

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

128th Legislative Day

May 20, 1998

Speaker Madigan: "The House shall come to order. The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today, by the Reverend Henry Soles of the African Methodist Episcopal Church in Wheaton. Reverend Soles, and everyone should listen very closely, is the Senior Chaplain for the Chicago Bulls...all right, and the guest of Representative Carol Pankau."

Reverend Soles: "Let us pray, please. Eternal God, our Father, whom to know, is to love and whom to love, is to serve. For the gift of life, we thank You, and for this nation, where government of the people, by the people and for the people is practiced to a greater extent than anywhere else on earth. And for this magnificent State of Illinois, which is the cultural, commercial, and industrial showcase of Mid-America, we are also grateful. And these Members of the Body politic, elected by the voters, are challenged by a wide array of issues such as education funding, environmental concerns, housing, transportation needs, aging infrastructures. Indeed, they are challenged on a regular basis. So, we pray that in their moments of indecision, grant them Your divine wisdom. In their moments of anxiety, give them Your peace. In situations where they're interacting with various Members of the legislative Body, we pray that You would give them respect for the other Members' point of view. And we also pray for their well-being mentally, emotionally, spiritually. We pray that You would give them strength of character, that they would always remember that You are the one who made them and they are responsible to You, for indeed, You are their creator. We pray for their families, that You would help their families be with them and guide them, and we pray, God, that You would always help the Legislators to keep in

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mind that they are to be sensitive to the needs of their constituents and we realize that they have an awesome task. So, we pray that You undergird them with Your power, with Your strength, with Your love and with Your guidance. For we ask it in the name of Him, who is the way, the truth, and the life, in Christ's name. Amen."

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

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

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

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

Speaker Madigan: "Let the record reflect that excused absence, Mr... Mr. Bost."

Bost: "Yes, Mr. Speaker, let the record reflect that Representative Verna Clayton is recorded as absent today, an excused absence today."

Speaker Madigan: "Thank you, Mr. Bost. The Clerk shall take the record. There being 116 Members responding to the Attendance Roll Call. There is a quorum present. Mr. Clerk."

Clerk Bolin: "Committee Reports. Representative Jan Schakowsky, Chairperson from the Committee on Labor and Commerce, to which the following measures were referred, action taken on May 20, 1998, reported the same back with the following recommendations: 'be approved for consideration', Senate Amendment #1 to House Bill 2909; and Floor Amendment #2 to Senate Bill 1884; 'be adopted', House Resolution 501."

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Representative Edgar Lopez, Chairperson from the Committee on Consumer Protection, to which the following measures were referred, action taken on May 20, 1998, reported the same back with the following recommendations: 'be approved for consideration', Senate Amendment #1 to House Bill 3321. Representative Calvin Giles, Chairperson from the Committee on State Government Administration and Election Reform, to which the following measures were referred, action taken on May 20, 1998, reported the same back with the following recommendations: 'be approved for consideration', Senate Amendments 1 and 2 to House Bill 644; Senate Amendments 1 and 2 to House Bill 3180; Senate Amendments #1 to House Bill 3294; and Senate Amendments #1 and 2 to House Bill 3415. 'be adopted', House Resolution 486, House Joint Resolution 65, and House Joint Resolution 67. Representative Coy Pugh, Chairperson from the Committee on Human Services, to which the following measures were referred, action taken on May 19, 1998, reported the same back with the following recommendations: 'be approved for consideration', Senate Amendment #1 to House Bill 3431. Representative Phil Novak, Chairperson from the Committee on Environment and Energy, to which the following measures were referred, action taken on May 19, 1998, reported the same back with the following recommendations: 'be adopted' House Resolution 479; 'be approved for consideration', Senate Amendments 1 and 2 to House Bill 3129. Representative Jan Schakowsky... Representative Eugene Moore, Chairperson from the Committee on Revenue, to which the following measures were referred, action taken on May 20, 1998, reported the same back with the following recommendations: 'be approved for consideration', Senate Amendments 1 and 2 to House Bill 3575. Representative

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Lauren Beth Gash, Chairperson from the Committee on Judiciary II-Criminal Law, to which the following measures were referred, action taken on May 20, 1998, reported the same back with the following recommendations: 'be adopted', House Resolution 527; 'be approved for consideration', Senate Amendment #1 to House Bill 3162. Representative Frank Mautino, Chairperson from the Committee on Insurance, to which the following measures were referred, action taken on May 20, 1998, reported the same back with the following recommendations: 'be approved for consideration', Senate Amendment #1 to House Bill 3464. Representative Steve Davis, Chairperson from the Committee on Veterans Affairs, to which the following measures were referred, action taken on May 20, 1998, reported the same back with the following recommendations: 'be approved for consideration', Senate Amendment #1 to House Bill 2643. Representative Tom Dart, Chairperson from the Committee on Judiciary I-Civil Law, to which the following measures were referred, action taken on May 19, 1998, reported the same back with the following recommendations: 'be approved for consideration', Senate Amendment #2 to House Bill 1151; Senate Amendments 1 and 2 to House Bill 1217; Senate Amendment #1 to House Bill 2367, and Senate Amendments 1 and 2 to House Bill 3579. Introduction of Resolutions. Senate Joint Resolution #58 offered by Representative Brady; Senate Joint Resolution #61 offered by Representative Cowlshaw. These Resolutions are referred to the Rules Committee."

Speaker Madigan: "Mr. Clerk, on page 5 of the Calendar, on the Order of Senate Bills, Second Reading, there appears Senate Bill 1704. Read the Bill."

Clerk Rossi: "Senate Bill 1704, a Bill for an Act in relation to

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State Government. No Committee Amendments, no Floor Amendments, no Motions filed. Second Reading of this Senate Bill."

Speaker Madigan: "Leave the Bill on Second Reading. Senate Bill 1706, Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1706, a Bill for an Act in relation to State Government. Second Reading of this Senate Bill. No Committee Amendments, no Floor Amendments, no Motions filed."

Speaker Madigan: "Leave the Bill on the Order of Second Reading. On the Order of... On the Order of Nonconcurrency, on page 10 of the Calendar, there appears Senate Bill 1878, Mr. Holbrook. The Chair recognizes Mr. Holbrook."

Holbrook: "Thank you, Mr. Speaker. I'd like to Refuse to Recede from those House Amendments 1, 2, 4, 6, 11, 13, 15, 16, 17, 18, 19, and 20."

Speaker Madigan: "The Gentleman has moved to Refuse to Recede from the Amendments and requests a Conference Committee. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted. Mr. Clerk, on the Order of Concurrence, on page 9 of the Calendar, there appears House Bill 3515. I believe a Motion has been filed in my name, which will be handled by Representative Currie. Representative Currie."

Currie, B.: "Thank you, Speaker. We move to Nonconcur on the Senate Amendment to House Bill 3515. This is a pension Bill and its intent is to be used to do some pension changes requested by the City of Chicago. Be happy to answer your questions."

Speaker Madigan: "The Lady Moves to Nonconcur. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it, the Motion is adopted. On page 8 of the Calendar, on the Order

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of Concurrence, there appears House Bill 3026, Mr. Biggins.

Mr. Biggins on a Motion to Non-concur."

Biggins: "Yes, thank you, Mr. Speaker. I Move to Non-concur to Senate Amendments 1, 2, and 4 to House Bill 3026."

Speaker Madigan: "The Gentleman moves to Nonconcur. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted. On page 12 of the Calendar, on the Order of Resolutions, there appears HR 385, Mr. Acevedo. Mr. Acevedo."

Acevedo: "Mr. Speaker, House Bill... Resolution 385 is asking the Auditor General to do an audit on Pilsen-Little Village Mental Health Center, located at 2319 South Damon Avenue. It's located in the 2nd District."

Speaker Madigan: "The Gentleman has moved for the adoption of the Resolution. The question is, 'Shall the Motion be adopted?' Those in favor, signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 114 'ayes', 0 voting 'no', this Motion, having received the Majority vote, is hereby adopted. Mr. Novak, do you wish to call House Bill 18? This may be your last chance today, Mr. Novak."

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move that we approve the Second Conference Committee Report of House Bill 18. The Second Conference Committee Report deals specifically with a major project for McCormick Place. It increases the bond authorization for McCormick Place by \$100,000,000 to finance the construction of a parking garage in the new entrance to the Convention Center and a dedicated bus line from downtown hotels to the facility. These projects will help maintain

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McCormick Place's competitiveness in the highly competitive convention business throughout the nation. The convention business in the City of Chicago pours in hundreds of millions of dollars, of tax dollars, tourism dollars to the state, and the restaurants, shopping, hotels, transportation. We have a premier facility on a beautiful lake front in the City of Chicago. We should do everything within our power and resources to encourage that facility, give them the resources to compete, because Ladies and Gentlemen, cities like Orlando, cities like Milwaukee, cities like Indianapolis, they are out there. They are competing for this business, and convention business is very competitive. So, costs becomes very, very important. There are provisions... let me just state what is not in this Bill, because in the first Conference Committee Report there were some labor reform provisions that became very controversial. And as you well remember, the First Conference Committee Report passed with relative ease out of the House, but failed by 1 vote in the Senate. And throughout the winter and the early spring, negotiations occurred and negotiations are continuing. However, all of the labor provisions that were in the First Conference Committee Report are gone. They are all removed. In addition, House Bill 18 contains no tax increase or extension in the longevity of the McCormick Place taxes. For your edification, the 'McPier' legislation that was passed, I think in 1991, authorized the number of taxes to finance improvements; taxes on taxicabs, taxes at restaurants within certain geographical areas, and of course, taxes on hotels. The bond authorization increase will be backed by existing McCormick Place revenues that come from those taxes that were approved by this Body, and

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they are all generated within Cook County. They are not generated in the suburbs, nor are they generated in downstate Illinois. Finally, this Bill does not permit the use of funds, tax revenues, to build any type of a stadium. Whether it's an open stadium, whether it's an enclosed dome, whether it's for the Chicago Bears, or whether it's for any other sports team in the City of Chicago, this legislation does not allow the use of any tax revenue collected by the McCormick... the 'McPier' authority to be used to build a stadium. This legislation is supported by labor, business, and civic groups, including the state AFL-CIO, Chicago Federation of Labor, IBEW, carpenters, teamsters, Chicagoland and State Chambers of Commerce, Hotel/Motel Association, Retail Merchants, the Illinois Restaurant Association and the Metropolitan Planning Council. I know of no opposition to this Bill. The two unions... the two unions that were opposed to this Bill are not opposed to this Bill, now, Ladies and Gentlemen. They are not opposed to this Bill and there are no state bonds dealing with this, although this needs a three-fifths majority vote, as I understand. So, we are not increasing any geo-bond authority backed by the full faith and credit of the state. These are bonds to be specifically retired from the revenues derived from the taxes that I just mentioned. That's the Bill. We think it's a great thing for the City of Chicago and the State of Illinois to maintain that competitive edge in tourism, in business and conventioning in the State of Illinois. I'll be more than happy to entertain any questions."

Speaker Madigan: "Mr. Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. I rise in full support of this Bill. Everything that

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Representative Novak has read into the record and his statement was absolutely correct. It's been a long six or eight months since the last time this Bill came up. We've all worked together. I'd like to commend all the parties, the people at the pier, the unions and everybody who came together to support this... this ultimate Bill. It's important to our city. It's important to our region that we do keep McCormick Place competitive. And I would ask for your full support for Conference Committee #2 to House Bill 18. Thank you."

Speaker Madigan: "Mr. Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. I rise in strong support of House Bill 18. This is a very contentious matter. When it first came before the Body, and it separated friends and created very unusual coalitions. What we have now is a very excellent Bill that everybody should support. It's a Bill that will create jobs. It's a Bill that will be good for the economic development of the State of Illinois. I know of no serious opposition or maybe no opposition at all to this, and it should get 118 votes. Thank you."

Speaker Madigan: "Mr. Tenhouse."

Tenhouse: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. It seems as though down in Springfield sometimes it's, for us downstaters, sometimes it's popular to bash Chicago but this is one case where I, as a downstater, stand very strongly in support of this \$100,000,000 in construction bonding that's going to be authorized by this Bill. Those of us, all over the state, enjoy the positive economic benefits as far as McCormick Place is concerned. All this will do is allow McCormick Place to compete with other great cities, to be able to attract major convention

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dollars to this state. I'm pleased to stand in support of this proposal."

Speaker Madigan: "Representative Silva."

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

Novak: "Yes, Hello."

Silva: "I just had a question..."

Novak: "Yes, I'm sorry, Representative."

Silva: "...Representative Novak. On the \$100 million bond issue, a portion of it is going to be used for transportation, is that correct?"

Novak: "Yes. Yes, Representative, for a dedicated bus line from downtown hotels to the McCormick Place entrance."

Silva: "Is this the trolley?"

Novak: "No. No, it is not a trolley."

Silva: "One more question, will this in any way impact revenue from the CTA?"

Novak: "No. All the revenues that are used to defray the cost of this project are derived from the revenues that were approved by this General Assembly in 1991. The taxes, I just indicated, once again, we are not raising taxes here. This is a continua... continuation... continual flow of the revenue. The revenues are generating very, very much money, and we need to recapture some of these dollars to finance this project. Taxes on taxicabs, an additional tax in restaurants within certain geographical areas of the city, and I know some colleagues of mine have some kind of concerns about that, some of my colleagues on the north side of Chicago, and taxes, of course, derived from hotels."

Silva: "So, in no way will this impact any further cuts in CTA?"

Novak: "Correct."

Silva: "Thank you."

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Novak: "You're... Thank you. You're welcome, Representative."

Speaker Madigan: "Representative Erwin."

Erwin: "Thank you, Speaker. I, too, rise in support of House Bill 18. I'd just like to add to the comments made by my other colleagues that the Friends of the Parks and, I think, environmental groups that keep a watchful eye on our Chicago lakefront do support House 18 after assurances from the Metropolitan Pier and Exposition Authority on a number of points. Secondly, I would just like to, you know, commend the Metropolitan Pier and Exposition Authority and the Sponsors of this, who I know have worked on this over the last two years, but also point out to my colleagues from around this state that the revenues that are generated from this very, very healthy Hospitality Convention and Tourism Industry in Chicago is... is an industry that is raising revenues that is paying for school districts around this state and many of the services that we enjoy and, in fact, that we will be including in our budget. While the special taxes that pay for, as Representative Novak said, pay for this, and those special taxes are in large measure on my constituents when they order out a pizza or buy a coke or a beer. The fact of the matter is that the economic activity generated by this industry is absolutely a critical force to the economic health of this state. So, this is a really important Bill. It is a really good Bill. I would suggest to you that our challenge, in terms of supporting the Convention and Tourism Industry is not over, however, with the passage of this Bill. We are facing the loss of several big convention and trade shows in Chicago and most recently, I know, that the Metropolitan Pier and Exposition Authority has received a letter from the Housewares Show, questioning the cost of labor and a number

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of other key issues, including our hotel rates. We... I would encourage my colleagues from downstate to help us help you raise these taxes and revenues that do fund a lot of your programs and help us secure more funding to promote the Convention and Tourism Industry in Chicago and indeed, to support from the state's side, more of what the Metropolitan Pier and Exposition Authority is doing such a fine job on. You will have that opportunity, I hope, when you vote on the budget to include \$2,000,000 for the Chicago Bureau of Convention and Tourism because also related to this industry, is a hotel tax that we are... our prior Members put on to pay for White Sox Park, which is now generating so much money that we're returning \$5,000,000, I believe, this year. So, on one hand, we don't... let's not kill the golden goose here and continue taxing hotels and restaurants to the detriment of the bigger picture, which is indeed a healthy convention and tourism business. I certainly urge your support on House Bill 18 and your continuing support for the Convention, Tourism and Hospitality Industry in Chicago."

Speaker Madigan: "Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of House Bill 18 and applaud all those who worked on it for coming to a compromise and also to say that I've been talking at length with Friends of the Park in Chicago who are very concerned that some of the design parameters include the use of public lands and the beautification and access to open lands and that I understand from them that in working with the NPEA that there has been a... an understanding reached about the use of those lands and so I support this Conference Committee Report heartily and urge an 'aye' vote."

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Speaker Madigan: "Mr. Novak to close."

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Thank you from... to my colleagues that rose and spoke on behalf of this Bill. As a Legislator that was born in the City of Chicago, many, many years ago, and called it my home, many, many years ago, I've lived in Kankakee for over 25 years now. But I'm very proud to stand here in this Body today, to sponsor a Bill of this significance that will help enhance the beauty and the competitiveness of this premier facility that we have on the lakefront in the City of Chicago. Just this Sunday, my wife and I were up there having a little lunch on the pier and it was a beautiful day and the sun was out and thousands of people were around, just enjoying the ambiance of the beautiful lakefront. Ladies and Gentlemen, this is a good piece of legislation. It'll create more jobs, good construction, trade union jobs. It'll provide more parking opportunities for people because of... there is a lot of congestion in certain areas down there and once again, with our help, we can do another... another good thing to help the City of Chicago in tourism in this state, tourism in this state and help us keep the competitive edge against other cities that are trying to get this very, very important and profitable business away from the State of Illinois and the City of Chicago. So, in the final analysis, I ask you to adopt the Second Conference Committee Report of House Bill 18. Thank you."

Speaker Madigan: "The question is, 'Shall this report be adopted?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Third Reading. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there

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are 102 'ayes', 14 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Concurrence, page 6 of the Calendar, there appears House Bill 1151. Mr. Clerk, are we prepared to consider that Bill?"

Clerk Rossi: "Yes."

Speaker Madigan: "Mr. Dart."

Dart: "Thank... Thank you, Mr. Speaker, Members of the General Assembly. I move to concur with Amendment #2. Amendment #2 is the process of a... it was a long process to negotiate with different individuals to come up with language which was going to deal with the issue of governmental immunity. And what this Bill does, is it requires that... will allow for instances where there is an individual providing supervision that in the event of willful and wanton conduct, that the immunity shall not apply. This is supported by numerous groups. It's been worked on over the course of the last month, couple months, and I would move to concur with the Amendment."

Speaker Madigan: "The Gentleman moves to concur in the Senate Amendment. The Chair recognizes Mr. Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Durkin: "Representative, how does... Representative, how does this language differ from what the Governor had vetoed in the previous Bill? Is there any change in this language as opposed to the Bill which we previously passed?"

Dart: "Jim, I'm... I know that they have worked on some changes. I'm not exactly sure as far as the specific changes that they worked out on this. I know it was negotiated through the different groups that they had, the original concerns, though."

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Durkin: "One of the concerns, when this Bill came up last time, is whether or not there's going to be a duty to supervise on behalf of the park districts for all employees? Is that language still exist in this Amendment?"

Dart: "No. That language was changed, Jim."

Durkin: "Could you explain to me, just briefly, what the change... ? Was it eliminated or was it revised? Can you tell what the change was?"

Dart: "The language itself lays out that exc... 'except as otherwise provided, neither local public entity nor public employee is liable for an injury caused by failure to supervise an activity on or the use of any public property, unless the public entity has a duty to provide the supervision imposed by law and then they... they're guilty of willful and wanton.' So, it's, it's only in the event of the duty to supervise, and if there's willful and wanton conduct."

Durkin: "Is there any opposition to this Amendment?"

Dart: "The only opposition, at this point, is the City of Chicago. The Municipal League is neutral at this point in time. They were originally supportive of it, but pursuant to the City of Chicago's position, they've since been neutral, but there's no other opposition and actually, Jim, it's sort of a unique situation. It's supported by the different law groups, but also the Civil Justice League, itself, is also a proponent of this legislation."

Durkin: "Thank you. I stand in support of this Amendment. I think it's unconscionable that we would indemnify any branch of government for willful and wanton conduct, and I applaud the Sponsor for taking this measure and bringing it to the House Floor, and I would recommend an 'aye' vote on this Amendment."

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Speaker Madigan: "Representative Krause."

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

Speaker Madigan: "Sponsor yields."

Krause: "Representative, for legislative intent, is it the intent of this Bill to impose a duty on public entities to supervise activities on or the use of public property?"

Dart: "No. The language in the Bill was carefully developed to avoid imposing a duty upon public entities to supervise the many activities that take place on its property or to supervise all of its property. It provides a remedy for willful, wanton breach of a duty otherwise imposed by Common Law Statute ordinance code or regulation."

Krause: "If a public entity has a duty to provide supervision, as required by law, administrative code or other regulation, does this Bill address this situation when the public entity does not provide such supervision?"

Dart: "Yes. If supervision is required by law or other such legal regulation, liability can be imposed upon the public entity or employee, if either is guilty of willful and wanton conduct which causes injury."

Krause: "If the public entity decides to supervise an activity on or the use of its property, even when not legally required, can the public entity or the employee be held liable for their actions?"

Dart: "Yes, the major component of this Bill is to impose liability when a public entity undertakes to supervise an activity on or the use of public property and the public entity or employee is guilty of willful and wanton conduct."

Krause: "What is willful and wanton conduct?"

Dart: "Willful and wanton conduct is specifically defined in the Tort Immunity Act and is intended to be a very high

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standard which is considerably more than negligence. To be guilty of willful and wanton conduct, a public entity or employee must engage in a course of action which shows an actual or deliberate intention to cause harm, or if not intentional, shows an utter indifference to, or conscious disregard for the safety of others or their property."

Krause: "Is it the intent of this Bill to ensure that the definition of willful and wanton conduct, provided in the Tort Immunity Act, be applied in all cases where a willful and wanton exception is incorporated into the Act?"

Dart: "Yes. A sentence has been added to the definition of willful and wanton conduct in the Act, clarifying that the statutory definition be used for cases affected by the Act and that other definitions of willful and wanton conduct that may have or will be provided through the common laws, shall not be used in such cases."

Krause: "Then just one other question. Is it the intent of this Bill to affect only those injuries that occur after that its effective date?"

Dart: "Yes. This Bill will only affect injuries that occur after the Bill becomes law and does not affect injuries that occurred prior to its passage, and shall not be applied retroactively."

Krause: "Thank you very much."

Dart: "Thank you."

Speaker Madigan: "Representative Wojcik."

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

Speaker Madigan: "Sponsor yields."

Wojcik: "Representative, I noticed in reading the analysis that the Illinois Park District is against this. Are they still against it or has that opposition been removed?"

Dart: "Honestly, Representative, I'm not sure. I don't know."

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Wojcik: "Well... Also, the Chicago Park District is against this."

Dart: "My understanding is, they are. I did not get witness slips on either of those."

Wojcik: "All right. Well, if they're against it, what is the summation? Why do you think that... Would it harm them because of the sports activities and the swimming and all that they're doing with the local children?"

Dart: "I believe their concern is that, but I believe their concern is truly misplaced because the way this law is drafted, it requires willful and wanton conduct, which is such a high standard that they are going to have to show some activity by their employee that went so far beyond the pale. I think it's one of those cases, seriously, where they... they just want to have everything. They don't want to have to be responsible for anything, anyhow, no matter how egregious an action might be of their employee, who they hired to supervise something. So, I think, frankly, I understand financially, maybe, what their concern is. But I do think it's quite unreasonable to expect in an instance where the conduct is so bad that they still want to be helped."

Wojcik: "Well, I think that the reason is also because some of them are involved in the disabled and they have the recreational facilities for disabled and I'm sure that they're looking at the cost and I didn't know what effect, and how in-depth this would have on that special area."

Dart: "Yeah. I... I would... I think that is also misplaced because, once again, you still have that willful, wanton conduct requirement here. So, even in the instance where they're working with individuals of special needs, their supervisor would have to do something so far beyond the

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pale and so egregious to come under this heading. As I say, you can... I can only think of examples of where somebody is supposed to be supervising someone with special needs and basically just throws them in a pool, or something, and walks away. I mean, it really has to be something willful, wanton, which is a standard that is very high, and was specifically written for that way. So, I do think their concerns are misplaced."

Wojcik: "But, it then could place a burden on the taxpayers that are paying their levy into the park district. Is that correct?"

Dart: "I suppose. As I say, this is envisioned that it would always going to be limited to those very serious cases, for starters. But, the second part of it, too, is... the other part of it, formula is the victim in the case like this, otherwise society in one way or the other, picks up the tab on this, because if people are somewhat of no means, whatsoever, they are going to be going to Medicaid, Medicare and will be on public dole the rest of their lives, frankly."

Wojcik: "Thank you. I... Mr. Speaker, to the Bill. I... Rising in opposition to this, even though it's well intended, there is certain a lot of children that would be involved and the taxing bodies within the local communities would be affected by this. I think the Bill should be looked at more in-depth and a little bit more work put into it. Thank you."

Speaker Madigan: "Mr. John Turner."

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

Speaker Madigan: "Sponsor yields."

Turner, J.: "Representative, I don't see a definition for 'local public entity.' Maybe one is not needed, but at least for

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intent, legislative intent, what is a 'local public entity?' What all does that include?"

Dart: "I believe that's already defined in statute."

Turner, J.: "It is defined?"

Dart: "Yeah, I believe that's defined in statute, elsewhere."

Turner, J.: "Well, give me some examples for... does it include a school district?"

Dart: "John, I'm not sure if it includes a school district or not. I... I'm unsure. I don't have the definition of 'local public entity' in front of me right now."

Turner, J.: "So, we... you don't know whether this legislation, the Conference Committee, would include a school district?"

Dart: "My... My understanding is that in previous court cases, it's been determined to cover such districts as that."

Turner, J.: "So, if a school district, obviously, has the duty to supervise through their employees, is negligent and someone is injured, they have no liability?"

Dart: "No. Well, yeah. They... For negligence, they have no liability, correct. We're talking willful, wanton conduct, though. There's a difference."

Turner, J.: "Right."

Dart: "So, I mean, I don't want to confuse the question. For the negligence that you're that you're talking about, you're... you were correct. But, if we're talking willful and wanton, no."

Turner, J.: "So, if a child is injured at school, even though the school district, through its employees, has the duty to supervise, and if they're negligent, or I guess even grossly negligent, there is no liability for the injuries that may occur to the... to the student or anyone else on the grounds?"

Dart: "Existing law in the area that we are not touching, deals

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with the negligence that you're talking about, duties to supervise and negligence. We're not dealing with that. We're dealing with situations where there's a duty to supervise and the person in charge of that has gone and... willful and wanton conduct. I mean, it's above the area of negligence, here. We have to go pretty far beyond that for this Bill to kick in. And as I... Once again, when you talk about the definitions of willful and wanton, the behavior is so egregious that it defies common sense, reason, logic and everything else, where some employee does go and do something under that, and they're going to be given immunity? I mean, it defies common sense and reason. I mean, this is not a simple negligence case where a supervisor forgot to do something, overlooked something. There's room to disagree here. We're talking about willful and wanton conduct, which as I say, I think it's sort of stunning that we even need to have a Bill like this, because of the fact that it is so far out there."

Turner, J.: "Well, I'm not opposed of your Bill, Representative. I'm just trying to make sure that I understand it. When I first saw this piece of legislation, the question that came to my mind was under a willful and wanton standard, which we're going to make a public entity responsible for willful and wanton supervision under your legislation. If that public entity has insurance, will insurance coverage be in place for willful and wanton conduct, or will it only cover negligence?"

Dart: "John, school districts were liable under willful and wanton conduct until 1995 and in those situations, I'm not aware of what the insurance ramifications were, but it was only since 1995 with a Supreme Court case that there was changes in that."

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Turner, J.: "Okay. Let's get away from the school districts for a minute. I think it's really important to know, and I do intend to support it again, unless your answer to this res... to this question is to the negative. I think it's very important for the people in the Body to know if we take a township or city government, or whatever the case may be, if they're... if we're going to make the public entity responsible for willful and wanton conduct, can they cover themselves with insurance or is it a situation where if they're found guilty of willful and wanton conduct, their insurance coverage, even though they may have it, won't cover that?"

Dart: "My understanding is for willful and wanton conduct, most likely the source of that will be out of a Tort Fund."

Turner, J.: "Well, Representative, it seems like to me, maybe you don't know the answer to my question. It seems like though, you're indicating that insurance coverage that a public entity may purchase, would not cover conduct that's willful and wanton causing injury."

Dart: "I... I mean, John, I think when you get down to it, you're... now we're talking about a situation where you're asking insurance coverage to cover a willful and wanton action of negligence on someone's part. I do think that most insurance carriers would have a hard time doing that because, what is it that you're trying to insure against here? That you're going to be hiring employees that are so reckless and are going about committing acts that are so dangerous that you're going to give them a policy, as well? I... I would think that most carriers would shy away from language such as that, because it would open the door to everything. I mean, I'm unaware of insurance policies that would want to cover something like that, because it

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would... it would almost be wanting to have insurance policies to cover criminal acts of your employees, too. I mean, there's certain actions that I do think insurance carriers would probably shy away from."

Turner, J.: "Well, I agree. That's why I'm asking the question. Are they going to shy away from coverage that is willful and wanton, but fall short of being intentional, at least as I read it? And I think you're telling me that you don't think insurance coverage will be available for willful and wanton conduct causing injury. That seems about what you're saying."

Dart: "I'm unaware of ther... the abili... the ability to gain insurance for that type of coverage, John. That's not to say that could not be offered, but I'm unaware of it and Representative Durkin was... who has practiced in the area, was telling me that he's unaware of whether or not they would... does not believe that they would want to issue policies in that area which would make sense from their standpoint. I would not understand why they'd want to."

Turner, J.: "All right. Thank you, Representative."

Speaker Madigan: "Mr. Roskam."

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

Speaker Madigan: "Sponsor yields."

Roskam: "Representative Dart, the Illinois Civil Justice League is a proponent of this Bill, aren't they?"

Dart: "Correct, Pete. It's one of those unique situations where we got the Bar Groups and the Civil Justice League all working together on this."

Roskam: "Congratulations on putting that amazing coalition together. To the Bill. Please vote 'aye'."

Speaker Madigan: "Mr... Rather, Andrea Moore. Representative Andrea Moore."

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

Speaker Madigan: "The Sponsor yields."

Moore, A.: "Representative, I'm somewhat confused as to why we have in our information, the fact that the park districts are opposed and also, I'm told the Cook County Forest Preserve District is opposed to this legislation. So, if you could go through just a scenario with me. As an example, if you have the Forest Preserve District or a park district owning property and they choose to develop either a swimming beach, let's just say, it's a swimming beach. They post the swimming beach that there is no lifeguard provided. They develop the swimming beach, but they post that there is no lifeguard provided, swim at your own risk. Could that be construed to be willful and wanton?"

Dart: "No. The liability we're talking about here is when they have affirmatively set about providing supervision for an activity, for a posted period of time and then there... and then there's willful and wanton conduct. And, I guess, the best example is the court case that sort of brought this about, which occurred up in Zion, where they had an individual, a child, who was at a swimming pool, hit his head, fell into the pool, individuals... There was lifeguards on duty, this was during the regular hours, they went to the lifeguards and the lifeguards chose to ignore it and they walked away from it and said it basically wasn't their job to do it. Those... Those are the type of scenarios we're talking about. We're not talking about scenarios where children are climbing over fences at 2:00 in the morning to get into a pool where there's..."

Moore, A.: "No, no, I'm not either. Here's what I'm saying, if you've got a regional, a large regional facility, as an example, and you are going to have a swimming area where

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swimming is permitted, but it's swimming at your own risk, and it's posted that it's swimming at your own risk. There's never an intention to allow... to provide a lifeguard. It's going to be just swimming at your own risk. There is a beach there, but they don't intend to provide a lifeguard under any circumstances. It's swim at your own risk. Now, if someone goes there to swim and they drown, could it be construed that the public officials wil... were willful and wanton..."

Dart: "No..."

Moore, A.: "...in not recognizing that they needed to provide some kind of lifeguard..."

Dart: "No."

Moore, A.: "...to protect that area to begin with, or would that just be negligence?"

Dart: "No. That would be under a negligence suit. The willful and wanton conduct comes in when they go about providing supervision, okay. So, they've made that affirmative step to pu... provide supervision and then there's the willful and wanton conduct and I... I've been told that the Park District Insurance Risk Management Pools are supporting this Bill. The park districts are another matter, altogether. As I say, some people just want it all the time, all the way and that's more the situation here with the park districts."

Moore, A.: "So... So, it would be your interpretation. That's not your intent, then, that this would ever, if... if there is no lifeguard supervision provided at anytime, that if someone were to drown, that would not be... it would be... it would be construed as being negligent rather than willful and wanton, for not providing that kind of protection up front."

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Dart: "Yeah, it's not willful and wanton for them not to have somebody there. I mean, we need those things to kick in here."

Moore, A.: "Thank you."

Speaker Madigan: "Mr. Tim Johnson."

Johnson, Tim: "Thank you, Mr. Speaker, Members of the House. This Bill, if there's a full attendance today, should get a 118 votes. Willful and wanton conduct, and I know Representative Dart has described this, but just so you understand what willful and wanton conduct is, it's not negligence. It's something far beyond negligence. It's deliberate intention to cause harm or if not intentional, it's an utter indifference or conscious disregard for the safety of others or their property. Under a quirk, and actually an oversight in current law, in certain limited areas, and this is very limited, a municipality could exercise deliberate intention to injure someone else, even though, God forbid that they would do that, or at least so totally disregard any conscious measure of safety that an individual, young person or whatever, would be killed or injured, and there's no liability at all, absolute immunity. We're not saying, because the Tort Immunity Act that we passed a few years ago didn't say, that we ought to hold those to the same standard that I, frankly, think they should be held to and that is simple negligence. But, what we are saying is, if they are in a situation of perpetrating willful, malicious, deliberate conduct that causes someone else's injury or death or damage to their property, then in that situation, just like every other, there ought to be liability. This is an extremely common sense Bill. I commend the Illinois Civil Justice League who joined with the Illinois Bar Association, the Du Page

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Mayors and others in supporting this Bill, that really makes sense, and in the absence of which there's really a substantial possibility that the whole Tort Immunity System could come crumbling down and they'd bite off their nose to spite their face. This is a good Bill. It makes a lot of sense. In my opinion, it doesn't go far enough but it's certainly one that everybody in this chamber can support."

Speaker Madigan: "Good morning, Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, this Bill, when it left the chamber, was sponsored by Representative Bradford, wasn't... was it not? Representative Glenn Bradford."

Dart: "I believe so."

Black: "Yeah. I've got a copy here of the Springfield Journal Register State House Insider Column from May the 3rd of '98 and the columnist was wondering how all of us in the House could have been so stupid to vote for a Bradford Bill when he wasn't here. Well... and I've given them the correction. When we voted on this Bill in the House, he was here. It passed the House on April the 9th of 1997, so it's the Senate who couldn't remember to change the Sponsors. But, I'm glad to see you're the Sponsor of the Bill, now."

Dart: "Thank you."

Black: "Yes, and I know that wherever he is, Representative Bradford is happy that you're the Sponsor, as well, and I'm sure that he's helping you on this Bill. Okay. Has the Municipal League... have they signed on the Bill?"

Dart: "My understanding is that the Municipal League is... is at this point is neutral on it. At one point they were in

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favor of it but because of opposition from the City of Chicago, they changed from proponent to a neutral position."

Black: "You mean, the City of Chicago is on...is in opposition to this..."

Dart: "Yes."

Black: "...Bill, as amended, in the Senate?"

Dart: "Yes."

Black: "The crown jewel? The City by the Lake is opposed to this Bill, as amended, in the Senate?"

Dart: "Yes."

Black: "Well, Representative, I admire your courage. I'll tell you what, I'm not sure I'm going to vote against the Mayor of the City of Chicago. You know, they've actually corresponded with Members of the chamber that they're in opposition?"

Dart: "Yes."

Black: "I mean, what, 35% of the people in the entire State of Illinois live in the City of Chicago, isn't that...?"

Dart: "You know, that's the last I checked."

Black: "Number of people. Well, I... This casts a whole new light on it for me. Does it have any impact on McCormick Place or any of the wonderful things we're attempting to do up there in the City of Chicago?"

Dart: "Pardon me."

Black: "Well, if something happens and the Bears move to Arlington Heights and get a new stadium, could we file suit on some city official for wanton and willful negligence for letting the Chicago Bears get away from the City of Chicago?"

Dart: "No. I think there would be a lot of people that would contend that wouldn't be negligence at all, period,

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definitely not willful and wanton."

Black: "Well, I guess we could make a case for the various draft choices might be negligence, but somehow the Arlington Heights Bears doesn't have the same ring to it."

Dart: "No."

Black: "Well, I think you've done a good job of answering questions of a Bill that you picked up rather late in the process, and I admire you for defending what your colleague was trying to do a year ago. And, I'm sure he's listening to the debate and he's very happy with it. Thank you."

Dart: "Thank you."

Speaker Madigan: "Mr. Dart to close."

Dart: "Thank you, Mr. Speaker, Members of the House. Just briefly, this Bill is attempting to layout a situation where we are making it clear that this applies to situations of willful and wanton conduct. And, as Representative Durkin mentioned to me, willful and wanton can best be described in actions such as what you read about in Ravenswood the other day where a child died a mere 30 feet from the hospital 'cause individuals would not come out and provide them care. Those are the type of actions that we're talking about. We're not talking about mere negligence, here. We're talking about willful and wanton conduct by people who are supposed to supervise activity or where their duty was required under law for them to supervise. So, I would ask for a favorable vote on this Motion to Concur."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Those in favor signify by voting 'aye'; those opposed by voting 'no'. This is a Third Reading Roll Call. The Motion is to concur in the Senate Amendment. Have all voted who wish? Have all voted who wish? Have all voted

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who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 114 people voting 'aye', 1 person voting 'no'. This Motion, having received a Constitutional Majority, and the Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of... page 8 of the Calendar, on the Order of Concurrence, there appears House Bill 2827. The Chair recognizes Representative Andrea Moore to handle the Bill for Representative Clayton. Representative Andrea Moore."

Moore, A.: "Thank you, Mr. Speaker, and at this time, I would move to nonconcur in Senate Amendments 1, 2, 3, and 5."

Speaker Madigan: "The Lady Moves to nonconcur in the Senate Amendments. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it, the Motion is adopted."

Moore, A.: "Thank you."

Speaker Madigan: "Senate Bills, Third Reading, there appears Senate Bill 1506. Mr. Brady, do you wish to call the Bill? Mr. Brady. Mr. Clerk, read the Bill for a third time."

Clerk Bolin: "Senate Bill 1506, a Bill for an Act relating to criminal law. Third Reading of this Senate Bill."

Brady: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 1506, as introduced to the House, creates the offense of residential arson, it further defines that offense. It also provides that a person convicted of residential arson is ineligible for probation. It also defines the dwelling place of another to include the dwelling place where the defendant maintains a tenancy interest, but from which the defendant has been barred by a divorce decree, judgement of dissolution of marriage, order of protection and other court orders. This is similar to legislation we passed out of the House earlier this year. In addition to that Representative Gash has offered

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Amendment #1. Representative Cross has offered Amendments 2 and 3, and Representative Gash has offered Amendment 4, which they fully explained yesterday. I'd be happy to respond to the legislation as it was introduced to the House and defer to Representative Gash and Representative Cross on their Amendments."

Speaker Madigan: "The Gentleman moves for the adoption... the Gentleman moves for the passage of the Bill. Is there any discussion? Is there any discussion? There being no discussion, the question is, 'Shall this Bill pass?' Those in favor of the passage of the Bill vote 'aye'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there 104 voting people voting 'aye', 12 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Concurrence, House Bill 2306, Mr. Tim Johnson."

Johnson, Tim: "Thank you very much, Mr. Speaker and Members of the House. This Bill, as amended in the Senate, is almost identical to a Bill that we passed out of here, I believe unanimously, sponsored by Representative McCarthy. It's a Bill that we debated at length before with respect to drunk driving offenses. The only additions that are contained in the Senate are limited provisions with respect to extended impoundment, a soft suspension and limitation on court supervision. I move for the concurrence and that the House do concur with Senate Amendment #1 to House Bill 2306."

Speaker Madigan: "The Gentleman moves for the ... The Gentleman moves to concur in the Senate Amendment. Is there any discussion? Mr. Tom Johnson."

Johnson, Tom: "Yes, Mr. Speaker, I was out of the chamber, I'd

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like to let the record reflect, I would have voted 'yes' on House Bill 1151."

Speaker Madigan: "Let the record reflect that. On Mr. Tim Johnson's Motion, is there any discussion on that Motion? There being no discussion, the question is, 'Shall the Motion be adopted, and shall the Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 116 people voting 'aye', 0 voting 'no'. The Motion to Concur in the Senate Amendment is adopted and the Bill is hereby declared passed. On the Order of Senate Bills, Second Reading, there appears Senate Bill 1884, Mr. Michael Smith. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 1884, the Bill's been read a second time, previously. Floor Amendment #2, offered by Representative Smith, has been approved for consideration."

Speaker Madigan: "Mr. Clerk, again, the status of the Bill."

Clerk Bolin: "Floor Amendment #2, offered by Representative Smith has been approved for consideration."

Speaker Madigan: "Mr. Smith, on the Amendment. Mr. Smith."

Smith: "Thank you, Mr. Speaker. House Amendment #2 addresses the issue... or a concern that has been raised between the Department of Human Services and the Personal Assistants, who are contractually... provide services under the Department's Home Services Program. This would establish in the statute, a meet and confer relationship between the Department and the employees and any union that may represent the employees. This only establishes under the law, the agreement that was currently... or previously held between the Department and the Personal Assistants and the

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Service Employees Union which represents them. This clearly establishes that for purposes of the law, they are not state employees for other benefits. They simply would be required to enter into a meet and confer relationship. Be happy to answer any questions."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker. I have an inquiry of the Chair. The underlying Bill deals with adding a provision to the guardian for disabled adults in the Illinois Statutes. Floor Amendment #2 seems to be a question as to union representation, and really doesn't appear to have anything to do with the underlying Bill. I would ask that the Chair examine that and see if this Bill is in compliance with the Single Subject Act. It appears that the Amendment is really not germane to the underlying Bill."

Speaker Madigan: "Mr. Black."

Black: "Yes, Sir."

Speaker Madigan: "The Parliamentarian is prepared to respond."

Black: "Yes, Sir."

Kasper: "Representative Black, in response to your inquiry on behalf of Speaker Madigan, I believe that the Amendment is germane to the underlying Bill and that the underlying Bill deals with disabled people, as does the Amendment relating to the rates of pay for home service providers for disabled people."

Black: "So, in effect, we're saying that personal attendants are disabled and therefore, the Bill doesn't violate the Single Subject Rule. That's very interesting because I don't think they are. Mr. Speaker, I'm joined by a requisite number of Republicans on my side of the aisle, we would like a Roll Call Amendment... a record vote on Floor

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Amendment #2 to Senate Bill 1884, and even though it's a simple majority of those voting, we would request a verification should the Amendment be adopted. Thank you very much."

Speaker Madigan: "Thank you, Mr. Black. Mr. Parke."

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

Speaker Madigan: "The Sponsor yields."

Parke: "Representative Smith, how many people would be affected by your legislation?"

Smith: "Representative, it's my understanding, there are approximately 20,000 personal assistants."

Parke: "Can you tell the Body what a personal assistant is?"

Smith: "Representative, I think most of us are familiar with the program. Personal assistants provides services under the department's home services program. So, it's for a number of disabled... disabled persons. We probably better know this under the program under the former department of DORS, now the Department of Human Services."

Parke: "Mr. Speaker, I am sorry. Mr. Smith... Representative Smith, I apologize. I did not hear one thing he said."

Speaker Madigan: "Mr. Parke... Yeah. Mr. Smith, if you could speak up a little bit."

Smith: "Representative Parke, I think most of us know the Personal Assistants provides services to those individuals under the department's home services program. Even though this is the Department of Human Services, we probably better know the program as it formerly existed under the Department of Rehabilitation Services, or DORS."

Parke: "And so, these are people that come into the homes of people who are disabled or who are ill, and they're paid by the State of Illinois to assist these people on behalf of

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the people of Illinois, correct?"

Smith: "That's right."

Parke: "And what do we pay these men and women that take time to assist these people in need?"

Smith: "Representative Parke, I can't tell you the current... current rate. I know it's a very low wage. It's either at or maybe just above minimum wage."

Parke: "So, somewhere around \$5.30, I understand, is what they're getting paid. How much money... If we pass this Amendment and it becomes law, how much money on an average will be taken out of the paycheck of these people earning minimum wage?"

Smith: "Representative Parke, I can't give you an exact figure on that and I would just say that this is a practice that the state has been honoring for a number of years under the contract that just recently expired."

Parke: "Well, the fact of the matter is, it's my understanding it's around 2%. Now, let me ask you one other question. The Department of Human Services is opposed to this legislation and one of the reasons that they claim is that they are afraid that they may have to accept these employees... if a court case is lost, may have to accept these people as state employees even though they're considered to some degree like an independent contractor. Then if they are... if they lose a court case and end up having to pay them benefits, now we're talking a huge amount of money that will come out of the taxrolls and that's their concern. How do you address that concern?"

Smith: "Well, Representative, I think that is the intent of this legislation, is to establish by law, that we do not consider these individuals state employees for other purposes... for other benefits."

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Parke: "Well, does the state hire these people?"

Smith: "Well, the state has a contract, I believe, with the agencies involved."

Parke: "But, who really hires these people? Isn't it the people who are disabled or who are ill, don't they hire them themselves?"

Smith: "Yes, right."

Parke: "And some... and, what percentage of the time would you think that these people that are being hired are wives or spouses, or sisters or brothers of those?"

Smith: "Representative Parke, I don't know. I know you raised that question in committee. My own involvement with the few constituent cases is that it's very hard to have a spouse or a family member approved as your personal assistant."

Parke: "Well, the agency told me that they could estimate between 15 and 20% of these personal helpers are family members, and they're doing it because they... I mean, this is a real tough thing to do, to go into a home and really treat these people. And, I understand what you're trying to do here but I just am concerned about the direction that you're trying to do. Thank you, Representative Smith. Mr. Speaker, to the Bill."

Speaker Madigan: "Mr. Parke."

Parke: "Yeah, Mr. Speaker, could I have some quiet here, please? Ladies and Gentlemen, this is the dilemma we have here. We have a program that's been in place for three years. They are... these are men and women who are serving the needs of these people, who are truly in need, are not state employees. They're not hired by the state. They're hired by the people who have the need. They're paid minimum wage, \$5.30 on an average. This will require that 2% of

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that money that they earn, that little amount of money has got to go to the unions. I don't think that, that's what we really want to do. I think that is a mistake. It's so little as it is, they do it in most cases because these people are just very religious people or that they have a compassion for people, or that they're having trouble finding employment any other way. They may be low educated people who just want to have a job and now what we're telling them, is that we're going to take another piece of the money they're earning and top of all the other taxes, both federal, and state and county, that we require of these men and women and now, we want to take 2% of that and require them to be paying dues. I think this is not good public policy in this instance. I understand what the Sponsors wants to do with this but I think this is misguided, and I would ask that we defeat this Amendment and thank you for the courtesy of listening to me."

Speaker Madigan: "Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. People who want... in this Chamber, who want to guarantee that individuals with disabilities get the very best care that they can, get high quality people coming into their homes, have lower turnover, have people who have employees that can live in dignity and get paid a fair value for this precious work that they do, should vote 'aye' on this Amendment. Many of you have met the members of Local 880, of SCIU. They have been down here consistently trying to get a better wage, better working conditions, improve the life of these home-care workers because they are committed to serving those people at risk. Those people that want so desperately to stay in the community, who want to be contributing citizens. That is

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the goal of those union home-care workers, and the best hope for making sure that we have quality home care workers, is to allow those people to collectively bargain with the state for higher wages. Now, they can pay their fair share and not join the union. That is still an option for these people. But I think if you are sincere in your concern for people who are disabled and who are... want to live at home, then the only vote is to vote 'aye' on this Amendment."

Speaker Madigan: "Mr. Cross."

Cross: "Thank you. Will the Sponsor yield? Representative, I have a couple of inquiries from different angles but first..."

Speaker Madigan: "The Sponsor yields."

Cross: "First of all, going to the previous speaker's comments. I'm puzzled. If I'm one of these workers and I don't want to pay, or I don't want to be part of the process, how do you satisfy my concerns? There are 100 of us, 90 want to be part of the program, 10 don't. I don't want anything to do with this. What do you say to the 10 people?"

Smith: "Representative Cross, no one is required to join the union. They are... they would pay the fair share proportion of the dues that union members would."

Cross: "Why is that fair to those 10 people? There're 10 of us and we don't want anything to do with it. We think life's fine. We think we're being taken care of but you're still making me pay."

Smith: "Representative Cross, that's the current procedure that the state has been operating under, under the current contract."

Cross: "Well then, why do we need your Bill?"

Smith: "It's my understanding that this was an attempt to clarify

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those issues. I think maybe the department has some concerns that these individuals might be considered state employees for other benefits, so we're trying to address the department's concerns."

Cross: "So, why can't they just do it on their own, the 90 people, the people I used the example of 100. Why can't those 90 just do it on their own, so we don't force the remaining 10 people to pay? They don't want to be part of it. I mean, you're forcing 100 people to pay for the benefit of 90."

Smith: "Because that... Representative Cross, that's the way collective bargaining works. It's a majority vote. A majority of the personal assistants have indicated that they want to be represented by the Service Employees Union."

Cross: "So, you're forcing those 10 people to be a part of this whether they want to or not? You're mandating that they be part of the..."

Smith: "Representative Cross, that's the labor law of the land. I... Are you saying that you're against collective bargaining, then?"

Cross: "I mean, it's not my Bill, Representative. I just want to know why you're forcing the people that don't want to be, to be a part of this. Who can execute a fair share agreement, Representative?"

Smith: "Any personal assistant could under this Bill."

Cross: "I didn't hear that answer"

Smith: "Any personal assistant could under this bill."

Cross: "Representative, we may get back to that in a second but the underlying Bill has not changed has it, we're dealing with disabled people?"

Smith: "No, this Amendment does not address that."

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Cross: "So, all of those concerns that were addressed in committee by Members of both sides of the aisle, have not been touched, have they?"

Smith: "That's not the subject of this Amendment."

Cross: "Well, I had some concerns in committee about the underlying Bill as you know, and I guess then, my question is... or do you intend to address those?"

Smith: "Yes, Representative Cross, we're continuing to negotiate on those issues and attempting to address them."

Cross: "You're going to that on... You're going to do that with another Amendment?"

Smith: "Perhaps, it remains to be seen."

Cross: "Are you going to make a commitment here that you're not going to move this Bill until you address those issues that both, I think Representative Lang had some questions, I had some, other Members in our... in Judiciary were very concerned about that Bill. And, Representative, I understand that you were trying, and have been, I'm not suggesting otherwise, been making an effort to resolve those concerns we had but it certainly doesn't seem... We have taken a completely different route here and have taken a whole new subject matter with this Amendment and I guess my question is, how do you intend, Amendment-wise, to address our concerns?"

Smith: "Representative Cross, we're just dealing with this Amendment at this time. We're going to continue working on those other issues. Obviously, I want the Bill to be in the best shape possible when we vote on it in Third Reading."

Cross: "Can we expect that Amendment 3 will deal with our concerns and that you won't move this Bill until we get Amendment 3 resolved... or that Amendment 3 resolves our

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concerns, the underlying Bill?"

Smith: "Representative Cross, I don't know that at this point."

Cross: "All right, well, Ladies and Gentlemen, you've heard about the concerns about Amendment #2. I think Representative Parke eloquently spoke about them, as have others, but I can assure you that... or I would suggest to you that there are some major, major problems and while Representative Smith has certainly tried to address them on the underlying Bill, Amendment #2 does not address those concerns. We have not gotten a commitment on when he intends to address them, and I would suggest again that you're putting yourself in a pretty precarious situation by voting for this Amendment and I suggest you take a real hard look at Amendment #2. Thank you."

Speaker Madigan: "Mr. Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. Briefly, I rise in strong support of Floor Amendment #2 for the reasons given by those in favor. Unfortunately, and we'll get to this on Third Reading, this is being put on a Bill that is really terrible. So, I wish Mr. Smith would find another place for this very good Amendment that he's putting on a very bad Bill."

Speaker Madigan: "Mr. Smith moves for the adoption of the Amendment. Those in favor of the Amendment vote 'ayes'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 60 'ayes' and 56 'noes'. The Amendment is adopted. Are there any... Mr... There's a request for a verification. Mr. Clerk, read the names of those voting 'yes'."

Clerk Rossi: "A poll of those voting in the affirmative:

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Representatives Acevedo. Boland. Bradley. Brosnahan.
Brunsvold. Bugielski. Burke. Capparelli. Crotty.
Currie, Barbara. Curry, Julie. Dart. Davis, Monique.
Davis, Steve. Erwin. Fantin. Feigenholtz. Jones,
Shirley. Kenner. Lang. Lopez. Lyons, Joe. Mautino.
McCarthy. McGuire. McKeon. Moffitt. Moore, Eugene.
Morrow. Murphy, Harold. Novak. O'Brien. Phelps. Pugh.
Reitz. Rodriguez. Ronen. Schakowsky. Schoenberg.
Scott. Scully. Silva. Slone. Smith. Stroger. Turner,
Art. Woolard. Younge. and Mr. Speaker."

Speaker Madigan: "Mr. Cross. Mr. Cross."

Cross: "Thank you, Mr. Speaker. Representative Hannig."

Speaker Madigan: "Mr. Hannig. Mr. Hannig. Is Mr. Hannig in the
chamber? Remove Mr. Hannig."

Cross: "Representative Capparelli."

Speaker Madigan: "Mr. Capparelli. Is Mr. Capparelli in the
chamber? Remove Mr. Capparelli."

Cross: "Representative Gash."

Speaker Madigan: "Representative Gash... is in her chair. Mr.
Cross, would you verify Representative Crotty in the center
aisle?"

Cross: "By all means. Representative Scott."

Speaker Madigan: "Scotts. Mr. Scott. Is Mr. Scott in the
chamber? Mr. Scott is up here in the front, Mr. Cross...
and restore Mr. Capparelli who is in the center aisle.
Would you verify Mr. Morrow?"

Cross: "Representative Schoenberg."

Speaker Madigan: "Would you verify Mr. Novak in the center
aisle?"

Cross: "Oh, certainly."

Speaker Madigan: "Mr. Schoenberg is in the front. Would you
verify Representative Younge? Representative Wyvetter

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Younge?"

Cross: "Yes, yes, yes. Representative Brunsvold."

Speaker Madigan: "Mr. Brunsvold. Mr. Brunsvold. He's in his chair."

Cross: "Representative Connie Howard."

Speaker Madigan: "I'm sorry, Mr. Cross."

Cross: "Connie Howard."

Speaker Madigan: "Connie Howard?"

Cross: "Representative Connie Howard."

Speaker Madigan: "She's right here. Would you verify Representative Silva?"

Cross: "Yes. Representative Art Turner."

Speaker Madigan: "Mr. Arthur Turner. He's in the front of the chamber."

Cross: "Representative Acevedo."

Speaker Madigan: "Mr. Acevedo. He's in the rear of the chamber. Anything further, Mr. Cross?"

Cross: "Representative McCarthy."

Speaker Madigan: "Who? McCarthy? McCarthy?"

Cross: "McCarthy."

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

Cross: "All right, Mr. Speaker, we'll stop now."

Speaker Madigan: "Thank you, Mr. Cross."

Cross: "Thank you."

Speaker Madigan: "There are 59 'ayes' and 56 'noes', and the Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments have been approved for consideration. A Fiscal Note and a State Mandates Note has been requested on the Bill as amended, by House Amendment #2, and those notes have not been filed."

Speaker Madigan: "So, the Bill shall remain on the Order of Second Reading. House Bill 2257... 2257. Mr. Clerk, what

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is the status of that Bill?"

Clerk Rossi: "House Bill 2257 is on the Order of Concurrence."

Speaker Madigan: "The Chair recognizes Representative O'Brien."

O'Brien: "Mr. Speaker, I wish to nonconcur in Senate Amendment #1 and ask that this Bill be sent to a Conference Committee."

Speaker Madigan: "The Lady moves to nonconcur. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it, the Motion is adopted. House Bill 2583, Mr. Righter. 2583."

Righter: "Thank you, thank you, Mr. Speaker. House Bill 2583 previously passed out of the House with no Amendments, with near unanimous support. Senate Amendment 1 was added in the Senate. I am moving to nonconcur, Mr. Speaker. Thank you."

Speaker Madigan: "The Gentleman moves to nonconcur in the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted. On the Order of Concurrence, on page 8 of the Calendar, there appears House Bill 3129. Mr. Reitz."

Reitz: "Thank you, Mr. Speaker. House Bill 3129, which in committee, concurred with Senate Amendments 1 and 2. Senate Amendment 1 was a technical change. Senate Amendment 2, took out a portion of the Bill that dealt with mining permits and included the Kyoto Protocol Act. The other portion of the Bill creates E85 fuel system, which is companion Bill, I guess, to Representative Lawfer's Bill that he had earlier this week, and I'd be happy to answer any questions."

Speaker Madigan: "The Gentleman moves that the House concur in the Senate's Amendments. Is there any discussion? There being no discussion, the question is, 'Shall the House concur in the Senate Amendments?' The Chair recognizes Representative Erwin."

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Erwin: "Thank you, Speaker. I'm sorry that I was not paying attention. Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Erwin: "Representative Reitz, will you explain to me whether or not this has... this... do any of the Senate Amendments contain your prior language that dealt with the Kyoto Agreement?"

Reitz: "Yes, it does."

Erwin: "It does? Would you explain to the Body again, what that exactly does?"

Reitz: "It prohibits the Illinois EPA from taking any action pursuant to the Kyoto Protocol Act, which an environmental treaty was passed in Japan without prior legislative approval, or until the United State's Senate takes action and approves that treaty and then they can proceed on that front."

Erwin: "Representative, is this... this is, in fact, the same language that has failed on two separate occasions on this very House Floor."

Reitz: "Once, yes."

Erwin: "Okay. I rise in strong opposition to the Concurrence Motions on these Senate Amendments. I think that the Members of this chamber who, particularly my colleagues from the rural farming areas of this state, who only a few days ago, rose on the House Floor to argue so strongly for my support and many of our support on the Alternative Fuels Bill, arguing that air quality in the State of Illinois was such an important issue. It was such an important issue, and in fact, we needed to support the burning of alternative fuels, because as my colleagues from downstate explained to me, we had a very serious problem in air quality in this state. Unfortunately, Representative

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Reitz's proposals, in fact, put us back even further. It is not necessary for us to ask the Illinois Environmental Protection Agency not to implement something that doesn't exist at the moment, but worse than that, the interpretation of this can raise many serious questions including the possibility that the Illinois Environmental Protection Agency and the Pollution Control Board will be prohibited from under... from implementing existing air quality programs. I appreciate that there are depressed coal mining areas in the State of Illinois. I appreciate that. But Ladies and Gentlemen, this is not the answer to economic development in Southern Illinois. We don't make the air quality in the United States go to hell in a hand basket because of that. We need to find economic development and attractions that will bring the economic standing of Southern Illinois up. But in the meantime, we do not want to seriously jeopardize air quality in the State of Illinois. I urge you to vote 'no' on this Motion."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative Reitz, are you aware of any study that shows an absolute unequivocal link between a coal burning plant and something called global warming? Do we have absolute definitive proof of that?"

Reitz: "No, we don't."

Black: "Under the Kyoto Protocol, which has been promulgated by our friends in Washington, it would put severe restrictions on United States companies but would it, in fact, not let some developing countries do whatever they want?"

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Reitz: "Yes, it would and that's the problem whether an exempt... completely exempted developing countries such as Mexico, Brazil, China and our biggest competitor as far as manufacturing is concerned."

Black: "Do you... you're too young to remember, but my first job, I was in the early '50's, my first job was to fill stokers with coal, every morning on my way to school and then a couple afternoons a week I would take out, what we called the ashes or the clinkers from the coal fired furnaces and in my town of 40,000 people, I think 99% of them burned coal. Every industry in my town, and that's when we had a lot of heavy industry, burned coal. All of the railroad trains that went through my town, 40 a day, those locomotives burned coal. In fact, I could track their progress by the emissions from their smokestack and in your reading of history, in the 1950's and '40's when everybody burnt coal, was there anything said about acid rain?"

Reitz: "No."

Black: "That's what I thought. And now... now I dare say you could probably count the number of coal burning electric generating plants on one or two hands. You might have to cheat and use one of your feet, but there aren't very many. And other than those generating plants are there thousands of coal burning facilities in the State of Illinois anymore?"

Reitz: "Unfortunately not."

Black: "That may... that may explain why there are thousands of coal miners out of work. Is there a relationship there, perhaps?"

Reitz: "I believe there is, I think we've... you know, the Clean Air Act has devastated Illinois. It was unfair to Midwestern Coal."

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Black: "And are we not, in fact, doing a great deal of research on the desulfurization of coal and clean coal technology right here in the State of Illinois?"

Reitz: "Yes, we are."

Black: "Well, that's very interesting. I appreciate your answers, Representative. I stand in support of the Bill and I think if you look at this, and I know it can be emotional and I don't... I don't get any kick out of saying that I think my environmental... environmentalist friends are wrong, but it comes down to how many jobs am I willing to sacrifice to other countries who have no restrictions and no controls, so that those jobs are then either exported offshore or lost to us forever. I kind of enjoy the standard of living that we have been able to develop in this country. I stand four square behind clean coal technology, the desulfurization research that is going on in the State of Illinois. It has been, and I hope will continue to be, a key industry in our state. It certainly provides good jobs for many of our residents in Southern Illinois. The biggest problem we have is there aren't enough of those jobs left. I think the Senate Amendments are reasonable. I don't think this is a 'chicken little' Bill. I don't really believe the sky will fall if we pass this Bill into law and for once, I'm glad to join with my Senate colleagues, who in their good sense, passed the Bill, and I hope we join them."

Speaker Madigan: "Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This is yet another attempt to pass legislation that we have defeated wisely before because this is a Bill, that while it is behind the guise of being a jobs protection Bill, in fact, is a Bill that would allow the

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state to continue to endanger the lives of thousands and thousands of working men and women because of air pollution. The connection between jobs and this legislation, I believe, is pretty spurious but even so, to say that we should, therefore, not protect the lives of the nearly 5,000 people every year who die in the State of Illinois prematurely because of air pollution, is a failure of this Body to be responsive to a serious problem that we have. This is an effort to allow the very worst polluters in this state to dictate clean air policy. This is being supported by lobbyists for some of Illinois' biggest air polluters, including the coal and oil and electric companies. Now, the fear is that even those programs that are currently on the books to reduce air pollution, would be jeopardized by this legislation. Ongoing programs to control smog and particle pollution could be in jeopardy because they say, 'Uh-oh, is this in violation of House Bill 3129?' And so, even more than 5,000 deaths could occur in the State of Illinois if this legislation passes. We have examples in the State of Illinois of plants like the Baldwin Power Plant, an old and dirty power plant in the state that is the largest source of sulphur dioxide emissions in North America. Are we saying now that the State of Illinois has no responsibility to control those emissions? The health of the State of Illinois is at stake and let's talk about jobs. There are lots of jobs to be developed in controlling these emissions in environmental controls. Right now, we have failed in the Utility Deregulation Bill to put any substantial money into energy alternatives. This kind of legislation would preclude even further diverting money and resources into developing a healthy environment and healthy industries to make that

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possible. This is a very bad Bill. The Illinois Environmental Council is giving special weight to this Bill because it is so dangerous. Those of you who want to have a pro-environment record, we haven't had very many opportunities this Session, and now to vote in favor of this anti-environment piece of legislation under the guise of saving jobs. This is not a jobs Bill. This is a Bill that will endanger the health and the safety of working people in the State of Illinois. I would urge you to vote 'no'."

Speaker Madigan: "Mr. Parke."

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

Speaker Madigan: "The Sponsor yields."

Parke: "Thank you. Representative, let me ask you a question. If we pass this Resolution... this Amendment onto this Bill, will we do away with current pollution control measures?"

Reitz: "No, we won't."

Parke: "Are we saying that the Kyoto Accords could never be accepted in this state?"

Reitz: "No, we're not."

Parke: "In essence, are we just simply telling that... the Illinois Environmental Protection Agency that they need to wait until the United States Senate and Congress takes action? Isn't that all this does?"

Reitz: "That's exactly all it does, or until at such time this Body decides to take action."

Parke: "So, all these doom and gloom things that the previous speaker alluded to, all this environmental stuff is really not germane to what we're talking about here, is it?"

Reitz: "No, you're exactly right, and the Illinois EPA is neutral

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on this with a few changes we made to make it appealing to them.. or appeal"

Parke: "Yeah, and another thing is that... Let me ask you a question. You come from a coal producing area and in the past there's been a lot of pollution because of coal. Haven't we found a tremendous amount of technology now and scrubbers on the factories that use Southern Illinois coal? Don't we now have fairly decent environment coming from those plants that use coal because of the tough Illinois Environmental Protection Agency requirements on those?"

Reitz: "Yes, we are. The air quality is getting better, will continue to get better. This Bill will not affect that whatsoever."

Parke: "So, in essence, using Illinois coal is nothing like it used to be. We have forced the coal companies and the companies that use coal to protect our environment and they're doing that, right?"

Reitz: "Exactly."

Parke: "Let me ask you another question on behalf of all the Members. Does the AFL-CIO and other labor unions support this?"

Reitz: "Yes, strongly."

Parke: "They support it, right?"

Reitz: "Yes."

Parke: "And doesn't most of the business community in Illinois support this?"

Reitz: "All the business community, yes. Farm Bureau, almost every age... everyone is affected by... that would be adversely affected if the Kyoto Protocol is passed in its present form, supports this Bill."

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

Speaker Madigan: "Mr. Parke."

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Parke: "Ladies and Gentlemen of the House, it is obvious to me that some people don't understand this, or choose not to. They are more... maybe more interested in sound bytes than understanding what this really does. All this simply says is, let's wait until Congress takes action on this. Once Congress takes action, then we can take action, but we don't want anybody prematurely doing something that Congress hasn't approved that will affect jobs, will affect the economy of Southern Illinois. Ladies and Gentlemen, this is a good idea. It's something that will protect Illinois. We ought to be voting for this, Ladies and Gentlemen. Please, vote for this Amendment."

Speaker Madigan: "Mr. Boland."

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

Speaker Madigan: "The Sponsor yields."

Boland: "Dan, I just have a couple of questions here. One, we've been focusing on Amendment 2, but Amendment 1, is that still a part of this? Is that..."

Reitz: "Amendment... the Amendment 2 became the Bill, but it incorporated the part for the E85 fuel. It creates the 85% ethanol fuel for the Alternative Fuel Bill."

Boland: "Okay. So, actually..."

Reitz: "It's still a part of it."

Boland: "So, Amendment 1 contained the Ethanol Research Program? Okay, and what does that exactly do? Does that provide grants for research?"

Reitz: "Off the book... It extends the current program three years to match existing federal program to help our corn producers."

Boland: "Okay. Research on ethanol, make ethanol?"

Reitz: "That's correct."

Boland: "Okay. So, I guess in a sense, this Bill is, you know,

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some people can characterize it as bad for clean air, but on the other hand, you got a portion in there that's good for clean air, right?"

Reitz: "Exactly, even the the opponents like that part. So it... overall it's a good Bill."

Boland: "So, you got us in a bind here, Dan, and I'll just listen to the rest of the debate before finally making up my mind, even though I voted the other way on you before, but thanks for putting in that part anyway to help our corn producers and that. Thank you."

Speaker Madigan: "Representative Andrea Moore."

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

Speaker Madigan: "The Sponsor yields."

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

Speaker Madigan: "The Sponsor yields."

Moore, A.: "Representative Reitz, isn't methane gas listed as a greenhouse gas under the Kyoto Protocol?"

Reitz: "I believe it is."

Moore, A.: "Do you know what one of the largest sources of methane gas is in the State of Illinois?"

Reitz: "Landfills."

Moore, A.: "Landfills. We require methane gas to be recovered from our landfills. Is this an attempt on your part to try and stop that recovery?"

Reitz: "No, what... the Amendment that... we had a House Amendment that took care of that problem, the concerns that the Illinois EPA had, and we satisfied all the concerns they had which... which is why the Illinois EPA went neutral on this Bill."

Moore, A.: "Representative, there have been other interpretations that the Amendment doesn't get specific enough and it does not adequately cover those areas where we have programs."

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Last week, you and I both voted for Senate Bill 1840 that would reduce air pollution by providing for alternative fuels and actually, my area, I voted to tax pretty sufficiently, people with fleets, in an effort to try and reduce smog in that area. It would also reduce emissions of greenhouse gases. This is just the sort of program that I am concerned about if we, in fact, support this legislation. For the reason that my colleague said about not voting for this Bill, because he said we should wait for the Congress to do what they need to do. This is the reason that we need to vote this Bill down. This Kyoto Protocol is in the process of being negotiated and discussed on an international level. Some 13 Blue Chip Corporations in this country have met and are enthused about some of the technological opportunities that will be there for business with some portions of this legislation. The United States Congress has not yet supported the Kyoto Protocol and I know that there will be many, many revisions made before it will be adopted, if it is adopted. If we, as a State Legislature, continue to try and preempt what is happening at a federal perspective, how can our positions be taken seriously? This is simply an attempt to preempt what the Federal Government is doing while they are trying to negotiate it on an international basis. It is not a good piece of legislation and I would urge all of my colleagues to vote 'no'."

Speaker Madigan: "Mr. Novak."

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

Speaker Madigan: "The Sponsor yields."

Novak: "Representative, when you originally filed your Bill, before the Energy and Environment Committee earlier this spring, at that time the... the EPA was neutral, is that

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correct?"

Reitz: "Correct."

Novak: "Okay. And then the EPA took a closer look at the Bill..."

Reitz: "No... no. When I originally filed, the EPA was not neutral, they had yet to make a... I guess they opposed it to start with. The EPA originally opposed it until we adopted House Amendment #1."

Novak: "Okay. All right, I stand corrected. And then House Amendment #1 more or less specified some ambiguities in the Bill, some apparent ambiguities?"

Reitz: "Right, and... and what House Amendment #1 did is address the concerns that Representative Moore had. It addresses... It basically addresses CO2 and not other gases such as... It does not hamper the ability of the agency or the Pollution Control Board to address other gases such as ozone depleting chemicals that have already... that they have already had the ability to regulate and do not necessarily affect climate change."

Novak: "Okay. And where's the EPA now on this... this part of the Bill?"

Reitz: "Neutral."

Novak: "They are neutral?"

Reitz: "Yes."

Novak: "Can you tell me in the Kyoto Protocol in Japan, was one of the objections to the Protocol was the fact that Third World countries were exempt from these green... gas house... or gas emissions standards, is that correct?"

Reitz: "That's correct."

Novak: "Why? Do you have any idea why they exempted Third World countries?"

Reitz: "I assume they have better negotiators than we do."

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Novak: "Well, when we say Third World, would that be synonymous with Central America, South America, Africa, Southeast Asia, as an example?"

Reitz: "It actually... it says developing countries."

Novak: "Developing countries?"

Reitz: "And some of those, I believe, should be exempt, but there are large... large industrial countries that are going to... to keep increasing their emissions so we'll have no..."

Novak: "Right."

Reitz: "...we won't have a net environmental gain as we reduce ours."

Novak: "So... So, in other words let's... let me... let me sort of illustrate here. So, let's say... let's say a power company that's located in Illinois or New York, that had some pretty tough emissions controls standards in those states, but let's say they want to build a coal plant in Guatemala and wield that power back into Texas and into California under this deregulation that's going to start occurring in this state. And let's say Guatemala or El Salvador or Panama, let's say they have... let's say they have no standards at all or very, very minimal air quality standards. So, this would be an opportunity, I see, for some of these companies to build outside of the United States, or outside of states that have stringent controls to sort of in a circuitous manner circumvent these controls and burn real dirty coal in some of these developing countries which to me is a shame in the first place..."

Reitz: "Right."

Novak: "... but it's something that could happen. Because I read a story somewhere where a power company was going to be built, I think, in either in Mexico or some country in..."

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below the United States."

Reitz: "Right. There are a number of large power plants..."

Novak: "Okay."

Reitz: "...being planned right along the Mexican border for that... for that same purpose and probably the worst part about that is..."

Novak: "Right."

Reitz: "...we end up getting their emissions, and they will have no standards, whatsoever."

Novak: "And I think it's pretty logical. I think we can all understand is that, you know, if we're going to have power wielded in, let's say, from outside the United States, that power should be produced under, at least similar or reasonably similar standards that we require our power companies to comply with through the U.S. EPA and our State EPA. So, you know, in that perspective, I really agree with you on this is that, you know, these developing nations... and I know they have a lower standard of health, they have lower standards of living. People make less money. They're trying to bring economic development in but, you know, you read in magazines and articles that you pick up everyday about the exploitation that's going on in these Third World countries about burn... about filling in wetlands, about unfettered sewage running into the streets in South America, as an example. So, why do we want to encourage more of this? I think... I think, reasonably speaking, we should require these developing nations to at least phase in some of these... some of these standards that we have to live by in the industrialized nations, or states whether in the United States or around the world. So, in that sense, Representative Reitz, I agree with you. And I... You know, it's another one of these delicate

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situations... To the Bill, Mr. Speaker. It's another one of these delicate situations where you have... where we have to balance the interests of... of... of economic development and maintaining jobs in the State of Illinois. And we know that in Southern Illinois that is dominated by mostly coal mines... If you work in Southern Illinois, if you're lucky to have a job down there, you either work for the state as a correctional officer. You're in some type of a tourism business, or you work in a coal mine, or you own your own business. That's about it. Industry and factories are not prevalent in Southern Illinois. So, we know that our Representatives from Southern Illinois and Central Illinois are very concerned about the impact that this Kyoto Agreement could have on jobs. And it all goes back to the Clean Air Act when that was enacted in the late 1980's and early 1990's and how it impacted the coal industry. It's just... it's unfortunate that with all the technology we have in this world, that we can send... send men to the moon and send satellites around the sun, so to speak, but we can't get clean coal. We can't really find the right... the best way to have clean coal or cleaner coal, than what we have right now in what's mined in Illinois. So, I stand in support of Representative Reitz's Bill. I know there are other Amendments on it that do have overwhelming support. It's... it's.... it's a very, very delicate balance that we have to maintain. We ask ourselves, you know, certainly we want cleaner air... cleaner air. Certainly we want to try to keep more jobs. And once again, it's one of those delicate situations that we have to be critical about and try to weigh in our best interests. So, I would ask my colleagues to support this measure."

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Speaker Madigan: "Representative Phelps."

Phelps: "Mr. Speaker, very quickly. Ladies and Gentlemen of the House, Representative Reitz has worked hard on this agreement. His background, I don't know if enough of you know, he has an expertise background in knowing this issue. He's followed it through his career. He brings a great in-depth study to this House about this issue. This is a pretty balanced approach to try and to protect interests throughout the state that's invested in terms of not only coal, but also energy levels that are beyond description in this Bill. But I know that the agreement that we're talking about in the Federal Government will be very harmful if it goes into effect and I commend Representative Reitz for his balanced factors in this Bill. So, let's all support it and I think it's the right thing to do."

Speaker Madigan: "Representative Slone."

Slone: "Thank you, Mr. Speaker. I rise in opposition to this Bill, and in addition to the concerns expressed by my other colleagues who have spoken in opposition to the Bill. Although I acknowledge the economic development concerns that Representative Reitz, has both cumulatively and per capita, the United States has the highest greenhouse gas emissions in the world. We are among the highest in income. We have the highest wastage of the energy that we use. I think that all of us and our children deserve to have clear air. We need to be concerned about the rising levels of asthma and other respiratory diseases, both in our urban areas and elsewhere in the state. And I think that as has already been said, this is a preemptive piece of legislation. It has very severe potential consequences with respect to ultimate federal preemption, and I think the way it is constructed, despite the best efforts of the

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Sponsor, it is a piece of legislation that deserves our firm opposition. Thank you."

Speaker Madigan: "Mr. Reitz to close."

Reitz: "Thank you, Mr. Speaker. Well, as we said during debate, this Bill has a portion that creates a E85 fuel, it has a mixture of 85% ethanol, 15% gasoline. I think even everyone in the environmental community supports that. The corn growers, the farmers in my area would greatly benefit from that portion of the Bill. The second portion, the Kyoto Protocol, is supported by all labor and business organizations by the Farm Bureau and I'd sure appreciate everyone's support. It's a very important Bill for Southern Illinois and for my district."

Speaker Madigan: "The Gentleman moves to concur in Senate Amendments #1 and 2. Those in favor vote 'aye'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 74 'ayes', 42 'noes'. The Motion to concur in the Amendments is adopted and the Bill, having received a Constitutional Majority, is hereby declared passed. The Chair recognizes Mr. Holbrook."

Holbrook: "Thank you, Speaker. Pursuant to Rule 65, and having voted on the prevailing side, I move to reconsider the vote, by which the Motion to refuse to recede was adopted on Senate Bill 1878."

Speaker Madigan: "You've all heard the Motion. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it, the Motion is adopted. For what purpose does Representative Wojcik seek recognition?"

Wojcik: "Thank you, Mr. Speaker. I rise for personal privilege."

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It's with joy and a little bit of sadness that I do rise because today we're honoring a fine Gentleman by the name of Jack Kubik. Jack and I have been in the Legislature for a long, long time. And the sadness I have is that we're not going to be able to celebrate his birthdays anymore because he's going to be out there in that wonderful business world and doing the things that they should be doing in the legislative Body regarding newspapers. And I hope you're going to write us up very, very well. But most of all, Jack, you're wished a happy birthday today and you're going to be missed because who's going to be my mentor and who's going to care about me? But... and, Aggie, for you too, many good times and may you have many, many more birthdays back in your own district. So, Jack has his cake up front and I'm sure he wants you all to have a piece of cake and happy birthday, Jack."

Speaker Madigan: "Mr. Schoenberg."

Schoenberg: "Thank you, Mr. Speaker. I have to say that if I stopped doing my job tomorrow, probably one of the most memorable experiences that I have had as a Member of the Illinois House has been listening to the compelling speech that Mr. Kubik gave with respect to a particular Bill that had to do with free speech and standards of obscenity. And I think if anyone could distill an argument and present it in a way that upheld the integrity, both of our Constitution and of our governing Body, it was Mr. Kubik. I'm very sad to see Jack Kubik go. I've always thought of him as someone who has had both feet on the ground, who's been a source, not just of legislative wisdom, but who provides a balanced perspective, and who is really one of the most decent people who I've had the privilege of meeting in public service. I'm happy for Jack that he's

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going to pursue other challenges, but I think I'm sad, as I know many of us are, because Jack Kubik, for all the bad things that people say about politicians, Jack Kubik is, indeed, somebody who all of us really aspire to be like. Thank you."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I don't think anyone can say it more eloquently than Representative Schoenberg has just done, but I am very, very pleased to have had Representative Kubik as my office mate for the last few years, and he's not only an outstanding Gentleman and a fine Legislator, but he's an excellent office mate. I like to play my stereo perhaps more loudly than I should, and I was afraid that I was bothering Jack and I asked him if it was okay and he said, 'No, he just disconnects his battery and it doesn't bother him at all.' So, he's that kind of a fellow. We will indeed miss him, but I think he will take that integrity and his sense of fair play into the media market and we will all be better off. Those of us who have had the pleasure of serving with him, certainly are better off for having had that experience and exposure to someone who knows what is right, who can articulate what is right, and better yet, do what is right. So, Jack, to you, Aggie and your family, the very best. We're going to miss you a great deal."

Speaker Madigan: "Mr. McAuliffe. Mr. McAuliffe."

McAuliffe: "Thank you, Mr. Speaker. I also like to wish Jack Kubik a Happy Birthday and sorry to see him leaving. We also have another birthday today. Skip Saviano's turned 40 today. So, as you've seen some fliers around of his youth, I also have a copy of a speech that he wrote when he was in

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eighth grade. So, since it's his 40 birthday and it's a little humorous to tease people on their 40 birthday, since I'm not 40 yet. So I don't understand what that means. I'd like to read this speech. It says, 'Hi, for those from Elmwood and Elm that don't know me, my name is Skip Saviano and I am seeking the presidency of the Elm School Student Council. I've been going to this school for four years and I'm familiar with the schools and its ways. My grade average is an A-. I belong to Independent Studies and am letter winner in sports. I have had enough experience to run the Council. I realize the responsibilities I have in my hands, but I think if I'm going for the presidency of the Student Council, I should be able to handle them. The reason I'm going for the presidency of the Elm School Student Council is to build it up by raising funds for it and to always keep the Council busy. I'd like to add on to the school's social events, like Hat Day, Button Day and other things like that. Also, I would like for the Council to include the fifth and sixth graders in most of the social events. But the real reason I'm running is to make this year the best one ever. My gratitude goes to Mark Moreno, my campaign manager; Nick Liberatari, my Chairman; Frank Pecaro; Karen Colucci; Nick DiGreggio; Nick Saviano; Joe Babeto; Nancy Cardi; Beth Scotelli; Mary Scotelli; and Dean Klockgeter; and all the other people who I thank for helping me with my campaign. But remember, be hip, vote Skip for president.' Happy Birthday."

Speaker Madigan: "Mr. Saviano."

Saviano: "Thank you, Mr. Speaker. That is actually the speech that I made in eighth grade. I don't know where you found that. Somebody must have robbed my parent's house over the weekend. I get up and... I've had the pleasure the last

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six years of sharing my birthday with Jack Kubik and I've had a great time serving with Jack. He's been a great guy to go to when I needed guidance and he's done the best job he can, but most of the time I listen to him. But, Jack, since this is the last time I'll be able to share my birthday with you on the House Floor. I want to wish you the best and it's been great serving with you. Thanks."

Speaker Madigan: "Mr. Bergman."

Bergman: "Mr. Speaker, in addition to congratulating Representative Kubik, with regard to Representative Saviano's election to his Student Council presidency, it's been reported to me that there were 23 students in the class, but Representative Saviano received 60 votes in that election."

Speaker Madigan: "Mr. Durkin."

Durkin: "Thank you, Mr. Speaker. For those of you who are not familiar with Representative Saviano, these first 40 years, I think, it's pretty safe to say he's led a very cloistered existence. So, when he turns 80, I hope he gets out of his shell and enjoys life a little bit more. But, Skip, Happy Birthday, you deserve it and also Jack Kubik. Jack Kubik, I've gotten to know very well over the past three years. He's not leaving, it's his birthday, but I will say this, Jack, you've left an indelible mark on a number of us. We respect you. You've been a great friend of mine when I first started in this process, about three and a half years ago, and I wish you the best with you and your family today."

Speaker Madigan: "All right. We're all ready, Mr. Kubik. Mr. Kubik."

Kubik: "Thank you, Mr. Speaker. For the last 14 years, I've celebrated my birthday with all of you, and I have to tell

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you they've been 14 of the greatest years of my life. I leave here, not soon, but down the road, I leave here believing that the people in this House, who've served here and work here, are among the greatest people I've had the privilege of meeting. I'm going into a different arena, but I have a great deal of faith in the people who are in our political process. You are wonderful, wonderful people who have taught me something every single day. I'm lucky to have a great family, my wife, Aggie, and my granddaughter, Christina, have come down to join me. And before I say that we all should have some cake. I also want to thank Skip. It's been great sharing a birthday with Skip and I'm sure that Skip will break out of his cloistered existence in the next 40 years and, Skip, being 43, believe me, it's not all bad. It gets better. It gets better and thank you all for everything. This has been a wonderful, wonderful experience, one I will treasure all my life, and I leave with nothing but great memories. God bless you all and thank you. Have some cake."

Speaker Madigan: "On the Order of Senate Bills, Second Reading, there appears Senate Bill 1208. Representative Andrea Moore... does not wish to call the Bill. Mr. Hartke. Mr. Hartke. On page 9 of the Calendar, on the Order of Nonconcurrency there appears Senate Bill 1339. The Chair recognizes Mr. Dart for the purpose of a Motion to Nonconcur 1339."

Dart: "Thank you, Mr. Speaker. I move to refuse to recede from House Amendment #5 to Senate Bill 1339, and ask for a Conference Committee to be appointed."

Speaker Madigan: "The Gentleman moves to non-concur in the Senate Amendment... excuse me. The Gentleman moves to refuse to recede in the Amendment. Those in favor say 'aye'; those

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opposed say 'no'. The 'ayes' have it, the Motion is adopted."

Speaker Hartke: "Representative Hartke in the Chair."

Clerk Rossi: "The Rules Committee will meet at 1:00 p.m. in the Speaker's Conference Room. The Rules Committee will meet at 1:00 p.m. in the Speaker's Conference Room."

Speaker Hartke: "Page 6 of the Calendar, appears House Bill 1217, Representative Burke. Representative Beaubien."

Beaubien: "Mr. Speaker, I would move concurrence on the Senate Amendments #1 and #2 on House Bill 1217. The underlying Bill was the intervener Bill suggested by the Chicago Bar Association, as relates to single subjects. All these two Amendments and the underlying Bill deal with volunteer immunity. With your permission, I would like to present Senate Amendment #1, then ask Representative Burke to do Senate Amendment #2, since he was the Sponsor of the underlying Bill in the House. Senate Bill... Amendment #1 provides immunity for a person performing uncompensated services for a court, pursuant to a court order under a program certified by the Chief Judge of the Circuit Court as a volunteer. He will not be liable for his acts while performing under this contract, under a program certified by the judge and under court order unless the act is willful and wanton. And I'd like at this time, Representative Burke to present Senate Amendment #2."

Speaker Hartke: "Representative Burke."

Burke: "Thank you, Speaker. I would rise to support the Gentleman's Motion to Concur in Senate Amendments #1 and 2, and I would speak to the Amendment #2 which would be the inclusion in the use of the AED, the Automatic External Defibrillator. Inclusion in the Good Samaritan Clause, which would give individuals in our society who are trained

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in the use of the device, the opportunity to resuscitate individuals who suffer cardiac arrest. This device is the only device that would resuscitate an individual who would suffer from cardiac arrest. The Bill, previously, that discussed this issue was House Bill 3564 that fell by the wayside. This is now our only opportunity to assist in saving lives throughout our society. There is no cost to state government. There is no requirement that the device be placed in state governmental buildings as the original Bill asked. It simply says, 'That individuals who are trained in the use of this device may exercise that training and resuscitate individuals without fear of being sued in the future.' So, we're asking for inclusion again, in the Good Samaritan Clause, and I would ask for the Body's favorable consideration of this Concurrence Motion."

Speaker Hartke: "Is there any discussion? Seeing none, Representative Beaubien to close."

Beaubien: "Yes, I move concurrence of Senate Amendment #1 and #2 on House Bill 1217."

Speaker Hartke: "You heard the Gentleman's Motion. All those in favor signify by voting 'aye'; those opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 1217, there are 116 Members voting 'yes', and 0 voting 'no', and this Bill having received the Constitutional Majority, is hereby declared passed. The Chair recognizes Representative Moffitt."

Moffitt: "Thank you, Mr. Speaker. I rise to a point of personal privilege. Would like to introduce the members of the Student Council of Churchill Junior High School in Galesburg, in the balcony over on the east side, if you'd make them welcome, please."

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Speaker Hartke: "Welcome to Springfield. Page 6 of the Calendar, appears House Bill 94. Representative Dart."

Dart: "Thank you, Mr. Speaker, and Members of the House. I move to concur with Senate Amendment #1 to House Bill 94. Senate Amendment 1 was... Senator Radogno and myself have worked on this Bill for about a year and a half to try to answer some concerns and the Amendment delays the effective date as far as when DCCA would have to comply with the different provisions of this Bill. The Bill is supported by the Illinois Environmental Council, Sierra Club, Citizens for Better Environment, and the Illinois Farm Bureau and the Bill passed out of the Senate unanimously. It got overwhelming support here and I would move for the concurrence with Senate Amendment #1."

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

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

Speaker Hartke: "The Sponsor yields."

Black: "Thank you. Representative, I'm sorry, I was on the phone. We've had some flooding problems back in the district and I was on the phone with IEMA. I assume that you've explained Senate Amendment #1."

Dart: "Yeah. Representative, the Amendment would give DCCA a little bit more time in which to work with us on this Bill. They'd asked for more time in which to comply with the requirements of the Bill, which called for a two year market development program. So, the heart of the Senate Amendment is that there was a couple other minor things they did as well, in regards to recycling efforts, but the Amendment basically allowed for that."

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Black: "Okay, it... Now, this Bill doesn't have anything to do with the... reducing the tipping fee and putting money in a pot and...?"

Dart: "No, this had nothing to do with reducing any tipping fees at all. What it does, it has DCCA set up a two year market development program and sets up a two year... and that's a pilot program and it also sets up a two year pilot financial assistance program as well, and it's in the area of secondary markets... secondary material manufacturing enterprises which are the ones that deal with recyclables."

Black: "Would the Bill, as amended in any way, reduce DCCA's pool of money that they now use for recycling grants to communities throughout the State of Illinois?"

Dart: "I'm unaware of whether it would reduce their grants. It would cost them some money to implement this program but it's something that, as I said, we've been working with them for a little while on to try to get their acquiescence to the Bill and it would require them to expend money. I don't believe it was going to cut into their recycling efforts, though. I actually have a list of their present recycling efforts and that's over a million dollars."

Black: "Okay, I'm looking at the Fiscal Note that DCCA filed saying that the Fiscal Impact of these grants is estimated at 1.7 million, assuming that this program would receive 50 proposals and that 35 would be funded at \$50,000 each. So, it appears to me that it does have an impact on the Solid Waste Management Fund, which I suppose could be argued that then communities who are... have been very active in this, would then say, 'Well, gee, we now get smaller amounts of money because you've just diverted a million seven from our Solid Waste Management Fund. 'And there's no appropriation or no way to add money to the fund in this Bill, is there?"

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Dart: "No, I mean, but they could argue that but their argument sort of falls on deaf ears from the standpoint of the fact is, is that we're doing a decent job recycling. But the problem is, you can't just keep recycling for the sake of recycling. Namely, collecting all these things and not using them. The problem is, is there's not a market development strategy right now to do something with the recyclables. So, we are attempting to do that now because otherwise, as I say, it gets to be a real exercise in futility, otherwise, to keep doing this."

Black: "The three pilot projects would be Chicago, Springfield, and where... where's the other one?"

Dart: "I'm sorry, if you could..."

Black: "The three pilot projects. I think I remember reading one was in Chicago, one would be in Springfield and the other in East St. Louis. I found it right here."

Dart: "Yeah, I'm... The Bill itself does not designate those specific areas. It calls for the two year pilot financial assistant program to be specially designed to develop secondary materials manufacturing enterprises in four Enterprise and Empowerment Zones located throughout Illinois. It does not specifically mention those but, Representative, if whether or not it means those, I'm unaware of that."

Black: "Okay, I... you know, the thing I'm having difficulty, and I've been conferring with staff. The low number of the Bill would indicate that this was introduced a full year ago and I was hoping to find a Roll Call. It got out of the House."

Dart: "It passed the House. I believe the vote in the House was 85 to 20, or something."

Black: "Yeah, 85 to 32, and that was in April of '97 and so, it's

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been sitting in one of my favorite rest homes. It's been sitting in the Senate for well over a year. And then all of a sudden it begins to move and I'm having trouble figuring out..."

Dart: "The reason was is it... Senator Radogno agreed to meet with people over the course of the last year. We sat down and worked with DCCA to try to resolve some of their concerns and questions about this. If I could bring it into a nutshell, DCCA's concerns were that they just didn't like us directing them to do certain things and they said, you know, it was going to cost an appropriation hit, as well. The appropriation hit was minimal. In our opinion, that they should be doing this anyways because it defeats the purpose of recycling if all we're doing is collecting aluminum cans and bottles and doing nothing with them then. And that's been part of the problem with the market right now in this area, is there is not a good enough market to sustain these areas... these industries and so, that's what we're attempting to do."

Black: "It sounds... Has DCCA removed the opposition that they had a year ago? Are they still concerned about it?"

Dart: "I believe they're still concerned about it. I don't think they're... I think they may still be opposed to it. As I say, one of the reasons we have held the Bill, when it was held in the Senate was we did have meetings, Senator Radogno and myself, with numerous people on this Bill to try to work out some of these changes. And that was why we made the Senate change to delay the implementation date and the... some of the other changes was to address that."

Black: "Okay. I appreciate that and I appreciate your refreshing my memory as to the origins of the Bill and why it's taken so long to come back. Thank you very much. Thank you, Mr."

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Speaker."

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

Dart: "Thank you, Mr. Speaker. I would just appreciate a favorable vote."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendments #1 to House Bill 94?' This is final action. All those in favor signify by saying 'aye'; those opposed by saying '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 110 Members voting 'yes', 6 Members voting 'no', and this Bill, having received a Constitutional Majority, is hereby declared passed. On page 6 of the Calendar, appears House Bill 884. Representative Kubik. Mr. Kubik."

Kubik: "Thank you, Mr. Speaker. I would move to nonconcur on Senate Amendment #1."

Speaker Hartke: "The Gentleman has moved to nonconcur on Senate Amendment #1. All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' has it and the House does nonconcur in Senate Amendment #1. On page 7 of the Calendar, appears House Bill 1422. Representative Turner. Out of the Record. On page 7 of the Calendar, appears House Bill 1612. Representative Ronen."

Ronen: "Yeah, thank you, Speaker. I wish to concur in Senate Amendments 1, 2, and 3. The... very briefly, the Bill deals with two different issues, a simplified... makes some simple changes to the Marriage and Dissolution of Marriage Act. It changes the provisions in relation to granting of joint simplified dissolutions as follows; that the marriage did not last more than eight years. This has changed from

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the previous five years. The total market value of all marital property is less than 10,000. This is an increase from 5,000. That the combined gross annual income is less than 35,000, which is an increase from 25,000. In addition, Senate Amendments 2 and 3 address the QILDRO issue that, I think, we've discussed at length in this House. Senate Amendment 2 deals with the QILDRO issue. Senate Amendment 3 just makes some technical changes. So, I'd be happy to answer any questions but would ask that my colleagues join me in concurring in Senate Amendments 1, 2, and 3."

Speaker Hartke: "Discussion on the issue? The Chair recognizes the Gentleman from Logan, Representative Turner."

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

Speaker Hartke: "Indicates she will."

Turner, J.: "Representative, I couldn't hear what you said with regard to Senate Amendment #2. What is... What does that do? What does that change?"

Ronen: "Senate Amendment 2 adds language in relation to QILDRO."

Turner, J.: "Well, what's the lan... What language does it add?"

Ronen: "Well, it's... It now makes... Illinois now follows other states and private pension systems in division of marital property where pensions are concerns."

Turner, J.: "Well, I... think that... Well, let me ask this. The Amendment has to on that particular provision, is that contained all in #2? All of that is Senate Amendment #2?"

Ronen: "Yes, it's all in Amendment 2 and then, Amendment 3, Representative, just makes some technical changes. So that basically, the change we're making is that when the... two persons are married, they divorce when the... the divorced person later retires and receives his pension benefits, those benefits then, the pension funds writes a check to

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both of them at the same time that those... at the time of divorce, that marital property is divvied up and the portion that the spouse is eligible for is then automatically given to her at the time the other spouse retires. The pension system, rather than writing one check, writes two checks and rather than the ex-spouse having to file a claim against this, it automatically happens."

Turner, J.: "All right. That seems to me you're describing language that we passed out of this House.

Ronen: "Yes, Yes."

Turner, J.: "Now, you're telling me the Senate changed it. What did they change?"

Ronen: "They didn't. This is, as I was saying, this is similar legislation. We've discussed this... yeah, I should say identical legislation. This is the same identical language related to QILDRO that is now part of 1612, which relates to another issue, Senate Amendment 1."

Turner, J.: "All right, so, what we debated in the House, that particular part of the... "

Ronen: "Yes."

Turner, J.: "... Legislation is still intact and if we vote 'yes', we'll be voting for that?"

Ronen: "Yes, exactly, exactly. This is identical... identical language. What's different in this Bill, Representative, is Senate Amendment 1. When we passed House Bill 1612 last year, it just related to the issues in Senate Amendment #1, dissolution of marriage, making those simple changes. Changing the number of years and the income levels. In the Senate then, the agreements that were reached in relation to QILDRO were added in the Senate as they were here in the House. So, we have two different vehicles that have

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identical language, but each vehicle includes language related to other issues."

Turner, J.: "My analysis also says that Senate Amendment #2 changes requirements for parties seeking joint simplified dissolution. Is that correct? Is that what Senate Amendment #2 does?"

Ronen: "That's Amendment #1."

Turner, J.: "That's Amendment #1 and not #2?"

Ronen: "Well, maybe I'm backwards here, let me... You're right. You're correct. Amendment #1 was QILDRO language, Amendment #2 is the differences that you talked about in dissolution of marriage and then Amendment 3 makes technical changes to Amendment 1. So, you're correct. I had the order wrong."

Turner, J.: "All right. Why are we changing the law with regard to joint simplified dissolutions?"

Ronen: "Well, this... This was proposed by all the bar associations. These levels have not been changed in years and it was just a matter of bringing them more in line with what people thought was reasonable numbers."

Turner, J.: "So, you're saying these changes are... come up as a result of negotiations between the bar associations... Chicago Bar Association, Illinois State Bar Association?"

Ronen: "Yes, we were... Exactly, these were suggested by them. Years ago it applied when marriages did not last more than five years. We're increasing that to eight years. Where the... the money levels were increasing just as a result of inflation of...."

Turner, J.: "What's the definition of 'a joint simplified dissolution?'"

Ronen: "That's an excellent question and not having a lawyer right next to me, but I would just say that's where two

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parties agree to... it's an agreed to dissolution of the marriage, and therefor... and the three criteria that we talked about are in place. It used to be that the marriage didn't last for five years. We're changing that to say that the marriage didn't last for more than eight years. Also, that the total market value of all marital property is less than 10,000, where it used to be 5,000 and then the third criterion would be that the combined gross annual income is less than \$35,000 and that neither party has a gross annualized income from all sources in excess of \$20,000. Presently, the law states that the combined gross annual income cannot be more than 25,000. So, those three criteria have to be present in order for there to be a joint simplified dissolution of the marriage."

Turner, J.: "In such a dissolution, do grounds have to be pleaded and proved?"

Ronen: "I'm not sure. We're seeing if we have a lawyer in the House. The answer I'm told is, 'yes'."

Turner, J.: "I'm sorry, did you say, 'yes', Representative?"

Ronen: "Yes, I did."

Turner, J.: "Well, does your... does this Amendment change the No Fault Divorce Law at all?"

Ronen: "No, I don't believe it does."

Turner, J.: "I'm sorry, Representative, I couldn't hear you again."

Ronen: "I don't believe it does."

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

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

Ronen: "Thank you, Speaker, Members of the House. I would ask all my colleagues to join me in supporting this very important piece of legislation. Now, in Illinois is going

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to take it's place with other states in private pension service, private pension plans and insure that marital property is divided in a way that's fair to all parties. I urge all my colleagues to concur in Senate Amendments 1, 2, and 3."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendments #1, 2, and 3 to House Bill 1422 (sic-1612)?' All those in favor signify by voting 'aye'; those opposed signify by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 1612, there are 116 Members voting 'yes', 0 voting 'no', and this Bill having received the Constitutional Majority, is hereby declared passed. House Bill 2446, Representative Brady. Representative Brady."

Brady: "Thank you, Mr. Speaker. House Bill 2446 is a measure which expands the definition of 'home invasion' to include Orders of Protection as it was passed by the House, sent to the Senate, the Senate amended it to include other court orders which would have prohibited occupancy. This Bill, I believe is agreed, and I would ask for your favorable support."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 2446?' All those in favor, signify by voting 'aye'; those opposed by voting 'no'. The voting is open. 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 the House does concur in Senate Amendment #1 to House Bill 2446, and this Bill having received a Constitutional Majority, is hereby declared passed. House

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Bill 2466, Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I ask that we concur in the Senate Amendments. What Senate Amendment #1 does is make sure that the penalties for violating a school crossing guard also apply to police officers or firemen who are also serving... who may also be serving in that capacity. So, it makes the Bill apply to all people who may be guarding children as they cross the street and I would urge an 'aye' vote."

Speaker Hartke: "Discussion on the Bill? The Chair recognizes Representative Cross, the Gentleman from Kendall."

Cross: "Will the Sponsor yield?"

Speaker Hartke: "Indicates she will."

Cross: "So, Representative, a crossing guard... does this give a crossing guard the authority to issue a ticket, a traffic ticket?"

Schakowsky: "No, Sir, it doesn't. It would say that if a crossing guard were put in danger that a police officer who may ticket that person who put them in danger for not obeying that, that... the fine would be \$150."

Cross: "What's the definition of a school crossing guard? I remember when I used... Go ahead."

Schakowsky: "We're not changing the definition at all of a school crossing guard."

Cross: "Well, what is it? I don't know that there is a definition, is there?"

Schakowsky: "Someone who is designated, invested with the authority to direct, control, or regulate traffic and I guess elsewhere in the law, I think it is defined, in fact."

Cross: "Well, I can remember back when I actually directed traffic in the City of Chicago when I was in school, and I

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would get one of these orange belts on and be a patrol boy.

Is that what we're talking about?"

Schakowsky: "No, it is not."

Cross: "Well, then... so, what is a school crossing guard?"

Schakowsky: "Someone designated by the school district to guard the traffic."

Cross: "I was designated by the school district to be a patrol boy with the Chicago Public Schools. Now, I think we have a problem in not defining what a school crossing guard is because as a patrol boy, I could have been given authority... or I would have been given authority by the school district. And I'm not sure we want fifth graders having the authority to have people arrested and charged with a fine... charged with offenses."

Schakowsky: "Later on, it talks about a uniformed, adult school crossing guard. Later on, it talks about a uniformed, adult school crossing guard."

Cross: "I'm sorry, Representative, I didn't follow that. I guess I go back to my question of where's the language in the Bill that says it's not a patrol boy?"

Schakowsky: "Well, patrol boys are not crossing guards. We're talking about uniformed, adult crossing guards."

Cross: "With all due respect, the wording... the language, 'uniformed adult', has been crossed out. We're talking about a school crossing guard, and there's no definition and there may very well be a definition of a school crossing guard but if you could point that out to us, either in the underlying Bill or the Amendment, it would be fine 'cause your main Bill says we can suspend the driving privileges of a person that doesn't follow... a crossing guard."

Schakowsky: "No, actually, the Senate Amendment just allows the

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mandatory fine of \$150 for that offense."

Cross: "What would be a lawful order of direction a patrol boy or crossing guard would be... give us an example of something that they would be vio... that they could give an order that someone could violate."

Schakowsky: "Actually, this was brought to me by a police officer in Evanston where we had a situation where an adult, uniformed school crossing guard was knocked down by a car. She was being followed by four little children and the only penalty that was available was a minor ticket for that driver. And so, this was brought to me by the police department in the City of Evanston and was... we passed the underlying Bill out of here unanimously and the Bill in the Senate came out unanimously. And the reason for the change was, we wanted to make sure that we didn't just apply it to uniformed school crossing guards but that we would also protect police officers and firemen who were in the same situation, Representative."

Cross: "Well, why did you take out... why did you delete, 'uniformed adult'? So, which leads us to believe that it would include patrol boys? Are we talking about... 'cause you don't say... 'Uniformed adult' makes sense, but by deleting the term... the words, 'uniformed adult', I'm assuming we're talking about kids as well, because many schools utilize kids as crossing guards."

Schakowsky: "My understanding is that school crossing guards are usually under the police department and have a specific definition. I'm not really sure but, certainly, we're not... you're not saying that you don't want to protect, even if it were children, from being disobeyed and to be knocked down. I'm mean, I'm certain that you want to protect them as well."

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Cross: "I don't think this has... Representative, of course not. I certainly don't want anyone to be knocked down and neither does anybody else in this chamber. But you are avoiding the question of, does this include adults, or does it include kids? Now, if you have a fifth grader on the side of the road trying to direct traffic and someone doesn't see that fifth grader, you're now setting them up to be given a ticket. And I just think we need to use some discretion because you have now deleted, 'a uniformed adult', and you can't yet tell me what a school crossing guard is. And this is a Bill that's going to make it a penalty or an offense that we're going to give someone who could lose their driver's license."

Schakowsky: "Well, certainly, Representative, again, I would hope you... I'm sorry that I don't know the thinking of the Senate and I don't have the full Bill and I'm not surrounded by staff..."

Cross: "Well, this is your Bill."

Schakowsky: "I understand that. But the point of the Bill is completely valid that we want to make sure that if a school crossing guard, or a police officer, or a fireman, who is serving as a crossing guard is endangered, that we have more options than just giving a simple traffic ticket, that we actually do protect those individuals. And I am really at a loss here why this point is so important to you. I would think that you would want to protect all those who are officially designated to guard little children from crossing the street."

Cross: "Well, there are times when little children are guarding the streets and I'm not sure that little children have the ability to testify in court. We, as... I'm sure you know, Representative, or maybe you don't, that there are times

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that we don't let kids testify in court. They have to be qualified before their testimony is allowed. And I'm not so sure that we want a fourth grader or a fifth grader... certainly, there are times when we do. But there are other times when they're not qualified to testify in a court of law. And you are now creating a penalty, and potentially, if I'm reading your Bill correctly, and I've heard nothing to the contrary that we're going to take away the driving privileges of a person based on a fifth grader's testimony, and having asked that does not mean or to suggest that we don't care about protecting people."

Schakowsky: "The Amendment in the Senate only says that we will levy a \$150 fine, that it becomes a petty offense, which is an increased penalty over what it was, and so I would think that this would be a good thing to do."

Cross: "Will a second violation result in a one year suspension? And I guess, Representative, the reason I continue to ask questions about the fifth grader, but you know certainly you would agree that an adult, male or woman, that's standing in the street with their arms out saying, 'Stop, we've got some kids going by', is a little different scenario than a young person with a safety belt on trying to stop traffic and it may be confusing for motorists. And that's why I think it's important that you tell us, give us for once an accurate definition of what a school crossing guard is."

Speaker Hartke: "Mr. Cross, are you finished with your questions?"

Cross: "As soon as she can... well you know what, I'm through. I'm obviously not going to get any answers."

Speaker Hartke: "The Chair recognizes the Lady from Cook, Representative Gash. For what reason do you rise?"

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Gash: "Thank you, Mr. Speaker. I just wanted to say that on House Bill 2446, apparently my button was pushed twice and recorded as not voting. I would like the record to reflect that I intended to vote 'yes'."

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

Durkin: "Sponsor yield?"

Speaker Hartke: "She indicates she will."

Durkin: "Representative, will these crossing guards have the ability to issue citations on the spot? Are we giving them that authority?"

Schakowsky: "No, we will not."

Durkin: "Who will be enforcing and issuing the citations against the individuals who are in violation of this... of this proposal?"

Schakowsky: "A police officer."

Durkin: "Now, in the case of a minor, if they do violate this provision and a fine is assessed, is it... are the parents going to have to pick up the fine for the minor who commits this offense?"

Schakowsky: "The fine would be against the... against the driver. As it is, we're talking about a police officer issuing a ticket to a driver who disobeys a police officer, a fireman, or a crossing guard."

Durkin: "Does this Bill specify it has to be somebody who's driving the automobile? How about it's somebody who is walking across an intersection and the traffic guard says you cannot walk at this time. He has his arms extended. Will that person be in violation if he refuses to comply with that officer by walking through the intersection when that crossing guard does not want them to walk through the intersection?"

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Schakowsky: "No, the intention is... it deals with regulating traffic."

Durkin: "I don't see that in the Bill. Because what... what I see is that we are going to have someone who is going to walk against the crossing guard who is crossing an intersection, and the second time that they do this, they are going to be subject to a suspension of their driver's license and that Bill does not distinguish between someone who is in the act who is walking and violating that act, or somebody who is driving and violating the act."

Schakowsky: "We already have as law, it doesn't change that, 'that no person shall willfully fail or refuse to comply with a lawful order to obey those... those individuals.' So, that isn't changed, Representative. What we're saying is that there is now a tool when a driver would endanger the life, that we could do a greater fine. But, there's already the ability here to enforce the law."

Durkin: "Well Representative, what we're doing is we're saying, 'Well, that is the law', but that doesn't mean that something that's been passed a number of years ago is good. What I see is that there is going to be an adult who is going to walk across an intersection two times, and they're going to say he violated that... the orders of the guard, and we are going to suspend their license by that action. Second of all, what type of a due process rights will these individuals have? Can they... is there a trial which is... which they will have on the first offense?"

Schakowsky: "Whatever the laws that apply to the imposition of a petty offense, will certainly be available."

Durkin: "I do not know what the laws... what are the due process rights of somebody who has been charged with a petty offense. I'm not sure if one of the lawyers over there

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knows. I'd like to know, cause I... I... if we're going to start suspending someone's drivers license, we are depriving them to some type of liberty right, and I want to know whether or not this person has any type of due process appeal rights, or is able to cross-examine witnesses as we do in a regular court of law before an administrative agency."

Schakowsky: "Representative, there is no provision for suspending licenses. The Senate Amendment replaced the Bill and all it does is apply a \$150 fine as a petty offense."

Durkin: "But, we are going to suspend their license on the second offense, correct?"

Schakowsky: "No, Sir. There is nothing on there that says that. The Amendment replaced everything in the Bill, and only has the mandatory fine of \$150 as I can see."

Durkin: "All right, but... but a child who walks across the street and he's in violation of this, he will be fined? The parents will be fined? I'm just saying, this... the way this Bill reads, if my son who is eight years old, he walks across the intersection against the will of the traffic guard, and he is in violation of that fine, he's going to be... the parents will be held to pay the fine, correct?"

Schakowsky: "No, Representative. I think that this a deliberate effort to misinterpret this Bill. The law... the legislation here is to go after that driver who endangered the lives of those children who are following the crossing guard. There has always been on the books, a law that says that you have to obey the crossing guards. We have not had a rash of children being accused in courts of law of not obeying crossing guards or policemen. The issue here is, that we're going to give another tool to law enforcement to

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protect our children from drivers who recklessly go through an intersection."

Durkin: "Well, that's great. But the fact is, this Bill does not say that. It says anybody who violates the orders of the traffic guard is going to be held accountable. He's going to be charged with the petty offense the first time and the second time they are going to be held accountable. Like I said before, because we've just... these two chambers passed a Bill 10, 15 years ago, doesn't exactly make it a good law. We've passed things out of here everyday, and I think that we regret. But the fact is, this is not a deliberate attempt to cloud the issues. But the fact is, I think that we're going too far and we're going to have situations where you're going to have an overly zealous traffic guard who is going to say these people have violated that... they crossed the intersection against my will everyday, I... I am asking you to go issue them a citation. And therefore, these kids are going to be assessed a penalty. The parents are going to be paying the fines. I think this goes too far."

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

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

Speaker Hartke: "Indicates she will."

Turner, J.: "Well, Representative, I was prepared to vote for your legislation, but the last Representative I thought asked some pertinent questions that you seemed to feel, I guess, differently, but I'm just now reading the Amendment. The Amendment becomes the Bill as I understand it?"

Schakowsky: "That is correct."

Turner, J.: "And you took out the language with regard to suspension of driver's license. Why did you do that?"

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Schakowsky: "The Senate decided to do that and we thought that this at least moved forward the increased fine and that that was a good thing to do."

Turner, J.: "Well, your concurring though with what the Senate wants to do. Are you not?"

Schakowsky: "And as I just now said, I thought that this Bill was a step forward and worth doing."

Turner, J.: "Representative Durkin says, and I'm looking through this as well, it does have... your Amendment that your concurring in doesn't make reference to the requirement that a person has to be driving a vehicle. Do you disagree with that?"

Schakowsky: "It refers to regulating traffic and I think that in that sense that we're talking about traffic. We're talking about automobiles."

Turner, J.: "All right, so your interpretation of the language is because the two words 'regulate traffic' are included in, that therefore is confined to vehicles, and would not affect somebody who is just walking down the street and fails to obey a school crossing guard."

Schakowsky: "Well, Let me state clearly then for legislative intent that, yes, that is the purpose."

Turner, J.: "What happens if a vehicle is being driven and does not follow the crossing guard's direction, that person simply says 'Well, I didn't do it willfully, I just didn't see it, or the sun was in my eyes, or didn't understand what the signal was that was given.' Like in a speeding case, it doesn't require any willfullness and in any other traffic offense or petty offense, no willfullness is required. These people that disobey a crossing guard can simply, as a defense under your Bill, simply suggest that it wasn't willful. They didn't do it intentionally and

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therefore, not be able to be fined. Is that correct?"

Schakowsky: "If they can convince the police, I suppose, that it was an accident, then whatever would pertain in terms of penalties, would pertain. Yes. Not that they would get off scot-free necessarily, but that they would not be violating this which says they just wouldn't comply."

Turner, J.: "It's unlike other traffic pro... or vehicle provisions under the Vehicle Code or petty offenses, where it doesn't require willfulness. Your Bill requires a willful, intentional, failure to follow a crossing guard's direction, is that correct?"

Schakowsky: "My legislation amends the portion of the law that already has the word 'willfully' in there and makes for a greater penalty."

Turner, J.: "Well, don't you think it would be a good idea to correct that? Don't you think someone who fails to obey a crossing guard ought to be penalized, and don't you think that putting the standard of willfulness in there is a mistake, and one that you should correct with your Amendment?"

Schakowsky: "Representative, our... we're assuming if they fail to comply as opposed to just drive through because the sun is in their eyes, that that does imply willful and that they would deserve this higher penalty. In any case, knocking someone down in an intersection, for whatever reason, will get some sort of fine as we saw in the Evanston case. But willfully, would get a greater fine."

Turner, J.: "So, there's already a provision that if it's a negligent failure to comply with a crossing guard, there's already a provision into the... in the Vehicle Code which penalizes that person who's negligent as opposed to willful? Is that what you're telling me?"

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Schakowsky: "That's endangering a pedestrian in a crosswalk does exist, but this would say... this would enhance the penalty for willfully failing to comply."

Turner, J.: "The \$150 fine provision, does that apply to first-time offender, or second time offender, or subsequent offenders, how does that work?"

Schakowsky: "This is for the first-time offender, for any offender at this point."

Turner, J.: "Mr. Speaker, I need another minute. I'm sorry Representative, did you say that applies only to a first-time offender?"

Schakowsky: "Yes."

Turner, J.: "Is there an enhanced penalty for a second and subsequent offender?"

Schakowsky: "No, the Senate..."

Turner, J.: "Why not?"

Schakowsky: "The Senate took that language out and as I said, though I would have preferred it, I believe at least this is a step forward."

Turner, J.: "The crossing guards, will they be agents of the city or town, or are they agents of the police force? What are they?"

Schakowsky: "They can be, any of those."

Turner, J.: "Do they issue the ticket? They issue a uniform traffic citation or ticket or complaint?"

Schakowsky: "No, they can't. No they can't."

Turner, J.: "They cannot do that?"

Schakowsky: "No they cannot."

Turner, J.: "They make a report to whom then, the city officials or to some police agency?"

Schakowsky: "What would happen is, I asked that of our police officer, and he said that at corners where there would be a

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problem, they could have a police car there who then could issue that ticket."

Turner, J.: "So, as I understand it then, they'd go to the police, and the police would issue the ticket based upon what they have been told by the crossing guard, is that what you...?"

Schakowsky: "No, No, the police officer would have to be at a dangerous corner watching for that. No, they can't after the fact, get a ticket issued."

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

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Cook... or from Du Page, Representative Biggins."

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

Speaker Hartke: "Indicates she will."

Biggins: "Now Representative, there is a possibility you might have some influence on the citizens of Washington, D.C. in the near future. I think that comes under government oversight. I don't know if it extends to the enforcement of the laws regarding crossing guards, but is this part of your crime-fighting package for Washington, D.C. in the event that you may be... have an influence over that city?"

Schakowsky: "I'm really not sure exactly what you asked, but this..."

Biggins: "Give up. If I may ask another question, the... it says that the Secretary of State, may as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitation program. Now, can you describe a remedial or rehabilitation program involving the disobedience of a crossing guard's hand signal?"

Schakowsky: "Actually, this Bill is now a one sentence Bill,

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Representative, that says, 'Any person convicted of violating this Section, is guilty of a petty offense, and shall be subject to a mandatory fine of \$150.' That's really it in this Bill. That's the Bill."

Biggins: "Okay, well then I think there's a certain implication in the whole Bill, and that is that the crossing guard's signal was correct for public safety reasons. What if the 12 year old crossing guard were to issue a signal that indicated a motorist should proceed, but the motorist saw that there might be danger to... because of another oncoming vehicle or because of children in the crosswalk or something and they disobeyed the crossing guard's signal. Would they still be required to give up their license for disobeying the signal of the crossing guard?"

Schakowsky: "Well, that then would become an issue in the case, Representative, like any other traffic violation."

Biggins: "Thank you."

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

Schakowsky: "Thank you. This is a very simple Bill brought to me after we had a very dangerous incident in Evanston where a school crossing guard with four children behind her was knocked down, and we found that there was the opportunity only for a very minor traffic ticket. This is an effort to say that one cannot disobey a crossing guard without facing a \$150 fine, and I would really appreciate on behalf of our Evanston Police Force and I think that... and the crossing guards that you vote 'aye' on this Bill."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 2466?' This is final action. All those in favor signify by voting 'aye'; those opposed by voting 'no', the voting is open. Have all voted

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who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 98 people voting 'yes', 18 people voting 'no', and 0 voting 'present', and the House does concur in Senate Amendment #1 to House Bill 2466. And this Bill, having received the Constitutional Majority, is hereby declared passed. Committee Reports."

Clerk Rossi: "Representative Currie, Chairperson from the Committee on Rules, to which the following items were referred, action taken on May 20, 1998, reported the same back with the following recommendation: 'be approved for consideration' Conference Committee Report #2 to Senate Bill 1031; and be approved for consideration Senate Joint Resolution 61, and Senate Joint Resolution 64."

Speaker Hartke: "On page 7 of the Calendar, appears House Bill 2565. Representative Erwin."

Erwin: "Thank you, Speaker. I stand in support of the Concurrence Motion on House Bill 2565. Senate Amendments 1 and 2 were moved by agreement of the House Higher Education Committee. Two portions of this Bill, one of them dealt with a textbook rental program, the other one dealt with tuition waivers by agreement of the House Sponsors. Those portions of the Bill were removed by Senate Amendments 1 and 2. What is remaining in this Bill, is a... an incentive program that will... we hope be implemented through the Board of Higher Education to encourage traditional undergraduate students, basically 18 to 22 year olds, to try and finish their undergraduate degree program within four years. It encourages universities to try and concentrate on providing more counseling hours to students. So that, in fact,... between scheduling classes and counseling times, students will be able to finish their

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course work. Right now, the State of Illinois spends about \$14.5 million on fifth year monetary award programs. I think that while we are working on welfare-to-work issues, we know that nontraditional college students have a different set of needs. On the other hand, for traditional 18 to 22 year olds, we want to encourage them to complete their undergraduate work within a four year period. This Bill, along with trying to encourage ISAC to allow monetary award grants to be used in summer school should help. Western Illinois University has a good model. It's called Grad Track, and we just want to encourage the other public four year universities to also implement such a program, and I encourage your support."

Speaker Hartke: "Discussion on the question? The Chair recognizes the Gentleman from McDonough, Representative Myers."

Myers: "Thank you, Mr. Speaker. I rise in support of this Bill. As was mentioned by Representative Erwin, Western Illinois University does have this program in existence. They are proud of their program. They want to make sure that the students that come to Western Illinois University have the opportunity to graduate in four years. By virtue... of this opportunity there is a contract between the student and the university that both parties try to adhere to, to make sure that that four year education is acquired. In the event that that education is not completed in the four years, then the university admits that they are not... that they are liable for.. or responsible for the financial cost of completing the rest of the term. So I think that this is a good program that encourages all public universities to help hold down the cost of education. Many of us, from time to time, go four, five, six years to get a bachelor's

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degree. The parents of these kids that are paying for the college education want to make sure that costs are held to a minimum. This is definitely one way to encourage the students and the university to cooperate fully to make sure that those costs to the parents are held to the minimum level. So, I encourage everyone to support this... this Bill and ask for an 'aye' vote."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from De Kalb, Representative Wirsing."

Wirsing: "Thank you, Mr. Speaker, Members of the House. I stand in strong support of the initiative here, relative to House Bill 2565. I think it's important to just to reemphasize the fact that this is an effort, as we've often heard conversations in recent years about students being able to graduate in a four year time frame with their undergraduate degree. I think this is a move in the right direction to create those kind of incentives, so that we can... so they can expect to have that happen. And I just wanted to rise in strong support for it and hope for a favorable vote from all Members."

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

Skinner: "Mr. Speaker, I'm having a hard time figuring out what's going on in this Bill, and I guess it's probably just the time of the Session where you can't understand what's happening on almost any Bill because there are so many different ideas thrown into it. I wonder if the... the Sponsor would answer a couple of questions?"

Speaker Hartke: "She indicates she will."

Skinner: "What is this 50% tuition waiver for children of long-term employees of state universities? I thought we gave children of professors a 100% tuition waiver?"

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Erwin: "Representative Skinner, as I mentioned in my explanation, Senate Amendments 1 and 2 remove the portion to which you just referred from the Bill."

Skinner: "How?"

Erwin: "So, that is not in the Bill. That was House Amendment #3. It was removed by Senate Amendment 2, it is no longer in the Bill."

Skinner: "Oh, it got to be a better Bill then. Okay, now I certainly am among those who are appalled that our state universities look at their success rate, measure their success rate by... what percentage of their students can graduate in six years? Now, how is this going to help them... students these days graduate in the four years that virtually all of us did?"

Erwin: "Representative, that is exactly the point of this Bill. The issue is that we have not been paying attention, in my estimation, of the timed degree data coming out of public universities in this state. And in fact, while you and I may have graduated in four years, some of us may have had to go to summer school here or there to pick up a course or two. Right now, many public universities in the State of Illinois, I am afraid may view the student population as sort of head count if you will, Representative. And so, it doesn't... it might not much matter if it takes someone five years, six years, seven years to graduate. For an 18 to 22 year old, because I think it's worse separating out the working parents who it might take ten years because they are holding on to full time jobs and raising families at the same time, for the traditional 18 to 22 year old, this Bill attempts to tell the Board of Higher Education that we want them to pay attention to timed degree. That in fact, we want the BHE to look at a program like Western

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Illinois University is doing, and actually entering into a contract with students in saying, 'If you will agree to keep your nose to the grindstone, we, the university, will commit to providing counseling time. We will work out your schedules.' It does take some administrative attention, Representative Skinner. The fact of the matter is, we have not been paying attention to this and that's why it's gone to six years. So, your concern is exactly what this Bill is addressed to."

Skinner: "Alright, so we got touchy-feely counseling time, which I consider basically irrelevant. But you mentioned something that might be relevant and that would be, they would make sure they would schedule the courses so the kids could actually get them in four years, that they wouldn't... that the college students would not be able to use the excuse, 'Well I needed to have this required course but it wasn't offered at a time I could take it.' Is that... is that something about what your aiming at?"

Erwin: "Well, that's part of it but you know, I don't want to get into...the fact of the matter is, if you look at the data that is gathered by private universities versus public universities, one of the biggest indicators is counseling hours per student. Private universities graduate more undergrads, 18 to 22 year olds, in four years, and one of the key indicators is they spend more time with these students and their families, helping them through the maze of course work. And it is in fact, an indicator as to how students do complete their course work earlier time. It's not the only thing. All I'm saying is, that I think the public universities need to be paying more attention to this because taxpayers are paying for the cost of the five to six years. So, yes, you are right and I urge your

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support."

Skinner: "Alright is there anything else in the Bill?"

Erwin: "No there is not."

Skinner: "Okay, well I would just like to put one parentheses in here. The reason that kids in private colleges get out in four years, is because it costs so darn much and their parents are saying, 'You only get four years kids. We're not going to give you five, we're not going to give you six.' I think a... similar motivation might work in public universities if we raise the tuition to something akin to what it costs. I mean, I'd settle for one third of what it costs. There are some universities like SIU and I think it's in Edwardsville, ..."

Speaker Hartke: "Further discussion?"

Skinner: "...That charges 21% of what it costs to educate kids. No wonder they want to stay six and eight years. Thank you."

Speaker Hartke: "Representative Erwin to close."

Erwin: "Thank you. I urge your 'aye' vote on this concurrence Motion."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendments #1 and 2 to House Bill 2565?' This is final action. All those in favor signify by voting 'aye'; those opposed by voting 'no', the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? On this question, there are 116 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. The House does concur in Senate Amendments number 1 and 2 to House Bill 2565. This Bill having received a Constitutional Majority, is hereby declared 'passed'. House Bill 2802, Representative Stephens."

Stephens: "Thank you, Mr. Speaker. I would move to concur in

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Senate Amendment #1 to House Bill 2802. Twenty eight zero two passed out of here, it's a school transportation Bill. It was a grant program when it left the House. The Senate in its wisdom, Senator Clayborne, changed that grant program into a loan program. This passed out 115 to 0. If you were for the grant program, I would assume you want to be for the loan program. Be glad to respond to any questions. I move its favorable consideration."

Speaker Hartke: "Is there any discussion? Seeing no... no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 2802?' And This is final action. All those in favor signify by voting 'aye'; those opposed by voting 'no', the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 Members voting 'yes', 0 voting 'no', and 0 voting 'present', and the House does concur in Senate Amendment #1 to House Bill 2802. This Bill having received a Constitutional Majority, is hereby declared passed. On page 8 of the Calendar, appears House Bill 2899, Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker. Representative Joe Lyons and I have worked together on this Bill all along and with your permission, Mr. Speaker, I would appreciate it if the Amendment could be explained to the Body by Representative Joe Lyons."

Speaker Hartke: "The Chair recognizes Representative Lyons."

Lyons, J.: "Thank you, Representative Cowlshaw and Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2899 was an initiative of Mothers Against Drunk Driving. The original Bill placed the offense of reckless homicide into the truth in sentence category, thereby requiring offenders sentenced

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to this crime to serve no less than 85% of their sentence. It passed out of committee in the House 15 to 0. The House passed it 115 to 0. And in the Senate... Senator Kirk Dillard's Leadership, they had decided to amend and we agree to concur in Senate Amendment #1, to basically remove the 15% of those people who are charged with this crime and or sentenced under this, to not necessarily be eligible to serve the entire truth in sentencing requirement of 85%. So, people who are charged with this and have not been involved with alcohol or drug related offenses, which is about 15% of those who are charged in this situation, would not be penalized and would be eligible for an early release, for good behavior, et cetera. So it's a good Amendment. Representative Cowlshaw and I both agree with it, and we are asking your support on this Bill as amended. We are in concurrence to this Amendment. Thank you."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, Representative Cowlshaw to close."

Cowlshaw: "Thank you very much, Mr. Speaker, and thank you Representative Joe Lyons, for all of your help with this Bill. Mr. Speaker, before we vote on this Bill, I would like to request please, that we might regard our discussion today and this Bill as it goes to the Governor, as a memorial to four young women who were killed in an auto accident in my district last fall. The driver of the vehicle that caused this tragic accident was drunk. Three of these young women were students at Waubonsee Valley High School. One of them was a young widow, the mother of three very young children. All four of those young women were killed before the great promise of their life could ever be fulfilled, by a drunk driver. Hopefully, this legislation will help to discourage anyone from ever again getting

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behind the wheel of a car when they have been drinking. I urge your support for House Bill 2899."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 2899?' This is final action. All those in favor signify by voting 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 Members voting 'yes', 0 voting 'no', and 0 voting 'present', and the House does concur in Senate Amendment #1 to House Bill 2899. And this Bill having received a Constitutional Majority, is hereby declared passed. On page 8 of the Calendar, on Concurrences, appears House Bill 3249. Representative Lopez, for what reason do you rise?"

Lopez: "Thank you, Mr. Speaker. I rise on personal privilege."

Speaker Hartke: "State your point."

Lopez: "I'd like to welcome today, Anderson School. They are a school in my district. They are right behind me in the gallery if we could all give them a nice reception, thank you."

Speaker Hartke: "Let's give them a welcome to Springfield. The Chair recognizes Representative Zickus."

Zickus: "Thank you, Mr. Speaker. I also rise on a point of personal privilege and I would like to introduce to you today, Julia Amador. Julia was the first place overall winner in the bicycle safety contest today. Please welcome Julia, her mom, dad, and her sister Angela to Springfield. Thank you."

Speaker Hartke: "Congratulations, and welcome to Springfield. Is Representative Noland in the chamber? Would you like to present this Bill? Representative Noland on House Bill 3290...Excuse me, 3249."

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Noland: "Speaker, I'd like to move to concur with Senate Amendments 1, 2, and 3."

Speaker Hartke: "Would you explain the Amendments?"

Noland: "Excuse me?"

Speaker Hartke: "Would you explain the Amendments?"

Noland: "Senate Amendment #1 would authorize the Department of Natural Resources to... to execute and deliver to the Village of Ramsey for consideration of \$1.00 certain real property consisting of right of way to the Illinois Central Railroad. There is no known opposition. Senate Amendment #2 provides the Director of Department of Natural Resources to... for consideration of \$32,300 delivered to Libman Equipment Partnership, a quitclaim deed to property in Douglas County. And Senate Amendment #3 adds to the Bill, eight more land conveyances for a total payment of \$21,371 in the counties of Du Page, Lake, Whiteside, McLean, McLean, Jefferson, McLean and Madison."

Speaker Hartke: "Is there any discussion on the Amendments? Senate Amendments #1, 2, and 3 to House Bill 3249? The Chair recognizes the Gentleman from Vermilion, Representative Black."

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

Speaker Hartke: "Indicates he will."

Black: "Representative Noland, where is he? I'm sorry, Representative, where are you? The... could you get the Gentleman in this aisle here to sit down, so I can see the Sponsor of the Bill? Mr. Speaker, Mr. Speaker."

Speaker Hartke: "Yes, Sir."

Black: "I'm not getting any cooperation here."

Speaker Hartke: "Representative Noland, would you please answer the question?"

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Black: "There are people standing in the aisle I couldn't see Representative Noland. Would he stand up?"

Speaker Hartke: "Representative Noland."

Black: "All right. All right. How many land conveyance parcels are in this package, total?"

Noland: "In these Amendments, or the entire House Bill?"

Black: "No, as amended, how many conveyances are there in the Bill? Do you have any idea?"

Noland: "There's like maybe hundreds of thousands."

Black: "Hundreds of thousands of conveyances?"

Noland: "No, no wait a minute. That's another Bill. No that's another bill wait a minute."

Speaker Hartke: "Excuse me Representative Black, Representative Noland. Ladies and Gentlemen, could we have some order here in the chamber. It's getting very noisy and it's very difficult to hear. Representative Black, shhhhh, please."

Noland: "Mr. Black we're estimating 25."

Black: "Twenty-five conveyances. Okay, now have all of the conveyances had an appraisal?"

Noland: "Yes they have."

Black: "And all of the local units of government are in sync with all of the conveyances?"

Noland: "This is all agreed to. There is no quick take. There is a complete understanding, proper appraisals and agreed to prices."

Black: "Are any of the conveyances in question privately owned property?"

Noland: "There is one that I'm aware of, Libman Equipment Partnership."

Black: "Are they..."

Noland: "In Douglas County."

Black: "And I assume then that they are in agreement. We are

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not... what I'm getting at, there is no use of eminent domain nor any use of quick take in these conveyances."

Noland: "Mr. Black, Senate Bill 1701 does have quick take provisions used, but this Bill does not."

Black: "That was a very confusing answer, Representative."

Noland: "Well there's a Senate Bill involves quick take."

Black: "Oh, all right."

Noland: "This Bill does not."

Black: "Okay. So I assume that the private entity that owns land that is being conveyed, is in complete agreement with said conveyance. Are they... are they trading parcels? Are we giving them a parcel of land for a parcel of land that the private entity owns? So, it's conducive to both parties?"

Noland: "In this case, we are paying... \$32,300 being payed to the Department of Natural Resources for real property in Douglas County. So in this case, we are paying... \$32,000 being paid to the department in this case."

Black: "We're buying private property for what agency, IDNR?"

Noland: "I'm sorry, Mr. Black."

Black: "Yes."

Noland: "Senate Amendment #2, DNR is delivering... is delivering property to this company for \$32,300."

Black: "All right. Now that's what I'm interested in. So we're selling public land to a private company for \$32,000?"

Noland: "That is correct."

Black: "What was the appraisal of that parcel? Do you have that information?"

Noland: "I do not have that appraisal with me. However, I'm aware that this is identical to Representative Ryder's Bill, House Bill 2390."

Black: "The land that DNR is selling, is it adjacent to or contiguous to any park, wildlife preserve, or any other

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land that is set aside for public use?"

Noland: "Mr. Black, DNR is not here, and I cannot answer that question."

Black: "Could you pull this and call DNR? I've had a call on this, and I really and truly need to know if this sale is a portion of land set aside for a nature preserve, and if it is, I've been asked by certain groups to oppose that particular sale. I'd like to know where that parcel is in Douglas County."

Noland: "All right, Mr. Speaker, can we pull this Bill from the record? I'd like to pull this Bill from the record."

Black: "And Mr. Speaker, I don't know if DNR is listening on the squawk box, or they're still in the storm shelter, but perhaps someone from DNR can come over to the floor because there is a question on a parcel of land they are trying to sell, and I'd appreciate an answer from them. So, perhaps they could come over to the floor for the first time this Session."

Speaker Hartke: "Mr. Clerk, take this Bill out of the record. House Bill 2367, Representative Biggert in Representative Clayton's absence."

Biggert: "Thank you very much, Mr. Speaker. This is Representative Clayton's Bill, and she has asked me to present it in her absence. I would move to concur in the Senate Amendments. Senate Amendment to the House Bill 2367, amends the provisions of the Bill providing for a designation of short term and standby guardianships for adult disabled persons. It requires consultation with disabled person to determine her... his or her preference regarding the stand by and short term guardian, and additionally, the appointment of a short term guardian is limited to a cumulative total of 60 days during any year's

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time. It amends provisions... standby guardian and short term guardians for minors and provides to the guardian the person of the minor may designate a short term or standby guardian. Contains proposals suggested by the Chicago Bar Association, which amends the Probate Act concerning the investments of wards of state. Amends the Uniform Disposition of Unclaimed Property Act, to clarify that money deposited by a guardian for a ward is not unclaimed property until at least five years after the minor's attain legal age, and makes technical changes to the state concerning perpetuities to the Trust Accumulation Act and amends the Probate Act to allow petition for appointment of a guardian of a person of a minor to include more than one minor. I'd be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 2367?' This is final action. All those in favor, signify by voting 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 Members voting 'yes', 0 voting 'no', and 0 voting present. The House does concur in Senate Amendment #1 to House Bill 2367 and this Bill having received a Constitutional Majority, is hereby declared 'passed'. Representative Noland, are you ready to proceed? On page 9 of the Calendar, appears House Bill 3811, Representative Currie."

Currie: "Thank you Speaker, and Members of the House. I move to concur in Senate Amendment 1 to House Bill 3811. This Bill contains two provisions. One restricts the Property Tax Appeals Board from charging county assessing officials for

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documents that are created by PTAB, and it makes the changeover from regular IRAs to Roth IRAs tax-free. The change from the Senate Amendment was to clarify the language in the first provision, that is to say, the... restriction on sums that PTAB can charge county officials. I know of no objection to the Bill and I'd appreciate your support for the Concurrence Motion."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 3811?' All those in favor... this is final action. All those in favor signify by voting 'aye'; those opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no', and 1 person voting 'present', and the House does concur in Senate Amendment #1 to House Bill 3811. And this Bill having received the Constitutional Majority, is hereby declared passed. On page 7 of the Calendar appears House Bill 2643, Representative Mitchell. Representative Mitchell, House Bill 2643."

Mitchell: "Thank you, Mr. Speaker. I move to concur on House Bill 2643 on Senate Amendment #1. Pardon the voice, I don't have much left. The Amendment adds some real good things to the Bill, simply designates July 27th of each year as Korean War Armistice Day. It designates the third Friday of each September as POW-MIA day. It authorizes the Department of Veterans Affairs to study the possibilities of using an existing U.S. Department of Veterans Affairs long-term bed space to address the long term needs of the aging veterans. Amends on Higher Education Student Assistance Act to make individuals who have served in time

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of hostilities, eligible for tuition waivers. It deletes the provision of the veteran's burial place that allows monument company officials to receive reimbursements for the carving and installation of veteran's head stones. So, I move to concur with this Amendment and be happy to answer any questions, thank you."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 2643?' This is final action. All those in favor signify by voting 'aye'; those opposed vote 'no'. The polling is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 Members voting 'yes', 0 voting 'no', and 0 voting 'present', and the House does concur in Senate Amendment #1 to House Bill 2643. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 3249, Representative Noland."

Noland: "Thank you, Mr. Speaker. I believe we've answered Representative Black's questions, and so I would just move for concurrence of Senate Amendments #1, 2, and 3."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendment #1, 2, and 3 to House Bill 3249.' This is final action. All those in favor signify by voting 'aye'; those opposed 'no'. The polling (sic-voting) is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk. Mr. Clerk, has all voted who wish? Mr. Black."

Black: "I'm sorry, Mr. Speaker. I tried to get your attention before you got to this point. I just want to... I just wanted to publicly thank Representative Noland for his

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indulgence. We were able to straighten out a confusion, and it was a considerable confusion, 22 acres versus 2 acres and a considerable difference in price. I appreciate the fact that he did that, so we could straighten out the confusion, thank you."

Speaker Hartke: "There are 115 Members voting 'yes', 0 voting 'no', and 1 Member voting 'present', and the House does concur in Senate Amendments #1, 2, and 3 to House Bill 3249. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2909, Representative Silva."

Silva: "Thank you, Mr. Speaker. I move to concur with Senate Amendment #1 which essentially provides that grants shall be based on performance base contracting system with goals set for the program. This is the Work Force Development Program that we had from last year, and it would also include collecting numbers of people employed and people who actually retain employment. I would ask for your favorable vote."

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

Black: "Yeah, thank you very much, Mr. Speaker. Let me take a look at the Roll Call on the underlying Bill for just a second. I'm sorry. Could the Lady just very briefly, does the Senate Amendment add to the Bill? I know that she has given an explanation, but quite frankly, it's very difficult to hear in the chamber today."

Speaker Hartke: "Representative Silva."

Silva: "The underlying Bill wa... provided for 12 to 20 demonstration grants that essentially provided linkages between unemployed disadvantaged workers or people moving from welfare into the work force. That was part of the

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underlying Bill. When we passed it out, we wanted to change it to... from demonstration project to a permanent program, and in the Senate, they decided to continue the demonstration status."

Black: "In fact, I think the Senate Amendment probably clarifies it a little bit. I'm still a little confused as to the opposition of the City of Chicago. I don't understand that, I mean, have they corresponded with you as to their opposition?"

Silva: "No, they have not. As far as I'm aware of, they're not in opposition to it. This is... "

Black: "Okay, I'm going to vote for the Bill regardless, but staff pointed out that the city had registered in opposition, and I can't imagine why they would do that."

Silva: "I have no idea."

Black: "Okay, I think it's a good Bill. I think the Senate Amendment clarifies the number of projects and moves it to performance based. So, I think they took a pretty good Bill, and in this case, they've even made it better. I thank you for your indulgence."

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

Silva: "I would ask for your favorable consideration. Thank you."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendments #1 to House Bill 2909?' This is final action. All those in favor shall vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. The House does concur in

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Senate Amendment #1 to House Bill 2909. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 3028, Representative Wirsing."

Wirsing: "Thank you, Mr. Speaker. I move to concur with Senate Amendments 2 and 4 to House Bill 3028."

Speaker Hartke: "Would you explain what House Bill...or Senate Amendments 2 and 4 do?"

Wirsing: "Senate Amendment 2, as this Bill went over to the Senate, really created a shell Bill. Senate Amendment #4 then put back into the original Bill the issues of several areas of relative to quick take and that's basically what the Bill is about is there's several issues about. I think 12 issues, on different quick takes of... that Members have requested."

Speaker Hartke: "Discussion on the Bill, the Chair recognizes the Lady from Lake, Representative Moore."

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

Speaker Hartke: "Indicates he will."

Moore, A: "Representative, in Senate Amendment #4, is there any language regarding a TIF?"

Wirsing: "Yes, yes there is."

Moore, A: "And could you tell me what kind of TIF this is?"

Wirsing: "What I would like to do is to refer to the Member who... that particular issue is under to explain that. That would be Representative Beaubien."

Speaker Hartke: "Representative Beaubien."

Beaubien: "Yes, I was not here when this TIF was passed. I think it's one of four TIFs issues that came under an Act of the Legislature a few years ago and I think Representative who's asking the question probably knows more about it than I do, but it's a TIF in the Village of Round Lake Park. It's approximately 500 and some acres, 335 are usable and

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the quick take is for the purpose of bringing sewer and water to the property."

Speaker Hartke: "Representative Moore."

Moore, A: "What kind of TIF district is this?"

Beaubien: "I'll answer the question the same way I answered it before. A piece of legislation was passed here a couple of years ago..."

Moore, A: "Mr. Speaker, could we have order, please? I cannot hear the response."

Speaker Hartke: "Proceed, Representative Moore."

Moore, A: "I wanted to know what kind of a TIF this is?"

Beaubien: "The TIF district was created under a statute that was passed here, I believe, within the last couple of years. It was before I was here. It's under a special provision and I think it might have to do with industrial or employment, I'm not quite sure. I know that you know the answer and maybe you could tell me, but it was a TIF district, 1 of 4 which was created in the state under that particular Act."

Moore, A: "This is an industrial TIF?"

Beaubien: "I believe it is."

Moore, A: "And are there any other industrial TIFs in the State of Illinois?"

Beaubien: "I was led to believe there were four."

Moore, A: "I'm sorry, I couldn't hear."

Beaubien: "I was led to believe there's been four."

Moore: "There are four?"

Beaubien: "That's my understanding. I can't name them."

Moore, A: "I was led to believe that there was language in another part of this Bill that referenced to TIF in another part. Is that true, Representative Wirsing?"

Speaker Hartke: "Representative Wirsing."

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Wirsing: "Representative, we really can't find where it specifically is dealing with a TIF district. This issue, as I review it again, is dealing with a quick take within a TIF district, but it's not specifically creating or dealing with any other aspect of a TIF district."

Moore, A: "All right. House Amendment #1 is included in this?"

Wirsing: "Senate Amendment 4 put back into the Bill what is in Senate Amendment #4. Most of what was in the House Bill, originally, is in Senate Amendment #4 with some additions."

Moore, A: "I stand in opposition to this legislation, Ladies and Gentlemen. There is a quick take provision that is included in this and you know we are all very worried when we have such large, large quick take Bills. Be careful what you vote for. There is quick take provision in one of the Amendments that came on here that has very, very carefully worded language that allows private property for miles, for miles. Quick take provisions on private property, though you can barely decipher that from the way the Amendment is worded. So I would caution you very carefully about reviewing this Bill. I would stand in opposition to this legislation."

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

Capparelli: "Thank you, Mr. Speaker. I have a question. Representative Wirsing, can you assure us that it's not the intent of this legislation to grant a unit of local government any authority to condemn or quick take property owned by the State of Illinois?"

Wirsing: "Yes."

Capparelli: "Thank you very much."

Speaker Hartke: "The Chair recognizes the Lady from Du Page, Representative Pankau. Ladies and Gentlemen, could we give

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the speakers some attention in here? This is a very, very important piece of legislation."

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

Speaker Hartke: "He indicates he will."

Pankau: "Representative Wirsing, I've tried to read through the Amendments, and to be very honest with you, they're written in legal description form. So it's kind of tough for the average person when they come to quick take, which might be a subject that you're kind of skittish about in the first place, and always kind of wonder what's behind it all. If you could maybe give us some common descriptions of what the legal descriptions in there mean, and if it's necessary to ask the individual people to give us a common idea, you know, like... in other words, Representative, if you could, instead of saying a hundred acres on such and such. You know, maybe give us an idea of what it's a lot closer to. Like I understand one of the areas is for a parking garage near Rosemont. Maybe you could tell us everything that's in it, so I know exactly what I'm voting on."

Wirsing: "All right. Here's the way I'll do this. Because there are 12 issues in this Bill. I have one of those 12 and so I can explain to you my issue. The other 11 I'll... they will ask on each of those leg... Representatives who are... it is their initiative, I will ask them to make a more... a general description of location if that would be acceptable."

Pankau: "I think that would be very helpful to all of us. Thank you, Representative."

Wirsing: "All right. The first issue is relative to an area in Franklin Park and that is Representative Saviano. If Representative Saviano would like to respond to that, it

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would be appreciative. Mr. Speaker."

Speaker Hartke: "Representative Saviano. Representative Skip Saviano."

Saviano: "Yes, was that a question to me?"

Speaker Hartke: "Yes, it was. Would you explain your part of..."

Saviano: "Could you repeat it?"

Speaker Hartke: "...this piece of legislation?"

Saviano: "Which part?"

Wirsing: "This is the issue on Franklin Park. Relative to Franklin Park."

Saviano: "Franklin Park, there should be two issues, one, is an extension of a previous quick take we had for the Grand Avenue Railroad Relocation Authority, which is an underpass project, and they need additional time for quick take. The other one is for the Village of Franklin Park. They're taking a piece of property as a favor to Leyden High School District 212. Upon obtaining that piece of property, they will be conveying it to the high school for parking."

Speaker Hartke: "Representative Wirsing."

Wirsing: "The next issue would be relative to the Village of Bolingbrook, Representative Meyer."

Speaker Hartke: "Representative Meyer."

Meyer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. That portion of the Amendment is a portion that's already passed out of here. It went over to the Senate and was brought back as a part of the Senate Amendment. It deals with land that is along a creek, a fairly large creek, that goes through Bolingbrook, and it's necessary for flood control to make a series of small lakes and control water storage in that area."

Speaker Hartke: "Representative Wirsing."

Wirsing: "The next issue would be back to Representative Saviano"

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on the Village of Melrose Park."

Saviano: "I have, there's two different parcels there. One, is the golf land property, which has been closed for the last two years on Fifth Avenue in Melrose Park. It's across the street from Triton College. Our plans with that is to build a senior cit... assisted living facility in conjunction with Triton College Nursing Program. We're working with the Village of Melrose Park on exactly what kind of facility that would be and also we are negotiating with Triton College on how the program would work. The other parcel is on North Avenue, just west of Thatcher Avenue, between Thatcher and First Avenue. That includes the Country Club Motel and a deserted piece of property, which housed the Ground Round Restaurant about 15 years ago. The Country Club Motel has been a place of business that has had very high crime in the last five years. The village came to us and asked us if we would obtain quick take for them so they could develop that into a senior village or some other village operated facility. And also the Ground Round property, being it's been vacant for 15 years and in disrepair, they would put all of that together for the project."

Wirsing: "Mr. Speaker, the next issue would be for the City of Peru. That would be Representative Mautino."

Mautino: "Thank you, Mr. Wirsing. I do rise in support of your legislation. The provision for the City of Peru would allow for the expansion of community hospital there. The hospital has already purchased the property, but the subdivision area that it was in had a restrictive covenant, which was placed on it. This would, and as a matter of fact, all but two of the neighbors have agreed to, have agreed and settled, which is actually more than when we

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originally passed this Bill. So they're still in the process of settling, but it allows them to restrict... or lift the restrictive covenant, and I know of no opposition on it. It will help us to expand and build the new surgery units that are necessary for our community hospital."

Speaker Hartke: "Representative Wirsing."

Wirsing: "Okay the next one would be the Village of North Lake. That's got ... I have Biggins and Saviano listed both here."

Speaker Hartke: "Representative Saviano."

Saviano: "That's actually Representative Biggins, but that's a..."

Speaker Hartke: "Mr. Wirsing, go to the next issue while Mr. Biggins is..."

Wirsing: "Okay. Thank you. Thank you, Mr. Speaker. The next issue then would be for the City of Carbondale, Representative Bost."

Speaker Hartke: "Representative Bost."

Wirsing: "The next issue then would be for the Village of Round Lake Park. Representative Beaubien."

Beaubien: "Yes, thank you. This is approximately a 6.5 mile run of sewer service from the Village of Round Lake Park and Long Lake Drive in Route 134 south and then east over to Winchester Road near Peterson and the water will run approximately 1.5 miles up Winchester Road. Again, I brought this quick take on behest of the Village of Round Lake Park so they can get their industrial park and commercial facility going to create jobs, and they want to do this starting next year and they need the quick take provisions in order to accomplish this and I move that we concur in the Amendment."

Wirsing: "The next issue then would be the City of Evanston,

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Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker. There are two parcels of land on Church Street that are now occupied by two restaurants who are more than... they understand that they're needing to move. That's been agreed to. There is been no controversy about the use of this land at all and the city council has discussed this thoroughly in public hearings and there really is no opposition of significance in this issue."

Wirsing: "Okay next issue is the Village of South Barrington. Representative Skinner."

Speaker Hartke: "Representative Skinner. Beats me is his answer. Representative Skinner."

Skinner: "I think this is to put in a water line."

Wirsing: "Is Representative Biggins back in...?"

Speaker Hartke: "Yes, Representative Biggins is in Representative Saviano's chair."

Biggins: "He's going over his driver's license to check the birth date to make sure that everything's accurate before we proceed."

Speaker Hartke: "Representative Wirsing."

Wirsing: "Yes. Trying to move along here. There's a quick take authority for the Village of Rosemont. Would that be Representative McAuliffe or is that Representative Saviano?"

Speaker Hartke: "I think Representative Saviano explained that earlier."

Wirsing: "The Rosemont?"

Speaker Hartke: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker. The Rosemont stuff is, I've been advised is not a quick take. We're extending the date of previous quick take and we're extending a TIF district."

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It in no way is it in any connection with any river boats or forest preserve property."

Wirsing: "The issue that I have in here is for the City of Rochelle, which is dealing with acquisition for easement of utility poles and lines adjacent to roadway easements and that's bordered by Twombly, Mulford, and Paw Paw Roads in Ogle and Lee Counties. Now, to the best of my knowledge the remaining three that have... are noncontested, I guess, would be the way to go about that and some of those Members are not in the chamber at this moment so I can't really... I don't have control over that. So, Representative Pankau."

Speaker Hartke: "Representative Pankau."

Pankau: "Thank you, Representative Wirsing. I appreciate your patience. I guess my next question would be to Representative Saviano. The TIF district in here says, 'The Tax Increments Financing Redevelopment Districts for the Village of Rosemont and includes the Rosemont Redevelopment Plan Project, as amended, the Higgins Manheim Redevelopment Plan and Project and the River Road Redevelopment Plan and Project.' What are these plans and projects? What physical structures are they?"

Speaker Hartke: "Excuse me. Before you answer that question, Representative Brunsvold for an announcement."

Brunsvold: "Thank you, Mr. Speaker. My seatmate, Frank Mautino, also known as Mau Mau, has just had a new addition to his family, Luciana, 6 lbs. 4 oz., 18 inches long and Frank and Lena now have their second child, and we would like to celebrate that addition to Frank's family and Lena's family with a cake down front. It's a girl! And we'd like to ask everybody that wants to come over and have a piece of cake and we'd like to thank staff for providing the cake. Thank

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you."

Speaker Hartke: "Thank you, Mr. Brunsvold. Congratulations, Representative Mautino. Could we answer the question now?"

Wirsing: "Mr. Speaker, I guess..."

Pankau: "Mr. Speaker, I believe Representative..

Speaker Hartke: "Representative Saviano.

Pankau: "Saviano is reviewing the actual language."

Saviano: "The actual parcel is on River Road and Higgins that we have and it does fit into one of these three redevelopment plans, predominantly the River Road Redevelopment Plan and Project. These are all plans that have been set up over the years that we've passed TIF districts and various quick take to accommodate these redevelopment plans as they've progressed through their development."

Pankau: "Okay. Are these redevelopment plans like parking garages? Are they businesses?"

Pankau: "Are they homes? Are they..."

Saviano: "They may be office buildings. They may be hotels. They may be parking lots."

Pankau: "Hotels and office buildings."

Saviano: "Right. No river boats. No gaming. No forest preserves. In this instance, it's a park."

Pankau: "Thank you. Thank you, Mr. Speaker."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Lake, Representative Beaubien, for legislative intent."

Beaubien: "Yes, will the Sponsor yield?"

Speaker Hartke: "He indicates he will."

Beaubien: "I have two questions I'd like to ask at behest of the IDOT and Lake County. The first question, do you agree, and is it the intent of this legislation, that the Village of Round Lake Park must obtain a permit from the Department

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of Transportation or Lake County, where applicable, before locating water and sewer service on the state or county highway right-of-way?"

Wirsing: "Yes."

Beaubien: "Is it your understanding that the Village of Round Lake Park will go through IDOT or Lake County, where applicable, permit procedures when locating water, sewer, or other utility service on the state or county highway department?"

Wirsing: "Yes."

Beaubien: "Thank you."

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

Biggins: "If I may, Mr. Speaker, Representative Biggins, I wanted to answer your question about North Lake because there is an item that provides quick take authority to the Village of North Lake, represented by both Representative Saviano and myself to a... for a period of 18 months for the acquisition of land for storm water management and public recreation purposes."

Speaker Hartke: "Is that a statement or a question?"

Biggins: "I hope that would be approved."

Speaker Hartke: "Thank you."

Biggins: "Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes Representative Black."

Black: "Yes, thank you, Mr. Speaker. I thought the whole purpose of quick take was to move along quickly, but be that as it may, I have an inquiry of the Chair and I don't know if your parlia..."

Speaker Hartke: "State your inquiry."

Black: "Thank you. I don't know if the parliamentarian... I

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bring this up about once a Session, but I never can remember. The board says to concur in Senate Amendments 2 and 4 and if you look at the Bill, Senate Amendment #2 becomes the Bill and makes it a shell Bill. Senate Amendment #4 becomes the Bill and I've never understood why the Senate doesn't table Senate Amendment #2, so that we act on Senate Amendment #4. It is always seemed to me that we have conflicting Amendments the way we do this. Now I know the parliamentarian has explained it in the past, but it makes no sense to me to me to concur in Senate Amendments #2 and 4 when Senate Amendment #2 is out of order."

Speaker Hartke: "Mr. Black, we think it's impossible for the parliamentarian to explain what the Senate is doing."

Black: "I can certainly understand that. But since this is a quick take Bill that we've been on for the last 42 minutes, and we've got conflicting Senate Amendments, I've never understood... We don't do this in the House. We'll table the conflicting Amendment and go with the last added Amendment, but the Senate doesn't seem to do it that way."

Speaker Hartke: "Mr. Black, as a former Senator..."

Black: "Who's that?"

Speaker Hartke: "Representative Dart will explain."

Black: "I look forward to this explanation."

Dart: "Representative, I think the best way I can explain that is that they're very confused and some of the simple things that we've picked up here in the 101 class, as we all went through, it was lost on them over there. It never ceased to amaze me over there how these very simple things went right over their head and continues to."

Black: "Well, I'll move to concur in that. But I... my inquiry of the Chair, I guess, is if you pass something out like

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this where you're concurring in two Amendments, both of the Amendments say they become the Bill and do other things, as well, are we not at risk in having a court say that you didn't do it correctly? The two Amendments conflict. I mean, I really and truly don't know the answer to that. I've never understood this and maybe Mr. Kasper could get back to us at a later date. But if, in the opinion of the Chair, you think it's okay, it's fine with me. But I've just never understood why we do this, this way."

Speaker Hartke: "I think it's okay."

Black: "All right."

Speaker Hartke: "Further discussion? Representative Wirsing to close."

Wirsing: "Thank you, Mr. Speaker. Just a reminder that this quick take language that we've just been debating is the same language that we passed out of here and went over to the Senate, and it had passed out of here with a fair number of positive votes. Once again, I don't think most of us like to deal with quick take. Sometimes we but we also recognize that sometimes that's an important issue and it is a process that is there that can be used for municipalities and those kind of entities. So, I would simply ask for a favorable report, favorable support of this House Bill 3028."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendments #2 and 4 to House Bill 3028?' This is final action. All those in favor signify by voting 'aye'; those opposed signify by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 61 Members voting 'yes', 50 Members voting 'no' and 3 Members voting 'present'. And the House

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does concur in Senate Amendments #2 and 4 to House Bill 3028. And this Bill, having received an Constitutional Majority, is hereby declared passed. House Bill 3162, Representative Turner. John Turner. Representative Cross."

Cross: "Yes, I'll certainly try. I'm not sure I really understand it but let me see if I can do the Bill here. Hold on a second."

Speaker Hartke: "Representative Turner has returned. Representative Turner, would you like to present this Bill?"

Turner, J.: "Yes, I would, Mr. Speaker. Just a second, though."

Speaker Hartke: "Proceed."

Turner, J.: "I move to concur, Mr. Speaker."

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

Turner, J.: "The Amendment is technical. The original Bill had to do with orders of protection that were issued out of the state, and what the Bill did, would allow those out-of-state orders to be enforced in-state. We had, in House Bill 3162, passed that over to the Senate and had referenced two sections of the Code which were inappropriate. The Senate corrected those provisions. The substance of the Bill is exactly the same as it was when it left the House."

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

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

Speaker Hartke: "Indicates he will."

Dart: "Representative, my first question is, how'd you get a Bill anyways? Was this an oversight?"

Turner, J.: "Well, Tom, it's a long story. I don't know how much

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time you have but..."

Dart: "Apparently five minutes."

Turner, J.: "Five minutes. Well, if I speak slowly enough, which some people say I do right well, maybe I can take up all of your time. I don't know how I got this Bill. It must have been an oversight. It's the only one I've had all spring but I'll sure answer any questions you might have on it, counselor."

Dart: "Now, you're saying that the Senate Amendment, though, it clarifies something from the original Bill? Is that correct?"

Turner, J.: "What I did when I drafted the Bill, was reference two sections in the code which were inappropriate and the Senate caught that error and it was an error and made the correction by substituting the correct sections in the code which the legislation did not reference appropriately."

Dart: "And the thrust of the Bill that we're voting on now, then, will deal with the registration of out-of-state orders of protection. Is that correct?"

Turner, J.: "The Bill does not require registration. Originally, that was in the language that I had presented but there was a lot of disagreement about it. So now, Representative, no registration of the order of protection is needed. The victim, or alleged victim, simply needs to call a police officer. If the police officer believes that the order of protection is a valid one, issued from a valid out-of-state court and that there has been a violation of the same, they may proceed with their arrest upon that basis and the registration is not required."

Dart: "So then this would just be a...via an oral communication, possibly from a victim, that they have an order of protection, though it's out-of-state, and that it's being

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violated?"

Turner, J.: "No. The oral communication, at least in theory, I guess, or at most... I can't think of any situations where it wouldn't be the same, this, that would take place where they contact the officer. They do have to have a document in writing which the police officer has to believe is a valid out-of-state order issued by a court of law."

Dart: "So your Bill only deals with the issue of out-of-state orders of protections then?"

Turner, J.: "Yes, correct."

Dart: "Okay. Thank you."

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

Turner, J.: "Request an 'aye' vote, please. Thank you."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendments #1 to House Bill 3162?' This is final action. All those in favor signify by voting 'aye'; those opposed signify by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there were 114 Members voting 'yes', 0 voting 'no' and 0 voting 'present', and the House does concur in Senate Amendment #1 to House Bill 3162; and this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 3180, Representative Durkin."

Durkin: "Thank you, Mr. Speaker. I'm seeking concurrence with Senate Amendments 1 and 2 to House Bill 3180. Recall House Bill 3180 was an initiative of the Attorney General's Office. It's been a two year study in which we created the Electronic Commerce Security Act. In two Amendments we have made.. we are accepting from the Senate are minor Amendments. One of them is that we're stating that the

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statewide governmental standards governing electronic documents and signatures to be used by the state executive agencies, will be adopted and maintained by CMS rather than the Secretary of State. That's agreed language. The Secretary of State did not want that duty. CMS has asked to take over control of that. And, secondly, we're just taking the Secretary of State out of the investigatory section. They do not want any jurisdiction over investigating crimes dealing with the fraudulent nor unlawful conduct under this Act, and otherwise, it will be left in the hands of the Attorney General and any other local law enforcement agencies to work the case up."

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

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

Speaker Hartke: "Indicates he will."

Cross: "Representative, can you tell us why Representative Turner is not the Sponsor of this Bill?"

Durkin: "I'm sorry, can you repeat the question?"

Cross: "Why isn't Representative John Turner the Sponsor of this Bill?"

Durkin: "Representative Turner, why aren't you cosponsoring this Bill?"

Turner, J.: "What was that question, counselor?"

Durkin: "Representative Cross asked me to ask you why you're not a co..."

Turner, J.: "Why, I only see four names up there, so I really don't know. I guess I should be. Are you asking to put me on as a cosponsor?"

Durkin: "Well, Merry Christmas, if I don't see you next December."

Speaker Hartke: "Further discussion? Seeing that no one is

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seeking recognition, Representative Durkin to close."

Durkin: "Thank you, Mr. Speaker. These are just two technical Amendments. They are agreed upon between the Department of Central Management Services and also the Secretary of State's Office and I would ask for a favorable vote."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendments #1 and 2 to House Bill 3180?' This is final action. All those in favor signify by voting 'aye'; those opposed by voting '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 115 Members voting 'aye', 0 voting 'no' and 0 voting 'present', and the House does concur in Senate Amendments #1 and 2 to House Bill 3180. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 3279, Representative Lindner."

Lindner: "Thank you, Mr. Speaker. I move to concur in Senate Amendment #1. This only changes one word in the original Bill. This was an initiative of Jim Ryan's date rape campus seminar and the Bill added 16...two people to the already 14 member Violent Crimes Advisory Commission and the people were to be from a public institution of higher education. The Senate Amendment says, 'public or private institution.' I'd ask for a favorable vote."

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

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

Speaker Hartke: "Indicates she will."

Dart: "So, Representative, the Bill as it's going to be voted on now for final passage, the Senate expands the number of people on the list but what does the Bill do in addition to

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that? I noticed there was some other change in the original Bill?"

Lindner: "No, the Senate does not expand the number. We expanded the number in the House to add two more people, but our Bill had that it should be just from a 'public institution of higher education' and the Senate Bill said, 'public or private.' They thought that private colleges ought to be included, too."

Dart: "Okay. Thank you. And how long has this advisory commission been going?"

Lindner: "The Violent Crimes Advisory Commission? I don't know when that was initiated. I, guess, by the 85th General Assembly. In 1988. Quite some time."

Dart: "Close enough. Close enough. Thank you."

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

Lindner: "I would just ask for a favorable vote. Thank you."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 3279?' This is final action. All those in favor signify by voting 'aye'; those opposed voting 'no'. The polling is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 116 Members voting 'yes', 0 voting 'no' and 0 voting 'present', and the House does concur in Senate Amendment #1 to House Bill 3279. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 3249, Representative Biggert. Excuse me, 3294."

Biggert: "Thank you, Mr. Speaker. I would move to concur in Senate Amendment 1 to House Bill 3294. The Senate Amendment creates the Year 2000 Technological Task Force Act and is the same provision as Senate Bill 1674 which we

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passed out of here 118 to 0. So I 'd be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Is there any discussion? Seeing no one is seeking recognition... Ah, yes. The Chair recognizes the Lady from Peoria, Representative Slone."

Slone: "Thank you, Mr. Speaker. I just rise to ask the computer people to please put the right Bill up on our screen so we can see what we're looking at here. We have 3249, not 3294. Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 3294?' This is final action. All those in favor signify by voting 'aye'; those opposed signify by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 116 Members voting 'yes', 0 voting 'no' and 0 voting 'present', and the House does concur in Senate Amendment #1 to House Bill 3294. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 3321, Representative Lopez. Representative Lopez."

Lopez: "Thank you, Mr. Speaker. I move to concur with Senate Amendment #1 to House Bill 3321. This is the language that the Attorney General's Office has recommended and the Senate, they're not against the Bill. They're not in favor of it, but they're not against the Bill. I'd urge for the passage of House Bill 3321."

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

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

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yield?"

Speaker Hartke: "Indicates he will."

Black: "Yeah, Representative, I appreciate the fact that you and I have had a chance to discuss this Bill, but just a few questions to clarify, if I could, so that other Members who might be interested, those two or three that are actually listening, would know what's in the Bill. This only impacts mortgage brokers. Correct?"

Lopez: "You're correct."

Black: "In no way are you broadening the exemption that if I want to come to your house to try to sell you a home equity loan, then I still have the right of cancellation, three day cancellation. Correct?"

Lopez: "You're right. That has nothing to do with home equity loans. It has to do with the original mortgage."

Black: "That's right. Okay."

Lopez: "And what this Amendment did was actually broaden or close in less groups that can do this. That way, it makes it less of a chance that roofers or home builders or home repair groups can come in and solicit from door to door."

Black: "Is there any language in the Amendment that would prohibit mortgage brokers from making cold calls?"

Lopez: "Yes. The only way that a broker can come to the House and be exempted under this Bill, is if they were...a call was made beforehand by the consumer."

Black: "Is there anything in the Bill that will allow mortgage brokers to advertise on television, publish an 800 number? You know, call... call ABC Mortgage Brokers and we'll run the information out to your house about our 2% special."

Lopez: "No, they cannot do that under this Bill."

Black: "Okay. Is the Attorney General's Office still... Do they still have concerns with the Bill?"

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Lopez: "I think that their...they will not support it because philosophically they cannot support a Bill. They did not want to touch the Act. But they were...they did not come to committee and testify against it at all."

Black: "All right. So they may have signed in in opposition, but they did not testify in opposition to this exemption for mortgage brokers?"

Lopez: "They didn't sign in at all."

Black: "Okay. And this would not, as I understand it, now this would not allow an official from a bank to knock on my door and talk to me in my home about refinancing my home mortgage. Now, if he does that, I don't think it prohibits him, but if a representative from a bank or a savings and loan does that and I decide to take advantage of that refinancing, then I would still have, as I understand it, the right of cancellation after three days."

Lopez: "You're correct."

Black: "Okay. So we're really only exempting a very narrow part of the mortgage market and that is a mortgage broker. And the only reason, again, if I'm correct, correct me if I'm wrong, is that they often cannot, when they leave your home, cannot lock in your mortgage rate until the bank or whoever is purchasing the mortgage gives them the actual interest rate."

Lopez: "You're correct."

Black: "Okay. I think you've done a lot of good work on this. I appreciate the fact that you're willing to discuss these kinds of legislative initiatives with our side of the aisle. We're grateful, thank you."

Lopez: "It's always a pleasure."

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

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

Speaker Hartke: "He indicates he will."

Schakowsky: "I'm sorry, Representative. Could you explain once again what this Senate Amendment does to this legislation?"

Lopez: "The Attorney General's Office had some concerns with the original language. They thought it was too broad and that it would permit other groups besides the home...the brokers, this would allow such like roofers, it would allow such like home repair and companies that normally do that door to door. They felt that the language was too broad and this would permit them to do it. What the Amendment does is closes the gap or in the scope, the only people that can actually do this, it would be the home brokers that would be able to do this and still be exempted."

Schakowsky: "All right, so explain to me. This allows mortgage brokers to do what?"

Lopez: "This would allow them to come to the home only if they were invited by the consumer. In other words, if there's a consumer that the only time they're home is after 7:00 or after 8:00. A regular bank will be closed. So what this would permit is, if the consumer calls them and says, 'Can you please come by my house tonight or can you come by my house Saturday or Sunday morning?', this will permit them to come to their house. Now, if they...someone comes to their home without their invitation, then they will not be exempted. So the person will still have the right to cancel the three day cancellation time period."

Schakowsky: "Well, I...I mean, no one can come to my house if I don't invite them. I mean, they can't come in my house if I don't invite them. The provision that you're talking about is the three day cancellation. If you invite a mortgage broker to come and you reach an agreement, then

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you do...you no longer have the three day cancellation, is that it?"

Lopez: "The agreement, what they would do is, that they would come to an agreement over the phone. And so normally, what they would do is to come to the house, basically, to sign the papers. That's basically what they would come to the house for."

Schakowsky: "Okay. What is the point, though, of excusing mortgage brokers from a three day cancellation period? Why would we do that?"

Lopez: "Because unlike a banker, that when you go to the bank and you sign an agreement, the agreement, then you're locked into an interest rate. So, if I'm a mortgage broker and I go to your house and I cannot lock in your interest rate 'til three days later, so that this would actually help the consumer if the interest rates... They can lock into... The mortgage broker can actually lock in the interest rate at that time."

Schakowsky: "But if I should have this individual come to my home and we...we make some sort of arrangement and then it seems to me that this was not a good deal. I talked to my spouse or whatever, under current law I could render that agreement null and void. But under this legislation I don't have that period of time to do that any longer. Is that right?"

Lopez: "Yeah, right. But at the same time, if I'm the mortgage broker and I'm at your house today, today's Wednesday, if you don't...if we don't have...pass this legislation, by the time the three days passes the interest rate could go up a 1/4% or 1/2% or even 1%."

Schakowsky: "Now, if I go to a bank for financing and I lock in an interest rate, is there any three day period allowed me

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to renege on that?"

Lopez: "I assume you can do that. You'd have the three days."

Schakowsky: "Well, I don't know the law on that. If I'm making an arrangement with a lending institution for a mortgage, under current law do I have a three day cooling off period? Let's say we do it all at the bank."

Lopez: "I assume so. I don't know that for sure."

Schakowsky: "Well, they're allowed to lock in an interest rate."

Lopez: "But that's exactly the point. The point is that the mortgage broker could come to your house and, actually, they work outside of the office hours which are normally from 9 to 5. So, if the bank is closed on Sunday and some people run some schedules that you're not home 'til 7 or 8 o'clock at night, you cannot make it to the bank. And so if you use a mortgage broker, that individual or representative of that company or mortgage broker can come to your house and sign, and have you sign the agreement."

Schakowsky: "Yeah, I wish we could find someone who could answer this question, though. I'm wondering if we're making a special case different from other lenders, from anyone else, for mortgage brokers. Because if we are, then, I think that that is not an advantage to the consumer. I mean, yes, it would be nice if they could lock in the mortgage but at the same time we're giving up a considerable right to rethink that. I'm wondering if you can't get both if you deal with a conventional lender at the...at a lending institution. You know, is there no staff to help us answer that? Well, I have grave concerns that we are diminishing the rights of consumers unless we can get that question answered that this makes them parallel with current practice at lending institutions. Then I don't see how I can support that. Thank you."

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

Lopez: "Thank you, Mr. Speaker. What this Bill is, actually, is a pro-consumer Bill, is a Bill that would help the mortgage brokers go by invitation, to someone's home and lock in a rate. We've seen many cases where people wait two or three days and their interest rates go up. This is something that we can help them so that then it's needed and something that's been supported in the Senate and something the Attorney General's Office... We adopted an Amendment that would actually make it better for the consumer and I urge an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendments #1 to House Bill 3321?' This is final action. All those in favor signify by voting 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 80 Members voting 'yes', 32 Members voting 'no', 3 Members voting 'present', and the House does concur in Senate Amendment #1 to House Bill 3321; and this Bill, having received a Constitutional Majority, is hereby declared passed. At this time Representative Flowers has requested that it be our annual picture of those Members of COWL. So any Member that is a Member of COWL please come to the front and the photographer will be taking their picture. Only those Members of COWL please be in the picture. Following that, Representative Lang will be in the Chair."

Speaker Lang: "Mr. Stephens, for what reason do you rise?"

Stephens: "Mr. Presiding Officer, did you check with Representative Art Turner to see if the other group was meeting?"

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Speaker Lang: "I don't see Representative Turner on the floor, but it will probably take these COWL Members a few minutes to do their picture. So, if you'd like to look for Mr. Turner, please feel free to do that. All Members of COWL step forward. There is no time to go fix up, those of you who are taking this picture. Just step forward. It's just a picture. Mr. Mitchell, for what reason do you rise? Mr. Mitchell."

Mitchell: "Thank you, Mr. Speaker. Immediately following the COWL picture, the SHORT caucus will be at the front for their picture."

Speaker Lang: "Which means some of the folks from COWL will be staying up front."

Mitchell: "At least Representative Krause."

Speaker Lang: "Representative Art Turner, for what reason do you rise?"

Turner, A.: "Thank you, Mr. Chairman (sic-Speaker). I was just reminded by the cochair, Representative Ron Stephens, that the BALL's Caucus will be down front taking their picture shortly. That's the Brotherhood of American Legislative Leaders. The BALL's Caucus will be down front taking their picture."

Speaker Lang: "The House will be in order. On page 9 of the Calendar, under the Order of Concurrence appears House Bill 3415, Representative Saviano. Mr. Saviano. Mr. Clerk. Proceed, Sir."

Saviano: "Thank you, Mr. Speaker, Members of the House. Senate Amendments #1 and 2 to House Bill 3415. Senate Bill (sic-Amendment) #1 is an Amendment which would ensure that the language in this Bill would comply with the requirement under the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Amendment #2

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removes language to comply with the Single Subject Rule and I would ask that Senate Amendment #1 and Senate Amendment #2, we concur on House Bill 3415."

Speaker Lang: "There being no one seeking recognition the question is, 'Shall the House concur in Senate Amendments #1 and 2 to House Bill 3415?' This is final action. All those in favor will signify by voting 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question there are 112 voting 'yes', 0 voting 'no' and 0 voting 'present'; and this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 3431, Representative Zickus. Is the Lady in the chamber? House Bill 3464, Representative Mautino."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to concur in Senate Amendment #1 to House Bill 3464. This Bill cleans up some objections. Originally, House Bill 3464 dealt with the service contract issue. And once this Bill... it was unopposed in the House committee or on the House floor. When it got to the Senate, developed opposition there and Senator Walsh then convened negotiations with the home builders, the realtors, the unions, the plumbers, as well, and all parties sat down. They were able to agree to some language which would allow small business to continue to operate, prosper, and grow along with taking care of the concerns and putting some consumer protections in that makes sure that when you buy a service contract that there is something to stand behind it and I ask for your 'aye' votes."

Speaker Lang: "Representative Giglio."

Giglio: "Thank you, Mr. Speaker. To the Bill. I rise in support

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of House Bill 3464, as amended. And I'd like to especially thank the Sponsors, Representative Mautino and Senator Walsh. The... their willingness to work with the contractors and the retail merchants to make an agreeable Bill that was not overly burdensome on the contractor or the service contract provider, yet also, provided a tremendous amount of protection for the consumer, that up until this time the consumer did not have. So I would simply ask for your favorable support and again, congratulate the Sponsor. Thank you."

Speaker Lang: "Mr. Brady."

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

Speaker Lang: "The Gentleman will yield."

Brady: "Representative, I have a couple questions here for you. First question is, are new home warranties that cover the work of a builder and his or her subcontractors affected by the passage of House Bill 3464?"

Mautino: "Answer: Number one, no."

Brady: "Question... My second question, are home warranties different from service contract agreements?"

Mautino: "Answer: Number two. Yes, service contract agreements, by definition, are separate sales items above and beyond the cost of the product being sold. Home warranties are included in the price of the home and are not regarded as service contracts and that is for the purchase of legislative intent as was agreed by all Members."

Brady: "Thank you, Representative Mautino. I want to compliment Representative Mautino and Senator Walsh for their hard work in this effort. I encourage your favorable support."

Speaker Lang: "Representative Black."

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

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Speaker Lang: "The Gentleman yields."

Black: "Representative Mautino, I grew up in a small heating and air conditioning business that my father ran for forty-some years and my brother runs now, and service contracts have become a very important part of that business. And I'm not sure that I understand all of the nuances of the Senate Amendment. Who are we exempting and why are we asking a service contract provider to comply only with certain Sections of this Act? Why not the entire Act?"

Mautino: "I'm sorry, could you repeat the last part of the question?"

Black: "Yeah, why are we exempting those people who sell you service contracts? And let me tell you, you can't buy anything today that they don't try to sell you a one, three or five year service contract. In fact, there are some retail stores that will wrestle you to the ground trying to get you to sign a service contract on a piece of merchandise. And I don't know, I'm just looking at our staff analysis, that some of these providers of service contracts will only have to comply with certain Sections of the underlying Act. What Sections are we exempting?"

Mautino: "Actually, those...they will still have to comply with all of the consumer protection Sections. They will still have to do all of the recording and the recordkeeping. The original Bill would have required the purchase of additional, either insurance or having huge reserves, which basically took your small heating contractors and would have caused them to have to set aside the dollars they couldn't afford to on it. But will they still have to have the same consumer protections as the big guys that are out there."

Black: "Do you know whether the Illinois Home Builders

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Association appeared at any of the committee hearings on the Bill?"

Mautino: "As a matter of fact, they were one of the members of the negotiations. They did not appear in the House committee hearing on it, but they did appear in the Senate committee and also, in I believe, four or five of the meetings which addressed all their concerns, especially the area of new home construction. As a matter of fact, Representative Brady and I have just done the legislative intent that was requested by the home builders

Black: "Right... to ensure that that is structured and it was outstanding intent. How does it work in the case of the mass merchandisers today? And you hate to use names and give them the publicity. But you know, and there are lots of them out there who will sell you everything from a washer/dryer to a toaster and then ask you to sign up for a service contract. And I've always wondered at the time, because most of these huge discount stores do not have a service department. So, how is that going to be covered? If you buy a television set, for example, from Wal-Mart and they want you to take out a service contract, who then...who then it falls under the service contract protection? Cause the last time I checked and I could be wrong, but I don't think Wal-Mart Stores normally have a service department in their appliance division."

Mautino: "Okay. As far as the service contract, that's actually the reason that we did the original Bill. It gets to the underlying Bill. These companies would carry these service contracts that have either the reserves or an insurance contract. If you don't receive the satisfaction from that company, specifically, then you could go directly for reimbursement through the insurance carrier."

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Black: "So, in other words, if a large mass merchandiser is selling everything from small appliances to giant TV's, my experience is that they usually contract with a local individual who may own you know, a pickup truck and have some tools and a measure of expertise in fixing those. But they sell you this service contract. Obviously, we know why they sell the service contract. They're hoping that it doesn't break down and the service contract is a little added gravy, if you would. But my concern is, then, if I'm signing... if I have a huge store like Wal-Mart and I contract with a local mechanic and he comes to my house and he says, 'You know, I can't fix this washing machine. I really don't know how to fix this particular washing machine.' But I have a contract with Wal-Mart, then is Wal-Mart going to have to stand behind the machine and find a contractor to fix it?"

Mautino: "In the scenario that you gave, the person who is selling that contract and we'll use Wal-Mart for the example; in Section 20 under the reimbursement policy, if they could not live up to that warranty, they could reimburse you as the consumer because the idea is to protect the consumer here. Now, so, the liability would still fall back on the person who sold you that contract."

Black: "Well, see, that's what's got me confused. I know I grew up with Sears and Roebuck, Montgomery Ward, and they had service departments and I think Sears still does."

Mautino: "Yes, they do."

Black: "But there's a lot of these mass merchandisers who sell everything and I know they don't have a service department. Yet, they're selling you a service contract and I assume enter into a subcontract with a local mechanic or a local shop to fix it. So, am I still protected under that case?"

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Mautino: "Yes, you are. As a matter of fact, I'm glad that you brought that up. One of the points in here is that those smaller shops are still required to carry all of the disclosure and reporting requirements. They would be a subcontractor, but your contract is with the person who sold you the merchandise. But even if you had a question as to who did the work and you weren't happy with their work, then you could come back directly to the insurance that's backing your washing machine for reimbursement."

Black: "Okay. The last question, and I ask this simply because in my area, other than some of the mass merchandisers that have moved in, we still have a awful lot of family-owned businesses. John's Appliance Store that sells washers, dryers and refrigerators and ranges, Frank's Television Store that sells televisions and maybe a stereo or something of that sort. But they're very small businesses. They probably do a relatively small gross and they usually have somebody in the back room to do service. Now are they going to have expensive requirements put on their business so that they can issue a service contract?"

Mautino: "Actually, that is the point of Amendment #1 in the Senate. The Bill that we originally pass had very expensive requirements that the small guy could not keep up with."

Black: "Okay."

Mautino: "And so this says that you've got to comply with the consumer sections of the Bill, but you're not going to have the undue burdens that were in the original Bill and thank goodness, the Senate read it."

Black: "Okay. So, it's certainly not your intent. This is not a Bill that will make it more difficult for the rural main street merchant to continue doing business and to continue

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to offer service contracts?"

Mautino: "The entire intent of the Amendment and what's been accomplished here is to allow them to continue with their service business with some consumer protections, but without the undue burdens."

Black: "Okay. All right."

Mautino: "That was my intent, as well, and the intent of the entire Body. I'm glad that this was brought up in the Senate so we could correct it."

Black: "Okay, good. One last question, Frank. Excuse me, Representative. Is... Did the chamber sign in or the National Federation of Independent Business, since they represent a lot of very small folks in rural areas? Did they sign in? Were they neutral or express an opinion?"

Mautino: "To the best of my knowledge, I do believe, Bill. I don't have it in front of me. I had the listing earlier, I just can't find it here. But I do believe that the NFIB did sign off and agree to this."

Black: "Great."

Mautino: "I think that was one of the ones that were listed."

Black: "Great. Okay. That's fine. Thank you. I appreciate your indulgence."

Speaker Lang: "Mr. Mitchell."

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

Speaker Lang: "Yes."

Mitchell: "Representative Mautino."

Mautino: "Are you reading from a Calendar?"

Mitchell: "Well, backwards. This is for you to read. I think we've got to go to committee and do something for Ron Stephens' Red Ryder BB gun or something. Representative, I've had a lot of calls from all of the plumbers, heating contractors in my district, really concerned, and you've

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probably answered this but just to clarify one more time for me. Does this Amendment take out the requirement that they have to have a \$100,000,000 in assets or 40% of the cost of their service contracts in reserve or insuring their service contracts with a contract insurer?"

Mautino: "Yes, it does and that was...it was taken out specifically. Those are the provisions that puts an undue burden on the small contractors, the plumbers, the heating and cooling people; those that their very existence of their business is based on the service contract and repeat business."

Mitchell: "So, with this Amendment then, we probably won't have that objection from our local plumbers?"

Mautino: "They are agreed and have signed off on it. As a matter of fact, as Representative Giglio had stated, along with the mechanical engineers, as well."

Mitchell: "Okay, thank you, Representative. I have no further questions."

Speaker Lang: "Representative Dart."

Dart: "Will the Sponsor yield?"

Speaker Lang: "Gentleman yields."

Dart: "Are there any opponents to this?"

Mautino: "What's that?"

Dart: "Any opponents to this?"

Mautino: "No, and actually there weren't any the first time in the House, but then it got to the Senate and somebody actually read it. So it's now been fixed. There are no opponents to the Bill. Everyone is agreed."

Dart: "Thanks, Frank."

Speaker Lang: "Representative Brown."

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

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Speaker Lang: "The Gentleman will yield."

Brown: "And I apologize for asking. It was very difficult to hear some of the answers. But my question specifically relates to those people who, like the heating and air conditioning contractor who I call to come and clean the furnace in the wintertime, change the filters, come back in the springtime, put in new filters, clean the air conditioner. Those are the people who are calling saying that they have this great undue burden. Are they covered by this legislation?"

Mautino: "This legislation, and thank you for bringing that up. That is the same question that Representative Mitchell had. The reason for the negotiations in the Senate, in Senate Amendment 1, were to take care of the undue burdens in the underlying Bill for the small companies that are out there, those that did not have a \$100,000,000 in assets or those that could not afford to put 40% of their service contracts into reserve. So that has been taken out of there. And we still have the accountability portions for all consumer protections and it should be because it's an unregulated area where a lot of consumers go out and they purchase these contracts and you want to know that there's something standing there behind them. So you have to do the recordkeeping as a small guy. But all the concerns were taken care of at the table from the heating and cooling guys, from the plumbers, from the unions, from the home builders, from the realtors. And I do believe that after quite a bit of work they did get it settled."

Brown: "People who do snowplowing, people who do landscaping on a commercial basis, these people are also covered under this legislation?"

Mautino: "There are no opponents and they've all been brought,

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and we made sure that. And I had asked Senator Walsh if all those who were involved and opposed to this legislation had their concerns taken care of and I was assured that that was correct."

Brown: "And they have to register with someone, is that correct? If you sell a service contract for heating and air conditioning?"

Mautino: "If you provide a service contract, then you have to register with the Department of Insurance."

Brown: "Okay. Thank you."

Mautino: "And so, if someone has a question they can call the Department of Insurance, or if they have a complaint, they would have that on record that you're selling that type of consumer product."

Brown: "Thank you."

Speaker Lang: "Mr. Leitch."

Leitch: "The Gentleman yield?"

Speaker Lang: "Yes, he will yield."

Leitch: "Representative, where did the 100,000,000 number come from originally?"

Mautino: "Retail Merchants' Association. That was structured as the... You had to either have over a 100,000,000 in assets or else you had to set...if you did not have that level of assets, then you had to go and set aside 40% in reserve or else purchase an equivalent amount of insurance that would cover the amount of contracts that you had sold to the consumers. That way, in case of a default, there would be some recourse."

Leitch: "One of the concerns I think we've all seen starting to occur is the large utilities trying to get into the service contract business and squeeze out the little guys in our communities. Do you think that that 100,000,000 number

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reflects that situation?"

Mautino: "I do believe... Well, that was one of the concerns that caused the Amendment to be drafted. That was also brought up very strongly by the IBEW who had the concerns of the utilities coming in and now selling those services that they're doing and they, after, I think, three or four negotiating sessions, settled on it to make sure that they're, the folks who are providing these, were protected."

Leitch: "The other point I would make is while, yeah, they don't have to come up with some expensive bond money, this is yet more paperwork. You know, what kind of paperwork are we now imposing on the small people? Most of the ones I know can't stand yet another form coming from the state for yet another somebody's good idea. They're overwhelmed by all these forms that they have to spend all their time, small guys, filling out."

Mautino: "Okay, what... It's going to become a form contract. But what they have to do and I think it makes imminent sense, is, if you're going to sell these contracts to people, someone should be notified on it and that is notification of the Department of Insurance, and you must list on your disclosure what the terms are and so you got to keep a record. So, if I sell you a contract, I have to keep in file, which I would normally do in my business anyway, what my terms and my agreement are with you on this contract. It'll have that disclosure set out and I believe they're creating a specific form for it because there's requirements of what has to be disclosed on that contract itself."

Leitch: "As you know I have great respect for you as the Sponsor and as an individual, but I'm very concerned. I think the

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reason there may not be any opponents showing up against the Bill is because so many of these 'mom and pop' outfits are hard at work in the communities throughout Illinois and they're not aware of this measure. And I think too often we just continue to pile on and pile on more and more paperwork on the smaller entities and those are people, I think, each of us should be concerned about. So thank you very much."

Speaker Lang: "Representative Skinner."

Skinner: "Mr. Speaker, Members of the General Assembly, I think I finally figured out what this Bill is going to do, and it's not what the Sponsor intends, I'm sure. But when your local Culligan man comes around and says, 'Hey, would you like some clean water?' He's going to have to have a \$100,000,000 behind him or else he's going to have to set aside 40% of the money. Is that correct?"

Mautino: "Actually, that was the problem with the original Bill. That is what the Amendment addressed and took out. That was the complaint from all of the small service contract guys. That's why we had to do Amendment 1, so that they would not be required to have a 100,000,000 in assets or keep 40% in reserve. Many of these companies, incidentally, operate off of a performance bond anyway if they're going out in the market to do it, or have the insurance to back it up. That was the provision which we needed to change to ensure that we didn't hurt the local Culligan guy."

Skinner: "All right. Well, I've got a plumbing contractor in my hometown called Sherman Plumbing. It's been around for, I don't know, as long as I've lived there, at least 40, 50 years I would guess, maybe longer than that, an established business. And what are they going to have to do?"

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Mautino: "If I might on this, in the chambers here we guess on what the outcome are going to be a lot of times, but I think on this one I'd like to ask a real plumber. I'd turn this over to Mr. Giglio. What affect does this have?"

Speaker Lang: "Mr. Giglio."

Giglio: "Thank you, Mr. Speaker and fellow Legislators, if you could, just bear with me for one second. This Bill provides protection for the consumer that before this, it did not have. It also provides so that the contractor is left off of some of the provisions that should not apply to the contractor. For instance, in the event that a contractor provides service contracts and he charges people monies for that contract in advance, say, \$50 for a furnace clean and check or whatever the case may be. Right now, in the event that that contractor goes belly up, the consumer has no protections. Now, bear with, Cal, for one minute please. The consumer has no protection. There's no place for them to go. Under this legislation the contractor would be required, if they provide service contracts, the contractor would be required to file with the Illinois Department of Insurance. And it's a good thing."

Speaker Lang: "Mr. Skinner."

Skinner: "What? File what?"

Giglio: "Pardon me? They will have to file the listing of the types of service contracts they provide; annual amounts that the contracts are worth and I believe that's it. Frank, is that... I think that's all there is that they need to provide to the Illinois Department of Insurance."

Skinner: "What's the reason for this Bill? I've had no complaints."

Giglio: "Because the consumer has no protection from contractors that don't stand behind their contracts, that charge them

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monies and don't provide the service. There's no place for a consumer to go to."

Skinner: "If the consumer is dumb enough to go to a heating contractor that isn't named Giglio Plumbing and hasn't been around for three decades or four decades... I just don't understand why we have to be messing around with small business. We have the Attorney General who has an active consumer complaint division, now we're putting a second department in. If I could ask the Sponsor another question. Will this allow utilities to offer service contracts or can they do that already?"

Speaker Lang: "Mr. Mautino."

Mautino: "Okay. In answer to your question, first of all, anybody can offer a service contract right now. The point is, we don't regulate them. And in here... If I'm going to sell you a contract, I'm required to tell the Department of Insurance that I'm selling you or anyone else in this Body a contract and let's use Representative Giglio's example, a contract for cleaning the furnace for \$50. You're going to pay that in advance. What I have to provide to the department is what the consumer protections are. I have to tell them clearly that the consumer is allowed to cancel this contract. I cannot...that the retailer cannot retain a cancellation fee of more than 10%of the contract or \$50, whichever is smaller. It says exactly what the consumer themselves can expect. So we don't currently do it now. As to your questions for utilities, they can already offer service contrac..."

Speaker Lang: "Mr... Representative Tom Johnson yields his five minutes to Mr. Skinner. Please proceed."

Skinner: "Well, I guess I have a conceptual problem here. I have a conceptual problem. It appears we are... I mean, this

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Bill attempts to regulate small business more than it is already regulated, as well as large business, obviously. What makes you think the Department of Insurance hasn't got its hands just totally full with regulating insurance companies?"

Mautino: "The Department of Insurance took a look at this and had agreed and signed off on the language. That's something that they can do and something that should be done in the interest of the consumers. For example, we don't operate them now, so an example that you gave me earlier, if that person...that person who...who you bought the service contract with goes belly up, as the person who paid good hard earned money to get that, you're out of luck here in the State of Illinois. We don't regulate it. And so... And it's not a big regulation. You have to send a form to the department and say, I'm going to sell this contract and this guy is allowed to cancel or if he does cancel here are my terms."

Skinner: "But he has to put up 40..but he has to put up 40% of the money."

Mautino: "No. That's what the Amendment took out. That's what we're concurring in. If you'd take a look... Please take a look at the Amendment."

Skinner: "Well, tell me what..."

Mautino: "You've got to speak apples to apples here. What you're talking about is the old Bill. The new Bill does not require the small businesses to have a 100,000,000 in assets. It does not require them to put up 40% of the value of their contracts, nor purchase that insurance policy. It was done because your small guys can't afford..."

Skinner: "So what does a small guy have to do? He has to send

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some form to the Department of Insurance."

Mautino: "Right."

Skinner: "They have to send this?"

Mautino: "And they have to send that form, they have to keep on file and tell people what is in the contract they just bought, plainly."

Skinner: "Well, that's the Consumer Fraud Division of the Attorney General's Office. That's their role. Why are we giving to the..."

Mautino: "Well, actually, this provides the recordkeeping so the Attorney General can do their job. Right now, there are no records."

Skinner: "Who's exempt?"

Mautino: "Okay. A service contract provider who is a manufacturer or a wholly owned subsidiary of the manufacturer of the product or the builder, seller or lessor of the product that is subject of the service contract, is required to comply only with Sections 30, 35, 45 and 50 of this Act. If you go there, those are the consumer protections of the Acts and the disclosure requirements. A service contract provider who sells a motor vehicle or who leases, but is not the manufacturer of the motor vehicle, but is subject to the service contract, must comply with this Act in its entirety (sic-entirety). Basically, we've taken out the concerns of your small heating and cooling folks, the plumbers, those home builders, the realtors, those who have raised objections, and I do understand the NFIB, who's the spokesman of small business, is in favor of this."

Skinner: "Who wants this Bill? I mean, why... I mean, I realize the first time this was up, probably everybody voted for it, probably I voted for it."

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Mautino: "You did."

Skinner: "But what's the need for this Bill?"

Mautino: "The need for this Bill is to protect consumers. If you have paid..."

Skinner: "No, No. How many consumers have complained to your office?"

Mautino: "May I ask you a question?"

Skinner: "Why not?"

Mautino: "Why not?"

Skinner: "We're in free form."

Mautino: "Absolutely. If you went out and paid money and for example, my family business was a beer distributorship. I buy cooling contracts. So if I paid \$10,000 up front to this company, or if you did, and they went under tomorrow, now I have no recourse under today's Illinois law."

Skinner: "Sure you do, you call Uncle Guido. That's what I'd do."

Mautino: "You know, that's a thought."

Skinner: "That's a thought."

Mautino: "That's a thought, but the average consumer might not be able to do that. He would just basically, the small business guy, would be out a lot of money because we as a state don't regulate it. So, if we don't require anyone to back up a service contract they sell. That's what... that's the need."

Skinner: "Well, how is it backed up by sending a piece of paper to the Insurance Department?"

Speaker Lang: "While we're waiting for Mr. Mautino's answer, the Chair recognizes Representative Shirley Jones."

Jones, S.: "Yes, Mr. Speaker."

Mautino: "The department's weighing in. Okay, we'll be right back here."

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Speaker Lang: "Go ahead. Mr. Mautino. Mr. Mautino, wait one moment. Representative Jones."

Jones, S.: "Yes, Mr. Speaker, I have a personal privilege. I would like to introduce Andrew Jackson Language Academy that's...within my district. Will you please stand up? Also, Art Turner's son is in this classroom and also my grandson."

Speaker Lang: "Welcome to Springfield. Welcome. Mr. Mau... Thank you, Representative Jones. Mr. Mautino, do you have the answer to Mr. Skinner's question?"

Mautino: "Am I back on? Okay. The department expressed a concern here and what they have said, their inability right now, also under current law, is to get to the companies that are just selling the service contracts. You and I get together and decide we are going to sell service contracts. Right now they have no way to regulate and some of these are large companies. As well, so that they can go out and also removes the ability for potential fraud. They would have financial disclosure and financial requirements as well. That's the department's concern."

Speaker Lang: "Mr. Stephens."

Stephens: "Well, I suppose if the Bill were limited to just those groups that specialize in the service contracts and not in the original provision of equipment or supplies, maybe there would be some...more merit to it. I believe that the House erred when we passed the original Bill out, Representative. I just...I just don't agree that..."

Mautino: "I agree that the original Bill, once it went to the Senate, needed to be corrected because of its impact on small business."

Stephens: "Well, I certainly understand that and agree with you that Senate Amendment 1 makes the original legislation that

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we passed to the Senate a little easier to live with. But on this side, a lot of us are stuck with the position that rethinking the original Bill. We believe that this is really just going to be detrimental to a lot of small businesses, mom and pop kind of shops in downstate Illinois that you and I are so familiar with, that...trying to make a go of it. We think that the overall Bill, even with your Amendment that improved it, is probably not ready at this time for consideration a good public policy. I would just stand in opposition. I think this is an anti-small business Bill in the bottom line. I say that with all due respect, and I know that your attempt is well-intentioned but I disagree with the net result. So I stand in opposition. Thank you, Mr. Presiding Officer."

Speaker Lang: "Mr. Lawfer."

Lawfer: "Thank you very much. Will the Sponsor yield?"

Speaker Lang: "Mr. Mautino yields."

Lawfer: "I've been listening to some of this discussion. But if I was a small business and failed to meet the requirements, what would the penalty be in this regard, Representative?"

Mautino: "Could you repeat that? I couldn't hear..."

Lawfer: "If I was a small business, say I was a business of one or two people providing, for example, I think they should cover a TV repair shop that had one or two employees. If I'd failed to keep...do the recordkeeping that was necessary and I assume there would be recordkeeping necessary, if I failed to do that, what would the penalty be?"

Mautino: "If you are not living up to your service contracts, then the Director of the Department of Insurance can order you to not sell them, to cease and desist."

Lawfer: "A C&D, is that right?"

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Mautino: "Yeah."

Lawfer: "Okay. And now what would...how would that be determined? Would that...could that be determined by a complaint of a..."

Mautino: "A complaint would be filed against you and then the department would come in and investigate just as the Attorney General would if you had to go a different route with a complaint against fraud or whatever deed. The department would come in, they would take a look and see if you're living up to what you've promised the consumer you would do. If you don't, then you will lose the ability to sell service contracts. So if your word's no good, you're breaking your words to your customers, the department will be able to come in on a consumer complaint and say, 'You can't do this.'"

Lawfer: "Well, Representative, I voted for this Bill when it passed out of here. I think it passed out 115 to 0, so I assume I voted for it and...but it has definitely, the Senate Amendment has improved it. But on the other hand, in a rural area where I live, much similar to yours, if somebody doesn't live up to the service contract we have the ability to go somewhere else and take our business elsewhere. And I think that's much more effective than the enforcement of this particular Bill and therefore, I am going to look very closely at this before the vote's taken. Thank you very much for your indulgence, Representative."

Speaker Lang: "Mr. Mautino to close."

Mautino: "Thank you. Ladies and Gentlemen, I appreciate the amount of time that we've spent on the effort. We've had some good questions. The original Bill that passed was designed to provide consumer protections in an area which is unrelated now and that's service contracts. So that if

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a business goes out and takes the consumer's money and says that they're going to provide this service, then they must do it. The original Bill was flawed in that it had thresholds and protections that a small business could not meet. Therefore, we removed those requirements to allow the small business comp...the small businesses with their agreement and the support of all the business groups to do this. Now this is model legislation which is being done nationally, as well, but here it provides consumer protections where none exists right now. It will require that if you sell someone a contract that you register with the Department of Insurance and tell them that you are selling an insurance contract. That's what this is. Then you would have to fully disclose to the person who is buying this contract exactly what they're in for, what their rights are in cancellation and if they cancel early, how much they may be charged. All these are specific items which were drawn into it to protect the consumer. The Amendment itself took out the objections of small business, of home builders, the plumbers, the contractors, the mechanical engineering companies that provide these contracts, and they are in favor of it. Representative Giglio, in the real world, lives by these contracts. This is the man who said that they want this for the consumer protection and also that this Bill will not damage the small business. He's a small business owner, so am I. Our objective here is to put in the consumer protections that we don't have in the law now. It is agreed. There are no opponents, and to that I give the credit to Senator Tom Walsh, who spent a lot of time negotiating this between the business groups, the labor unions who are now in favor of it, the...basically, everyone who raised objection, and

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rightly so, on the original Bill. So, with that, I ask you for an 'aye' vote."

Speaker Lang: "Mr. Granberg, for what reason do you rise?"

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I wonder, I just came onto the floor and I had a question on this Bill. I heard it while I was in my office. I wonder if you would extend me the courtesy to ask the Sponsor one question before you actually ask for a roll call on the vote?"

Speaker Lang: "Proceed, Sir."

Granberg: "Thank you. Mr. Mautino, the same courtesy we extended the Gentleman from Danville two days ago, if I might add. Mr. Mautino, under Griffin v. Washburn, does the department have the authority to negotiate those third party contracts? Is that the intent of what this Bill is doing? Under the court case, the court case of Griffin v. Washburn, does the department have the authority to negotiate or get involved in third party contracts?"

Mautino: "That's actually what they're trying to get to with this Bill, so they would have the ability and the authority over those they don't currently have now."

Granberg: "So they don't have the ability right now to oversee that process?"

Mautino: "Correct. They cannot oversee those and that is the case which was cited in committee as well."

Granberg: "Oh, I'm sorry. That's why I just came out. I didn't know for sure. Because this is a pro-consumer measure. I just wanted to make sure they didn't have the authority currently. That's what you're attempting to do."

Mautino: "That's correct."

Granberg: "Thank you very much."

Speaker Lang: "The question is..."

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Mautino: "You don't really want me to close again do you, Lou?"

Speaker Lang: "No, we don't need you to close again. The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 3464?' This is final action. All those in favor shall signify by voting 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 96 voting 'yes' and 18 voting 'no', and this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 3431, Representative Zickus."

Zickus: "Thank you, Mr. Speaker. Senate Amendment 1 becomes the Bill. It retains the intent of the original Bill as passed by the House, but it reflects an agreement between the Department of Public Aid, various managed care community networks, the Illinois State Medical Society, Illinois Hospital and Health Systems Association, Cook County Hospital, and the Illinois Association of HMOs. The Amendment will permit the managed care community networks to contract directly with DPA to provide health care through programs administered by DPA. The HMOs are neutral on it. I know of no opponents."

Speaker Lang: "There being no one seeking recognition the question is, 'Shall the House concur in Senate Amendment... Sorry, Mr. Black, your light was not on as I spoke, but it is on now."

Black: "That's right. Thank you, Mr. Speaker. Your left arm was covering my light. Will the Sponsor yield?"

Speaker Lang: "The Lady will yield. Representative Hartke in the Chair."

Black: "Representative, is an HMO a service contract?"

Zickus: "I would think so."

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Black: "Do they have to register now with the Department of Insurance?"

Zickus: "Yes."

Black: "That's what I would think. I mean, we're going to push this service contract thing... If I'm in a prepaid legal service, is that a service contract?"

Zickus: "As it applies to the last Bill?"

Black: "It's very interesting. Very interesting. And so there's no opposition to this Bill?"

Zickus: "There is no opposition that I know of."

Black: "Just like there was no opposition to the last Bill. Let the record reflect that my brother was opposed to the last Bill."

Zickus: "Okay. Well, you're... I don't know of any opposition to this Bill, Representative Black."

Black: "Oh, all right. Thank you. But it might be a service contract, might'n it not?"

Zickus: "Pardon?"

Black: "We'd be very interes... I mean, this could be construed as a service contract. If I sign up with a managed care network to take out my tonsils or whatever, then it could be construed as a service contract."

Zickus: "I think that that's something totally different."

Black: "Well, I hope so. Well, we'll see. Thank you."

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

Zickus: "I would appreciate your 'aye' vote on concurring with Senate Amendment 1."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendments #1 to House Bill 3431?' This is final action. All those in favor signify by voting 'aye'; those opposed vote 'no'. The polling is open. Have all voted

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who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 116 Members voting 'yes', 0 voting 'no' and 0 voting 'present', and the House does concur in Senate Amendment #1 to House Bill 3431. Mr. Clerk, what is the status of House Bill 1225? Excuse me, Senate Bill."

Clerk Bolin: "Senate Bill 1225, it's on the Order of Senate Bills, Third Reading."

Speaker Hartke: "Place that Bill on Second for purposes of an Amendment. For what purpose does Representative Black seek recognition?"

Black: "Mr. Speaker, I have an inquiry of the Chair, if I might."

Speaker Hartke: "State your inquiry."

Black: "Will the Rules Committee be meeting prior to adjournment today?"

Speaker Hartke: "That's a very good question. I'll check."

Black: "Well, Mr. Speaker, on behalf of many of us and I don't think this is a partisan issue and I don't want to get into another Motion to Discharge, but I have filed House Joint Resolution 66, and I'm sure many people will sponsor that with me to disapprove the Compensation Review Board package. Now, none of those Resolutions have been reported from Rules and I don't want to sit here in 24 hours and vote on a budget that's going to have a significant pay raise for elected officials in the State of Illinois, when we couldn't quite do some of the tax relief measures that we have discussed for most of this Session. So, I, rather than file the written Motion and take the time of the chamber, I would just like the record to reflect that I am concerned that HJR 66 has not been reported from Rules as has...as none of the Resolutions filed that would disapprove the Compensation Review Board package request

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have made it out of Rules. And I think before we move to the budget, it would be nice that we could be on record as to what we intend to do with the Compensation Review Board recommendation. And so, I'll not file the written Motion and move to discharge today but I will first thing in the morning if we don't hear from Rules. And I thank you for your indulgence."

Speaker Hartke: "Thank you, Mr. Black. Representative Lang in the Chair."

Speaker Lang: "On page 3 of the Calendar, under Senate Bills, Third Reading, there appears Senate Bill 1289. Mr. Clerk, please read the Bill."

Clerk Rossi: "Senate Bill 1289, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this Senate Bill."

Speaker Lang: "Mr. McAuliffe."

McAuliffe: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1289 is the Bill that deals with the 'huffing'. It amends the Illinois Vehicle Code of DUI provision to prohibit driving under the influence of any intoxicating compound in a driver's blood or urine, to a degree that renders the person incapable of driving safely. It also defines what intoxicating compound is and I'd be happy to answer any questions."

Speaker Lang: "The Gentleman moves for the passage of Senate Bill 1289, and on that question, the Chair recognizes Representative O'Brien."

O'Brien: "Thank you, Mr. Speaker. I rise in very strong support of this Bill, and want to commend the Sponsor for working not only with the Senate Sponsor, Senator Dudycz, but also with the Illinois State Police regarding some concerns they have. And this Bill specifically deals with a problem in the statute that does not allow for prosecution for driving

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under the influence for people that use inhalants. So, an individual can be under the influence of an inhalant and not be eligible to be charged for the offense of driving under the influence, and it has been a serious problem for... within the county of Will. And I would certainly urge an 'aye' vote."

Speaker Lang: "Mr. Black."

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

Speaker Lang: "Gentleman yields."

Black: "Representative, is there a definitive outline of what constitutes an intoxicating compound in statute?"

McAuliffe: "Yes, there is."

Black: "So, if it is not... if it is not specifically listed in statute, then it could not be used in this law. Correct?"

McAuliffe: "Correct."

Black: "All right, because Representative Erwin was standing over here in front of my desk, and I found that her perfume was an intoxicating compound, and I wanted to know if it was a... if it was listed in the underlying statute? Particularly, when she told me it was 'Iceabutal #5.'"

McAuliffe: "No, that wouldn't be included in this Bill."

Black: "Well, all right. I just wanted to make sure she didn't get in trouble. I thank you for that... answering that question. I'm trying to find the Senate vote on this."

McAuliffe: "The Senate vote was 54-0."

Black: "You know one of these days we're going to get one over here where all 58 actually voted on it. But, okay. Thank you."

Speaker Lang: "Mr. McAuliffe to close."

McAuliffe: "I just ask for a favorable vote."

Speaker Lang: "The question is, 'Shall this Bill pass?' All

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those in favor shall signify by voting 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 116 voting 'yes', 0 voting 'no' and 0 voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. On page 9 of the Calendar, under the Order of Nonconcurrency, there appears Senate Bill 1286. Representative Zickus on a Motion."

Zickus: "Thank you, Mr. Speaker. I refuse to recede... oh, I'm sorry. Yes, I refuse to recede from House Amendment #2."

Speaker Lang: "There being no discussion, the question is, 'Shall the House refuse to recede from House Amendment #2?' Those in favor shall say 'aye'; those opposed 'no'. In the opinion of the Chair, the ayes have it and the House does refuse to recede from House Amendment #2 and Representative Zickus moves that a Conference Committee be appointed. Mr. Clerk, Supplemental Calendar announcement."

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

Speaker Lang: "Mr. Clerk, on Supplemental Calendar #1, there appears Senate Joint Resolution 61. Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, this is the Resolution which proposes to deny certain of the mandate waiver requests submitted by local school districts. If there are any of you during this brief description of the actual Amendment... or the actual Resolution, if any of you have not had an opportunity to see the whole report with all of the requests from all of the school districts, I have that right here in my hand and any one of you is welcome to come over and consult it. In fact, the only requests that are

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being denied in this particular Resolution are one in relation to IGAP testing, requested by Norridge School District #80. Two requests having to do with banked time in relation to the amount of general state aid to be received. Those requests were from Matteson School District #162 and... oh both of them were from Matteson School District 162, based upon two different types of criteria. Then there is a request from Beach Park Community School District #3, which has to do with permitting substitute teachers to teach for 180 days in any one school year as long as they did not exceed 90 consecutive teaching days in any one classroom. Now, my friends, that is a very great departure from the current leg... legal provisions regarding what a substitute teacher must do to be qualified to be a substitute teacher and also the maximum amount of time that person can spend in a classroom in any one academic year. I would like to mention to you that in denying this request from Beach Park, the Legislature would be in complete accord with the positions of both the Illinois Education Association and the Illinois Federation of Teachers, both of which are very strongly opposed to granting this request regarding substitute teachers. Then there are 24 school districts, which I will not list because it would take quite awhile, requesting waivers from the new administrative expenditure cap that was passed as part of House Bill 452 on December 2, 1997. I think it is apparent that there was a mistake made in the drafting of that particular provision because it was only intended, as I understand it, it was only intended to apply to the salaries for superintendents. Instead, it has been interpreted by the state board to apply to almost any expenditure that would fall under the

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general category of 'administration', even to the point of expenditures for attorney fees in relation to liability. Clearly, it was never the intention that there should be any cap on that, since that is not something the school district can control. So, it is suggested in this Resolution that all of these requests be denied, and that at the same time there should be revised language that makes clear what the cap really does apply to, adopted before the end of this Session. That language is already drafted and is moving through the Senate. Finally, there is one, there is one request... have another request from Norridge in regard to the administrative contract but for a slightly different reason. The fact is, that none of these requests being denied would have any fiscal impact on the state, whatsoever. I would add that I believe the State Board of Education is in favor of denying the IGAP testing exemption, the bank time and the bank time for the Matteson School District. I find it rather interesting the State Board of Education does not object to this drastic change in the substitute teachers. That is objected to by the IEA and the IFT. Mr. Speaker, I think it is important for us all to realize that anything that is not denied in the same language by both chambers, automatically goes into effect. Since this is the only Resolution that still has time to be adopted, I urge its acceptance."

Speaker Lang: "The Chair recognizes Representative Brown."

Brown: "Thank you, Mr. Speaker. On Senate Bill 3464, I inadvertently voted 'no'. I wanted to vote 'yes'."

Speaker Lang: "The record will so reflect. Thank you, Sir. The Chair recognizes Representative Persico."

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

Speaker Lang: "The Sponsor will yield. Let's take it easy on our

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Sponsor, she seems to be a bit under the weather."

Persico: "I understand that and I was just going to mention that I know that you're not feeling well and your voice isn't at its best. So, I just want to make sure that the Members understand exactly what this Bill does, because we all seem to get confused on when we vote on mandates. A 'yes' vote means you will be denying these waiver requests..."

Cowlshaw: "That's correct."

Persico: "...and a 'no' vote means they would go in effect, so that..."

Cowlshaw: "That is correct."

Persico: "...that we do understand that. To the best of your knowledge, Representative, because there are many, many Members in here are extremely concerned about the administrative cap aspect of that, and I know that my school districts has two requests in there and I would hate to be voting to deny requests that I feel are very legitimate by my own school districts. Are... to the best of your knowledge, do you foresee the Senate Bill coming over that will deal with clarifying the language of the administrative cap?"

Cowlshaw: "Representative Persico, I am told by staff that that corrected language is now contained in House Bill 1640 and that about a half an hour ago we were told by the Senate that that Bill will be sent over here tomorrow, so that we will have time to vote on it before we adjourn. And it will correct the problems that these waiver requests are attempting to correct themselves. So, it will be taken care of, but by a different route other than the waiver."

Persico: "And I understand that and I hope that the Senate is going to carry through with what they know is a concern of not only many Members of the General Assembly, but also

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many school districts throughout the State of Illinois. And so with that knowledge, at least, I know you can't give me an assurance, but with that knowledge I will be voting 'yes' to deny the waiver mandates of this particular Senate Joint Resolution 61."

Cowlshaw: "Well, thank you, Mr. ... Mr. Speaker, I was glad for that question because sometimes we get told that something is going to happen in the Senate and then somehow or other, it doesn't. And maybe as a matter of record, we need to have it understood that the Senate has made a commitment that House Bill 1640 will contain this corrected language and will be over here tomorrow."

Speaker Lang: "Representative Mitchell."

Cowlshaw: "And of course, we hope somebody over here will call it for a vote. Hint, hint, Mr. Speaker."

Speaker Lang: "Mr. Mitchell."

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

Speaker Lang: "The Lady yields."

Mitchell: "Representative Cowlshaw, I'm pretty well aware of those waivers that are in there that we are denying, but one of the ones that I wanted to bring more attention to the Body is the one on the substitute teachers. Now, my understanding is, that with this waiver, districts would be allowed to use a substitute teacher for an entire school year and not just the 90 days that's in law. Is that correct?"

Cowlshaw: "Pardon me? I'm sorry."

Mitchell: "With this... if we do not deny this waiver, then some school districts will be allowed to use a substitute teacher in any category to teach any subject for an entire school year rather than just the 90 days that is allowed by law at this time. Is that correct?"

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Cowlshaw: "Representative, it is my understanding that if we do not deny that particular request, the situation that you have just described will prevail, or at least it will be permitted in the Beach Park Community Consolidated School District #3, not in any other school district in the state because nobody else asked for this waiver. But indeed, there would be one school district where you would have substitute teachers doing precisely what those people who are full-time teachers are now doing. So, that there would virtually be no distinction between a certified teacher and a substitute teacher. So, I believe we need to deny this request."

Mitchell: "So, this opens the flood gates and that's what usually happens to us. A couple of years ago we had one waiver that looked pretty minor in the area of physical education and several years down the road we've just about wiped out mandatory physical education in the State of Illinois. Now, I think that's a travesty and I think it's wrong and somehow we've got to come back and correct that. We have students, children that are overweight, out of shape, and yet we have said we can take the time that kids should use for physical education and do something else with that time. Certainly hasn't helped that problem. Now we have another waiver that says substitutes can be used for an entire school year with no certification, with no qualifications other than the fact that they have a college degree, and that's wrong. We would have kids being taught in algebra with someone with a degree, quite possibly, in elementary ed., not that they couldn't do a fine job on a part-time basis, but certainly not do the job that a certified teacher in that area would do. If we do not deny this waiver now, we will be faced with many, many more next

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year and the following year, and before you know it, most of our schools will be taught by substitutes that teach for the entire school year. That's inherently wrong and I stand in support of this entire Senate Joint Resolution. There's not a waiver in here that should not be denied. They've been gone over carefully and I urge a 'yes' vote. Thank you."

Speaker Lang: "The Chair recognizes Representative Bost."

Bost: "Thank you, Mr. Speaker, Members of the House. I just want to expand on what Representative Persico said awhile ago. The concern I have is, that when things come over from the Senate, we have a promise that they're coming over from the Senate and they don't necessarily come over from the Senate, or then when it gets over from the Senate sometime we will all of a sudden pass the budget and we won't do something about this. This particular issue, the one request or the group of requests to deny... or to straighten out the problems of administrative caps which were supposed to be on administrative salary, instead are on everything that the administration office does. That could be liability, tort liability, that could be as much as repairing heating systems, that could be repairing roofs, parking lots, everything that's in there, right now, in the Bill that we passed last year, which right... on this floor I asked, 'Is it the intent to do anything but cap, but cap the administrators' salaries? That was the intent. That is not the way the language is written. That's why they've come back. That's why they've asked for these waivers. I will ask for a 'no' vote on this and the reason I'm asking for that is because I don't... I believe it's the Sponsor's intent to push every way possible to have the Bill straightened... that's coming over from the

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Senate straighten this problem out. If we deny this, we're going to trap these people until Veto Session. We're going to trap them until Veto Session. Folks, think about what we're doing here, because you don't know what problems might come up in these school districts. There was a problem that we tried to bring up whenever that Bill came out. It was very clear in the intent. That was not the intent. We can straighten it out here. I ask for a 'no' vote."

Speaker Lang: "Mr. Black."

Black: "Thank you very much, Mr. Speaker. An inquiry of the Chair, if I might?"

Speaker Lang: "Please state your inquiry."

Black: "Is it possible to do a division of the question on the various items in this Resolution and vote on each of them separately?"

Speaker Lang: "The answer to your question, Mr. Black, is this is an indivisible question. It's one Resolution. A Motion to divide the question would be in order if we had a several part Motion, but this is a single Motion to pass SJR61."

Black: "All right. Okay. Well, thank you very much, Mr. Speaker. To the Resolution. I think that's a weakness in the inherent law. While some of these waivers, obviously, should be denied on their face, others are not that clear cut. My concern in doing this every year, is that the General Assembly is setting itself up as the 'super school board' of the State of Illinois. Now, I've never been comfortable with this. I don't know what the issue may be in a school district 200 miles away from where I live and I'm not comfortable telling them what they should do. I thought that's why we had locally elected school boards and why we had a State Board of Education, who conveniently

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dumps anything that's a hot potato over here on us. And I would... I simply rise and support my friend and colleague, Mike Bost. When you get one vote on the issue, then you may not have any trouble with the bulk of them in the Resolution. But one or two of them, for your own school district or your own region or your own neighborhood, can create a problem for you. So, Mr. Speaker, let me ask you a question so that we're all clear. A 'yes' vote on the Resolution means that you are disapproving every district's request for a waiver. Is that right?"

Speaker Lang: "Every district's request that's in the Resolution."

Black: "Yeah, that's in the Resolution. So, a 'yes' vote would say, 'No you can't do that.'"

Speaker Lang: "That's correct, Mr. Black."

Black: "A 'no' vote would then say, well, those of us who vote 'no' think perhaps you should work that out locally."

Speaker Lang: "Whatever your interpretation of that might be, Mr. Black."

Black: "Thank you very much. I just wanted clarification."

Speaker Lang: "Mr. Boland."

Boland: "Thank you, Mr. Speaker. Let me join my colleague over here, Representative Mitchell, in stating emphatically that to allow substitutes to teach basically the whole year is going to be such a deterioration of the quality of education in our state. We just can't take this sort of mini-step to allow this to go on. So, I fully agree with the denial of those waiver requests. Would the Sponsor yield for a question on the administrative caps?"

Speaker Lang: "The Lady yields."

Boland: "Representative, now the request is to be out of the administrative caps, is that right?"

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Cowlshaw: "That is correct."

Boland: "So, if we vote 'yes', we are denying these school districts their attempt to get out of what we just passed in previous legislation?"

Cowlshaw: "Well, I don't know quite how to explain this to you other than to say, I believe that the intent of this Legislature when House Bill 452 was passed, was that this 5% cap should apply to the salary of the superintendent of schools..."

Boland: "Right, right."

Cowlshaw: "...period."

Boland: "Right."

Cowlshaw: "It was not meant to apply to all..."

Boland: "Right."

Cowlshaw: "...these other general categories, even the liability fund..."

Boland: "Right, right."

Cowlshaw: "...but somehow the State Board of Education interpreted the language to mean that it had this very wide application. These folks are asking to get out from under that."

Boland: "Okay."

Cowlshaw: "Now, when this language comes over tomorrow on House Bill 1640, it will make it clear that that does, however, continue to apply to the salary of the superintendent of schools."

Boland: "Right, right."

Cowlshaw: "So, I don't think we ought to exempt any of these people from the cap, it'll fix the cap..."

Boland: "Right."

Cowlshaw: "...rather than try to do this piecemeal."

Boland: "Right, well, I... that's what I'm trying to clarify."

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Because I think that's very important for people to realize that what we're doing here, we'd be allowing them to get out from under this cap and then here we are, we're going to try to repair it maybe tomorrow and, so on and so forth, what we had originally intended. So, in other words, to clarify this for anybody who is listening and who may be confused by how this whole operation works, when we vote 'yes', we're going to be denying their requests to get out from under the administrative caps."

Cowlshaw: "That is correct."

Boland: "Okay."

Cowlshaw: "What we are going to be saying to them is, instead of saying when you give your superintendent a salary increase, it can't be more than 5%, we're going to say the sky is the limit."

Boland: "Right. Right. Right. Okay. Thank you very much."

Cowlshaw: "Thank you, Sir."

Boland: "I would urge a 'yes' vote."

Speaker Lang: "The Chair recognizes Representative Monique Davis."

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

Speaker Lang: "Representative Davis, please, please hold one second. The Chair recognizes Representative Skinner on a point of order."

Skinner: "Mr. Speaker, I have a point of order. My point of order is that this has not been distributed. I'm looking on my computer. I have... ah, it says it's time to update. Maybe it will show up, but it is not on any computer I have seen."

Speaker Lang: "Mr. Skinner, we thank you for bringing that to our attention. We are looking into it and we'll get back to you on that point."

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Skinner: "Well, we shouldn't be debating the subject matter if the contents are not distributed."

Speaker Lang: "We'll get back to you on your point, Mr. Skinner. Representative Davis, the Sponsor will yield."

Davis, M.: "Representative Cowlshaw, does this Senate Joint Resolution contain a denial of request to all of the people who requested waivers on the administrative caps? Is it all of them or just some of them?"

Cowlshaw: "Representative, if I understand your... it's so difficult to hear you, but if I understand your question correctly, it is, are we denying all requests related to the administrative cap in this Resolution?"

Davis, M.: "That's my question."

Cowlshaw: "If that is the question, the answer is, yes."

Davis, M.: "Okay, so voting 'yes' on this Senate Joint Resolution says 'no' to every... if we vote 'yes' we're saying 'no' to all districts who are seeking to have... to waive the administrative caps that we have placed on schools."

Cowlshaw: "That is correct."

Davis, M.: "Does this Resolution contain any other provisions?"

Cowlshaw: "I'm so sorry. I just cannot... does it do what?"

Davis, M.: "Does it..."

Speaker Lang: "Excuse me. Excuse me. Could we have some order in the chamber so we could hear this debate? The faster we finish this debate, maybe the faster we'll be out of here this evening. Representative Davis, please ask your question once again."

Davis, M.: "Does this Joint Resolution contain any other provisions?"

Cowlshaw: "Yes, Ma'am, the ones I mentioned during the opening remarks. It includes the denial of the IGAP testing exemption from Norridge School District; two banked time

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general state aid requests in the Matteson School District; the substitute teachers' request from the Beach Park School District 3; all of the requests for exemption from the administrative cap; one also that had to do with the question having about to do with the length of the administrative contract. That's also from Norridge and that is the extent of the requests that are being denied by this Resolution."

Davis, M.: "Okay. Now, the Beechwood (sic-Beach Park) one is where they wanted to be able to use a substitute for the whole year. Is that correct?"

Cowlishaw: "That is correct."

Davis, M.: "Okay, so that's being denied. Well, I believe that even though as Skinner, Representative Skinner pointed out, we don't have the content language, but I believe that if it says exactly what you're telling us it will say, then we should support this Senate Joint Resolution. We should vote 'yes'. I'd like to advise the Body, however, that we have a House Joint Resolution #64, we hope will get called and that Resolution is to deny waivers who are seeking, for school districts who are seeking waivers, for physical education classes and those who are seeking waivers against quality ratings for teachers and I think that's...well there may be one or two other factors or elements in that particular Resolution. So, I hope that Senate Joint... I'm sorry, House Joint Resolution 64 will be forthcoming and I do believe that this Resolution deserves an 'aye' vote. Thank you, Representative."

Speaker Lang: "Representative Hoeft."

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

Speaker Lang: "The Lady yields."

Hoeft: "I hate to admit this, but three years ago on this floor,

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Representative Black brought up the fact that this will come back to haunt us, and I hate to admit that I listened to Representative Black. There are many waivers that haven't been included and it is just as important for us to know what waivers have not been included. What are we going to be excepting, for example, the P.E. waivers? Representative, were the P.E. waivers involved in this, included?"

Cowlshaw: "No. They are not in this Resolution."

Hoeft: "And we have had numerous groups testifying the importance of P.E. in the school districts. I know the IEA has vigorously said that this is important in terms of their agenda. What we ought to know, also, before we make a vote here is what of the waivers are we going to be not addressing, so we know what waivers we are allowing to be put through this process. I really wish we could take these individually. I want to vote for the substitute teachers. I don't want to vote against the P.E. teachers. I don't want to vote against the administrators for the cap. This process is seriously flawed. We don't know what we're voting for. We don't know what we're voting against. And we are hoping that things will come through, trailers will come through, and if they don't come through, a lot of us are going to be hung up badly. This needs to be split. We need to vote on these individually and what we are voting on today could hurt everyone of us whether we vote 'for' or 'against' because there are good portions of this and bad portions and we are being forced into a situation where we're voting for things that are going to hurt us, and that's wrong. We need to split this. We need to look at this in more detail. We can't wait for the last minute to take this Bill and vote on it. It is a 'no' vote

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because of the confusion that has been created by this process. Thank You."

Speaker Lang: "Representative Novak."

Novak: "Speaker, thank you. Sponsor yield, quickly?"

Speaker Lang: "The Lady yields."

Novak: "Representative Cowlshaw, what is the difference between... first of all, let me rephrase the question here. Are these modifications or are they complete waivers with respect to the administrative cap?"

Cowlshaw: "Representative, the State Board of Education handles those things that could be called modifications. These are outright waivers."

Novak: "Okay. Outright waivers, so Representative Persico advised me that..."

Speaker Lang: "Excuse me, Mr. Novak, Mr. Novak. Could we lower the volume in the chamber, please? Representative Hartke cannot hear what we're talking about. So could we please lower the volume so we can hear Mr. Novak and the Sponsor of the Bill? Please proceed."

Novak: "Thank you, Sir. Representative Persico advised me that Senate... House Bill 1640, that has some type of a modification language on the administrative cap from 452 last year is coming back over here for concurrence. What is the difference between the language in that and what we're voting on today dealing with these outright waivers?"

Cowlshaw: "Let me explain, that the waiver requests that we have here are not all identical, but in varied... and I ... there's... what are there 34 or something... I don't want to have to go through and list each one for time purposes, but let me explain it. In some respects what they're looking to get out from under is something we never intended to put them under in the first place, because the

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administrative cap, as I remember that discussion on 452, back on December 2nd, was meant to apply to the salary of the superintendent of schools. Somehow the State Board of Education has interpreted the language that we adopted to mean that that cap applies to all kinds of things that could be categorized as administrative expenses. Most of these are requests to get out of those things that, really, we didn't intend to have imposed on them in the first place, but there are a couple, that in fact, want to give their superintendent very large boosts in salary. When House Bill 1640 comes over here tomorrow, if we concur, it goes to the Governor and all it does is to say that 5% cap applies only to the salary of the superintendent of schools. And frankly, we ought not to be exempting any school district from that cap. If it's fair for the goose, it's fair for the gander."

Novak: "Okay. So, when 1640 comes back over the 5% salary... 5% admin cap modification applies only to salaries, superintendent salaries, probably principals, too. I would think. Correct?"

Cowlshaw: "I believe so, yes."

Novak: "Okay. And that's statewide?"

Cowlshaw: "That's right."

Novak: "Uniform statewide."

Cowlshaw: "That's right."

Novak: "And any other school district, because I was here when we passed these crazy waiver things, but any other school district can come down and ask to get out from under these waivers, these administrative caps, as well? Correct?"

Cowlshaw: "I am advised that the IFT, the IEA, the State Board of Education and the School Management Alliance have all worked on the language that is in House Bill 1640, that

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comes over to us tomorrow. And they are all content that it does what we need to have done."

Novak: "Okay. Thank you."

Speaker Lang: "Representative John Jones."

Jones, J.: "Thank you, Mr. Speaker. To the Resolution. You know, there's a... Representative Black brought up a good point that the question should be divided, but since we're not able to do that, you know, the administrative caps is a very big concern of mine, but I'm also concerned about the substitute teachers. I'm going to vote to deny these waivers, but I am hopeful that the Senate sends us 1640 over here tomorrow so we'll have an opportunity to correct the administrative cap situation. And with that, I will simply vote to deny the waivers that's listed in Resolution (Senate Joint) 61. Thank you."

Speaker Lang: "Representative Tim Johnson."

Johnson, Tim: "I move the previous question."

Speaker Lang: "Mr. Skinner, I understand hard copies of the Resolution have been distributed. Mr. Skinner."

Skinner: "Well, Mr. Speaker, my understanding is that hard copies have to be on the desks for an hour before we have consideration of a proposal in the last week of the Session. Is that correct?"

Cowlshaw: "Mr. Speaker."

Skinner: "Mine was received at 4:00."

Speaker Lang: "Representative Cowlshaw."

Cowlshaw: "Mr. Speaker, may I just mention, please, you can regard this as my closing if you would like. Folks, there is a House Joint Resolution that was introduced in this chamber that also addresses this issue. It is still in this chamber and has not even advanced to the Senate. And today, my friends, not tomorrow or the next day, today is

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the deadline because it is a different deadline. It is established as 30 days from the date when this is... this report from the State Board is received here. If we do not pass this Resolution today, we will not be able to pass any Resolution and even the substitute teacher request will automatically go into effect. So, we need to understand that this is our only alternative if we want to deny any of those requests. And, Mr. Speaker, if I may, since today is the deadline to do this, I... if it is necessary to do so, I would gladly make a Motion that I would be glad to even have voted on by voice vote that we set aside the one hour requirement since we know what is in this Resolution and go ahead and vote on it."

Speaker Lang: "Representative, Mr. Skinner has withdrawn his request and there were no other lights on. Mr. Hartke, for what reason do you rise? Mr. Hartke withdraws. That's... there were no other lights on, Mr. Johnson, so we don't have to worry about calling the previous question. The question is, 'Shall this Resolution be adopted?' All those in favor shall signify by voting 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 87 voting 'yes' and 26 voting 'no', and the House does adopt Senate Joint Resolution 61. On Supplemental Calendar #1, there appears Senate Joint Resolution 64. Representative Brady."

Brady: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Joint Resolution creates the Joint Committee on the Court's Commission Amendment to prepare explanation and arguments for and against the proposed Constitutional Amendment in Senate Joint Resolution... Constitutional

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Amendment 52. I ask for your favorable vote."

Speaker Lang: "The Chair recognizes Representative Black."

Black: "Mr. Speaker, after the vote I have a point of personal privilege. Inquiry of the Chair after the vote."

Speaker Lang: "You don't want to state that now, Sir?"

Black: "No, not on this..."

Speaker Lang: "There being no one seeking recognition, the question is, 'Shall Senate Joint Resolution 64 be adopted?' Those in favor shall signify by voting 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 115 voting 'yes', 0 voting 'no' and 1 voting 'present', and the House does adopt Senate Joint Resolution 64. On Supplemental Calendar #1, under the Order of Conference Committee Reports, there appears Senate Bill 103... I apologize, Mr. Black. I promised to come back to you."

Black: "First, we need to recognize, I believe, Mr. Righter was ahead of me. Representative Righter."

Speaker Lang: "Mr. Righter."

Righter: "Thank you, Mr. Speaker, and Representative Black. I just want the record to reflect I voted 'present' for conflict of interest reasons. Thank you, Mr. Speaker."

Speaker Lang: "Thank you, Mr. Righter. Mr. Black."

Black: "Yes, Mr. Speaker, inquiry of the Chair if I might. We've just spent about 40 minutes debating the merits of how much school superintendents should be paid, or what percentage of the administrative salary should be of the total school budget. I still can't get a Resolution out of Rules on the salary cap of the Members of the General Assembly. Do you... can you give me any indication if HJR 66 will be reported out of Rules sometime today?"

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Speaker Lang: "I do not have any such indication..."

Black: "Are the rules..."

Speaker Lang: "...but I would refer you to Representative Currie."

Black: "Well is the...are the Rules Committee going in to meet? Okay. Thank you."

Speaker Lang: "Mr. Clerk, committee 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 Lang: "Mr. Black, does that resolve your inquiry? See how quickly we work around here when we work together. On Supplemental Calendar #1, under the Order of Conference Committee Reports, there appears Senate Bill 1031. Mr. John Turner. Mr. Turner."

Turner, J.: "Mr. Speaker, could I take it out of the record for a short period of time?"

Speaker Lang: "We would be happy to take this out of the record. When you're ready, please inform the Chair, Sir."

Turner, J.: "Thank you, Mr. Speaker."

Speaker Lang: "On page 13 of the Calendar, there appears House Resolution 495. House Resolution 495, Representative Howard."

Howard: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. As you know, the Illinois Department of Human Rights is empowered by the Illinois Human... is empowered by the Illinois Human Rights Act to investigate complaints of discrimination made by residents of Illinois. You probably also know that the department annually receives thousands of inquiries, only some of which actually result in complaints brought to the Human Rights Commission. It is my belief that documentation and empirical analysis of

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all inquiries received by the department could yield data useful to the department and the General Assembly and could guide policymaking, intergovernmental cooperation, and the assessment of the impact of proposed Amendments to the Illinois Human Rights Act. It's for this reason that I have filed Resolution 495. This Resolution would urge the department to develop and implement a demonstration project to document and analyze inquiries in every category currently named in the Illinois Human Rights Act and to also document the inquiries and up to four additional categories that are not now included in the Human Rights Act. These... the number and types of these additional categories would be determined by the department. We would also, as a Body, urge the Department of Human Rights to submit an interim report regarding this demonstration project by February of next year and we would also urge that they give us their final report, regarding this project, by June 30th of 1999. I am available for questions."

Speaker Lang: "The Lady moves for the adoption of the Resolution. And on that question, the Chair recognizes Representative Tom Johnson."

Johnson, Tom: "Will the Sponsor yield?"

Speaker Lang: "The Lady yields."

Johnson, Tom: "Representative Howard, I think I can appreciate what you're trying to do here, but I have some serious concerns and questions. Number one, the Department of Human Rights, at this point, has facts and statistics and quite honestly, I think if you were to ask them or we were to ask them as a General Assembly to give us a comprehensive breakdown of all of their inquiries and so on, that is already available. I don't know that you need

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a Resolution to do that. Why are we asking them now to, in fact, go off on their own and create something where they already have the information? Why don't we just ask them for the information, and have you done so?"

Howard: "Well, I'm certain that the information is there. In the course of their operating, they don't normally put it into a form that it would be useful to us, which is why I'm asking that, perhaps, they would consider a formal request to do that."

Johnson, Tom: "Well, have you already asked them for the information? Have you asked them for all this information?"

Howard: "I have not asked them. I asked them... if they'd be willing to do it, if so requested."

Johnson, Tom: "And what was their response?"

Howard: "And it was indicated that they would be willing to do it if we so request it and that's the reason that I am asking that we make a formal request for such information."

Johnson, Tom: "Okay. Number one, I have an objection of asking them to do something and create something that is already available to any of us if we want to ask for it, it's available to us. Secondly, I object to this because, basically, what you're saying here is, you are inviting the Department of Human Rights now to basically decide, well what additional four areas might there be discrimination in, and so, you come up with your, be it political agenda or whatever else, and create these four so that they can come back and tell us that we need to amend our Human Rights Act to include these four that they have selected, above and beyond any other. There might be 16 other areas. I don't know. But we're inviting that agency now, to just... on their own, go off and talk about four new

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categories or create four new categories that they would now like to start coming back here and saying, 'You know what, maybe we ought to include this in the Human Rights Act.' I think that that's our responsibility in here. If you believe that there is a given area that ought to be included, then I think you have an obligation to bring that before the public body and we do it. If Human Rights Agency, or anything else, wants to suggest that to this Body on their own, a new area, so be it. But what I see here is a boot-strapping approach to get some, maybe, hotbed issues going and included in bootstrapping some things up. I would prefer that, number one, if we believe that there are areas that are not already included under the Human Rights Act that we, as a Body, believe ought to be included, then let's put that forth in here and say, let's amend the Human Rights Act. Or, in the alternative, we should... the bottom line is, we should not be inviting them to pick and choose and decide what new four areas they want to go and keep new stats on and report to us and say ought to be included. They can bring that to us or to any Member in here right now and propose that. So, I see no need for this and I respectfully am going to have to oppose you on this Resolution."

Howard: "Well, Representative Johnson, obviously, they could, right now, come to us and say that. I'm asking that they give to us a formal report of information that they would compile that has to do with those categories that are already being... are already recognized by the Act, and of course, having been a investigator with the Department of Human Rights, I do know that there are a number of other categories that have come that are not recognized, and therefore, that individuals have never been able to get any

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relief regarding. It is my belief that perhaps there ought to be some proactive effort on our part to try to see whether or not, in fact, such do exist, and if that is the case, that we then could proceed, if in fact, it is pointed out that legislation is needed in order to be able to expand the numbers of bases that are recognized."

Speaker Lang: "No one further seeking recognition, the question is, 'Shall this Resolution be adopted?' All those in favor shall indicate by voting 'aye'; those against shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 97 voting 'yes', 19 voting 'no' and 0 voting 'present', and the Resolution is adopted. Mr. Clerk, Senate Bill 1315 on page 5 of the Calendar. What is the status of this Bill?"

Clerk Bolin: "Senate Bill 1315, the Bill's been read a second time previously. Floor Amendment #3 offered by Representative Schoenberg, has been approved for consideration."

Speaker Lang: "Mr. Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #3 is technical in nature. It's clarifying language with respect to the authorization of programs and services that are provided for legal immigrants. I'd be happy to answer any questions. There is no opposition to this matter."

Speaker Lang: "There being no one seeking recognition, the question is, 'Shall Floor Amendment #3 be adopted?' Those in favor shall say 'aye'; those opposed 'no'. In the opinion of the Chair the 'ayes' have it and Floor Amendment #3 is adopted. Mr. Clerk."

Clerk Bolin: "No further Amendments. All Motions that have been

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req...all notes that have been requested on the Bill have been filed."

Speaker Lang: "Third Reading. Mr. Clerk, please call the Bill on Third Reading."

Clerk Bolin: "Senate Bill 1315, a Bill for an Act regarding immunizations. Third Reading of this Senate Bill."

Speaker Lang: "Mr. Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1315 has two provisions. The first of which, establishes... deals with a composition of the Board of Health with respect to a task force on immunization. A prior Amendment had been tabled because it was felt that that would not be germane, and we just discussed Floor Amendment #3. I'd be happy to answer any questions."

Speaker Lang: "Mr. Parke."

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

Speaker Lang: "The Gentleman yields."

Parke: "If you say that...that it... explain again to the Body because I had trouble hearing, what was taken out and what do we have now that you want us to vote on? It was very brief. Where are you? Oh, there you are. Okay."

Schoenberg: "Mr. Parke, the item... the hearings...what is in the Bill are the underlying Bill with respect to the hearings and composition of the task force on the issue of immunization. And there is consensus on this, there is no opposition. This is the underlying Bill requested by Senator Parker. What is out of the Bill was the Amendment which was previously offered by Amendment #1 by Representative Feigenholtz which was tabled. That had to do with fees for adoption records. That has been tabled."

Parke: "All right, is there a cost to this immunization program,

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and is it... who is being immunized?"

Schoenberg: "It's within the budget agreement."

Parke: "It's under... it's in with what?"

Schoenberg: "It's within the budget agreement."

Parke: "The budget agreement, so the funding is available?"

Schoenberg: "I'm sorry, could you repeat that?"

Parke: "You said the funding is available through the budget?"

Schoenberg: "The budget is within the... right."

Parke: "Well, how much does it cost though? Did we file a fiscal note?"

Schoenberg: "The... are we talking about the provision that relates to immunization, or the provision that relates to the Amendment #3?"

Parke: "Both."

Schoenberg: "Let's go backwards. Amendment #3 which relates to the funding for legal immigrant services, that's already in the budget as a \$10,000,000 line. This language..."

Parke: "Ten million dollars, you said?"

Schoenberg: "That's correct. And what this language does is clarify how those resources, which are already agreed upon, how those resources can be applied so that it is for the following programs: food nutrition services, medical services for children, cash assistance for the elderly but not disabled, persons who don't qualify for the Federal SSI Program and TANF,... nutritional medical services for victims of domestic violence. The language has been modified slightly, so as to insure that they'll be in conformance and have the type of necessary flexibility to spend those dollars appropriately. As I indicated, that is currently... this is not a creation of a new program, but merely clarifying language for something that is currently within the budget. You may recall that we addressed this

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issue last year, as well. Both chambers unanimously approved these resources. So we are doing this yet another year, but we're clarifying the purposes for which the dollars can be spent for legal immigrants."

Parke: "It's my understanding that according to this, that this Bill now has House Bill 3835 on it, 3446 on it, 3447 on it. Is that your understanding also?"

Schoenberg: "That's correct."

Parke: "Now, you told me that an Amendment was taken off in the Senate. Was the..."

Schoenberg: "No, Sir, I'm sorry. When the Bill came to the House, Amendment #1 was added. Amendment #1 has... I tabled Amendment #1 last week."

Parke: "Have we voted on this Bill previously? In other words, did we vote on it before with the Amendment on or is this the first time it's been up for a vote?"

Schoenberg: "Not this specific proposal. No. But, something quite similar to it."

Parke: "Now, does this Bill in its entirety only affect legal immigrants?"

Schoenberg: "That's correct, Sir."

Parke: "And, is this based on the federal government's cutting back on medical benefits or like immunization coming out of Congress? Is this to take care of a loophole that wasn't filled?"

Schoenberg: "There are some provision... you are correct. However, there are some provisions of that federal legislation which are essentially done at gaps that are funded at state expense and this would indeed address that. I have to say, and you'll probably agree with me, that the administration has taken a very forthright and appropriate position, not waiting for the federal government to make up

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its mind as to what it's going to do with respect to funding, but what we've done is work in concert with our Congressional Delegation. And you'll recall that Governor Edgar went to Washington to resolve this issue, so that there would be no gaps."

Speaker Lang: "Mr. Parke, please bring your remarks to a close, please."

Parke: "It's my understanding that this is going to cost 3.5 million to help solve this problem on nondisabled immigrants of... elderly immigrants of 300. That seems like an awful lot of money for 300 immigrants to spend \$3,000,000, 3.5 million on them. I guess maybe I just don't understand all of this. It seems kind of complex to me, but..."

Schoenberg: "Mr. Parke, I'd be happy to forward to you the data. That figure does indeed sound low and I believe maybe incorrect as to what..."

Speaker Lang: "Mr. Schoenberg to close."

Schoenberg: "Thank you..."

Speaker Lang: "I'm sorry, Mr. Schoenberg, Mr. Black's light is on. Mr. Black."

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

Speaker Lang: "Gentleman will yield."

Black: "Representative, the Department of Public Aid and the Department of Human Services opposed the Bill, one of the Bills that has been added to this. It really is now an Omnibus Bill. I don't suppose their opposition has been lifted on the legal immigrants after August, what's the date here, August 22, 1996. Public benefits must be provided to legal immigrants who arrive after that date. Did they... have they removed their opposition?"

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Schoenberg: "Sir, we don't... Sir, I don't know that their position has changed. What we do know is that within the proposed budget agreement, these issues... these issues have been addressed. However, this language is necessary to clarify the express purposes by which the dollars can be spent."

Black: "I think the question that Representative Parke raised is certainly legitimate at this late hour of the Session. Are all of the House Bills that you are including in this Senate Bill, were they all voted on in this chamber as separate Bills?"

Schoenberg: "No, Sir. For example, the children's health insurance issue as it relates to legal immigrants was not voted on in this chamber."

Black: "What about House Bill 3466? Was that voted on by the House?"

Schoenberg: "If that, Sir, is Representative Silva's Bill, I believe it was passed out of here."

Black: "It says, I think, Representative Schakowsky it shows as the lead Sponsor."

Schoenberg: "I'm sorry, I stand corrected."

Black: "And that Bill was voted on?"

Schoenberg: "That's correct."

Black: "What about... what about, I think it's 3447? Was that voted on?"

Schoenberg: "Yes, Sir, that's Representative Silva's Bill. I was in error."

Black: "Okay, so, I guess what I'm trying to get at, if these Bills were voted on in the House, and they appear, and I can see one roll call, they appeared to have a substantial Majority. What, these were just not considered in the Senate? As they were locked in Senate Rules, or what

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happened to them when they went across the rotunda?"

Schoenberg: "Not individually, no Sir. But that was prior to the tentative budget agreement. And as I indicated in my earlier remarks, what this does is provide clarifying language to insure that the dollars can be spent where they intended to be spent."

Black: "Well Representative, in all due respect, this is the question I raised yesterday when we waived posting requirements on a shell Bill. You're giving me a budgetary reason as to why the Bill now could pass. I haven't seen the budget. I don't know anybody in this chamber that has seen the budget. Can you give me a reasonable assurance that the money required to take care of legal immigrants as provided for in this legislation, is that money in fact, included in the budget, wherever the budget may be at this hour?"

Schoenberg: "Mr. Black, pardon me. This is certainly not final action on this matter. The Senate will be concurring with this, and as I indicated, the necessity of it is, in order to clarify what the appropriate uses for the dollars will be for this budget line. This is a debate which began last year as we addressed... as we tried to responsibly address the issue of how to... of how to adequately fund services for legal immigrants. The administration was very responsive last year. We are renewing this debate this year and providing this language to clarify and provide the administration with the tools necessary to spend the dollars in the appropriate manner."

Black: "All right. So in other words, it's your intent to send it to the Senate and maybe in another... the next 36 hours, the budget figures will be in some form and then you assume that they will take action based on the budget and whether

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or not we can do this. What I don't want to do is send something over there that creates a lot of false hope, and then it just dies over there."

Schoenberg: "No, certainly Mr. Black. And as you know, I've engaged in a bit of shuttle diplomacy on this issue to ensure that there is consensus on it because I'm sensitive to your needs."

Black: "Fine. Thank you very much, Representative. I appreciate your indulgence. Thank you, Mr. Speaker."

Speaker Lang: "Representative Wojcik."

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

Speaker Lang: "The Gentleman yields."

Wojcik: "First of all, I'd like to know whatever happened to the single subject matter that we're supposed to be handling this year? There's a lot of subject in this little package. My question is,..."

Schoenberg: "Pardon me, pardon me, I'd like to..."

Wojcik: "A lot of it, a lot of it."

Schoenberg: "I'd like to address that issue before people start jumping out of their seats. This deals with children's health issues and it's precisely why the issue that you just raised, that's precisely why we tabled the earlier Amendments."

Wojcik: "I think, I think I smell something in this Bill and if it surely covers only children, there's a lot of other subjects here. My question is, which I'm really concerned about, since I legislated immunization for the children, is regarding this advisory committee. Is that still in the Bill?"

Schoenberg: "Yes."

Wojcik: "And according to what I'm reading, it says that each time you legislate something in the area of immunization,

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you must go to this advisory committee and ask if it's okay to do it."

Schoenberg: "Senate, as you know, has someone who has cosponsored the child immunization legislation with you, I have a particular...a shared interest in this. And we have dealt with this extensively and as a result of discussions which began last year when we acted or sought to act on this matter, Senator Parker has actively worked to reach an agreement with the Department of Public Health that this would be the appropriate vehicle for addressing the immunization."

Wojcik: "I think this is a great disservice to the children. I think it's a travesty that not enough confidence is placed in us to legislate for children, that we have to go to a task force. That's totally demeaning and it's wrong. We've helped the children in Illinois. We've covered immunizations for them and now because of one special interest group, children are being threatened. I think this is wrong. There is no need for this. And it's an insult to us as Legislators who have always put children first, that now we have to go to a task force and say, 'Oh my God, what are we going to do? Is this okay with you?' It's absolutely wrong and it's a tragedy that we are using children this way."

Schoenberg: "Representative, I apologize for any misunderstanding, but this has been endorsed by Children and Youth 2000 which have actively encouraged me to move forward with this, and who have sought this as a more suitable alternative for addressing the immunization policy issue than prior attempts. I want to reemphasize, this is purely advisory. If in fact, it was anything but advisory, I would share your sense of outrage on this matter."

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Wojcik: "Can I tell you what happens with our commission on advisory for pay increases? Every time they put something in, the answer is 'no'. So when we go to this task force, they are going to tell us 'no', we're not going to do the right thing for the kids. Advisory is not the answer when it comes to children's health. You work with the companies, and you work with the children and the 2000 group is well intended as you say, and I can understand where they are coming from, but this is where this issue starts. It starts in the House and it starts in the Senate, and we work that way, and we work for the good of children. And I think it's a travesty, a travesty, that we have to take this issue out of the House or out of the Senate and go to another body and ask them if it's okay. It's ridiculous! Thank you, thank you, Representative."

Schoenberg: "Representative, I just want to reemphasize that Senator Parker worked out this agreement with the Department of Public Health, and this is advisory and hardly represents a promulgation of rules."

Speaker Lang: "Representative Mulligan."

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

Speaker Lang: "Yes, he will."

Mulligan: "Representative, I have a couple of questions. I missed the very beginning of the debate because I was off the floor for a meeting, briefly. Are there four different pieces now in this Bill? The three substantive immunize...or immigrant Bills that we passed out of here earlier, and then the immunization compromise that we've spent a lot of time on?"

Schoenberg: "As someone who has spent almost as much time as you on it, the answer is, yes."

Mulligan: "The first part of the..."

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Schoenberg: "As I indicated before just to clarify, the Amendment which... which in Committee there'd been a concern expressed as to its germaneness pertaining to fees for adoption records, that Amendment has been tabled."

Mulligan: "So, there is the three immigrant initiatives that we've passed previously out of the House, and then the compromise that Senator Parker finally agreed to after a lot of us have spent a number of months going to hearings trying to defend immunizations?"

Schoenberg: "That's correct. There's also the Kid Care Program for children services.."

Mulligan: "Yeah, I think Representative Wojcik may not have realized how much time we've spent trying to defend immunizations, and not come to this advisory committee. But, the other three parts of it for the immigration, I think Representative Black asked you about money in the budget for this. It was my understanding in the appropriations hearings with the Department of Human Services, and I have not been led to believe that anything has changed except perhaps the name of the line item. That there were going to be \$10 million allocated to immigration services. At one time, they were allocated as to nutrition services, but the nutrition money was not all spent and that there were other areas, and that the coalition in discussion with the department was hoping that the line item would be changed to immigration services and that Bills such as this that are passed, would give direction to the department on where to place that money, rather than to just put it all on the nutrition line which may or may not be accessed. Where the grant line for, say naturalization, was all used in the original 10,000,000, 4,000,000 for grants was used immediately as soon as it was

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available, and the other 6,000,000 was not all accessed for nutrition yet."

Schoenberg: "No, that's absolutely correct, and this would enable the... this would enable the department to allocate the resources to meet the appropriate needs by changing the language that would be for the budget line. You're absolutely correct."

Mulligan: "So, the three immigration Bills which were heard in committee, and then were once again heard on the House Floor which were passed overwhelmingly in both places, are the ones that are now in your Bill along with the compromise that we made with Senator Parker to have some kind of advisory on immunization. In order to give some direction to the department on how to spend the line item money for the immigrants' services that the General Assembly would like to direct, particularly the House, because we've looked at these particular issues with the Leadership by Representative Silva, and some of the other Members, on what the Immigrant Coalition would like to spend."

Schoenberg: "That's absolutely correct, and we have spent considerably more time on this subject than the Senate. I think we have treated it very thoroughly and fairly, so that a consensus has emerged working with the coalition, to determine where the dollars can be best spent."

Mulligan: "And for the most part, Senator Rauschenberger, who is the Chief Appropriations person or Chair in the Senate, has been very receptive to most of these ideas and how the coalition would like to see the money directed."

Schoenberg: "He certainly has been and he understands the flexibility that the department requires in order to insure that the needs are being met."

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Mulligan: "To the Bill briefly. I think that it's unfortunate that the Senate hasn't dealt with the individual Bills, and that we couldn't come to a better compromise with Senator Parker earlier, so that we have one big Omnibus Bill here. But I do think it's very important to understand that if these services are not covered in some way by the General Assembly, and hopefully by the Federal Government, the local communities and township will pick up these services without any help from the state. For those of us that do have communities that have a large number of immigrants, it puts an additional burden on our local entities, particularly local government and townships to help the people that need it so much. In my community, which borders Chicago, I have a great large immigrant community of a very diverse population, and I would urge..."

Speaker Lang: "Please finish your comments."

Mulligan: "To finish, I would urge an 'aye' vote on this and hopefully it would jog the Senate into looking at some of the other initiatives, but, I do think we have the support and the money has been appropriated, so I don't think that you should be worried about it. I'm sure that we go in and take a look at the budget, we will find that those dollars are there and this just gives a little better direction of how we, as Legislators, would like to see them spent."

Speaker Lang: "Representative Skinner."

Skinner: "Mr. Speaker, I question whether this violates the Single Section Clause of the State Constitution, immunization and welfare benefits don't seem to be terribly related."

Speaker Lang: "Mr. Skinner, Mr. Schoenberg indicated in his comments that he felt all portions of this Bill dealt with children's health and welfare. The Chair concurs and the

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Chair will..."

Skinner: "Even the part... even the part about senior citizens getting welfare benefits?"

Speaker Lang: "The Chair rules that this is not a violation of the Constitution."

Skinner: "I doubt the court..."

Speaker Lang: "Representative Monique Davis."

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

Speaker Lang: "The Gentleman yields."

Davis, M.: "Representative, according to my reading of the analysis of this Bill, your Bill adds three members to the Board of Health, is that correct?"

Schoenberg: "Yes."

Davis, M.: "This board will have... will make determinations in reference to immunizations?"

Schoenberg: "The overall Board of Health makes a lot of other recommendations. But, not just immunization, but as I indicated in my earlier comments, the immunization issue is one that has been discussed at great length in the Human... in Representative Pugh's Human Services Committee over the past year. We probably have devoted more time to it than any other issue. Because of some contentiousness surrounding the issue, Senator Parker arrived at this... at this arrangement with the Department of Public Health so that there would be some expanded public discussion of the issue."

Davis, M.: "Representative, sometimes I don't believe there is time for an extended three... three min... three meetings by this board before they make a determination or recommendation to the director. What do we do today? Currently without this Bill, immunizations are handled how in the State of Illinois?"

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Schoenberg: "The Department of Public Health and the Board of Health would have to promulgate rules. But let me add Representative Davis, that I think you know that I feel very strongly about this issue as a public health issue. Yet, I believe that in the interest of public debate, that if the department and Senator Parker have arrived at an agreement to have an extended public discussion that's purely advisory in nature, then they should certainly be entitled to that. I know we've discussed this issue at greater length in our... in Mr. Pugh's committee, more than we have any other issue. And, some of us are diametrically opposed in how we feel on the issue. However, if I think that this is the best way that we can deal with this issue at the present time, and that's why I'd urge you to support it. Because I share your position..."

Davis, M.: "To the Bill. To the Bill. To the Bill, since you really haven't answered my question. You've told me what's happened in the past, and Representative, I'm not a Member of Representative Pugh's Human Services Committee. I'm not on that committee. Because I believe that immunizations for children is extremely important, and we haven't had an epidemic of some communicable disease in the State of Illinois in a long time, is that correct? It leads me to believe whatever we have working today, is working. My concern is, if we decide in this Body, that a 17 member board has to have three meetings in a community to make a decision about what to do on immunizations, and then make a recommendation to the Director of Public Health, I mean you leave a long... a long timespan there in which a number of lives can be lost, where that disease can truly travel before it's stopped. I don't see the reason for this Bill. Can you give me a reason?"

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Schoenberg: "As I indicated, this is purely advisory. It is being promoted by Children and Youth 2000, which have been very strong advocates, as you know, for children's immunization, as I have, as you have, as many others have. This merely permits some... some expanded public discussion, and if it were to do anything other than that, I certainly wouldn't be here suggesting we go forward with it."

Davis, M.: "Representative, I know that as usual you have excellent intentions and with my work with children in public school situations, coming from an urban area..."

Speaker Lang: "Please bring your remarks to a close."

Davis, M.: "Okay, where disease can travel rapidly, I really cannot support this at this time. Thank you. I urge a 'no' vote."

Speaker Lang: "Representative Coulson."

Coulson: "Thank you. Will the Speaker (sic-Sponsor) yield?"

Speaker Lang: "Sponsor yields."

Coulson: "Sponsor. Just to clarify, this is an advisory committee to what group? To the Legislature, as Representative Wojcik said, or to the State Board?"

Schoenberg: "To the State Board, Representative."

Coulson: "So, it's only for the rules and regulations that they would promulgate that they will advise on, not on legislation that we would want to present?"

Schoenberg: "No, that's correct, and I apologize to Representative Wojcik if there was any misunderstanding that that was anything but the case."

Coulson: "To the Bill."

Speaker Lang: "To the Bill."

Coulson: "Thank you. I would highly encourage. This has been worked on for over a year on the Immunization Task Force

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and Advisory Committee, and I would highly encourage people to vote 'yes' on this. Thank you."

Speaker Lang: "Representative Schoenberg to close."

Schoenberg: "I'd like to thank everybody for their consideration and urge you to support Senate Bill 1315."

Speaker Lang: "The question is, 'Shall this Bill pass?' This is final action. All those in favor shall signify by voting 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 110 voting 'yes', 3 voting 'no' and 2 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, House Joint Resolution 64, Representative Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. House Joint Resolution 64 is legislation that prevents... well it does... we don't accept the waivers of school districts that want to charge for driver's ed from 150 to \$300 for drivers education. Another part of this is denying waivers to school districts that want to eliminate physical education for vast number of days based upon scheduling problems. And we also have in here a denial of lowering the quality of ratings for teachers. We believe that inherent in a teacher's rating there should be the possibility of getting a superior, excellent, and not just satisfactory and unsatisfactory. I'm joined, of course, with a number of other colleagues and we urge an 'aye' vote on this waiver request."

Speaker Lang: "There being no one seeking recognition, those in favor of the Resolution, shall vote 'yes', those opposed shall vote 'no'. The voting is open. Wait. Wait. Mr. Clerk, Mr. Clerk dump the Roll Call. Mr. Cross, your light

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was not on when I started to speak, but I recognize you. Please proceed."

Cross: "I'll tell you Mr. Speaker, with deregulation it's impossible to know what's going on around here. Your lights aren't working and ours are. So, I'm not sure what the problem is. We'd like to ask some questions of the Sponsor."

Speaker Lang: "Of course, please proceed. I was surprised there were no lights on."

Cross: "I'm surprised you didn't see them. All right. Will the Sponsor yield?"

Davis, M.: "Yes."

Speaker Lang: "The Lady yields."

Cross: "Representative, it's impossible as you can imagine, to hear anything that is going on in this chamber because there is no order. Can you repeat what you earlier said about your Resolution 'cause we didn't hear a thing you said?"

Davis, M.: "I said that this House Joint Resolution 64 denies the waiver request of those who are seeking to charge between 150 and \$300 to students who want drivers education. We seek to deny that request."

Cross: "Representative, with all due respect, and maybe I'm reading this incorrectly, doesn't this also have something to do with evaluating tenured teachers?"

Davis, M.: "Well, I was going to get to that. If you want me to get to it, I'll get to that. Okay, tenured teachers..."

Cross: "I didn't mean to rush you."

Davis, M.: "No, it's okay. Tenure teachers currently are evaluated with superior for the best, excellent, satisfactory, or unsatisfactory. Some districts requested to have a simple rating for teachers of a satisfactory or

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unsatisfactory. We feel that teachers are human beings, and if they know that all that's required is to come here and do so many hours, they may not want to participate..."

Cross: "Mr. Speaker. No one can hear this, Mr. Speaker, and this is a pretty... a Bill with a lot of impact for districts."

Speaker Lang: "The Gentleman makes a good point. There's been too much noise in the chamber all afternoon. Can we please hold the noise down? Please. Please proceed, Mr. Cross."

Davis, M.: "The other thing that it does, Representative, is that those who made requests to waive physical education requirements, we seek to deny those waiver requests."

Cross: "All right. There are 21 school districts that are seeking waivers of the physical education requirements, is that correct?"

Davis, M.: "Yes."

Cross: "All right. And if you... Tell us what happens on... If you vote 'yes' on your Resolution, what does it mean?"

Davis, M.: "If you vote 'yes' and the Senate also votes 'yes', it means that these school districts will have to continue teaching physical education as mandated in the School Code."

Cross: "All right. So a 'yes' is a 'no' to the waiver request."

Davis, M.: "That's correct. And it also means that drivers education will be a part of a student's education. That'll be given an opportunity for that. Teachers will have to be given ratings from unsatisfactory to superior."

Cross: "All right. The other issue is the evaluation of tenured teachers. There are four districts that have requested waivers and they want to...you want to allow the districts to implement a two-tiered evaluation system. Is that correct?"

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Davis, M.: "No, we want to deny them that opportunity. We don't want them to be able to use a two-tiered evaluation system."

Cross: "Where is the Illinois Education Association on this particular portion of the waiver?"

Davis, M.: "My understanding from testimony in committee, they were in agreement with this. They testified... They testified in support of this. The IEA, the IFT."

Cross: "Now, driver education fees. Several school districts, I see six, are requesting to allow the district to charge a fee of students that participate in driver education courses. Is that accurate?"

Davis, M.: "That is correct."

Cross: "Now, I understand the IEA is opposed to that portion of your Bill."

Davis, M.: "That is correct... No, they're not opposed to that portion of that Bill. No, they're not. The feeling is, Representative, that to establish a precedent where children would pay up to \$300 for driver's education could certainly halt driver's education for many areas in which they could not afford this fee."

Cross: "Representative...or... Mr. Speaker, I going to defer, I guess, my additional time or I assume that you recognize Representative Black has his light on, 'cause I'm not sure we got all the answers we needed. So I'm going to defer to Representative...or yield my time to Representative Black."

Speaker Lang: "Well, Mr. Black is next. The Chair recognizes Mr. Black."

Black: "Thank you very much, Mr. Speaker. First, of an inquiry of the Chair."

Speaker Lang: "State your inquiry."

Black: "How many more Resolutions are out there on waiver

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requests? I mean, do you have any idea?"

Speaker Lang: "I'm not certain I know, I haven't checked the Calendar. Perhaps Representative Cowlshaw would know or Representative Phelps."

Black: "Or the Clerk or..."

Davis, M.: "Excuse me. These are the only two."

Speaker Lang: "There you are. These are the only two."

Black: "I see... These are the only... Why couldn't they be on one Resolution?"

Davis, M.: "Because one originated in the Senate and the other one originated in the House. And the one that originated in the Senate does not discuss physical education, drivers education, teacher rating, I don't believe. And mine, this Resolution, this does not address the administrative caps. We didn't do anything with administrative caps. And as you know, Representative, there must be agreement with language. And there must be agreement, you know, with all of this for any of it to pass."

Black: "Okay, so...so this Resolution has to go to the Senate..."

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

Black: "...And be approved, and what might the odds of that be at this particular point in time?"

Davis, M.: "Well, I personally think it will pass because I don't believe that most Legislators will want to treat physical education as if it were not a very valuable subject for children."

Black: "Well, I know when I played dodge ball for six years, that those skills in dodge ball have stayed with me all these years. I..."

Davis, M.: "Well, do you remember the fitness test that we had a few weeks ago downstairs? Some schools even give their schools...give their children a fitness test..."

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Black: "I flunked."

Davis, M.: "...similar to the one that we had. And as you know, the number of children who are getting diseases like diabetes, early, some of it is attributed to a lack of knowledge on the use of one's leisure time, which results in children becoming couch potatoes because they have not learned to play volleyball or they have not learned the rules of golf, or they have not learned to swim. So physical education teaches us to take care of our bodies and to take care of our leisure activity and is just as important as reading, writing or arithmetic."

Black: "So, in other words, if I heard you correctly, if we waive P.E., the student's going to get diabetes."

Davis, M.: "We would hope not, Representative."

Black: "Well, you told me that if you don't have P.E. you get diabetes."

Davis, M.: "No. What I said to you was, a lot of children..."

Black: "I know you said something about...you said something..."

Davis, M.: "...children who don't exercise, children who don't eat nutritionally, children who don't..."

Black: "You know what happens to those people? You know, in all due respect, Representative, you know what happens to those people who don't exercise and don't eat properly? They grow up to be Legislators. But, be that as it..."

Davis, M.: "And very good ones."

Black: "...be that as it may, you also said that swimming pools were going...swimming pools, so we can learn to swim. Do you know how many schools in my district have a swimming pool? One."

Davis, M.: "And there's probably only one school in your district."

Black: "Oh, no. No. My district's almost a thousand square

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miles. We've got plenty of schools. We don't have swimming pools. You know, I... Mr. Speaker, to the Resolution. You know, I remember the late Republican staffer when we did this, telling us we'd rue the day when we got into this. I don't care if you vote 'yes' or 'no' on this thing. I could care less. But I'll tell you, one of these days I'm going to come back and try to waive this whole waiver process. I'm not sent down here to be a school board member. If I want to run for the school board, I'll do so. How am I suppose to know whether or not the school should have to pay or charge students for driver ed. What's the alternative? I don't know the alternative. If they don't charge for driver ed., can they afford to give driver ed or do they have to have a bicycle? I mean, holy toledo! This whole thing is asinine and at some point I hope we dump this whole process."

Speaker Lang: "Representative Cowlshaw."

Cowlshaw: "Thank you, Mr. Speaker. I think it would be wise if we would all just recognize that we already passed the Senate Joint Resolution and that, in fact, the requirement is that the thing has to pass both chambers in the same form and in a timely manner. Today, my friends, is the deadline for that to happen. The Senate adjourned at 5:25. This Bill can...this Resolution cannot be heard in the Senate and consequently this Resolution is lost no matter how we vote on it. However, if the Chair is content to be dealing with this Resolution and using up the time of all of us for something that is already lost. That is, of course, the choice of the Chair. I, for one, intend to vote 'no'."

Speaker Lang: "Representative Mitchell."

Mitchell: "Thank you, Mr. Speaker. Just a point of

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clarification. The Sponsor of this Resolution has mentioned several times that in teacher evaluation we use four categories; superior, excellent, satisfactory, and unsatisfactory. That, in fact, happened in 1985 in the school reform package, but in 1989 the Legislature came back and changed that to read three categories. They're now, teachers are evaluated on the areas of excellent, satisfactory and unsatisfactory. The superior category was dropped in 1989. So we still have three, not just two. Doesn't... You know, it doesn't make any difference one way or the other. I just want to make sure everybody understood that. Thank you."

Speaker Lang: "Representative Brunsvold."

Brunsvold: "I would like to thank Mr. Black. Bill Black, I would like to thank you for giving the same speech I gave when we passed the waivers. Thank you very much."

Speaker Lang: "Mr. Clerk, committee announcement."

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

Speaker Lang: "Representative Davis to close."

Davis, M.: "Thank you, Mr. Speaker. I believe that this Joint Resolution is extremely important because it says that we continue to support physical education in the schools. It says that we continue to support driver's education, not if you can afford it, but for children who deserve to learn to drive responsibly. And I believe that teachers, being human, need to know they can get an excellent rating if they do more than just show up. A rating of just satisfactory or unsatisfactory certainly doesn't give us an idea of the quality of work the person does and I think it lowers incentives. I believe it's an important piece of legislation that should certainly pass. These issues are

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not addressed in the Senate Joint Resolution. These issues stand on their own and I think we should give it an 'aye' vote. Thank you."

Speaker Lang: "The Lady moves for the adoption of House Joint Resolution 64. Those in favor of the Resolution shall vote 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question there are 82 voting 'yes', 31 voting 'no' and 0 voting 'present', and the Resolution is adopted. Mr. Clerk, House Resolution 485. Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Resolution 485 is cosponsored by 24 colleagues on both sides of the aisle and would require that any increase that is provided to providers of services for the mentally ill and the developmentally disabled, shall also increase the wages of direct care workers by at least the same percentage as the increase that the agen...that the providing agencies receive in a COLA or a cost of doing business increase. We have heard all Session, from providers, that the reason that they want a COLA or a cost of doing business increase is because they want to be able to reimburse their employees a greater amount. What this Resolution says, is, that if there is a 3% increase, then the wages need to increase by that amount, as well as the money that goes to the providers, and it further requires that each community service provider shall certify to the Department of Human Services that it has provided the wage increases in accordance with these requirements. I am unaware of any opposition to this Resolution and would be happy to answer any questions."

Speaker Lang: "Representative Kosel."

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Kosel: "Mr. Speaker, I would like the record to record that I wish to be a 'yes' vote on the last Bill...Joint Resolution. Thank you."

Speaker Lang: "The record will so reflect. There being no one seeking recognition, the question is, 'Shall this Resolution be adopted?' All those in favor shall signify by voting 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 116 voting 'yes', 0 voting 'no' and 0 voting 'present', and the House does adopt House Resolution 485. On page 7 of the Calendar, under the Order of Concurrences, appears House Bill 1722, Representative Art Turner. Mr. Clerk, I'm sorry, that's House Bill 1422. Out of the record. Mr. Clerk, on page 12 of the Calendar, under the Order of Resolutions, there appears House Resolution 322, Representative Scully."

Scully: "Thank you, Mr. Speaker. Ladies and Gentlemen, last year we passed a House Resolution forming a task force to study the problem of overlapping taxing districts. Overlapping taxing districts, quite simply, are those taxing districts such as school districts and villages whose boundaries straddle the Cook County line, thereby expose the taxpayers on one side of that county line to a different system of taxation than those people on the other side. This task force did some excellent work last year and we would simply, with this Amendment, like to extend the deadline for the filing of that report to September 1st of 1998, so the task force can complete its work and present its report to this Body. I ask for favorable consideration."

Speaker Lang: "Mr. Biggins."

Biggins: "Well, thank you, Mr. Speaker. I was pleased to be

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present for the Representative's task force last year and I would like to ask him what this Resolution does."

Speaker Lang: "Gentleman yields."

Scully: "This Resolution extends the deadline for the filing of the report of the task force to September 1st of 1998 and does nothing else."

Biggins: "Okay. Well, that's...how many hearings did you have with your task force?"

Scully: "There were four hearings held."

Biggins: "Four hearings? Well. And how long do you think it'll be before you can have a report done?"

Scully: "I'm very confident it can be done by September 1st of 1998. The cochairman of that committee would have to address that more specifically, but we would like to give them that time to complete the report."

Biggins: "And in the meantime, there'll be property tax bills that will come out shortly for payment in both Will County and the Cook County parts of your district. Is that correct?"

Scully: "Property tax bills will come out, yes."

Biggins: "Will the delay in the report of your task force result in higher taxes for the Will County residents?"

Scully: "No."

Biggins: "Than the Cook County residents?"

Scully: "No."

Biggins: "Well, will the delay in your task force report result in higher taxes for the Cook County residents or the Will County residents?"

Scully: "No."

Biggins: "Well, then, is there going to be anything of substance in your final report?"

Scully: "We intend that the final report will address potential

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solutions for this problem that has plagued the overlapping tax district for decades."

Biggins: "Well, will your task force be receiving reports from the County Supervisor of Assessments in Will County and the Cook County Assessor?"

Scully: "I'm sorry, could you restate your question?"

Biggins: "Yeah, will your task force be... Have you received the report from the Cook County Assessor and the County Supervisor of Assessments in Will County?"

Scully: "The task force has the ability to ask for that information."

Biggins: "Well, you've had four hearings. Have you requested the information yet?"

Scully: "I'm sorry, I didn't hear your question."

Biggins: "Since, there's been four hearings, has the information been requested?"

Scully: "I don't...I don't recall that that information has been specifically requested from those counties."

Biggins: "Well, just to refresh my memory. I know that this problem is a severe problem and there are some with similar priced homes or valued homes that have higher tax bills than those in the adjoining county. Is that correct summation?"

Scully: "Yes."

Biggins: "And have you made an initial determination that this may be due to a classification system in one county, particularly Cook, as opposed to Will County?"

Scully: "I have not made that determination."

Biggins: "Okay. Have you, has the committee...or your task force made any determination at all about instituting a classification system for Will County?"

Scully: "Could you restate your question? I'm having trouble

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hearing you, Representative."

Biggins: "Yeah, I'll be glad to. Is there... Has your task force studied the possibility of implementing a classification system for Will County properties?"

Scully: "That is one possibility under consideration."

Biggins: "So your task force has not looked into that yet?"

Scully: "Well, the task force..."

Biggins: "Can you tell me what you kind of have been doing then, so far? Can you let us know what you've been doing so far, then, on the task force? Maybe that's what I should ask you to answer."

Scully: "The task force has held several meetings to try to develop a better understanding of the precise nature of this problem and many members of the task force who have a great deal of experience in the field of real estate taxation have, in fact, learned quite a bit by talking directly with residents and other experts in the field. I think the members of the task force have a much better understanding of this problem than they did a year ago. The goal of the task force is to come up with some recommendations on all...different alternatives for solving this problem."

Biggins: "Well, it seems to me that, respecting your answer, but do we have to understand any more that property taxes are too high in one county as compared to another. How many times do we have to understand it? Shouldn't the task force be coming up with a proposed solution instead of another..."

Speaker Lang: "Mr. Biggins, please bring your remarks to a close."

Biggins: "Representative, can you answer that last question I asked? Understanding is over. Shouldn't it be time for

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results?"

Scully: "I'm sorry, Representative, I didn't hear your question."

Biggins: "Aren't we... shouldn't we begun to stop understanding that there's a problem and come up with a proposed solution or at least a set of solutions to which... choice may be made?"

Scully: "Our goal is to come up with some alternative solutions, and in order to formulate those solutions, we have to make sure we have a clear understanding of what the problem is."

Biggins: "To the Resolution, Mr. Speaker. I, I attended one of the meetings of the task force and thought it was a very interesting meeting. People had great input. Committee asked very good questions of the residents, who were very responsive, except that this is now at least a year later and it seems that, someone might say, this is political posturing to chara..."

Speaker Lang: "Mr. Biggins, please finish."

Biggins: "Someone might say this is political posturing to carry on another study for an inconclusive report, but perhaps date of September, October 1st, 1998. I think we may be giving a continuing false hope to those who have had this fear of the unknown, which is how much their property tax bills are going to go up every year, particularly in that southern part of Cook County where they, Will County. And there are differences in classification systems and assessment methodologies. So, I hope that something positive comes out. I hope something comes out of this task force and we'll be looking forward to, being willing to participate in it again, if need be."

Speaker Lang: "Mr. Clerk, committee announcement."

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

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the following Amendment was referred, action taken on May 20, 1998, reported the same back with the following recommendations: 'to the floor for consideration' House Amendment #3 to Senate Bill 1884."

Speaker Lang: "Thank you, Mr. Clerk. The Chair recognizes Representative Skinner on this Resolution."

Skinner: "Yes, Mr. Chairman. I stand, as a Member of this committee. And frankly, as I remember the original Resolution, we were supposed to have a report by January 1st. Wasn't that the case, Representative, cochairman, Sir?"

Scully: "I'm sorry, could you restate your question?"

Skinner: "Weren't...wasn't this committee supposed to have a report by January 1st?"

Scully: "Yes, it was."

Skinner: "And why don't we have a report?"

Scully: "The cochairmen of the committee and the staff of the committee have not presented their report."

Skinner: "Well, as a Member of the report...as a Member of the committee, I trust that the cochairmen will not think that they are the only ones who get a chance to have input on the report. You're not assuming that, are you?"

Scully: "I am not assuming that at all."

Skinner: "Okay. Representative Biggins suggested that this might, there might be political motivation behind the date of the report. And since it is right at the beginning of the political season this fall, there might be some...some people might assume there's some credence to that charge. Why aren't you having us, having this committee report say December 1st or November 15th? Why September 1st?"

Scully: "I believe that September 1st is a realistic date for the committee to present its findings and I strongly object to

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anyone implying that I have any political motivations behind that date."

Skinner: "Well, Representative, it's hard not to have a political motivation and stand on this floor. I mean, I don't have any objection to your making it Septem...excuse me, making it November 15th, but you're having it right before the election. The General Assembly is not going to be in Session between the time we adjourn and after the election until the Veto Session. So it appears to me that, if not political timing, it certainly is a poorly picked date. Would you consider changing it to after November, after the November election, before the Veto Session?"

Scully: "I would be happy to consider any recommendations that you have, but I think it's approp... I think September 1st is an appropriate date."

Skinner: "Well, I've told you why I don't think it is. Representative Biggins, who is also on the committee, has told you why he thinks it isn't an appropriate date. I would ask you to take this out of the record and prepare a second Amendment that says, I mean, pick some date after the election."

Scully: "Representative, I'm not going to take it off the record. I think September 1st is a very appropriate date to report findings in a nonpolitical environment."

Skinner: "Surely you jest."

Scully: "I do not jest."

Skinner: "You don't want me to believe that, do you?"

Scully: "I've answered your question."

Skinner: "You have a committee... you have a committee... Well, I don't mean to irritate you, but it is clear that if you have a report on a highly contentious issue, being issued right before an election, when you could just as easily

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issue it after the election because nothing is going to be done between September 1st and election date except electioneering. That your denial that it is politically motivated is disingenuous."

Scully: "Don't accuse me of being disingenuous, Sir."

Skinner: "I'm sorry, there is no other conclusion I can make. I've made what I think is a reasonable request to... Well, perhaps you're not disingenuous. Perhaps there's just an appearance of disingenuousness."

Scully: "Do you have a question, Representative?"

Skinner: "Yes. Will you change.... Are you willing to adopt...are you willing to propose a separate Amendment which will change the reporting date until after the election?"

Scully: "I see nothing inappropriate with the September 1st date."

Skinner: "Now, I'm not a lawyer, but I presume that the answer is 'no'."

Scully: "What's your question?"

Skinner: "Are you willing to propose an Amendment which will change the reporting date until after the election..."

Scully: "No."

Skinner: "...when it will be neutral? Well, thank you for your straightforward answer. I oppose the Resolution."

Speaker Lang: "Mr. Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. After a long day of Session and as we draw nearer to a...to the budget year, the even numbered year when we're only supposed to be taking up items of the budget and those items of an emergency nature, I want to commend the Chair and the Sponsor. Finally, we get to a piece of business that is a true emergency in the State of

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Illinois. If we don't pass this Resolution today, I fear for the ultimate sanctity and safety of the State of Illinois and all of the residents therein. Brothers and sisters, I woke up at 2:00 this morning and I said to myself, 'Adjournment draws nigh and my God, we haven't addressed the problem of overlapping tax districts. How could we have been so foolish?' Well, here it is, late in the Session. Representative, I commend you for this. Because I'll tell you what, if anything will increase our bond rating with New York Wall Street, if anything will guarantee our children a better education, if anything will guarantee our teachers a better pension, if anything will give our social service workers a COLA raise that they deserve, if we can get senior citizens tax relief, that all pales. That all pales in significance to finding out the overlapping tax problem in the State of Illinois. Oh, my God! Let me ask you a question and be gentle with the answer."

Speaker Lang: "The Gentleman yields."

Black: "Be gentle with the answer. Does this task force, will it...will it look at the overlapping tax districts throughout the entire State of Illinois? Is he over there?"

Speaker Lang: "He's there, Sir."

Scully: "Representative."

Black: "Yes."

Scully: "The problem of overlapping taxing districts is confined to those taxing districts which overlap the Cook County line."

Black: "Why doesn't the Resolution just say, 'You're only going to study the overlapping tax district in Cook and Will County?' It doesn't say that in the Resolution. People in

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my district are running in the streets, fearful what this study might point out. We may have forgotten at some time, we had outhouses not that many years ago. We may have an outhouse tax on the book. Now we have sewers. Good, God, we could have an outhouse and a sewer tax overlapping. Oh, this could be dangerous. This could wipe out the Outhouse Tax Commission. Oh.... Oh.... So, we're asking to pass a Resolution, an emergency Resolution, but it only deals with Will and Cook. Is that right?"

Scully: "No, that's not correct."

Black: "Oh, it's not correct. Tell me what's correct."

Scully: "It deals with overlapping taxing districts which overlap the Cook County line, which includes many counties other than Will."

Black: "Oh, Representative, I stand with you. The very thought of anything in my district overlapping Cook County brings tears to my eyes and indigestion to my gullet. I think what we have here is an answer seeking a question. A riddle, a riddle wrapped in an enigma. Representative, we have more taxing bodies in the State of Illinois than any state in the country, bar none. If you really want to get into an emergency, why don't you study why we have 8,000 taxing bodies, instead of whether or not I'm paying \$2 for an oak tree in Will County and somebody in Cook County is paying 50 cents for the same oak tree. I'll tell you what, better than this Resolution, why don't you just put a referendum on the ballot and say to the good people in Will County, 'Let us out. Let us out of the overlapping districts. We don't want in your forest preserve district, we don't want in your museum district, we don't want in the White Sox, Metropolitan Pier and Navy Pier, ferris wheel and all the other things that'll be given to Cook County.'

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We don't want an Arlington Heights stadium. Why don't you just put it on the ballot and disjoin. Get away from it. Just back out. Say, 'We don't want in that, we're not going to do it.' Oh, Mr. Speaker, at long last, after hours on the floor, we bring to this chamber an honest to goodness emergency. My phone is ringing off the hook. People are concerned. I don't think September is appropriate. Could we get an answer by Monday? Could we get an answer by Monday?"

Speaker Lang: "Have you completed your remarks, Mr. Black?"

Black: "To this Resolution, Ladies and Gentlemen. Here's a Roll Call you'll want to take home. Here's one you'll want to show the folks. Look what I did to earn my per diem. By God, I'm going to study overlapping tax districts. I may get a pay raise because they won't let the Compensation Review Board out of Rules, but we're going to get to the bottom of how much an oak tree costs. For crying out loud, vote 'no'."

Speaker Lang: "Representative Andrea Moore."

Moore, A.: "Ooowee, Mr. Speaker, that's a hard act to follow, but to the Bill and will the Representative yield for a question?"

Speaker Lang: "He will yield."

Moore, A.: "Representative Scully, is this the same task force that I served on with you over the last year?"

Scully: "Yes."

Moore, A.: "And, refresh my memory, I'm trying to recollect exactly how many times we met."

Scully: "I recall, specifically, meeting in downtown Chicago. I recall, specifically, meeting in Steger in Will County, Illinois."

Moore, A.: "So, we've met...we've met twice. And following those

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meetings, did we make any successful recommendations?"

Scully: "No."

Moore, A.: "Actually, that's not the way I recollect it. I recollect that one of the other task force members, whose boundaries are with Lake, I think his Bill actually was proposed and is...was passed by this House. He made some changes for his district. Can you answer me why you were not able to make changes for yours in the time that we met? I'm referring to Representative Beaubien, who brought his Bill through Revenue and through the House."

Scully: "I'm believe Mr. Beaubien was able to find a state legislative solution to the manner in which the overlapping taxing problem specifically affects his district, and we were not able to find a similar legislative solution for the Will County area..."

Moore, A.: "Which is precisely..."

Scully: "...and would not be..."

Moore, A.: "... my point, Representative. There is probably not a real...there is not an apparent state legislative solution to your problem. When in fact, the problem lies with the Cook County Board and with the Assessor's Office. The authority to make the changes that you need to solve the problems in your district cannot be solved here. Wouldn't you agree with that?"

Scully: "I don't agree that those are the conclusions of the task force."

Moore, A.: "Well, then can you account to why Representative Beaubien could be successful in getting his legislation passed, fixing the problems on the task force overlapping districts, and you can't do it from yours? If it can be done with a legislative initiative, Representative, why didn't you bring one forward? If we can solve your problem

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here in the State House, why have you not advanced...advanced something for us to consider?"

Scully: "If I was confident that I knew the legislative solution to the problem, I would've presented it to this Body."

Moore, A.: "Well, Representative Beaubien was successful in doing his and it sits in the Governor's Office awaiting signature, and I see no reason to extend this task force any further, go through the trouble of trying to get people to try and meet and meet and just humor your residents along because it's an election year. There should have been an initiative that was brought forward. I would urge a 'no' vote on this Resolution."

Speaker Lang: "Representative Cross."

Cross: "In the event this politically motivated and charged Resolution gets the requisite number of votes, we ask for a verification."

Speaker Lang: "Your request is acknowledged. Representative Novak."

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

Speaker Lang: "The Gentleman yields."

Novak: "Representative Scully, let me ask you one simple question. Representative Scully."

Scully: "Excuse me, yes?"

Novak: "Over here, George. Let me ask you one simple question. All this Resolution does is ask to extend the deadline of your report. Yes or no?"

Scully: "Yes."

Novak: "Okay. So, what is all this hyperbole around here? You know, I look around the House Floor here and everybody's eyes are glazing over. We've got two more days before the Session's over. So let's cut all this crap out. How many Resolutions have we passed down here? Let's vote on this."

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You want a verification on this Resolution? Sure, we'll give you one. So, let's cut it out. Let's vote on it. Let's get to the next piece of business."

Speaker Lang: "Mr. Scully to close. Mr. Scully to close."

Scully: "Thank you, Mr. Speaker, and I want to assure all of the Members of this Body..."

Speaker Lang: "Could the Gentleman have some order please? We only have a few more items of business left, please."

Scully: "I am not disingenuous in the choice of this Amendment. It was a very sincere effort on my part to put a realistic date on the completion of this report by the committee, by the cochairman of that committee. We have excellent work that has been done about getting a better understanding of the problem to either develop a legislative or a non-legislative problem. Possibly develop local solutions to this problem. Possibly come up with a report that says that the local solution is the proper solution. I ask for your favorable consideration. Thank you."

Speaker Lang: "The Gentleman moves for the adoption of House Resolution 322. This is final action on this Resolution. Those in favor of the Resolution shall vote 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question there are 60 voting 'yes', and 55 voting 'no', and Mr. Cross has requested a verification. Mr. Clerk, please read the Affirmative Roll."

Clerk Bolin: "A poll of those voting in the affirmative. Acevedo. Beaubien. Boland. Bradley. Brosnahan. Brunsvold. Bugielski. Burke. Capparelli. Crotty. Barbara Currie. Julie Curry. Dart. Monique Davis. Steve Davis. Erwin. Fantin. Feigenholtz. Flowers. Fritchey. Gash. Giglio.

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Giles. Granberg. Hannig. Hartke. Hoffman. Holbrook.
Howard. Shirley Jones. Kenner. Lang. Lopez. Joseph
Lyons. Mautino. McCarthy. McGuire. McKeon. Eugene
Moore. Morrow. Murphy. Novak. O'Brien. Phelps. Pugh.
Reitz. Rodriguez. Ronen. Schakowsky. Schoenberg. Scott.
Scully. Silva. Slone. Smith. Stroger. Art Turner.
Woolard. Younge, and Mr. Speaker."

Speaker Lang: "Mr. Cross, Mr. Schoenberg asks leave to be
verified. He's in the center aisle. Mr. Granberg asks
leave to be verified. He's in the center aisle. Please
proceed."

Cross: "Representative or Mr. Speaker, just a point of
clarification. Does this require 60 votes?"

Speaker Lang: "Sixty votes."

Cross: "Okay Representative Acevedo."

Speaker Lang: "Representative Acevedo. Mr. Acevedo. The
Gentleman is coming out of the phone booth waving."

Cross: "Representative Lou Jones."

Speaker Lang: "Not voting, Sir."

Cross: "Representative Hoffman."

Speaker Lang: "Representative Hoffman. Representative Jay
Hoffman. The Gentleman is not in the chamber. Please
remove him. Representative Silva asks leave to be
verified. Leave is granted. Please proceed, Mr. Cross."

Cross: "Representative Charles Morrow."

Speaker Lang: "Representative Morrow. Representative Charles
Morrow. Representative Hoffman has returned. Please
restore his affirmative vote. Mr. Morrow is not in the
chamber. Please remove him, Mr. Clerk."

Cross: "Representative Mike Smith."

Speaker Lang: "Representative Smith. Representative Smith is
coming in the rear door as we speak, Mr. Cross. Thank you,

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Mr. Smith."

Cross: "Representative Shirley Jones."

Speaker Lang: "Representative Shirley Jones. Representative Jones. Representative Shirley Jones. Please remove her affirmative vote, Mr. Clerk."

Cross: "Representative Bugielski."

Speaker Lang: "I'm sorry?"

Cross: "Bugielski."

Speaker Lang: "Representative Bugielski is waving in the rear of the chamber, Sir."

Cross: "Representative Capparelli."

Speaker Lang: "Representative Capparelli's in the rear of the chamber, Sir. Representative Art Turner asks leave to be verified. Leave is granted."

Cross: "Representative Gash."

Speaker Lang: "Representative Gash is in her chair."

Cross: "Representative Schoenberg."

Speaker Lang: "Representative Schoenberg had leave to be verified, Sir."

Cross: "I apologize. Representative Brosnahan."

Speaker Lang: "Representative Brosnahan is in his chair."

Cross: "Representative Reitz. Reitz, I mean. I mean Reitz."

Speaker Lang: "Representative Reitz. It's Reitz. He's standing in front of the phone booth, Sir."

Cross: "All right. Thank you, Mr. Speaker."

Speaker Lang: "Mr. Scully. The Gentleman asks for Postponed Consideration. That request shall be granted. The Chair recognizes Representative Mautino for an announcement."

Mautino: "Thank you. Mr. Speaker, the House Insurance Committee, which was scheduled for immediately after Session, will not be meeting tonight. We will, however, be meeting tomorrow."

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Speaker Lang: "Representative Phelps for an announcement."

Phelps: "Thank you, Mr. Speaker. The...as well, the Elementary and Secondary Education Committee has no need to meet because the Sponsor wishes not to call the Resolution. Thank you."

Speaker Lang: "Representative Hoffman for an announcement."

Hoffman: "Yes, Mr. Speaker. Since the Elementary and Secondary isn't meeting, the Transportation Committee will meet now immediately after Session. Immediately after Session, if you're in the Transportation Committee, in Room 114. Immediately after Session in Room 114, the Transportation Committee."

Speaker Lang: "Representative Erwin."

Erwin: "Thank you, Speaker. The Higher Education Committee has a Resolution to consider and will meet pronto in D-1."

Speaker Lang: "Representative Burke."

Burke: "Thank you, Speaker. The Executive Committee will meet immediately after Session in Room 118."

Speaker Lang: "Representative Saviano."

Saviano: "Mr. Speaker, the Reg. and Reg. Committee was suppose to meet after Session. I'd like to reset that for 9:45 tomorrow morning. We have only one Resolution that we have to consider. Thank you."

Speaker Lang: "Has your room been cleared for that announcement, Sir? Do you have a room for your committee?"

Saviano: "We were set for 114."

Speaker Lang: "So, do you still have that room, Sir?"

Saviano: "I will double check and to make sure. I'll get back to you."

Speaker Lang: "Thank you. I am informed by the Clerk, Mr. Saviano, I am informed by the Clerk that we should...you should withdraw your comments until we're sure you have the

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room because it might have been assigned to someone else."

Saviano: "Very good."

Speaker Lang: "Bear with me. Representative Eugene Moore."

Moore, E.: "Yes, Mr. Speaker. The Revenue Committee will meet immediately after adjournment in Room C-1."

Speaker Lang: "All right. I'm going to ask everyone with lights on regarding committee announcements to turn your lights off. No Member can reset a time on their committee. If you'd want to cancel a committee meeting, we'll allow you to do that. Only to cancel a meeting. Other committees, we will adhere to a certain schedule which we will give you before you leave. So, only announcements regarding committee cancellations should be adhered to at this time. The time of the committees that will meet after adjournment will be announced before we leave the chamber. We do have two or three items of business left to transact. The Chair recognizes Representative Cross. For what reason do you rise?"

Cross: "Thank you, Mr. Speaker. I had previously filed several, I guess, within the hour a petition to reconsider House Resolution 495. I'd like to proceed with that petition. It's a rather confusing Resolution that it got very little debate. Appreciate the opportunity to readdress that at this time."

Speaker Lang: "We'll get back to you on that request, Sir. I will get back to you on that request before we adjourn."

Cross: "Thank you."

Speaker Lang: "The Chair recognizes Representative Black. For what reason do you rise? Mr. Black. I thought your light was on, Sir. Sorry. Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker. There will be a COWL meeting, the Conference of Women Legislators. Listen up."

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It's 9:00 tomorrow in Room 122B."

Speaker Lang: "Representative Mike Smith, would you come to the podium, please? All right. Mr. Clerk, Senate Bill 1215. Representative Schoenberg, on the Order of Nonconcurrency is Senate Bill 1215. Don't hurt yourself, Representative."

Schoenberg: "I'd like to move...Mr. Speaker, I'd like to..."

Speaker Lang: "Mr. Schoenberg, I'm sorry to interrupt you. Your Motion to recede has not been through Rules, so we'll have to take it out of the record at this time. Representative Saviano for an announcement."

Saviano: "Thank you, Mr. Speaker. I've spoken to Representative Burke in Executive Committee. Based on the fact that my committee was meeting the same time as theirs, he's going to handle the Amendment. So the Reg. and Reg. Committee will meet as scheduled after Session in Room 114. Thank you."

Speaker Lang: "The Chair wishes to report that the only committees that have been cancelled are Elementary and Secondary Education and Insurance. All other committees will meet as per the committee schedule. The four...the committees that were listed at 4:00 will meet immediately after Session, after adjournment in the designated room. The committees that were to meet at 4:30 will meet 30 minutes after adjournment in the designated room. The committee that was to meet at 5:00 will meet one hour after Session in the designated room. The Chair recognizes Representative Pugh."

Pugh: "Thank you, Mr. Speaker. I'd like to announce that the Human Services Committee will meet 30 minutes after Session, as opposed to one hour after Session, due to the fact that the Insurance Committee will not be meeting."

Speaker Lang: "The Clerk says that's fine. So Human Services

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will meet one half hour after Session in Room D-1.
Representative Black."

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

Speaker Lang: "State your inquiry."

Black: "Well, the Insurance Committee has been cancelled and I had a true emergency Resolution that had been assigned to that committee. Does... Do I take that to mean that my emergency Resolution has disappeared, which isn't going to break my heart."

Speaker Lang: "You should see Mr. Mautino, the Chairman of the Committee, about your emergency Resolution, Sir."

Black: "I will do that. Thank you."

Speaker Lang: "Representative Hoffman."

Hoffman: "Yes, once again the Transportation Committee, except for what the schedule says, the Transportation Committee will meet immediately, immediately after Session in 114. Immediately."

Speaker Lang: "Mr. Clerk, Senate Bill 1674. Representative Biggert."

Biggert: "Thank you, Mr. Speaker. I would move to refuse to recede to House...to Senate Bill 1674, House Amendments 1, 2 and 3 and would request a Conference Committee."

Speaker Lang: "Seeing no discussion, those in favor shall say 'aye'; those opposed shall say 'no'. In the opinion of the Chair the 'ayes' have it and the House does refuse to recede with House Amendments 1, 2 and 3, and Representative Biggert asks that a Conference Committee be appointed. Mr. Cross has made a Motion to reconsider the vote by which House Resolution 495 was adopted. As we did yesterday, there will be one Member speaking in favor of the Motion and one opposed. Mr. Cross, do you wish to make a statement on your Motion?"

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Cross: "Mr. Speaker, I...very briefly. There was the feeling on this side of the aisle that this Bill or Resolution, excuse me, was debated rather briefly and I think there's some potential ramifications of this Bill that people need to know about. I assume the Sponsor will defend our Motion and maybe, perhaps, can explain the Bill again for us. As you have said and acknowledged, it's been chaotic all afternoon. There's been no order and I would respectfully request an 'aye' vote on this and I would ask everyone to take a hard look at this Bill on your computers before you make a vote, and I believe a 'yes' vote, at least, to get an opportunity to vote on the underlying Bill again...or the Resolution, is appropriate. So, thank you, Mr. Speaker."

Speaker Lang: "Representative Howard on the Motion."

Howard: "Yes, thank you, Mr. Speaker. I believe we have argued, debated this particular Resolution sufficiently. I ask for 'no' votes from my colleagues."

Speaker Lang: "There being no one further seeking recognition, those in favor of the Motion to reconsider shall signify by voting 'aye'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question there are 54 voting 'yes', 61 voting 'no', 1 voting 'present', and the Motion fails. We will be adjourning upon the Death Resolution of a former Member. Mr. Clerk, Senate Joint Resolution 72."

Clerk Rossi: "Senate Joint Resolution #72, offered by Speaker Madigan.

WHEREAS, The death of a former colleague is an occasion of sadness for this General Assembly; and

WHEREAS, Grace Mary Stern began her distinguished

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government career by being elected to the Lake County Board in 1966 and in 1970 she was elected as Lake County Clerk, the first Democrat to be elected county wide since the Civil War; and

WHEREAS, In 1982, as the Democratic candidate for Lieutenant Governor, and as the first woman slated by the Democratic Party for Statewide office, Grace Mary Stern brought a joyous enthusiasm to the campaign and she gained prominence for her hard work and thoughtful expressions on the issues confronting the people of the State of Illinois; and

WHEREAS, Continuing her call to public service, in 1984 Grace Mary Stern was elected to the Illinois House of Representatives of the 84th General Assembly and served with distinction in that Body in the 85th, 86th and 87th General Assemblies by serving as Chairman of the Judiciary II Committee, Committee on Mental Health and ably serving on the Committee on Elementary and Secondary Education, the Committee on Small Business and many other committees; and

WHEREAS, In 1992, Grace Mary Stern was elected to the Illinois State Senate of the 88th General Assembly, serving on the Committee on Local Government and Elections and the Committee on Judiciary and was frequently sought for her opinions and counsel on issues of importance to all people of Illinois; and

WHEREAS, Grace Mary Stern was known for her wonderful sense of humor and in particular by adapting her own mirthful lyrics to popular songs to satirize and commiserate the lives of women, politicians and everyday life and the issues that confront society in the General Assembly; and

WHEREAS, Grace Mary Stern won numerous honors and

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awards, including the Illinois Association of School Boards Golden Apple Award, the Highland Park Humanitarian Award, and the YWCA of Lake and McHenry Counties Lifetime Achievement Award and has been honored by the creation of the Grace Mary Stern Scholarship Foundation which has been established for Women's Studies at Roosevelt University; and

WHEREAS, Grace Mary Stern was an effective advocate for improving the quality of education and mental health services of the State and was a strong defender of individual rights; and

WHEREAS, Grace Mary Stern was truly devoted to her family, especially her husband, Herbert "Hub" Stern and their children, Gwen, Herbert, Robert, Ann, Peter, Thomas, John, Jo Ann, Mark and Leonard and their spouses, and their ten grandchildren; and

WHEREAS, As Grace Mary Stern embarked upon her legislative career in 1985, she penned these words to her constituents which truly reflect her respect for the process of government and politics, 'Dear neighbor, you have launched me on an unpredictable and challenging experience, and I'm enjoying it enormously, even as I try to represent this diverse district faithfully and energetically. Everything is new, sometimes baffling and always exhilarating. When I catch sight of the Capitol dome, gleaming over the Centennial Building in the early morning sun, I really have a sense of the history this place has seen and a kind of pride for my part in it.'; and

WHEREAS, Grace Mary Stern has left an indelible mark on the politics and government of Illinois with her wit, enthusiasm and strength, for she gave much more than she ever received and did so unselfishly; therefore be it

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RESOLVED, BY THE SENATE OF THE NINETIETH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, That we hereby offer our sincerest condolences to the family of Grace Mary Stern, for we share their loss and we will always remember this happy warrior who gave so much of herself for our State; and be it further

RESOLVED, that a suitable copy of this preamble and resolution be presented to the family of Grace Mary Stern as a measure of our esteem for our beloved friend, mentor and fellow legislator."

Speaker Lang: "Speaker Madigan."

Madigan: "Mr. Speaker and Ladies and Gentlemen. Grace Mary Stern had an outstanding career as a public official, serving as the County Clerk of Lake County before she became a Member of the House and then later a Member of the State Senate. For those of us who remember her work here in the House, she brought an extremely high level of enthusiasm, dedication and integrity to the fine work that she performed in this chamber. More importantly, Grace Mary was a wonderful, wonderful person. Despite the rigors of a campaign or the rigors of legislative work, she always brought a big smile, a great level of enthusiasm, a great level of understanding and appreciation for other people and for their needs and concerns. Very clearly, the House of Representatives and those of us who served with her are much better people for the time that we spent with Grace Mary, a wonderful, wonderful person."

Speaker Lang: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. Grace Mary, or 'Leo' as she was known to her friends, was indeed one of a kind, a woman who certainly stood out in a crowd. A Democrat, in rock-ribbed Republican Lake County, she

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nevertheless became the Lake County Clerk. Could have been clerk for life, she chose, instead, to set her sights on the Lieutenant Governorship, the first woman nominated by either party for Lieutenant Governor in the State of Illinois. There are those among us who think that the narrow defeat, the 1% defeat her ticket suffered, would have turned into at least a 1% victory had there only been a recount. Grace Mary was the kind of woman who had clear, strong political values. She believed in government's job in helping people who need our help. She believed in civil rights and civil liberties. She believed in open government and reform government. She was not somebody who understood the value of political expedience. What you saw in Grace Mary, was what you got. She was straightforward. She never let down her ideals, her passions for a government that should do the right thing. Grace Mary had wit and humor. There wasn't anybody who served with her who didn't enjoy her, who didn't like her. There were few who served with her who were not one time or another the object of her barbs, her humor, her wit, but it was in a good cause. She was herself a good cause. She was one of a kind. She was not one of the boys. We will miss Grace Mary. She did a good job for the people of the State of Illinois in all of her elective, volunteer and civic posts. We will miss her and we extend our deepest sympathies to her very warm, loving, extended family."

Speaker Lang: "Representative Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. I had the pleasure of sitting next to Grace Mary Stern for a number of years. I really hated to see her go to the Senate. We knew that her public wanted her to go, but we really wanted her to stay in the House. She had such an entertaining way of getting

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and resolving a very difficult issue. The people that she represented knew that they had a real role model in Grace Mary Stern. A mother of 10 children and the grandmother of 10 children. She had a life, a quality life, and as she sat next to me she always let me know that it's okay to be different and there is nothing wrong with not agreeing with everybody all the time. She was a tremendously wonderful woman, and anyone who knew her, anyone who knew her could not help but, but be a much better person. The current Judge, Lee Preston, the former Representative Dunn, we sat in one of these rows, the three of us across, and I truly miss those days and I pray that God will accept the angel, Grace Mary Stern. Thank you."

Speaker Lang: "Representative Gash."

Gash: "On Sunday, Illinois lost a favorite daughter, a respected former State Legislator and political leader. I lost a neighbor. Grace Mary lived three blocks from me. I lost a friend and I lost a mentor. Grace Mary Stern was a tireless advocate for those who could not always advocate for themselves. She fought for quality education for all children in Illinois. She fought for minority and women's rights and for help for the mentally ill. She stood for the highest standards in government and politics. She was a champion of the principles she believed in, despite personal political risk. I first met Grace Mary in 1981 when I began a Washington internship for, then, Illinois Senator Alan Dixon. When I needed to talk to someone and get a straight scoop on what was happening in Illinois politics, I could call Grace Mary. Although she was a big fish and I was just a minnow, she always returned my calls and did, indeed, give me the straight goods. There is no question in my mind that I would not be in Springfield

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today were it not for Grace Mary. When she was elected Lake County Clerk in 1970, as was said, she was the first Democrat since the Civil War to hold a Lake County post. As Rich Miller wrote the other day in Capitol Fax, if Adlai Stevenson had her charisma, Grace Mary might just have been the first female Lieutenant Governor in Illinois, not just the first female candidate for Lieutenant Governor. In fact, they lost that election, as was pointed out, by less than 1%. In 1984 she won a seat in the House of Representatives, representing the 58th District. A seat she held until 1992. Grace Mary was a trailblazer for women in Illinois politics and for Democrats in Lake County. When my children were little, I worked part-time as an aide in Grace Mary's district office and my respect for her continued to grow. The demands of a political career never seemed to daunt her, in fact, she thrived on it. In 1992, Grace Mary was redistricted out of her House seat. The line was literally drawn around her House. I mean literally. Check out the map. She considered a run for the Illinois Senate. When the Republicans said no Democrat could win that seat, they were waving a red flag in front of a strong-minded woman. Grace Mary didn't like being told she couldn't do things. Her nickname was 'Leo' and she was a lioness. She was told she couldn't win, so she did. She defeated a longtime incumbent in the process. She told me I could win that year, too, even though everyone said I couldn't and I was glad I had the opportunity to serve with her in the Legislature for two years. When a tough issue came up, I frequently sought out Grace Mary in the Senate. I called her a lot when we were at home, too. She was very generous to me with her time, with her advice and with her encouragement. In 1994, when

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Grace Mary was labeled the #1 Democratic target in the Illinois Senate, she embraced that label as an honor and sported a jacket with a big bull's-eye in the center of the back. No matter how tough or protracted the political battle, she never lost her sense of humor and she was a highly sought guest speaker who wrote and sang political satire that had both Democrats and Republicans rolling across the aisle. In fact, the Grace Mary Stern Legislative Chorus would like to do one of Grace Mary's little ditties right now. This is to the tune of, 'There is Nothing Like a Dame' from the musical 'South Pacific'."

Speaker Lang: "Could we put on Representative Ronen's microphone?"

Gash, Ronen, Currie, Schakowsky, & Erwin: "We got coffees, we got teas. We got leaflets and brochures. We got briefings for the media and supermarket tours. We got bumper stickers, buttons and money raising drives. What ain't we got, we ain't got wives. We got no one to tend the kids and cook the dinner. We got no one who'll make us feel like we're a winner. There is nothing like a wife. Nothing in the world, in a politician's life. There is nobody like a wife. For no one cares like a wife, no one shares like a wife, no one hopes like a wife, no one copes like a wife. There's not a thing that's wrong with any woman pal that couldn't be cured by a live-in doll, an understanding, undemanding, unassuming, unpaid, WIFE!"

Gash: "Grace Mary's motto was, she's not one of the boys and one of the boys, she wasn't. Last week, when I had breakfast at her house, I know she was still eager to be up on the latest happenings in Springfield and in Illinois politics and wanted to be updated on everything. Grace Mary was strong and tenacious and she was a strong advocate for

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important issues. She was a role model and a mentor to many, many people. She was also really fun to be with. We will miss her 'joie de vivre' (joy of life). Leo, we will miss you very much."

Speaker Lang: "Representative Black."

Black: "Thank you very much, Mr. Speaker and Members of the House. You begin to realize your own mortality when you've been here a while and you have gone through Death Resolutions for some remarkable people. Some are very close to you and some, because of the nature of our business, we didn't get a chance to be as close to as some we have lost in years past. Much has been said about Representative Grace Mary Stern's sense of humor and it was, I think, one of her best attributes. She took the process very seriously, but she didn't take herself very seriously and she knew the difference. Very passionate in her views and her beliefs, but very moderate in her partisanship. I remember going to her when I was literally a freshman here and trying to get the nuances of compromise and amendment to get a Bill out of the Education...Elementary and Secondary Education Committee. Always willing to share her experience and expertise, be you a Member of the Republican Party or the Democrat Party, or whatever. Always willing to give you the benefit of her experience and her wisdom. Few of us are left in the chamber, unfortunately, or perhaps fortunately, as I look back on it, when we would sit on this floor for 20 hours in a day or 26 or 30 hours. I think the all time record, we were on our 33rd hour when Representative Grace Mary Stern, as only she could do, rose to address the Chair and explained the fact that she hadn't been able to get to a laundry and that her deodorant had failed and she was

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having a bad hair day and could the Chair, please, give her some idea of when we might be able to, at least, recess to go home and take a shower and change clothes and it broke a lot of the tension that was in the chamber where we had been cooped up for hour, after hour, after hour. She was a remarkable Legislator, as I've said, and did, indeed, have a sense of humor. I was a target years ago - thank goodness you missed, but I hid that as best I could. But as Representative Schakowsky said, Grace Mary Stern would show up at events and receptions with a beautiful jacket that she had had someone make for her with a bull's-eye on the back and she was not about to be bashful or shy because she had been picked out by the Senate as a target. She has left a wonderful legacy as a Legislator, as a human being, as a concerned Member of the State of Illinois. She got into the arena and she did an outstanding job. I, too, hated to see her go to the Senate, but then I hate to see most any House Member go to the Senate where they are, often, never heard from again. But I would tend to celebrate the life that Grace Mary Stern lived, rather than dwell on her untimely death. She left a legacy that all of us would do well to follow and for those of us who had the privilege of working with her, we are, indeed, as someone said earlier, better off for having had the opportunity."

Speaker Lang: "Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. I was not privileged to serve at the same time because, by the time I arrived, she was in the Senate. But as a representative of a major women's organization in Illinois, for years I had used Grace Mary and Margie Parcels, who are great friends, as bookends on different forums that we held and she always was gracious of her time to come out and talk, and she and Margie would

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joke and, I'm sure, between them, Grace Mary encouraged many a woman to get more involved in the legislative process and run for office. When I first ran, she sent me a check and, it was controversial and I accepted it and I had a hard time explaining to people that we had gone back a long way before I ever thought for running for office and that she was a friend of mine. And when we established a scholarship for her, when we heard she was ill, and the first woman that was given the scholarship, and she showed up in her bandanna and sang her song and she wanted to know if we were still going to establish the scholarship while she was still alive. She was happy to be there and happy to give the scholarship. And she had a great sense of humor and she always was very worried about everybody else, even though she was still ill, and she was a wonderful person to know and I'm glad to have experienced and heard from her on many different levels before I ever thought to be in the Illinois General Assembly."

Speaker Lang: "Representative Churchill."

Churchill: "Thank you, Mr. Speaker. Grace Mary Stern was a delightful lady. She was gutsy, she was bright, she was funny. She held some very strong beliefs from which she would not wander. Down here, we were certainly on opposing sides of the aisle. Back home, in Lake County, we were on opposing sides of the political fights and there were times, on issues, where we were on opposing sides and I always considered her as a very worthy opponent to have because if you could argue an issue with Grace Mary Stern, she gave it everything she could to win her side of the issue just as much as I would on my side, try to give it everything that I could and, in the end of it, we would kind of laugh and look at each other and talk together and

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neither one of us had convinced each other of the other's viewpoints, but the fact was that we had gotten the debate out wherever we were. It was fun to be out in public with her. There were times when we weren't opponents. There were times when we worked together for the people back in Lake County and then it was even more fun because of the fact that people didn't expect both Grace Mary Stern and I to be on the same side of an issue. When we came at something together, I think we were able to accomplish a lot. She fought very hard for the beliefs that she had. She fought very hard for her constituents. She fought very hard against this battle that she suffered at the end and she fought very hard for the people of Lake County and for the people of the State of Illinois. We'll remember her for a long time. Our condolences go to Hub and to her whole family."

Speaker Lang: "Representative Schoenberg."

Schoenberg: "Mr. Speaker and Ladies and Gentleman of the House. We all knew that Grace Mary Stern was a resilient woman. As I had the privilege to serve with her in this chamber, I saw how resilient she was. How she would fight to her last breath to protect the rights of those with whom she strenuously disagreed and for those who didn't have a voice to even enter the argument. I thought she was even more resilient as I observed her during the 1994 election campaign, after she had determined to leave the House and run for the Senate in the area that I represent. For those of you whose memories need refreshing, the 1994 campaign was not a charitable one for Democrats. Grace Mary Stern, very gamely, very persistently, very tirelessly sought to advance her views. Sought to state her case. Sought to make many compelling reasons why she thought that she

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deserved an opportunity to continue to represent, not just people who lived on the North Shore, many of whom, frankly are very capable of representing themselves in any arena they go into, but particularly for those who didn't have a voice. For those with whom she strenuously disagreed, yet would fight till the very last ounce of energy she had to preserve their rights in the greatest country in the world and the best state in the Union. To express those views without any obstacle, without any barrier. The 1994 campaign was a difficult campaign to watch, not as a Democrat, but as a person. For the very qualities which made Grace Mary Stern such a unique person, such an extraordinary person, a person with whom I had a great deal in common with and at times disagreed with, it was painful to watch that the very qualities which made her so exemplary were qualities that were called into question as a defining reason why people should or should not support her as she sought a seat in the Illinois State Senate. Her victory in the House, her victory as Lake County Clerk, her near miss as Lieutenant Governor, I didn't learn anything from those as much as I learned from how she carried herself during that very difficult campaign. I must have heard that song, about needing a wife, during that period of the campaign, as much, if not more, than anybody in this room. Grace Mary had such a way of making that twinkle in her eye come out through her voice that you would laugh every time you heard it, in every living room, in every banquet hall, in every student union, as Grace Mary Stern valiantly sought to go against the tide, as she had so many times before in her career, of what was obviously an overwhelming trend away from the Democratic Party. But, during that time, Grace Mary Stern didn't waiver. She

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didn't yield her views. She was who she was. You could agree or you could disagree. The most enduring memories I have are not of Grace Mary Stern on a baseball card talking about how she wasn't one of the boys. Not about how Grace Mary Stern sang that wonderful song that she had paired with a friend of hers and sang so many years before. But, the most enduring memories that I have are the legacies that she sought to teach those of us in public service everyday about having genuine beliefs, about setting aside our expediency, about having heartfelt condi...heartfelt convictions that you would move forward with even if you were alone. The heart of Illinois aches this week as we mourn the passing of Grace Mary Stern. And I am only sorry that I thought that Grace Mary Stern was so resilient that she would be there for me to say good-bye to her in person when we finished this Session. That's a regret that I'll have to confront. But if there's anything that we can do to perpetuate her memory, to perpetuate her legacy, it's to make ourselves exemplary. Not just as public service...as public servants, but as individuals as well and our world will be better served by it. Thank you."

Speaker Lang: "Representative Kubik."

Kubik: "Thank you, Mr. Speaker. There are very few people that come to this place and rarely after serving here transcend this place. Grace Mary Stern is one those people. She was a remarkable Lady. I had the pleasure of serving with her and you're all right. Grace Mary was a fighter. But what I think made her such a remarkable Legislator was she recognized that there's a time to fight and then there's a time to accomplish something. And I can recall, when in the 80's, when Grace Mary was an expert in Election Law and at that time the Democratic Party had had a little bit of a

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problem with 'LaRouchies', as we may recall. And so at the time there was a lot of difficulty in making changes to the Election Law because we were so worried that maybe a change might help or hurt the political parties. But Grace Mary Stern, with...with Myron Olson, would sit down and work on Election Bills and come up with compromises on Election Bills and they passed almost unanimously, primarily, I think, because everybody respected and trusted both of them. They recognized they had strong beliefs, but they also recognized that both Myron and Grace Mary were people of their word and they respected them for who they were. I can recall some of the late nights that we had and one of the visions that will never leave me is Grace Mary walking down the aisle with a coffee cup in her hand, about 12:30 in the morning, and I can assure you it was the strongest cup of coffee I've ever had the opportunity to...to breath. She, as Representative Black said, took her job very seriously, but did not take herself seriously. A remarkable Lady. I know that I'm not going to paraphrase this quite right, but I think I've read recently that Grace Mary said that she's done a lot of things in her life, but one of the things that she wanted to do or that she would try to do, would leave this earth with some class. I think she's accomplished that. Godspeed."

Speaker Lang: "Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker. I served here for many years with Grace Mary Stern, including several years on the Election Committee. I was always struck by her sense of humor because while it was always original and sparkling, it was never mean-spirited. It never hurt anyone. When the song was being sung just now, I thought, if Grace Mary were here she would probably smile and thank

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you and then say, 'but don't give up your day job.' Which would be a very kind way of being not only clever and funny but not at all mean. Grace Mary cared about the Election Code. We use to have long conversations about the things she was working on and somehow I got the impression that probably amongst the top leadership on her side of the aisle, she gave people kind of a bad time, every now and then, because she believed so fiercely in what she believed. But, finally, I think that for me, at least, one of the things I found the most remarkable about her is that she didn't just say what we all ought to do, she lived it. When we had a Bill before us, one time, having to do with foster children - I don't know how many foster children the Stern family took in over the years, but it must have been somewhere around 10 or 12. And there was apparently a lot of reluctance, it wasn't a partisan issue, just, there was some reluctance about passing this Bill. And Grace Mary got up and said, 'Folks, you have to understand this from the point of view of somebody who's actually lived through it the way I have.' She said, 'When this foster child comes to your home he has a little pair of shorts and a T-shirt. He has no underwear. He has no socks.' I think that Bill passed unanimously, Mr. Speaker, and it was all because of her. Thank you."

Speaker Lang: "Representative Andrea Moore."

Moore, A.: "Thank you, Mr. Speaker. Grace Mary started on the County Board of Supervisors in Lake County when, before the Constitution was changed and it became a different county board. And, of course, back then it really was the 'good old boys' that were running Lake County, which is where her saying came from, 'I'm not one of the boys.' And during that time she had a wonderful article called, In a Stern's

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Eye, which developed quite a following and really endeared her, both in her personality and some of her views, to so many people in Lake County. And as she...she ran for the County Clerk's position, it really was Republicans that elected her over and over again because it is...it really was more of a Republican County then than it is quite now. But she had such a way about her and people really appreciated the integrity that she had for the process, and she will be missed because she mentored people on both sides of the aisle over and over again in all different kinds of organizations. When I first came to the county government was the time that she was leaving and coming here, but she was always a very good resource for county government. We could come to both sides of the aisle with Bob and also with Grace Mary. When I think about her leaving, I think she...I am en...envious and wish this for all of us. She left this earth being well-loved and well-respected. And, my friends, I wish that for all of us."

Speaker Lang: "Speaker Madigan now moves that all House Members be added as cosponsors. Leave is granted. All those in favor of the Resolution shall say 'aye'; those opposed shall say 'no'. In the opinion of the Chair the 'ayes' have it and Senate Joint Resolution 72 is adopted. Representative Currie now moves, allowing perfunctory time for the Clerk, that the House stand adjourned until 10:00 a.m. tomorrow morning. All those in favor shall say 'aye'; those opposed 'no'. In the opinion of the Chair the 'ayes' have it and the House does stand adjourned until Thursday morning at 10:00 a.m."

Clerk Bolin: "The House Perfunctory Session will come to order. Introduction of Resolutions. House Resolution 542, offered

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by Representative McGuire. This Resolution is referred to the Rules Committee. Introduction of Senate Joint Resolutions. Senate Joint Resolution #67, offered by Representative Phelps. This Resolution is referred to the Rules Committee. Having no further business, the House Perfunctory Session will stand adjourned. The House will reconvene on Thursday, in Regular Session, at 10:00 a.m."