My cup runneth over. Surely, goodness and mercy shall follow me all the days of my life. So, precious Lord, I pray that You be our shepherd this day. I pray that You lie us down into green pastures of Your ways. I pray that You will lead us beside the still waters of life. I ask that You will give our souls restoration of righteousness, for Your namesake. I ask that You give us not to fear no evil, but to trust in Your rod and to trust in Your staff. So, I ask that Your goodness and Your mercy would follow them this day, and for evermore. This we kindly ask and pray in Your son's name. Amen."

Speaker Hartke: "We'll be led in the Pledge today by Representative Black."

Black - et al: "I pledge allegiance to the flag, of the United States of America, and to the Republic for which it stands,

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one nation under God, indivisible, with liberty and justice for all."

Speaker Hartke: "Roll Call for Attendance. Representative Currie, report on the Democrat side."

Currie: "Thank you, Speaker. Please let the record show that Representatives Capparelli and Pugh are excused today."

Speaker Hartke: "Representative Durkin, report on the Republican side."

Durkin: "Good afternoon, Mr. Speaker."

Speaker Hartke: "Afternoon."

Durkin: "Representative Wojcik is excused. The remainder of the Republican Party is ready to go to work."

Speaker Hartke: "One hundred and fifteen Members answering the call, quorum call. A quorum is present. The House is ready to do the business of the people. Representative Kosel, for what reason do you seek recognition?"

Kosel: "I seek recognition to welcome back to the House Floor, Lieutenant Governor Corinne Wood."

Speaker Hartke: "Welcome back to the floor, Governor. For what reason does the Lady from Lake, Representative Moore, seek recognition?"

Moore: "Thank you, Mr. Speaker. I would like to inform the chamber, that today is Dan Rutherford's 5th anniversary of his 39th birthday. And, his cake is down in the front and he invites all of you to join him in celebrating. Happy birthday, Dan."

Speaker Hartke: "For what reason does the Lady from Cook, Representative Zickus, seek recognition?"

Zickus: "Thank you, Mr. Speaker. We have another anniversary, and that's my seatmate, Doug Hoeft, is celebrating a birthday today, too. Wish them all a Happy birthday."

Speaker Hartke: "Representative Hoeft."

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Hoeft: "Thank you, and I would ask you all to go down and have part of Dan Rutherford's cake."

Speaker Hartke: "Thank you. Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker. Recognizing that Doug Hoeft is the fiscal conservative that he is, I will send him a bill for half that cake."

Speaker Hartke: "Representative Harris."

Harris: "Mr. Speaker. I thought this was a bipartisan situation. I don't see any Democrats having birthdays today."

Speaker Hartke: "Clerk for announcement."

Clerk Bolin: "The Rules Committee will meet at 1:10 p.m. in the Speaker's Conference Room. The Rules Committee will meet at 1:10 p.m. in the Speaker's Conference Room."

Speaker Hartke: "Representative Durkin."

Durkin: "Thank you, Mr. Speaker. I would also like to announce a birthday. Well, it's a little premature, it's October 30th, Representative Beaubien, who will not be here, but I want to at least recognize him, so, everybody here can give him a round of applause, premature, but I think it's well deserved."

Speaker Hartke: "Mr. Clerk, House Bill 1812. Representative Schmitz."

Schmitz: "Thank you, Mr. Speaker. I... there we go. I move that the House nonconcur with Senate Amendments 1 and 2 to House Bill 1812."

Speaker Hartke: "The Motion is that the House nonconcur in House Bill 1812. All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair the 'ayes' have it, and the House does nonconcur with House Bill 1812. On the regular Calendar, is House Bill 1079. Representative Brosnahan. Representative Brosnahan."

Brosnahan: "Thank you, Mr. Speaker. I would move to nonconcur

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with Senate Amendments #1 to House Bill 1079."

Speaker Hartke: "Representative Brunsvold. For what reason do you seek recognition?"

Brunsvold: "Stand to oppose the Gentleman's Motion to nonconcur. Mr. Speaker, after further consideration, I withdraw my opposition to the Gentleman's Motion."

Speaker Hartke: "The Motion is withdrawn. The Motion is, 'Shall the House nonconcur to the Senate Amendments on House Bill 1079?' All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the the House does nonconcur with House Bill 1079. House Bill 287. Representative Tenhouse."

Tenhouse: "Yes, Mr. Speaker. I move to nonconcur to Senate Amendment #1 to House Bill 287."

Speaker Hartke: "Is there any discussion? The Gentleman has moved to nonconcur with the Senate Amendments on House Bill 287. All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the House does nonconcur with the Senate Amendments on House Bill 287. Mr. Clerk, Senate Bill 1079. Representative Hannig."

Hannig: "Nonconcur."

Speaker Hartke: "Out of the record. Mr. Clerk, Senate Bill 1079. Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. I would move that we refuse to recede and that a Conference Committee be established."

Speaker Hartke: "You've heard the Gentleman's Motion. Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House refuse to recede from House Amendment #1 to Senate Bill 1079?' All those in favor signify by saying 'aye'; those opposed 'no'. In the

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opinion of the Chair, the 'ayes' have it, and the House does refuse to recede on Senate Bill 1079. The House requests that a Conference Committee be appointed. Senate Bill 1080. Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker, I'd... and Members of the House. I'd move that the House refuse to recede and that a Conference Committee be appointed."

Speaker Hartke: "Is there any discussion? Being none, the question is, 'Shall the House refuse to recede from House Amendment 1 to Senate Bill 1080?' All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the House does refuse to recede from Senate Bill... House Amendments on Senate Bill 1080, and the House requests that a Conference Committee report be appointed... Conference Committee be appointed. Senate Bill 629. Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker. I'd move that the House refuse to recede and that a Conference Committee be established."

Speaker Hartke: "Is there any discussion? Seeing none, 'Shall the House refuse to recede from the House Amendments on Senate Bill 629?' All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the House does refuse to recede from Senate Bill 629, and the House requests a Conference Committee be appointed. Senate Bill 630. Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. I would move that the House refuse to recede and that a Conference Committee be appointed."

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

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seeking recognition, the question is, 'Shall the House refuse to recede from Senate (sic-House) Amendment #1 to House (sic-Senate) Bill 630?' All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the House does refuse to recede from Senate (sic-House) Amendment #1 to Senate Bill 630, and the House requests that a Conference Committee be appointed. For what reason does the Gentleman from Kendall, Mr. Cross, seek recognition?"

Cross: "Thank you, Mr. Speaker. I understand now that because of some delays that we're going to be here over the weekend. Is anyone going to have an Indy 500 party here in Springfield? 'Cause, I've heard we'll be here through Monday."

Speaker Hartke: "There may be some parties, I'm not sure that we'll be delayed over the weekend."

Cross: "Well, can you just let us know if we should keep our rooms through the weekend?"

Speaker Hartke: "Keep your engines revved."

Cross: "Pardon me?"

Speaker Hartke: "Keep your engines revved."

Cross: "Well, they're revved, but I need to know where to stay. Thank you."

Speaker Hartke: "The Chair recognizes Representative Daniels. For what reason do you seek recognition?"

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. I would ask that we go to the House Resolution honoring the girls 3200 meter State Relay Champions, who are with me today on the House Floor. If the Clerk could call that Resolution or if you could and the Clerk could read it."

Speaker Hartke: "Mr. Clerk, would you read the House Resolution 30... 371?"

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Clerk Bolin: "House Resolution 371.

HOUSE RESOLUTION

WHEREAS, York Community High School, located in Elmhurst, Illinois, has a long and illustrious history of athletic accomplishments, especially in boys and girls cross country and track and field; and

WHEREAS, That school now has a young lady named Molly Marcucci gracing it as an outstanding student and athlete; and

WHEREAS, Molly is fortunate to be a part of a close-knit family, and is the third of five daughters of Mimi and Tom Marcucci; and

WHEREAS, In February, 1998, Molly was diagnosed with osteosarcoma, a bone cancer that afflicts up to 1,000 people each year; and

WHEREAS, Molly exhibited uncommon courage and determination that belies her young age by enduring a lengthy and grueling regimen of surgery and chemotherapy that assaulted her body, but never dampened her determination or spirit; during the entire ordeal, Molly's maturity, upbeat nature, and incredible fortitude buoyed the entire Marcucci family; and

WHEREAS, In defiance of her condition, Molly found the strength of character and maturity of soul to worry about and become a role model for others stricken with the disease, thereby becoming a profile in courage to cancer victims and survivors alike; this bravery proved to be contagious to all who were lucky enough to witness her heroism firsthand, and caused others to realize that the ravages of treatment are not reason for shame; and

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WHEREAS, Despite her treatments that caused many days away from school, Molly continued to excel at her studies and became the editor of her school newspaper; and

WHEREAS, Molly not only fought back from the ravages of the disease and its treatment, but also never gave up her athletic dreams, and started again competing on York's cross country team as a co-captain; despite the physical effects that lingered after treatment that would cause many to quit, Molly displayed raw determination and heart necessary to slowly regain her status as a championship-quality runner; and

WHEREAS, Despite all that she has been through, Molly, with the help and support of her teammates, was able to make an amazing comeback after an absence of one year from the team, and turned in her personal record 800-meter run of 2 minutes, 26 seconds, saying afterward that 'if you can handle pain for two weeks, you can handle this for two minutes'; and

WHEREAS, Along with their outstanding coach, Annette Schulte, the team of Laura Fitzgerald, Eva Zellman, Molly Marcucci, and Cecelia Williams have continued York Community High School's 79-year tradition of athletic excellence by winning its third consecutive State title in the 3,200 relay in the Girls Class AA State Track and Field Championships in Molly's last race of her last high school season; and

WHEREAS, By virtue of her accomplishments, she struck back at the disease that challenged her through her ability to return to what is normal for her, but extraordinary for the average young person; and

WHEREAS, Molly Marcucci will forever be known as a winner in every sense of the word, not only for seeing the race to the end, but for obstacles that she obliterated during the running;



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therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Molly Marcucci, who will be attending DePaul University this fall where she hopes to continue her track career, and her teammates, including Eva Zellman, who has competed in the World Jewish Olympics and is an accomplished flutist; Cecelia Williams, who is one of the most prolific and committed female athletes at York High School, placing in the Footlocker National Games, and has been granted a full scholarship to the University of Illinois; Laura Fitzgerald, who, as a junior, is the youngest on the relay team and is not only an accomplished athlete, but also a gifted student who is ranked high in her class; and their coach, Annette Schulte, who, through her dedication to these young women, guided their training and strategy for their winning effort in the 3,200 relay for the Girls Class AA State Track and Field Championships with the phenomenal time of 9:21.24; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Molly Marcucci, Eva Zellman, Cecelia Williams, Laura Fitzgerald, and their coach, Annette Schulte."

Speaker Hartke: "Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. It is indeed, my pleasure to bring to the Illinois General Assembly, true heroes in every sense of the word. You know, it wasn't long ago that we talked on the floor of the House about the tragedy in Littleton, Colorado and how it touched everyone of our hearts. This is another incident where we want to bring out so much good that we have found in our young people today. The inspiration that has been given to all of us that have touched and been part of Molly Marcucci's life, has been ones that we can't express in

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words. Molly Marcucci was diagnosed with bone cancer, has suffered through that; yes, as a matter of fact, I'll tell you a little story. When Molly decide... found out she was going to lose her hair, she said, 'I'm going to dye it purple.' And, she did. But she kept on that personal fight, and this is really today, Molly's story, because those of us that watched her run throughout her triumph over her cancer, and watched her personal determination, were so inspired about what we saw; yes, we saw her running, sometimes at the back of the pack, and yes, she ran with no hair, because she faced that with great determination and fortitude. And then, just think of this, to go on and just last week to win the State Championship in the 3200 mile (sic-meter) relay team. What a story. This is Molly's story. You have it at your desk. I would just ask you to just take a moment to read this story about Molly Marcucci and her personal triumph over not only cancer, but athletic endeavor. Now, nothing of this nature would be fulfilled if we didn't point to her teammates, because this is team that is so close, they're like family. They stay together, they study together, they talk together, and they are truly, in every sense of the word, best friends. And, so, we have with us today, and we only have three, because the fourth member has a physics test tomorrow and she had to stay home and study for the test. Now, if it was me, I'd have left that physics test behind and forgotten all about it, of course, you know what the results would have been. But unfortunately, Laura's unable to be with us today, but joining Molly behind me, is Eva, who is a junior at York High School and will come back next year, all of you, to win again, the State Championship. And of course, Cecelia Williams. Cecelia is one of the

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most outstanding runners in the State of Illinois, and took second in the mile run; only lost that by five seconds, if you can imagine that, but is going to go to the University of Illinois on a full scholarship, so we're going to hear much more from her. And Annette Schulte, the coach, joined today by Tom Marcucci, the Mayor of Elmhurst and the father of Molly, join me in telling him how great we think they are. Thank you."

Speaker Hartke: "Mr. Daniels now moves the adoption of House Resolution 371. All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and House Resolution 31 (sic-371) is adopted. The Chair recognizes the Gentleman from Cook, Representative Murphy. For what reason do you seek recognition?"

Murphy: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I move to suspend the posting required, so that the Personnel... the House Personnel and Pension Committee can meet at 2:00 p.m., in Room 114."

Speaker Hartke: "You've heard the Gentleman's Motion to waive the posting... suspend the posting requirements. All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the posting requirements notice has been suspended. The Chair recognizes the Gentleman from Du Page, Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. I have a former Member of the House next to me and there is a Resolution there if you could call that Resolution."

Speaker Hartke: "Mr. Clerk, could you read Resolution 370."

Clerk Bolin: "House Resolution 370."

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HOUSE RESOLUTION

WHEREAS, The Honorable Gene Hoffman is a lifelong son of Illinois, born on September 26, 1932, in Canton, Illinois; and

WHEREAS, Gene Hoffman, Ph.D., has dedicated his life to education, starting as a student in Belvidere High School and Illinois State University, and continuing with graduate and post-graduate work at Northern Illinois University and the University of Chicago, and has dedicated his life to public service, including his service in the U.S. Army during the Cold War era; and

WHEREAS, Gene Hoffman, eager to combine his lifetime love of education and desire for public service into one profession, became a teacher, eventually being promoted to the role of chairman of the Social Studies Department at Fenton High School in Bensenville, and receiving the President's Award from the Illinois Association of School Administrators; and

WHEREAS, As a teacher, a member of one of the valuable professions in America, Gene Hoffman rose from the ranks of Illinois citizens, being chosen by his neighbors to serve as vice president of the Elmhurst Young Republicans Club and chairman of the York Township Republican Organization; and

WHEREAS, The Honorable Gene Hoffman was selected by his neighbors in 1966 to represent Du Page County in the Illinois House, in which he served for 24 years and rose to the rank of Assistant Minority Leader; and

WHEREAS, As a working teacher and school administrator, Gene Hoffman immediately established himself as a leader on educational issues, serving as chairman of the School Problems Commission and vice-chairman of the House Elementary and Secondary Education

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Committee, and winning appointment to the Education Commission of the States and of the National Conference of State Legislators; and

WHEREAS, Gene Hoffman dedicated his service in the General Assembly to the twin goals of increasing resources for education and improving the qualification of teachers, working with the Senate to create and sponsor the landmark 1985 school reform package, Senate Bill 730; and

WHEREAS, Gene Hoffman's Senate Bill 730 invented many of the features of the Illinois educational landscape which today's teachers and administrators take for granted, such as the district report card, statewide student assessment examinations, the first test of basic skills for teacher certification applicants, mandatory teacher evaluations, specialized subject endorsements by the State Board of Education, entrance exams for teacher education programs, equal opportunity scholarships for female and minority education students, and a regional network of educational service centers under the State Board of Education; and

WHEREAS, Gene Hoffman's educational leadership won him the A-Plus Award from the Illinois Education Association; and

WHEREAS, As the Honorable Gene Hoffman would be the first to acknowledge, the ability to serve the people of Illinois would have been absent without the love and support of his wife, Diana, who he lost to cancer in 1990, and his four children, Lynn, Mark, Sue, and Greg; and

WHEREAS, After the conclusion of his service in the Illinois House in 1991, Gene Hoffman moved on to new challenges, working throughout the 1990's to represent the concerns of the Chicago Board of Education, the Du Page County Board, the Du Page County Forest Preserve District, the Lake County Forest Preserve

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District, and the Regional Transportation Authority before the General Assembly; and it was during this time that he met his wife, Sally; they were married on July 11, 1993; Sally, along with her children, Mark, Steven, and Kimberly provide a continuous source of love and support through his new extended family, which includes 15 grandchildren; and

WHEREAS, Gene Hoffman's continuing educational leadership and work for the increasing qualifications and welfare of teachers and educators throughout Illinois, before, during, and after his service in the Illinois House of Representatives, helped raise the status of the Chicago public schools from the nation's 'worst public school system' into a model for urban education throughout America; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we commend the Honorable Gene Hoffman, teacher, school administrator, and 24-year Member of the Illinois House of Representatives, for his lifetime of public service; and be it further

RESOLVED, That as the Illinois House of Representatives continues to address the important issue of education in our State now and in the future, we will continue to look upon the example and work of Gene Hoffman for our inspiration; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Honorable Gene Hoffman and his wife, Sally."

Speaker Hartke: "Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. I first met Gene Hoffman in the middle 60's, believe it or not, when he walked into my office and said, 'I think I'm gonna run for State Representative.' And I said, 'You're gonna do what? Don't you know who's going to run?

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There's a guy by the name of Pate Philip and Claude Walker, that are gonna run. They're odds on favorite to win.' He said, 'Well, I'm not only gonna run, I'm gonna win.' I said, 'Well, what's your background?' He said, 'Well, I'm a teacher and I've been in the Elmhurst Young Republicans which is a good training ground.' Well, the rest is history. He went on in that race; he took first. He won that race, became a 24 Member... year Member of the Illinois House of Representatives, building upon his career, not only as a teacher, an educator, a school administrator, and yes, receiving his Ph.D. in education, from Illinois State University and Northern Illinois University. Gene Hoffman has been more than just a political friend to me, he's been a personal friend. He's been an advisor and a counselor, he's continued on in the friendship that we developed back in the early 60's, and has always been available to talk about issues that were important whether of a personal nature, private nature, or a public nature. I've always been pleased to be able to call Gene Hoffman my friend. Today, we honor him. We honor him because he's deserving of the many accolades that all of us would like to give to him. He is a partner in the firm of Hoffman and McPike, and his partner is up in the Republican side of the gallery behind me, where we like to see Jim McPike up there as well, and I might say, Jim is joining us in honoring Gene today, and his many, many friends from Elmhurst are here today to pay special recognition to him. And just as a short side note, how interesting life is, the Resolution that we just heard prior to this, and the coach, Annette Schulte, the coach of the championship team, was a recipient of one of Gene Hoffman's legislative scholarships when she went to

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college. So, it just goes to show you that the many fine and wonderful things that you do in this General Assembly, can come back multi-fold. Gene Hoffman has been an inspiration to a lot of us, not only as a friend and as a legislator, as a teacher, but he's also been a great family man, husband, father, grandfather of 15. So, today, I stand before you to honor a wonderful Illinoisan, a great American, and a terrific friend, Gene Hoffman."

Speaker Hartke: "The Chair recognizes the Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. We value our time in this Body, and we're all very fortunate enough to serve here. And one of the greatest things about serving in this Body, is the opportunity to meet and develop relationships and friendships, with people from across the State of Illinois. And we begin to understand their concerns. You engage in a dialogue and you respect what they do. And these relationships that are made down here cannot be equaled any place else. This is a very unique Body in a lot of different ways. But occasionally, after meeting all these different people, you come across certain individuals who really distinguish themselves from everyone else. One of those people is Gene Hoffman. There is no person who deserves more respect from the Members of this Body and from the public for their service, than Gene Hoffman. He is an outstanding individual. He's brought great respect to this institution by what he has done on behalf of all the people of Illinois, not only for his district, but all the people of Illinois. He has put aside partisan differences, parochial differences, geographic differences, and he's always acted on behalf of all of us. Gene, you have been a role model



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for myself and others, that may be a bad thing, I may... I mean, you may not like that, but, all of us have a tremendous amount of respect for you and what you've done, and we just love you for it."

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

Novak: "Yes. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would like to add my best wishes to Gene Hoffman and his endeavors for his retirement. I know it's kind of... you know, this is a collegial Body, as you get along with people, you meet a lot of interesting friends. You meet people that ... from all walks of life, and Gene, your personality, your respect in this Body, is unqualified. It's just, you know, as one point I would like to make is that, I think... you know, when I first came down here, I said, 'Well, who's the person that has the most knowledge about public education?' First person that I was told was Representative Gene Hoffman. You have the trademark, you have that Hallmark quality about being such an expert on public education. So, I want to extend my best wishes to you, and I know your partner that sits up in the... sitting up in the balcony there, has the same respect and best wishes for you as well. So, God bless you Gene, and same thing to your family."

Speaker Hartke: "Mr. Daniels now moves the adoption of House Resolution 370. All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and House Resolution 370 is adopted. The Chair recognizes Representative Murphy."

Murphy: "Mr. Speaker, on my Motion to suspend the ruling for Personnel and Pension, I failed to name the two Bills. The two Bills would be... the three Bills, I'm sorry, Senate

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Bill 1103, 1047 and 851. Those are the Bills we'll hear at 2:00, in Room 114."

Speaker Hartke: "Any discussion? The Motion is to suspend the posting requirements for Senate Bills 1103, 851 and 1047. All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the posting notice is suspended. Mr. Steve Davis on Senate Bill 286."

Davis, S.: "Yes, thank you, Speaker. I would move to refuse to recede from House Amendments 1, 2, 3 and 4 to Senate Bill 286."

Speaker Hartke: "Is there any discussion?"

Davis, S.: "And would ask for the appointment of a Conference Committee."

Speaker Hartke: "Seeing no one is seeking recognition, the Gentleman has moved to refuse to recede from Senate (sic-House) Amendments #1, 2, 3 and 4 of Senate Bill 286. All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the House does refuse to recede from House Amendments 1, 2 and 3 and 4, of Senate Bill 286, and that he requests a Conference Committee be appointed. Senate Bill 487, Representative Burke. Representative Danny Burke."

Burke: "Thank you, Speaker. I move to refuse to recede from House Amendment #1 and ask for a Conference Committee Report."

Speaker Hartke: "Is there any objection? Seeing that no one is seeking recognition, the question is, 'Shall the House refuse to recede from House Amendment 1 to Senate Bill 487?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the House does refuse to recede from Senate Amendment #1..."

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House Amendment #1 to Senate Bill 487, and that the House requests a Conference Committee be appointed. Senate Bill 878, Representative Biggins."

Biggins: "Mr. Speaker, thank you. I would like to move to refuse to recede from House Amendment #1 to Senate Bill 878."

Speaker Hartke: "Is there any discussion? Seeing that nobody is seeking recognition, the question is, 'Shall the House refuse to recede from House Amendment #1 to Senate Bill 878?' All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the House does refuse to recede from House Amendment #1 to Senate Bill 878, and that a request for a Conference Committee be appointed. House Bill 2733. Mr. Tim Johnson. Mr. Tim Johnson. Mr. Clerk, take that Bill out of the record, temporarily. Committee Reports."

Clerk Bolin: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measures were referred, action taken on May 26, 1999, reported the same back with the following recommendations: 'direct floor consideration' for House Bill 427, Conference Committee Report #1; House Bill 1670, Conference Committee Report #1; Senate Bill 73, Conference Committee Report #1; Senate Bill 171, Conference Committee Report #1; Senate Bill 648, Conference Committee Report #1; Senate Bill 656, Conference Committee Report #1; House Amendment #3 to Senate Bill 311; House Amendment #4 to Senate Bill 941; and House Amendment #2 to Senate Bill 956. 'Direct floor consideration' also for Motions to recede for Senate Bill 460 and Senate Bill 1207. 'Direct floor consideration' for Motions to concur for House Bill 953, concurrence in Senate Amendment #2."

Speaker Hartke: "Calendar distribution announcement."

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

Speaker Hartke: "The Chair recognizes the Lady from Lake, Representative Garrett. For what reason do you seek recognition?"

Garrett: "Yes, I would like to welcome the students from the Science and Arts Academy, who are up here in the balcony, and the school is located in Des Plaines, Illinois. I'd like the General Assembly to give them a very warm welcome. Thank you."

Speaker Hartke: "Welcome to the General Assembly. House Bill 953. Representative Boland."

Boland: "Thank you, Mr. Speaker. I move that the House concur in Senate Amendment #2, which becomes the Bill."

Speaker Hartke: "Would you like to explain what the...?"

Boland: "Sure. What it does is, it amends the Election Code to remove the requirement that in order to be elected to the Office of Chairman of the State Central Committee, a member need be a member of the State Central Committee. However, it keeps that that person must be a registered voter in the State of Illinois and of the same political party as the State Central Committee. This Amendment only replies to the Republican Party which choose to apply Alternative A in the Election Code to the State Central Committee. Democratic Party requirement stays the same."

Speaker Hartke: "Is there any discussion? Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendment #2 to House Bill 953?' This is final action. All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Ryder votes 'aye'. Have all voted who wish? Have all voted who wish?"

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There are three people still not recording themselves. Have all voted who wish? Mr. Novak, would you care to vote on this? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no', 0 voting 'present', and the House does concur with Senate Amendment #2 to House Bill 953. And this Bill having received a Constitutional Majority, is hereby declared passed. Clerk, House Bill 2733. Mr. Tim Johnson."

Johnson, Tim: "Thank you, Mr. Speaker and Members of the House. I would move to nonconcur with all Senate Amendments on House Bill 2733."

Speaker Hartke: "You heard the Gentleman's Motion. Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House nonconcur with Senate Amendment #1 to House Bill 2733?' All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the House does nonconcur with Senate Amendment #1 to House Bill 2733. The Chair recognizes former Representative, Tom Walsh. Welcome to the floor. On Supplemental Calendar #1, appears Senate Bill 460. Representative Hamos."

Hamos: "Thank you, Mr. Speaker. I move to recede from House Amendment #3 to Senate Bill 460. House Amendment #3 was another Bill in the House that really had to do with the payment of witness fees, and when it got to the Senate, there was some concern about the language. It was decided by the original Sponsor of the Bill and the Senate, that we would work on it, we would fix up the language next year, and take off the Amendment this year and leave Senate Bill 460 intact. So, with that, I ask for your favorable roll call."

Speaker Hartke: "Is there any discussion? The Chair recognizes

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the Gentleman from Vermilion, Representative Black."

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

Speaker Hartke: "She indicates she will."

Black: "Representative, Floor Amendment #3 was adopted in the House and sponsored by Representative Lang. Is that correct?"

Hamos: "Yes, I think so."

Black: "I noticed that that Amendment was an underlying House Bill..."

Hamos: "Yes."

Black: "...that passed the House unanimously. Is Representative Lang in agreement with your move to recede from his Amendment?"

Hamos: "Yes, Representative Lang is in agreement, and originally, it was Representative Scott who introduced the Bill, passed it out of the House, and he's also in agreement that we need to just tinker with the language next Session."

Black: "I'm sorry, tinker with the language?"

Hamos: "Tinker."

Black: "Is that a legal term?"

Hamos: "It's my new verb, yes."

Black: "I see."

Hamos: "I think it just needs... I don't know that you necessarily wanted me to explain what the Senate's concern was."

Black: "Well, most people get very concerned when they hear the Legislature is 'tinkering' with something. So, if you remove this Amendment, does the Bill go back to its original content?"

Hamos: "Yes, it does."

Black: "So, the underlying Bill is still that a person who might

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be on some kind of public assistance, could have his or her court costs waived? Is that still the underlying Bill then?"

Hamos: "Well, yes, this the leave to sue or defend as a indigent person. But let me make it clear, that the underlying Bill does not change Illinois law. The underlying Bill was brought to us by the Chicago Bar Association, in an attempt to consolidate a bunch of different provisions that had to do with this issue and consolidate them all in one section, so, they would be more readable, both to litigants and to judges. So, the underlying Bill doesn't add or subtract from current law."

Black: "The underlying Bill still contains the language agreed to with the Illinois Official Court Reporters, does it not?"

Hamos: "That's right."

Black: "That was worked out?"

Hamos: "Yes."

Black: "So, when all is said and done, the Bill doesn't really change existing law, it just kind of 'tinkers' with it, right?"

Hamos: "Exactly."

Black: "Okay."

Hamos: "I'm glad you see my point."

Black: "All right."

Hamos: "Thank you."

Black: "All right, so this would sort of a Tinkers to Evers to Chance Bill now? Are you familiar with that law firm, Tinkers to Evers to Chance?"

Hamos: "It sounds right. Well, Representative Black, you know, this is the last day of my first term as freshman, and now you have taught me never to use that word again, and I never will."

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Black: "Well, I know the law firm of Tinker, Evers and Chance would probably rise in support of this, and if you could, before we adjourn, give me some background and history on that law firm, you will have passed the Bar."

Hamos: "I'll work on it. Thank you."

Black: "Fine, thank you. Thank you, Mr. Speaker."

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

Lang: "Thank you, Mr. Speaker. Just to let Mr. Black know, this is an agreed matter, Mr. Black. Mr. Black. This is agreed. I have no problem with receding from this Amendment, and let me tell you, that next year we will not fiddle with this, we will not 'tinker' with this, but we may 'fiddle' with this. I screwed up my own joke. Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House recede from House Amendment #3 to Senate Bill 460?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no', 0 voting 'present', and the House does recede from Floor Amendment... House Amendment #3 to Senate Bill 460. And this Bill having received a Constitutional Majority is hereby declared passed. The Chair recognizes the Lady from Cook, Representative Hamos."

Hamos: "Mr. Speaker, on behalf of the Cubs and their famous double play in 1901, I thank the House for receding from that Amendment."

Speaker Hartke: "Senate Bill 1207, Representative Bellock."



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Bellock: "Thank you, Mr. Speaker. I move that the House recede from House Amendment #1 on Senate Bill 1207."

Speaker Hartke: "And the reason?"

Bellock: "Oh, the reason being that the Senate did not concur with this Amendment for the LaSalle Veterans Home for the addition of 80 beds."

Speaker Hartke: "The Chair recognizes the Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you. Just a quick question of the Sponsor. Representative Bellock..."

Bellock: "Yes."

Mautino: "...is it your understanding that the Department of Veterans' Affairs is going to design these 80 beds? Has... had the money... has been placed into the budget to do this and this project will go forward?"

Bellock: "Yes, that is my understanding at this time."

Mautino: "Okay. Thank you. To the Lady's Motion. I would first like to thank Representative Bellock for allowing the people in support of the LaSalle Veterans Home to continue to negotiate this. We did receive a letter reaffirming the Governor's commitment to fund this project from his Chief of Staff, Mr. Newton. And with that, I stand in support of this. It has been explained to me and assured that the Governor is committed to building this. The money has been set to do the design portion for LaSalle, and I thank you for allowing us to go forward on this project that has been working for the last three years. And with that, I join in the Motion to recede. This language is not necessary since the money has been allocated."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House recede from House Amendment #1 to Senate Bill 1207?' This

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is final action. All those in favor will vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no', 0 voting 'present', and the House does recede from Floor Amendment #1 to House Bill... Senate Bill 1207. And this Bill having received a Constitutional Majority is hereby declared passed. On Supplemental Calendar #1, on Concurrence Motions and Conference Committee Reports, appears House Bill 427. Representative Lyons. Representative Joe Lyons."

Lyons, J.: "Thank you, Speaker. Speaker, I move to adopt the First Conference Committee Report to House Bill 427. Just to bring you up to date, for those of you who aren't familiar with it, I think most of us are. House Bill 427 established two new license categories for assisted living and shared housing in the State of Illinois. These establishments basically, seek to fill the gap from living independently in the family home or the senior housing, and a traditional long-term facility... care facility. Shared housing and assisted living differ basically in size. The assisted living program projects may be a little larger in scope, more urban in design, where the shared housing establishments are made to give rural opportunities the chance to maybe convert a home or have less restrictions to be able to accommodate those that are limited to 12 or fewer residents. The Conference Committee, when we sent 427 out of here, I think I stated to the floor and to the entire General Assembly, if we could make what was a very good Bill even better, so be it. And that's what we've done and that's the purpose of this Conference Committee.

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We've made some changes from the original 427 that passed out of here with 110 votes a month and a half ago and the changes are basically... this is... I'll overview for you. It makes the Director of Aging the Vice-Chairman of the Department of Public Health's Assisted Living and Shared Housing Established Advisory Board. So, in other words, we're making Public Health the authority on this Conference Committee Report for this committee... for this initiation, but Aging has a seat at the table in these capacities. It basically, gives... makes the appointment of the Department of Public Health Assisted Living and Shared Housing Advisory Board, changes it to January 1st as opposed to February 1st of the year 2000, so, they'll be involved in the initial rule making, which of course, is going to be quite a project. It creates the Assisted Living and Shared Housing Quality of Life Advisory Committee in the Department of Aging. And the purpose of this committee is to provide advice to the Director of Aging and activities of assisted living ombudsman, relevant to the Director of Aging and also on the delivery of the personal care services, the unique needs and concepts seniors in these housing programs need. On the issue of dementia, it clarifies qualifications for residing in a dementia unit, that's in Section 150 of this Bill. It prohibits accepting or retaining of anyone whose mental or physical condition is so deteriorated to make the residency detrimental to the health, welfare, or safety of the individuals... residents in the facility. It also leaves to rule a very important point here, of making the identification of a validated dementia specific standard with interrater reliability. In other words, a tool that is happy for all parties who are involved in this. Also, on the issue of assessments, it

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permits the department to be more frequently... to require more frequent assessments if there's a problem with skin integrity or nutritional status. On the resident representative, it makes clear that if somebody is going to get a resident representative that this has to be done through a health power of attorney, guardianship pursuant to the Probate Act, or designated from prescribed from a matter which is consistent with the health power of attorney. It also says on the issue of common ownership, that prohibits health home agencies from exclusively marketing their services in an assisted living agency that has common ownership with the agency. It also states that the... clarifies that in an emergency situation the 30 day notice is waived, not the written notice requirement, technical issue. There are other technical issues added here on the request of the City of Chicago, some miscellaneous changes. A technical error that was identified by the Department of Public Health, by the National Fire Protection Association, and some grammatical and spelling errors. So, what we have here is a three year process to put this Bill together through the workings of Donna Ginther, who wrote the entire Bill and worked with all concerned parties. We have a list of 30 different organizations, 38 different organizations that sat at the table to put this Bill together. Senator Bev Fawell has worked on this thing for three years. I was privileged and honored to be the person who drove this thing through the House of Representatives. What we have here is a Bill, that of the 70 Members in this Body that are cosponsors of this thing, can be very proud of, because it's going to affect the lives of many people in the State of Illinois for many years to come. So, I do ask for the adoption of

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this Conference Committee. I would be glad to answer any questions."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Lady from Du Page, Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker. I rise..."

Speaker Hartke: "Shhh. Shhh. Please."

Cowlshaw: "I rise in support of Representative Joe Lyons' Motion. And I think we all ought to acknowledge our gratitude for him. He has worked long, and very effectively on this legislation, but I think that we ought to also acknowledge that a considerable amount of work has been done by State Senator Beverly Fawell, for whom this issue is of particular importance. She has worked on this to develop something that would be acceptable to all interested parties, both diligently and tirelessly and I know that Representative Lyons joins me in being grateful to her, for her many contributions to what is now this Conference Committee Report. In that same line of thinking, Mr. Speaker, I think we also ought to be grateful to the people at the Department on Aging, who have contributed mightily to work out some of the problems, including its current director, Margo Shriber. A good many people have worked very hard to make this Conference Committee Report what it is today. I think it deserves the support of everyone here and once again I want to thank Representative Joe Lyons for his work on this issue. Thank you, Mr. Speaker."

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

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

Speaker Hartke: "He indicates he will."

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Black: "Representative, I didn't hear any of your six minute introduction of this Conference Committee, it was so noisy in here. Could you repeat it? Particularly if the Speaker would get some order. I didn't hear any of it. Did you hear any of it, Mr. Speaker?"

Speaker Hartke: "Every word."

Black: "Oh, well in that case, that's all right. I did hear Representative Cowlshaw's remarks and... but, I would like to ask this Sponsor one question, if I could."

Speaker Hartke: "You may."

Black: "Yes. Joe, there is still no Certificate of Need process in the language, correct?"

Lyons, J.: "Correct, Representative. That was taken out back in March before we even sent it over to the Senate."

Black: "Right. It's my understanding that the Health Facility's Planning Board does not object to that not being in the Bill. Is that a fair assumption?"

Lyons, J.: "Representative, to the best of my knowledge there is nobody opposed to the Bill as we see it today."

Black: "So, so, it would be safe to assume we have an Agreed Conference Committee."

Lyons, J.: "I think it's a fair statement to say, Representative."

Black: "Outstanding. Outstanding. I did hear that word, Mr. Speaker. And let's vote 'aye'."

Lyons, J.: "Thank you."

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

Currie: "Thank you, Speaker and Members of the House. I strongly commend Representative Lyons and Senator Fawell, and all the folks who helped them do such excellent work in making this regulated structure. One that will offer elderly

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individuals strong choice in their living conditions, their decisions about how they will... how they will live with others or without, but also providing adequate regulations so that we do not have to fear that these people will be victimized by con artists. In floor debate on this Bill as it passed the House, I raised several questions about some of those protective issues. Representative Lyons, to his credit, has gone a good way toward resolving those problems and I appreciate his willingness to do so. I appreciate all the work he's done on the Bill, and I, too, urge a 'yes' vote."

Speaker Hartke: "Further discussion? Representative Lang."

Lang: "Thank you, Mr. Speaker. I rise in support of House Bill 427. The Sponsor of this Bill, the Chief Sponsor, Joe Lyons, worked long and hard on this. There were some difficult and rocky moments along the way. This Bill almost got detoured many times. It is only through his personal tenacity and his personal concern about this situation, that House Bill 427 comes before us today in an agreed manner. It's an important Bill for seniors, an important Bill for many who worked on it, and so I will ask for your 'aye' votes and in so doing commend Representative Lyons for his hard work on this issue."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition... Representative McGuire from Will County."

McGuire: "Thank you, Mr. Speaker. I, too, want to rise to support this Bill and also to commend Joe Lyons. As some of you may recall, I had the same Bill two years ago, so I know how difficult it was to handle this Bill and I think Joe did an excellent job. And I know many nights when I was in the Stratton Building, I'd walk down the hall two

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doors and there was Joe Lyons working in his office late at night and we'd stop and talk about this Bill. So, for those of who don't know, Joe did put in a lot of work and the cosponsors with him, but Joe was the man who carried the load. And as the Chairman of the only Aging Committee in the General Assembly in Springfield, Illinois, I urge your support of this Bill. Thank you."

Speaker Hartke: "Representative Lyons to close."

Lyons, J.: "Thank you, Mr. Speaker and thank you to the Members who spoke so eloquently and beautifully to the essence of the Bill and the compliments that you gave to me for my leadership on this issue. But, it was really, truly a team effort on this. Everyone who spoke to this issue, was part of the process of making this the best Bill possible. I want to read in the record the actual legislative intent on this, Mr. Speaker, if I may. It is the intent of the General Assembly that House Bill 427, the Assisted Living and Shared Housing Establishment should be administered by a unit or division of the Illinois Department of Public Health, separate and distinct from the department's Bureau of Long Term Care. This unit shall not share employees, policies, or procedures. The development of rules and regulations under House Bill 427, should be a partnership between the Illinois Department of Public Health and Aging, with the the advice and consent of the department's Quality of Life Advisory Committee. It is further the intent of the General Assembly, under House Bill 427, that Assisted Living and Shared Housing Establishment License under this Act, shall remain a socially based model. Again, I want to thank everybody, all the agencies, all the groups that sat around a table, almost as big as the General Assembly and the House of Representatives, itself. We had 30, 40 people



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who made this product, what it is. Again, to the 75 of you who are cosponsors of this, thanks for your help, thanks for your support, thanks for hanging in here with me. One last thank you to Senator Bev Fawell, who got it all started. And I look for favorable vote on this issue. Thank you."

Speaker Hartke: "The question is, 'Shall the House adopt Conference Committee Report #1 to House Bill 427?' All those in favor will signify by voting 'yes'; and all those opposed vote 'no'. This is final action. 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 Members voting 'yes', 0 voting 'no', and 0 voting 'present', and the House does adopt Conference Committee Report #1 to House Bill 427. And this Bill having received a Constitutional Majority, is hereby declared passed. The Chair recognizes the Gentleman from Kendall, Mr. Cross."

Cross: "Thank you, Mr. Speaker. If I could have a moment just to introduce a group..."

Speaker Hartke: "You may."

Cross: "...and it's a pleasure to do this because it's a school group from Oswego, Illinois, which is my hometown. They're from Traughber Junior High, where not only does my wife teach, but they are here today with their school counselor, Joanne Burke, whose daughter is to your immediate right, Colleen, who's on the Democrat Staff and her mother is up with the kids from Traughber, right behind me. So, if we could give the Traughber Junior High kids... John Turner's yelling, he's real excited about this. Thank you."

Speaker Hartke: "Welcome to the General Assembly, and Colleen says hello. The Chair recognizes the Gentleman (sic-Lady)

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from Cook, Shirley Jones. For what reason do you seek recognition?"

Jones, S.: "Mr. Speaker, I'm not a Gentleman, I'm a Lady."

Speaker Hartke: "I'm sorry. The Lady from Cook, Shirley Jones."

Jones, S.: "I have two young men here from the Village of Investment Project, the Mentors and Adoption Program, and I have Larry and Eric here. I would like for you to give them a round of applause."

Speaker Hartke: "Welcome to the House Floor. House Bill 1670, Representative Woolard."

Woolard: "Thank you, Mr. Speaker. I'd like to have you join in two alternative teaching certification programs, are located within the state, in fact, the only two, we're extending the Golden Apple approach to all of the state and the inner-city teaching core which is a certification program that is only located in the City of Chicago. I would appreciate your support for these two agendas."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Conference Committee Report #1 to House Bill 1670?' This is final action. All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there 115 Members voting 'yes', 0 voting 'no', 0 voting 'present', and the House does adopt Conference Committee Report #1 to House Bill 1670. And this Bill having received a Constitutional Majority is hereby declared passed. Senate Bill 73, Representative Wirsing."

Wirsing: "Thank you, Mr. Speaker. Ahhh, excuse me, I move to adopt the First Conference Committee Report to Senate Bill 73."

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Speaker Hartke: "And it does what?"

Wirsing: "Did I do that right? Thank you."

Speaker Hartke: "No, you have to explain it."

Wirsing: "I have to explain it. Well, Representative Lawfer really knows more about this and he is now known because of the contents of this Bill, he is now known as the 'chicken man.'"

Speaker Hartke: "I thought that was Representative Poe."

Wirsing: "Not today, Representative Lawfer is, so if..."

Speaker Hartke: "Okay, could we all give our attention to the speaker. Representative Lawfer."

Lawfer: "Thank you, Mr. Chairman (sic-Speaker). Ladies and Gentlemen, Representative Poe I believe takes care of the chickens, but somebody has to raise them, and what this Bill does, is amend the state statutes in regards to slaughter of poultry on the farm. The current statute limits that to 1000 birds per year. This statute raises that limit to 5000 per year, per farmer. And this is going to help those people that want to, what they call graze chickens, that raise chickens out in the open, slaughtering them on the farm, and are sold to consumers in that locality. This does not, in anyway, change the rules and regulations for the safety and inspection of that food product. All it does is increase the number so that it becomes economically feasible for farmers to be economical in this enterprise. I would be glad to answer any questions or refer them to Representative Wirsing. I'd ask for a 'yes' vote."

Speaker Hartke: "Ladies and Gentlemen, could we please give the speakers your attention, so that we don't have to repeat? There will be downtime today for discussion. The Chair recognizes the Gentleman from Cook, Representative Lang."

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

Speaker Hartke: "He indicates he will."

Lang: "Representative, it was a little noisy in here. Could you explain this again, relative to the inspection of the poultry? Mr. Lawfer."

Lawfer: "I'll try to. There's rules and regulations by the Department of Agriculture in regards to the inspection of animals that are slaughtered, all out of a premise or on a farm, out of a processing premise. These rules and regulations have been in existence for quite a period of time, seem to work very good. There have been no incidences of problems on that. We are not changing any of those rules and regulations. All we're doing is allowing farmers to process more of these poultry on the farm annually."

Lang: "Isn't there an involvement of the Federal Government in poultry and meat inspections? Will they still remain involved as they have been in the past?"

Lawfer: "That is correct, and in most cases, the Department of Agriculture and the meat inspection, exceeds, I repeat, exceeds, the federal requirements. There is a federal requirement limiting the number of birds that can be slaughtered on the premises, and that is 20,000 at this time. So, our rule... the change of the Illinois Statute from 1000 to 5000 is well within the federal statutes."

Lang: "So, you'll excuse the expression, but we won't run afoul of any federal statutes."

Lawfer: "Was that a question?"

Lang: "Well, yes, we won't have any problem with the Federal Government, as it relates to this legislation, is that correct?"

Lawfer: "I do not think we'll be afoul of the Federal Government,

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no."

Lang: "Thank you, Representative."

Speaker Hartke: "The Chair recognizes the Gentleman from Madison, Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Hartke: "He indicates he will."

Hoffman: "Representative, you're talking about the issue of 1000 to 5000 chickens being able to be slaughtered on an individual farm. Who actually does the counting of the chickens? Do we have state chicken counters, Representative?"

Lawfer: "I think there's reports given to the Department of Agriculture on that regard."

Hoffman: "I'm sorry, I missed..."

Lawfer: "I think there's reports given to the Department of Agriculture, and they spot check on this also."

Hoffman: "Well, do we have Department of Agriculture employees who are assigned to count chickens throughout the state that are slaughtered? Is that how we police this?"

Lawfer: "I can't answer that."

Hoffman: "Are these union chicken counters?"

Lawfer: "You think that maybe we could get some people from the department to... they may have to add some employees, would you support that?"

Hoffman: "Are these union chicken counters or are they just regular chicken counters? Do you know? Are they member..."

Lawfer: "Maybe, maybe..."

Hoffman: "...what I'm trying to get to..."

Lawfer: "Maybe some of both."

Hoffman: "Are these members of the AFCC? The American Federation of Chicken Counters?"

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Lawfer: "There may be some."

Hoffman: "Representative, are we talking about..."

Lawfer: "I'm not sure what it takes to get into that particular union."

Hoffman: "Are we talking about only born or unborn chickens?"

Speaker Hartke: "Representative Lang in the Chair."

Lawfer: "They have to be born before they can be slaughtered."

Hoffman: "Okay, so, I just wanted to know if we're counting our chickens before they're hatched. I think it's a good Bill. I ask for a favorable vote."

Speaker Lang: "Further discussion? Representative Black."

Black: "Thank you very much, Mr. Speaker. I just rise to support the Bill. Some of these questions are just pure chicken salad. Let's get on with the business of the House. Colonel Sanders is in favor of it. Raymond Poe is over there plucking and cooking chickens as we speak. Let's go. Come on. Vote 'aye'."

Speaker Lang: "The Chair recognizes Andrea Moore."

Moore: "Too late. I hate to follow up after Bill Black, but I... we were kind of curious here, Representative. Would you yield for just a couple of questions?"

Moore: "Are these called 'free range' chickens?"

Lawfer: "They could be, yes. Free range or grazed chickens, yes."

Moore: "And, so, now my experience with free range chickens when you purchase them, is that they're kind of... they're a little on the light side. They're not... they're kind of skinny. Do they feed them different food?"

Lawfer: "They're raised under different environmental conditions, but it depends, of course, on their age."

Moore: "And, are we also going to benefit... in all seriousness, will there be the eggs that are hatched, that they will

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sell also from free range... from chickens that are allowed to live?"

Lawfer: "We're only dealing here with broilers, chickens that will be slaughtered for meat consumption."

Moore: "Okay, so, this doesn't have anything to with the eggs then of free range chickens?"

Lawfer: "No."

Moore: "That could be another... that could be next year's Bill."

Lawfer: "Be glad to work on that."

Moore: "Thank you."

Lawfer: "With you."

Moore: "This is a good Bill, Representative."

Speaker Lang: "The Chair recognizes chicken farmer, Hartke."

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

Speaker Lang: "The Gentleman will yield."

Hartke: "Representative Lawfer, this is a serious issue because I've gotten several calls from my local processing plants in the area. Explain this a little further to me... if I understand this correctly. Currently, today, if you're a farmer who raises chickens or poultry, you are allowed to slaughter 1000 chickens for sale to neighbors or local grocery stores or for use on the farm, without going through an inspection by the USDA or the Illinois Meat Inspectors. Is that correct?"

Lawfer: "You all allowed to slaughter up to 1000 birds on the farm. You are inspected or spot inspected by the Department of Agriculture."

Hartke: "You're spot inspected. That means that, what? They come in and while you're slaughtering maybe on a Tuesday, you probably wouldn't do this everyday, do you notify the state inspector, that on Tuesday you're going to be

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slaughtering 300 chickens?"

Lawfer: "That's a possibility. As we look at the increased numbers from 1000 to 5000, there may be portable facilities used."

Hartke: "The reason I bring this up, is chickens you know, are very... you have to be very careful in processing chickens, and any of us here or any cooks or housewives know that the handling of chickens could be a serious health hazard to individuals. I'm a little bit concerned when we raise the number from a 1000 to 5000 chickens that will be slaughtered that will be able to be sold and there's no poultry inspector there on a regular basis. Normally, when these poultry are slaughtered at a slaughterhouse or through a processing plant, there's an inspector on duty everyday when they're processing these chickens. We're now raising that limit to 5000. And I know the Federal Government is allowing this, but I have a little health concern about that. You know, just maybe we ought to require that the inspectors be there on those days, so that those individuals who are buying these chickens know that it is a safe product in Illinois. I don't want to give chicken farmers in Illinois who are selling these, a bad name if something should break out from this piece of legislation that we're doing here today. I know the inspection is still the same, but you're raising it from a 1000 to 5000, that's a lot more birds, as well as, I think someone mentioned that federal law could allow us to go to 20,000. And I know the economics of it, but, and this is to help those smaller farmers out, but I also am really concerned about the health aspect of what we're doing here today."

Lawfer: "Representative, I share those concerns, and as well as



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work... the Department of Agriculture is going to be watching this very closely. And of course, these facilities that are utilized on the farm will be inspected by the department and in that regard. And previously, with the 1000 ani... 1000 birds, there have been no reported problems of that. But this is to help a group of farmers that are trying to expand their operation, some underprivileged farmers in Kankakee County, and they are trying to put together an organization to utilize and to improve their economic status in that regard. And there it... the Department of Agriculture is working very closely with this, not only to allow them to slaughter, but also to work with them so that they can move this poultry to an area where it can be marketed. And they live in a rural area that is somewhat inaccessible to the public. We're trying to work the rules and regulations so they can take this, for example, to a church parking lot and so on, where people can pick these birds up. The current regulations require that the birds produced under these conditions can only be sold on the farm. And we need to work on this, but it is a... something that we're going to watch very closely with the Department of Agriculture. As far as the processing plants and so on, there is no poultry processing plant within 70 miles of this area. And so, that becomes an area... it's uneconomical for them to consider moving these birds to a processing plant. I think there's... we're down to just a... actually, a very few poultry processing plants in the State of Illinois. I think it's maybe even a half a dozen plants that are licensed to process poultry in the State of Illinois."

Hartke: "I appreciate what you're trying to tell me, but I don't know where a poultry processing plant is in Illinois. How

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many farmers are we talking about in Kankakee County?"

Lawfer: "Actually, this is a group of farmers that have a federal grant to help them to put together the equipment necessary for raising these animals... this livestock... poultry. I think there's five or six involved in this."

Hartke: "Okay, well, thank you very much. I just wanted to bring that to the Body's attention that we are allowing now from a 1000 to 5000 poultry a day to be slaughtered and sold without a daily inspection of those birds. And there is a possible health risk and I'm really concerned about that, that we could up that number more and I don't want to put a damper on your Bill, but I would urge Members to be very cautious. That's all, thank you."

Lawfer: "I would like for Representative Wirsing to close if there's no further questions."

Speaker Lang: "Mr. Wirsing to close."

Wirsing: "Just to clarify, this is 1000 head to 5000 head. That's on an annual basis, not a per day basis. These are small operations. This is an operation that is already occurring under the current guise and direction of the Department of Agriculture, and there are certain parameters under which the poultry have to be slaughtered from a sanitary standpoint. So, this is not a great expansion, and remember, that's on an annual basis and not on a per day basis. This is purely allowing that small poultry operator the ability to be more efficient and from a financial standpoint, and deal with this issue. I would ask for your full support of this and so that we can assist in and help this element of agriculture here in Illinois."

Speaker Hartke: "Representative Hartke back in the Chair. Further discussion? The question is, 'Shall the House adopt Conference Committee Report #1 to Senate Bill 73?'"

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This is final action. All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 104 Members voting 'yes', 10 Members voting 'no', 0 voting 'present'. And the House does adopt Conference Committee Report #1 to Senate Bill 73. And this Bill having received a Constitutional Majority is hereby declared passed. The Chair recognizes the Gentleman from Kendall, Representative Cross."

Cross: "Thank you, Mr. Speaker. I'm not sure who's left at the school today, but there's another class from Traughber Junior High in Oswego, and I think they're right over... right over there, so if we could give the kids from Oswego High School a round of applause. Thanks. Junior High. Junior High. Junior High."

Speaker Hartke: "Welcome to the General Assembly. The Chair recognizes the Gentleman from Kane, Representative Schmitz. For what reason do you seek recognition?"

Schmitz: "Thank you, Mr. Speaker. I also rise on a point of personal privilege."

Speaker Hartke: "State your point."

Schmitz: "I'm too, joined by my alma mater grade school, Louise White School, Batavia, Illinois, over here in the gallery. Let's give them a warm Springfield welcome."

Speaker Hartke: "Welcome to your State Capitol. The Chair recognizes the Gentleman from Vermilion, Representative Black."

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

Speaker Hartke: "State your point."

Black: "Yes, I would like the Body to welcome a new intern who

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has just done phenomenal work here on the floor. Would you welcome with me, the lovely and talented, Kevin Tribout."

Speaker Hartke: "Kevin, you're doing a great job. The Chair recognizes... scratch that. On Supplemental Calendar #1, appears Senate Bill 171. Representative Reitz."

Reitz: "Thank you, Mr. Speaker. I would ask that we adopt Conference Committee Report #1. This simply made a technical change from the Bill that we sent over to the Senate. The Amendment we had on the House, this will allow municipalities under 130,000 that are nonhome rule to appoint police chiefs. One, if they are under 25, have under 25 positions, and two, if they have over 25 officers. And that's it. Nothing to do with chickens."

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

Black: "Yes, Mr. Speaker, will the Sponsor yield?"

Speaker Hartke: "Indicates he will."

Black: "Representative, the underlying Bill only dealt with the appointment of a deputy chief of police, and I believe that cleared the House..."

Reitz: "Right."

Black: "...unanimously, did it not?"

Reitz: "Correct."

Black: "And the Conference Committee... how does it change the underlying Bill?"

Reitz: "It doesn't. It still just deals with deputy police."

Black: "Yeah, but it allows them to have two deputy chiefs now, right?"

Reitz: "Yes. Well, the original Bill did. It was just simply a technical change in the wording of it. The Bill...the underlying Bill that we had sent, the Amendment that we put on in the House is exactly like this was. It allowed two

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if they have over 25 police officers."

Black: "So it's a technical Conference Committee Report, then?"

Reitz: "Correct."

Black: "And you know of no technical opposition?"

Reitz: "None that I've seen."

Black: "So technically it's ready to be voted on?"

Reitz: "Technically that's correct."

Black: "All right. Mr. Speaker. Mr. Speaker. Mr. Speaker, we've been through for four minutes, we've just been waiting for you to call the Bill."

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

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

Speaker Hartke: "He indicates he will."

Scott: "Dan, this just now applies to nonhome rule municipalities under 130,000?"

Reitz: "Correct."

Scott: "There's a provision in the statute already for nonhome rule cities 130,000 and above. This doesn't touch that in any way, does it?"

Reitz: "No, it doesn't."

Scott: "So those provisions would still stay intact?"

Reitz: "That's right."

Scott: "Great, I appreciate it and I support your Bill. Thank you."

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

Reitz: "Thank you. I'd just appreciate your support."

Speaker Hartke: "Question is, 'Shall the House adopt Conference Committee Report #1 to Senate Bill 171?' This is final action. All those in favor will vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish?"

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Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Fritchey, record yourself. Have all voted who wish? Mr. Clerk, take the record. On this question there are 115 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And the House does adopt Conference Committee Report #1 to Senate Bill 171. And this Bill having received a Constitutional Majority is hereby declared passed. The Chair recognizes the Gentleman from Kendall, Mr. Cross. Do you have another class here today?"

Cross: "And they're all from Traughber. I don't think there's a single person left in Oswego. These guys are up here from Traughber Jr. High. Guys, welcome and make sure and catch up tomorrow and try and do your homework. No, this is the third class. Thank you, Mr. Speaker."

Speaker Hartke: "Welcome to Springfield. Supplemental #1 appears Senate Bill 648, Representative Krause."

Krause: "Thank you, Mr. Speaker."

Speaker Hartke: "Ladies and Gentlemen, can we have your attention, please. This is final action on Bills. Please."

Krause: "Mr. Speaker, I move to adopt the Conference Committee Report #1 to Senate Bill 648. This legislation applied to charter schools. The Conference Committee relates to two items. It retains the provision that each region can have a maximum of 15 active charter schools, and in addition it provides that the transition impact aid to school districts shall be spread over a three year period. House Amendment #1 had provided for a four year. It therefore provides for 90% payable the first year, 65 the second, 35 the third. The other provision it provides that if House Bill 230 is adopted, therefore, the transition impact aid would not be

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paid for any charter school proposed and created by a local board of education. I would ask for support of the Conference Committee."

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

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

Speaker Hartke: "She indicates she will."

Moore: "Representative, for purposes of legislative intent, if a school district issues a charter and that charter is later revoked or not renewed, can that school district reissue or reuse that charter?"

Krause: "Yes. Under Section 27(a)4(b) of the School Code the present cap of 45 charters in the state, being 15 in each of the three regions, is a cap on the number of charters that can be in operation at one time. It's not an absolute cap on the number of charters that can be issued. For example: If a region has 15 charters and revokes one of the charters, that revoked charter's slot can be reused and that region can issue another charter to bring its number back up to the 15."

Moore: "Thank you."

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

Harris: "Mr. Speaker, will the Representative yield?"

Speaker Hartke: "The Sponsor will yield."

Harris: "Representative, is there any opposition to this Bill?"

Krause: "I believe that we have...there are parties that are neutral but no one has come back to me expressing opposition, I think, particularly with what has been worked out in the Conference Committee."

Harris: "So, in other words, AFSCME and the Illin...Chicago Teacher's Association are no longer opposed to it?"

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Krause: "That would be correct because I met with them after the committee and their main concern was to remove in the Senate Bill that came over, the provision that you could automatically add another 15 charters to a region. What this does is retain it at the 15 that was in the original Act, but that if a charter is not used that region can use it to keep it at the 15. With that, they said that they were neutral and I met with them."

Harris: "Thank you."

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

Woolard: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'd like to commend Representative Krause. I think that she has addressed, very correctly, the concerns of some on the expansion of the numbers of charter schools in the state. I think that we all recognize that there are some slots available today, and if in fact, there needs to be an expansion at a later time, I'm sure that we'll do so. But I would encourage everyone to support Senate Bill 648, Conference Committee, as it has addressed very definitely, some certain needs today and has, without question, modified it to accommodate those who had concerns."

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

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

Speaker Hartke: "She indicates she will."

Davis, M.: "Representative Krause, the Bill that we presented or you presented in committee gave 15 new slots to different locations. Is that correct?"

Krause: "The Bill as it was came from the Senate, that is correct, had that provision in it."



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Davis, M.: "Then you added an Amendment that took those additional 15 out?"

Krause: "That is correct."

Davis, M.: "Now...."

Krause: "We adopted that Amendment in the House."

Davis, M.: "Now what does this Conference Committee Report do?"

Krause: "All right, what the Con...Conference Committee went back to the Senate and they nonconcurrred. I refused to recede. What the Conference Committee does is to leave it...is to maintain each region at 15, but reading the intent of the statute it does provide that if within a region one or two charters were in effect turned back to the school district, they could...the state could continue to work with...to make up to the 15."

Davis, M.: "So in the state we still have 45, is that correct?"

Krause: "That is correct."

Davis, M.: "And we won't add to that."

Krause: "That is correct."

Davis, M.: "Thank you, Representative, and I do support your legislation."

Krause: "Thank you."

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

Krause: "I ask for support of the Conference Committee. Thank you."

Speaker Hartke: "Question is, 'Shall the House adopt Conference Committee Report #1 to Senate Bill 648?' This is final action. All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 113 Members voting

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'yes', 0 voting 'no' and 1 person voting 'present' and the House does adopt Conference Committee Report #1 to Senate Bill 648. And this Bill having received a Constitutional Majority is hereby declared passed. For what reason does the Lady from Cook, Representative Davis, seek recognition?"

Davis, M.: "I accidentally punched the wrong button and I would have voted 'aye' on this legislation. And it's the first time it's ever happened to me. Thank you."

Speaker Hartke: "Your record...or the record will reflect your desire. On Supplemental Calendar #1 appears Senate Bill 656, Representative Fritchey."

Fritchey: "Thank you, Speaker. I move that we adopt the First Conference Committee Report on Senate Bill 656. We made a very minor, I think, literally, one word adjustment to this Bill. All sides are in agreement now and I appreciate any favorable votes."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition the question is, 'Shall the House adopt Conference Committee Report #1 to Senate Bill 656?' This is final action. All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 67 Members voting 'yes', 48 Members voting 'no', and 0 voting 'present' and the House does adopt Conference Committee Report #1 to Senate Bill 656. And this Bill having received a Constitutional Majority is hereby declared passed. The Chair recognizes the Gentleman from Vermilion, Representative Black. For what reason do you seek recognition?"

Black: "Yes, Mr. Speaker. On Senate Bill 656 I was recorded as

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voting 'aye' and I would like the record to reflect that had I been at my desk, I would have voted 'no' and I've never done that before."

Speaker Hartke: "The record will so reflect your wishes. The Chair recognizes the Lady from Cook, Representative Davis. For what reason do you seek recognition?"

Davis, M.: "Mr. Chairman.... Mr. Speaker, had I not been out talking with Representative Black, I would have voted 'no'. I'd like to be recorded 'no' on this Bill, please. Thank you."

Speaker Hartke: "The record will so reflect. Is Representative Winters in the chamber? Senate Bill 941, Representative Winters."

Winters: "Thank you, Mr. Chairman (sic-Speaker). There should be Amendment #4 available for this."

Speaker Hartke: "Yes. What is the status of (sic-Senate Bill) 941?"

Clerk Rossi: "Senate Bill 941 has been read a second time, previously. Amendments 2 and 3 have been adopted to the Bill. No Motions have been filed. Floor Amendment #4, offered by Representative Winters, has been approved for consideration."

Speaker Hartke: "Representative Winters."

Winters: "Thank you. Amendment #4 is the substantive language to go into Senate Bill 941. It actually takes out one provision that was passed by the Senate and I have the Senate's agreement on this. It calls for a separate audit and report of the spending from the Tort Immunity Fund and also has a preamble that sets forth a little bit more clearly the uses of the Tort Immunity Fund. I move for its adoption."

Speaker Hartke: "Is there any question on the adoption of the

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Amendment? The Chair recognizes Representative Black."

Black: "Inquiry of the Chair, Mr. Speaker."

Speaker Hartke: "State your inquiry."

Black: "Yes, the Clerk indicated that Floor Amendment #2 had been adopted to the Bill. We don't have that in our records. Would you ask the Clerk to verify the adoption of Floor Amendment #2?"

Speaker Hartke: "Mr. Clerk."

Clerk Rossi: "Representative Black, the Calendar is in error. Floor Amendment #2 has not been adopted. The only Amendment that has been adopted to the Bill is Floor Amendment #3."

Speaker Hartke: "Mr. Black."

Black: "I'm just overcome that we won one of our inquiries. We were right, you see. We try to help you over here as best we can. So without Floor Amendment #2, Floor Amendment #3 and 4 might be out of order."

Speaker Hartke: "Restate your...restate your question."

Black: "Yes, if the Clerk would check, because on the computer it shows all the action of the Amendments. Given the fact that the Calendar shows Floor Amendment #2 adopted and it wasn't, would Amendment #4 be in order?"

Speaker Hartke: "Mr. Black, we'll look into that."

Black: "Thank you."

Speaker Hartke: "...recognizes Representative Black."

Black: "Yes, it's our understanding, Mr. Speaker, that #2 was never adopted, #3 is superfluous because #4 becomes the Bill, correct?"

Speaker Hartke: "Correct."

Black: "All right, now. If the Sponsor could clearly, concisely, and cogently explain Floor Amendment #4, we can begin to make some progress."

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Winters: "Certainly, I would be happy to. Floor Amendment #4 becomes the Bill. It deletes everything that has gone before that and reinstates most of the language as it came over from the Senate. It does remove one provision that had become uncertain that we could arrive at language that would be agreeable. So we simply, at the Senate Sponsor's request, removed that provision. It still has two main areas. One, is to set up a separate audit and listing of the individual expenditures in the Tort Immunity Fund, so that citizen groups or individual taxpayers can identify whether or not those expenditures are proper. And the second major provision is to set forth legislative language as to the proper use of the Tort Immunity Fund."

Speaker Hartke: "Further discussion?"

Black: "Yeah, will the Sponsor yield, Mr. Speaker?"

Winters: "Certainly."

Black: "Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Black: "Thank you. Representative, as drafted, this Bill.... Is this Bill very narrow in its scope? Is it primarily drafted for the situation in Rockford?"

Winters: "No, it is not targeted at that situation at all. It is targeted more at taxing districts that are trying to expand the use of the Tort Immunity Fund to fund - oh, there have been cases where they've funded painting of lot lines on parking lots or buying football helmets. One high school argued that because they were trying to reduce accidents on their high school running track team, that they should build a \$200,000 running track and then fund it out of the Tort Immunity. So it is not specifically, targeted at Rockford and I don't think will have any effect other than the fact that they can't...they can't, you know, build new

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facilities on the...on the chance that they might reduce injuries. It's not targeted at Rockford at all."

Black: "All right. So the language is, 'No governmental entity shall expend any revenue from taxes levied under the Tort Immunity Act for an unrelated operation or for maintenance or new construction.'"

Winters: "That was the...."

Black: "That's the heart of the Amendment, right?"

Winters: "No. That was the part that was removed from the Bill with Amendment 4. You are on, I believe, Amendment 2."

Black: "Okay, now we're down to 4...."

Winters: "Which was not adopted."

Black: "...now. Okay. All right. All right, I'm with you now. How... Dave, how clearly, how clearly is the language as to what they can do and what they can't do? What expenditure can they make? What expenditure can't they make?"

Winters: "Well, we feel it's.... You know, obviously the Tort Immunity Fund has been fairly well defined in the past. And we're simply setting forth additional warnings to attorneys that the...the Tort Immunity Fund is an extraordinary tax for funding expenses relating to tort liability insurance and risk management programs. Therefore, it has been exempted from the statutory limitations that other funds would have. But I think that language along with what is already existing in the statutes will allow an attorney to know whether or not they are reaching the bounds of what is allowed within the Tort Immunity Fund."

Black: "All right. Obviously what you're after and what I'm having trouble understanding, if the language was drafted properly in the beginning, I don't know how they could expand the fund to cover an all-weather track with some

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explanation that it might prevent injuries and then therefore, a lawsuit. If it's that broadly interpreted, does your Amendment narrow that kind of abuse?"

Winters: "We feel that the language will lead attorneys to believe that they're not going to be allowed access to the fund in that specific instance, and the other provision of it is by listing the specific expenditures in the Tort Immunity Fund. Always before they have been lumped together as one, you know, for tort and risk management programs. Now when they have to list that we spent X number of dollars on janitors to clean the hallways so people didn't stumble and we spent so much on administrative salaries, we spent so much for a running track, that then, I think by knowing that they have to list those kinds of expenditures, that boards who are making those decisions will say, you know, that's pretty risky for us to tell the taxpayers that we're spending without any limit on their taxes money for these purposes. We think we're going to be changing the behavior of the boards by making that...by opening it up to the sunshine and accessibility by the media and by a normal taxpayer."

Black: "And I think that makes eminent good sense. So I appreciate the work you've put forth. Thank you for your forthright answer."

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

Silva: "Will the Sponsor yield?"

Speaker Hartke: "He indicates he will."

Silva: "Representative Winters, I just wanted to clarify that the language that originally the Minority Caucus had concerns about has been removed and the language was specifically, 'A local public entity shall not expend any revenue from

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taxes levied under this Act for unrelated operations or for maintenance or new construction.'" "

Winters: "That was in Amendment 2. That is not found in Amendment 4. That language has been removed."

Silva: "Well, I wanted to tell you, I wanted to thank you for your cooperation. As you know, we had some concerns about that for potential lawsuits in the future. We didn't want to jeopardize those and I thank you for your efforts to work together to make this Bill more plausible for the Minority Caucus, and with that I would support an 'aye' vote."

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

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

Speaker Hartke: "He indicates he will."

Davis, M.: "Okay. Representative Winters, I really apologize. The noise in here is kind of, I won't say it's unwieldy but I'll say I didn't hear all of your points."

Speaker Hartke: "Please."

Davis, M.: "And I know that this legislation has created a great deal of concern in this Body. Now, can you please explain to me and others exactly how this Amendment changes the Bill that we were opposed to?"

Winters: "There was language in Amendment 2 and what came from the Senate that was trying to further define how the Tort Immunity Act could be used and specifically outlawed its use for normal operations or capital programs. There was some concern on your part of the...on your side of the aisle, I know, that that would have limitations in the Rockford school lawsuit, so that language has been removed."

Davis, M.: "Okay."



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Winters: "We feel that...there.... That was really up for discussion. We did not feel that it would have impacted it but..."

Davis, M.: "Okay. So...."

Winters: "...simply to respond to your concerns and because there was disagreement on how that language could be interpreted, we did remove that from the Bill."

Davis, M.: "So they can use tort dollars for construction, is that correct?"

Winters: "That is up to a court interpretation. I'm not a lawyer. I can't speak to how whether or not they can use it, but they have been using it and that's really up to the courts to determine. We're not changing in any way the language in the Bill on that specific issue."

Davis, M.: "Okay. Thank you, and for a point of personal privilege because they're leaving, Avalon Park, Miss Barnes, Chicago. Please say ,hi.' Thank you very much."

Speaker Hartke: "Welcome to the General Assembly."

Davis, M.: "Avalon Park School. Wave. Hi. Thank you. God bless you. Have a safe trip back. Thank you."

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

Winters: "Thank you, Mr. Speaker. I believe that this Bill is a step forward. It will require every taxing district in the state to look again at the Tort Immunity Fund and whether the expenditures that they're currently making in that fund are what were intended. It opens up that fund then to further scrutiny by the media and by taxpayers. I believe we'll see many of the abuses that we have seen in the past, no longer happen. It's a very perspective Bill and I urge its adoption."

Speaker Hartke: "The question is, 'Shall the House adopt Floor

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Amendment #4 to Senate Bill 941?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair the 'ayes' have it and Floor Amendment #4 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

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

Cross: "If I could defer to Mr. Stephens a second. He's going to help me out."

Speaker Hartke: "Mr. Stephens."

Stephens: "Mr. Speaker, I am pleased to announce that the Crawford Jr. High from Os.... Excuse me? Traugber Jr. High School from Representative Cross's district. He's a little bit under the weather this morning. You can see he's not feeling so well. He's never happy. I think he needs another Mountain Dew. But we would like to welcome you to Springfield. Ladies and Gentlemen."

Speaker Hartke: "Welcome to your state capitol. Mr. Clerk for an announcement."

Clerk Rossi: "The Rules Committee will meet at 3:20 in the Speaker's Conference Room. The Rules Committee will meet at 3:20 in the Speaker's Conference Room."

Speaker Hartke: "Clerk, what is the status of Senate Bill 311?"

Clerk Rossi: "Senate Bill 311 has been read a second time, previously. No Amendments have been adopted to the Bill. Floor Amendment #2, offered by Representative Garrett, has been approved for consideration."

Garrett: "Thank you, Mr. Speaker, Ladies and Gentlemen. First of all I'd like to withdraw Senate Amendment.... I'm sorry, I'd like to withdraw Amendment #1 and 2 and I would like to make sure that Amendment #3 is the Bill. This is Senate Bill 311."

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Speaker Hartke: "Withdraw Amendment #2. Mr. Clerk, further Amendments?"

Clerk Rossi: "Floor Amendment #3, offered by Garrett, has been approved for consideration."

Speaker Hartke: "Representative Garrett."

Garrett: "Basically, we're asking that the Civil Administration (sic-Administrative) Code be amended to include the following language in counties with a population of not less than 500,000 and not more than 800,000. 'A lease to any other department of state government, any authority, commission or agency of the state or a municipality, county or township of the state including in any land lease the corresponding vertical rights, subterranean and air rights and sublease rights, may be for a period of time no longer than 55 years.' The reason that we are asking for this variation is because this is specific to Lake County; to the county seat, Waukegan, Illinois which is a TIF district. We are working to make sure that it is ready for redevelopment and we want to make it as encouraging for developers, potential developers to come in and redevelop this particular area in Waukegan, Illinois. Thank you."

Speaker Hartke: "The Chair recognizes the Gentleman from Lake, Representative Beaubien. Representative Black."

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

Speaker Hartke: "State your inquiry."

Black: "Has the land conveyance note been filed? We requested a land conveyance note. Has it been filed?"

Speaker Hartke: "Mr. Clerk."

Clerk Rossi: "The land conveyance appraisal note that was requested on the Bill was requested on Amendment #2 which was withdrawn."

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Black: "Okay. Then we'll file it on Amendment #3, as well. Will the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Garrett: "Yes."

Black: "Representative, do you.... I haven't read the land conveyance appraisal note on the prior Amendment. Do you have some idea what the property in question might be worth?"

Garrett: "Representative Black, I have no idea what the property is worth."

Black: "Do you have any idea, could you put an acreage on the property or so many.... How big is this parcel that we're talking about?"

Garrett: "What we are talking about is the redevelopment of the lakefront in Waukegan. It could be, you know, two miles. I'm not sure of the exact acreage. There is not.... Representative?"

Black: "Yeah, I'm listening."

Garrett: "Representative, there is not a plan in place. What we're trying to do is make it as positive for redevelopment to take place as possible."

Black: "Representative, are you sure that the city does not have some kind of development plan for the land in question?"

Garrett: "They have been working with a develop...not a develop...a consultant called City Vision, and City Vision is out of Wisconsin and they have put together some plans but none of them have obviously gone forward because there are no developers."

Speaker Hartke: "Representative Black."

Black: "I'm sorry, Mr. Speaker. I was checking with staff. Representative, I'm having a very difficult time understanding this. I have.... You're not able to give me

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any kind of conceptual picture of how big this parcel of land is. If you can't give me an acreage, can you give me a front foot? I mean, land that is located on a body of water and in this case, I assume it's Lake Michigan...."

Garrett: "Representative Black, let me respond to that. It's a very good question. Waukegan, as I've already said, is a blighted area. It's a TIF district and the problem that Waukegan has with this particular area along the lakefront is that running parallel to the lake is a state highway called the Amstutz Highway. The Amstutz Highway is actually elevated. In addition, there are railroad tracks. It is a very complex piece of property in which to develop. It will take a lot of creativity in order to attract potential developers. And simply speaking, Representative Black, that's all this legislation is about. It's a way in which to work together with the City of Waukegan to make sure that this piece of property along the lakefront is going to be attractive to potential developers."

Black: "Okay, but...."

Garrett: "It is very important for the City of Waukegan."

Black: "Okay, now, but bear with me. The land in question along this highway, is it a mile long, two miles long, five miles long? Give me some conceptual picture of the kind of development we're looking at. I mean, if it's a mile long or ten miles long."

Garrett: "Well, it could...you know, it could be up to two miles long. I'm not absolutely sure."

Black: "Okay. All right. So could be up to two miles, not...but not..."

Garrett: "It could be."

Black: "...beyond two miles. You think that two miles would cover it?"

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Garrett: "I'm not absolutely, positive."

Black: "Okay."

Garrett: "But I would say..."

Black: "All right."

Garrett: "...we are safe to say two miles is a good number."

Black: "Okay. Is the highway in question, does it face Lake Michigan or is this another body of water?"

Garrett: "As I...as I said, Representative Black, it runs parallel to Lake Michigan."

Black: "Oh."

Garrett: "Last I looked."

Black: "Okay. And the Illinois Department of Transportation, have they given you any indication, are they willing to enter into this long term lease of their property?"

Garrett: "You know, that's another very good question. IDOT has filed a note saying that they are totally neutral on this. In other words, they're not opposed. They understand the importance of this project in Waukegan and they believe that the..."

Black: "Okay, fine."

Garrett: "...that there's no reason to oppose this."

Black: "Oh, really?"

Garrett: "Yes."

Black: "I mean, there's no reason for IDOT to oppose it or no reason for anybody to oppose it?"

Garrett: "I would hope everybody, Representative Black."

Black: "Well, thank you very much, Representative, I appreciate your forthright answers. And, Mr. Speaker, may I just say, thank you."

Speaker Hartke: "You're welcome. The Chair recognizes the Lady from Lake, Representative Moore."

Moore: "Thank you, Mr. Speaker. I rise in support of this piece

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of legislation. Waukegan is one of the older cities in our state. It is.... The lakefront has been an industrial area, as much of the area was on Lake Michigan. And as Illinois developed, they were a very prosperous industrial area. But then as industry moved out, they have been left with some problems that will qualify for Brownfields legislation and they have areas that need...have needed serious master planning for a number of years. This is part of the effort of master planning for the Lake Michigan front in Waukegan. It's one that I strongly support and I'm very pleased to see that the city has taken this step at last and I fully support them and would ask others to do the same."

Speaker Hartke: "The Chair recognizes the Gentleman from Lake, Representative Osmond."

Osmond: "Thank you, Mr. Speaker. I rise in support of this Bill, as well. This is an impediment between the Lake Michigan shoreline and the downtown area of Waukegan. The development of this area will be vital to the overall economic growth of Waukegan. Waukegan is our county seat. The people in Waukegan have done some very marvelous things in the planning opportunities and this would provide a very key element to the overall plan and I rise to support. Thank you."

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

Lang: "Thank you, Mr. Speaker. I rise in support of Representative Garrett's Amendment. Anyone who's ever been in downtown Waukegan over a period of the last 10 or 20 years, has seen a gradual deterioration of that area. Twenty years ago downtown Waukegan was thriving - open businesses, theaters and it was very busy and businesses

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were doing very well. Downtown Waukegan is right off of the lake and because...because of the deterioration of business in downtown Waukegan the lakefront there has also deteriorated. So Representative Garrett is doing exactly the right thing here for her community. This will really help Waukegan move itself forward to open those businesses, to improve economics in Waukegan and to improve the lakeshore there. I would urge your 'aye' votes."

Speaker Hartke: "Mr. Clerk for an announcement."

Clerk Rossi: "The Rules Committee will meet immediately in the Speaker's Conference Room."

Speaker Hartke: "The Chair recognizes the Gentleman from Lake, Representative Beaubien."

Beaubien: "Yes, will the Sponsor yield, please?"

Speaker Hartke: "She indicates she will."

Beaubien: "Yes, I happen to have spent from the year 1942 to 1964 in the City of Waukegan. I was born and raised there. I was there during the great years of the early 50's and through the 50's when Waukegan was a centerpiece of the economic of the entire area. They would come down from Kenosha and Racine, Grayslake, Libertyville, Lake Zurich, from all over the area to come to that particular town. It was a very viable, economic city. Today it is not such. It's a city with a great deal of economic problems, social problems and they're trying to bring themselves up from the bootstraps, through this downtown redevelopment program. I'm familiar with it because I was on the county board when they were dealing with it. I know the people that are on the committee and has always had an interest in this particular town. This town needs this. It gives them the ability, it enables them to go forward into the future. If you know Waukegan, there's a large bluff about a half or a



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quarter mile from the lake. Between the lake and the bluff are railroad tracks and a major elevated highway. All the city wants to do is have the right to purchase rights to go over that...those particular obstacles so they can get directly down to the lakefront. There's some discussion about being a deal here. There is none. I've talked with the mayor. I've talked with the county administrator. I've talked to the people on the committee. They have hopes and they have dreams but they're a long way from realizing them. This will merely enable the town to have some hope in the future of redeveloping itself. When I think of some of the things we've done for towns in this state that have helped them revitalize, the riverboat towns, and when I think of a town that recently around O'Hare that got some benefits that this Assembly was more than anxious to vote for, I cannot imagine why any Member of this General Assembly would want, in any way, to stop a town that's trying to bring itself up and vote against this particular Bill. I think it's abhorrent to consider that we would not treat Waukegan like we treat other towns in this state, particularly some of the more affluent ones and I urge an 'aye' vote."

Speaker Hartke: "Representative Garrett to close."

Garrett: "I really thank everybody that spoke on behalf of this Bill and I just want to reinstate how important this piece of legislation is for the City of Waukegan. I ask all of you for an 'aye' vote and I would love to see a unanimous outcome. Thank you."

Speaker Hartke: "The question is, 'Shall the House adopt Floor Amendment #3 to Senate Bill 311?' All those in favor signify by saying 'yes'; those opposed 'no'. In the opinion of the Chair the 'ayes' have it and Floor Amendment

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#3 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments. A land conveyance note has been requested on the Bill, as amended by Amendment #3, and that note has not yet been filed."

Speaker Hartke: "That Bill will remain on Second Reading. 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 26, 1999, reported the same back with the following recommendation: 'to the floor for consideration' Conference Committee Report #1 to House Bill 452; Conference Committee Report #1 to House Bill 2166; and to the Order of Postponed Consideration Senate Bill 23. Supplemental Calendar #2 is being distributed."

Speaker Hartke: "On Supplemental Calendar #2 appears House Bill.... Clerk, Calendar announcement."

Clerk Bolin: "Supplemental Calendar #2 is being distributed."

Speaker Hartke: "On Supplemental Calendar #2 appears House Bill 2166, Representative Leitch."

Leitch: "Thank you. Mr. Speaker, I'd move that we adopt the First Conference Committee Report to House Bill 2166."

Speaker Hartke: "Mr. Leitch, would you like to explain the Conference Committee Report?"

Leitch: "Actually, Representative Mautino has the detail on that Conference Committee Report."

Speaker Hartke: "Representative Mautino."

Mautino: "Certainly. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. (2166) has some recommendations from the CHIP Board on the different benefit levels accrued in the plan. It's a very successful plan. Insurance, basically, for the uninsurable. In the State of Illinois

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one of the most important provisions of this lang...inside this Bill has parity for mental and emotional, and this is something which has been agreed to and will provide a level of coverage for the people enrolled in the plan. I simply ask your 'aye' votes. That's what this Conference Committee Report does."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Conference Committee Report #1 on House Bill 2166?' This is final action. All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there 115 Members voting 'yes', 0 voting 'no' and 0 voting 'present' and the House does adopt Conference Committee Report #1 on House Bill 2166. And this Bill, having received a Constitutional Majority, is hereby declared passed. Committee Report."

Clerk Rossi: "Representative Currie, Chairperson from the Committee on Rules to which the following measure is referred, action taken on May 26, 1999, reported the same back with the following recommendation: 'to the floor for consideration' House Amendment #3 to Senate Bill 956."

Speaker Hartke: "On the regular Calendar, appears Senate Bill 457, Representative Hassert."

Hassert: "Thank you, Mr. Speaker. I move to refuse to recede from Amendment #2 and ask for a Conference Committee Report."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition the question is, 'Shall the House refuse to recede from House Amendment #2 to Senate Bill 457?' All those in favor say 'aye'; opposed 'no'. In the

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opinion of the Chair the 'ayes' have it and the House does refuse to recede from House Amendment #2 to Senate Bill 457 and a request has been made for a Conference Committee to be appointed. Mr. Clerk, what is the status of Senate Bill 23?"

Clerk Rossi: "Senate Bill 23 is on the Order of Consideration Postponed."

Speaker Hartke: "Move that Bill back to the Order of Second Reading for the purposes of an Amendment at the request of the Sponsor. On Supplemental Calendar #2, appears House Bill 452, Representative Hannig. Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. This is the quicktake Bill that passed out of this chamber as a House Bill earlier in the Session. The Senate added a couple of agreed parcels of land and sent it back over here. There was some additional requests that were agreed to that we added in the Conference Committee and I'd be happy to answer any questions concerning any of the quicktake provisions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt.... Representative Turner, do you have questions on the Bill?'"

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

Speaker Hartke: "He indicates he will."

Turner, J.: "Representative, how does the Conference Committee Report change the underlying Bill?"

Hannig: "Yes, Representative, the parcels of land that were in the original Bill, they're still there. And what the Conference Committee does, is it adds some additional parcels and this has been agreed to by, it's my understanding, by all four caucus chairs, that is chiefs."

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Turner, J.: "So there were some quicktake, quicktakes in the original Bill and now there are some additional ones added by the Conference Committee is...."

Hannig: "That is correct."

Turner, J.: "Okay. Just a minute, Mr. Speaker. Representative, can you tell us where the quicktakes are?"

Hannig: "Do you wish the additional ones or do you wish the entire list, Representative?"

Turner, J.: "How long is the entire list? It's..."

Hannig: "Very big."

Turner, J.: "...not in my analysis."

Hannig: "There's quicktake and land transfers. Let me just read you the list and if you have questions on specific ones we'll try to answer those, as well. There's Franklin Park, there's Tinley Park has a couple of requests, Hardin County, Fort Dearborn, Rosemont, the City of Taylorville. Hardin...I said Fort Dearborn, Lockport Township, Village of..., and I'm going to get this one wrong. Village of Buncombe, Bureau County Salt and Water Conservation District, Lewis and Clark Community College, Will County Department of Highways. There's language changes to the Public Waters District Act that provide that if there are no legal voters in a territory to be annexed, that a petition must be signed by a majority of the owners of record of the land. There's language to...provides that Bi-State, which is down in the metro area, is exempt from property taxes. Let's see, there's also the Village of Lincolnshire, City of Marion, City of Geneva, City of Arcola, Lake County has some requests, Winnebago County has a number of requests. I'm sorry, has a request. The Village of Schiller Park, City of Springfield, and then in the Senate Amendment, Representative, there's McLean

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County, Pike County, Fox-Metro County, St. Clair County, Madison County, Lake County, Kendall County, Du Page County are primarily.... Oh, and it also authorizes the Department of Natural Resources to convey land to the Village of Bartlett for \$1. And then also the City of Chicago, the Village of Palatine, City of Crest Hill and East St. Louis. Well, that's the Bi-State. I've already spoke of that. And those last four were from the Conference Committee Report. And it's my understanding, Representative, that all four caucuses...."

Turner, J.: "I'm sorry, Representative, were you finished?"

Hannig: "And so it's.... My last comment was that it's my understanding that all four caucuses have been informed of this. They've had an opportunity to provide items to this proposal and that it's a bipartisan effort to address, you know, to address those items where quicktake has been deemed to be necessary."

Turner, J.: "Representative Cross wanted to know if you had the legal descriptions for all the properties mentioned in the different counties?"

Hannig: "I'm sorry, could you repeat the question?"

Turner, J.: "Representative Cross wanted to know if you had available to you today for the Members, the legal descriptions of all the properties located within the separate counties?"

Hannig: "Representative, it's not a part of the actual Bill."

Turner, J.: "Well, Representative Brady heard you mention McLean County. This will be my last question. Can you be more specific as to what the provisions are as they apply to McLean County?"

Hannig: "Yes, I'll be happy to do that, Representative."

Turner, J.: "Representative, I actually found it in my analysis

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as to McLean County and I'm satisfied with that and I don't have any further questions. Thank you."

Speaker Hartke: "The Chair recognizes the Gentleman from McLean, Mr. Brady. Mr. Brady. Mr. Brady."

Brady: "Will the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Brady: "Representative, how many parcels in McLean County?"

Hannig: "Representative, the language that the Senate put in provides that, 'For a period of 24 months after the effective date of this Amendatory Act by McLean County for the acquisition of property necessary for the purposes of construction with respect to the Towanda-Barnes Road from Route 150 to Fort Jesse Road.' That's what the actual language says. So that's what the actual language of this proposal is, Representative."

Brady: "Representative, is it.... I was unaware that this provision was inserted in the Senate. I don't know if you can do this or not, but is it possible you can take this out of the record?"

Hannig: "Representative, I can't hear you, I'm sorry. What was...."

Brady: "I was unaware this provision was inserted in the Senate. I'd like to clarify some things. Is it possible you could hold this for a little bit?"

Hannig: "Yeah, we'd be happy to, Representative. Why don't we do that? Mr. Speaker, could we come back to this in a few minutes?"

Speaker Hartke: "Yes. Take this Bill out of the record, momentarily. Representative Currie in the Chair."

Speaker Currie: "Clerk, can you tell us the status of Senate Bill 311?"

Clerk Rossi: "Senate Bill 311 has been read a second time,

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previously. Floor Amendment #3 was adopted to the Bill. The Bill was held on the Order of Second Reading, pending the filing of several fiscal notes. Those notes have been withdrawn."

Speaker Currie: "Third Reading. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 311, a Bill for an Act amending the Civil Administrative Code of Illinois. Third Reading of this Senate Bill."

Speaker Currie: "Representative Garrett."

Garrett: "Thank you, Mr. (Sic-Madam) Speaker. Thank you, Mr. (sic-Madam) Speaker, Ladies and Gentlemen. Again, I ask that you consider voting in a positive way for this Bill. Basically, what it does is provide an opportunity for potential developers to come in and develop a TIF district in downtown Waukegan, which is the county seat. It is a very important Bill for Waukegan and I hope you will vote positively. Thank you."

Speaker Currie: "Representative Garrett has moved passage of Senate Bill 311, and on that question, Representative Black."

Black: "Yes, thank you very much, Madam Speaker. Did you announce yourself in the Chair?"

Speaker Currie: "I believe Representative Hartke did, but I'd be happy to reannounce. Representative Currie in the Chair."

Black: "Yes, just to make sure. Thank you. All right. Now, now that everything is in order will the Sponsor yield?"

Garrett: "Yes."

Black: "Yes. Representative, has there ever been a case in Illinois where IDOT has acquiesced to a, was it a 50 year lease?"

Garrett: "It is a... It was a five year lease. They have extended it. They have provided a variation to the statute



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for 55 years in this particular case."

Black: "All right. As far as you know, is this the only time that IDOT has been asked to do this? This is an extraordinary length of time. I'm just curious if this is precedent setting or has it ever been done before?"

Garrett: "As far as I know it hasn't been done, but it could have been. I don't know that at all."

Black: "Okay. Now, what I don't understand and the development obviously is important in your area as it is in mine. If IDOT has...maintains title to the property..."

Garrett: "Yes."

Black: "...and a developer uses said property, I'm having a hard time figuring out... IDOT is not IDOT. IDOT - you and I, the taxpayers of Illinois."

Speaker Currie: "Could we have some order. It's hard to hear the question and the answer. Representative Black."

Black: "Madam Speaker, we have long waited for you to assume the Chair and get a little order in here and I know you can do it and I don't want you to tolerate any nonsense here today. All right. Good point, it is noisy. The issue at hand is that we use IDOT and the lease. This is really taxpayer-owned land, and if this is a 55 year lease and a developer may or may not develop the property, how, how are the taxpayer's interests to be protected? I mean, there won't be any purchase of the property. Will there be lease payments?"

Garrett: "Yes, there will be. There.... This is not a nonrevenue case."

Black: "Okay. All right. That clears up that point. Now do...can you give us any idea.... Boy, you can't order these in the mail. If you could just give me some idea, is it the intent of the developer and/or the City of Waukegan

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that IDOT be compensated for the value of the roadway in question or partially compensated?"

Garrett: "I.... You know, I...it would be my understanding that IDOT would be compensated. The lease is between IDOT and the City of Waukegan, the way I would understand it."

Black: "Okay. All right. Now I'm glad you said this. So the lease will be between the City of Waukegan and the Illinois Department of Transportation. Now I assume then..."

Garrett: "That's the way I understand it at this point, yes."

Black: "Okay. Can't we assume further, that the City of Waukegan may assign its beneficial interest in this lease to a developer or someone who will build on this land or develop the land in some way?"

Garrett: "Representative, like I am not an attorney but if I were one I would say, yes, most likely."

Black: "Well, I'm not an attorney either, but I do play one in the General Assembly."

Garrett: "You are very good at this."

Black: "Well, thank you. Okay, I.... You know and I really, I don't stand in opposition to you or anybody. I mean, I come from an area that was absolutely decimated and devastated in the 1980... '79, '80 recession and hyperinflation. We've never fully recovered. We're trying. A lot of people work very hard, economic development, cooperation between state and private officials and I understand what you're trying to do. But I also understand that this may be precedent setting and I want to make certain that the interests of the taxpayer and the roadway in question are protected. Because see, what I envision, is somebody.... I don't know whether you're trying to get to the air rights over the road or whether you intend to remove the road."

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Garrett: "No."

Black: "In which case I think compensation might become a very expensive matter."

Garrett: "It.... Representative Black, your questions are very good, but what this is a common sense solution to a very complex piece of property, and really, what we're asking for is an exception to the rule for a very exceptional situation that we have. It is tailor-made for this particular piece of property that is in long need of redevelopment. We are not asking for anything more than what we think will make this property a positive for potential developers."

Black: "Okay. I know you don't have a map or a site plan. Obviously, it would be easier for me to grasp what you're trying to do if there was. I'm still trying to envision it. It would seem.... You said it was an elevated road and it would seem to me that it would be difficult to develop the land without moving the road or altering the roadway in some fashion, and in which case, I think other areas of the state would be very interested because if IDOT has to end up paying to reroute IDOT, vis-a-vis the taxpayer, has to end up paying to reroute the road or redirect traffic in some way, then this may be of beneficial interest to the City of Waukegan that other cities may very well want as well and I don't know that we would be able to do that."

Garrett: "You know, Representative Black, I've been to so many of the meetings where we have talked with the City of Waukegan on redevelopment plans and I would be shocked to find that the road would be removed and it would be the taxpayers' responsibility. And let me also say that I am an advocate for taxpayers, that I would not want citizens to bear the

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burden of any unnecessary fees, such as what you are talking about."

Black: "Okay, now, can you shed any light? Is there a potential developer on the scene or is this in some kind of blind trust so that nobody really knows who might be interested in the property?"

Garrett: "This is...this property is owned by the City of Waukegan or else it's owned by the state, so there is no developer who has put his or her name on paper. I have not met any developer. I've been working with the City of Waukegan and the consultants, City Visions from Wisconsin."

Black: "Okay. Well, Representative, I appreciate your forthrightness in answering the questions. I hope you don't think that I'm...my sole purpose here is not to kill your Bill. It's... It is a, as you said, a creative, in fact, may be precedent setting way to assist a city and any time we do that my city, other cities who will listen to this or read the news reports might then say, 'wow, we have a great idea and we'd like to do something similar.' And then we could really get ourselves into a situation where we would be maybe not able to and then you have to go back home and say, 'Well, why could Waukegan do it and we can't do it.' And so forth and so on. So I will listen to the debate with great interest and I do appreciate your willingness to answer the questions. So, thank you very much."

Garrett: "Thank you, Representative Black."

Speaker Currie: "Further discussion? This Bill was substantially debated on Second Reading a short ten minutes ago. Representative Cross."

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

Garrett: "Yes."

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Speaker Currie: "She indicates she will."

Cross: "I'd also, before I ask questions, request that this be taken off Short Debate, Speaker."

Speaker Currie: "Do you have others..."

Cross: "Joined by requisite..."

Speaker Currie: "It will come off Short Debate."

Cross: "All right, thank you very much. Representative, who came to you with this idea?"

Garrett: "I'm sorry, I didn't hear you."

Cross: "Well, who came to you with this idea?"

Garrett: "Who came to me with the what?"

Cross: "With the idea of the Bill."

Garrett: "It is a Lake County initiative. Senator Link introduced it in the Senate and I am here introducing it in the House. But as you heard and as you see, the Lake County Legislators are all supportive of this measure."

Cross: "Who came to.... So you, just on your own, decided to sponsor this or did someone suggest that it be sponsored?"

Garrett: "Representative Cross, as a Representative for the 59th District, it is my job to represent Waukegan and I will do everything I can with the help of my colleagues from Lake County to ensure that this measure goes forward."

Cross: "I'm puzzled if you said this was sponsored by Senator Link first. If I read the record right, it came out of the Senate as a shell Bill. So what was his idea in a shell Bill?"

Garrett: "You know, when he introduced it in the Senate, instead of adding, the language was from five years to ninety-nine years for the variation in the statute. He then worked closely with IDOT, as I did, to come to an agreement and that agreement we have seen as an Amendment in this particular Bill. So while he introduced it in the Senate,

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there were some changes that needed to be made which we have taken care of, so I am now taking care of those Amendments and introducing it here in the House."

Cross: "So you and Senator Link on your own came up with this idea? No one approached you and said 'We'd like you to do this?' This is just purely your idea?"

Garrett: "Senator Link and myself, as well as other Lake County Legislators and municipal leaders, have been working very closely with the City of Waukegan to do everything we collectively can to ensure the development of Waukegan, Illinois, which is the county seat."

Cross: "Well, it's rather unusual, I think, Representative, for all of these people you've mentioned to come together with no one or no entity in place to take over this land. Surely, there's some belief or some thought or some understanding that you have, someone that's going to lease this property. Isn't there?"

Garrett: "Representative Cross, I don't know how many times I can say it. I am here as a lawmaker as you are here as a lawmaker. And my job is to represent my constituents and my communities. I am here on behalf of the City of Waukegan to ensure that I do everything possible to attract potential developers to the City of Waukegan. This is a TIF district. Have you been to Waukegan? Have you visited Waukegan?"

Cross: "My question to you, and incidentally, I've been to Waukegan. I've run in the Lake County Marathon...marathon. What a lovely area. I really like Lake County."

Garrett: "Thank you."

Cross: "And I... Thanks for inquiring about whether I've been there or not."

Garrett: "I've run in that marathon too, Representative Cross."

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Cross: "Appreciate your concern and where I've been in the state. My question though, is, I still haven't got an answer of who came to you with this idea. So, I don't think I'm going to get an answer."

Garrett: "Why.... Does somebody have to come to me? I am part of a group of people who sits down on a regular basis and works with the City of Waukegan, the consultants, lawmakers, city leaders. This is not the idea of one person, this is a collaborative effort."

Cross: "Okay. All right."

Garrett: "I don't know how else to explain it."

Cross: "Well, I think lawmakers, either individually or collectively, will work together and say, 'You know, a developer came to us and we'd really like to develop this particular piece of property, but we really need to do something different with the statute, create a TIF district, extend a lease, widen boundaries, whatever the case may be. Let's all work together to do that.' And that makes some sense. But to out of the blue just say, 'Oh, a group of lawmakers are working together and just, without any goal in mind, without any plan we just want to create some property that we can have a lease for 55 years but we don't know who wants...we don't have any idea who wants to go there.' Is that what you're telling us?"

Garrett: "Representative Cross, one more time. Let me just explain something to you. It and I know you did run the marathon. Do you...."

Cross: "No, I didn't, but go ahead."

Garrett: "Okay. Well, I wish you had because then you would understand exactly what I'm talking about. There is a major highway that runs parallel to Lake Michigan. It's called the Amstutz Highway. It is elevated. It doesn't

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allow for much to be built on that property because it's being used for vehicles. There is also a railroad track. And so what we're asking for, very simply, is a way in which to attract, to simply attract potential developers. There's no scheme behind this. There is no scheme at all."

Cross: "Well, it's interesting that you use the word scheme here."

Garrett: "And you have to understand that's the case."

Cross: "Let me just ask you, are you, on the record before the Illinois General Assembly, saying there's been absolutely no discussion about a developer coming into this site? None at all?"

Garrett: "Could you repeat that question? I'm sorry."

Cross: "Are you telling the General Assembly, the Members who are going to vote on this piece of legislation, on the record, that there's been absolutely no discussion about a developer coming to this piece of property?"

Garrett: "The City of Waukegan has asked me to provide this. I am not in any, you know, like backroom, talking to them about any potential developers. No developer has ever talked to me. As far as I know, Representative Cross, there is no developer out there. There really isn't. I hate to say this, but as far as I know there is nothing. This is just a vehicle in which to attract potential developers. And you know what, Representative Moore made a very good case. Waukegan has been in the process of trying to redevelop this area for a very long period of time. This would enable them to do it."

Speaker Currie: "Have you concluded your remarks, Representative?"

Cross: "No, I...it's taking me awhile to get any answers, Speaker and I'm trying to conclude. So are you aware if Waukegan's



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had any conversation with a potential developer?"

Garrett: "I'm sorry, could you repeat it again?"

Cross: "Has the City of Waukegan had any conversation or any discussion or any talks with any developer on this particular piece of property?"

Garrett: "I would not have that information. But if you would like to call the City of Waukegan, hopefully, they have talked to different developers, but I don't know if they have or if they haven't."

Cross: "I don't represent Waukegan, Representative, I think that's your legislative district from what I understand. I just find it unusual that as someone who's there on behalf of Waukegan, you don't know if there's a plan or not."

Garrett: "You know, I don't know exactly what you want me to know or what you don't want me to know, Representative Cross. I'm just being honest with you and telling you exactly why I'm bringing this legislation forward. There is no other plan but to provide enabling legislation for the City of Waukegan and I wish you would believe that."

Cross: "I'm just.... Representative, could this particular piece of property qualify under the legislation we just passed the other night as a riverboat site?"

Garrett: "Could you repeat that, I'm sorry. Everybody's talking to me."

Speaker Currie: "Could we have some quiet. Representative Garrett has not heard the last four questions. We'd appreciate it if you would be quiet so she can."

Cross: "Is it possible, under the law that passed out of the Senate the other night, that this piece of property that apparently know one's talked about with Waukegan to develop, could be a riverboat site?"

Garrett: "Well, if it were and I voted against the Riverboat

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Bill, wouldn't that be surprising if I was out there assuming to have some sort of inside information and I voted against the Gambling Bill."

Cross: " I.... Representative, I'm not accusing, I'm just asking you if this qualifies as a riverboat site? Yes or no?"

Garrett: "I don't know. No, I don't know. Everybody says.... I don't know. I don't know if it does or doesn't."

Cross: "My understanding is...."

Garrett: "No boats on Lake Michigan. I'm told there are no boats on Lake Michigan."

Cross: "Anything off Lake Michigan on a nonnavigable stream is eligible for a riverboat if what I...from what I understand. So apparently this could be a riverboat site, is that correct?"

Garrett: "I don't know how you voted, Representative Cross. I voted against the Riverboat Bill. I am not supporting riverboat gambling. If this were to be a Riverboat Bill and you are assuming that I'm supportive of that, wouldn't I have voted for that? As I said, I am not inclined to believe that this is any kind of riverboat site."

Speaker Currie: "Representative Cross, have you concluded your remarks?"

Cross: "I'm trying to figure out what the answer was."

Speaker Currie: "Trying to conclude your remarks, good."

Cross: "I'm certainly trying, Speaker. So I guess to conclude, Representative, this could potentially be a riverboat site, is that correct? Yes?"

Garrett: "No. N.O."

Cross: "All right, Representative. Thank you."

Speaker Currie: "Further discussion? Representative Schoenberg."

Schoenberg: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. I think that Members from the Lake County

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delegation from both sides have done an excellent job making the case for this, and frankly, I don't understand the motivation behind the boorish and belligerent badgering that's been coming from Mr. Cross and others. The Lady has indicated what the narrow, specific purpose of this is and to insinuate that there are some dark, mysterious motives other than that, is simply offensive to us all. Having said that I move the previous question."

Speaker Currie: "There are only two other people wishing to speak, so we'll hold that Motion. Representative Righter."

Righter: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Will the Sponsor yield?"

Speaker Currie: "She indicates she will."

Righter: "Representative Garrett, my understanding is the way the legislation stands now it will allow IDOT to lease its property to a governmental entity for up to 55 years. Is that right?"

Garrett: "Yes, it is."

Righter: "Now, in looking through the record, it's also my understanding that at first one of the Amendments that were filed, and I don't recall whether it was filed by you or by Senator Link, said it would be a nonrevenue lease. Is that right?"

Garrett: "Well, that has been changed."

Righter: "So it is a revenue lease. So IDOT will be able to set a price for the lease. Is that right?"

Garrett: "That's absolutely right."

Righter: "Do you have any idea how much the State of Illinois, the taxpayers of the State of Illinois, will get for leasing this property?"

Garrett: "I don't. But they will be getting something."

Righter: "But you don't know how much that will be?"

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Garrett: "No, I don't."

Righter: "Representative Garrett, you said earlier in your comments that you were doing this because this is a complex piece of property. Can you explain to me what you mean by that?"

Garrett: "Lake Michigan and then parallel to Lake Michigan we have train tracks and we have an elevated state highway, the Amstutz. For those of you have been in Waukegan, it is a complex piece of property for developers to do anything with. That's what I'm trying...that's the point I'm trying to make, which is why I'm asking for this variation in the statute."

Righter: "And the lease will only pertain to air rights, is that correct?"

Garrett: "It's the way I understand it."

Righter: "Does the legislation say that the lease that will be allowed to run for up to 55 years say only an air rights lease?"

Garrett: "I think it includes.... You know, I could go back as.... I'm not an attorney but there were some other pieces in there that may refer to other things, but the way I understand it it's primarily for air rights."

Righter: "Primarily for air rights, but that might include any other kind of lease?"

Garrett: "You know, we could take a look at the statute just to make sure. Do you have it in front of you?"

Righter: "No, I don't. I'm sorry."

Garrett: "It says vertical rights, subterranean and air rights and sublease rights. And that's really IDOT's language from the statute."

Righter: "When you were requested to carry this Bill for the City of Waukegan, they were concerned with only air rights, is

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that correct?"

Garret: "That's what I understand."

Righter: "Okay. All right, and I don't want to rehash questions that have already been asked, Representative. My understanding is that you stated that you are not aware of any of the specific plans that the City of Waukegan or the city planners have put together for this area?"

Garrett: "No, I'm not. I'm not aware."

Righter: "So, you don't have any idea of how much cost or revenue, I'm sorry, how much revenue the City of Waukegan might receive in exchange for leasing this property or selling this property, leasing this property to whoever may want to develop it?"

Garrett: "I don't have any idea."

Righter: "Okay. Now you said all of this property is in a TIF district, is that right?"

Garrett: "I'm sorry, I didn't hear you, it's in a what?"

Righter: "All of this property is in a TIF district, is that right?"

Garrett: "The way I understand it, yes."

Righter: "Okay. Now, the way I understand, the way the Bill is written now, the 55 year lease would apply to the entirety of Lake County. Is that right?"

Garrett: "That's correct."

Righter: "Okay. So, Lake County will be able to use this statute, not just for a renovation or revitalization of the lakefront but for anywhere else there in Lake County, is that right?"

Garrett: "Yes, that is."

Righter: "Are you aware of any other areas in the state, regardless of their blighted conditions, regardless of their unemployment rate, regardless of how much business

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has left their city, that has this option to have IDOT lease them a piece of property for 55 years?"

Garrett: "No, I'm not. But, I'm not also aware of any other area that has so much potential on one hand, but so many obstacles on the other, and that's the whole point of this legislation."

Righter: "Where did... my understanding is, originally, the First Amendment set the lease date, potential lease date at 99 years, is that right?"

Garrett: "Yes."

Righter: "Why was that number picked?"

Garrett: "I think that IDOT did not agree to that and IDOT is not in opposition to the current Amendment of 55 years."

Righter: "IDOT objected to a 99 year..."

Garrett: "I'm sorry, what?"

Righter: "IDOT objected to 99 years?"

Garrett: "That's the way I understand it."

Righter: "Well, did you you discuss that issue with IDOT?"

Garrett: "Yes, I did actually, and that's what I understand."

Righter: "And they said, 'We don't want a 99 year lease', for what reason?"

Garrett: "Maybe it's too long of a period of time. I just..."

Righter: "Of course, IDOT would be leasing the property, so they would set the lease date wouldn't they?"

Garrett: "Yes."

Righter: "Okay. Then we moved it down to 55 years, why 55..."

Garrett: "Yes."

Righter: "Is 55 years..."

Garrett: "It's a compromise."

Righter: "Is 55 years the number of years that you've been told by the City of Waukegan or their city planners or whoever else is involved, that that is the time that they need."

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They need a lease for 55 years in order to do this project at all."

Garrett: "I don't know. I think that the lease variation was changed, because it became a compromise. Ninety-nine years was too much time and 55 years was appropriate, in the view of IDOT."

Righter: "Are there other state tools being used, whether it's low interest loans, or grants, or anything like that that are coming also from the State of Illinois, that are going to help with the redevelopment of this immediate area?"

Garrett: "Other states?"

Righter: "No, other state tools. Whether it's state environmental grants or low interest loans."

Garrett: "Well, yeah, as you know, there is a Brownfield in Waukegan and I know that they will be receiving \$500,000 from the State of Illinois as well as federal funds to clean up a Brownfield site."

Righter: "Now, my understanding is that... is that a few years ago, the United States Environmental Protection Agency declared this area as a quote unquote 'area of concern', because of the environmental problems there in the harbor on the lakefront. Do you know anything about that."

Garrett: "Yes, I do."

Righter: "Okay. How does that affect the potential development of that lakefront if we are working on cleaning that area up and we're gonna turn right around and develop into something else?"

Garrett: "We're working on cleaning that area up, which is why the Illinois Environmental Protection Agency and the EPA has agreed to come in and provide funding for cleaning up Brownfield. It's a collaborative effort from just about everybody, not only in the... in the a county but also in

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even in Washington, D.C."

Righter: "I spoke with IDOT a little bit about this Representative Garrett, and they provided me with a document summary briefing document for the Waukegan Legislative Team. And it's a plan put together by City Vision Associates that's got all kinds of detailed plans in there..."

Garrett: "Right."

Righter: "For what the city can do including for what the lakefront is."

Garrett: "Yes. I'm very much aware of that."

Righter: "Before, you said that there weren't any specific plans for what they might do..."

Garrett: "Right."

Righter: "For this area."

Garrett: "Well, if..."

Righter: "These contain that don't they?"

Garrett: "This is a consultant who has come in and drawn up some ideas, ways in which that particular area may be redeveloped. It's a very creative plan, but it's all based on on finding developers to come in and make the investment. And I might also add that, that plan is based on a lot of community input. I was one person who sat at the table with several others who provided ideas in which to encourage that lakefront area to be developed."

Righter: "Now, my understanding from the people from City Vision Associates is that they have settled on the idea of a hotel convention center and a corporate training center there."

Garrett: "You know, that was, that's an idea. It's just an idea. In fact it's, when we were sitting around talking about some of the possibilities for redevelopment, I think I was one of the ones who said, 'Wouldn't it be great to have a



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convention center to bring in different corporations and businesses?' So I take the credit for that, partly."

Righter: "Your, your opinion then is that those aren't definite plans, those are just ideas that have been thrown out there?"

Garrett: "Absolutely."

Speaker Currie: "Representative, would you bring your remarks to a close? I think you have been longer than your five allotted minutes."

Righter: "I'm trying, thank you, Madam Speaker. Now, Representative Garrett, you said earlier in your remarks, that Waukegan's blighted area, that it needs this kind of help..."

Garrett: "Yes."

Righter: "And that's the reason we've got this Bill before us today."

Garrett: "Yes."

Righter: "Okay. I don't know if you're aware how many communities there might be in this state of the size of Waukegan or maybe a little bit smaller, that have a higher unemployment rate than Waukegan. Do you know how many there might be?"

Garrett: "I don't know. I don't know, and I don't even know why that's relative."

Righter: "Well, it's very relevant, Representative, because the reason where you want us to pass this Bill is because this is an economic tool that the City of Waukegan needs in order to bring jobs to its community, in order to bring income to its families, and help the city thrive."

Garrett: "Absolutely."

Righter: "Absolutely, and I'm all for that. What I'm also for though, is for the other communities in this state to have

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that same opportunity, communities like Alton, or Belleville, or Danville, or Pekin City, and a list of whole others that have a higher unemployment rate than the city that you're bringing this Bill on behalf of. And the question I've got is, 'Why are we restricting this to Lake County?'"

Garrett: "So, what you're saying is this is such a good idea that it should be statewide?"

Righter: "You bet, and I would..."

Garrett: "Okay and I agree with you..."

Righter: "And I would like you to amend it right now on its face, to remove those population restrictions."

Garrett: "No, I'm going to keep this... what I would suggest is that because other people have said the same thing, that this is an excellent piece of legislation and that maybe we should consider doing this at a statewide level. It's not my place, obviously at this point and time, to do that. But I think we have all learned from this debate that if we are really here to help our communities economically, that this kind of legislation is a good first step. If it works for the City of Waukegan, I would submit to you and to the other Representatives in this room, that we make this a change, statewide."

Righter: "Well, I respectfully disagree, Representative Garrett, that it's not your place to take a Bill that is going to be good for one particular area and make it good for the whole State of Illinois because you'd agree wouldn't you...?"

Speaker Currie: "Representative, to the Bill, to the Bill, to the Bill that is before us."

Righter: "Representative (sic-Speaker) Currie, if I might, my area is one that suffers from unemployment rates and I would like to know why we can't have this kind of economic

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tool in my district, as well?"

Garrett: "You know, I, I apologize that you haven't introduced this in your particular area. I am here on behalf of my community and my district. I would be very supportive of introducing this legislation next year at a statewide level and I would ask you to be one of the cosponsors of that Bill."

Righter: "So, it's fair to say that right now, you're not going to be willing to amend this Bill, right here as we sit on the floor, to make it statewide for all of us, not just you?"

Garrett: "No, I'm so sorry, I'm not going to do that."

Righter: "All right. There's one last question, one last area of questioning that I have. There's been some talk about whether or not there may be a particular developer who's involved in this area and you've said that there isn't. Is that right?"

Garrett: "I said there isn't. You're right."

Righter: "Okay. I've been advised by staff and then by Legislators who were at the hearing that you made two specific references to developers in your testimony before the committee, once saying that this developer has been known to work with other communities who might have blighted areas."

Garrett: "I think, I corrected myself and said 'consultant'."

Righter: "And another time saying that this developer has specifically requested air rights."

Garrett: "I corrected myself and said 'consultant'. If you would take out... since you were... since I was being videotaped when I presented that, I'm sure you have everything on tape. I did say 'consultant'."

Righter: "So there is no developer that you're aware of?"

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Garrett: "I don't know how many times I can say it. There is no developer."

Righter: "Thank you, Representative Garrett."

Garrett: "You are so welcome."

Currie: "Representative Winters, sorry, Representative Righter"

Righter: "To the Bill, thank you Madam Speaker, Ladies and Gentleman. I think that Representative Garrett has put forth a piece of legislation here that has the potential to help everyone in the State of Illinois, all the cities that sit around in our state now and suffer from higher unemployment rates such as Alton, and Belleville, and Chicago Heights, Danville, Decatur, East St. Louis, Freeport, Granite City, all across this state could all benefit from something like this and if we can benefit the entire state then let's do it that way rather than singling out one county for one specific area for one development. Thank you, Madam Speaker."

Speaker Currie: "Representative Hartke in the Chair."

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

Winters: "Thank you, will the Sponsor yield?"

Speaker Hartke: "She indicates she will."

Winters: "After committee, I'm surprised to get that response. Representative I have listened to the tapes and understand that you've made some mistakes by saying that there was a developer. But I am, I did ask for some additional information. You promised to show me what plans that were... "

Garrett: "Wait, I can't hear. I'm sorry, I can't hear."

Winters: "During the Committee I asked if you had any plans or anything that you could provide to us to get a feeling for what what the redevelopment of Waukegan would be like. To

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me, expanding over highways or railroads that IDOT has control of the air rights for, it's critical to know what is the size of the parcel. In fact, is this just a very minor part of the project or is it an absolutely critical juncture in the middle of a major redevelopment that without it it cannot proceed forward? So far, I don't know if you've slipped up. If your desk is piled as high as mine is with legislation, with letters to constituents, but I have not yet found on my desk, anyway, any kind of additional information that would help me form an opinion as to the critical nature of this extended lease. Do you have any response to that?"

Garrett: "I can plead to you today. I could do... I could take out some visuals if you would like, but I don't think that is the point of me being here. I don't know how else I can say it any more clearly that this is critical. And let me underline critical, to the downtown development of Waukegan, Illinois. I believe that our job in this Legislature is to do exactly what I am doing. If I weren't here on behalf of my community, on behalf of my district, I don't know what the point would be and I will say to you that this is very critical."

Speaker Hartke: "Excuse me..."

Winters: "Part of our..."

Speaker Hartke: "Excuse me a minute for... Clerk for an announcement."

Clerk Rossi: "The Rules Committee will meet at 4:35 in the Speaker's Conference Room."

Speaker Hartke: "Proceed."

Winters: "Thank you. Representative, part of our role here in the General Assembly is to answer questions. If somebody has a question about the project, it is generally

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appreciated if you try to respond to that question. I had specific questions. I am a visual person. I want to see the impact of IDOT and this could be as Representative Righter said, could be something that could be used in other districts. Maybe they don't enjoy the lakefront that Lake Michigan does, that obviously restricts what you can do, but if we can develop something statewide, that is what we're here to do, not to do something for one specific area. So, I would've appreciated a little bit more contact on this after committee, so that my concerns about whether or not this is needed only in your district or if it would be applicable statewide. We might have been able to work out legislation that we could all agree with. But, to expand from a five year lease to something that is approaching the length of the lease that Hong Kong had, where suddenly China found that gee, they made this into a real wonderful tool for economic development of the entire Southeast Asian economy and yet we can't get any access to that for another 40 years. So, if you could respond next time to a request or to a question, I think it would be very much appreciated. It is not our role here to front for a local community. Our job is to work for the better good of the entire state, not at the necessary... not necessarily for the benefit solely of our own community, but to try to find statewide applicability to what the legislation that we pass. And I would urge you next time to at least consider ahead of time, whether it could be expanded and done statewide, rather than just trying to solve a problem in your own backyard. Thank you."

Speaker Hartke: "Final questioner, Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker. I just rise in support of the Lady's Bill. The previous questions, I understand what

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they're talking about statewide and helping out your district, but I think we are sent here to do something for your area. And I understand why we're asking the questions. I understand that this is all about politics and I understand what we're doing and why we're asking the questions of this Representative. But, let me tell you, if you want to introduce a Bill that's going to help your area, introduce a Bill. I'll help you. If you want to introduce a Bill that's going to help the whole state, introduce a Bill. We'll help you. But basically, what we're talking about is what we should be doing here trying to help out economic development for our area, trying to come here and represent the people who sent you to represent you (sic-them), to provide jobs for the people of your district and to say for some reason that this should be done statewide, I don't disagree with that. Maybe it should. Introduce the Bill yourself. I stand in support of Senate Bill 311, and I ask for an 'aye' vote."

Speaker Hartke: "Representative Garrett to close."

Garrett: "I just hope everybody here considers the importance of this legislation and I'm asking for an 'aye' vote."

Speaker Hartke: "The question is 'Shall the House pass Senate Bill 311?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 80 Members voting 'yes', 34 Members voting 'no' and 1 Member voting 'present'. And this Bill having a Constitutional Majority is hereby declared passed. Committee Reports."

Clerk Rossi: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following

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measures were referred, action taken on May 26, 1999 reported the same back with the following recommendation: 'to the floor for consideration', Conference Committee Report #2 to Senate Bill 242."

Speaker Hartke: "Supplemental Calendar announcement."

Clerk Rossi: "Supplemental Calendar #3 is being distributed."

Speaker Hartke: "Mr. Clerk, on Supplemental Calendar #2, appears House Bill 452, Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. This is a quicktake proposal that we took out of the record just a few moments ago. I think we resolved all the differences and I'd ask for the adoption of the First Conference Committee Report."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt the First Conference Committee Report on House Bill 452?' This is final action. All those in favor will signify by voting 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 71 Members voting 'yes', 42 Members voting 'no', and 2 Members voting 'present'. And the House does adopt the (sic-First) Conference Committee Report on House Bill 452. And this Bill having received a Constitutional Majority is hereby declared passed. Committee announcement."

Clerk Rossi: "Attention Members, the following committee's will meet at 5:30, in Room 114 the Electric Utility Deregulation Committee, in Room 118 the Personnel and Pensions Committee."

Speaker Hartke: "On page 2 of the Calendar, appears Senate Bill 1125, Representative Fritchey. Mr. Clerk, read the Bill."



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Clerk Rossi: "Senate Bill 1125. A Bill for an Act amending the Redevelopment Project Rehousing Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Fritchey."

Fritchey: "Thank you, Speaker. Senate Bill 1125 amends the Redevelopment Project Rehousing Act. This Act has its origins in the 1940's, when the Federal Government in conjunction or when the State Government in conjunction with the city appropriated about \$10,000,000 to create housing for low income families throughout the city. Since that time, this Act has only provided for initial funding for items such as; planning, acquisition, development. What Senate Bill 1125 does, is change this Act to the Redevelopment Project Rehousing and Capitol Improvement Act. Essentially, what this will let us do is seek funding from the state to do much needed capital improvements to over 900 units in the city. These 900 units impact over 1400 families and seniors. These are improvements that are needed to do such things as, put in new boilers in buildings, fix leaky windows, fix outdated elevators and provide livable homes for these families and seniors throughout our areas. There are six different housing developments affected. As I said, approximately 1400 families would have to be relocated if this Act is not passed. There is no money appropriated in this Act... in this Bill specifically, it is simply enabling legislation in the event that we are able to get funding for these much needed improvements. I'd be happy to answer any questions."

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

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

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yield?"

Speaker Hartke: "He indicates he will."

Black: "Representative, there's been a lot of miscommunication and misunderstanding about this Bill. Many people have said, 'You know, housing authorities are located throughout the state, and many people say why would we want to make the Chicago Housing Authority units eligible for state funding when that is the responsibility of the Federal Government.' But as you pointed out, these... the units we're talking are not classic federally built Chicago Housing Authority units, they're more of a hybrid, are they not?"

Fritchey: "Not only were they not federally built, they are not even eligible for federal funding. They are a very unique creation of what have become known as city-state properties. And because of that, we cannot go to the Federal Government to get this funding. We cannot make these repairs without the assistance of the state."

Black: "Yeah, thank you Representative. Mr. Speaker, to the Bill, if I might."

Speaker Hartke: "To the Bill."

Black: "Ladies and Gentlemen of the House, now I can understand why some of my downstate colleagues would not want to vote for this Bill. And if you look at it on its surface, we're all familiar with housing authorities that operate and get our federal tax dollars that come back to maintain them and that isn't what this is about. The Chicago Housing Authority has the responsibility for managing some eight properties that were... they're a hybrid, they're a city-state development and they were built as a result of federal urban renewal projects in the early 1950's. I think there are some units located not only in the city,

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but elsewhere in the state, as a result of federal urban renewal. And so when it comes time to rehabilitate or to maintain them, you cannot go to the Federal Government and get some of our federal taxes back to do this. Failure to maintain these units will simply create a problem that may cost more money in the long run to take care of than it would be to mandate them. Now, to my colleagues, obviously, if this Bill passes, at some point you're going to have to appropriate some money. And this is not an insignificant cost and therefore some of you would want to vote 'no' and I understand that. But I have seen what can be done with the judicious use of money to stop costs down the road that would exceed what they're asking for or asking to be spent on these city slash state units. So, I rise in support of the Bill. I think it's a reasonable attempt to address a problem that if we turn our backs on simply is going to cost us a great deal more money in the out years. So, I intend to vote 'aye'."

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

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

Speaker Hartke: "He indicates he will."

Parke: "Representative, if I have this problem in my suburban area, we go to the taxpayers and ask them to take care of the problem. We make our case and we tax our citizens for it. Why should people outside of the City of Chicago, with Chicago's tax base, Chicago's business tax base, why shouldn't they tax themselves to provide a solution to this problem?"

Fritchey: "The city is dedicating and committing a tremendous amount of resources to fix about 500 units already. What's going to happen and Representative Black alluded to this,

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is you may see ultimately a bigger drain on state resources, if this is not done. The rehabilitation, the upkeep, for safety and security purposes on this property, is much more cost efficient than ultimately relocating or displacing the 1400 families at issue here."

Parke: "Where would you relocate them?"

Fritchey: "They may be relocated within the city. They may go out to the collar counties. They may go downstate. I don't know where they'd be relocated. They would be forced out of their homes because the windows are falling out, because the elevators don't work, because the heating doesn't work."

Parke: "I still don't understand. Why don't you tax the citizens of Chicago? These are Chicago citizens, they live there they pay taxes, they have jobs there. Why don't you have the city take care of this?"

Fritchey: "The city, as I said, is doing their share. These properties were created in a postwar era. Specifically, as a joint effort, in collaboration of the city and the state. They are a very unique entity in this state as the city-state properties. It was envisioned at the time in the 40's that it was going to be a collaborative effort of the city and the state. There have been no subsequent appropriations since the 40's to do this. The city has come up with all of the funds to do the maintenance. The city is unable at this point to continue to go forward and we're seeking to amend this agreement so that we can do... rather than just development expenses that we're not... we can do capital improvement expenses, as well. These are not to make lavish homes or accommodations as I said, it's boilers, it's windows, it's lead paint removal."

Parke: "Representative, everything you say, makes sense to me,

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except asking all the taxpayers of the city, I mean of the State of Illinois, to pay for the needs of the citizens of Chicago. No matter what, the City of Chicago has an obligation to these citizens. They ought to take of them like we have to take care of them in our legislative districts. So I just... I am not going to vote for this because I have a problem with the concept. I think everybody deserves a safe and reliable housing unit to live and grow and raise their families, but I think they have an ultimate responsibility to the taxpayers of Chicago to pay for this and not the rest of the state. Unless there's some reason that you haven't made to me yet, as to why this is an obligation of the taxpayers of the state, I'm not going to vote for it."

Fritchey: "I appreciate what you're saying Representative, let me add that every citizen of Chicago is axiomatically a citizen of the State of Illinois and this state does things that benefit every resident of this state. I am seeking here to get state help for residents of this State of Illinois."

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

Turner, A.: "Thank you, Mr. Speaker and Ladies and Gentleman of the House. I rise in support of Senate Bill 1125. As stated by the Sponsor, this legislation as a result of these housing units that were created by the state. It's the state-city, or state-municipal housing units that were created back in the 40's and the state has done nothing to help since that time. And I think that it's only right that the state help when the city in, in fact, has done all they can and willing to do at this time. And I think that it's important that the state does its part. If we were to

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buy into the rationale as the previous speaker, that the City of Chicago should take the tax monies and take care of those units then you might also buy into the fact that maybe if all the monies that were collected in the City of Chicago remain there, it would be easy to do. So I rise in support of Senate Bill 1125 and urge all the Members to vote 'aye'."

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

Fritchey: "Thank you, what this Bill recognizes is that when the city and state get together and act wisely they can accomplish a just result in a cost efficient manner. The lives and homes of 1400 families are directly at issue by this legislation. I request an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1125?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 62 Members voting 'yes', 51 Members voting 'no', and 0 voting 'present'. And the House does pass Senate Bill 1125. And this Bill having received a Constitutional Majority is hereby declared passed. The Chair recognizes the Gentleman from Vermilion, Representative Black. For what reason do you seek recognition?"

Black: "Thank you very much, Mr. Speaker. May I make an inquiry to the Chair, in all seriousness?"

Speaker Hartke: "State your inquiry."

Black: "I, the hour grows late, and depending on the rumor one wants to believe, it may be later than some of us think. There are two pension Bills that as far as I know have been

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more or less agreed to, cleared by the Pension Laws Committee, or Commission, excuse me. Have been sitting on the Calendar, one I believe is Senate Bill 55, which clears up a mistake that the General Assembly made on the early retirement option on the 2.2 teachers' pension. My telephone is and I'm sure many of yours is literally been ringing off the wall, because I understood that this was agreed to weeks ago. And now the hour grows late and we don't see it. And I just got a letter that the Municipal League has circulated on the Downstate Firefighters' Pension Bill that they have agreed to, and that this must be an Agreed Bill therefore, and that's an important Bill. I have widows of firefighters in my district that receive a starvation pension. Those are two very important pension Bills. If you could give us some idea whether we are going to get to those or whether we need to go talk to someone so we... I don't want to leave here not having put on the record my concern about those two pension Bills."

Speaker Hartke: "Yes, we'll take that under advisement..."

Black: "Thank you, it makes me feel a lot better"

Speaker Hartke: "I'm sure many Members are concerned about that."

Black: "Thank you."

Speaker Hartke: "I knew that would. The Chair recognizes the Gentleman from Clinton, Representative Granberg. For what reason do you seek recognition?"

Granberg: "Thank you, Mr. Speaker. I was going to attempt to address briefly Representative Black's question."

Speaker Hartke: "It's not necessary."

Granberg: "And as you know, Representative Black, there have been negotiations all spring on a number of pension issues including the very important provision for teachers, downstate fire, people in your district. And that is

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subject to the negotiations of the respective Leaders. So you may want to consult your Leader, Mr. Daniels. That's it, go do it right now and see if you can make any progress on that front. And because we only have so many pension vehicles that are available."

Speaker Hartke: "For what reason does the Gentleman from Bureau, Representative Mautino, seek recognition?"

Mautino: "Yes, Mr. Speaker, on the previous Bill 1125, I would've liked to be voted 'yes' but I of course, I forgot to vote. So, no other excuses, thank you."

Speaker Hartke: "The record will so reflect your forgetting to vote and wanting to vote 'yes'. The Chair recognizes the Gentleman from... he's declined. On page 2 on the Calendar, on the Order of Second Reading on Senate Bill 26. Mr.... Representative O'Brien. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 26 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2 was lost. A Motion has been filed by Representative Schoenberg, who having voted on the prevailing side has moved to reconsider the vote, by which House Amendment #2 to Senate Bill 26 lost."

Speaker Hartke: "You've heard the Gentleman's Motion to reconsider the vote, by which the Amendment failed. All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the House will reconsider the Motion. Mr. Clerk."

Clerk Rossi: "Floor Amendment #2 offered by Representative O'Brien has been approved for consideration."

Speaker Hartke: "Representative O'Brien."

O'Brien: "Mr. Speaker and Ladies and Gentlemen of the House. We



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have had this discussion once previously, but briefly to go back over what House Amendment #2, to Senate Bill 26 does, is it eliminates the entirety of Senate Bill 26 as originally drafted and amended in the Senate. The provision contained in Floor Amendment #2 would state that a forest preserve district in a county with a county executive form of government or any forest preserve district enacted after July 1, 1999, would not be able to take an owner-occupied residence or an owner-operated farm for the purposes of recreation, using eminent domain powers unless the seller is willing, in which case they do have that power. And I'd be happy to answer any questions."

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

Hoffman: "Just for the sake of edification to the Body, originally when Representative O'Brien called Floor Amendment #2 to Senate Bill 26, I had risen and announced a potential conflict of interest, but it's my understanding that this Bill removes all of the underlying Bill, Senate Bill 26, therefore I'm removing the potential conflict."

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

Hassert: "Thank you, Mr. Speaker. Just to the Bill."

Speaker Hartke: "To the Bill."

Hassert: "I mean, we voted on this once before. I know Representative O'Brien, I'm sure you have the votes to get this out of here but the underlying prospect of this... in Will County, this is special legislation just for Will County. We had just passed a front door referendum, basically for a open lands purchases. This basically, negates part of that referendum. It's a poor Bill. This is a bad Bill to set a precedent that basically... sets a

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bad precedent for the whole state in requiring... even though the underlying language is this other Bill. As you remember, Senate Bill 26 had a lot of different things that would have been very harmful for even IDOT and everything else to do their work, to acquire right-of-ways and whatnot. This could go back, it could be put into a Conference Committee and some of that language could be added to it. So I said, 'it's a bad precedent', we did pass a front door referendum in Will County based upon with a 57% vote from the general public to actually buy open land and this is flying right in that face. I'd still ask for a 'no' vote and I'd ask for a roll call on this Amendment."

Speaker Hartke: "Request will be granted. The Chair recognizes the Lady from Lake, Representative Moore. Andrea Moore."

Moore, A.: "Thank you, Mr. Speaker. I was just trying to get this located, the actual Floor Amendment on my computer. I had to update. If you could clarify for me, Representative, again your Amendment completely guts Senate Bill 26?"

O'Brien: "The only provision remaining would be the one that I drafted, Amendment #2."

Moore, A.: "Okay. And so your Amendment, your Floor Amendment #2 eliminates the areas that would affect all other counties?"

O'Brien: "Yes."

Moore, A.: "Which is really what you had done in committee with the Committee Amendment, is that correct? So, this should be the same Amendment as your Committee Amendment?"

O'Brien: "In the Committee Amendment listed certain specific counties that would have been exempted and then would have applied to everyone else. This applies only to a county executive form of government and then prospectively to

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those, I believe 40 counties in the state, where there currently is no forest preserve district."

Moore, A.: "Thank you, Representative, do you understand how the process works when you are trying to purchase, when a forest preserve sets out to purchase property?"

O'Brien: "Well, I've had many conversations with them. Are you speaking about using eminent domain?"

Moore, A.: "Or just plain purchasing. One of the things that that we mistake here in the General Assembly is that we assume that the use of eminent domain is to... for some reason hurt the taxpayer and that is not always the case. Frequently, the use of eminent domain is used to protect the taxpayer. Could we have order, Mr. Speaker, please?"

Speaker Hartke: "Shhhhhh, please."

O'Brien: "And that's why eminent domain is still provided for under the language in the Amendment #2, because in the event that there is a willing seller, then the forest preserve district may still use its power of eminent domain. Because I do understand that there are times when in order to set a fair price, that power can be used. Also, for the seller, they may be willing, but in order to be willing they may want a capital gains advantage that eminent domain allows them. And that's why under the provisions of Floor Amendment #2, if the forest preserve district has a willing seller then they can use their powers of eminent domain."

Moore, A.: "But the issue of 'willing seller' frequently is attached to the right price. And so, the difference in the scenario that you're talking about, you have an individual that would like to sell their property, but the forest preserve because of the appraisals, perhaps, is not allowed to offer exactly what the individual wants. Now, because

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of the way our Open Meetings Law works, the Open Meetings Act protects these discussions. These discussions can go on in closed door meetings, between an individual property owner that can really be holding up the forest preserve district for more money than is really the property is worth or they won't agree to sell. When eminent domain occurs, that information then through the courts, is made public to all and so the forest preserve can then... people know what the property is worth and they know what the property is being purchased for, with the taxpayer dollar. So many times that eminent domain, if someone is holding up the forest preserve for too much money, that eminent domain is necessary to protect most of the taxpayers, not just the individual seller that might be trying to hold up the forest preserve district."

O'Brien: "And that's why we left this language in here. But in order to even get to the point of those negotiations, they've got to identify themselves as a willing seller. The problem is, is that you have people that say that, 'I don't care how much money you give me, I do not want to sell.' I don't... because unlike a business that is located in a strip mall, you can't just relocate an 80 acre farm that you farm, and that you make income off of, and that you live on. And so you may say, 'I don't care what the price is, I am not a willing seller, I do not want you to take my property.' And that is why we have so many counties in downstate Illinois that have no forest preserve districts because many people in the ag community, the Farm Bureau, they know that once they have that power, the farms and income producing property can be taken from people who do not want to participate. And I know that... because you were the Chief Sponsor of the Governor's Open Lands Bill

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that power of eminent domain was specifically removed from that Bill to address the concerns of the Illinois Farm Bureau and the realtors and the homebuilders, just for that reason. And that is why I have come forward with this provision."

Moore, A.: "The issue though, with eminent domain... I don't think you're even describing how eminent domain is actually used in the courts very accurately, because that suit gets filed and the power of eminent domain can't be just removed and then used back and forth the way you're talking about it. Either eminent domain is used and it's filed in court, or it isn't used. I mean, there's... you can talk about the use of eminent domain here, but this is not making any sense as to the way it proceeds."

O'Brien: "Well, you know the forms that I've seen..."

Moore, A.: "I mean, you know, there's suit filed... I'm trying to discuss the eminent domain as you've described it. The property has to be described and the suit has to be filed. And then the appraisals occur following that. If there's no willing seller up front, most of the time that doesn't occur. On occasion, though there's an arrangement that can be worked out where you have a life estate that's granted to the individual that that is negotiated through the process of eminent domain, but all that is done in court and it's done through condemnation proceedings. I mean, the way you've got the... it sounds like you've got an intent that that makes sense, but I don't think that it's drafted correctly or at least the way you're describing it, is not the way the process works. Too many times when there is not public disclosure, when property is being purchased and there is not enough exposure for the public with appraisals, et cetera, that's when sometimes

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governments run into trouble with paying too much for property and then there's a scandal attached to the district. I think it's a much safer way to allow the local officials who have responsibility, especially in a county where you have passed legislation... you have passed a referendum for \$70,000,000 to allow the forest preserve to go ahead and do the job. If the voters did not have confidence in them, they would not have ever supported a Bill... excuse me, supported a referendum for \$70,000,000 worth of acquisition. And they did that fully knowing that eminent domain was there and I think it's presumptuous that you would step forward now and try and remove that eminent domain at this point. It's like telling the voters they didn't know what they were talking about when they were voting it through. I mean, this is a small corner of the county that you're trying to address, try and do something to assist with it. But to change the direction of the forest preserve after they've got such unbelievable support, I think is really a slap in the face for the voters and, Mr. Speaker, I would like a verification on this roll call, please."

Speaker Hartke: "Mr. Clerk, an announcement."

Clerk Bolin: "The Rules Committee will meet immediately in the Speaker's Conference Room. The Rules Committee will meet immediately in the Speaker's Conference Room."

Speaker Hartke: "Further discussion? The Chair recognizes Representative O'Brien to close."

O'Brien: "Thank you, Mr. Speaker. I thank you, Members of the House, for your indulgence in hearing this argument a second time. And, I will tell you very straightforwardly that I am trying to protect the people and the residents of my district. I think that that's my foremost obligation

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when I come here. This measure and the referendum did not pass in the area to be taken under the Forrest Preserve's long-range plan. What I think the slap in the face is, is that where the county is overcrowded and has built... and has subdivision after subdivision, wasn't proposing to vote to take their own homes and their own land, only in a place where there is already a hundred thousand acres of open space, nontax roll property. These people have come to me because they don't want to sell. They've been good stewards of the land. Their space is open, it's open for a reason, because they care about it and they've asked me to care about them. And I hope you will assist me with an 'aye' vote. Thank you."

Speaker Hartke: "The question is, 'Shall the House adopt Floor Amendment #2 to Senate Bill 26?' All those in favor will vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Amendment, there are 61 Members voting 'yes', 53 Members voting 'no' and 1 Member voting 'present'. And the Amendment passes. Mr. Clerk, further Amendments?"

Clerk Bolin: "No further Amendments. A state mandates note, a home rule note, and a land conveyance appraisal note have been requested on the Bill as amended by Floor Amendment #2 and those notes have not yet been filed."

Speaker Hartke: "Hold that Bill on Second Reading. Representative McKeon. Representative Larry McKeon. On Supplemental Calendar #3, on the Order of Concurrence, appears Senate Bill 242. Conference Committee Report, excuse me, appears Senate Bill 242. Representative McKeon."

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McKeon: "Thank you Mr. Speaker, Members of the House. I move that we adopt the First Conference Committee Report on Senate Bill 242, and will gladly respond to any questions."

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

Parke: "Mr. Speaker, normally, when a Conference Committee is offered to the Body, an explanation of what's in the Conference Committee is required."

Speaker Hartke: "You're absolutely correct, Representative. Representative McKeon, would you explain what the Conference Committee Report does?"

McKeon: "Right, the Conference Committee recommends that the Senate concur in House Amendment 1, also makes a technical cleanup on the Bill. Senate Amendment 1 removed a provision in the Bill, the underlying Bill, which placed the burden on the developer to show that he or she delivered certain documents with it within a prescribed time. That language was removed in the first section of the Bill but not removed from the second section, dealing with master associations. The Conference Committee cleans up that error."

Parke: "Do you know if anybody testified to this when you presented in committee? Or is this a Floor Amendment?"

McKeon: "My Floor Amendment to the Senate Bill in committee, I testified and there were slips filed from the State Bar Association and the Cook County Bar Association. It was the Cook County Bar Condominium Committee legislation originally."

Parke: "They supported it?"

McKeon: "Yes. It was their legislation. I was carrying it for them."

Parke: "Was there anybody opposed to it in committee?"



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McKeon: "No."

Parke: "So as far as you know there is no opposition to this?"

McKeon: "There is no known opposition to the Bill."

Parke: "Do you know if the Condominium Association of Illinois had any position on this? Or has filed any slips on it?"

McKeon: "I know of no opposition."

Parke: "So CIA... or CAI has not issued any position on it?"

McKeon: "To the best of my knowledge, well, I am unaware that they have taken a position either for or against the Bill."

Parke: "Okay. Thank you Representative, I appreciate the explanation."

McKeon: "You're welcome. Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt the Conference Committee Report #1 to Senate Bill 242?' This is final action. All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does adopt the Conference Committee Report on Senate Bill 242. And this Bill having received a Constitutional Majority is hereby declared passed. On the regular Calendar, appears House Resolution 336, Representative Slone, Representative Slone."

Slone: "Thank you Mr. Speaker, Ladies and Gentlemen. HR 336 is almost precisely the same thing we passed recently as HJR10. HJR10 is still in Senate Rules. This would create, essentially, the same task force with the same objectives but only House Members and I would urge your favorable consideration."

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

Parke: "Thank you, will the Sponsor yield?"

Speaker Hartke: "She indicates she will."

Parke: "Representative, was this resolution put through... which committee did it go through?"

Slone: "Urban Revitalization."

Parke: "And, when it was in committee, was there any opposition to this?"

Slone: "No."

Parke: "So as far as you know, the homeowners and the realtors are on neutral, or do they support it?"

Slone: "Yes, to my knowledge because this is exactly the same language that we agreed to on HJR10."

Parke: "And the reason we need this one, is because the other one's in Senate Rules and it has not come out."

Slone: "Well, yeah. If we want to hold any hearings at all this summer, we would have to move forward with this one."

Parke: "Now, if we pass this now, an affirmative vote is taken on it, does this go directly to the Governor to establish that committee?"

Slone: "I believe so. Yes, it doesn't require Senate action."

Parke: "So it will go directly to the Governor to establish... how many Members will be on this Growth Task Force?"

Slone: "This would have four, four Members from each side."

Parke: "So it only... a total of eight Members."

Slone: "Eight Legislative Members and then again the same number and distribution of public members that the other one had."

Parke: "So, you'll have 16 members?"

Slone: "I think it would be as many as 20, there could be up to 12 of the public members."

Parke: "So there would be eight Legislators and 12 publics?"

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Slone: "Right. Right."

Parke: "Will there be a ... Who appoints the 12 public members?"

Slone: "The Legislative Members."

Parke: "The Legislative Leaders?"

Slone: "The Legislative Members, the Leaders appoint the Legislative Members, the Legislative Members then in turn ask the public members."

Parke: "Do... and what will be their responsibility?"

Slone: "To, to hold a series of hearings around the state on issues of transportation, land use and housing and to make some recommendations about planning and goals and objectives for these issues in the future."

Parke: "Will they will they be... and they'll present their recommendations to whom?"

Slone: "To the House. To the Clerk."

Parke: "To the Speaker of the House or to the Minority Leader and to the Speaker?"

Slone: "To the Clerk."

Parke: "Don't the Republicans have an opportunity to get the report presented to their...Our side, also?"

Slone: "The standard language I think is what's in here. It requires that they be presented to the Clerk of the House."

Parke: "The Clerk of the House? What does the Clerk do with it?"

Slone: "Well, I'm not sure the Clerk does anything with it except file a copy of it in whatever records they have."

Parke: "Well, then how outside... how do we take action then? Will it just be then you'll try to seek legislation take it down to the Reference Bureau and move that way or is there going to be an initiative by the Leadership to do something with the recommendations?"

Slone: "I think probably that would depend in part on what the recommendations are. The last task force did come up with

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two pieces of legislation that were sponsored by all of its  
Legislative Members. It did pass the House... "

Parke: "Is there a sunset in this task force?"

Slone: "Yes, it would... it would conclude by the end of the 91st  
General Assembly. All Resolutions of this type would."

Parke: "So, when we sine die the 91st, this task force is over?"

Slone: "That's right."

Parke: "Thank you."

Slone: "That would be the longest."

Parke: "Thank you, Representative."

Slone: "Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the  
Gentleman from Vermilion, Representative Black. You're on,  
Bill. He declines. Further discussion? The Chair  
recognizes the Lady from Du Page, Representative  
Cowlshaw."

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

Speaker Hartke: "She indicates she will."

Cowlshaw: "Pardon me, Representative. I wasn't listening as  
carefully as I should have been. Previously, you mentioned  
that this is similar to House... either House Resolution 10  
or House Joint Resolution 10."

Slone: "House Joint Resolution 10."

Cowlshaw: "House Joint Resolution 10, this is similar?"

Slone: "Yes, Ma'am."

Cowlshaw: "What has happened to House Joint Resolution 10?"

Slone: "Well, nothing."

Cowlshaw: "Oh."

Slone: "It hasn't moved in the Senate."

Cowlshaw: "It hasn't what?"

Slone: "It has not moved in the Senate."

Cowlshaw: "Oh, it is still on the Calendar over here?"

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Slone: "No, it passed the House 115-0, as I recall."

Cowlshaw: "So it is in the Senate, but it has not yet been acted upon there?"

Slone: "No, that's right."

Cowlshaw: "Well, Representative, I am really pleased to hear that HJR 10 has been so kindly treated by us here in the House. And since you are with the Majority Party, which controls the call of the Chair and most everything else around here, I'd certainly appreciate it if you could do what you could to get House Joint Resolution 11 called. Representative Woolard and I are Sponsors of that Amendment. It came out of the Education Committee, by a 100% 'yes' vote and there it sits growing mold on the Calendar, because nobody ever calls it. So, I would appreciate it if you could see what you could do to assure that House Joint Resolution 11 gets the same respectful attention as 10. Thank you."

Slone: "Thank you, Representative Cowlshaw."

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

Lindner: "Thank you, Mr. Speaker, to the Resolution. I rise in support of this Resolution. I happened to have the pleasure of serving on this task force before and we had wonderful public members who were extremely knowledgeable in all areas. This is good for growth planning, for your local municipalities, people want to save their farmland, they want to see controlled growth, and also, the homebuilders were included in this task force. They were represented and also the realtors, I believe, are going to be represented in the next one. I would urge support for this Resolution."

Speaker Hartke: "Seeing that no one is seeking recognition,

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Representative Slone to close."

Slone: "I would appreciate your support, Thank you."

Speaker Hartke: "The question is, 'Shall the House adopt House Resolution 336?' All those in favor will vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk take the Record. On this question, there are 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does adopt House Resolution 336. Clerk, Committee Report."

Clerk Rossi: "Representative Barbara Flynn Currie, Chairperson for the Committee on Rules, to which the following measure was referred action taken on May 26th, 1999, reported the same back with the following recommendation: 'to the floor for consideration' House Amendment #2 to Senate Bill 251."

Speaker Hartke: "Any schedule announcement?"

Clerk Rossi: "A revised committee schedule is being distributed. The Electric Utility Deregulation Committee will meet at 6:15, in Room 114. The Personnel and Pensions Committee will meet at 6:15 in Room 118; and the Revenue Committee will meet at 6:15 in Room 122B."

Speaker Hartke: "I would like to recognize Senator O'Daniel, who has just come on the floor. What reason does the Gentleman from Kendall, Mr. Cross, seek recognition? There are no kids here."

Cross: "Well, that's because they are all on their way home, Mr. Speaker, but the Governor has asked me to announce that immediately after adjournment assuming... I shouldn't say immediately, at 6:00 or a half hour after adjournment, he is having... is inviting House Members and staff people over to the Mansion for food and drink, soft drinks. He asked that no one under 21... unfortunately, they're not invited. But a half hour after adjournment... he will be

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ready by six. That's at the request of the Governor."

Speaker Hartke: "There could possibly be some adult beverages there?"

Cross: "Pardon me?"

Speaker Hartke: "There could possibly be some adult beverages there?"

Cross: "Well, Mr. Speaker, I'm not... you heard the invite and I think it does speak for itself."

Speaker Hartke: "I'm sure we'll take our chances."

Cross: "I think I would, I think you should do that. I think I made it clear House Members and staff, so... "

Speaker Hartke: "Thank you for that announcement."

Cross: "Thank you."

Speaker Hartke: "On page 7 of the Calendar, appears House Bill 619. Representative Bugielski."

Bugielski: "Thank you, Mr. Speaker, Members of the House. I make... I'd like to make a Motion to nonconcur with Senate Amendment #4 to House Bill 619."

Speaker Hartke: "The Motion is to nonconcur with Senate Amendment #4 to House Bill 619. Is there any discussion? The Chair recognizes Representative Black."

Black: "Could the Sponsor just tell us very briefly what the problem is with Senate Amendment #4?"

Bugielski: "I don't know exactly, but I know that there was a problem there... we're sending it back and I understand that Senator Burzynski is going to recede from that Amendment. I think that was the one with the fees that they're going to take out."

Black: "Okay. Well, my question is... Representative, let me ask an inquiry to the Chair, Mr. Speaker."

Speaker Hartke: "State your inquiry."

Black: "I'm not sure, you might want to consult the

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parliamentarian. I don't know how we can nonconcur in Senate Amendment #4. It's my recollection that we, didn't we defeat Amendment #4 when we divided the question?"

Bugielski: "There was a Motion to concur. You didn't support it, so we are nonconcurring with Senate Amendment #4 now."

Black: "Now, wait a minute. I understand that, but I think we had a roll call vote on Amendment #4 and defeated the Amendment."

Bugielski: "It was a renewable..."

Black: "You're right."

Bugielski: "It was a renewable Motion."

Black: "It was the Motion to concur that we defeated, not the Amendment."

Bugielski: "Right. So now we are not concurring on Senate Amendment #4."

Black: "Now, I understand. Bear with me, the evening grows late."

Bugielski: "It's a late date."

Black: "The evening grows late and I'm just trying to find a couple of Agreed Pension Bills, if you could help me out you know, if we can help our pawnbroker friends, we can certainly help our firefighters, right?"

Bugielski: "Correct."

Black: "All right. Let's roll it, Mr. Speaker."

Speaker Hartke: "Further discussion? Seeing that nobody is seeking recognition, the question is, 'Shall the House nonconcur in Senate Amendment #4 to House Bill 619?' All those in favor say 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the House does nonconcur in that Amendment. The Chair recognizes the Gentleman from Kendall, Mr. Cross. For what reason do you seek recognition?"



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Cross: "Thank you, Mr. Speaker, I made an announcement a little while ago about the gathering at the Governor's Mansion and it's my understanding we're going to be here a little longer... a little past 6:00 and maybe even a little later than that. He has said because of that, it will be immediately upon adjournment that people will be invited over to his house to discuss state business and other items. So, thank you for the time."

Speaker Hartke: "Thank you for the announcement. For what reason does the Lady from Cook, Representative Davis, seek recognition?"

Davis, M.: "Mr. Speaker, I just received a call from the Governor and he said, 'ya'll come on now.' He said, 'Come now.'"

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

Black: "Well, yes, Mr. Speaker. If I might address the Chair, on a more serious note. The Governor hasn't called me and I'm somewhat hurt, but that's not my point. Mr. Speaker, are we at ease? Are we in recess for committee? Does the Speaker know what we are doing? Could you give us some direction?"

Speaker Hartke: "Absolutely."

Black: "Would you share just a small piece of your knowledge with us? No, I take it."

Speaker Hartke: "For what reason does the Gentleman from Sangamon, Mr. Poe, seek recognition?"

Poe: "Yeah, I've got a report to make."

Speaker Hartke: "Report."

Poe: "I happen to know someone over there doing a little cooking at the Mansion and the pork's done and the chicken's just about ready to come off that cooker, so anytime you're ready, they're ready."

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Speaker Hartke: "Mr. Clerk, what is the status of Senate Bill 251?"

Clerk Rossi: "Senate Bill 251 has been read a second time, previously. No Committee Amendments. Floor Amendment #2 offered by Representative Flowers, has been approved for consideration."

Speaker Hartke: "Representative Flowers. Representative Flowers on Amendment #2, on Senate Bill 251. Representative Mautino."

Mautino: Thank you, Mr. Speaker. I would just like to ask that the board be corrected, the slips have been filed. It should read Mautino-Flowers-Mitchell-Winkel-Johnson. And then we're prepared to proceed."

Speaker Hartke: "That would be on the Amendment, as well? Representative Flowers."

Flowers: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I move for the adoption of Amendment #2 to Senate Bill 251. This is the compromise provision of the Managed Care Bill. And for those of you who have been around for a long time, you've heard the debates. You know the concerns. You know the problem. This Amendment addresses some of the problems that we have, in regards to managed care. Mr. Speaker, Ladies and Gentlemen of the House, this Bill has the emergency language of House Bill 626. It has the compromise language of Senate Bill 251. It also has the provisions dealing with the enrollees and how they can continue to work with their physician that they already have instead of leaving the plan. It ensures them that they will always have access to a specialist. It deals with the termination. It also provides for information dealing with who can and who cannot make decisions in regards to your healthcare. It talks about a time limit as

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to how long it will take before an emergency provision is made and a nonemergency provision is made. It has the Office of Consumer Services in which the people of the state will have to call and to complain about their lack of care in regards to HMOs and to get assistance in dealing with the HMOs and I'll be more than happy to have... to answer any questions you may have in regards to Senate Bill 251 Amendment #2."

Speaker Hartke: "Is there any discussion? The Chair would like to recognize the Gentleman from Vermilion, Representative Black."

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

Speaker Hartke: "State your inquiry."

Black: "I'm just now downloading the system, but we don't have a hard copy of the Amendment and I'm not sure where it is in the process. I don't even know if staff has a hard copy of the Amendment. I mean, can we just... okay, wait a minute. Mr. Speaker, inquiry of the Chair."

Speaker Hartke: "State your inquiry."

Black: "Did this Amendment go to committee or did it just go right to the floor?"

Speaker Hartke: "Straight to the floor."

Black: "All right. Thank you. With leave from the Speaker to perhaps revisit the Amendment later, I'd like to talk to staff about it. Just after the inquiry?"

Speaker Hartke: "Mr. Black, have you reached a caucus decision yet?"

Black: "Well, Mr. Speaker, at least we have the copy and at least it's on the system and I guess we're ready to go and we ought to be able to debate this until about midnight. So, let's go."

Speaker Hartke: "Proceed."

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

Speaker Hartke: "She indicates she will."

Black: "All right. Representative, I assume that Floor Amendment #2 becomes the Bill, correct?"

Flowers: "No. Yes, yes, yes. I'm sorry, Representative Black, yes."

Black: "Okay. So Floor Amendment #2 becomes the Bill. It's the Managed Care Reform Act that you have Sponsored for the last three or four years. Now, one of the points that is not in this Bill, is creating a cause of action or a right to sue, that has been removed, correct?"

Flowers: "Correct, Representative. You're correct."

Black: "The external review process for HMOs is in the Bill, where consumers will now have a right of appeal of treatment decisions. That's in the Bill."

Flowers: "That's in the Bill, Representative."

Black: "All right. Now, it's my understanding and I don't know, maybe you can shed some light on this. It was my understanding that as little as an hour ago, we had an Agreed Bill. And now all of a sudden, we're back to where we were three or four years ago. We have a Bill that it seems like the Medical Society is on one side of the issue and every business group in the state with the exception of what I've been told, IRMA is in opposition to the Bill. Is there one particular focus that caused this Bill to go from an agreed piece of legislation to where now we're back to everybody is choosing up sides?"

Flowers: "You know, Representative, Agreed..."

Black: "I understand that... sure."

Flowers: "You know, and my only point, you know, quite frankly for the last three years I've tried to please everybody, but that didn't work. So I made a very conscience decision

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to just try to please the consumers of this state, those are the people that have to deal with this. So therefore I tried to do the best that I could in regards to those organizations, but I couldn't please everybody."

Black: "Representative, I appreciate your response and I know how hard you have worked and you and I have been on the opposite side of this issue for the last three years, but I voted with you earlier in the Session. And I thought we would probably get some kind of compromise that most people could be on. I have to tell you I'm a little bit taken aback, state of shock, may be too strong a word, but I really believed that we would have a Bill that many of us that 75, 80, 90 votes could go on and now it seems like we've... and that's not your fault. I understand that. You've done yeoman work in trying to negotiate this, but evidently something's happened in the last hour or so that has taken it back to the adversarial position. So, I appreciate you answering the questions that I had, and I'm sure there will be other debate and other questions and I do appreciate the work that you've done. And thank you for your indulgence, Mr. Speaker."

Speaker Hartke: "Representative Tenhouse moves that we take this off of Short Debate and put it on Standard Debate. The Chair recognizes Representative Mautino."

Mautino: "Thank you Mr. Speaker, will the Lady yield?"

Speaker Hartke: "She will."

Mautino: "Okay, Representative, first of all, I do stand in support of your Amendment. And you and I have spent the last four years, I would usually Sponsor the Senate Bill and you had the version in 626. This year Representative Schoenberg had the Senate Bill. Can I go through and ask you some of the provisions of the Bill? Just tell me if

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they are inside the Bill and agreed by those parties who have now had some concerns over one section. Is it true that peer review will be conducted by healthcare professionals in the same profession or specialty as the managing provider?"

Flowers: "Yes, Representative."

Mautino: "Okay, does this Bill include new disclosure standards including the healthcares plan service area, benefits, exclusions, financial relationships, between the plan and provider, loss ratios as well as information relating to the provider's educational background training and experience?"

Flowers: "Yes, Representative."

Mautino: "Are there provider termination protections in this Bill?"

Flowers: "Yes, there is."

Mautino: "Is there transitional care for enrollees whose physicians leave the plan's health network?"

Flowers: "Yes, there is."

Mautino: "Are there prohibitions against gag clauses?"

Flowers: "Definitely."

Mautino: "Does this structure timely appeal the process for physicians to appeal a process, practice, or decision involving care, which is not medically necessary?"

Flowers: "Yes, it does, Representative."

Mautino: "Are urgent care decisions which must be made... is there a provision which requires urgent care decisions to be made within 24 hours?"

Flowers: "Yes, there is Representative."

Mautino: "Are adverse determinations under this process, may they be appealed by either the enrollee or his provider to an external independent reviewer?"

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Flowers: "Absolutely."

Mautino: "Is the decision of the external independent reviewer final?"

Flowers: "Final, Representative, you're absolutely right."

Mautino: "Do we have in this Bill, access for specialists, to specialists for conditions requiring ongoing care?"

Flowers: "Yes."

Mautino: "Is there access to pharmaceutical providers meeting the conditions established by healthcare plan?"

Flowers: "Representative, yes. That provision is there, but that is not the provision that everyone agreed to."

Mautino: "Okay. Correct. Is the department then has to make a complete summary data available through the Web? Is that there?"

Flowers: "Yes."

Mautino: "How about open access to contracted physicians within a healthcare plan's network?"

Flowers: "Yes, Representative."

Mautino: "Okay. Food and lay person standard for emergencies?"

Flowers: "That language is there, Representative."

Mautino: "How about post stabilization care for emergencies?"

Flowers: "That language is there, Representative."

Mautino: "Establishment of minimum quality assessment criteria, which if not met by the healthcare plan, the director assesses appropriate penalties?"

Flowers: "That language is there, Representative."

Mautino: "Department's registration for all UR firms?"

Flowers: "Yes."

Mautino: "How about the establishment... you've mentioned already the establishment of Office of Consumer Health Insurance within a department requiring assisting and educating consumers to establish an 800 line to analyze, monitor, and

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report adequacy of healthcare plans within the state. Is that there?"

Flowers: "That is there, Representative."

Mautino: "And how about finally, the annual reporting requirements to the Governor, General Assembly, director on improving the regulations of healthcare plans, consumer health assistance and initiatives?"

Flowers: "Yes, Representative, all of those provisions in which you have annunciated are there and they were all agreed to except for the one that I identified."

Mautino: "Okay. So, all of these provisions... over the years we have been doing this legislation, you and I, and we have come with the help of Governor Ryan and to language which about an hour ago was Agreed. Most of these provisions... now were the emergency room procedure provisions and you are already voted on by this House?"

Flowers: "Yes, Representative."

Mautino: "This is the exact same language which we voted unanimously, I believe, to send to the Amendment in House Bill 161?"

Flowers: "Identical, Representative."

Mautino: "Okay, and I thank you very much for those answers. The discussion is going to go on here, I'm sure, for quite some time. And I have stood in opposition on many occasions to Representative Flowers, but earlier today it appeared that we had an agreement on this. And I think that the one provision which is the pharmacy section, that is in dispute right now, is a provision which I agree with. I think that any willing pharmacist, who has a business in the State of Illinois, if they want to meet the access and pricing and availability criteria, a plan should not be allowed to discriminate against that. So, I mean that is for the most



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part, we have a Bill which is about 95% Agreed and it's the first time we've done this. We have a history in this chamber of Mary passing her Bill, the Senate coming back passing their Bill, and then we go home and nothing is really done to address the needs of the consumer who is out there and I think this Bill does that. The agreement on most of the parts are going to help to control some of the business costs, which have been a lot of the concerns and rightly so, of many of the Members here. Because businesses out there want to provide quality healthcare and for their employees they want to make sure that it is the best possible healthcare. It's too tough to get good employees and train people, you want to make sure that the benefits are there and as a business owner you want to make sure that you're receiving the quality of care that your people deserve and that you're paying for. So with that, I commend you, I commend Governor Ryan, Representatives' Krause, Schoenberg, Senator Walsh and many of the Members who have worked for three long years to bring about a Bill which can put some regulation and offer consumer protections with benefits for businesses and all the people in the State of Illinois. Your Amendment is definitely timely and I appreciate your work."

Flowers: "Thank you."

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

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

Speaker Hartke: "She indicates she will."

Parke: "Representative, on page 27 of Amendment 2, Section B, I would like you to read that and tell me what it means."

Flowers: "A healthcare plan shall apply the same coinsurance,

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copayment, and deductible factors to all drug prescriptions filled by a pharmacy provider that participate in the healthcare plan's network. Noting (sic-nothing) in this subsection, however, prohibits a healthcare plan from applying different coinsurance payments, deductibles, factors between brand name drugs and generic drugs when a generic equivalent exists for the brand name drug."

Parke: "Thank you. What does this mean?"

Flowers: "Section 72 provides a level playing field for all pharmacies. healthcare plans are allowed to set the terms and the conditions that pharmacies must meet in order to participate with the plan. This includes the payment rates that the plan is willing to play. Any pharmacy that can meet these terms, including the acceptance of payment rates, will be allowed to contract with the plan. It will provide more access to enrollees and will not increase costs to the plan, since the plan will still be setting the payment rate as they see fit."

Parke: "And that means, what? What does that mean to a person, especially an elderly person, that wants to use this plan? That we're going to tell, not wants to, that we're telling them they must use. What does this mean? Well, I'll tell you what, I'll tell, I'm going to tell the Body what I think it means. Thank you, Representative. To the Bill."

Speaker Hartke: "To the Bill."

Parke: "What this means, in essence, is that you can only use and go to a pharmacist. Now I don't have a problem with that, but there are senior citizens in this state that are homebound, that have difficulty getting around, that do not have transportation. There will be no mail order pharmacies that could be ordering drugs. You must physically, we're requiring all of our senior citizens in

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this state and those that are handicapped, they must physically go to their pharmacists. They can't order it. They must physically go in. Now, some of them, my understanding is that some of these mail order pharmacists have waived the copayment. So, when we require these elderly or handicapped people, not only will they have to physically come into the pharmacists with this section, they must also pay the copayment for those, because they won't be offering that. So now, not only do we require them to come in, we require them to pay a copayment which means it's going to cost them more money. Now, Ladies and Gentleman, I will tell you right now, this section helps nobody, except the pharmacist. Now I have no problem with pharmacists, but this is unfair. We've allowed mail order pharmacy in this state. It works, it does the job. It's ridiculous to presume that we're not going to allow senior citizens or handicapped people who have transportation problems or any city people who have transportation problems, that now they must physically go into the pharmacists. This is not good legislation and on top of that it's going to cost us money in this state to do this. Now, there's a lot of good things in this Bill, I think we've worked out. I commend both Sponsors for this Bill, the Sponsor of the Amendment, and the Sponsors of the Bill. They've worked hard to come up with a compromise and to the most part, I think it seems to be a fair compromise. But this section is bad public policy and we ought not to be doing this. What we should do is defeat Amendment #2, send it back to the Senate and tell them to take this section out. This is blatantly unfair. This ought not to be the public policy we put out. We've got a compromise, let's not screw it up by putting this in there. Ladies and

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Gentlemen, I rise strongly against Amendment #2 and I will also point out, that every major business group in this state; the Illinois Chamber, the Illinois Manufacturers', the Employment Law Council to name a few, except for IRMA, who is neutral. All the major groups are opposed to this. This section is not acceptable to them, it ought not be acceptable to you, and for... just a minute. And, Mr. Speaker, I would like a roll call on this Amendment."

Speaker Hartke: "It'll be granted. Further discussion? The Chair recognizes the Lady from Sangamon, Representative Klingler."

Klingler: "Thank you very much, Mr. Speaker. As a Member of the Health Care Committee, we've worked hard for two Sessions to get a Managed Care Bill, Reform Bill, and a Patients' Care Bill of Rights. And I'd first like to thank all the Members of the Health Care Committee for the efforts they have put into it. Obviously, the Chairman Mary Flowers, has worked very hard, but I'd also like to especially acknowledge the Spokesperson, our Representative Carolyn Krause for all the work that she has done. So, I think that, even though Representative Krause is not able to be a cosponsor in this Bill, she's certainly one that has fought very hard for the interests of patients. I think the section that I would like to emphasize most in this, is the appeals process within the Bill. As all of you know, in the last General Assembly the Bill which Representative Flowers sponsored had a provision regarding lawsuits against HMOs. And although some of you may feel that in some circumstances this is appropriate, I told Representative Flowers at the beginning of this Session that I could not support such a measure, because I felt the important thing was not to have a delayed lawsuit which

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could take years, by which time the patient's condition may be worse, the patient may have passed away. But rather to have a very strong appeals process so the patient can have the treatment that he or she wants. And I think that all of you should know that I think these provisions are very strong in this Bill. There are two levels, both internal and external levels, of appeal. If you feel that you have been denied a treatment, that you've been denied a referral to someone that you really feel you should see a specialist, a cardiologist or endocrinologist, and you're not getting that referral or your being denied care or a surgical procedure or something that you believe is necessary, you can appeal within each HMO. And each HMO is required to set up an internal review process that with decisions made by medical professionals. There are three steps of review within each managed care plan, with the last step the person making that decision has to be within that line of specialty or practice, as a decision is being sought. If there's an adverse determination in the internal review, if the internal review says, 'No this is not medically necessary, no you cannot have this referral, you cannot have this procedure, it's not medically necessary', there is a provision for an external review. And in the external review both the plan and the person seeking the review agree on an outside professional in the same area of practice but with no financial interests, no ties to that case, to make that decision. And again, there are very strict time lines, going as short as 24 hours if there is an urgent situation. I think that this is the issue that I believe was tried to be addressed earlier regarding the lawsuits. I think this is much preferable and I really thank Representative Flowers for dropping the lawsuit

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provision and for going with the provision on the internal appeals. The other provisions that I think are very important is the fact of complete disclosure to a person that's going to enroll in a managed care plan. I know from the number of calls that I get to my office, since four of the five state plans are managed care plans, they have so many questions about what was covered or what was not covered. And they say to me, 'I would not have signed up had I known this was not covered.' We should not be having those kinds of questions. A person should know ahead of time what's covered. They should know what is the procedure for access to specialists, what is the procedure for a standing referral, what is the procedure for an appeal. I think that this business, I believe that this Bill has gone a long way to address the concerns on both sides and I would really hope that we could get strong support from this chamber for this Bill. I believe it's long overdue. Thank you."

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

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

Speaker Hartke: "She indicates she will."

Zickus: "Representative Flowers, the... we talked before about the definition of 'primary care physician'. Is there a definition? I haven't had an opportunity to find it in here yet."

Flowers: "Your concern, Representative, are about the chiropractors and they are covered in the Bill. It talks about practicing... on page 5 of the Bill. It says, 'It means a persons licensed under the Medical Malpractice Act of 1987.'"

Zickus: "Okay, so the and so the chiropractors are okay with this

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version?"

Flowers: "Yes."

Zickus: "Okay, thank you, Representative."

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

Stephens: "Thank you, Mr. Speaker. First of all, I'd like to clarify that I may have a potential, as a pharmacist, may have a potential conflict of interest and I will vote my conscience in the interest of my district. And I just want to correct something, there's nothing in this language that would cause anyone to have to go to their local pharmacists and not be able to access mail order. Certainly, they would still be able to access mail order, if they wish. Also, it was incorrectly stated that they would have to pay a copay, that is just not the not the truth that is not what this language does. This just simply levels the playing field and means that local pharmacists can access the same contractual benefits as a mail order or any other contract signee. And with that, I would urge an 'aye' vote."

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

Lang: "Thank you, Mr. Speaker. The... it's very difficult to focus on this major Bill at this hour. People are worried about going to the Governor's Mansion and when we're voting on the budget and whether they should check out of their hotel rooms. But, this is a major piece of legislation and I think we have to clear up a few items, so I would ask the Sponsor to yield?"

Flowers: "Yes."

Lang: "Is that a yes? Sponsor will yield?"

Flowers: "Yes."

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Speaker Hartke: "Sponsor will yield."

Lang: "Thank you. Representative, there was some discussion on the floor earlier about the use of pharmacies and the Gentleman that asked you about it seemed to want to indicate to the Body that the proposal in your Bill, relative to the use of pharmacies, would limit the ability of people to use their pharmacies. Is that the case?"

Flowers: "No, Representative, it's not the case. If anything it would expand it."

Lang: "And so as I understand your Amendment relative to what it does in the pharmacy area, correct me if I'm wrong, it says that 'Anyone who meets the qualifications, who's willing to provide pharmaceutical services' whether it be a big conglomerate like Walgreens or Osco or the little neighborhood pharmacy or a mail order house, they are all eligible to sell pharmaceuticals, all eligible. Any person who would qualify under the Bill for coverage would be able to go to any of these entities to get their drugs. Is that correct?"

Flowers: "You're correct, Sir."

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

Speaker Hartke: "To the Bill."

Lang: "I wanted to clear up that red herring, Mr. Speaker, because the inference that the proposal relative to pharmacies in Floor Amendment #2 is limiting, is exactly 180 degrees apart from the truth. The fact is, that the proposal here relative to pharmacies, is opening up the process. It says to you that if you're covered under one of these policies you can get your drugs wherever it you can get them, your corner pharmacy, the big pharmacies that have most of the business now, or a mail order house. So, I wanted to clear up that issue. Mr. Speaker and Ladies



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and Gentlemen, all of you in your campaigns have talked about the need for healthcare reform in Illinois. All of you in your campaigns have talked about how important it is in your district to your constituents that the issues of HMO reform get resolved. Those issues are the kind of coverages involved, the use of the emergency room, utilization review, the appeals process, Bill of Rights for HMO policyholders. All of those things, all of us have talked about in our reelection brochures and we've said to our constituents that we're going to take care of this problem. Senate Bill 251, as it's about to be amended, will do that. The Sponsors of this Bill and others whose names you don't see on the board today have worked long and hard over a very long period of time, and those of you who have been here for the last four to six years know that, to try to come up with a compromise that works for everyone, doctors, insurance companies, pharmacies, everyone else on the supply side of that, but even more important our constituents, the policyholders that use these HMOs. Ladies and Gentlemen, this Bill does everything we had hoped to do to protect our constituents. As managed care grows faster and faster and more and more people are on it, particularly our senior citizens, it is imperative that we move a Bill forward to protect them. This Bill does that. There are a lot of Bills out there that do little bits and pieces of this. I have one myself and yes, I would like to add to this, liability to HMOs that reject coverage for no good reason. But I am satisfied that Senate Bill 251 as it's about to be amended, will do everything we need to do to protect our constituents, the HMO policyholders in Illinois and to make sure there's a fair shake for everyone. This is an Amendment you should support and a

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Bill you should support."

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

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

Speaker Hartke: "The Sponsor will yield."

Garrett: "Representative Flowers, I have a question regarding Section 25 of the Amendment, under transition of services. And it's really a point of clarification. My question is this, it talks about, Section 25 talks about, 'the enrollee shall be allowed to continue with a physician who leaves the plan, with some stipulations.' My question to you is, if a woman is about three months pregnant and her physician leaves the plan, would she still be allowed to stay with her physician under this particular section?"

Flowers: "Yes, Representative, she will."

Garrett: "Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking rec... the Chair recognizes the Gentleman from McLean, Representative Brady."

Brady: "Sponsor yield?"

Speaker Hartke: "She indicates she will."

Brady: "Representative, I want to complement you and many others who've put a lot of work into bringing forward a good HMO package. I think you've done a lot of good hard work and it's... I'm very intrigued and interested in your Bill. I have two questions. One is, is anyone in the State of Illinois exempt from this Bill and why?"

Flowers: "Yes, Representative, there are some people or organizations that are exempt."

Speaker Hartke: "Would you repeat your answer? There are several of Members that did not hear your response, Representative Flowers. Shhh. Could we have some quiet on the floor,

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please, this is a very big piece of legislation."

Flowers: "Representative, on page 4, under the definition of healthcare plan, it talks about who's not included: #1 is the Indemnity Health Insurance Policy including those using a contract provider network, it talks about the healthcare plan that offer only dental or vision, the PPOs' as defined, the ERISA Plans, Workers Comp and the not-for-profit volunteer health service plans with Health Maintenance Organizations authority in existence as of January 1, 1999 that are affiliated with a union that only extend coverage to union members and their dependents."

Brady: "Representative, if this is such a good piece of legislation, why have you chosen to leave those union members and their dependents out of it?"

Flowers: "Because, Representative, I will read to you the answer. Why should they be exempt? The union members was established by the Service Employee International Union solely for the purpose of providing low cost, high quality care to union members. After almost three decades it continue... it continues to provide that service. It has no complaints filed against it according to the Illinois Department of Insurance and last year that union charged the lowest premium of any HMO in the state and just one-half of the average premium for commercial HMOs. Also, that union is a not-for-profit plan, has no incentive, Representative, to save money by cutting corners or either medical quality. That union is also controlled by elected union representatives and medical doctors, not shareholders nor outside investors. Quality care is their first priority. And also, in 1997, 93% of that union premium dollars were spent on medical services, compared to 84% average for the commercial HMOs and as little as 75% of the

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other HMOs and if all HMOs' was like this one, Representative, we would have no need for this legislation."

Brady: "Well, Representative, I beg to differ with you. I also will tell that this HMO will probably continue to have the lowest premiums because you're going to hold them to the lowest standard. And for that reason, I have a great deal of difficulty, I think for you to arbitrarily decide to carve out one group for whatever special interest you may see, is not fair to the citizens of the entire State of Illinois. It's unleveling the playing field and it's very derogatory toward this Bill. But, let me move on to my second question and these are, frankly, the only two flaws I find with your piece of legislation. And that is, you have eliminated the right of HMOs to negotiate a contract when it comes to pharmaceutical products, at least, you've eliminated certain rights. Is that correct?'"

Flowers: "No, Representative, that's not correct."

Brady: "Well, then what is the intention of your pharmaceutical provisions in this legislation?"

Flowers: "Representative, Representative, the only thing that section does is once that HMO negotiate that offer for pharmaceutical purposes they then have to extend that courtesy to any other pharmaceutical who is willing to meet that offer."

Brady: "Representative, I want to bring this to a point and I want to start by saying that I have not necessarily been the biggest 'yes' vote in the General Assembly this year and have had various concerns about the healthcare implications that we are bringing about through regulation. I do believe we're at a critical state, particularly when it comes to managed care and HMOs, and I think they've been

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unfairly targeted. But, I also believe that regulation can enhance the medical profession in the medical access throughout this state. It's my intention and I plan to support this Amendment and the legislation, which is rather unusual for me, but I think you've done a good job.

Flowers: "Thank you."

Brady: "I do believe that there are two flaws in this provision. One is, I don't think it's fair to leave the unions out and two is, I think you're over regulating pharmaceuticals. In fact, HMOs do not have to provide pharmaceutical coverage. My fear is that HMOs will choose not to, they'll offer a managed care product that will exclude pharmaceutical coverage and we will regret that. I will ask you and the rest of the Members of this General Assembly to monitor the impact this legislation has on healthcare access. Again, I want to applaud you and the others who've worked hard on this area, I particularly want to applaud Governor Ryan for his initiative, and I intend to vote 'for' your Amendment and 'for' your legislation."

Flowers: "Thank you, Representative."

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

Flowers: "Mr. Speaker and Ladies and Gentlemen of the House, I too, would like to take this opportunity to first of all thank my committee, for the hard work and the efforts in which they put forth in this negotiation and this legislation. I would like to take this opportunity to thank the groups. I want to thank the Advocacy Group, I want to especially thank the Citizens' Action Group. I want to especially thank Nancy with the I'm sorry, the Coalition for Consumer Rights, absolutely. Those are some people I especially have to thank, because when the times was

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looking rather doubtful for me, they were there to continue to encourage me. I want to thank some of the lobbyists' who encouraged me to do that, I also, want to especially thank my Speaker, for having the wisdom and the tenacity to extend the leadership on this issue and I would also like to thank, last but not least, the Governor of this state for taking the opportunity to take charge and was willing to set forth the meetings and negotiations and to mediate between the powers to be that had the differences. And I want to say to you, Ladies and Gentlemen, I've said often that I was not willing to negotiate or either give up the right to sue. The right to sue is still a very important issue for me and the consumers of this state. But, I had to step aside, I had to put my personal views aside and I had to think about what was best for the consumers of this state and when I looked closely at this Bill, I'm pleased to the degree that I know once the Governor signs this Bill into law and the effective date is there, there will be no more gag clauses. I am very happy to know that no mother, no mother will have to go to the hospital in which the HMO says she has to go, she will have a right to go to the closest hospital. I am so proud to say that nobody will ever have to be turned down because the HMO deemed that it was not a medical emergency. So, Ladies and Gentlemen, for those reasons and many more, I'm proud to stand up and say that I do support Amendment #2 to Senate Bill 251 and I would encourage you to do likewise. And thank you very much."

Speaker Hartke: "The Chair recognizes Representative Parke."

Parke: "Mr. Speaker, I withdraw my request for a verification of the roll call."

Speaker Hartke: "Thank you. The question is, 'Shall the House

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adopt Floor Amendment #2 to Senate Bill 251?' All those in favor say 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it and Floor Amendment #2 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "Senate Bill 251, a Bill for an Act amending the State Employees Group Insurance Act of 1971. Third Reading of this Senate Bill."

Speaker Hartke: "Ladies and Gentlemen, we've debated this Bill extensively. There are a few Members who would like to give a final short brief comment. So, with that we will recognize Representative Black from Vermilion."

Black: "Thank you very much, Mr. Speaker. With the indulgence of the Chair, and an inquiry if you could straighten out some of the confusion on the Bill. The way it's on our system, Amendment #2 becomes the Bill. I've never seen it done this way. Further in that Amendment it incorporates the underlying language of the original Bill. It has something to do with the, I believe it's retirement or health benefits for the Cooperative Extension Service. So, my question to the Chair, 'Is in fact, the provision of the underlying Bill in 251 still included in Senate Amendment #2?' And furthermore, the system shows, our system with apologies to the Chair and we understand how that happened we show two Floor Amendment #1's and I think that's where we're getting some of the material coming in making reference to Floor Amendment #1. Floor Amendment #1 was Sponsored by Representative Bost, it's my understanding that that Amendment is still in the Rules Committee. So that is not a part of this Bill. Would the Chair so advise?"

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Speaker Hartke: "That's my understanding, as well."

Black: "All right. Now, if Senate Amendment #2 becomes the Bill, but as you scroll through the Amendment and see when it says, 'deletes everything from the enacting clause' and then you go through the Amendment, later in the Amendment it seems to incorporate the underlying Bill on University Extension Service Employees. It's my understanding that that's still in there."

Speaker Hartke: "To clarify that, let's go to the Bill's Sponsor, Representative Mautino."

Mautino: "In answer, the Chair was incorrect. The Managed Care Bill in Amendment 2, had a section amending the Act. So those provisions are, in fact, inside this Bill. One is the, the extension provision which was the underlying Bill and the second is Representative Bost's language and they... it was determined those were touched inside the section."

Black: "All right, so in effect, and I appreciate you straightening this out..."

Mautino: "Yes, I wanted it taken care of."

Black: "...because some of us have obviously an interest in either one or both of those underlying provisions. So, what you're telling me is the... as the Bill started out, it's still the same, with the HMO provision, correct?"

Mautino: "Exactly."

Black: "Okay, fine. Now, I think that clarifies..."

Mautino: "Exactly. I wanted to, I was going to say that it my description of the legislation coming up on Third Reading that in..."

Black: "...Well, Representative, you have to get up early in the morning to beat me to these things. If I'd known that I would have deferred to your seniority."



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Mautino: "...If I'd have understood how to use e-mail I'd a sent you something."

Black: "And if I understand how to access e-mail I would have received it. Thank you very much and thank you for your indulgence, Mr. Speaker."

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

Parke: "Thank you, Mr. Speaker. I have a been a strong advocate for reform that is good for all of the people, not making it a reform that would hurt the business community, the state, who ultimately is the payer of all of these reforms that we're putting in place. Everybody seems to think that all the players that are involved in providing services, whether it's the plan Administrators, the managed care systems, the doctors, the hospitals, all of those ultimately are paid for by the business community. The Sponsor and I have debated this Bill, numerous times and it looks like this is the final version of this Bill and I commend Representative Flowers for her tenacity in doing what she believes in. And this looks like we fought the battle, this is the final version, it's gonna pass and so therefore, I commend both the Sponsor of the Amendment, the Sponsor of the Bill and I will be voting 'for' the Bill. Thank you."

Speaker Hartke: "The Chair recognizes the Gentleman from Jersey, Representative Ryder."

Ryder: "Thank you. Very quickly Mr. Speaker, thank you for your indulgence. There's been a concern raised about the union exemption for union administered HMOs. Well, that's the same kind of exemption that is required by federal law for ERISA, which is employee-owned or factory employer-owned. So, we're simply providing for unions to have that same

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exemption in this Bill that the federal law mandates us to have on others. It might strike some as unusual, but in that context I think it's simply flowing from the federal guidelines and for that reason you need to understand that in order to make a vote, which I hope will be in favor of the Bill."

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

Durkin: "Thank you very much, Mr. Speaker. Over the past few months we've heard a lot about this Bill and it was... and I appreciate the impassioned speech that the Sponsor gave on the Amendment, all about the issue of the right to sue. Let's make it perfectly clear that by not putting this language in the Bill is not going to inhibit an individual's ability to go into a courtroom to sue an HMO for negligence. The law is quite well established in that area, two cases that have been brought up through the Appellate Court were recently argued in the Supreme Court and HMOs are the principals, the doctors are the agents. You can sue them under your theory of 'apparent agency'. So, don't buy into this whole argument that by not putting in... the legislating the right to sue is gonna put a padlock on the doors of the courtroom. That is the furthest thing from the truth. HMOs are being sued daily and they will be... can sued in the future. And this is not going to inhibit an individual's right to seek seek recourse against an HMO for negligence. Thank you very much."

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

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'm very proud to Sponsor, along with

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Representative Flowers, Senate Bill 251 and all of it's provisions. This legislation contains the peer review, disclosure standards, provider termination protections, appeals language, external review, access to specialists, registration of UR firms, and in short, this Bill will address 90% of the problems which have arisen through our Department of Insurance, also address the consumer complaints and protect all the citizens of the State of Illinois. And I simply ask for an 'aye' vote. I commend Governor Ryan and all the people who worked on this to make this possible. And I thank you and ask you for an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 251?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. The Chair recognizes the Gentleman from Du Page, Representative Biggins."

Biggins: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise on a point of personal privilege. We started this day by seeing and being very happy for the healthy recovery of a young lady in Illinois and I'm also happy to report a healthy recovery tonight and welcome back former State Representative Bob Bergman, in the back of the chamber."

Speaker Hartke: "Welcome back, Representative. Representative Cross."

Cross: "Thank you, Mr. Speaker. Just a final announcement on the

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public policy gathering over at the Governor's house. It will be casual and we will be both in and outside. So, dress accordingly, casual if you choose."

Speaker Hartke: "The House will stand at ease until 7:30 while committees are being conducted. We will return at 7:30. The House is at ease. For what reason does the Gentleman from McHenry seek recognition?"

Skinner: "Mr. Speaker, I rise to remind you that it's 7:30 and it's time to go back in Session and perhaps the people at Boone's could return."

Speaker Hartke: "I do believe that committees are still in in... as soon as the committees adjourn we will call the House back into Session. The House shall come to order. Mr. Clerk, what is the status of Senate Bill 55?"

Clerk Rossi: "Senate Bill 55 is on the Order of Senate Bills-Third Reading."

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

Clerk Rossi: "Senate Bill 55, a Bill for an Act amending the Illinois Pension Code. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Murphy."

Murphy: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 55 is a Bill we've been all waiting on for a long time. What it really does is take care of the downstate teachers and Chicago, also as amended, for Chicago. We was in doubt with some of our schools not knowing whether they would really open or not and the teachers had a right to know. So, I would move to approve Senate Bill 55 as amended."

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

Black: "Thank you very much, Mr. Speaker. First of all, thank you for calling the Bill. Secondly, will the Sponsor

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yield?"

Speaker Hartke: "Sponsor will yield."

Black: "Representative, has anything been added to this other than correcting the early retirement option glitch in the Teachers Retirement System?"

Murphy: "No."

Black: "And this is the Agreed Bill that you and I have talked about several times?"

Murphy: "Yes, remember, Representative, I had the same exact Bill in the House. I think you were cosponsor on this. So nothing has been changed either way."

Black: "All right. I... I really appreciate this. To the Bill, Mr. Speaker."

Speaker Hartke: "To the Bill."

Black: "This is one that many of us had urged the Chair to call early in the Session and late in the Session and even as late as this afternoon. This corrects a glitch that we inadvertently did on the early retirement option by extending it. There was a window of opportunity in which schools districts were going to have to pick up an inordinate amount of the cost of a teacher's retirement. And I say school district advisedly. It would be the property taxpayers that would end up paying this and it was never intended to be that way and this Bill corrects that. I know of no opposition to this Bill from anybody and it should get a unanimous vote and I certainly thank the, Representative Murphy for bringing this Bill and remaining patient and I hope it flies out of here and is signed into law. Thank you."

Speaker Hartke: "Mr. Clerk, Committee Reports?"

Clerk Rossi: "Committee Reports. Representative Mautino, Chairperson from the Committee on Revenue, to which the

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following measures were referred, action taken on May 26, 1999, reported the same back with the following recommendation/s: 'be adopted' House Amendment #2 to Senate Bill 23. Representative Phil Novak, Chairperson from the Committee on Electric Utility Deregulation, to which the following measures were referred, action taken on May 26, 1999, reported the same back with the following recommendation/s: 'be adopted' Conference Committee Report #1 to Senate Bill 24. Representative Harold Murphy, Chairperson from the Committee on Personnel and Pensions to which the following measures were referred, action taken on May 26, 1999, reported the same back with the following recommendation/s: 'do pass as amended' Short Debate Senate Bill 1103."

Speaker Hartke: "Further discussion on Senate Bill 55? Representative Mitchell."

Mitchell: "Thank you, Mr. Speaker. I also rise in support of Representative Murphy's Bill. This is one that school districts across the State of Illinois and Chicago have waited rather impatiently for and I can't blame them. This does take care of a glitch in the system that caused school districts to have to pay a large sum of money as teachers retired. Also, within this Bill, it does extend the early retirement option to all teachers until the year 2005. This is no different than the early retirement option that they've had and enjoyed for many years. It just extends that provision to all school districts and I, like Representative Black, hope that this Bill passes with a unanimous vote. Thank you."

Speaker Hartke: "Further discussion? Representative Hoeft."

Hoeft: "Very, very briefly please. This Bill is going to relieve a fairly heavy financial burden on every single school

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district in this state. We've been getting quite a bit of calls on this. Please, please let's have a unanimous 'yes' vote."

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

Murphy: "I move for a favored vote."

Speaker Hartke: 'Question is, 'Shall the House pass Senate Bill 55?' All those in favor will vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And Senate Bill 55 having received the Constitutional Majority is hereby declared passed. Clerk, for an announcement."

Clerk Rossi: "Supplemental Calendar #4 is being distributed."

Speaker Hartke: "On page 2 of the Calendar, appears Senate Bill 856, Representative Smith. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 856, a Bill for an Act amending the Illinois Pension Code. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Smith."

Smith: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This legislation represents an agreement between the Associated Firefighters of Illinois and the Illinois Municipal League regarding several pension items. Very briefly, this package will increase the minimum pension for surviving spouses from the current \$475 per month to \$1000 per month in January of 2001 and that's a graduated step up. legislation adds stroke as an occupational disease provided that the stroke resulted from service as a firefighter. Allows a disabled firefighter who rehabilitates from a devastating injury to return to work

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and purchase with interest up to three years of service that was lost while on disability. Provides that survivors of firefighters who die as a result of sickness, accident, or injury incurred in or resulting from the performance of an act of duty shall receive all of the salary attached to the rank of fire... of the firefighter at the time of his death. Calculates the current initial automatic increases in firefighter pensions on months rather than years. Calculates duty or occupational disease disability annuities on the higher of the earned service credit or the applicable disability percentage. It increases the pension formula from 2% to 2.5% of salary for the 21st through the 30th year of service. Maintains the 75% maximum credible service. Removes cancer as a presumed occupational disease and changes it to make it consistent with heart disease, stroke, or diseases of the lungs where they result from service as a firefighter. The firefighters again represented by the Associated Firefighters of Illinois have agreed to increase the employee contribution 2.5% which would be .21% of salary to a total of 8.455% of salary. This with the expanded investment of authority that we have allowed in the previous General Assembly should assure that there is no material increase born by the respective municipalities. There is one other provision to this, unfortunately, we were not able to reach a comprehensive agreement for the downstate policemen. There is one provision in this Bill, however, for the minimum for survivors in the downstate police system would also be increased similar to what I read for the firefighters. Currently, they are at \$400 per month and they will go up \$200 per month over the next year until they reach \$1000 per month on January 1, 2001. Again, this is an agreement



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between the Associated Firefighters of Illinois and the Illinois Municipal League, this is not the brass Bill, this is for downstate firefighters and one provision for downstate policemen. I know of no opposition to the Bill and I would encourage its passage."

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

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I stand in support of the Bill. As Representative Smith indicated this is a culmination of months of good faith negotiations between the Illinois Municipal League and the downstate firefighters. Hopefully, over the course of the summer, we will be able to come back in the Veto Session to address the very real concerns and needs of the downstate police. But, as he said this is an agreement between these groups, those who put their lives on the line for our safety. And we would all appreciate an 'aye' vote."

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

Black: "Yeah. Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. To the Bill."

Speaker Hartke: "To the Bill."

Black: "And again, with thanks to the Chair for calling this Agreed Bill. A special thanks to Chairman Murphy of the Pension and Personnels Committee. At the risk of being redundant, this does not contain any language that you have read about referred to often as the Chicago Brass Hat Bill, that isn't in here. I want to say again for the record, particularly my colleagues downstate, this... this formally indicates and I'm reading from a letter from the Illinois Municipal League, that an agreement has been reached by the Illinois Municipal League and the Associated Firefighters

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of Illinois regarding pension benefits of firefighters in the downstate firefighters pension fund. I know of absolutely no opposition to this Bill. I would urge an 'aye' vote."

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

Smith: "Thank you, Mr. Speaker. I would encourage an 'aye' vote for this agreement. We had hoped for more for the downstate police, but we have a significant package for the downstate firefighters and we're going to continue to work for the downstate policemen. I would ask for an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 856?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there were 115 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And the House does pass Senate Bill 856 and this Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk, for an announcement."

Clerk Rossi: "Introduction to Resolutions, House Resolution 376, offered by Representative Wyvetter Younge is assigned to the Rules Committee. The House Rules Committee will meet immediately in the Speaker's Conference Room."

Speaker Hartke: "On Supplemental Calendar #4, appears Senate Bill 1103, Representative Daniels. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1103, a Bill for an Act amending the Illinois Pension Code. Second Reading of this Senate Bill. Amendment #... Amendments land 2 were adopted in committee. No Motions have been filed. No Floor Amendments approved

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for consideration."

Speaker Hartke: "Third Reading. Supplemental Calendar #4, appears Senate Bill 23. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 23 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Novak, has been approved for consideration."

Speaker Hartke: "Representative Novak."

Novak: "Yes, thank you, Mr. Speaker. At this time I'm going to yield to Representative O'Brien to present the Amendment."

Speaker Hartke: "Representative O'Brien."

O'Brien: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Floor Amendment #2 becomes the Bill and what it would provide for is a ramp down in assessments for those taxing districts that have a nuclear generating facility within their boundaries. This Amendment is the result of a trailer Bill that followed the Utility Deregulation Bill in 1997 that was formed to address the issue of how the assessments for the nuclear power plants were going to be dropping dramatically because of a fair market value assessment rather than having their value set by the ICC. It sets forth a five year ramp down of those assessments at 20% each year. It also provides for local input from taxing districts. It provides that taxing districts must spend their reserves one-eighth of all their cash reserves that they have 50% cash reserves. And that they would have to work to increase their own tax base by limiting that to 5% a year if their EAV has gone down by at least 5% over that five year period of time. It has a provision for nuclear generating facilities that are closed permanently, as well as, those that are not closed permanently. And I would be happy to answer any questions."

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Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Du Page, Representative Biggins."

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

Speaker Hartke: "She indicates she will."

Biggins: "Representative, can you tell us who's listed as opposition to this Bill?"

O'Brien: "I know that there were slips filed in committee. I recall that CILCO and Illinois Energy and Illinois Power were listed as opponents. And I don't know that there were others, but I know that those three specifically."

Biggins: "And I have trouble remembering that, I'm glad that you were able to because since this was just printed ten minutes before we had the hearing, our committee hearing, did not have an opportunity for our staff to really do a thorough analysis nor for the public to have any input on this. Would you explain the reason that the taxpayer would have a declining assessment several years in a row?"

O'Brien: "Correct, I mean what this provides for is for a 20% decrease beginning in the year 2000 and ending in the year 2005."

Biggins: "No, I meant the owner, the tax owner. I'm sorry."

O'Brien: "It would provide for a scheduled decrease in the valuation of those plants beginning in the year 2000 through the year 2005."

Biggins: "And how is that different from when the plants were first built? How were their assessments done when there the first year they were fully assessed?"

O'Brien: "My understanding is that the ICC because it was a regulated industry, set their assessments at that time."

Biggins: "What is the estimated annual cost to the General Revenue Fund for the, this tax decrease over several period of years?"

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O'Brien: "Sixteen million dollars."

Biggins: "And how many years was that in total?"

O'Brien: "Five."

Biggins: "So, it's \$90,000,000. Can you tell me how many plants this would apply to?"

O'Brien: "It would apply to Byron, Dresden, LaSalle, Braidwood, I believe to Clinton, to five to six perhaps. And it could also apply to the closed plant at Zion, even though some taxing districts may have entered into an agreement, some may not have."

Biggins: "Yes, and as you rightly, correctly stated, Zion has entered into an agreement with their taxing bodies. And there is no state money going up there to Zion from the General Revenue Fund. So, in other words I think you listed six..."

O'Brien: "I don't know that that's the case, Representative Biggins."

Biggins: "...Thank you. In other words, there are six plants, so there are six Members of this Body out of 118 that we gave... be able to access this \$90,000,000 from the General Revenue Fund."

O'Brien: "I'm sorry, six what?"

Biggins: "There will be six Legislator's districts out of the 118 of us here would benefit..."

O'Brien: "No, there are many, many overlapping districts. For example, the Joliet Junior College receives funds and that covers the entirety of Will County. And there are many, many legislative districts. It also includes the Richland Community College, and I believe Wapozia. I mean there are many, many legislative districts that are directly impacted by the drop in assessment of those power plants, Representative Biggins."

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Biggins: "And when these plants were constructed they were placed on full valuation the first year the plant was in full operation, is that correct?"

O'Brien: "Depending on whether or not they were a one or a two unit operating facility. I know with respect to the Braidwood Nuclear Power Plant, that that is a two unit facility. And that the first unit was completed and was operational almost eight years before the second unit was completed and operational. So, in fact, no it was not placed on full value the first year that it was operational because many plants operate only with one unit as you may well be aware. I know the LaSalle plant operated with one unit open for a period of about 36 months just recently."

Biggins: "Well, the normal method of valuation of plants of this type and in any matters of real estate this large is; they get a full assessment their first year they're fully operational. And subsequent to that, they would can be revalued on an annual basis but in no way does the taxpayer get a several year ascending agreement opportunity to get a increased valuation. They are required to pay the first year that they are fully operational. What you're asking in this legislation is, that same taxpayer would be have be forced to take, instead of a normal evaluation based on market value, a down rated assessment based upon legislation that's not tested by the courts, by market value, or any other measure except by what you put in this Bill. Is that correct?"

O'Brien: "That's correct and the utilities that have nuclear generating facilities for participants in the task force that created the language that becomes this Bill."

Biggins: "But, this, this is a product that we just created here without any public hearing in the last hour."

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O'Brien: "There was a hearing within the last hour in the Revenue Committee Hearing."

Biggins: "I said that in the last hour, we created in the last hour. The, to the Bill, Mr. Speaker."

Speaker Hartke: "To the Bill."

Biggins: "I strongly urge every Member to carefully consider this before voting on it. I strongly urge almost every Member to vote 'no'. It is an unprecedented legislative mandate to give a tax expenditures of \$90,000,000 from the General Revenue Fund to several districts in this state that would benefit with this process, probably not constitutional, when we still have the same opportunity that the City of Zion has done with their power plant. They have entered into an agreement and worked out a method of transitioning their assessed valuation over several years. The same should be done with the other power plants in the state. They should not be subject to this special legislation that everybody else pays for, when they had the same opportunity to negotiate with these taxing bodies and taxpayers on their own. So, I would urge a 'no' vote."

Speaker Hartke: "The Chair recognizes the Gent, Lady from Lake, Representative Moore."

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

Speaker Hartke: "Sponsor will yield. Would the Body please lower their tone in here just a little bit, shhh, please?"

Moore: "Representative, could you answer why you were not willing to take the recommendation of the task force that had worked together with good faith negotiations over a period of almost two years?"

O'Brien: "The mission statement, as was explained in committee hearing, never was meant to address fossil fuel plants. The mission statement of the Bill that was drafted that

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followed the Deregulation Bill that was voted on here in this chamber, was specifically designed to look at what would happen when the valuation of nuclear power facilities dropped as a result of the Deregulation Bill creating a fair market value assessment for those plants."

Moore: "Was.. did the mission statement direct that the that the answer to this problem should come from the General... from the GRF rather than from other sources?"

O'Brien: "It didn't set forth any specifics of where any answer or remedy should come from."

Moore: "And this this legislation will affect how many areas?"

O'Brien: "Several, I mean many areas. It affects all of the County of Will in which there are at least, at least 10 legislative districts. It will affect the Quad Cities. It will affect the LaSalle County. It affects down in Macon. I know Representative Bill Mitchell and Representative Julie Curry..."

Moore: "And so how many nuclear facilities are being addressed in this Bill?"

O'Brien: ".... Six."

Moore: "Six facilities. And they are, the answer to your problems lies in the General Revenue Fund."

O'Brien: "Not totally, no."

Moore: "These are these..."

O'Brien: "It is in the ramp down of the assessment."

Moore: "These are districts, Ladies and Gentlemen, these are districts that we have long envied while we in local government have been under tax cap situations. Representative, does this Bill still address tax caps?"

O'Brien: "Representative, Will County is a tax cap county and the Braidwood Nuclear Generating Facility sits within that. And the level of increase that a taxing body can go to in



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order to enhance it's tax base as the COMM ED plants and the IP plant diminishes, follows and mirrors tax caps that they are limited to only increasing to 5% if they can show that they have had a 5% reduction in assessment. So, it does address that and I believe that was used by the task force to craft how they could increase."

Moore: "Right. So, what you're really saying is that you're asking this General Assembly to exempt your counties from the tax cap legislation."

O'Brien: "No, I'm not."

Moore: "Yes, Yes you are, Representative. Because nowhere else is it..."

O'Brien: "No, I'm not, Representative."

Moore: "... stated that that when revenue decreases..."

Speaker Hartke: "Shhh... shhh"

Moore: "... or when assessed valuation drops that you can increase greater than that percentage, you have to increase according to the CPI."

O'Brien: "No. And this language follows that."

Moore: "I, I, it is my understanding and we do need a clear answer on this legislation. It's my understanding that that this, this document says that there is no regard to referendum, there is no regard to the tax the.. there is no regard to the tax cap legislation. So, if your county is tax capped you are not going to be bound by that, if this legislation passes. I.. We need you to clarify this."

O'Brien: "Well, it's my understanding that it does address the issue of counties where there are tax caps."

Moore: "Could you... I'm sorry I couldn't hear. Okay, this is what I understand; that with you are not held by referendum if your transition cost... I'm sorry that I can't be more specific seeing as we just got this legislation an hour

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ago, I am not I have nothing in front of me. But I want the record to be clear for people so they know what they're voting on. The Bill says, as I understand it, that with regard to tax caps, without regard to tax caps and without regard to referendum, the levy can be increased to allow for this transition period. And with that, that's the only way that you can access state dollars."

O'Brien: "Is... the way that you can access any of the state grants is; during the transition period a taxing district may, may not must, increase it's tax rate without referendum if the decrease in the assessed valuation of a nuclear power plant results in at least a 5% decrease in the district's total equalized assessed valuation. The tax rate cannot be increased by more than 5% above the previous year's aggregate tax rate, so that it does address that issue. But the district can hold a referendum and they can hold a referendum to further increase their tax, but they can't increase it more than 5%."

Moore: "Representative, it was my understanding that there was a negotiation held with these affected areas that with the utilities and there was an agreed to deal with the utilities and this Bill actually goes around that agreement."

O'Brien: "Well, this language, with the exception of fossil fuel plants that were never included in the mission statement of the task force, was an issue that I never meant for them when I crafted that language to address identical to the task force recommendation; identical to that."

Moore: "So, an agreement that was made, now keep in mind that my county made an agreement. We have a nuclear plant. We have an agreement with the utility and the utility is going to be funding things for Zion. Your area's made an

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agreement, but you didn't stand by your agreement, you went around it and...

O'Brien: "Many of my areas do have agreements."

Moore: "...you're going to a different direction here, not to mention that fact that you are asking us to exempt your areas from the tax cap legislation. Ladies and Gentlemen, to the Bill. I think this is special...."

Speaker Hartke: "To the Bill."

Moore: "... legislation for six counties that have nuclear plants. They have lived high on the hog for a number of years and done very poor planning to allow for transitioning of this kind of... of... of the nuclear plants. I think to ask the General Assembly to take a hundred million dollar hit when some of us are not asking for this, is special legislation and I would respectfully request a 'no' vote."

Speaker Hartke: "The Chair recognizes the Gentleman from Du Page, Representative Persico."

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

Speaker Hartke: "She indicates she will."

Persico: "Representative, I realize that this concept has been around this whole Session because of the task force that was set up by the General Assembly after we passed the Deregulation Bill. Now, from the original findings of the task force, what changed today in your Amendment #2?"

O'Brien: "All that changed today was that the cap on the increase and the value of fossil fuel plants has been removed. What the task force recommendation was, was that the fossil fuel plants that had an anticipated increase in assessed valuation and as we know in fact, those that have been sold by Commonwealth Edison did have an increase because of their sale price, this recommendation from the task force

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would say that they didn't have to go to full assessment, that they would in fact ramp up. That has been removed. And that's all that's been removed."

Persico: "So, it can go up whatever the market value of the coal plants are?"

O'Brien: "Correct."

Persico: ".. is what you're saying. Rather than a 20% ramp up or ramp down depending on what the market value is?"

O'Brien: "Correct."

Persico: "Did... I know that the task force went through all these recommendations and we were waiting all Session whether or not to try to call this Bill and I think there are many people in the General Assembly that understand the problems that are involved in these six areas. And a lot of us might want to help out, but this is sprung on us very quickly at this time without even a chance to digest the Bill. Did you say Zion was not included in this?"

O'Brien: "There is a provision for closed nuclear power plants. It's my understanding that, I'm not certain if all of the taxing districts are included in an agreement that was made with Commonwealth Edison relative to the closure of their Zion plant because I know that they are... those taxing bodies are members of the organization known as Fair Com that in fact are proponents of this legislation. And those Representatives from from the Zion area that have... represent those taxing bodies have been in full support of this legislation."

Persico: "Were the school districts and the municipalities and the everyone else involved in the task force, did they have a position slip in committee on this change on this Amendment?"

O'Brien: "They were in favor of it."

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Persico: "They were in favor of it? The task force was in favor of it. And so this Bill, if it becomes law, will allow will cost the state approximately \$16,000,000 a year?"

O'Brien: "Correct."

Persico: "And in return for that, local districts, taxing districts have to increase their tax rates by 5% a year?"

O'Brien: "Only if they wish to tap into the state funds. Many taxing districts may, in fact, choose not to do that because in addition to raising their taxes they would also have to spend down their cash reserves. So, in fact, some taxing districts may not and that would tremendously reduce the the GRF cost. And I think it's important to remember that as Representative Moore said that some of these taxing districts and some of these schools have done well. That means the state at this point hasn't had to give them much money. If in fact, these assessments fall and the bottom falls out, we'll be giving more than \$16,000,000 to cover the cost of state ai... they're almost all flat grant schools. They don't get much state money, but if there's no EAV and there's no money and these places are broke; they are going to be taking money out of out of other peoples pockets."

Persico: "But, in order to access state money they have to increase by at least 3% a year, without referendum, correct?"

O'Brien: "Well, they don't have to do it without referendum."

Persico: "I mean if they want, if they want to access state money they have to."

O'Brien: "But, they can also... they can have a referendum to make that decision."

Persico: "To increase it more."

O'Brien: "But, even to increase it at all, they don't have to do

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it without referendum."

Persico: "But, they're allowed by this law and this Bill..."

O'Brien: "Yes, Yes."

Persico: "... if it becomes law to increase it without referendum if they would so desire?"

O'Brien: "Yes."

Persico: "And at the same time they have to decrease whatever excess reserves they have?"

O'Brien: "They would have to decrease, they would have to spend their cash some of their cash reserves."

Persico: "They spend some of their cash reserves. Unfortunately, and to the Bill."

Speaker Hartke: "To the Bill."

Persico: "Unfortunately, I and as you can see my name was on there, because I knew the problem that we were... had when we passed the original Deregulation Bill and a lot of people were receptive to trying to solve this problem because we know. But we also knew that it was a very difficult Bill to pass for many of the same questions that are being asked: passing, you know, or increasing tax rates without referendum, the jealousy factor of many school districts that you know watched these areas grow because of the high assessment on the nuclear power plant. And with this Bill which was just sprung on us about an hour ago and not very much time to digest it, I have a little bit of concern. I have a lot of concern on whether or not to pass this Bill. So, I would recommend to the Members on my side of the aisle to vote 'present'."

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

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

Speaker Hartke: "She indicates she will."

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Winters: "I wanted to clarify one portion in dealing with, specifically the Byron Nuclear Plant, where I understand that they have already reached a settlement agreement. How will this affect the agreement that they have reached in an open market."

O'Brien: "Any taxing district that has reached an agreement will follow that agreement and will not fall under the provisions of this law."

Winters: "Are you and I don't know the answer to this, I hope you do. Do you know when that agreement runs out for that nuclear power plant or any others? Does it go beyond the January 1, 2006 date?"

O'Brien: "I don't know about the Byron plant specifically, no."

Persico: "Okay."

O'Brien: "And I don't know which taxing districts. I think it's important to remember that these are not just school districts. It's municipalities, fire protection districts, community colleges,...

Persico: "Counties."

O'Brien: "... counties, all and each one, some acted together some have acted separately in reaching these agreements. Most of the agreements that have been made, have been made as a result of the formation of this task force."

Persico: "If... could I assume that if those agreements would run out in 2005, that this legislation would then pick up? Their assessment then would run according to this Bill for the year before 2006. Is that a fair assertion?"

O'Brien: "I don't know the answer to that but my, my belief would be that it would not."

Persico: "Well, if their agreement ran out in say 2005, where do they go then after that? Do they go back to the fair market value? I know that they are as of January 1, 2006

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going to fair cash value, I assume that's fair market value."

O'Brien: "Yes, and it's my understanding that you have, if you have an agreement that is contrary to this it's the rules of this agreement that will bind you."

Persico: "Okay. I appreciate the answers. I wish we had a little chance to delve into it a little further because I do not represent that, those taxing districts. I was just curious if you knew the impact of this legislation on those agreements. Thank you."

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

Wirsing: "Thank you, Mr. Speaker. Sponsor yield?"

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

Wirsing: "Just to clarify, the Byron Nuclear Plant is in my district and I had some of the similar questions. You said that there are 11 taxing bodies in Ogle County in which Byron is located and they had reached an agreement. And did I understand you correctly as that this would not affect that agreement?"

O'Brien: "Correct."

Wirsing: "In no way shape or form have any involvement or any affect on the agreement that was made from these 11 taxing bodies?"

O'Brien: "Right, that's my understanding."

Wirsing: "All right. Well, to the Bill, Mr. Speaker."

Speaker Hartke: "To the Bill."

Wirsing: "I'm... I'm concerned and I... I think that my district is okay basically, under this legislation. But, being sprung on us as it is, it's really unclear and there's not time to... for me to define exactly how it affects my district and the residents and the taxpayers in my district



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where the Byron Nuclear Plant is located. Because of that I simply cannot vote for this Bill and would strongly urge that a 'no' vote is the correct vote."

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

Osmond: "Will the Sponsor yield?"

Speaker Hartke: "She indicates she will."

Osmond: "Madam Representative, I represent the Zion area up there and you've said that they have a side agreement that would not be affected by this Amendment?"

O'Brien: "Well, Representative Osmond, I don't know which taxing districts have that agreement. Some have done this collectively, some have done that I don't.. again LaSalle County, the County of LaSalle has an agreement. School districts, fire protection districts do not. So, I'm sure because I know that the taxing districts in that have the Byron plant have been very active participants in Fair Com. I believe that they probably have contacted you regarding their support or opposition to this measure."

Osmond: "Well, I know they've been very active on what I think was House Bill 47."

O'Brien: "Right."

Osmond: "But, again I... not having any time at all to run by this new Amendment by anybody I'm confused, too. And I see that Zion is not on the list or maybe I'm wrong on that. Would they have access to General Revenue Funds if the agreement doesn't preclude that?"

O'Brien: "Yeah, any taxing district that has not entered into an agreement that precludes them from participating in this would be eligible. Your districts would be eligible. If in fact, a taxing district did not have an agreement and if that agreement says that they can still access these funds,

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then they absolutely can do that."

Osmond: "But, they're not listed specifically on that Amendment as... on part of the five or six plants that would be affected?"

O'Brien: "There is no plant listed specifically. It addresses Zion because it addresses a closed nuclear generating facility, which Zion is. And that was the specific task force recommendation. And to be very clear, this language is identical to the language contained in House Bill 47 with the exception of the removal of the fossil fuel provision. So, if you have a nuclear generating facility then the interest of the your members of Fair Com are covered in this Bill."

Osmond: "So, my understanding, on page 6 of this Amendment that there is a listing of facilities?"

O'Brien: "Those are for definition purposes and those address the plants, I believe, that are open."

Osmond: "For.. if that's for definition purposes then Zion's not defined, would that mean that Zion then is not included in this? That's what I'm concerned about."

O'Brien: "If you will go to the language, you are specifically created in a special provision for nuclear energy, 'nuclear electric generating station that was a permanently closed station as of January 1, 1999.' That provision is specific for you... for your plan."

Osmond: "It's my understanding that the Zion plant by previous agreements do not fall under this definition."

O'Brien: "As I've tried to say, I don't know which of the taxing districts, do you know how many taxing districts that you represent that are affected?"

Osmond: "No, I really don't that's why I think... "

O'Brien: "Okay."

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Osmond: "... that if we had a little bit more time to explore this it might make it a little easier for me to make up my mind on a vote, to be honest."

O'Brien: "Well, you know the language has been on House Bill 47 for some time and as I've said, I'm sure you have been contacted about House Bill 47. The language to this Bill is identical except for the exclusion of fossil fuel."

Osmond: "That doesn't seem to be our opinion by our staff that it's identical except for some small minor wordings on it. So, we think that maybe there it will fall under more major areas but...."

O'Brien: "I disagree, but."

Osmond: ".... that's fine. Thank you very much."

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

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in strong support of this Amendment. I know this is a difficult subject to discuss and let me just give you a little background. I have participated in many meetings with the task force that was created by Senate Bill 56. Tim Bramlet, the executive director of the Taxpayers Federation was charged with the responsibility of chairing it. It's a very... It was a very, very arduous process. It's an unusual situation that has occurred, because under the Deregulation Law that we passed in 1997, we allowed those utilities to utilize the accelerated depreciation. And then once the market opens up, assuming the price of power is going to go down, and the assessment methods that were used on nuclear generating plants that would be employed in this manner, would have a precipitous effect on the assessment levels of the taxing districts. Specifically, with schools. So the only resolution that we

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could come up to, would be to provide for some type of a gradual ramp down. That ramp down period, I think, has been fairly spelled out by Representative O'Brien. It is a reasonable ramp down period that these taxing bodies can live with. And in addition, the Governor's Office has given us their word that they would provide the GRF over this ramp down period, so these taxing bodies can access this money, provided they meet certain conditions. And once again, once the market opens up, we would allow those taxing bodies that are affected by the nuclear generation plants to begin to increase their levies to a more reasonable level and sort of bring on some type of parity with other areas of the state. So, it is a difficult process. It is a very, very technical thing to deal with, but that's the only solution out there. There isn't any other solution. So, I would simply ask my colleagues to think about this very hard. If you have one of these plants located in your area, I mean this is a situation that needs to be rectified. So, I would simply ask once again for favorable favorability on Amendment #2."

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

Hassert: "Will the Sponsor yield?"

Speaker Hartke: "She indicates she will."

Hassert: "Representative, did Will County sign off on this Amendment?"

O'Brien: "They signed off... I haven't spoken with them. They have not entered into an agreement. They are a part of Fair Com. Fair Com has signed off on the agreement. They have specifically..."

Hassert: "But on this particular Amendment."

O'Brien: "Yes."

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Hassert: "... you haven't discussed it with them?"

O'Brien: "Yes, with their representatives from Fair Com. Yes."

Hassert: "I'm sorry, I didn't hear you."

O'Brien: "Yes, I did discuss it with their representatives with Fair Com. I have. They participated in the organization known as Fair Com that is the proponent and is the... one of the driving factors behind this Amendment."

Hassert: "Will County is aware of this Amendment?"

O'Brien: "I believe..."

Hassert: "Your Amendment to change."

O'Brien: "I believe that they are. Did I contact Edelman or somebody from the County Board? No, I did not."

Hassert: "Okay. Just a quick question. How much of Will County do you represent?"

O'Brien: "I have the southern portion, almost all of which isn't on the tax rolls, as you know. But all of Will County is affected, because it's all in the Joliet Junior College District."

Hassert: "Well, I understand that, but you've got a lot of legislation for that small part of Will County. I'm just wondering, is this all the legislation you're going to present for that small part of Will County this year?"

O'Brien: "Until another issue comes up, this will be it, Representative Hassert."

Hassert: "Thank you."

Speaker Hartke: "Representative O'Brien to close."

O'Brien: "Thank you, Mr. Speaker. Ladies and Gentlemen, thank you for your indulgence on this very difficult issue. It was addressed, for those of you who are Members during the negotiations of the Deregulation Bill. It isn't an easy piece of legislation, but to say that, you know, these districts are all 'fat cats' isn't necessarily true. These

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are also districts that are going to be faced with having spent nuclear fuel sitting in their backyard for years to come. These are school districts that get a flat grant of \$214. When this assessment falls, they're going to be eligible for a lot more state dollars. We're just trying to lessen that burden, lessen the hit on state government. It does affect community colleges. It affects library districts. It affects police protection. It prevents (sic-affects) county government and it affects fire protection districts. So I hope that each of you will think of that before just blindly casting a vote, and I certainly urge that you support me on this Amendment and cast an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House adopt Floor Amendment #2 to Senate Bill 23?' All those in favor say 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it and the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments. A fiscal note, a state mandate's note, a home rule note and a state debt impact note have been requested on the Bill as amended by Amendment #2, and the notes have not been filed."

Speaker Hartke: "The Bill will remain on Second Reading. Mr. Clerk, announcements."

Clerk Rossi: "Committee Reports. Representative Currie, Chairperson from the Committee on Rules, to which the following measures were referred, action taken on May 26, 1999, reported the same back with the following recommendations: 'to the floor for consideration' Conference Committee Report #1 to House Bill 1845, House Amendment #4 to Senate Bill 956 and House Resolution 376."

Speaker Hartke: "On page 5 of the Calendar, appears Senate Bill

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956. What's the status of that Bill?"

Clerk Rossi: "Senate Bill 956 has been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Barbara Currie, has been approved for consideration."

Speaker Hartke: "Representative Currie."

Currie: "Thank you, Speaker. I'd like to withdraw Amendment #2."

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

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

Speaker Hartke: "Representative Winkel."

Winkel: "Thank you, Mr. Speaker. I'd like to present Floor Amendment #3 to Senate Bill 956."

Speaker Hartke: "Present your Amendment."

Winkel: "... Mr. Speaker, what ...?"

Speaker Hartke: "Excuse me, excuse me, Representative Hannig, for what reason do you seek recognition?"

Hannig: "Yes, thank you, Mr. Speaker. Just a point of order. Could you inquire from the Clerk as to whether the Bill has been amended?"

Speaker Hartke: "Mr. Clerk."

Clerk Rossi: "The Bill has not been amended."

Hannig: "Mr. Speaker, it's my understanding that this Amendment refers to amending the Bill as amended, and consequently, I would ask that the Chair rule that the Amendment is out of order."

Speaker Hartke: "Mr. Parliamentarian."

Parliamentarian Uhe: "Representative Hannig, in response to your inquiry on behalf of the Speaker. Your point of order is well-taken. House Amendment #3 to Senate Bill 5... 956 amends the Senate Bill as amended. And there having been no Amendments adopted to the Bill, the Amendment is out of

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order."

Speaker Hartke: "The Amendment is out of order and was withdrawn.  
Mr. Winkel."

Winkel: "Yes, Mr. Speaker. I would move to overrule the Chair on  
that ruling. Mr. Speaker, this..."

Speaker Hartke: "Motion is to overrule the Chair. The question  
is, 'Shall the Chair be sustained?' All those in favor  
will vote 'aye'; those opposed vote 'no'. The voting is  
open. Have all voted who wish? Mr. Clerk. Mr. Black, for  
what reason do you seek recognition?"

Black: "Mr. Speaker, my light has been on long before you  
moved... I believe a Motion to sustain the Chair is  
verifiable. Is that not correct?"

Speaker Hartke: "Mr. Black, are you requesting verification? The  
Chair recognizes Representative Winkel."

Winkel: "Mr. Speaker."

Speaker Hartke: "Excuse me a minute. Okay, Mr. Winkel."

Winkel: "Mr. Speaker, I would have appreciated very much the  
opportunity to have addressed this Amendment. It's very  
timely, given the fact that we just passed the Gaming Bill.  
This would have put a ban on contributions from horse  
tracks, and the gaming industry, I think, would have been  
highly germane and something that's very timely for us to  
take care of, and is part of the business of the House.  
And I regret that these parliamentary maneuvers have been  
used to thwart the presentation of this. This isn't the  
end of this effort. We've passed this legislation out of  
this House before. House Bill 885 got 70 votes to pass out  
of the House and went over to the Senate. If it's not  
today, it's going to be soon. Where we address the problem  
of excessive contributions from the gaming industry, and I  
think that this was the vehicle that should of been used,



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and I regret that this effort has been used to thwart that, that change in the law today."

Speaker Hartke: "Representative Black, for what reason do you seek recognition?"

Black: "Thank you very much, Mr. Speaker. I will withdraw any attempt to verify the Motion at hand. Just for the edification of the Chair. If the Gentleman had simply been given an opportunity to present his Amendment, and then a parliamentary inquiry had been made, we would have abided, certainly, by the rule of the Chair. But when you make these parliamentary moves before anybody even knows what his Amendment is, that's kind of baloney, if I might be so bold. I think his, I think his Amendment is timely. I think he's at least had the opportunity to present it, so that we know what it is. And, and the idea that Representative Winkel is advancing is not going to go away. We have addressed it and we've passed it. It will come back. Now, if the Chair has ruled that Amendment #3 is not germane, fine, we'll abide by that. But in the future, at least let the Gentleman have an opportunity to present his Amendment, before it's ruled not germane. That's all we would ask."

Speaker Hartke: "Mr. Clerk, take the record. On this question, there are 60 'yes'; 55 'noes', and the Motion to overrule the Chair fails. The Chair is sustained. Any further Amendments?"

Clerk Rossi: "Floor Amendment #4, offered by Representative Barbara Currie."

Speaker Hartke: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. This Amendment contains three provisions. The first is that in Du Page County, where currently the Chief Judge of the

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Circuit appoints members of the Board of Election Commissioners, this initiative of the Senate President would permit the, the Chairman of the Board of the... of the county, to do that appointment. Second, it establishes residency requirements for people who seek to be aldermen in the City of Chicago. It's a two-year residency requirement modeled after the residency requirement that applies to us and also contains the same redistricting opportunity for someone to run in any ward in which, that later became part of where he or she lived. And finally, it establishes a new signature requirement for people running for district, circuit, or subcircuit judge. Today the minimum number of signatures is 500. That minimum threshold would remain, but the, it shall be as an alternative .25% of the number of votes cast for the judicial candidate of his or her political party who received the highest number of votes at the last general election at which a judicial candidate from that same district, circuit, or subcircuit was scheduled to be elected. So the threshold, the 500 signature threshold, would remain, but a higher number could prevail if at .25% of the number of votes cast for the judicial candidate with the highest number of votes in that district, that would apply instead. I'd be happy to answer your questions and I'd appreciate your support for this bipartisan Amendment."

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

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

Speaker Hartke: "She indicates she will."

Black: "Representative Currie, you did an excellent job of explaining your Amendment. Would you be willing to

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entertain without reference to rules, amending your Amendment on its face and incorporate the language of Representative Winkel's Floor Amendment #3?"

Currie: "No."

Black: "That's a forthright answer. Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #4 to Senate Bill 956?' All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #4 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "Senate Bill 956, a Bill for an Act amending the Election Code. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Currie. Representative Hultgren."

Hultgren: "Thank you, Mr. Speaker. Representative Wojcik is not present. She's asked me to present this Bill on her behalf, as she's gone with leave of the Body."

Speaker Hartke: "Leave is granted."

Hultgren: "I believe Representative Currie has explained the Amendment and the Bill well. I would be open to answer any questions on this..."

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

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

Speaker Hartke: "He indicates he will."

Davis, S.: "Is there anything in the Bill, Representative Hultgren, that would change the current law to where parties could appoint people to run against Representatives within a 60-day period?"

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Hultgren: "No, it doesn't pertain to that topic."

Davis, S.: "Unfortunately, I wish that was in there. Thank you."

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

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

Speaker Hartke: "He indicates he will."

Giles: "Representative, this may, this question may be, need to be referred to Representative Currie, who was allowed to carry the Amendment to your legislation, dealing with the City of Chicago aldermen. I didn't get a chance to ask my question. Basically, could you go over the actual requirement for an individual to be a candidate for alderman in the City of Chicago?"

Hultgren: "I would defer to Representative Currie to answer that one."

Speaker Hartke: "Representative Currie."

Currie: "Thank you, Speaker. The answer is that the new requirement would be just as it applies to us: two-year residency, with the provision after reapportionment, that any part of the ward you lived in, you could run in, as a new ward."

Giles: "Okay. So, I guess also, I'm reading the legislation here where I guess an individual need only to reside in the ward, when he or she takes office. So, you're saying that individual can actually run for alderman and not reside in that respective ward..."

Currie: "That is right. Today, the only requirement is that you have to have been a qualified elector in Chicago and have lived in Chicago for one year before election or appointment. This would say two years in the ward before you can be a candidate or before you can be appointed."

Giles: "So, you're saying this is the legislation that's being

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changed. Because, if I am not mistaken, currently, in order for an individual to be alderman in the City of Chicago, that individual must be a resident of that respective ward."

Currie: "There is not a requirement that you be a resident of the ward to be eligible to run for alderman in Chicago. Now if you leave the ward after you have been elected, then a vacancy can be declared. But to be a candidate, you do not need to live in the ward."

Giles: "Thank you, Representative. Someone clarify a little bit for me, that they do not have, we got rid of the residency clause previously, so, thank you."

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

McCarthy: "Thank you, Mr. Speaker. Representative Hultgren, the original legislation, when I put my name on it with Representative Wojcik, had to do with Du Page County only. Does the legislation as amended include other counties or just Du Page? I would suggest it probably does, because Chicago aldermen aren't in Du Page."

Hultgren: "This only applies to counties with election commissions. And right now Du Page County is the only county with an election commission."

McCarthy: "Even as amended?"

Hultgren: "The Amendment did add on provisions as far as judicial districts, and then also Chicago ward aldermen, but it does not affect other election commissions."

McCarthy: "The underlying Bill though, the legislation there was basically to allow the Council in Du Page, ls opposed to the Circuit Court of Du Page, appoint vacancies. Is that still part of the legislation, as amended by Amendment 4?"

Hultgren: "Yes, it is."

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McCarthy: "And do you know if the original Sponsor agreed with the changes that were made by Amendment 4, as well as...?"

Hultgren: "Yes, both Representative Wojcik and President Philip, also the Chief Sponsor in the Senate, agreed with the changes provided in Amendment 4."

McCarthy: "Thank you."

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

Hultgren: "I'd request your 'aye' vote on 956. Thank you."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 956?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does pass Senate Bill 956. And this Bill having received a Constitutional Majority is hereby declared passed. On Supplemental Calendar #5, appears House Bill 1845. Representative Cross."

Cross: "Thank you, Mr. Speaker. This is a Conference Committee Report dealing with grandparent visitation. This is an agreed Conference Committee Report, done at the request of Representative Lang when it came out of Judiciary. I don't know of any opposition at this point. And I appreciate Representative Lang's help on this language, and I'd appreciate an 'aye' vote. Thanks."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Conference Committee Report #1 to House Bill 1845?' This is final action. All those in favor will vote 'yes'; those opposed vote 'no'. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted

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who wish? Mr. Clerk, take the record. On this question, there are 114 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And the House does adopt the First Conference Committee Report on House 18... House Bill 1845. And this Bill having received a Constitutional Majority is hereby declared passed. On Supplemental Calendar #5, appears House Resolution 376. Representative Younge."

Younge: "Thanks, Mr. Speaker. House Resolution 376 encourages the principal parties involved in a negotiation in reference to the re-establishment of a community college district at District 541 to continue their discussions with the goal of the creation of a new district. On the October 16th, of 1998, of the Illinois Community College Board abolished Metropolitan Community College District. Speaker Madigan after that formed a task force in order to study the situation and to come up with a answer to the question as to whether or not there should be created a new community college district. The Members of the task force unanimously agreed that there should be a new district created. At a later time, Southern Illinois University is looking into the possibility of building buildings at that site and using classrooms and the parties are in the process of discussing these things. Therefore, at this time, the appropriate Resolution is that we encourage continued discussions between the general parties towards the end of creating a district."

Speaker Hartke: "Is there any discussion on the Resolution? The Chair recognizes the Gentleman from St. Clair, Representative Holbrook."

Holbrook: "Thank you, Speaker. Fellow Legislators, this language is been suggested and worked out with the Board of Higher Ed., Illinois Community College Board and with Southern

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Illinois University. And this is their language that they support, and I support it also, and I would hope everyone in here would. Thank you."

Speaker Hartke: "Further discussion? Representative Black."

Black: "Thank you very much, Mr. Speaker. We're just... an inquiry of the Chair. We're trying to find the Resolution. We don't find it on the system. We don't have a hard copy. We've gone into Bill Inquiry. We've gone into Resolution Inquiry. Staff tells us that the Resolution on the board is the wrong number. We're typing in the number. Staff thinks it's House Resolution 3-1-6. Maybe that's why we can't find 3-7-6."

Speaker Hartke: "Mr. Clerk."

Clerk Rossi: "You're correct, Representative Black. The Resolution is not on the system."

Black: "Mr. Speaker, if the Resolution isn't on the system, and we don't have a copy, and the number on the board is incorrect, I think the Chair might be well advised to take this out of the record until it is on the system or we at least have a copy or we get the right number on the board. One of the three would do. I'll take two... I'll take three of three."

Speaker Hartke: "Representative Younge, should we take this out of the record?"

Younge: "All right."

Speaker Hartke: "Take this Resolution out of the record. The House is preparing to adjourn. Representative Currie now moves that the House stand adjourned until the hour of 9:30 a.m. on May 27, allowing perfunctory time for the Clerk. All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it and the House does stand adjourned."



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Clerk Bolin: "The House Perfunctory Session will come to order.

Introduction of Resolutions. House Resolution 366, offered by Representative Daniels; House Joint Resolution 29, offered by Representative Saviano. These Resolutions are referred to the Rules Committee. Having no further business, the House Perfunctory Session will stand adjourned. The House will reconvene in Regular Session on Thursday, May 27, at 9:30 a.m."