

STATE OF ILLINOIS
84th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

60th Legislative Day

June 24, 1985

Speaker Greiman: "The hour of 10:00 having arrived, the House will be in Session. The Chaplain for today will be the Reverend Lloyd, Doctor Lloyd Shaw, Pastor First United Presbyterian Church of Collinsville. Reverend Shaw is a guest of Representative Ron Stephens. Will the guests in the gallery please rise and join us in the invocation? Doctor Shaw."

Doctor Shaw: "Let us pray. Eternal God, our Father, grant to the Members and the officers of this elected Body of Representatives the awareness of Your presence as they take up the duties of this day. Turn their thoughts to You, oh Lord, and open their hearts to Your spirit. Grant to them wisdom in their decisions, understanding in their thinking, love in their attitudes and mercy in their judgments. Let them not think when this prayer is over that their dependence upon You is over. Rather, may they come from these moments of fellowship with You an awareness that You are in this place. From this awareness, may there flow light and joy and power that will remain with them until night shall bring Your whispered benediction, 'Well done, good and faithful servant.' So help us all experience this attitude this day, through Jesus Christ, our Lord, we pray. Amen."

Speaker Greiman: "The Gentleman from McLean, Mr. Ropp, will lead us in the pledge to the flag."

Ropp - 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 Greiman: "Roll Call for Attendance. Mr. Clerk, take the record. 115... 116... 115 Members having answered to the call of the quorum, a quorum is present. Mr. Piel, do you

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have any excused absences today?"

Piel: "Not at the present time, Mr. Speaker."

Speaker Greiman: "Alright. Messages from the Senate."

Clerk O'Brien: "A Message from the Senate, by Mr. Wright, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has adopted the following Senate Joint Resolution, the adoption of which I am instructed to ask concurrence of the House of Representatives, to wit; Senate Joint Resolutions #75 and 78, adopted by the Senate June 21, 1985. Kenneth Wright, Secretary.'"

Speaker Greiman: "Mr. Laurino, for what purpose do you seek recognition?"

Laurino: "Mr. Speaker, I'd like the record to show that Representative Cal Sutker has been excused."

Speaker Greiman: "Fine. Let the record so indicate that Representative Sutker is an excused absence today. Thank you. It's the intention of the Chair to now call the Special Consent Calendar on page 25. We will call the Special Consent Calendar at this time. We will have it read on the Order of Third Reading. And we will vote later on during the day on these various Bills. So, accordingly, on page 25 of the Calendar, on the Special Consent Calendar Third Reading. Mr. Clerk."

Clerk O'Brien: "Consent Calendar. Special Consent Calendar, on page 25 of the Calendar. Senate Bill 16, a Bill for an Act to amend the Condominium Property Act. Third Reading of the Bill. Senate Bill 60, a Bill for an Act to amend the Illinois Insurance Code. Third Reading of the Bill. Senate Bill 78, a Bill for an Act to amend the School Code. Third Reading of the Bill. Senate Bill 91, a Bill for an Act to amend an Act in relation to support and maintenance. Third Reading of the Bill. Senate Bill 114, a Bill for an

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Act to amend the Environmental Protection Act and an Act relating to State Fire Marshal. Third Reading of the Bill. Senate Bill 156, a Bill for an Act to amend the School Code. Third Reading of the Bill. Senate Bill 159, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill. Senate Bill 210, a Bill for an Act to amend the School Code. Third Reading of the Bill. Senate Bill 224, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill. Senate Bill 238, a Bill for an Act to create an Act in relation to consignment of works of fine art. Third Reading of the Bill. Senate Bill 343, a Bill for an Act to amend the Court Reporters' Act. Third Reading of the Bill. Senate Bill 352, a Bill for an Act to amend the School Code. Third Reading of the Bill. Senate Bill 365, a Bill for an Act to amend the Public Community College Act. Third Reading of the Bill. Senate Bill 378, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill. Senate Bill 406, a Bill for an Act to amend an Act concerning public utilities. Third Reading of the Bill. Senate Bill 433, a Bill for an Act to amend the Probate Act. Third Reading of the Bill. Senate Bill 434, a Bill for an Act to amend the Probate Act. Third Reading of the Bill. Senate Bill 435, a Bill for an Act to amend the Probate Act. Third Reading of the Bill. Senate Bill 440, a Bill for an Act to amend the School Code. Third Reading of the Bill. Senate Bill 492, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill. Senate Bill 518, a Bill for an Act to amend the Illinois Highway Code. Third Reading of the Bill. Senate Bill 541, a Bill for an Act to amend the Code of Criminal Procedure. Third Reading of the Bill. Senate Bill 546, a Bill for an Act to amend the Code of Criminal Procedure. Third Reading of the Bill. Senate

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Bill 560, a Bill for an Act relating to taxes for libraries. Third Reading of the Bill. Senate Bill 598, a Bill for an Act to amend the Juvenile Court Act and the Bill of Rights for Victims and Witnesses of Violent Crime Act. Third Reading of the Bill. Senate Bill 601, a Bill for an Act to amend an Act to provide for the creation and maintenance of forest preserve districts in counties having a population of less than three million. Third Reading of the Bill. Senate Bill 615, a Bill for an Act to amend the Illinois Domestic Violence Act. Third Reading of the Bill. Senate Bill 621, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill. The next two Bills, Senate Bill 648 and 651, are still on Third Reading and will be moved later. Senate Bill 688, a Bill for an Act to amend the State Employees' Group Insurance Act. Third Reading of the Bill. Senate Bill 693, a Bill for an Act to amend an Act concerning livestock and dangerous animals. Third Reading of the Bill. Senate Bill 699, a Bill for an Act to amend the Uniform Commercial Code. Third Reading of the Bill. Senate Bill 730, a Bill for an Act to amend the School Code. Third Reading of the Bill. Senate Bill 750, a Bill for an Act to amend the Illinois Clinical Laboratory Act. Third Reading of the Bill. Senate Bill 786, a Bill for an Act to amend an Act to revise the law in relation to counties. Third Reading of the Bill. Senate Bill 788, a Bill for an Act concerning the Department of Labor. Third Reading of the Bill. Senate Bill 791, a Bill for an Act to amend the Personnel Code. Third Reading of the Bill. Senate Bill 792, a Bill for an Act to amend the Public Aid Code. Third Reading of the Bill. Senate Bill 796, a Bill for an Act to amend the Civil Administrative Code of Illinois. Third Reading of the Bill. Senate Bill 799, a Bill for an Act to amend the

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Elder Abuse Demonstration Program Act. Third Reading of the Bill. Senate Bill 801, a Bill for an Act to amend an Act in relation to victims of violence and abuse. Third Reading of the Bill. Senate Bill 813, a Bill for an Act regulating the amount and manner of wild game taken in the State of Illinois. Third Reading of the Bill. Senate Bill 814, a Bill for an Act to amend the Fish Code. Third Reading of the Bill. Senate Bill 818, a Bill for an Act to amend the Illinois Horse Racing Act. Third Reading of the Bill. Senate Bill 830, a Bill for an Act to amend the Civil Administrative Code. Third Reading of the Bill. Senate Bill 853, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill. Senate Bill 855, a Bill for an Act to amend an Act in relation to protection against exposure to radiation. Third Reading of the Bill. Senate Bill 856, a Bill for an Act to amend the Illinois Human Rights Act. Third Reading of the Bill. Senate Bill 857, a Bill for an Act to amend the Minimum Wage Law. Third Reading of the Bill. Senate Bill 861, a Bill for an Act to amend the State Employees' Group Insurance Act. Third Reading of the Bill. Senate Bill 862, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of the Bill. Senate Bill 864, a Bill for an Act in relation to compensation of certain agriculture committees. Third Reading of the Bill. Senate Bill 875, a Bill for an Act to amend the Grade A Pasteurized Milk and Milk Products Act. Third Reading of the Bill. Senate Bill 892, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill. Senate Bill 896, a Bill for an Act in relation to conveyance of public lands. Third Reading of the Bill. Senate Bill 897, a Bill for an Act to amend the Illinois Purchasing Act. Third Reading of the Bill. Senate Bill 936, a Bill for an Act to amend an Act

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concerning abuse of the elderly. Third Reading of the Bill. Senate Bill 939, a Bill for an Act to amend the Guardianship and Advocacy Act. Third Reading of the Bill. Senate Bill 983, a Bill for an Act to amend the School Code. Third Reading of the Bill. Senate Bill 988, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill. Senate Bill 1004, a Bill for an Act to amend the Nursing Home Care Reform Act. Third Reading of the Bill. Senate Bill 1009, a Bill for an Act to amend an Act concerning public utilities. Third Reading of the Bill. Senate Bill 1041, a Bill for an Act concerning accounting systems for units of local government. Third Reading of the Bill. Senate Bill 1047, a Bill for an Act to amend the Illinois Act on the Aging. Third Reading of the Bill. Senate Bill 1090, a Bill for an Act to amend the Election Code. Third Reading of the Bill. Senate Bill 1095, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill. Senate Bill 1110, a Bill for an Act to amend an Act relating to firearms and firearm ammunition. Third Reading of the Bill. Senate Bill 1111, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill. Senate Bill 1125, a Bill for an Act to amend the Hospital District Law. Third Reading of the Bill. Senate Bill 1153, a Bill for an Act to amend an Act relating to supply and distribution of water. Third Reading of the Bill. Senate Bill 1163, a Bill for an Act to amend the Structural Pest Control Act. Third Reading of the Bill. Senate Bill 1164, a Bill for an Act in relation to fees for pesticide registration. Third Reading of the Bill. Senate Bill 1165, a Bill for an Act to amend the Structural Pest Control Act. Third Reading of the Bill. Senate Bill 1189, a Bill for an Act to provide for confidentiality in organ

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transplant procedures. Third Reading of the Bill. Senate Bill 1245, a Bill for an Act to amend an Act in relation to regional port districts. Third Reading of the Bill. Senate Bill 1260, a Bill for an Act in relation to oil and gas drilling. Third Reading of the Bill. Senate Bill 1265, a Bill for an Act to amend the Illinois Highway Code. Third Reading of the Bill. Senate Bill 1266, a Bill for an Act to amend the Radiation Protection Act. Third Reading of the Bill. Senate Bill 1267, a Bill for an Act to amend the School Code. Third Reading of the Bill. Senate Bill 1283, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill. Senate Bill 1284, a Bill for an Act relating to adoption of children. Third Reading of the Bill. Senate Bill 1287, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill. The next Bill, Senate Bill 1303, is held on Third Reading. It will be moved later. Senate Bill 1350, a Bill for an Act in relation to savings and loan associations. Third Reading of the Bill. Senate Bill 1356, a Bill for an Act to amend the Illinois Human Rights Act. Third Reading of the Bill. Senate Bill 1412, a Bill for an Act to amend the Illinois Enterprise Act. Third Reading of the Bill. Senate Bill 1416, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill. Senate Bill 1417, a Bill for an Act to amend the Illinois Real Estate Time Share Act. Third Reading of the Bill."

Speaker Greiman: "Excuse me, Mr. Clerk. The Minority Leader has asked for a moment. Excuse me, Mr. Clerk. Mr. Daniels?"

Daniels: "Yes, Mr. Speaker, Mr. Greiman, for the benefit of the Members of the House that are here at the present time, let me just take a minute of your time and relay a story. As you all know, Friday was the commencement of the banking summit meeting at the Mansion. And from throughout the

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State of Illinois there were several bankers, bankers of high esteem and of great capabilities from the First National Bank of Chicago to Continental Bank to several other banks throughout Illinois, then ranging, yes, believe it or not, nationwide. There were actually some people that came in from California. There was Security Pacific. There was Chase-Manhattan. There was Chemical Bank and several other very impressive banking institutions. And as I looked out over the crowd, I thought about how much they affected the American economy, just the people that were in the room at that point, and we had members from the Community Banking Association, we had the non-bank bank people, we had Sears, Roebuck, J.C. Penney, several other individuals. We heard presentations from all of them as to their viewpoint on the most important issue of regional banking. And then one of the movers behind the banking discussion, I asked for Representative Alan Greiman to talk to the body and to explain his viewpoints. And Representative Greiman got up before the group and, in his usual fashion of sincerity and dedication to the issue, he had planned very carefully for what he wanted to say. And he got up and he said, 'You know,' he said, 'I thought about what I had to say,' and he pointed to his tie, and he said, 'I went out. I sent a Page out; and, as preparation for this meeting, I actually had a Page get a maroon tie for the blue suit.' Of course, he didn't have suit coat on. He only wears a suit coat when he's conducting the operation of the House. He sent a Page out to get a maroon tie so that he'd feel like one of the billionaires that were in the audience at that point. Well, of course, you can imagine, everyone that was there starting looking at the tie to see what color tie they had on that day, and, sure enough, as he's saying right now, every one of them

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had a maroon tie. Representative Greiman made a point of saying that really the banking issue is a fight between the billionaires and the millionaires. And I don't know if he's totally right on that issue. We like to think that the real issue is for the people. Is that right, Alan? And that's what Alan and I were addressing that day, legislation for the people. However, the point was that I felt bad because I personally have a selection of maroon ties for any occasion, as I know that many of you do. And I see Gordy Ropp's worn his today. And I also wanted to make sure that our very loyal and dedicated servant, Alan Greiman, was in the right spot to have the right tie for any instance. So, Representative Vinson and I spent a little time in Springfield this weekend and one of the things we did was to make sure that Alan Greiman had the right kind of tie. So, if you would join me in presenting to Representative Greiman a tie for every occasion, for any banking meeting that he might go to, here it is. And, Alan, could you describe... could you describe what's on the tie?"

Speaker Greiman: "Oh, this is a tie to talk to bankers with. This is a maroon tie. We all know bankers only ^{wear} ~~(where)~~ ✓ maroon ties, and it has little dollar signs on it. Now, that's a tie for bankers, a tie for all bankers, little bankers, big bankers."

Daniels: "Wear it in prosperity."

Speaker Greiman: "I will work the floor with this tie. Thank you, Lee, very much. Thank you. Mr. Clerk. Proceed, Mr. Clerk. Thank you, Lee and Sam. Thank you very much."

Clerk O'Brien: "Continuing Special Consent Calendar. Senate Bill 1419, a Bill for an Act to amend an Act in relation to certain airport authorities. Third Reading of the Bill. Senate Bill 1430, a Bill for an Act to amend the Medical

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Practice Act. Third Reading of the Bill. Senate Bill 1436, a Bill for an Act to amend the Juvenile Court Act. Third Reading of the Bill. And Senate Bill 1452, a Bill for an Act concerning public utilities. Third Reading of the Bill."

Speaker Matijevich: "The House will come to order. On page 24 of your Calendar is Consent Calendar Third Reading Second Day. Clerk will read the Bills."

Clerk O'Brien: "Senate Bill 212, a Bill for an Act to amend the Retailers' Occupation Tax Act. Third Reading of the Bill. Senate Bill 1513 (sic - 513), a Bill for an Act in relation to filing date for returns of certain state taxes. Third Reading of the Bill. Senate Bill 564, a Bill for an Act to amend the Boat Registration Safety Act. Third Reading of the Bill. Senate Bill 829, a Bill for an Act to amend the Medical Practice Act. Third Reading of the Bill. Senate Bill 831, a Bill for an Act in relation to conveyance of public lands. Third Reading of the Bill. Senate Bill 891, a Bill for an Act to amend the Pharmacy Practice Act. Third Reading of the Bill."

Speaker Matijevich: "The question is, 'Shall these Bills pass?' This is the Consent Calendar on page 24 and 25. The question is, 'Shall these Bills pass?' Those in favor signify by voting 'aye', opposed by voting 'no'."

Clerk O'Brien: "The Bill I read as Senate Bill 1513 should be Senate Bill 513, a Bill for an Act in relation to filing dates for return of certain state taxes. Third Reading of the Bill."

Speaker Matijevich: "Have all voted? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 111 'ayes', no 'nays', 3 answering 'present'. And these Bills, having received the Constitutional Majority, are hereby declared passed. Page

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two of your Calendar, Senate Bills Third Reading, Short Debate Calendar, appears Senate Bill 86, McAuliffe or Hannig. Are they ready? McAuliffe. Take the Bill out of the record. Page... The House will be in order. We're going to have a Special Order right now. All Scandinavians, particularly, give us your attention. Oh, Swiss. I thought you said... I'm sorry. All Swiss. I thought you said Norwegian. Turn up the lights, Bob Churchill said. All Swiss give your particular attention. Everybody else give your attention also. The Lady from Cook, Representative Barb Flynn Currie will now take the podium."

Currie: "Thank you very much, Mr. Speaker. We're honored to have with us in Springfield today a delegation from Switzerland, one who is with us year in and year out, the Consul General 'John Holtzer', who is standing right here. Do you want to just stand up so they can see you? This is... the Consul General 'John Holtzer' and we have also the Ambassador to the United States of America, from Switzerland, 'Claus Jacobe', who will share with us a few words."

'Claus Jacobe': "Thank you very much for your very warm reception. I am very glad to be, for the first time, here in Springfield. I started my term in Washington a little more than a year ago, and I made now my first official outing to the great State of Illinois. Since we know what Illinois means to a country like Switzerland, which lives on foreign trade, and I always say one-third of the turnover of all the big Swiss corporations is done in the United States. And if I say, the United States, of course, Illinois is a very, very important part of it, and I'm very glad and I'm very proud to be here with you. Thank you very much."

Currie: "He also... He noticed on the way to Springfield that the

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land between Chicago and Springfield is what you'd call flat. So, he invites us all to join him in the mountainous regions of his own country."

Speaker Matijevich: "It's good to have you. And by the way, maybe he should stick around and listen in on that banking legislation. Page three of your Calendar, Short Debate, appears Senate Bill 92, Representative Hastert. Representative Hastert, on Senate Bill 92, page three of your Calendar. Read the Bill."

Clerk O'Brien: "Senate Bill 92, a Bill for an Act providing for the establishment of the Illinois Mathematics and Science Academy. Third Reading of the Bill."

Speaker Matijevich: "I'm sorry, I didn't recognize you. Representative Hastert."

Hastert: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 92 was amended in Committee. It authorized a study and a report back to the General Assembly of three academies in Illinois, two of those academies are nonspecific, one in central Illinois, one in the City of Chicago and the Math-Science Academy for the Fox Valley area. I ask for its support."

Speaker Matijevich: "Representative Hastert has moved for the passage of Senate Bill 92. Does anybody stand in opposition? Gentleman from Rock Island, Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. Would the Gentleman yield for a question?"

Speaker Matijevich: "Indicates he will. Proceed."

Brunsvold: "Representative Hastert, have we got any figures on this? In Committee we were talking about a little over six million dollars for the Science and Math Academy in the Fox River Valley."

Hastert: "Representative, this is a study to come back and

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recommend to the General Assembly next year, and that's part of the implementation of the study to come up with some solid numbers."

Brunsvold: "Okay. This is a study now?"

Hastert: "Yes."

Brunsvold: "Who's doing the study?"

Hastert: "It's three individual academies will undertake their own studies."

Brunsvold: "How much money are the studies... will the studies cost?"

Hastert: "There's no appropriation for the studies."

Brunsvold: "There's no appropriation for the studies."

Hastert: "No."

Brunsvold: "We got three academies, one Science and Math, and what else?"

Hastert: "Well, I think the Amendment offered by your side of the aisle said that there... just one academy to be located in the City of Chicago. It would be presumption on my part to try to say what that would be, and also one academy in central Illinois, which would also be presumption on my part to say what it would be."

Brunsvold: "Once again, Representative, who... how are we going to do the study if we don't have any appropriation?"

Hastert: "Well, Representative Satterthwaite, sitting next to you, offered the Amendment. She might be able to help you".

Brunsvold: "Thank you, Representative. To the Bill. I would stand in opposition to Senate Bill 92. We discussed in Comm... in Subcommittee at length the Math and Science Academy at over six million dollars just for year to year operations, let alone two other academies. The budget right now does not include monies for the Science and Math or the other two academies. We haven't decided on the

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appropriations for education. I do not see how we can vote 'yes' on this Bill without any... any monies allocated for a study even, let alone a possibility of these three facilities coming into operations in the state without the approval of Subcommittees, Committee or, hopefully, the Body here. So I would stand in opposition to Senate Bill 92 and ask for your negative vote. Thank you."

Speaker Matijevich: "The Gentleman, Representative McPike, the Majority Leader, from Madison County."

McPike: "Thank you, Mr. Speaker. I don't know how many are requesting to speak on this, but if there are a number, we might knock it off Short Debate."

Speaker Matijevich: "I think you've been joined by sufficient numbers."

McPike: "Looks that way."

Speaker Matijevich: "This Bill is on Regular Debate. Representative McPike."

McPike: "Will the Sponsor yield?"

Speaker Matijevich: "He indicates he will. Proceed."

McPike: "Not to the Amendment, but to the Bill, Representative Hastert, to the Bill. The Bill itself calls for a Math and Science Academy?"

Hastert: "The Bill itself... the amended form of the Bill... The Bill called for a Math-Science Academy."

McPike: "I'd like to discuss the Bill itself and not discuss the Amendments right now."

Speaker Matijevich: "We're on the Bill now, Jim."

McPike: "Alright. I understand that."

Speaker Matijevich: "Proceed."

Hastert: "Could I answer your question?"

McPike: "Certainly, yes."

Hastert: "The Amendment changed the Bill. Otherwise, the Amendment became the Bill and what the amended form of the

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Bill did was say three academies."

McPike: "I understand that. I understand that. I would like to talk about the Math and Science Academy since this is where this whole thing started. I'm a little confused as to the concept of what we are trying to achieve. Now, is it envisioned that this Math and Science Academy will be a residential place for young kids?"

Hastert: "Can I answer?"

McPike: "Yes, yes."

Hastert: "Okay. No. We've changed the scope of this Bill. We had some problems with it when it was looked as an elementary and education... elementary and secondary education piece of legislation. We've changed the scope of the Bill. We've looked at it as a higher ed area, maybe possibly seniors in high school and junior college area. We've brought in and solicited support from several universities, namely Northern Illinois University, Aurora University, community... Waubensee Community College. That's part of the scope of the study, to see whether it should be residential or not be residential."

McPike: "And the Bill... the intent now is to limit it simply to seniors in high school so that this is not much different than the University of Illinois. I presume that we are looking at the elite crop of students, the extremely intelligent student that wants to be challenged. And I presume that right now that student would probably be out of high school anyway and on his way to the University of Illinois. Now the scope of this Bill is simply to study whether or not this extremely advanced student, this one-tenth of one percent of the population, at age 17, instead of going to the University of Illinois, or instead of being a senior in high school, would now go to a Math and Science Academy. Is that the scope of this study?"

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Hastert: "Well, the scope of the study is to look at those very talented students that you were talking about. Some of them may be 17. Some of them may be a younger age. Some of them may be a higher age. Okay? It was to look at that community or population of students and to see how we can best give them an academic background, especially in an area where we can spin them off into high tech experiences, where there's a Fermi Lab, for instance, where there's an Argon Lab, where there's Bell Labs, where there's Amoco Labs, 'Nelco' Labs, so that they're at least in an area of a high tech community that we can use the presence of people who deal with this in a concrete manner day in and day out. And, also, one of the ideas behind this was that, at least in this high tech corridor area, which is right next to my district incidentally, so I do have an interest in this, they have a hard time recruiting somebody from California, somebody from North Carolina or the east coast - basically, weather conditions in the State of Illinois. But what we're trying to do is two... basically two things; grow our own talent, people who are interested in this, take advantage of the very talented young people that we have in the State of Illinois; secondly, is to create an area of curriculum development so that we can spin off into our own secondary and community colleges in the State of Illinois, that teachers and instructors in community colleges could be cycled through this program, spun off and so the..."

McPike: "To this study itself. The State Board has already said it's feasible to build a Math and Science Academy. Obviously, we all know it's feasible to build any academy. Is the 500,000 dollars for architectural plans, for land acquisition, or is it once again to study the feasibility of building something that we all know is feasible to

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build?"

Hastert: "The study is to put together a report that will come back to the General Assembly next year; namely, how the faculty will be put together, what the financing of this would be, and we're also looking for private financing, and that's one of the scopes of this, how to actually develop the curriculum to meet the needs of the students; otherwise, the high echelon secondary students and the junior college level students and to come back with a program before the General Assembly that we can accept or not accept next year."

McPike: "Thank you. To the Bill very briefly, if I can. This is certainly far different, what Representative Hastert has just described, than the initial plan put before the General Assembly. I've viewed with a lot of skepticism taking students that were anywhere from 11 to 16 years old out of the home environment and putting them in a residential high school someplace in the State of Illinois. I presume we're talking in that case maybe 100 to 125 students a year. I presume it would be a very structured, a very disciplined environment. I presume it's a coed educational institution where we would probably require uniforms to be worn, where we would not teach philosophy or the ability to think, but we would ram into them science and math, where we would send these young kids then on to the University of Illinois where they would no longer be in this controlled, disciplined environment and probably 50 percent of them would flunk out the first year. Going from that concept to a concept where we're looking at seniors in high school, whether or not we can blend the very, very intelligent seniors in with the college students a year earlier is much different than the first proposal we had and may possibly have some merit."

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Speaker Matijevich: "The Lady from Cook, Representative Didrickson, Loleta Didrickson."

Didrickson: "Yes, thank you, Mr. Speaker. Would the Sponsor yield for a question, please?"

Speaker Matijevich: "He indicates he will. Proceed."

Didrickson: "Representative Hastert, I'm looking at Amendment #1. Is that the Amendment that you're referring to with regards to the study?"

Hastert: "Yes."

Didrickson: "Okay. On line 17 it says, 'There shall be established three Illinois education excellent academies to serve the people of Illinois', and it goes on. It sounds to me that that is enabling legislation and as specifically when we use the word 'shall', that we shall be establishing such institutions."

Hastert: "It also calls for a report to be given back to the General Assembly."

Didrickson: "Yes, I understand that."

Hastert: "Before this appropriation will..."

Didrickson: "With regards to the residential portion also. To the Bill, Mr. Speaker."

Speaker Matijevich: "Proceed."

Didrickson: "In reading Amendment #1, I feel very strongly that we are setting into motion what was in the original form a Math-Science Academy in the Fox River Valley area for economic development reasons. Number two, we have added to that an academy in the City of Chicago. Number three, we had added an academy with Amendment #2 to the Champaign-Urbana area. And what we have done for the gifted program in the State of Illinois, since it was first instituted back in 1965 or '67, I'm not certain of the exact year, where that first appropriation was six million dollars for two years, every year since then all we have

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been able to appropriate in the State of Illinois for gifted education students and programs has been a mere, measely six million dollars. What we are doing is drawing down funds that ought to be funneled into the gifted school program for the gifted students in the State of Illinois at the local level, school district by school district, and beef that program up for the opportunity of all our gifted students and not be setting a precedent with this by establishing, not one, not two, but three math-science academies. I urge a 'no' vote. Our priorities are out of sinc with this."

Speaker Matijevich: "The Lady from Champaign, Representative Satterthwaite, Helen Satterthwaite."

Satterthwaite: "Mr. Speaker and Members of the House, you've heard about the history of the concept of the Math-Science Academy for the Fox River Valley, and it is true that the House Bill dealing with that subject did not get out of the Elementary and Secondary Education Committee. When the Senate Bill came over to the House, it was assigned to the Higher Education Committee. In the meantime, of course, the House has already passed a Bill that would provide for a foreign language academy somewhere in the state and that is now under consideration in the Senate. You may also recall that the Governor, in one of his messages this spring, talked about not only a Math-Science Academy, but also two other academies, one of which would be in Chicago and one of which would be in a downstate location. There is not a clear-cut definition of how we should fund or, in fact, how we should designate the areas of academic responsibility among academies in the State of Illinois. And so, it was the decision in the Higher Education Committee that we put language into the Bill that would provide a mechanism for additional study of this issue.

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Many of the people who have worked long and hard on the Math-Science Academy concept feel that a substantial portion of that cost can be borne by private funds. That concept was and probably would remain a residential facility. However, it is not clear to us that residential facilities in three locations throughout the state would be desirable, and so we have given the flexibility to the boards that would be created to study the issue to provide either for residential or nonresidential programs. They could be on a full-time basis, or they could be on a short-time basis. It might be that we would want to have students in summer programs, for instance, or short-term kinds of residential programs but not for the full year. All of that design of both the subject matter for the focus of the academy, whether it is residential or nonresidential, and the whole scheme for funding for the academy are subjects of the study that would be provided under the Bill as it now stands. That study would have to come back to us by March 1st of next year. And unless there were further legislative action at that time in favor of those plans, the academies would not go forward. I think that this is the best that we can do at this point to provide a mechanism for further study, to ask that those studies come back to us and for us to have the opportunity to make a decision on that matter next year. And so, for that reason, I would urge the support of the Body in passing Senate Bill 92."

Speaker Matijevich: "The Lady from Kane, Representative Deuchler, Sue Deuchler."

Deuchler: "Mr. Speaker, Ladies and Gentlemen of the House, educational opportunities for students who are bright and excel in academic areas, particularly of science and math, are not always as available in our communities as student

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abilities to extend their horizon indicate. North Carolina, we already know, has shown that the concept of excellence in math and science can work in fostering excellence in education. Doctor Leon Letterman, of Fermi Lab in Batavia, believes that educators must establish a partnership between academia, research facilities, such as Fermi Lab, and the private sector. I urge a 'yes' vote."

Speaker Matijevich: "The Lady from DuPage, Representative Cowlshaw, Mary Lou Cowlshaw."

Cowlshaw: "Thank you, Mr. Speaker. Will the Gentleman yield to a question, please?"

Speaker Matijevich: "He indicates he will. Proceed."

Cowlshaw: "Thank you. Representative Hastert, let me ascertain precisely what this Bill does. This Bill does not appropriate any money to build anything. Is that correct?"

Hastert: "That's correct."

Cowlshaw: "Alright. All this Bill authorizes then is a study of whether an academy or more than one academy might be advisable, might be educationally sound and might serve better than we have until now the truly gifted students of Illinois. Is that correct?"

Hastert: "That's correct, according to Amendment 2."

Cowlshaw: "Alright. Representative Hastert, I am confident that you, just as I, have had various discussions about the Math and Science Academy concept with Doctor Letterman of Fermi Lab. It is your understanding, as it is mine, that Doctor Letterman is prepared to seek out and is confident that he can acquire a very substantial amount of private funding for the establishment of an academy if it proves to be something that seems advisable?"

Hastert: "I understand that. In addition to that, I understand this is also a signal for the superconductor-supercollider to be attracted to our area."

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Cowlshaw: "Yes, that's my understanding from talking to Doctor Letterman, too, that that is... this concept is one of the many items that have been presented in that package of items that are being put together so that we can attempt to attract the supercollider-superconductor to Illinois and to the vicinity at Fermi Lab. Mr. Speaker, to the Bill."

Speaker Matijevich: "Proceed."

Cowlshaw: "I asked these questions, because I think it is essential for us to understand what the Bill does and what it does not do. The Bill does not build any academies. It does not authorize any appropriation. All the Bill does is authorize a more intensive study of this concept. Now, I would submit, Sir, that one of the former speakers is certainly correct in the statement that this state has dreadfully neglected in financing for gifted education those students in our state who will be our leaders of tomorrow. Here is an opportunity to involve, to a very substantial extent, private resources, private funds in helping the state and local school districts to achieve that most worthy and essential goal. That is a goal linked directly to the economy of this state. But most of all, it is linked to the development of the most valuable thing that any one of us or any one of our children can ever have - a brilliant mind. Mr. Speaker, if this Bill did any of the things that I have just described that it does not do, I could see why there might be some doubt about it. But since all the Bill does is authorize a more complete study of what may be the finest concept for our truly bright students that we have ever had the opportunity to take advantage of, I urge a 'yes' vote."

Speaker Matijevich: "Gentleman from Will, Representative Van Dwyne."

Van Dwyne: "Thank you. Would the Sponsor yield for a question,

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please?"

Speaker Matijevich: "She indicates she ... He indicates he will."

Van Duyne: "Representative Hastert, are there any provisions in this Bill for keeping these so-called gifted children in the State of Illinois after we put all the great things into their background; that when the final matriculation of this student comes out of this great school, are there any provisions in the Bill to make sure that he is kept in Illinois so that he can be the great leader of Illinois that Representative Cowlshaw referred to, rather than taking off for the sun belt with his new found wife who has also just graduated from college and ending up to be the great leader of California or Florida or Texas or whatever? Do you get my message?"

Hastert: "May I answer that?"

Speaker Matijevich: "Proceed."

Hastert: "Well, actually, Representative Van Duyne, there's no real ball and chain provision in this Bill that makes these people stay in the State of Illinois, but studies that we have had given to us and also just ... eyeball to eyeball conversations with those people who hire for high tech, especially in the State of Illinois, have the best luck recruiting Illinois people, much better luck than they have recruiting east coast or west coast people. So, basically, those people who are manning the laboratories and the future laboratories that we have in the State of Illinois are probably the best candidates if they're home grown. We want to create this pool of human talent. That's one of the purposes of this Amendment so that when we do expand into the high tech area in the State of Illinois, we have those people that we can draw from."

Van Duyne: "Thank you. Well, to the Bill, Mr. Speaker. Truly, you know, we've been talking about this for eight or ten

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years and maybe even longer, I don't know, but it don't seem like we get much ... make much headway as far as retaining the youth of Illinois. And I realize that maybe it's unconstitutional in its scope, but that's even more... that's even more of a reason why something like this should be placed in the private sector's bailiwick, so to speak. Maybe the state can't put any stringent controls on helping these students come through some kind of a science academy. But I'm sure that businesses can do that. And when they sponsor a student to go to one of these academies, they can sign him to an iron-clad contract which would make sure that he does stay in Illinois. And that's what I'd like to see put in the Bill."

Speaker Matijevich: "Lady from LaSalle, Representative Breslin."

Breslin: "Mr. Speaker, I move the previous question."

Speaker Matijevich: "Lady from LaSalle has moved the previous question. The question is, 'Shall the main question be put?' Those in favor say 'aye', those opposed 'no'. And the previous question is put. The Gentleman from Kendall, Representative Hastert, to close."

Hastert: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I think before us we do have a very important Bill. About a month and a half ago I had the opportunity to spend a day in North Carolina, not specifically on this type of a mission, but I did happen to have a meeting on what they call the high tech triangle between Raleigh, Durham, and Chapel Hill in North Carolina. If we implement this, it would be a very small first step. But I saw out of the force of North Carolina, the tar heel state, carved out a high tech area that employed, ten years ago, absolutely zero people. Today it employees 60,000 people. They project by 1995 it's going to employ 120,000 people. Why? Because they've tied their education, not just elementary and

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secondary education, but specifically their higher education to create a market for jobs, to bring industry into that state, to have a pool of people that can meet those needs. This Bill, as amended, is a first step. It's not the last, or second, or even third step, but it's a first step to start to address those needs for the State of Illinois. It's an important vote. It's an important vote, not for if you just live in one area of the state or the north part of the state or the southern part of the state, it's a step to bring Illinois together to be productive, to meet the needs of the third... three or four generations down the road. I ask for your positive vote and ask you to support this Bill."

Speaker Matijevich: "Representative Hastert has moved for the passage of House.. Senate Bill 92, 92. Those in favor signify by voting 'aye', opposed by voting 'no'. Gentleman from Winnebago, Representative Mulcahey, one minute to explain his vote."

Mulcahey: "Thank you, Mr. Speaker, Members of the House. I remember about a year ago, almost to the day, when I stood on the House floor here and offered an Amendment which would have struck everything after the enacting clause regarding the World's Fair, but everybody thought it was a good idea not to accept that Amendment, that the ten billion dollar feasibility study was going to accomplish great things. Maybe it did to a certain extent. But you didn't see too many people in the private sector at that time investing funds in the idea regarding the World's Fair. And by the same token today, you don't see too many people in the private sector investing anything in this particular project, primarily because we have no idea what's going to happen regarding it. And I think when we get to that point, when the private sector can become more

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involved, we can start talking about it. I think this concept is a great idea. I think it's a little bit before it's time. But more importantly, more importantly, when we can get to the point whereby we can fully fund our schools, when we can put more funds into general state aid, that's when we can start talking about new projects, new projects, not before. I vote 'no'."

Speaker Matijevich: "Representative Ropp, one minute to explain his vote."

Ropp: "Thank you, Mr. Speaker and Members of the House. Many times this Body have supported dollars to help educate those young people who may be considered disadvantaged or handicapped or inconvenienced. And a lot of us have supported that. We have an opportunity, should this Bill pass, to provide tremendous opportunity to those young people who excel in many areas, in the area of math and in sciences, and I think we ought to support that idea, to challenge those people who are exceptional and we'll be doing that at this time. Those states who have passed similar legislation have reaped many benefits, and I urge your favorable support."

Speaker Matijevich: "Representative Brookins, one minute to explain his vote."

Brookins: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. On Saturday I was with astronaut Guy, who was the first black astronaut. He received his doctorate degree... honorary doctorate degree from Chicago State University this weekend. He spoke to over 2000 kids and encouraged them to go into the sciences and the maths. This program will fit right in that program. We need this training for the future. Our young folks must take the maths, must take the sciences so that we can produce scientists and people that are capable of dealing with the

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high tech lifestyle that they will be living in the near future. And, therefore, I rise in support of this Bill.

Thank you."

Speaker Matijevich: "Representative Koehler, one minute to explain her vote."

Koehler: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of this legislation, despite the fact that the language in Amendment #2 seems to indicate that the Agriculture Academy that would be studied under this legislation might be located in an area other than central Illinois. But I have been assured that this study will also indicate whether or not there is the feasibility of locating this perhaps in the Peoria area, the Decatur area, the Macomb area. All of these things will be taken into consideration in establishing the Agriculture Academy, which, in addition to the high technology school that will be located in a suburban area, is very important for our central Illinois area and the agricultural sales and products that we produce. So, I, too, stand in support of this legislation."

Speaker Matijevich: "Have all voted? Have all voted who wish? Clerk will take the record. On this question there are 76 'ayes', 26 'nays', 7 answering 'present', and House Bill 92, having received the Constitutional Majority, is hereby declared passed. House Bill 119... Senate Bill 118, O'Connell. Clerk will read the Bill."

Clerk O'Brien: "Senate Bill 118, a Bill for an Act to amend Sections of an Act creating the Illinois Department of Veterans' Affairs. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Cook, Representative O'Connell, on Senate Bill 118."

O'Connell: "Thank you, Mr. Speaker. What this Bill does is to reduce from the number of days required of a veteran having

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wartime service days in order to get into the Illinois ... admission into an Illinois veterans' home. Currently, that number is at 90. This Bill would reduce it to 30 wartime days. I know of no opposition."

Speaker Matijevich: "Gentleman from Cook, Representative O'Connell, has moved for the passage of Senate Bill 118. Does anybody stand in opposition to the Bill? Mike Weaver. Mike Weaver."

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

Speaker Matijevich: "He indicates he will. Proceed."

Weaver: "Would the veterans of the Viet Nam War be eligible for entrance into the veterans' home?"

O'Connell: "My understanding... it would be my intent that you classify Viet Nam as a war and; therefore, anyone who had served a minimum of 30 wartime service days in Viet Nam would be included."

Weaver: "Well, the Bill speaks directly to the Spanish-American War, Indian wars, World War I, World War II and the Korean Conflict, but it does not mention Viet Nam."

O'Connell: "I think that, if you read further on, it indicates that the Veterans' Administration would extend that period of time for past as well as future dates so that the mere fact that it did not... the original law was adopted prior to the Viet Nam War. And what this Bill, 118, which is an Amendment to that, does is simply address the number of days. In the Bill itself, I think you'll note that the Veterans' Administration, for purposes of entry into VA homes, can include future wars after the Korean Conflict. If, perhaps to be more specific, they wish to amend the law further to specify Viet Nam, I think that would be consistent with your concerns. But I do believe that the... the intent of the Bill is to include future wars after the Korean Conflict."

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

Speaker Matijevich: "Proceed."

Weaver: "I do agree with the purpose and intent of this Bill. However, I believe that in these days when we have so many mixed emotions about the Viet Nam Conflict and just exactly where the Viet Nam veteran stands in terms of his benefits and in terms of how the American people feel about him, I intend to vote for this Bill, but I also intend to seek addition, later on, of Viet Nam service as credible service towards entrance into the Viet Nam Veterans' Home. Thank you, Mr. Speaker."

Speaker Matijevich: "The Bill in on Short Debate, but we'll call on the... Representative McCracken, the Gentleman from DuPage."

McCracken: "I'm not opposed to the Bill either, but I don't think... I think it does need an Amendment, because I don't think that Viet Nam Conflict is adequately identified here. I understand your point, but I... I think that if you want to affect the constituent concern, it really does need an Amendment."

Speaker Matijevich: "Gentleman from Cook, Representative Harris. Let's see if he has the same question and you can respond to both of them. Representative O'Connell."

O'Connell: "Mr. Speaker, there is a Bill in the Senate now, House Bill 921, presented by the Department of Veterans' Affairs, which does precisely that. It amends this portion of the law to specify the Viet Nam War. So that should alleviate your concerns."

Speaker Matijevich: "The Gentleman from Cook, Representative Harris."

Harris: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The question of the Viet Nam Conflict was discussed in Committee as to whether or not a veteran who served in

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the Viet Nam Conflict would be eligible. We felt, in Committee, that the... the further language in the Bill, which the Sponsor made reference to, adequately covered that. We do recognize that perhaps an Amendment would be necessary specifically stating the Viet Nam Conflict. I would also like to add, however, that this simply indicates that a person is eligible for admission to the Illinois Veterans' Home after 30 days service versus 90 days, but that, in no way, indicates that the person will get in. It's simply a decrease in the... in the amount of credible service. If a spot is not available, then no one will get in whether they have 30 days, 60 days, or 90 days service. I would recommend an 'aye' vote on this Bill."

Speaker Matijevich: "The Gentleman from Cook, Representative Piel."

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

Speaker Matijevich: "Proceed."

Piel: "First of all, I've got some questions to ask... or a question to ask. I don't know if we need to take it off of Short Debate or if the Chair will waive the rule..."

Speaker Matijevich: "You're the last one seeking recognition, Sir."

Piel: "Okay. John, just out of curiosity. I agree with the 30 days, but I... personally I would like to see it even less than that, a situation to where... let me ask a question, first of all. Have we amended it here at all in the House?"

O'Connell: "I don't believe there's any Amendments..."

Piel: "My question is whether it's going right to the Governor from here."

O'Connell: "There are no Amendments."

Piel: "The reason being, it seems like... in fact, it might be something to bring up to the Governor, because let's say

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that a person, you know, who is hurt in the first 30 days or technically... I mean, they are a veteran or if... let's say, that some unforeseen circumstance, whether it be a major illness or one thing or another. They have gone in, and it might be something that they're not sure if it is covered by... excuse me... by present language. I'm just thinking about the veteran who has had a situation to where it's been less than 30 days where they're still technically a veteran. I agree dropping from the 90 down to 30, but maybe in the future we could think of the possibility of... and the reason I say this is because I know that somebody, when I was in the service, had this exact situation happen, where it was less than 30 days. And I feel, hey, you know, he raised his hand the same way you and I did. And this might be something that we might want to do in the future. And I don't know... I notice staff are talking to you, if this has been discussed or the possible ramifications if this type of a thing was put into the language."

O'Connell: "Representative Piel, your precise question is already addressed in the statute so that if a person does go to a wartime service and is injured after one day, the current statute does provide for his inclusion into a home."

Piel: "Okay. Then, just out of curiosity, then why would the 30 be in there? Is this..."

O'Connell: "Because a person may not have been disabled while they're in the wartime situation."

Piel: "But their unit is transferred..."

O'Connell: "But simply because of disease or age subsequent to his service would then seek admission into the home."

Piel: "Fine. Thank you very much. No further questions."

Speaker Matijevich: "Representative O'Connell. One moment. Representative Ryder. Representative Ryder, the Gentleman from Jersey."

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Ryder: "Thank you. Would the Gentleman yield for a question?"

Speaker Matijevich: "Proceed."

Ryder: "Representative, I wasn't present in Committee, and I'm not sure. What is the reason that the... Do the 60 days make a significant difference?"

O'Connell: "Apparently, there was a survey done of other states that have similar day provisions and that the dates range from one day to a year. However, most of the survey responses were for 30 days. And accordingly, they decided that they would reduce that amount... that the intent of the Bill is to reduce the amount from 90 days to 30 days."

Ryder: "Do we know, in Illinois, by changing it from 90 to 30, how many more people that's going to allow to make use of our homes?"

O'Connell: "Representative, we really don't have any particular dates. But I'm advised that a lot of the states have just one day. And it... it seems to follow logically that if an individual were sent to Viet Nam, for example, in the last two months of the war, the mere fact that the war fortuitously ended for him 60 days after arrival as opposed to 90 days, it would seem to be somewhat of a tragedy for that individual that he be placed in that situation."

Ryder: "As I said, I wasn't in Committee. Are you aware of circumstances where that's occurred? Did people bring this problem to you in that regard?"

O'Connell: "No, I'm the House Sponsor and, to my knowledge, that specific problem was not brought to the Senate Sponsor as well."

Ryder: "Do we have plenty of capacity at this time to serve these veterans? By this I mean, if we're going to open up for more people, are we increasing costs, or are we going to have to build more veterans' hospitals, or do we have a surplus of beds now?"

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O'Connell: "Well, presently there is a waiting list. However, in January, there will be 300 new beds established in Manteno."

Ryder: "Does that take care of the waiting list?"

O'Connell: "Yes, it does."

Ryder: "Alright. But you have no projections on whether the waiting list would increase or there's people out there that applied that couldn't get in?"

O'Connell: "No. There's been no... As far as Manteno's concerned, there's been no applications accepted, and I think there are so many variables inherent in predicting something like that in the future that I don't..."

Ryder: "Yeah. I can understand that hesitency. Is Quincy the only other veterans' home in..."

Speaker Matijevich: "Could we move this along? We're getting into a dialogue. Let's..."

Ryder: "No further questions."

Speaker Matijevich: "Representative O'Connell, to close."

O'Connell: "Thank you, Mr. Speaker. I'd simply ask for a favorable vote."

Speaker Matijevich: "Question is, 'Shall Senate Bill 119 pass?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this question there are 113 'ayes', no 'nays', and Senate Bill 119, having received the Constitutional Majority, is hereby declared passed. While we are waiting to proceed, the Chair determines which Order of Business we're going to go to, let me please ask the cooperation of the House. We spent about 20 minutes on a Bill that didn't receive a negative vote. We spent more than that time on the Bill prior to that, which originally was on Short Debate, and we are soon going to go to the Special Orders of Business. We're going to have to do much

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better than that, and we need the cooperation of all the Members. I think all of us have been here long enough to know that some time some Bills you can tell they're going to receive every vote of this Body, and I don't think we have to go into a prolonged debate on those types of Bills. So, we ask your cooperation, if you can. On the Order of Special Order of Business - Civil Law, on page eight of your Calendar, appears Senate Bill 164. The Gentleman from Kankakee, Representative Pangle. Clerk will read the Bill."

Clerk O'Brien: "Senate Bill 164, a Bill for an Act to provide for the parental rights of recovery for damages resulting from sale of illegal drugs to minors. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Kankakee, Representative Pangle. I don't think your mic is working. Step over. Alright."

Pangle: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill... Senate Bill 164 creates a parent right of recovery Act, and it deals with the sale and transfer of illegal drugs, and it's a recovery for the... guardian or parent for the rehabilitation of a child that has been sold illegal drugs and would become addicted. I'll be happy to answer any questions."

Speaker Matijevich: "Representative Pangle has moved for the passage of Senate Bill 164. The Gentleman from Champaign, Representative Johnson."

Johnson: "What if a parent and child, a parent and minor, wanted to conspire, Representative Pangle, to obtain damages? So the minor went to the... his friend, his 18 year old friend, and bought some marijuana illegally for... on both parties part, including the minor's part. So then the parent could be liable... I mean, the seller could be

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liable to the parents for pain and suffering and for, you know, disability and upset and all the sort of thing simply and only on the basis that his own son or daughter participated in an illegal act. This Bill would allow exactly that, wouldn't it?"

Pangle: "I think that you're kind of way out. I think that that could be a possibility, but we're trying to address a problem of..."

Johnson: "Now, wait a minute. You say I'm way out. Now, let me ask you this."

Pangle: "Yes."

Johnson: "The Bill specifically says, doesn't it, that a parent can recover damages, including pain and suffering and, you know, upset and so forth, because his or her child bought an illegal drug from someone else? Isn't that right?"

Pangle: "Yes, it does."

Johnson: "Well, the example is not that way out then, is it?"

Pangle: "Well, I don't know how many kids are going to sit down and conspire to take money from their parents to jeopardize their family home or their family income or their family security. I don't see that happening. That's why I figure that statement is one that certainly, if it would occur, wouldn't occur very often. You know, we're trying to address the problem of..."

Johnson: "The problem with this Bill is not in its intention. It has an absolutely noble intention. We ought to do what we can to prevent drug sales and dissemination and so forth. But this really allows a guilty party, indirectly and really directly, to benefit from his own illegal activity. Because what this Bill does is it says if you're a minor and you buy any kind of a controlled substance, albeit that you shouldn't have bought it and albeit that somebody shouldn't have sold it to you, that your parents, who had

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nothing to do with it, can recover pain and suffering against the seller. Now, the problem with that is, (a), you'll never insure against it, and, (b), it just completely goes against any kind of notions of proximate cause or relationship between an act and the result. You know, I think there's a lot better ways to go about the problem of drug sales, and I think we have, than to enact a Bill that's absolutely unique, I would suggest, probably in the whole country and certainly in Illinois. There's nowhere else that I know of where you can get derivative damages by your own son or daughter participating in an illegal activity. You know, if this simply said that there was some sort of damages against a seller in some circumstances, which there is, then I'd support it. But what this really says, and I think everybody ought to know when they vote on this, because this is not really a vote for or against drug dealers, it's really a vote that says you're a direct participant in a criminal activity. You willingly go out and solicit the purchase of marijuana or another controlled substance and you're a minor, then your parents, who had nothing to do with it, can recover damages against the person who sold it. Why don't you extend it and allow damages against the person who bought it? They're the ones who are doing the more direct damage to their parents than someone else is. Number two, I don't know how you ever measure what the damages are under these circumstances. This Bill is completely wide open. Somebody could claim... go in and claim, perhaps, with good justification, that I'm against drugs, and I am really upset and I couldn't sleep for a month because... because this person... my son or daughter bought the controlled substance. And on top of that, in most cases, the son or daughter that was a direct participant in a criminal

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activity, is the heir at law of the parent. So you go in and you get a 15,000 dollar judgment because they were upset because their own child bought drugs, they turn around and die in a car accident and the son or daughter winds up with a 15 or 20,000 dollar profit as the heir at law because... because someone sold them, and they participated directly, in a criminal activity. I would suggest to you this is not going to cut down on the amount of sales of controlled substances. It's probably going to encourage people, because you're indirectly approving the purchase of drugs. That's the problem with the Bill, not with the intention. The Sponsor, Senator Lemke, who's the Senate Sponsor, has every good intention in this Bill. I don't begrudge them that at all. In fact, if they had an appropriately couched Bill, I'd support it enthusiastically. But really what you're doing if you vote for this Bill is to encourage participation in illegal drug purchases because the person who is involved in the criminal activity, he and his family can benefit from it."

Speaker Matijeich: "The Gentleman from Winnebago, Representative John Hallock, with Representative Greiman in the Chair."

Hallock: "Thank you, Mr. Speaker. Will the Sponsor yield for a question?"

Speaker Greiman: "Indicates he will."

Hallock: "Could you explain exactly how this would work, as opposed to current law which allow... might allow now a civil remedy of this type? How would this current Bill work?"

Pangle: "Well, I think the intent of the Bill, and the thing that we have to address is that we're talking about a minor and we're talking about a drug pusher, of course, that we're familiar of that are now even in the grade schools. We're talking about a young person that, as an example, would be

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pushed into smoking dope or cocaine, and he gets in a situation where he can't be cured, unless he goes to a rehabilitation center, which is quite expensive. I can cite one case where it took a family 14,000 dollars per year for two years. They mortgaged their house, and, in fact, after that lost the house. What we're trying to do here is address the problem to let the drug pusher know that not only is that young minor involved in his life, in his career, but the whole family gets involved, brothers and sisters, mothers, fathers. And we're trying to alleviate the problem of the care and treatment most... Not only people of wealth have drug problems. We're talking about minors that come from very average homes and then the parents, all of sudden or... who love their child, is concerned with the rehabilitation, and they want their youngster to have a good life, an educated life, and all of a sudden they're sending him to a... if they're fortunate enough to, they're sending him to a drug rehabilitation. We're going to let the pusher know that they're going to be liable. They're going to have to pay some of these costs. You know, a pusher goes to jail for 30 days or gets off and walks down the street and smiles. This young person has to live for the rest of their life, and their family has to cope with the problem of drugs. And this guy is walking the street. This Bill addresses the problem of letting the drug pusher know that he is liable, that he's going to have to pay the costs of rehabilitation for that child. He's going to have to pay the pain and suffering for the parents and the rest of that family, the brothers and sisters they have to go to."

Hallock: "Well, I understand what the Bill is trying to do. Could you explain to me just how does it work? Let's say we had the scenario you just described and those things

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have occurred. What does the family do? How does the Bill work?"

Pangle: "Well, they file the civil action, a regular lawsuit, and then the court system decide as to what is... the punishment should be, the costs should be for pain and suffering. The courts will decide if someone spends a month not sleeping like the previous Representative said. The courts will decide. And then the drug pusher is going to be sitting in front of a jury made up of peers of people that have children that are concerned, that will make a decision. If this person is a drug pusher and these families are suffering and these children are suffering, the courts will decide. Civil suit. I guess that's your answer."

Hallock: "Well, couldn't a family in that situation file a civil suit right now if they could... if they could prove the kind of situation you just described?"

Pangle: "Well, theoretically, but we're just codifying what could be a suit."

Hallock: "Let me ask you a separate question. Does this Bill cover all drugs, illegal drugs, as well as legal drugs?"

Pangle: "There's a definition in the Bill itself, and it explains as to what is a legal drug and illegal drug. It's all in the Bill."

Hallock: "Well then, if this covers legal drugs as well, what would happen if one student sold another student or gave another student some aspirin or some other drug which you can buy over the market?"

Pangle: "There is a complete definition of illegal drug within the Bill and as to what... what this Bill addresses, as far as a substance that would be considered, if this legislation should pass. I could read it to you if you want, but considering the... the amount of work we have to

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do. But it's in the Bill."

Hallock: "Thank you."

Speaker Greiman: "Mr. McCracken."

McCracken: "Thank you. Ladies and Gentlemen of the House, I realize we haven't been moving quickly this morning, but this is a very important Bill and a very radical departure from the current law and the development of the law. You know, it was only recently that parents were given a right to sue for loss of companionship for the loss of their children caused by the negligent act of the other. That was only recently, after years and years of decisions relative to the scope of damages in negligence cases. And the distinction between negligence cases and a case of this type is that the injured party, the minor, in a negligence case, is an innocent actor. Here we have a minor who has agreed or knowingly participated in a drug transaction and we're giving parents a cause of action for damages as a result thereof. This is a radical departure from the law. And as Representative Johnson so eloquently stated, it will, in fact, not accomplish its goal. It could very well create more problems than it solves. It would be very understandable for parties to get together and conspire under these circumstances. It is very understandable that the guilty party would benefit directly, as a result of heirship at law, or at least indirectly. Certainly the damages recovered by the parents would go to the benefit of the children to the extent they're responsible parents. This is... this is, again, a well-intended Bill but absolutely, radically goes off in the wrong direction and makes the guilty party the beneficiary of these profits. You know, we took out the profit forfeiture Section in an Amendment to this Senate Bill. Previously to that, not only was there a cause of action for damages, but there was

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a profit forfeiture Section. Well, I'm telling you that if current law of profit forfeiture and criminal penalties going up to Class X violations of six to thirty years in the penitentiary do not discourage the sale and delivery of drugs, then no cause of action which benefits wrongdoers will do it. It's well intended. The Sponsor has every fair-minded concern in mind. It's just a mistake. It should be voted down."

Speaker Greiman: "Gentleman from Will, Mr. Van Duyne."

Van Duyne: "Yes, would the Sponsor yield, please?"

Speaker Greiman: "Indicates he will."

Van Duyne: "Representative Pangle, do you know whether or not the aggrieved person here, the person who bought the dope, so to speak, can now sue the civil court? I think that's the intention of Representative Hallock's question. But he says that they can now sue the parents. And I presume by the same right, if there is any aggravation there that can be proven... proven in a court, that the buyer himself can also sue, couldn't he?"

Pangle: "Well, you... he can, but this just codifies the law."

Van Duyne: "Okay. To the Bill, Mr. Speaker. You know..."

Speaker Greiman: "Proceed, Sir."

Van Duyne: "Judiciary I, one more time, has finally reared its ugly head in the form of Representative McCracken and Representative Johnson. You know, splitting hairs, splitting hairs... bringing all kinds of analogies into this when it's simply a case of codifying a thing that we can already do... We've passed miniscule Bills out of here with a lot less conversation than this. As far as I'm concerned, if it does nothing more than codify this, allow something to be put on the books where people can go in for redress into the courts, where... in certain cases where the court is a little bit lax, the Bill is worth its salt

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now, and I think it's a good Bill. And I hope everybody supports it."

Speaker Greiman: "Gentleman from Madison, Mr. Wolf. Mr. Wolf, proceed."

Wolf: "Mr. Speaker, I move the previous question."

Speaker Greiman: "Excuse me. Mr. McCracken, do you... Mr. McCracken, do you rise for a point of order? Mr. McCracken, one of the ways that we do ask for order is we hit a switch and we say, 'Mr. Speaker', and we don't yell from our table, 'Let Mr. Countryman speak. Let Mr. Count...' We do this is an orderly way. Mr. Wolf is who I called upon. Mr. Wolf has moved the previous question. Now, on the previous question, if you wish a Roll Call, we'll give you a Roll Call on the previous question. Point of personal privilege? Proceed, Sir."

McCracken: "Thank you. My name was used in debate. Let me respond. Judiciary... The prior speaker used my name in debate."

Speaker Greiman: "Proceed on your point of personal privilege."

McCracken: "Right. There is no cause of action now for this. This does not codify a cause of action..."

Speaker Greiman: "No, that's not a point of personal privilege. If... That's not a point of personal privilege. No, I'm sorry. You were not defamed by that. You want to answer it? I will allow Mr.... I will certainly allow anybody to speak... Everybody calm down. Everybody calm down. Mr. Vinson, for what purpose do you seek recognition?"

Vinson: "It's most certainly a point of personal privilege when a Member says that another Member is lying about a factual situation or the state of the law, and that's what just occurred. And that's why Mr. McCracken has every right to take offense and to explain what the law is."

Speaker Greiman: "Mr. McCracken explained that. Mr. Johnson, for

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what purpose do you seek recognition? You did speak in debate."

Johnson: "I suggest when a Member says that two Members have reared their ugly head, that that probably constitutes... and splitting hairs, probably constitutes..."

Speaker Greiman: "I think he said the Judiciary Committee reared it's ugly head..."

Johnson: "As represented by Representative McCracken and Representative Johnson."

Speaker Greiman: "Well."

Johnson: "Have reared their ugly head and are splitting hairs and misstating a Bill. Representative... I was going to do it, but certainly Representative McCracken, when he's referred to by Representative Van Dyne as rearing his ugly head and splitting hairs, has got a right to explain himself."

Speaker Greiman: "Alright. Yes, Mr. Johnson, the Chair wishes to have a full and free debate on each issue. Mr. Wolf has moved the previous question. I see on the board that Mr. Countryman seeks recognition. Mr. Churchill seeks recognition. Mr. Panayotovich seeks recognition. I will call on those three Gentlemen. I expect them to quickly and briefly give their... give their position, and I will then call on Mr. Wolf, if Mr. Wolf would be good enough to withhold his Motion. Now... thank you, Mr. Wolf, for your cooperation. Mr. Countryman, proceed."

Countryman: "Thank you. Thank you, Mr. Speaker and Ladies and Gentlemen of the House. And I appreciate sincerely, Mr. Speaker, you giving us the opportunity to address this Bill. Will the Sponsor yield?"

Speaker Greiman: "Indicates he'll yield."

Countryman: "Representative Pangle, would the cause of action include the ability to cover... recover for attorneys' fees spent by the defendant or his parents in the representation

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of a criminal case?"

Pangle: "Not the criminal cases, no."

Countryman: "It would not in that instance."

Pangle: "Civil."

Countryman: "I understand that there are attorneys' fees allowed for the civil case, and that would be the cause of action created under this, is that correct?"

Pangle: "Civil action, yes, that's correct."

Countryman: "But would an element of those damages be the attorneys' fees incurred in the defense of a criminal case, or could it be?"

Pangle: "I don't... I don't believe so. You're talking about the state prosecuting, and I don't believe that that's the case."

Countryman: "The next question I have is, is the transfer something that has to occur knowingly?"

Pangle: "It's silent."

Countryman: "To the Bill, Mr. Speaker. I believe that this... that this Bill is not in the present form a good piece of legislation. I'm sorry that we've had to have remarks on the floor about the Judiciary I Committee. I've only been a Member of that Committee this year, and it seems to have a reputation, but I think it's a good reputation, Mr. Speaker. I think it's one where the Bills are looked at pretty seriously by people who know what they are doing in that area and usually addressed in Amendments brought forth. Unfortunately, this Bill didn't really get that scrutiny. And I think that these questions which I've asked in essence if the transfer is knowingly is a crucial issue to this Bill. In many areas of my district which are rural, cannabis grows wild, and many people will go out and pick it up along the road and have it. And does that mean that they could... well, we'll bring Representatives who'd

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want to look for it out to my district and see if they can find it. But does that mean that the farmers in whose field it is growing wild are responsible under this Act? I think that's a question that's not been answered, and I think that... it creates a liability that we really don't want to create, punitive damages is an element. We just spent many... many hours debating some other Bills where we eliminated punitive damages. I also don't know how it plays with the Narcotics Profit Forfeiture Act, and I believe in its present form it's not a good piece of legislation. And, therefore, I ask for a 'no' vote."

Speaker Greiman: "Mr. Churchill."

Churchill: "Thank you, Mr. Speaker. Representative, I recognize the significance of your Bill. I'm not a Member of the Judiciary I Committee, but I do have a couple of questions I would like to ask."

Speaker Greiman: "Proceed, Sir."

Churchill: "Is... is there any quantity in this? In other words, it could be any amount or does there have to be a specified quantity?"

Pangle: "No, there's not."

Churchill: "Any amount."

Pangle: "No, there's not."

Churchill: "And it's not just a sale. There is a transfer. So, it could be something that would not have a cost element involved."

Pangle: "Could be. Could be a gift."

Churchill: "Okay. So, that sets up the situation that if you had a large party of young kids, some of whom were out of high school - over the legal age - but there might be some who are under the legal age at that party, and somebody in the group passed a marijuana cigarette or something to another person, that person used it and then went out and had a car

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accident, that you're setting up the liability of not only the young person who passed the cigarette but also that person's parents for the car accident and all resulting damages."

Pangle: "We're talking about damages. We're talking about a court system that's going... the damages are going to have to be proved. We're not talking about a bunch of kids at a party passing a marijuana cigarette. We're talking about kids that are hooked on drugs. We're talking about children that are going to have to be rehabilitated, and.... and basically the sale of..."

Churchill: "But the factual situation which I described could occur and would... and that would exist. The kids who are in a car accident would have the right to come back and sue the parents through this child who passed the cigarette."

Pangle: "There would have to be damages proven though. I mean..."

Churchill: "If there was a car accident, actually some people would have to..."

Pangle: "Would have to be proven."

Churchill: "Then that... but that could come back through. So... I guess my point is that one 19 year old passing a marijuana cigarette to a 17 year old at a party creates a liability for the 19 year old person's parents."

Pangle: "That's correct, but you still have to prove the damages. That's what we have our court system for."

Churchill: "Yes. Okay. So, then if we turn and look at the issue of damages, you list cost, that's pretty obvious, treatment or rehabilitation. I'm wondering if we could get ourselves into a situation where someone could go on to a drug rehabilitation program and be there for maybe 15 or 20 years. Is it... it's a kind of a open-ended thing. How do we determine what the damages are there, and how do we have

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that other person's parents pay for that?"

Pangle: "Well, you have to prove that the pusher's act call the damages... caused the damages. And... no matter, I think the important thing here is the... if it takes 5, 10, 15 years, I think the important part here is that the... we have the rehabilitation."

Churchill: "Okay. But the parents of that 19 year old who passed the marijuana cigarette are on the hook for all that rehabilitation or for whatever would come out of that. And I guess I'm trying to say is if you were a parent and your child went out and did this at a party, and you had no knowledge of what they were doing, aren't you really opening up the door for a tremendous liability?"

Pangle: "Yes, it would... there's no question about it."

Churchill: "Okay."

Pangle: "I mean, somebody has to start taking responsibility for the... for their children and against the drug pushers. I mean..."

Churchill: "Yes. I'm not disagreeing with the policy of your Bill. I understand what you're trying to do, and I think it's a laudable attempt. I'm just worrying about some situations that could occur, and it seems to me that a parent who has no concept of what their child is doing at a party finds out the next morning that their liable for, you know, \$500,000 worth of rehabilitation and a \$1,000,000 worth of pain and suffering and those types of things. They had no control of the situation. It's not an accidental situation. It's something that's... it's one person removed from their own actions, and so it creates a tremendous responsibility."

Pangle: "It all has to be proven. It has to be proven that it was done at the party, and then I think that would all be considered by the jury or by the courts."

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Churchill: "Thank you. No further questions."

Speaker Greiman: "No further discussion. Mr Pangle, to close."

Pangle: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. We have a tendency here in Springfield when we pass laws, and I can understand the attorneys on the other side of the aisle and their feelings, but we have a tendency to forget sometimes the real problems, the people back home, the people that have to live with the problems with their children, the cost factor, the heartache and the suffering of the family. And we're considering the fact that you're talking about drug pushers now in grade schools. We're talking about a child eight years old, not just 17 years old. We're talking about the rehabilitation of that child. We're talking about giving the parents the right to come back on the drug pusher. We're talking about making sure that the drug pusher is aware of the fact that he could be stuck for the rehabilitation and the pain and suffering. We're going to have to let those folks, in the process of pushing drugs, we're going to have to let them know that they're going to be liable. They're going to have to pay the freight. You know, we talk about the Narcotics Profit Forfeiture Act. That's been brought up quite a bit today. That's where the state recovers. The state recovers, not the family, not the parents, not the brothers, not the sisters. The state gets money on the Narcotics Profit Forfeiture. How about the family? How about the guy that goes to work everyday? All of a sudden, his 16 or 15 year old child is ill. He has a drug problem. He needs treatment. He has no place to go. They have no money to send him, and the drug pusher is taking a walk, or the state is taking the profits from the drug pusher. I think these are the things we got to consider. And I think this is a good law and order Bill. And I think it's about time

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that we sent a message to the drug pushers, the ones that are pushing these other children in the school, send them a message - that you're not only going to be liable criminally, but you're going to have to pay some costs to these parents for the rehabilitation of these children. And I would certainly ask for an 'aye' vote."

Speaker Greiman: "The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open, and this is final action. Yes, Mr. Hawkinson, one minute to explain your vote."

Hawkinson: "Thank you, Mr. Speaker. I rise in support of this Bill in explanation of my vote. The Sponsor did delete the Section as per my Amendment, which takes out any conflict with the Narcotics Profit Forfeiture Act. The Bill now in the state that it's in does not make the parent of a seller in any way liable. It only gives the parent of a minor the right to go after for actual damages caused by an adult seller who's selling drugs to kids, and I think this is a good concept. It is a good law and order Bill. And you ought to put your green votes up there."

Speaker Greiman: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 52 voting 'aye', 36 voting 'no', 26 voting 'present', and Mr. Pangle."

Pangle: "Yes, Mr. Speaker, I'd like to put this on Postponed Consideration."

Speaker Greiman: "The Bill will be placed on the Order of Consideration Postponed. On the Order of Special Call - Civil Law, appears Senate Bill 192, the... Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 192, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Will, Mr. Davis, on Senate

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Bill 192."

Davis: "Mr. Speaker, that's on the Special Order - Education. Is that the Order you wish to go to?"

Speaker Greiman: "Well, I'm looking at a printout."

Davis: "I'm prepared to go if you... that's what you want to do."

Speaker Greiman: "Well... Yes, apparently it's been put on the call erroneously. So, thank you for pointing that out. I appreciate that. So, that on the... Senate Bills, Civil Law, appears Senate Bill 2... yes, Mr. Vinson."

Vinson: "We certainly give leave to the Sponsor to hear that Bill at this time."

Speaker Greiman: "Well, I think... I think we wouldn't want to violate the Subject Matter calls. That wouldn't be... that would be not fair, I think. On the Order of Senate Bills, Civil Law, Special Call, appears Senate Bill 235. Out of the record. On the Order of Senate Bills Special Call, Civil Law, appears Senate Bill 259, Mr. Churchill. Mr. Clerk, read the Bill. Miss Braun. Miss Braun. Miss Braun. Miss Braun, would you come to the podium? Yes, Mr. Clerk."

Clerk O'Brien: "Senate... Senate Bill 259, a Bill for an Act to amend Sections of the Business Corporation Act. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Lake, Mr. Churchill."

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 259 amends the Business Corporation Act in a couple of respects. It adds a fair price requirements to second step takeovers assuring equal treatment of all the shareholders in corporate takeovers. It permits the directors to consider the affects of their actions upon communities in which their corporations are located, and on their employees, and suppliers, and customers. This Bill is a product of discussions and negotiations between

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various committees of the Chicago Bar Association and other bar groups, and it's supported by the Bar Association. I'd move for its adoption."

Speaker Greiman: "Representative Braun in the Chair."

Speaker Braun: "The Gentleman from Lake moves for the passage of Senate Bill 259. On that question is there any discussion? The Chair recognizes the Gentleman from Macon, Representative Dunn."

Dunn: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Will the Sponsor yield for a question?"

Speaker Braun: "He indicates he will."

Dunn: "My analysis indicates that the Chicago Bar Association is opposed in the Amendment. Did he say they are in support or in opposition to this Bill?"

Churchill: "The Bill as it was originally written was opposed by the Chicago Bar Association. The Amendment that has been placed on the Bill was drafted through the Committee and the Chicago Bar Association, and it is in their form."

Dunn: "What position does the Illinois State Bar Association take on the Bill as amended?"

Churchill: "I have not been contacted by them. I do not know."

Dunn: "Mr. Speaker... or Madam Speaker and Ladies and Gentlemen of the House, this is a Bill that makes complicated changes in the Business Corporation Act. And I would just like to express a long standing concern of mine that when we do intricate, complicated things like this, we really ought to submit the proposed changes to those who deal on a day-to-day basis with the changes, and those who are expert and those who need to provide input with regard to the changes. And we usually do that... we used to do that by putting Bills in the Subcommittee and having hearings over a summer. I would much, much prefer to do that on this Bill, and other Bills which make intricate changes in the

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statutes of the State of Illinois, particularly something like a... the takeover provisions of the Business Corporation Act. I don't think that's been done with this Bill, and we may regret being a little bit hasty here. I know the Sponsor's intentions are well intended, but I, for one, would like to see this Bill put in Subcommittee to study it thoroughly and find out what really needs to be done here."

Speaker Braun: "The Chair recognizes the Gentleman from Lake, Representative Matijevich."

Matijevich: "Madam Speaker and Ladies and Gentlemen of the House, I'm a Cosponsor of this Bill, and I would just remind the last speaker that he was Chairman of that Committee. And if that Committee, the recommendation was to put it in Subcommittee to further study, that would have been the time. The Illinois State Bar Association gave no opposition to this Bill. Some of the same people that worked on the rewrite of the Business Corporation Act did work on this Act. The initial opposition of the Chicago Bar Association was worked out. They appeared... did appear in Committee and said they'd like to work on the Bill. They did, and, through the Amendment now, I believe that the Bill is in good shape. And I would urge the Members on both sides of the aisle to vote in support of this Bill."

Speaker Braun: "Is there further discussion? There being none, the question is, 'Shall House Bill 25... Shall Senate Bill 259 pass?' All those in favor vote 'aye', all opposed vote 'no'. The voting is open. The Gentleman from Lake, Representative Churchill. Representative Churchill. Have all voted who wish? Have all voted who wish? The Clerk will take the record. Representative Countryman votes 'aye'. On this question, there are 101 voting 'aye', none

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voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Appearing on the Calendar, page 16, on the Special Order of Business - Civil Law, is Senate Bill 372, Representative O'Connell. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 372, a Bill for an Act to amend an Act relating to interests in real estate. Third Reading of the... this Bill has been on Second... or read on Second Reading previously. No Committee Amendments."

Speaker Braun: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Braun: "Third Reading. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 372, a Bill for an Act to amend an Act relating to interests in real estate. Third Reading of the Bill."

Speaker Braun: "The Chair recognizes the Gentleman from Cook, Representative O'Connell. For what purpose does Representative Vinson rise?"

Vinson: "I think you have to have leave of the House to hear that Bill on Third Reading, don't you?"

Speaker Braun: "Representative Vinson, the Bill was not amended. Does not have to be leave to..."

Vinson: "But it was on Second Reading. So, you're asking to have it heard on Third Reading on the same day."

Speaker Braun: "The Bill had been read a second time previously as I understand it. The Chair recognizes the Gentleman from Cook, Representative O'Connell, on Senate Bill 372."

O'Connell: "Thank you, Madam Speaker. Senate Bill 372 provides for recording of an affidavit of inheritance, and there... also to file a copy thereof in a proceedings for administration of a decedent's estate when real estate, not registered under torrens, is acquired through a decedents will or through inheritance when there is no will.

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Presently, there is no requirement for the recording of same, and this Bill would provide for such an affidavit. It sets out detailed information that must be in the affidavit and indicates that the time frame for recording this affidavit shall be 30 days after the will is probated, or the decedent's estate is administered; or, when a will is neither probated or administrated, then it would be 30 days or more after the tax assessed under the Illinois Estate Tax Law is paid in full; or, if no tax is assessed with regard to the transfer of the estate then 30 days or more after the filing of decedent's will; or, if the decedent died in the state, 60 days or more after the date of decedent's death. I'd be happy to answer any questions."

Speaker Braun: "The Gentleman has moved for the passage of Senate Bill 372. And on that is there any discussion? The Chair recognizes the Gentleman from Marion, Representative Friedrich."

Friedrich: "Would the Sponsor yield?"

Speaker Braun: "He indicates he will."

Friedrich: "Representative O'Connell, at home it's... we use this all the time, where someone dies intestate. We make an ... We call it an affidavit of heirship and list the heirs and state that all the bills have been paid and so on. Is that the same thing as an affidavit of inheritance? I'm not familiar with that term."

O'Connell: "I'm sorry, Representative, I'm having a hard time hearing. Could you repeat that question?"

Friedrich: "When... at... in our area when we have someone die intestate, we get what we call an affidavit of heirship which states... recites the heirs and also states that all the bills have been paid and so on. Is that the same as an affidavit of inheritance?"

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O'Connell: "No. This is not an affidavit of heirship. It's an affidavit of inheritance, which also serves as subsequent notice to creditors and other persons that have... or subsequent purchasers of persons having an interest in the property by testamentary or intestate descent."

Friedrich: "I guess I don't understand the difference because we use it to perfect title at home, and it's accepted by the title companies."

Speaker Braun: "Is there further discussion? The Chair recognizes the Gentleman from Knox, Representative Hawkinson."

Hawkinson: "Thank you, Madam Speaker. Will the Sponsor yield for a question?"

Speaker Braun: "He indicates he will."

Hawkinson: "Representative, does this new requirement apply only to recordings in the torrens system, or is this a statewide requirement?"

O'Connell: "It excludes the torrens. It's statewide for everything other than torrens."

Hawkinson: "Does it also include an affidavit of inheritance where the real estate... in the county where the real estate is located? In other words, is this to find out about inheritance in other than the county where the real estate is located? If there's..."

O'Connell: "This is strictly for chain of title purposes."

Hawkinson: "Alright, and for those purposes if a decedent dies in the same county that the real estate is located, what's the necessity for this affidavit?"

O'Connell: "There could be a different name of the decedent or the person that inherits. And his name then becomes as owner and fee simple of the property. There is no notice to creditors of the... of the deposer that he now has title to the property."

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Hawkinson: "Well, I guess my question relates to necessity in that if you have a decedent denying... dying in another county or perhaps another state, you can have some difficulty in tracing the... the ownership. But if the owner dies in the county where the real estate is located, the office is in the same building. And when you do a title exam you not only check the recorder's office, but you go to the county... county clerk and you check those death records, or the circuit clerk, and you look at the probate file or the filing of the will. And I guess my opinion would be that in those... in those instances which would comprise the vast majority of cases that this would really be an unnecessary affidavit. I can see there being some merit to the idea of where the owner of the property dies elsewhere, but I'm wondering why you want to have this requirement when you already have access to those records and the other county officers in the same building."

O'Connell: "Well, as I said, sometimes the subsequent owner could have a different surname than the decedent. As this would..."

Hawkinson: "But... but you could find that out in the probate records of the circuit clerk's office."

O'Connell: "Well, this would facilitate that by providing for an affidavit of inheritance. I think Representative Countryman in an earlier discussion on this Bill pointed out a concern that I think is actually addressed in the Bill as to regards notice not within county necessarily, but for outside the county that there would be this affidavit of inheritance recorded with the property, and that would provide the necessary notice to anyone... any subsequent purchaser. The same would hold true within the county itself if that property were now in the hands of a person with a different surname. You'd have no way of

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knowing to even check to the probate records if there wasn't something recorded that gave some inditia of notice that indeed the owner is deceased. So, it would hold true within the county or without the county."

Hawkinson: "Is this Bill supported by the Illinois State Bar Association?"

O'Connell: "To my knowledge the only person voicing support was the Illinois Recorders' Association. I'm not aware of any support or opposition from the State Bar Association."

Hawkinson: "What would the fee be for... for filing... for recording this affidavit?"

O'Connell: "It's five dollars plus one dollar... five dollars for the first two pages plus one dollar for each additional page."

Hawkinson: "So, in addition to... to... filing... opening the estate and filing all the documents in the estate, in the office of the circuit clerk, every person that owns real estate, another cost of administration would be this five dollars plus one dollar for every other page."

O'Connell: "Right, for recording the affidavit."

Hawkinson: "Do you know if the bar associations have even reviewed this proposal?"

O'Connell: "Carl, I don't know."

Hawkinson: "Thank you."

Speaker Braun: "Is there further discussion? The Chair recognizes the Gentleman from Jersey, Representative Ryder. Before we get to that, we're moving along at a rate of about five Bills an hour, and I think you know the Calendar has a lot of things on it that all the Members in the House would like to get to. It would really help things if we could expedite our discussion without cutting it off. Representative Ryder."

Ryder: "Thank you, Madam Chairman. Would the Sponsor yield?"

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Speaker Braun: "He indicates he will."

Ryder: "Thank you. Representative, I like your concept. Was this an idea that came to you? Was it one of yours? Did the bar associations or the title companies recommend it?"

O'Connell: "It came to me one night, Representative, and this dream just popped into my head."

Ryder: "I never have those kinds of dreams."

O'Connell: "Actually, in all seriousness, it did come to... come to me from the Illinois Recorders' Association. I'm sure the recorder from Morgan County supports it."

Ryder: "That's not necessarily going to help me in this circumstance. But is an attorney required to prepare it?"

O'Connell: "It doesn't require anyone to file it other than the person filing the affidavit. So, it could be either the deposee of the property, the person who inherited the property, or his attorney."

Ryder: "Is a Judge required to approve it?"

O'Connell: "No."

Ryder: "Then do we run into a problem in that if they're allowed to be recorded that anyone with any interpretation of the inheritance could file it, rather erroneous or not?"

O'Connell: "Well, that problem always exists, but the essence of the filing is for the benefit of actually the person who is filing the affidavit. So, it's in their best interest to file a truthful affidavit. And, of course, the provisions for perjury and false affidavits are inherent in this Bill as well."

Ryder: "I could understand that; but, of course, if a person was not trained in the law and had their best belief that indeed the inheritance went the way they filed in the affidavit, that may mitigate the circumstances. And is it required in an estate that this affidavit be filed, or is it simply permissive?"

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O'Connell: "Oh, it's required."

Ryder: "It's required to be filed?"

O'Connell: "When there's a transfer of real property."

Ryder: "I appreciate your answers to the questions; because, although it was a good idea going in, I'm not sure that it's a good idea after the discussion. Thank you."

Speaker Braun: "The Chair recognizes the Gentleman from Dekalb, Representative Countryman."

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

Speaker Braun: "He indicates he will."

Countryman: "Representative O'Connell, did we give this a hearing in the Judiciary I Committee?"

O'Connell: "That's correct. The Bill did come up in Judiciary I. I recall..."

Countryman: "I thought... I thought you filed a Motion to discharge..."

O'Connell: "Oh, I'm sorry. You're absolutely correct. You're absolutely correct. I did file a Motion for discharge because of the scheduling problems that we ran into in Judiciary I."

Countryman: "How does this interplay with the small estates affidavit? Can you use this affidavit and a small estates affidavit to transfer, say, all the assets of a decedent if he owned one house and maybe \$20,000 worth of personal property?"

O'Connell: "I think there are two separate documents and procedures. If I recall correctly, the small estates affidavit occurs prior to the settlement of the estate in order to obtain the nonprobating of an estate. What this affidavit of inheritance provides is for an act that would be subsequent to the resolution of an estate and when property is conveyed from the decedent to the deposee."

Countryman: "Well, your answer implies that you have to have a

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probate proceeding to use this affidavit?"

O'Connell: "No. If... it does not... does not require..."

Countryman: "I guess what my real question was, could you use the small estate's affidavit procedure to transfer the personal property and then this sort of an affidavit to transfer the real estate and still fall within the purview of the Small Estates Act, and then fall within the purview of this new Act and essentially avoid any probate proceedings?"

O'Connell: "Well, your statement is correct. It is not... if it does fall under the small estates provisions, this certainly would not be a method to avoid that. All this does is to be in conjunction with any other current requirement under our probate law."

Countryman: "Are there any opponents? My analysis indicates the Corporate Fiduciaries' Association is opposed to this Bill."

O'Connell: "They may well be."

Countryman: "To the Bill, Madam Speaker."

Speaker Braun: "Yes, proceed."

Countryman: "I have serious problems with the Bill, and the problem I think is it wasn't addressed in Judiciary I Committee because of time. And I think that it creates some new devises which Representative Ryder talked about. It can cause havoc under the Conveyances Act and allow for defeating of some creditors and subsequent purchasers in some instances. I know that Chicago Title has had some concerns about the language in the Bill, and it's unfortunate that we haven't had time this Session to address it. I know the Sponsor's intentions are good and laudable, but I'd have to vote against the Bill in its present form and suggest that we come back next year when we have more time and address the problem and seek a solution. Thank you."

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Speaker Braun: "The Chair recognizes the Gentleman from Peoria, Representative Saltsman."

Saltsman: "Thank you, Madam Speaker. I move the previous question."

Speaker Braun: "The Gentleman has moved the previous question. The question is, 'Shall the main question be put?' All in favor say 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The previous question is put. Representative O'Connell, to close."

O'Connell: "Thank you, Madam Speaker. The Bill really is simply an added notice to persons who are acquiring property. The \$5 for the first two pages and \$1 for each additional page is certainly no burdensome imposition on an individual who is acquiring property. It is simply to inform people that the original fee simple owner has passed away, and someone has acquired that property through intestate or a will. I appreciate the need for the other side of the aisle to filibuster and spend time in avoiding what may be coming further on down in our Calendar, but this Bill is really an unobjectional... unobjectionable piece of legislation that deserves everyone's support. And I would ask for a favorable vote."

Speaker Braun: "The Gentleman has moved for the passage of Senate Bill 372. All in favor vote 'aye', opposed vote 'no'. The voting is open. The Chair recognizes the Gentleman from Winnebago, Representative Hallock, to explain his vote."

Hallock: "Well, Madam Speaker, I had wanted to speak on the Bill. I had a few more questions which I think hadn't yet been resolved. I mean this is after all a complicated issue, but I will now be voting 'aye'."

Speaker Braun: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. The Chair recognizes the Gentleman from Cook, Representative

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O'Connell."

O'Connell: "I was going to explain my vote, Madam Speaker. I want to reiterate that while the issue is complicated, it has a very simple endeavor and that is to provide notice to a subsequent purchaser of... or creditor of real estate. As far as the opposition to this Bill is concerned, because we are requiring added requirements should not in and of itself lend itself to opposition. And that's the simple basis for the opposition. I would also, Madam Speaker, ask for a Poll of the Absentees if this fails to get the proper number of votes."

Speaker Braun: "The Chair recognizes the Lady from Cook, Representative Alexander. Representative Alexander."

Alexander: "Thank you, Madam Speaker. How am I registered to vote?"

Speaker Braun: "Recorded as voting 'no'."

Alexander: "Please change me to green."

Speaker Braun: "The Chair recognizes the Gentleman from Winnebago, Representative Mulcahey."

Mulcahey: "Madam Speaker, record me as voting 'aye'."

Speaker Braun: "Record Representative Mulcahey as voting 'aye'. Representative Curran votes 'aye'. Further... I'll tell you what, why don't we start over? No? Alright. We can do it the slow way or we can do it the fast way. You want to do it the slow way. Representative Van Duyne votes 'aye'. Representative Panayotovich votes 'aye'. Representative LeFlore votes 'aye'. Representative Braun votes 'aye'. Representative Flowers votes 'aye'. Representative Turner votes 'aye'. Representative Young votes 'aye'. Representative Levin votes 'aye'. Representative Rice votes 'aye'. Representative Bowman votes 'aye'. Representative Zwick votes 'aye'. Representative Pangle votes 'aye'. Representative Saltsman

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votes 'aye'. Are there further changes? The Chair recognizes the Gentleman from DeWitt, Representative Vinson."

Vinson: "I request a verification of the affirmative."

Speaker Braun: "We have to find out what it is first. One second, please. Mr. Clerk."

Vinson: "Well, it's certainly over 47, and that's enough to put it on Postponed. So, I request a verification."

Speaker Braun: "Representative Brookins requests leave to be verified. Leave is granted. Representative Hallock changes his vote from 'aye' to 'no'. Representative Regan changes his vote from 'aye' to 'no'. The Clerk informs me that the vote at this time is 60 voting 'aye', 53 voting 'no'. The Chair recognizes... Representative Wait changes his vote from 'aye' to 'no'. Representative Parke changes his vote from 'aye' to 'no'. There are then... there are then 58 voting 'aye', Representative Vinson. Do you still request a verification? The Chair recognizes the Gentleman... first recognizes the Gentleman from Cook, Representative O'Connell."

O'Connell: "Could you poll the absentees, please?"

Speaker Braun: "Mr. Clerk, will you poll the absentees?"

Clerk Leone: "Poll of the Absentees. Bullock. Hicks. Laurino. Sutker. No further."

Speaker Braun: "The Chair recognizes the Gentleman from Cook, Representative Shaw. Requests leave to be verified. Representative White. Representative Vinson, do you persist in your request for a verification?"

Vinson: "What's the count?"

Speaker Braun: "59 voting 'yes'."

Vinson: "I am not going to request a verification then unless enough go on to pass the Bill."

Speaker Braun: "Okay. Are there further changes? Representative

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Hannig."

Hannig: "Would you record me as 'aye', please?"

Speaker Braun: "Would like to be voted 'aye'. Representative White would like to be voted 'no'. We are still at 58 voting 'aye'. Are there further changes? There being none... On this question, there are 57 voting 'aye', 55 voting 'no', 1 voting 'present'. Representative O'Connell. This Bill, having failed to received the Constitutional Majority, is hereby declared lost. At this time to change the spirit in the room Representative Rea has an announcement, and there's a young lady here who will hopefully sing tomorrow which may be the time that we finish the Civil Law, Special Order. Representative Rea."

Rea: "Thank you very much, Ladies and Gentlemen. I have a very special guest here today that I want to share with each and everyone of you. A young lady 11 years old that played the lead role in 'Annie' here at the Springfield Municipal Opera, and she is from Sesser, Illinois from down in my Legislative District. She was a star, received tremendous ovations this past two weeks and did an outstanding job. And here today with us is her mother, Connie. And at this time we have Reene Morgan, known to me as Annie, and I would like for her to give you a special at this time."

Reene Morgan: "(Sings theme song to 'Annie')."

Speaker Braun: "Since we are in this mode, I'd like the young lady to come back up and if she would... if she would... Reene, would you come back up? If she would for a very special happy birthday to Representative Olson."

Reene Morgan: "(Sings 'Happy Birthday' to Representative Olson.)"

Speaker Braun: "Alright. I think we can go back to work. Here we go. Senate Bill, on page 17 of the Calendar, appears Senate Bill 401, Representative Parke. Mr. Clerk, read the Bill."

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Clerk Leone: "Senate Bill 401, a Bill for an Act in relationship to condominium and community associations. It's been read a second time previously. Amendment #1 was adopted in Committee."

Speaker Braun: "Any Motions filed?"

Clerk Leone: "There are no Motions filed."

Speaker Braun: "Any Floor Amendments?"

Clerk Leone: "Floor Amendment #2, Levin - Parke, amends Senate Bill 401 as amended."

Speaker Braun: "The Chair recognizes... The Chair recognizes the Gentleman from Cook, Representative Parke. Representative Parke."

Parke: "Thank you, Madam Chairman (sic - Speaker), Ladies and Gentlemen of the House. This is technical in nature. It corrects part of Amendment #1. Both staffs pointed out that it was a poor reference. So, I ask for approval of this Amendment."

Speaker Braun: "The Gentleman has moved for the adoption of Amendment #2. On that is there any discussion? There being none, the question is, 'Shall Amendment #2 be adopted? All in favor say 'aye', opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Braun: "Third Reading. The Gentleman asks leave for immediate consideration of Senate Bill 401. Is there leave by the Attendance Roll Call? Leave being granted by the Attendance Roll Call. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 401, a Bill for an Act in relationship to condominium and community associations. Third Reading of the Bill."

Speaker Braun: "The Chair recognizes the Gentleman from Cook, Representative Parke."

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Parke: "Thank you. Senate Bill 401 provides that a provision in a declaration of a condominium or community association limiting the ownership or rental of a unit to persons 55 years of age or older is not a violation of the Human Rights Act. Also, empowers a condo board of managers to make provisions for the handicapped unit owners as required by the Human Rights Act."

Speaker Braun: "The Gentleman has moved for the passage of Senate Bill 401. On that is there any discussion? There being none, the question is, 'Shall Senate Bill 401 pass?' All in favor vote 'aye', opposed vote 'no'. The voting is open. The Chair recognizes the Gentleman from Cook, Representative Levin."

Levin: "Yes, just to make a little legislative history here. The provision in the Bill that requires... that provides for the accommodation of the handicapped is simply a codification of existing law and is not intended to impose any new financial or other obligations on condominium associations."

Speaker Braun: "Have all voted who wish? The Chair recognizes the Lady from Cook, Representative Currie, to explain her vote."

Currie: "Thank you, Madam Speaker, Members of the House. It is not that provision of the Bill that I object to. The provision that I object to is the one that would enable condominium associations to discriminate on the basis of age. It's for that reason that I'm voting 'no'."

Speaker Braun: "The Chair recognizes the Gentleman from Cook, Representative Preston."

Preston: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. I agree with Representative Currie on her objections to this Bill. It's perhaps from a bit of a different angle. This Bill discriminates in favor of

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people based on age, or against people based on age, but more than that it essentially defines a senior citizen as some who's 55 years of age or older. And that's contrary to the whole flow of law, not only in Illinois, but in this country. Someone who is 55 years of age should not and in reality is not classifiable as a senior citizen. That person doesn't, in fact, need special legislation to protect him or her. We have moved away from mandatory retirement ages. We have increased... where we still kept the mandatory retirement age, we have increased those mandatory retirement ages. People are well and not infirm until much later in life, and it's for those reasons that I don't support this Bill."

Speaker Braun: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill, there are 96 voting 'aye', 16 voting 'no', 3 voting 'present'. Senate Bill 401, having received a Constitutional Majority, is hereby declared passed. Appearing on the Calendar, page 17, Special Order - Civil Law, is Senate Bill 413. 413. Representative Van Duyne. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 413, a Bill for an Act reapportioning Judicial Districts and Judicial Circuits. Second Reading of the Bill. No Committee Amendments."

Speaker Braun: "The Chair recognizes the Gentleman from Will... Oh, Floor Amendments."

Clerk Leone: "Floor Amendment #1, Johnson - Countryman, amends Senate Bill 413 on page one and so forth."

Speaker Braun: "Representative... The Gentleman from Champaign, Representative Johnson, on Amendment #1."

Johnson: "I'll let Representative Countryman close. When the Senate Sponsor and House Sponsor of this Bill... and by the way, we're talking about something that to one-third of our government is equally as important as our every ten years

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reapportionment is to us. When the Senate Sponsor and House Sponsor of this Bill first came to me, they said what the people in our area want, what the people in Will County want is for Will County to be a single county Circuit. And since we do things around here to accede to the wishes of a individual Legislator from their own district, many of us agree that that's a good idea. And that's what this Amendment does. It makes Will County a single county Circuit. But what else the Amendment does is that it eliminates the other portions of the Bill that don't affect Will County and that ought not to be part of any kind of effort to satisfy the wishes of an individual Legislator in his or her own area. By eliminating the changes in the Judicial District, the Bill as it's currently written makes changes between the 3rd and 4th District that disrupt patterns of association that have developed over time, and they're very important individuals in those areas. And it also maintains the Judicial Circuits the way they are right now except to withdraw Will from Kankakee and Iroquois, make it its own Circuit and keep Kankakee and Iroquois the same. There are no mandates anywhere that anybody recognizes as being valid that require anything requiring equal population or anything else. And so what we ought to do in here is to try to address ourselves to the problems of counties that have a problem, areas that have a problem, without overstepping our bounds. And this Amendment simply does what Senator Sangmeister and Representative Van Duyné want to do, the reason they introduced the Bill and that... and it simply does nothing more than that. And I think to do anything more than that steps on other people's toes unnecessarily without reaching the objectives of the Sponsor, and I would urge a 'yes' vote on this Amendment."

Speaker Braun: "The Gentleman has moved for the adoption of

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Amendment #1 to Senate Bill 413. On that is there any discussion? The Chair recognizes the Gentleman from Will, Representative Van Duyne."

Van Duyne: "Thank you, Madam Speaker. About half of what Representative Johnson said is true. He aptly said what the original Bill did, but you also know... everyone here knows when you start talking about redistricting anything, everybody becomes a little bit edgy. And we understand all of that. The only thing we don't agree with with this is the Iroquois in this Appellate District. Now, in Committee Representative Breslin and Representative Countryman address the situation to us, and there is an effort on Amendment #2, sponsored by Representative Breslin, Pangle and myself, to address everything that Representative Johnson purported and to try to solve the problem to the satisfaction of everyone. So, with that in mind I would resist very strongly Amendment #1 and ask you to vote 'no'. And then, of course, to adopt Amendment #2 sponsored by Representative Breslin and myself and Representative Pangle. So, I move... I hope you'll all support the negative part and vote 'no' on this Amendment."

Speaker Braun: "Is there further discussion? The Chair recognizes the Gentleman from DuPage, Representative McCracken."

McCracken: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Senator Sangmeister and Representative Van Duyne did not intend this Bill to become a political issue. As I understand it, their original intent, and I think still their only intent if they had their druthers, would be to create a special Circuit for Will County given its dramatic growth in size. And Will County would not necessarily elect all Democrats to the bench, nor would it necessarily elect all Republicans to the bench. So, what started out

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as a politically neutral, rational, well-founded idea, given the size and population of Will County for other reasons, all of a sudden becomes a political football. What Representative Johnson is asking you to do is to return the Bill to its nonpolitical, nonpartisan nature. When the Bill hit Committee, it wasn't Republicans only that were objecting to the Bill. There were some Democrats also who were objecting to it. And that objection related to matters other than the creation of a Will County Circuit. The Amendment is politically neutral. It accomplishes the main goal of the Sponsors of the Bill in the first place. And the adoption of this Amendment would make this a nonpartisan issue. To defeat this Amendment and to pick the second Amendment, which is sponsored by all Democrats, would create a partisan issue. We don't want to disturb the Appellate Districts. We don't want to create another new Circuit. We want to give Will County its own Circuit given its population and size. To adopt Amendment #1 would accomplish that in a nonpartisan manner. I respectfully request its adoption."

Speaker Braun: "The Chair recognizes the Gentleman... the Lady from LaSalle, Representative Breslin."

Breslin: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I was the one Democratic Member on the House Judiciary Committee that did not vote for this Bill as originally drafted and as has been presented. It was because it had an adverse affect on my... my Judicial Circuit in which I live. It changed... changed the complexion of that Circuit dramatically. Representative Van Dwyne and Senator Sangmeister have agreed to amend the Bill in order to satisfy my needs and that of some other Members. That is not this Amendment. We would ask that you would defeat this Amendment and accept Amendment #2 so

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that that... so that the Bill will then be in a posture where I could certainly support it, and I hope all other Members could support it as well. Thank you."

Speaker Braun: "The Chair recognizes the Gentleman from DeKalb, Representative Countryman."

Countryman: "I want to close."

Speaker Braun: "Oh, okay. The Chair recognizes the Gentleman from Knox, Representative Hawkinson."

Hawkinson: "Thank you, Madam Speaker. I rise in support of this Amendment. What this Amendment does is to restore the Bill to the intent that both the Senate Sponsor and the House Sponsor claim they want to accomplish. If you reject this Amendment as the previous speaker urged and adopt Amendment #2 instead, you will still be making this a politically active redistricting without any input from the bar associations, from the affected people in those areas, without input from the judiciary, without any effective study. You will in effect be adopting a last minute political gerrymandering of our Appellate Districts. You will be changing the 3rd Appellate District and the 4th Appellate District, because Amendment #2 does not delete the changes in those districts. This Amendment does what the Sponsors claim they want to do. Perhaps the suggestions in the next Amendment, if they did change the Appellate Districts, would be acceptable. But the Representatives want a single district from Will County. We're not opposed to that, but what they're trying to pass through under that change are some politically nonneutral changes in the Appellate Districts. And I would urge an 'aye' vote on this Amendment."

Speaker Braun: "Representative Van Dwyne accedes to Representative Countryman to close."

Countryman: "Thank you, Madam Speaker. Representative Johnson

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and I are Sponsors of the Amendment. So... Representative Johnson."

Speaker Braun: "Representative Johnson. I'm sorry."

Countryman: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Let me give you one of the nonpolitical reasons to vote for Amendment #1. There's nowhere in this state where the Judicial Appellate Districts are split. This Amendment, Amendment #2, would do that. This Amendment eliminates that defect. Now, when lawyers go to look up what Appellate District they are going to be in, they usually look at the judicial Circuit, and that Circuit will tell them where they're going to be. This Amendment creates the 21st Circuit. The 21st Circuit would be Kankakee and Iroquois Counties, and their unity would be maintained in the 3rd Appellate District where they presently are. Under the subsequent Amendment proposed, Amendment #2, they would be moved... Iroquois would be moved into the 4th Appellate Circuit. Now, the 4th Appellate Circuit already has 30 counties. As a matter of fact, there was a contest to some election petitions over there a few years ago, and those 30 counties just took an insurmountable amount of time to review those election petitions. What Amendment #2 would do is propose 31 counties. And what I would say to you, Ladies and Gentlemen of the House, is Amendment #1 puts it in an acceptable form, an acceptable redistricting form, one which accomplishes what the Sponsors want to do and one which is a good government proposal. And the second Amendment is not a good government proposal. It's a political proposal, and what it does is make politics out of the courts, and that's not a good thing. And if we're down here and we're standing up for what's right, then let's vote for Amendment #1 and pass this Amendment. And I

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ask you for 'aye' vote."

Speaker Braun: "The Gentleman moves for the adoption of Amendment #1 to Senate Bill 413. All in favor say 'aye', opposed say 'no'. We're going to take a Roll Call. We're going to take a Roll Call. All in favor vote 'aye', opposed vote 'no'. Have all voted who wish? Have all voted who wish? Representative Davis, to explain his vote."

Davis: "Well, I doubt it will do any good, but I can simply tell you, and Representative Van Duyne, you're flirting with something here that you ought to know. I think that the Bill as it came over should've remained unamended. I think is a pretty good Bill for what Representative Van Duyne and I and a number of others from Will County seek to do. If it's loaded up, this particular Amendment, and I think Representative Breslin's will do the same thing with the district, Kankakee and Iroquois Judicial District, and that's okay with me, although we will incur the wrath of the Supreme Court and the administrator of the Supreme Court by so doing, because it will be a small district. But if Representative Breslin's Amendment goes on, it's fine to defeat this one, but we better defeat hers too, because then you will have loaded it up with enough political baggage that nothing will happen, and we will have the Bill vetoed by the Governor."

Speaker Braun: "Representative Ewing, to explain his vote."

Ewing: "Madam Speaker, we just want to verify the negative vote."

Speaker Braun: "Representative McCracken. Representative McCracken. Okay. The Chair recognizes the Gentleman from... Representative... from Jackson, Representative Richmond, to explain his vote."

Richmond: "No, I was asking for leave to be verified."

Speaker Braun: "Representative Richmond requests leave to be verified. Representative Steczo requests leave to be

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verified. Take the Roll. On this question, there are 52 voting 'aye', 64 voting 'no', 2 absent. Representative... Representative Van Duyne requests a Poll of the Absentees. There are several requests for verification, Representative Hartke, Representative Berrios, Representative Capparelli. Any further? Is leave granted for verification of those Gentlemen? Leave is granted. Alright. We are at 52 - 64. Mr. Clerk, Poll of the Absentees."

Clerk Leone: "Poll of the Absentees. Sutker and Satterthwaite. No further."

Speaker Braun: "Request to verify the negative."

Clerk Leone: "Poll of the Negative. Alexander. Berrios. Bowman. Braun. Breslin. Brookins. Brunsvold. Bullock. Capparelli. Christensen. Cullerton. Currie. DeJaegher. DeLeo. Dunn. Farley. Flinn. Flowers. Giglio. Giorgi. Greiman. Hannig. Hartke. Hicks. Homer. Huff. Keane. Krska. Kulas. Laurino. LeFlore. Leverenz. Levin. Matijevich. Mautino. McGann. McNamara. McPike. Mulcahey. Nash. O'Connell. Panayotovitch. Pangle. Phelps. Preston. Rea. Rice. Richmond. Ronan. Saltsman. Shaw. Soliz. Steczo. Stern. Terzich. Turner. Van Duyne. Vitek. Washington. White. Wolf. Anthony Young. Myvetter Young. And Mr. Speaker."

Speaker Braun: "Representative Saltsman requests leave to be verified. Any questions of the negative? Representative Ewing."

Ewing: "What number are we starting with?"

Speaker Braun: "52 'aye', 64 'no'."

Ewing: "That's correct up there."

Speaker Braun: "Yes."

Ewing: "Alright. Representative Rea."

Speaker Braun: "Representative Rea. He's in the chamber."

Ewing: "Representative Shaw."

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Speaker Braun: "Representative Shaw. Representative Shaw. Is the Gentleman in the chamber? He appears not to be. Remove him."

Ewing: "Representative Kulas."

Speaker Braun: "Representative Kulas. Representative Kulas. Is the Gentleman in the chamber? He appears not to be. Remove him."

Ewing: "Representative Mautino."

Speaker Braun: "Representative Mautino. Mautino. Is the Gentleman in the chamber? He appears not to be. Remove him."

Ewing: "Representative Ronan."

Speaker Braun: "Representative Mautino has just returned to the chamber, add his name back to the Roll. Representative Ronan. Is Representative Ronan in the chamber? He appears not to be. Remove him."

Ewing: "Representative Keane."

Speaker Braun: "Representative Keane. Is the Gentleman in the chamber? Representative Keane. He appears not to be, remove him. Representative Giglio requests leave to be verified."

Ewing: "Panayotovich."

Speaker Braun: "Representative Panayotovich was verified earlier."

Ewing: "Representative Breslin."

Speaker Braun: "Representative Breslin. The Lady is in the chamber."

Ewing: "Representative Bullock."

Speaker Braun: "Representative Bullock is in the chamber. Representative Brookins requests leave to be verified."

Ewing: "Did you... Is Representative Bullock in the chamber?"

Speaker Braun: "Right here."

Ewing: "Okay."

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Speaker Braun: "Representative Panayotovich, you were verified earlier."

Ewing: "Representative Krska."

Speaker Braun: "Representative Kirkland?"

Ewing: "No."

Speaker Braun: "Who did you say?"

Ewing: "Krska."

Speaker Braun: "Representative Krska. Representative Krska. Is the Gentleman in the chamber? He appears not to be. Remove him. Representative McGann requests leave to be verified."

Ewing: "Representative Bowman."

Speaker Braun: "Representative Bowman. Bowman. Is the Gentleman in the chamber? Yes, he's in his seat."

Ewing: "Representative Sutker."

Speaker Braun: "Representative Sutker is not voted."

Ewing: "Let's don't take him off then."

Speaker Braun: "Any further? On this question... Any further, Representative Ewing?"

Ewing: "No further."

Speaker Braun: "No further. On this question, there are 52 voting 'aye', 59 voting 'no'. This Amendment fails. Further Amendments?"

Clerk Leone: "Floor Amendment #2, Van Duyne - et al, amends Senate Bill 413... I mean 413."

Speaker Braun: "The Chair recognizes the Gentleman from Will, Representative Van Duyne, on Amendment #2. Representative Breslin on Amendment 2."

Breslin: "Thank you, Mr. (sic - Madam) Speaker, Ladies and Gentlemen of the House. I would ask your support in this Amendment which changes the Bill so that Will and... will be split into one separate Circuit. Kankakee and Iroquois will be split into another separate Circuit leaving my

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circuit, the 13th Judicial Circuit, in its present posture as well as the other circuits down in the Champaign area. There is one change, and the only change is that the County of Iroquois would go into the 4th Appellate District. I would appreciate your favorable support."

Speaker Braun: "The Lady moves for the adoption of Amendment #2. Is there any discussion? The Chair recognizes the Gentleman from Champaign, Representative Johnson."

Johnson: "Why do we need to change Iroquois County from the 3rd Judicial District to the 4th Judicial District?"

Speaker Braun: "Representative Breslin. For what reason does Representative Van Duyne rise?"

Van Duyne: "In the true context of parliamentary procedure, this Amendment does not address that at all. This Amendment strictly addresses the Iroquois and Kankakee single Circuit District. It does not address the Appellate Court at all."

Johnson: "It does too."

Van Duyne: "It does not."

Johnson: "... ridiculous. It puts Iroquois County in the 4th District. It's in the 3rd District now."

Van Duyne: "I would just... I would just like to have the Representative read the Amendment. It just deletes Kankakee... Iroquois on line 3 of the Amendment. It deletes Kankakee on line 4, and then it goes on by saying... inserting between lines 31 and 32 the following, the 21st Circuit, the Counties of Iroquois and Kankakee. It strictly and simply addresses the Circuit Court District."

Johnson: "The change in the law would be..."

Van Duyne: "That's in the Bill, Representative. That's in the Bill, Representative..."

Johnson: "Exactly as I said..."

Speaker Braun: "Gentlemen. Gentlemen, this is not... this is a

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debate not an argument. The Chair... Representative Johnson, have you a question?"

Johnson: "I asked the question of Representative Breslin and Representative Van Duyne thinks it's his responsibility to misstate the facts and answer a question that I didn't even ask him to begin with."

Speaker Braun: "I'm sorry, Representative Johnson, I thought your question was directed to Representative Van Duyne. I'm sorry. Representative Breslin, would you respond to Representative Johnson's question?"

Breslin: "Yes. Madam Speaker and Representative, I think Representative Van Duyne's point is that the Amendment itself does not change the Bill as it applies to Appellate Court Districts. And the reason for that is because this was the Amendment that the Sponsor, Senator Sangmeister, would accept. When I told him about the adverse affect it would have on our Judicial Circuits, mine and yours, he agreed to change it so that it would not have an adverse affect on our Judicial Circuits with the agreement that it would not change that part of the Bill which deals with Appellate Court Districts. So... so, that is my response, sir."

Speaker Braun: "Is there further discussion? Representative Johnson."

Johnson: "Yes. Well then addressing the Amendment which, in effect, becomes the Bill, what this Bill does... or what the Amendment would do and what the Amendment as it becomes the Bill would do to the current districts is to do exactly that, to make Will County its own single county Circuit, and also to change Iroquois County from the 3rd District to the 4th District. The other thing that it does, and this is the reason that people should look at this issue in a completely nonpartisan way because this is unique. We then

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create a Circuit of Kankakee County and Iroquois County and then split them into two Appellate Districts. That's the only situation like that in the history of the State of Illinois and certainly the only one in the existing map. The administrative problems that can be created by having Kankakee County and Iroquois County in one Circuit, and then having Kankakee County go to Ottawa, and having Iroquois County go to Springfield for the Appellate District and the appeals process can be potentially catastrophic with respect to the administration of justice in each one of those counties and in the Appellate Districts. It doesn't make sense to do that. I don't know why we can't do what we... what the Sponsors want to do without tinkering around with the Appellate Districts and tinkering around with the judicial system. As a 4th District resident, and as a Republican 4th District resident, and as a lawyer in that district, I ought to be for it, because it adds to the composition of the 4th District in that regard. But why do we need to take a problem, be willing to help Representative Van Duyne and Senator Sangmeister and others with their individual problem, and yet turn around and throw the whole judicial map into a potential situation of chaos, and certainly the administration of justice in a potential situation of chaos? We've been willing to do what they want to do. We've addressed ourselves to the problem. We've said we'll do it. But then this Amendment turns around and says, we want to split counties, the only situation like that of all 102 counties in the state, and we want to change the composition of the Appellate Districts when there's no felt need for that change at all. I suggest that this Amendment ought to be defeated. And if this Amendment gets on, that the Bill ought to be defeated."

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Speaker Braun: "Is there further discussion? The Chair recognizes the Gentleman from Livingston, Representative Ewing."

Ewing: "Would the Sponsor of the Amendment yield?"

Speaker Braun: "She indicates she will."

Ewing: "Peg, both your Circuit and my Circuit are... were affected by the Bill as it still stands, is that correct?"

Breslin: "As unamended, yes."

Ewing: "Yes. We would get Iroquois County in the 11th Circuit, and you would get Kankakee in the 13th, is that it?"

Breslin: "That's correct."

Ewing: "Alright. Your Amendment then makes Will a Circuit of its own. Kankakee and Iroquois a Circuit in their own right?"

Breslin: "Yes."

Ewing: "Now, the controversy is that... or some of the last conversation was that Iroquois though is changed from the 3rd Appellate District to the 4th."

Breslin: "That's correct."

Ewing: "In your Amendment."

Breslin: "No, not in the Amendment. The Bill does that, Sir."

Ewing: "Okay. So, if your Amendment goes on, we would have Will as a separate Circuit, Kankakee and Iroquois as a separate Circuit."

Breslin: "Correct."

Ewing: "No changes in the Appellate District."

Breslin: "There would be... not by the Amendment. But the Bill itself does that. My Amendment doesn't address the change that Senator Sangmeister proposed in the Appellate District. I'm leaving that completely alone."

Ewing: "I see. So, then Iroquois would still be transferred. And that's the difference between your Amendment and Representative Johnson's."

Breslin: "That's correct."

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Ewing: "Is there a reason that you didn't decide to leave Iroquois in the 3rd Appellate?"

Breslin: "The reason was that I couldn't get the Senate Sponsor to agree to it. My request of the Senate Sponsor was that they leave our Circuits alone, and that's what he agreed to, and I think very graciously. So, that is what I'm presenting to the Body."

Ewing: "Madam Speaker, Ladies and Gentlemen of the House, I agree with the Sponsor's decision that we should leave the other Circuits alone. We certainly don't want ours expanded with this other very giant county, which, though very thinly populated, would mean many many miles for travel. I think that the Iroquois County can and should be served closer to home than from the 11th Judicial Circuit. I do agree with Representative Johnson that they should not have... we should've amended the Bill to leave Iroquois County in the 3rd Appellate. For that reason, I would have to join with him in asking that we turn down this Amendment until the Sponsor of the Bill, Senator Sangmeister, who seems to be getting almost everything he wants, comes back around and agrees to leave Iroquois in the 3rd Appellate or come up with a valid reason outside of some political reason or service that it might be for him to take Iroquois out of the 3rd Appellate District. And I would encourage a 'no' vote."

Speaker Braun: "Is there further discussion? The Chair recognizes the Gentleman from Knox, Representative Hawkinson."

Hawkinson: "Thank you, Madam Speaker. I also would agree with the prior speaker that the Representative sponsoring this Amendment has a legitimate concern about retaining the Circuits in the form they're at now and not causing undue harm to the structure of the Circuits. But I agree with

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the immediately prior speaker, that the Sponsor should've also restored the Appellate Districts to where they are now and should not be messing around and changing for whatever reasons the Senate Sponsor has in mind. And we've been offered no legitimate reason for that change of why our 3rd Appellate District, of which I'm a Member, should be changed. And for that same reason I would urge a 'no' vote on this Amendment until we can get this Bill into the shape where we can solve the problems of the Sponsors, Representative Davis and Van Duyne, and give Will County their own Circuit that they deserve without adversely affecting the rest of us in the state. And so, I too urge a 'no' vote."

Speaker Braun: "Is there further discussion? The Chair recognizes the Gentleman from Will, Representative Davis."

Davis: "Thank you, Madam Speaker. I agree with Representative Hawkinson, and I thank him for that. I believe that if you're going to have something that makes sense in terms of the Kankakee and Iroquois Circuit, the Johnson Amendment would've been the right one. And for the reasons that he quoted, now we're going to set up a separate Circuit of 150,000 people in Kankakee and Iroquois County, give them two new Circuit Judges because we've done that that they don't need. The original Bill, as going through the process agreed up to this point, was to give Will its single Circuit and split the two, Iroquois and Kankakee, along the lines of Appellate and Circuit Districts. It seems to me that agreement is being violated here, and the Senator notwithstanding, I think he would have equally as acceded to the Johnson Amendment as this one. But we still incur the wrath of the Supreme Court and the administrators of the Supreme Court by setting up a separate Circuit with two additional Circuit Judges that do not need them, and

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then aggravate the problem by separating that Circuit into two Appellate and two Supreme Court jurisdictions. It just is foolish for the reasons Representative Johnson illudicated, and I think we ought to defeat this Amendment and leave this Bill unamended and go through the process the way it was agreed."

Speaker Braun: "Is there further discussion? The Chair recognizes the Gentleman from DuPage, Representative McCracken."

McCracken: "Will the Sponsor yield? Representative, under current law which of the two counties is in your Circuit if either? Kankakee or Iroquois?"

Speaker Braun: "Representative Breslin."

Breslin: "Neither of those counties are in the 13th Judicial Circuit."

McCracken: "Okay. Where are they? They're in the 11th?"

Breslin: "I believe so."

McCracken: "And what's the purpose for making them a separate Circuit?"

Breslin: "Will County has exceeded the 3,000... 300,000 population mark; and, as a consequence, they believe that with that kind of population they should have a single Circuit."

McCracken: "Well, I understand that. But as far as the other two counties, are they made a separate Circuit?"

Breslin: "They are. Only..."

McCracken: "And... I'm sorry go on."

Breslin: "I think only to accommodate the creation of Will being made a single Circuit."

McCracken: "Well, why is the creation of another Circuit a necessary correlary to the creation of a Will County Circuit? I don't understand."

Breslin: "It isn't a necessary correlary. It is the request of

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Members of this General Assembly."

McCracken: "And who is that?"

Breslin: "Myself. I think Representative Countryman, Representative Johnson, et cetera."

McCracken: "Alright. Now, why have you requested it?"

Breslin: "I've requested it because the change in this Circuit doubles the population and doubles the geographic size of my particular Circuit, the 13th. Every Judge in my Circuit of which the majority are Republicans have requested that this not be allowed. It changes the work load. It... it changes the whole complexion of the Circuit. Right now, the Circuit has a large county in the center with two smaller counties on each side. We all exist along Route 80. There is very easy access into the court system as it is presently constructed. Adding Kankakee to it just completely changes the way the court... the Circuit operates right now. And it is opposed by the judiciary in my Circuit, unanimously."

McCracken: "Now that... what is opposed by the judiciary?"

Breslin: "The Bill as it is presently drafted."

McCracken: "Alright. The Bill as presently... the original Bill is the creation of Will and the movement of Iroquois to the 4th District, is that the extent of the original Bill?"

Breslin: "Correct."

McCracken: "Now, Iroquois is currently in the 11th Circuit."

Breslin: "Correct."

McCracken: "And the movement of Iroquois out of the 11th Circuit creates these logistical problems you're referring to."

Breslin: "No. The movement of Iroquois doesn't affect my Circuit at all. It's... the addition of Kankakee to the Circuit is what creates the problem for my Circuit. And I believe it creates the same problem with Iroquois for Representative Ewing's district and Representative Johnson's district."

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So, we asked the Sponsors to change that to accomodate these Judicial Circuits, and everyone agrees that this Amendment makes this Bill better and makes it more acceptable to the Circuits and the people involved in the administration of those Circuits."

McCracken: "Alright. Well, I'll end the questioning. To the Amendment. Obviously, Representative Ewing and Representative Johnson are not mollified by this Amendment. I think it would be a mistake to conclude that this Amendment is an agreed Amendment. This Amendment, I think more properly speaking, is agreed among the Democrats. And as I've said earlier, the adoption of this Amendment politicizes what we're trying to do for the benefit of Senator Sangmeister and Representative Van Dwyne. Representative Ewing and Johnson have already spoken in debate in opposition to this Amendment. This is not a question merely of logistics at this point. I respectfully submit that it's a question of politics and no amount of debate or reliance upon purported Republican agreement can obviate that fact. It's clearly an attempt at a power grab by the Democrats and I ask you to vote 'no'."

Speaker Braun: "Any further discussion? The Gentleman from DeKalb, Representative Countryman."

Countryman: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I share the 13th Judicial Circuit and represent a part of it with Representative Breslin. And I share her concerns because I've spoken with the Judges there, but I don't feel this is the Amendment that addresses the problem. And I... We offered our Amendment. It was defeated. So, we expect we know what the vote will be over here, but I'd ask that we have a Roll Call. In addition to that, let me say to you that what we're doing here is setting a bad policy. And since this Body is the one that

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sets policy in this state, we're going to set a bad one if we adopt this Amendment. We're going to split up Appellate Circuits, and what's going to happen, it's going to be a precedent. And then next year or the year after, people are going to be down wanting to make up a division that suits them politically and not just on the numbers in a geographic basis and they're going to come down and try to request the Appellate Circuits be redrawn. And, maybe, we'll have to create a new Appellate Circuit, which we probably don't need in this state. Somebody would want to make DuPage County an Appellate Circuit in and of itself. And all kinds of thing will happen. I think what we need to do is maintain consistency in this state and the way to do that is to defeat this Amendment and send the Bill back to the Sponsors, and I think they'll recede and come back with our Amendment. I'd urge a 'no' vote. Thank you."

Speaker Braun: "The Lady has moved for the adoption of Amendment #2. All in favor vote 'aye', opposed vote 'no'. Have all voted who wish? The Gentleman from DuPage, Representative McCracken, for what reason do you rise?"

McCracken: "If this appears to prevail, we're going to move for a verification."

Speaker Braun: "Okay. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 65 voting 'aye', 51 voting 'no'. Representative McCracken has requested a poll of affirm... a verification of the affirmative vote. Representative Countryman will do the verification of the negative vote. Alright, we have several... Representative Van Dwyne requests a Poll of the Absentees. Representative Ewing, for what purpose do you rise?"

Ewing: "Yes, well, I'm sure you'll be verifying the negative after we get through with the positive. Would you... I

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want leave to be verified."

Speaker Braun: "Alright. Let's go through that. Request to be verified, Representative Ewing, Representative Laurino, Representative Currie, Representative Terzich, Representative McGann, Representative... Representative Phelps, Representative McPike, Representative Levin, Representative White, Representative Christensen, Representative Wolf, Sam, Representative McNamara, Representative Dunn, Representative Nash, Representative Vitek, Representative LeFlore, Representative Hartke, Representative Leverenz. Any further? Representative Curran. Any further? Representative Brunsvold. Any further? Representative McCracken, for what reason do you rise?"

McCracken: "I'm not giving leave. You... you... you know, you've sought to do this before we've had any meaningful opportunity to observe their presence and I'm not giving leave for a verification. Everybody sit and wait."

Speaker Braun: "Representative McCracken objects to leave being granted. Representative Countryman?"

Countryman: "He asked it for and he's going to do it."

Speaker Braun: "Alright, Representative McCracken is going to do the verification since he has made the request. He has objected to leave being granted that the names that I repeated... Alright, well, then we'll have to vote on it. Leave has been... Let's have order. Proceed with the verification. Representative Matijevich."

Matijevich: "Madam Speaker... Tom, I would hope that you do this this way. AS she was calling that name, for example, Jesse White is my seatmate, and she said leave granted for and she would name people off and as she named them off, they left. So, Tom, I would hope that you object only to the last person named because really they had every right

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to object because she didn't... she said leave for, for example, Jesse White, he left, then she went on to another name. And maybe, you wanted to object to all of them, but they didn't know that. So, in fairness to them, they've already left, Tom. I would hope you understand our feeling because they've already left."

Speaker Braun: "Okay. Proceeding with the Poll of the Absent... Representative McCracken, for what reason do you rise?"

McCracken: "I don't... I don't make this move lightly, John. I think you observed as well as I the rapidity with which these leaves were sought and the fact that I was waving my arms and had pressed my light. I do not do this lightly, but I think that this, for the first time this year, was done in a manner which effectively obviated our ability to verify. I mean no disrespect to the Chair or the Membership or to you."

Speaker Braun: "Representative McCracken."

McCracken: "But the practical effect..."

Speaker Braun: "Representative McCracken. Representative McCracken, the Chair will rule on this matter. The leave was granted to those individuals who were in the chamber... who were in the chamber... Hold on. I will recognize those seeking recognition after I finish making my own statement. The Gentlemen were in the chamber. They requested leave. Leave was granted. Representative McCracken's point is well taken as for the last person for whom leave was requested and granted was Representative Brunsvold. Representative Brunsvold is in the chamber. You have objected to leave being granted in his case. Now, Representative Vinson."

Vinson: "Madam Speaker, I draw the Chair's attention to Rule 58. It explicitly describes how a verification has to be conducted. If you don't wish to conduct the verification,

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then you got to go to an Oral Roll Call. You can't grant leave when a Gentleman's light's on. You can't grant leave without asking for leave of the chamber, and that's what you're seeking to do. Now, they have a remedy. They can move to suspend the rule, but that takes a vote, and you can't do it without that. What you're doing is the most atrocious violation of the rules this Session. Absolutely wrong."

Speaker Braun: "There are several people seeking recognition. Why don't we proceed with the Poll of the Absentees, proceed with the verification in the normal course. If there is a controversy about anyone who you request to knock off, then we'll proceed with that, but I have made the ruling already, Mr. Vinson. And it's impossible to take a vote while we're still verifying the vote on Amendment #2. Now, Representative Vinson."

Vinson: "I just want it understood that if we're proceeding with a normal verification, no leave's have been granted. Now, if you want to dump that and go to an Oral Verified Roll Call, you've got the right to do that. Somebody wants to move to suspend the rules, you've got the right to do that, but you cannot make your rules as you go. You got to live with the rules your Party adopted."

Speaker Braun: "Representative Davis."

Davis: "Madam Speaker, the tape will clearly indicate if you play it back that the Chair was asking... asking, saying that Representative, whoever it was, was asking for leave to be verified. They weren't asking the Chair, Madam Speaker. They were asking Representative McCracken, the requester of the verification. Now, you know that and I know that. And you do have a remedy here and you can approach that remedy, but this is very sensitive issue as you can well imagine."

Speaker Braun: "I understand. I understand."

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Davis: "Madam Speaker..."

Speaker Braun: "Representative Davis, let me suggest that we proceed with the verification. All of this debate may be irrelevant. The verification will depend... It may be irrelevant because the verification will depend on whether or not you challenge someone who is not in the chamber, but who requested leave. Representative Daniels."

Daniels: "Madam Speaker, just so we have a clear understanding. There has not been leave been granted to anybody on this verified Roll Call. Is that correct? Representative Vitek is the only one that we grant leave to. Is that understood?"

Speaker Braun: "I'm sorry. What did you say, now?"

Daniels: "We grant leave on this verified Roll Call to Representative Vitek only. Is that clearly understood? No other individual has had leave on this verified Roll Call."

Speaker Braun: "Representative Daniels, the ruling of the Chair was that the names that had been read out with the exception of Representative Brunsvold had been granted leave to be verified."

Daniels: "And are you telling me that leave was granted? Is that what you're saying, Madam Speaker?"

Speaker Braun: "Yes."

Daniels: "Well, Madam Speaker, I want to tell you something. When you ask for leave of the House, it requires unanimous leave and unanimous leave has not been granted. Now, if you're telling us that it was, then you're misrepresenting to this House and to the people of Illinois and you got a lot more problems than on this single partisan Roll Call that you're trying to cram down our throat. Now, how do you want it? If you want to bring this thing to a halt, if you want to cause the problems right now, Madam Speaker, then you go right ahead. But I'm going to tell you

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something, leave has not been granted and we don't intend to."

Speaker Braun: "Alright. There is no reason we should hold up the floor on this debate. Let us..."

Daniels: "Turn that around."

Speaker Braun: "Let us... let us start over. Let us start over. No leaves will be granted pursuant to Representative Daniels' request. Mr. Clerk, start the verification. We're going to start up fresh, Representative Van Duyne. We're just... we're going to start. There are 65 voting 'yes', 51 voting 'no'. Representative Van Duyne requests a Poll of the Absentees."

Clerk Leone: "Poll of the Absentees. Satterthwaite. Sutker. No further."

Speaker Braun: "Representative... For what reason does Representative McNamara rise?"

McNamara: "Just as a point of order that Representative Vitek was verified by the other side as well. So, I just wanted to make that point..."

Speaker Braun: "That is correct. That is correct. Now, there has been a request for a verification. Mr. Clerk, poll the affirmative."

Clerk Leone: "Poll of the affirmative. Alexander. Berrios. Bowman. Braun. Breslin. Brookins. Brunsvold. Bullock. Capparelli. Christensen. Cullerton. Curran. Currie. DeJaegher. DeLeo. Dunn. Farley. Flinn. Flowers. Giglio."

Speaker Braun: "Mr. Clerk, one moment. For what reason does Representative Dunn rise?"

Dunn: "Hadam Speaker, may I have leave to be verified?"

Speaker Braun: "Is leave granted for... There is an objection. There will be leaves given. Proceed."

Clerk Leone: "Giglio. Giorgi. Greiman. Hannig. Hartke.

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Hicks. Homer. Huff. Keane. Krska. Kulas. Laurino.
LeFlore. Leverenz. Levin. Matijevich. Mautino. McGann.
McNamara. McPike. Mulcahey. Nash. O'Connell.
Panayotovich. Pangle. Phelps. Preston. Rea. Rice.
Richmond. Ronan. Saltsman. Shaw. Soliz. Steczo.
Stern. Terzich. Turner. Van Duynes. Vitek. Washington.
White. Wolf. Anthony Young. Wyvetter Younge and Mr.
Speaker."

Speaker Braun: "Representative McCracken, any questions of the affirmative votes?"

McCracken: "Thank you. Representative Berrios."

Speaker Braun: "Representative Berrios. Representative Berrios. Is the Gentleman in the chamber? He's not. Remove him."

McCracken: "Thank you. Representative Brunsvold."

Speaker Braun: "Representative Brunsvold is in his chair."

McCracken: "Representative Bullock."

Speaker Braun: "Representative Bullock. Is the Gentleman in the chamber? Remove him."

McCracken: "Representative Capparelli."

Speaker Braun: "Representative Capparelli. Is the Gentleman in the chamber? He appears not to be. Remove him."

McCracken: "Representative Cullerton."

Speaker Braun: "Representative Cullerton. Is the Gentleman in the chamber? He appears not to be. Remove him."

McCracken: "Okay. Representative DeJaegher."

Speaker Braun: "Representative Cullerton has returned to the chamber. Return him to the Roll Call. Representative DeJaegher is in his seat."

McCracken: "Representative Nash."

Speaker Braun: "Representative Nash. Representative Nash is in the chamber."

McCracken: "Representative Farley."

Speaker Braun: "Representative Farley is in the chamber."

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McCracken: "Representative Giorgi."

Speaker Braun: "Representative Giorgi."

McCracken: "I'm sorry. I'm sorry. I see him. Representative Greiman."

Speaker Braun: "Representative Greiman. Representative Greiman. Gentleman is not in the chamber. Remove him. Representative Berrios has returned. Return him to the Roll Call."

McCracken: "Representative Hicks."

Speaker Braun: "Representative Hicks is in the chamber."

McCracken: "Representative Keane."

Speaker Braun: "Representative Keane. Is the Gentleman in the chamber? Appears not to be."

McCracken: "Representative Krska."

Speaker Braun: "One second. Representative McCracken, you did not challenge Representative Capparelli, did you?"

McCracken: "Yes, I did."

Speaker Braun: "You did. Representative Capparelli has returned to the chamber. Return him to the Roll Call."

McCracken: "Representative Krska."

Speaker Braun: "Representative Krska. Is the Gentleman in the chamber? He appears not to be. Remove him."

McCracken: "Representative Laurino."

Speaker Braun: "Representative Laurino. Is the Gentleman in the chamber? He appears not to be. Remove him. Representative Greiman has returned to the chamber. Return him to the Roll Call."

McCracken: "Representative McGann."

Speaker Braun: "Representative McGann. Is the Gentleman in the chamber? He appears not to be. Remove him."

McCracken: "Representative McPike."

Speaker Braun: "Representative McPike. Representative McPike. Is the Gentleman in the chamber? He appears not to be."

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Remove him."

McCracken: "Representative Phelps."

Speaker Braun: "Representative Phelps has returned to the chamber. Representative McGann has returned to the chamber. Representative MCPike has returned to the chamber. Return all of those Gentlemen to the Roll Call."

McCracken: "Representative Richmond."

Speaker Braun: "Representative Richmond. Representative Richmond. Is the Gentleman in the chamber? He appears not to be. Remove him. Representatives Laurino and Bullock have returned to the chamber. Return them to the Roll Call."

McCracken: "Representative... Representative Shaw."

Speaker Braun: "Representative Shaw is in his seat."

McCracken: "I'm sorry. Nothing further."

Speaker Braun: "Mr. Clerk. On this question there are 57 voting 'aye', 51 voting 'no' and none voting 'present'. Amendment #2 is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Braun: "Third Reading. The Chair recognizes the Gentleman from Will, Representative Van Duyne. Representative Van Duyne."

Van Duyne: "Thank you, Madam Speaker. I'd like to have leave for immediate consideration of House Bill... I mean, Senate Bill 413 as amended."

Speaker Braun: "The Gentleman requests leave for immediate consideration of Senate Bill 413. All in favor say 'aye', opposed 'no'. The 'ayes' have it. Leave by the Attendance Roll Call. Senate Bill 413."

Clerk Leone: "Senate Bill 413, a Bill for an Act reapportioning Judicial Districts and Judicial Circuits. Third Reading of the Bill."

Speaker Braun: "Representative Van Duyne."

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Van Duyne: "Thank you, Madam Speaker. They almost had me. I'd like leave to withdraw that request and would you allow me to come back to it later?"

Speaker Braun: "Out of the record. Out of the record."

Van Duyne: "Thank you."

Speaker Braun: "Moving right along. On page three of the Calendar appears Senate Bill 517, Representative Countryman. Gentleman from DeKalb, Representative Countryman, on 517. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 517, a Bill for an Act to add Sections to the Consumer Fraud and Deceptive Business Practices Act. Third Reading of the Bill."

Speaker Braun: "Representative Countryman."

Countryman: "Thank you, Madam Speaker. Senate Bill 517 amends the Consumer Fraud Act to permit a purchaser or renter of a time share real estate located outside of Illinois to cancel a contract within three business days following the day in which the contract was signed or the sale was made. It requires the contract shall contain a notice of cancellation which can be sent to the seller. This Bill is a good Bill which, in essence, would allow people who sometimes don't understand what time sharing is the right of cancellation within three full business days. It makes other provisions for how that cancellation shall be carried out, and I move for its favorable passage."

Speaker Braun: "The Gentleman has moved for the passage of Senate Bill 517. On that, is there any discussion? The Gentleman from Cook, Representative Levin."

Levin: "Will the Sponsor yield for a question?"

Speaker Braun: "He indicates he will."

Levin: "This is something we've talked about and I just, you know, like to try to get something in the record on this. You know, we have passed or in the process of passing two

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comprehensive time sharing Bills that are identical - one in the House and one in the Senate, which as they are amended... or to be amended will provide a right of rescission on three business days and that's defined as excluding Saturday, Sunday and holidays. So, there appears to be an inconsistency between those time sharing Bills which are sponsored by the realtors and this particular Bill. How would you overcome that or would you urge the Governor to amend one or the other to make them consistent?"

Countryman: "Well, Representative Levin, I don't think it's inconsistent. You said the time share Bills would say three business days and this Bill provides for three full business days. And I believe a business day is clearly not a Saturday or Sunday."

Levin: "Alright. So, that you're suggesting then that your definition for the purpose of this Bill of a business day is to exclude Saturday, Sunday or holidays so then that it would, in fact, be consistent with Senate Bill 417 and House Bill 650 as they're amended or about to be amended."

Countryman: "That's correct, and this amends the Consumer Fraud Act, the Consumer Fraud Act as other instances where it uses three business days. And I believe that's the context in which they've always been construed."

Levin: "Thank you."

Speaker Braun: "Any further discussion? The Gentleman from Macon, Representative Tate."

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

Speaker Braun: "Indicates he will."

Tate: "As Representative Levin has already indicated, the House has passed out House Bill 650, a comprehensive time sharing regulation Bill proposed by the Association of Illinois Realtors. That Bill both included both in-state and

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out-of-state arrangements. And your Bill, if I'm under... is not totally consistent upon that. Given a... the circumstances that both Bills would go to the Governor's desk, would you recommend to the Governor that he signs your Bill over the more comprehensive Bill?"

Countryman: "Well, I can see no reason why I couldn't recommend the Governor to sign both Bills, and I believe I indicated that to you. I don't see any major inconsistency here, Representative Tate. This Bill only applies to time shares outside the State of Illinois. The Bill which you referred to applies to both inside and outside. And I think that they can be under both real estate provisions in the statute and under the Consumer Fraud Act."

Tate: "Thank you."

Countryman: "Is there further discussion? There being none, the question is, 'Shall Senate Bill 517 pass?' All in favor vote 'aye', all opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill there are 113 voting 'ays', none voting 'no', 2 voting 'present'. Senate Bill 517, having received the Constitutional Majority, hereby declared passed. On page 13 of the Calendar appears Senate Bill 533, Representative O'Connell. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 533, a Bill for an Act in relationship to the administration of probation departments and the delivery of probation services. Second Reading of the Bill. No Committee Amendments."

Speaker Braun: "Any Motions filed? I mean, any Floor Amendments?"

Clerk Leone: "No Floor Amendments."

Speaker Braun: "Third Reading. Representative O'Connell."

O'Connell: "Thank you, Madam Speaker. Senate Bill 533 provides

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that the Chief Circuit Judge shall have general administrative and supervisory responsibility over the director of the court services department or the chief probation officer. It provides that court..."

Speaker Braun: "Representative O'Connell, would you give the Clerk a chance to read the Bill again? Mr. Clerk."

Clerk Leone: "Senate Bill 533, a Bill for an Act in relationship to the administration of probation departments and the delivery of probation services. Third Reading of the Bill."

Speaker Braun: "Representative O'Connell, you may proceed."

O'Connell: "Thank you, Madam Speaker. In addition to the Chief Circuit Judge having supervisory authority or administrative and supervisory authority over the court services department or the chief probation officer, provides that court services or probation officers shall be appointed from a list of qualified applicants supplied by the administrative office of the Illinois court. And it provides also that the appointment of probation or court services officers shall be governed by the Probation Officer Act. I know of no opposition to this Bill, and I'd ask for a favorable vote."

Speaker Braun: "The Gentleman has moved for the passage of Senate Bill 533. On that, is there any discussion? There being none, the question is, 'Shall Senate Bill 533 pass?' All in favor vote 'aye', opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 114 voting 'aye', 1 voting 'no'. Senate Bill 533, having received the Constitutional Majority, is hereby declared passed. On page 21 of the Calendar appears Senate Bill 749, Representative Ewing. Representative Ewing. Out of the record. Senate Bill... On page nine of the Calendar,

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Senate Bill 762, Representative Homer. Oh, Representative Ewing has returned to the chamber. Mr. Clerk, we will go back to Senate Bill 749. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 749, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. It's been read a second time previously. No Committee Amendments."

Speaker Braun: "Any Floor Amendments?"

Clerk Leone: "Floor Amendment #1, John Dunn, amends Senate Bill 749 on page three and so forth."

Speaker Braun: "Representative Dunn."

Dunn: "Thank you, Madam Speaker. I ask leave to withdraw Amendment #1."

Speaker Braun: "Amendment #1 is withdrawn. Any further Amendments?"

Clerk Leone: "Floor Amendment #2, John Dunn, amends Senate Bill 749."

Speaker Braun: "Representative Dunn."

Dunn: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Amendment #2 is a clarification Amendment. As the Membership, knows this Bill relates to joint custody awards in disputed child custody cases. And the Amendment provides that the presumption that maximum involvement is good, which is the main thrust of the Bill, shall not be construed as a presumption that an order awarding joint custody is necessarily in the best interest of the child. I would ask for favorable adoption of the Amendment."

Speaker Braun: "The Gentleman has moved for the adoption of Amendment #2. On that, is there any discussion? The Chair recognize the Gentleman from Livingston, Representative Ewing."

Ewing: "I'm in agreement with this Amendment."

Speaker Braun: "The Gentleman has moved for the adoption of

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Amendment #2. All in favor say 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Amendment #2 is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Braun: "Third Reading. Representative Ewing."

Ewing: "Ask leave to here the Bill on Third now."

Speaker Braun: "The Gentleman requests leave for immediate consideration of Senate Bill 749. Is leave granted? Leave is granted by the Attendance Roll Call. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 749, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. Third Reading of the Bill."

Speaker Braun: "The Chair recognizes the Gentleman from Livingston, Representative Ewing, on Senate Bill 749."

Ewing: "Madam Speaker, Ladies and Gentlemen of the House, I think this Bill as amended is a very good piece of legislation. It creates the... a Section in our Dissolution of Marriage Act dealing with parentage and parenting agreements to be entered into by parents who are having their marriage dissolved. It provides for... generally for an agreement for joint custody of our young people and young people of couples who are divorcing. I feel very, very strongly that this is a very good improvement to the joint custody provisions that we already have in our statute. And I believe that joint custody can have and does have some very tremendous potential for our family life in this state. First of all, let me tell you that if - and in most cases it's the father - if you continue to have joint responsibility, joint custody for your children, I think you're going to have a great deal more impetus to take care of your financial responsibility and that is very important to the State of Illinois who so often has to pick up some

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of the financial responsibility for children from divorced homes. Number two, I think with the joint custody and the joint responsibility, you as the parent, as the spouse, whichever one you might be, continues to have a strong feeling for what's happening in your children's lives and I think this is very valuable, not only to the parent, but even more valuable to the children to feel that they, while their family may have been split, that they continue to have the interest, the support and the input from both parents. And I would ask for a strong vote for this Bill which I think is a vote for our children and for a solution to a very serious problem that arises on dissolution of marriage. Be glad to answer any questions."

Speaker Braun: "The Gentleman has moved for the passage of Senate Bill 749. There being no discussion. The question is, 'Shall Senate Bill 749 pass?' All in favor vote 'aye', opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 114 voting 'aye', none voting 'no', 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared. On page nine of your Calendar appears Senate Bill 762, Representative Homer. Representative Homer. Out of the record. Senate Bill... On page 22 of the Calendar appears Senate Bill 924, Representative O'Connell. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 924, a Bill for an Act relating to contractors' and material men's liens known as mechanics' liens. Second Reading of the Bill. No Committee Amendments."

Speaker Braun: "Any Floor Amendments?"

Clerk Leone: "There are none."

Speaker Braun: "Third Reading. Representative O'Connell requests

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immediate consideration of Senate Bill 824. Is leave granted? Leave is granted. The Bill will be read on the Attendance Roll Call. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 824, a Bill for an Act relating to contractors' and material men's liens known as mechanics' liens. Third Reading of the Bill."

Speaker Braun: "The Chair recognizes the Gentleman from Cook, Representative O'Connell."

O'Connell: "Thank you, Madam Speaker. Present law provides that a mechanic's lien can be imposed on property for those persons who improve the health or structure of the property itself. It does not provide for a lien coverage for persons who manage a structure. Even though the enhancement of the value of that property has... can be attributed to the management of the property, those people such as realtors, who managed property, do not have any lien recourse if the individual property owner refuses or does not compensate for the enhancement of that value. What Senate Bill 824 does is to give a lien to any person who manages a structure, also to architects, structural or professional engineers, land surveyors or property managers who incur any expense in relation to the structure. I'll be happy to answer any questions."

Speaker Braun: "The Gentleman has moved for the passage of Senate Bill 824. On that, the Chair recognizes the Gentleman from Winnebago, Representative Hallock."

Hallock: "Will the Sponsor yield for a question?"

Speaker Braun: "Indicates he will."

Hallock: "The Mechanics' Lien Act traditionally has been one which would allow the lien to be addressed in those cases where there have been services or materials provided which, in fact, have increased the value and so on of the project. Can you explain why we're deviating from that?"

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O'Connell: "Well, we're drawing... Presently, there is a legal distinction between enhancement of value for tangible improvements and intangible improvements. The bottom line, however, is that the property's value has been enhanced. I'm saying is that the law should be amended, to afford in those instances as set forth in the Bill, that properties value is enhanced, that the amount of the enhancement or the expenses that are incurred by the person such as the property manager should be protected in the form of a lien."

Hallock: "Well, more specifically then, what type of expenses or obligations being incurred are you contemplating here? I think that... I suppose ethereally or overall in terms of concept, it sounds fine, but what specifically are you discussing?"

O'Connell: "Well, for example, if a property manager provides management services or if the property manager advances money for the improvement of commercial real estate for the benefit of the owner, that would be compensated in the form of a lien or protected in the form of a lien."

Hallock: "Do the property managers in the state feel that they really have had in the past no other recourse in this area?"

O'Connell: "In many instances, they don't, where the, in a civil action, where the property owner has no value other than the property itself which may already have been liened by contractors and material men. There is no recourse to the property because there is no lien rights."

Hallock: "Thank you."

Speaker Braun: "Is there further discussion? The Chair recognizes the Gentleman from DeKalb, Representative Countryman."

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

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Speaker Braun: "He indicates he will."

Countryman: "Representative O'Connell, I've done a few mechanics' lien cases and, I guess, assume that you probably have too, since you're sponsoring this legislation. What happens if there is an existing mortgage on the property and after that mortgage is recorded, the person files the lien for management services? Does it have a priority over the mortgage? Is it prior to the mortgage?"

O'Connell: "Prior time is prior and right. Robert 'Cradable'. Well, no. In answer to your question, no. If the mortgage is recorded prior to the management services are rendered and by the very nature of the management service, it would have to be, it would not have a priority over the original mortgage."

Countryman: "Well, the cases which I've been involved with are really kind of the opposite where the enhancement occurs after the mortgage is placed on there and the lending institution knows that the services are to be rendered. For instance, if they're going to build a building, they put the mortgage on and they know that the building's going to be built, then the person... the contractor comes in and files a mechanic's lien. They're usually held to have a priority over the mortgage, unless the mortgagee saw fit to make sure they got paid."

O'Connell: "Well, that would be a hidden lien and that's why we have title policies to protect against that. But, in this case where you're advancing cost or managing... exercising managing responsibilities, there is a contract that's executed between the property manager and the property owner and that would, by its very nature, occur after the fee simple title vested with the owner and, accordingly, the mortgage would have preceded that."

Countryman: "Can the contract contain a provision waiving the

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lien?"

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

Countryman: "Can the contract for management services contain a provision waiving the lien in the contract?"

O'Connell: "There is no statutory prohibition, Representative, but it... I'm not aware of any contract between a realtor or the property owner where the realtor would presume that the property owner would, in fact, waive prior lien rights for management services. I think that's an extreme hypothetical."

Countryman: "Would the general provisions of the mechanics' lien law dealing with statute of limitations and the notice provisions to, I believe there is 90 day and 120 day notice provision, would they be applicable to these same provisions?"

O'Connell: "All the notice provisions, all the filing provisions would be applicable to this. We're simply including under the current mechanics' lien laws and all the provisions inherent therein, the person who manages property or advances sums."

Countryman: "In the expenses that are provided for, do they have to fall within the same time frames?"

Speaker Braun: "Representative Breslin in the Chair."

O'Connell: "I'm sorry, the expenses?"

Countryman: "Yes. As I understand this Bill, if you are the property manager of a property and you advance some money to repair some siding or something like that, then you can file a lien, not only for your services, but for the money that you've advanced. Is that right?"

O'Connell: "That's correct, because that would be part of the total services value."

Countryman: "Well, would it be fair to say that the person who actually the siding contractor would still have his lien

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too, is that right?"

O'Connell: "Correct."

Countryman: "So, but... the only instance where you would file that lien would be where you have paid him and he's been discharged. Would that be your feeling on this?"

O'Connell: "Where the siding subcontractor had been... had enhanced the value of the property through his work, he's given lien. The... If the manager of the property advanced the expenses to pay the original subcontractor totally, that lien would extinguish by the fact that it was satisfied. If, however, a portion of the subcontractor's billing statements were paid, there'll be a partial waiver or there would probably be a partial waiver, but not a complete waiver."

Countryman: "Would the method for which you sought recovery, if you were the property manager, be based upon a contractual amount or quantum meruit amount?"

O'Connell: "Well, I would not waive quantum meruit. I... I... If my contract spelled out the cost, the services to be rendered in the compensation therein and I actually performed them, I would prefer to go on the contract. If, for some reason, that the contract didn't spell out something that I actually did, but did not get paid for and came within the role of my role as property manager, I would exercise my right to quantum meruit but that does not have anything to do with the filing of the lien. It's simply the foreclosure of the lien."

Countryman: "Well, when you give the right to file a lien, that gives a right to foreclose it, doesn't it?"

O'Connell: "Correct."

Countryman: "And right now a property manager does not have a right to file a lien."

O'Connell: "That's correct."

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Countryman: "Does somebody who's... just installs carpet have a right to file a lien?"

O'Connell: "If he's a material man, yes. Under existing law, he does."

Countryman: "Does a lawyer who renders services on a piece of real of estate have a right to file a lien?"

O'Connell: "No."

Countryman: "Well, to... Madam Speaker, to the Bill."

Speaker Breslin: "Proceed."

Countryman: "I'm probably the only Member of the House who has a problem with this Bill and I know it's supported by and I respect its Sponsor, but I do have a problem with this Bill. I think we're expanding the area of mechanics' lien law. Mechanics' lien law is one of the most difficult areas of the law in this state and to expand it to people for property management, I only have a problem with the expense provision, if the expenses were for services legitimately rendered and confer the benefit upon the property. But management services are not the types of things that are ordinary lienable and they're not the types of things that are dealt with in new construction or remodeling, and I think we open up a Pandora's box. And I would urge a 'no' vote in this Bill."

Speaker Breslin: "The Gentleman from Cook, Representative Kulas."

Kulas: "Thank you, Madam Speaker. Not being a lawyer or slum landlord, I move the previous question."

Speaker Breslin: "The Gentleman has moved the previous question. The question is, 'Shall the main question be put?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the main question is put. Representative O'Connell, to close."

O'Connell: "Thank you, Madam Speaker. Really the issue here is often real estate is managed by individuals who render

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services. The services are reflected in increased value to the property. There is no distinction in the amount of the value that this property service manager may render as opposed to the siding contractor who also increases the value of the property. The only problem is, under existing law the individual property manager does not have any recourse under the lien rights that attach itself to that property of which value he has rendered. The Bill is supported by the Illinois Realtors' Association, and I would submit that it is a positive step. It's a fair Bill and I would ask for its favorable adoption."

Speaker Breslin: "The question is, 'Shall Senate Bill 824 be adopted?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative Klemm, one minute to explain your vote. No. Representative Preston, one minute to explain your vote. Both Gentlemen indicating they do not wish to explain their vote. This is final action. Have all voted who wish? The Clerk will take the record. On this question there are 108 voting 'aye', 2 voting 'no', and 3 voting 'present'. This Bill, having... Representative Shaw wishes to vote 'aye'. There are, therefore, 109 voting 'aye', 2 voting 'no', and 3 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 856, Representative Frederick. That is on the Special Consent Calendar, so we will pass that, Representative. Senate Bill 887, Representative O'Connell. Clerk, read the Bill."

Clerk Leone: "Senate Bill 887, a Bill for an Act to add Sections to the Code of Civil Procedure. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Breslin: "Are there any Motions filed?"

Clerk Leone: "No Motions filed."

Speaker Breslin: "Are there any Floor Amendments?"

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Clerk Leone: "Floor Amendment #2, O'Connell, amends Senate Bill 887."

Speaker Breslin: "Representative O'Connell, on Amendment #2."

O'Connell: "Thank you, Madam Speaker. What Amendment #2 provided was it inserted the word 'physical' in relation to health as opposed to physical or mental health. It was discussed in Committee. I believe there is no opposition to it. It simply provides for physical health."

Speaker Breslin: "The Gentleman has moved for the passage or the adoption of Amendment #2 to Senate Bill 987. And on that question, the Gentleman from Cook, Representative Bowman."

Bowman: "I request a Roll Call vote on this Amendment. Indeed, there is opposition to this Amendment. I believe the Amendment makes a bad Bill much worse, and I would request a Roll Call."

Speaker Breslin: "Is there any further discussion? There being no further discussion, the question is, 'Shall Amendment #2 to Senate Bill 887 be adopted?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 72 voting 'aye', 34 voting 'no', and 2 voting 'present'. And this Bill... this Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Breslin: "Third Reading. Representative Hartke, for what reason do you rise? The Bill has not been presented. It has only been moved to Third Reading. Representative O'Connell, do you wish to have this Bill heard immediately as amended? Representative O'Connell now asks leave for immediate consideration of Senate Bill 987. And on that question, there is an objection. What is your pleasure, Representative."

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O'Connell: "Madam Speaker, I would now move that the Bill heard... be heard on Third Reading."

Speaker Breslin: "Representative O'Connell moves that Senate Bill 987 as amended be heard immediately on Third Reading. All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This Motion requires 71 votes for adoption. Representative Bowman, to explain his vote."

Bowman: "No, Madam, to request a verification of the Roll Call."

Speaker Breslin: "The Gentleman has asked for a verification should it receive the necessary votes. The Clerk will take the record. On this question there are 90 voting 'aye', 29 voting 'no', and 2 voting 'present'. Representative Bowman, do you persist in your request? He does. Mr. Clerk, would you poll the affirmative? Representative Keane, for reason do you rise?"

Keane: "To be verified."

Speaker Breslin: "Representative Keane asks leave to be verified. And that is granted. Representative Vinson, for what reason do you rise?"

Vinson: "Same request."

Speaker Breslin: "Representative Bowman. There are objections, Mr. Vinson. Representative Piel."

Piel: "Leave to be verified."

Speaker Breslin: "Representative Piel has asked leave. There are objections, Representative Piel. Please poll the affirmative."

Clerk Leone: "Poll of the Affirmative. Barger. Barnes. Berrios. Brookins. Brunsvold. Capparelli. Christensen. Countryman. Curran. Daniels. Davis. DeJaegher. DeLeo. Ewing. Farley. Flinn. Flowers. Dwight Friedrich. Giglio. Goforth. Hallock. Hannig. Harris. Hartke. Hastert. Hawkinson. Hensel. Hicks. Hoffman. Homer. Huff. Johnson. Keane. Kirkland. Koehler. Kubik.

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Kulas. Laurino. LeFlore. Leverenz. Mautino. Mays.
McAuliffe. McCracken. McGann. McNamara. Mulcahey.
Nash. O'Connell. Olson. Panayotovitch. Pangle.
Parcells. Parke."

Speaker Breslin: "Excuse me, Mr. Clerk. Representative Cullerton, for what reason do you rise?"

Cullerton: "I wish to change my vote to 'present' please."

Speaker Breslin: "Representative Cullerton changes his vote from 'no' to 'present'. Representative Klenm wishes to be recorded as voting 'no'. Representative Flowers wishes to change her vote from 'aye' to 'no'. Representative Tate."

Tate: "I'd like to ask leave to be verified."

Speaker Breslin: "Representative Tate has asked leave to be verified. And, Ladies and Gentlemen, I have discussed this with the Parliamentarian. It has always been the practice to request that leave of the person seeking the verification. Representative Bowman is the person seeking the verification and he agrees to give leave. Therefore, the Gentleman has leave. Representative Vinson asks the same request, Representative Bowman. And he is granted leave. Representative Johnson makes the same request, and he is given leave. Representative Kirkland wishes recognition to change his vote from 'aye' to 'no'. Representative Hicks changes his vote from 'aye' to 'no'. This Motion requires 71 votes for adoption. Mr. Clerk, how many votes does it have? Okay, the Bill has 77 votes right now. Are there more to be polled? Proceed with the poll."

Clerk Leone: "Continuing with the Poll of the Affirmative. Bernard Pedersen. Phelps. Piel. Pullen. Rea. Began. Rice. Richmond. Ronan. Ryder. Saltsman. Soliz. Stange. Stephens. Tate. Terzich. Van Duyne. Vinson. Vitek. Washington. Weaver. Williamson. Wojcik. Wolf.

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Wyvetter Younge and Mr. Speaker."

Speaker Breslin: "Representative Bowman, do you have any questions of the Affirmative Roll Call?"

Bowman: "Davis. Davis."

Speaker Breslin: "Representative Davis. Is the Gentleman in the chamber? How is the Gentleman recorded?"

Clerk Leone: "The Gentleman is recorded as voting 'aye'."

Speaker Breslin: "Remove him."

Bowman: "Ryder. Madam Chair (sic - Speaker), Ryder is seeking recognition. If he wants to change his vote..."

Speaker Breslin: "You'll have to..."

Bowman: "Okay."

Speaker Breslin: "You'll have to speak louder, Representative."

Bowman: "Representative Ryder was seeking recognition."

Speaker Breslin: "Representative Ryder, for what reason do you rise?"

Ryder: "Thank you, Madam Chairman (sic - Speaker), I'd ask leave to be verified, please."

Speaker Breslin: "The Gentleman asks leave to be verified and that is granted. Representative Panayotovich makes the same request, Sir. And that is granted."

Bowman: "Ewing."

Speaker Breslin: "I can't hear you."

Bowman: "Ewing."

Speaker Breslin: "Representative Ewing. Is the Gentleman in the chamber? The Gentleman is not in the chamber. Remove him."

Bowman: "Farley."

Speaker Breslin: "Representative Farley. Is the Gentleman in the chamber? The Gentleman is not in the chamber. Remove him. Representative Brookins, for what reason do you rise? The Gentleman changes his vote from 'aye' to 'no'. Representative Washington changes his vote from 'aye' to

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'no'. Representative Soliz changes his vote from 'aye' to 'no'. Representative Younge changes her vote from 'aye' to 'no'. Representative Rice changes his vote from 'aye' to 'no'. Younge and Rice. Representative Christensen changes his vote from 'aye' to 'no'."

Bowman: "Giglio."

Speaker Breslin: "Representative Giglio is in the chamber."

Bowman: "Huff."

Speaker Breslin: "Representative Huff. The Gentleman is in the chamber."

Bowman: "Harris."

Speaker Breslin: "Representative LeFlore. Representative LeFlore changes his vote from 'aye' to 'no'. Representative Harris is in the chamber."

Bowman: "Laurino."

Speaker Breslin: "Representative Laurino. Is the Gentleman in the chamber? Remove him."

Bowman: "Parcells."

Speaker Breslin: "Representative Parcells is not in the chamber. Representative Parcells is in the chamber."

Bowman: "Nash."

Speaker Breslin: "Representative Nash. Representative Nash. Is the Gentleman in the Chamber? He is not. Remove him."

Bowman: "Regan. I... I withdraw that. Ronan."

Speaker Breslin: "Representative Ronan. The Gentleman is in the chamber."

Bowman: "Terzich."

Speaker Breslin: "Representative Terzich. Representative Terzich. Is the Gentleman in the chamber? He is not. Remove him."

Bowman: "Parke. Parke."

Speaker Breslin: "Representative Parke is in his seat."

Bowman: "Barnes."

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Speaker Breslin: "Representative Barnes. Representative Barnes. The Lady is not in the chamber. Remove her. Representative Davis, for what reason do you rise?"

Davis: "Return to the Roll Call..."

Speaker Breslin: "Representative Davis has returned to the chamber. Add him to the Roll Call. Representative Laurino has returned to the chamber. Add him to the Roll Call."

Bowman: "No further questions."

Speaker Breslin: "What is the count, Mr. Clerk? Representative Farley has returned to the chamber. Add him to the Roll Call. Representative Nash has returned to the chamber. Add him to the Roll Call. Representative Ewing has returned to the chamber. Add him to the Roll Call. Representative Huff, for what reason do you rise?"

Huff: "Yeah, how am I recorded, Madam Speaker?"

Speaker Breslin: "You're recorded as voting 'aye'."

Huff: "Please change me to 'no'."

Speaker Breslin: "The Gentleman changes his vote from 'aye' to 'no'. On this question there are 67 voting 'aye', 40 voting 'no', and 3 voting 'present'. And the Bill does not have enough votes in order to be heard immediately. The next Bill is Senate Bill 890, Representative O'Connell. Clerk, read the Bill. Clerk, read the Bill."

Clerk Leone: "Senate Bill 890, a Bill for an Act to amend the Abortion Law. Has been read a second time previously. No Committee Amendments."

Speaker Breslin: "Are there any Floor Amendments?"

Clerk Leone: "There are none."

Speaker Breslin: "Third Reading. Representative O'Connell. Read the Bill, Mr. Clerk, on Third."

Clerk Leone: "Senate Bill 890, a Bill for an Act to amend the Abortion Law. Third Reading of the Bill."

Speaker Breslin: "Representative O'Connell."

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O'Connell: "Thank you, Madam Speaker. What Senate Bill 890 does is it prohibits the sale of or experimentation upon a fetus. There have been reports of a test tube fetal experimentation and sale of same over the few years that this has become scientifically an acceptable method of providing birth. The potential for abuse of this practice has become apparent based on the situations which I've cited. What Senate Bill 890 does simply is to prohibit the sale of or experimentation upon a fetus. Very clearly, the Bill is not in any way to be used as to exclude the performance of in vitro fertilization or the freezing of any fertilized embryo that's not implanted. That is the legislative intent of the measure. It is a restricted approach to an abuse of scientific development that has provided thousands of families with the ability to occur child birth. I stress it does not prohibit the... it does not prohibit in any way in vitro fertilization. I would ask for its adoption."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 890. And on that question, the Lady from Kane, Representative Zwick. Representative Zwick."

Zwick: "Thank you. Thank you, Madam Speaker. Would the Sponsor yield for a couple of questions, please?"

Speaker Breslin: "He will yield for a question."

Zwick: "I have to assume, even from your opening statement and from this legislation being in front of us, that something has happened in the state to bring about the need for such legislation. Can you tell me about any possible experimentation that is going on right now because this is one of the premiere and new techniques, in vitro fertilization, which I feel this might jeopardize? Is there some... is there something going on here that creates a need for this legislation?"

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O'Connell: "I was advised that there was study or experimentation in New Jersey. There was also a study cited in the New England Journal of Medicine in which 35 pregnant women were injected with a live rubella vaccine virus to determine the effects of the virus on aborted fetuses. As for this state, I do not know of any experimentation that is going on at present, but the legislation is designed prospectively to prohibit any potential experimentation."

Zwick: "How would you go about enforcing this law should you suspect that something of this nature were going on?"

O'Connell: "Well, I suppose the answer to that is how does one enforce any kind of statute which prohibits certain conduct other than it... it puts anyone on notice who wishes to perform experimentation which, in this case, would most likely be a chemical or a firm having sufficient expertise and supposed reputability in the community to go through the costs of performing certain experimentation. They obviously would not risk their investments or their standing in a community by participating in a certain experimentation which has been deemed to be illegal."

Zwick: "Okay, thank you. Apparently, there is no problem, currently, in Illinois with medical experimentation on embryos. I understand the Gentleman's concern about the possibility of something that he objects to occurring at some point in the State of Illinois. The problem comes in when you look at medical technology and the advancements that are being made in medical technology today. This Bill, as it may try to do something noble, will, in fact, stand in the way of advancements in various procedures that are being used to assist women who are trying to have children, and I refer directly to in vitro fertilization. It will possibly stand in the way of certain advances along the lines of better treatments or in better diagnosis for

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generic counseling for those who wish to have children. There are new techniques everyday. One, which is called 'corrian' biopsy which is a possible replacement for amniocentesis which is being looked at and which, I believe, would be an advancement and would assist many families that were trying to have children and that were trying to monitor childbirth correctly. And it would stand in the way of the development of some of these new technologies that are going on. I would urge you to oppose the Bill. It's apparent that there is really no need for it. I have the utmost respect for our medical professionals here, who might have the opportunity to do such experimentation. I think that maybe we should look into other ways of monitoring this kind of thing to even find out if it exists at some point, rather than passing a law ahead of time over something that doesn't exist and something that might infringe on advancements, might infringe on people's individual rights and might really do some damage as far as families that are trying to bear children. I urge your opposition."

Speaker Breslin: "The Gentleman from Cook, Representative Greiman."

Greiman: "Thank you, Madam Speaker. I wonder if the Gentleman will yield for a question."

Speaker Breslin: "He will."

Greiman: "Mr. O'Connell, the Bill, I understand as it... as it was amended, says that it is not intended to prohibit in vitro research. Is that correct? Not intended to prohibit in vitro research."

O'Connell: "That Amendment was in the Senate, yes."

Greiman: "It's not intended to. Now, does that means that it might as it's drawn?"

O'Connell: "No, it shouldn't. It does not. We're trying to make

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the legislative intent in the language of the legislation to be as clear as possible that it shall not prohibit in vitro fertilization."

Greiman: "So, that research on in vitro fertilization and techniques of in vitro fertilization techniques."

O'Connell: "I didn't say research or techniques. In vitro..."

Greiman: "Well, what does it mean then, if it means anything?"

O'Connell: "The actual in vitro fertilization is not prohibited under this measure."

Greiman: "And so, that techniques are not prohibited? Experimentation and techniques would not be prohibited?"

O'Connell: "There is a distinction between experimentation. And..."

Greiman: "What is research? You stick your thumb in your navel and think about it. I mean, don't you have to do things to research or no? What do you do?"

O'Connell: "Well, you don't have to take a live fetus and inject it with some substance to determine whether or not that substance will, in fact, result in a death or disfigurement or some damage to that fetus."

Greiman: "So, what is research, then? What is it? Do you use plastic models or what?"

O'Connell: "Well, Representative, I think the word research stands for itself."

Greiman: "Well, I don't know. You're not... You're telling me what it isn't. I'm asking you what research is, then. What can you do? You tell me..."

Speaker Breslin: "Gentlemen, this is not a dialogue. Please present the question and allow for an answer. Representative O'Connell."

O'Connell: "Well, research does not have to include experimentation. A good faith effort to and still create an in vitro fertilized fetus and the documentation thereof

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can result in research."

Greiman: "Thanks. Alright."

O'Connell: "The Gentleman has asked me for a definition of research."

Greiman: "To the... To the Bill. Thank you, Mr. O'Connell. To the Bill, then. That's the problem with the Bill. The problem with the Bill is, what in the world is research? When would a doctor know that he'd gone too far in his research? If you can't do experiments when you're doing medical research, how in the world can you do research? How could they have found the Salk vaccine if they couldn't have done experiments? How could they have done anything? How could we have found any of the things that modern medicine has, if they couldn't do experiments? So, research without experimentation is not research at all. It's kidding yourself. Now, I want to tell you about another aspect of this. The truth is that this Bill and Bills like it have, indeed, a kind of chilling affect on in vitro fertilization. I think there is a correlative right. I think the right of parenthood is one of those rights. One of the sweet parts of my own life is that I have six kids and it's terrific. And I have a grandchild and that's terrific. And that's my right to parent. And that's what this Bill denies. It denies people the right to become parents. It's denies and cuts off the hope of infertile parents to become parents. And I suspect that this is not a right-to-life Bill. This is a right against being a parent. So, if you value and you cherish, as you say you do, the values of being a parent, then you'll reject this Bill and allow thousands of couples in Illinois, who desperately care to be parents, to be a parent. I'm going to vote 'no'."

Speaker Breslin: "The Lady from Cook, Representative Didrickson."

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Didrickson: "Yes, thank you, Madam Chairman (sic - Speaker).

Would the Sponsor yield for a question, please?"

Speaker Breslin: "He will."

Didrickson: "Representative O'Connell, these are legitimate questions that I have concerns. Number one, in vitro fertilization and... preservation are not hampered at all with this Bill."

O'Connell: "What was the last..."

Didrickson: "The embryo freezing."

O'Connell: "That's correct."

Didrickson: "You did say that."

O'Connell: "I did say that."

Didrickson: "Okay, then, according to this information sheet that I have in front of me, what may be affected in addition to that rubella vaccination on the aborted fetus situation would be the 'corrian' biopsy which replaces potentially amniocentesis in the future?"

O'Connell: "This is in no way to affect amniocentesis or that process."

Didrickson: "So, that's a third category it would not affect?"

O'Connell: "Well, that presupposes that amniocentesis is an experimentation on a fetus."

Didrickson: "And you are saying that amniocentesis in, vitro fertilization... preservation would not be affected by your Bill?"

O'Connell: "That's correct."

Didrickson: "Thank you."

Speaker Breslin: "The Lady from Champaign, Representative Satterthwaite."

Satterthwaite: "Madam Speaker and Members of the House, I find it difficult to understand exactly what we would be including in experimentation and for that purpose, I would like to ask the Sponsor a couple of questions."

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Speaker Breslin: "Proceed."

Satterthwaite: "Representative O'Connell, if a woman were pregnant and it appeared that for some natural cause she was about to abort, are you saying under this Bill then that any experimental treatment that might be designed to try to save the life of that fetus would be prohibited?"

O'Connell: "When you say experimental treatment, are you taking it out of the context of medical treatment designed to save that fetus?"

Satterthwaite: "Well, to my knowledge..."

O'Connell: "Let's draw a distinction between... Representative. You said experimental treatment to... designed to save the life of that fetus. The very nature of experimental is that it is designed in and of itself to serve and in some way research. This does not preclude a good faith effort on the part of a physician to save the life of a patient."

Satterthwaite: "I'm concerned about the process by which we find a new medical technique which is certainly at the beginning of the testing of that medical technique experimental. And we may not know what the outcome of that technique is going to be, whether it is, in fact, going to save the life of the fetus or whether is not going to save the life of the fetus and; therefore, it is still experimental. And so, it seems to me that what we are doing if we say that there will be no experimentation involved is that, in fact, we close the door for medical practitioners to try to develop new means of treatment that may or may not be successful. But certainly, in the early days of testing that treatment, we are not going to know how successful it will be. And so, I fear that what we will do, if we put this Bill into law, is really restrict the kinds of options available to the medical practitioners to try to save the life of a fetus when, in fact, the life of that fetus may be grossly

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endangered for just normal reasons. And so, I would fear that instead of being something that really serves the purpose that the Sponsor hopes to promote by the Bill that we would, in fact, be endangering the lives of fetuses and perhaps of mothers also in the process. And so, I would urge a 'no' vote on the legislation."

Speaker Breslin: "The Gentleman from St. Clair, Representative Flinn."

Flinn: "Madam Speaker, I move the previous question."

Speaker Breslin: "The Gentleman has moved the previous question. The question is, 'Shall the main question be put?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the main question is put. Representative O'Connell, to close. And Representative Braun in the Chair."

O'Connell: "Thank you, Madam Speaker. I... On these issues, unfortunately, the battle lines are drawn. There were suggestions that the Bill would, in some way, have a chilling affect on certain good faith efforts to enhance in vitro fertilization. There was even a suggestion that it might have a... affect on amniocentesis. That is not what this Bill is addressed to. The Bill is addressed to situations where a quantity of fetuses are laid out on a counter, for example, and injected with some kind of vaccine without any care as to what the well being of that fetus is, just to observe the affects that a certain vaccine might have. These may have been purchased by a medical facility. They may have been donated by a medical facility but... and nevertheless, they are live fetuses that many of us in this chamber consider to be human beings. There has been suggestions that since nothing has happened in Illinois that we know of, that we shouldn't support this Bill. I would submit that we know enough in

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other parts of the country, other efforts to, under the name of experimentation, take wholesale liberties with fetuses under the guise of experimentation. We're not trying to, in any way, jeopardize the legitimate purposes of in vitro fertilization or amniocentesis or anything designed to enhance the birth of children by parents who otherwise could not have had those children. I'd ask for a favorable vote."

Speaker Braun: "The Gentleman has moved for the passage of House Bill 890. Before we take the vote, Representative Olson has an emergency announcement."

Olson: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I'm pleased to celebrate my birthday today with a couple of notable people. St. John, the baptist, we all know what happened to him and I hope I don't share the same fate this week. Jack Demsey, we know what a fighter he was. I'm pleased to share some cake and ice cream with you, and the Pages are going to deliver the ice cream to your desks and we asked that you stop by Virginia Frederick and pick up a piece of cake and thank you very much."

Speaker Braun: "The Gentleman having moved for the passage of Senate Bill 890. All in favor vote 'aye', opposed vote 'no'. The voting is open. The Chair recognizes the Gentleman from Cook, Representative Preston, to explain his vote."

Preston: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. I admire and agree with the intention of the Sponsor of this Bill and its proponents. However, we have to look at the language of what this Bill does and it was properly addressed by Representative Greiman. What I fear while sharing the concerns of the proponents that fetuses are not to be experimented upon - they are not laboratory animals. However, the language of this Bill would also

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make experimentation that might affect fetuses and preserve the life of in vitro fertilized fetuses, so that more people can become parents and more fetuses can be preserved and allowed to live. This Bill makes it very questionable whether or not, for example, an improvement on the procedure that is used might be found so that more fetuses can be allowed to live. Those improvements might be as simple as increasing the protein content of the fluid in which the fertilization process in a petri dish or a test tube is affected. And I think permitting physicians and laboratory people to not experiment on the fetus but to experiment with improved procedures to make it possible for more fetuses to be preserved is what we are all about and what the proponents, in fact, intend. And for that reason, I'm voting 'no' on this Bill. The language simply doesn't do what I'm sure the intent is, and it might have a chilling affect and prohibit processes that will give birth and life to more in vitro fertilized fetuses."

Speaker Braun: "The Lady from Lake, Representative Stern, one minute, please, to explain your vote."

Stern: "Just to explain my vote, Madam Speaker. I recognize the intentions of this Bill. I think there was some confusion in the Sponsor's mind between experimentation and research. There is no research without experimentation and this is an issue which ought to unite the pro-life with the rest of us because what this Bill means is no more life for a lot of people who, in the future, could become parents if this kind of research were allowed to continue. Thank you. I urge a 'no' vote."

Speaker Braun: "The Gentleman from DuPage, Representative McCracken, one minute, please."

McCracken: "All this Bill says is that nontherapeutic experimentation cannot be conducted on human beings who are

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not able to give their consent. We already prohibit experimentation on human beings without their consent. This is merely an extension of that concept and to those who say that experimentation means progress, I agree. However, experimentation can be done on animal fetuses and be productively spent in that manner. What we're saying is that when you're talking about a human being, you don't do experimentation on a person that can't consent. You act on that person for therapeutic purposes only."

Speaker Braun: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 73 voting 'aye', 36 voting 'no', and 4 voting 'present'. Representative Olson would like to be recorded as voting 'aye'. Representative Rice would like to change his vote from 'no' to 'aye'. On this question, then, there are 75 voting 'aye', 35 voting 'no'. Representative Currie requests a verification. Representative Currie withdraws her request for verification. This Bill, then, having received the Constitutional Majority, is hereby declared passed. Appearing on page five of the Calendar is Senate Bill 912, Representative Satterthwaite. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 912, a Bill for an Act to amend Sections of the Sales Finance Agency Act. Third Reading of the Bill."

Speaker Braun: "The Lady from Champaign."

Satterthwaite: "Madam Speaker and Members of the House, Senate Bill 912 provides that damages due to a violation of the Sales Finance Agency Act may be recovered in a civil action. It removes the outdated language that currently makes recovery unworkable. The current law allows for the recovery of amounts paid that exceed the limitations allowed under Retail Installment Sales Act. As you may

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recall, we have removed those limitations previously, and so currently, that language is unworkable. This Bill, then, simply says that if, for a violation of the Act, there has been a monetary damage, the action can be brought in civil court and recovery made, and I would be happy to answer any questions."

Speaker Braun: "The Lady has moved the passage of Senate Bill 912. On that, is there any discussion? The Chair recognizes the Gentleman from DuPage, Representative McCracken."

McCracken: "Will the Sponsor yield?"

Speaker Braun: "She indicates she will."

McCracken: "Just for purposes of the record, you would agree with me that it is only those damages caused by the deception or fraud complained of - is that correct, Representative - which are the subject of recovery?"

Satterthwaite: "If... If there were some attempt at fraud or deception, that certainly would be covered. I believe that there are also some other provisions in the Act that talk about failure to maintain adequate records, et cetera."

McCracken: "Okay."

Satterthwaite: "So that anything that is currently covered under the Act would be a cause for action if there were monetary damage."

McCracken: "Alright. The point I'm trying to make is that the damages are limited to those caused by the Act complained of, so in the case of fraud, you would be able to trace the damages that are what we call approximately caused by the fraud. What about a technical violation of the Act that has no bearing on the contract between the two parties? For example, some of the technical record keeping is not complied with in violation of the Act, but there is no fraud or duress between the contracting parties. They've

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agreed to a particular percentage rate. If the person brings a cause of action, are there damages under those circumstances that would be compensable?"

Satterthwaite: "My understanding would be that if, in fact, it had caused the person borrowing the money to pay more than had been legally required, then there would be damages."

McCracken: "Alright. I don't have any quarrel with it. I'm just trying to get it straight. In the situation where the record keeping requirements are unfulfilled, and you can show no relationship between that violation and the amount of interest a person paid, that person would have no damages. Is that correct?"

Satterthwaite: "My understanding would be only in those cases where it were clear that more money than the contract had called for had been required for repayment of that debt and interest,..." "

McCracken: "Okay."

Satterthwaite: "...would there be a damage."

McCracken: "Okay. Fine. Thank you."

Speaker Braun: "The Chair recognizes the Gentleman from Marion, Representative Friedrich."

Friedrich: "Would the Sponsor... Would the Sponsor yield?"

Speaker Braun: "She indicates she will."

Friedrich: "Representative Satterthwaite, the people that you're trying to get at, if I'm reading the thing correctly, are already subject to disclosure under the federal law, and they're also subject to regulation under the state law, and they are subject to criminal penalties if they violate either one of those. Now, what else are you trying to add onto these people?"

Satterthwaite: "We're..."

Friedrich: "I don't understand what you're trying to do. They are already subject to regulation and penalties, both at

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the federal level and at the state level."

Satterthwaite: "Representative Friedrich, under the current Act, because there is obsolete language in there, there is no provision for how you calculate the damages. And so, all we're trying to do is take out that obsolete language and specify that where someone has been damaged monetarily, they can claim the refund of that money."

Friedrich: "Well..."

Satterthwaite: "In a civil action."

Friedrich: "Representative Satterthwaite, they already have to... APR... the average... both at the federal level and the state level, and any eighth grade kid can tell you how much they were charged more than that says, and their... the APR is regulated, and they are... they can be fined for putting an incorrect APR down. The banks and everyone else is examined for APR, and I don't understand what more you want to impose on these people and why you want more regulations."

Satterthwaite: "We're not imposing additional regulations. We're simply saying that for the borrower, they have a claim to be repaid for excess money that they have paid."

Friedrich: "They do now. They do now. They not only can get it back, but they... the person who overcharged, if he misrepresents the APR, can be fined because that's a criminal penalty. I... I've been in the credit business a long time, and I know what the federal regulations are and the state regulations both, and I don't think... I think all you're doing is setting it up. I noticed the people who are interested in this are the people who will go around harassing business people, and that's the legal aid people. And they're looking for work. You talk about ambulance chasers. These guys really make ambulance chasers look like a beginner. So, Madam Speaker, I oppose

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the Bill because I just think you're setting up another bureaucracy and another set of rules to super... supersede a set of rules we're already got, at the state and federal level."

Speaker Braun: "The Chair recognizes the Gentleman from Cook, Representative Bowman."

Bowman: "Thank you, Madam Speaker. I'll be brief. I want to rise in support of this legislation. The Bill removes obsolete language from the present statute. It is important to remove the obsolete language because there is a conflict situation that has developed because it's in there. We will clarify... greatly clarify the present statutes if we take care of this and remove the obsolete language. I believe the last speaker misunderstood the legislation. I rise in support."

Speaker Braun: "The Lady has... The Chair recognizes the Lady from Champaign, Representative Satterthwaite, to close."

Satterthwaite: "Madam Speaker and Members of the House, we currently have, on the statutes, a law that is inoperable because a few years ago, we removed some of the caps on interest rates. Without those caps being in existence, the language, as it currently stands, makes inoperative the Section that calls for civil action to recover damages. And so, all we're doing with this Act is to remove that obsolete language and make it clear that where there is a fraudulent practice, that the person who has been harmed can claim, by civil action, the recovery of that damage. And I would ask for your favorable support."

Speaker Braun: "The Lady has moved the passage of Senate Bill 912. All in favor vote 'aye', opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill, there are 76 voting 'aye', 38 voting

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'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Appearing on page 23 of the Calendar is Senate Bill 992, Representative Breslin. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 992, a Bill for an Act regulating transfers of property to minors, amending and repealing certain Acts herein named. Second Reading of the Bill. No Committee Amendments."

Speaker Braun: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, offered by Representative Breslin."

Speaker Braun: "The Lady from LaSalle on Amendment #1."

Breslin: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. Amendment #1 specifically permits interests in land trusts to be placed in custodianship for minors. As you may or may not know, Illinois is one of a few states that permits land trusts. So, we want to... the effect of this Amendment is to carry current law over into this new Act, which is the Uniform Transfer to Minors Act. I would request a favorable vote."

Speaker Braun: "The Lady has moved the adoption of Amendment #1. On that, is there any discussion? The Chair recognizes the Gentleman from DuPage, Representative McCracken."

McCracken: "Will the Sponsor yield?"

Speaker Braun: "She indicates she will."

McCracken: "Representative, is... is this currently in the Illinois version of the Uniform Gift to Minors Act?"

Breslin: "It is not in the Uniform Act, specifically."

McCracken: "Is it in the Illinois version of the Uniform Act?"

Breslin: "No, it is not. However, according to Mr. McCabe, who testified before us in Committee, he believes that the present language would include it. He just wants to make it specific."

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McCracken: "Now, under what circumstances would the assignment of the beneficial interest be considered a gift under this Act? Only if it specifically identified it as such? Or would it become, by operation of law?"

Breslin: "It would be specifically identified, and the custodianship transfer would... there is a form listed in the Amendment that would specifically have to be filled out, noting that it was a beneficial interest in a land trust that was being assigned."

McCracken: "Alright. So the mere creation of a beneficial interest in a minor would not bring this... bring that... that interest under the Uniform Act."

Breslin: "That's correct."

McCracken: "Okay. Thank you."

Breslin: "Is there any further discussion? The Lady having moved for the adoption of Amendment #1, all in favor, say 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #2, offered by Representative Breslin."

Speaker Braun: "The Lady from LaSalle."

Breslin: "Amendment #2 changes the effective date so that it... the Bill would not go into effect until July 1, 1986. This was made at the request of the Chicago Bar Association. The bar, at the time this Bill was presented in Committee, said that they had had some reservations about the Bill. They had not had enough time to study it. Their suggestion is that we delay the effective date, and should they have problems within the next year that they would like to bring to this Assembly, this would give them enough time to do so. So, I ask for the adoption of Amendment #2."

Speaker Braun: "The Lady has moved the adoption of Amendment #2. On that issue, is there any discussion? There being none,

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all in favor say 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #3, offered by Representative Breslin."

Speaker Braun: "Representative Breslin."

Breslin: "Madam Speaker, Ladies and Gentlemen, this Amendment is offered at the suggestion of the Senate Sponsor, Senator Barkhausen, who would amend the Bill with regard to the value of the property that can be transferred. Right now, the value has to be \$10,000 or less. This would change it to \$50,000. Senator Barkhausen believes that with inflation and changes in our value system, that the higher amount might be more appropriate for today's age. I ask for adoption of Amendment #3."

Speaker Braun: "The Lady has moved the adoption of Amendment #3. On that, is there any discussion? The Chair recognized the Gentleman from DuPage, Representative McCracken."

McCracken: "Thank you, Madam Speaker. Representative, ... well, will you yield for a question?"

Breslin: "Surely."

Speaker Braun: "She indicates she will."

McCracken: "This level, is this a maximum or a minimum level?"

Breslin: "It's a maximum level."

McCracken: "Alright. And what you refer to, under Amendment #3, is an alternative procedure for the creation of this ... Would you specify, for the purposes of the record, this alternative procedure to which the amount applies?"

Breslin: "Yes. Should no custodian be nominated, or should all persons nominated as custodian die before the transfer or are unable to decline or are ineligible to serve, a transfer under the... this particular Subsection can be made to an adult member of the minor's family or to a trust

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company, unless the property exceeds \$50,000 in value."

McCracken: "Okay. How long ago was the 10,000 set under the Illinois version of the Uniform Act, if you know?"

Breslin: "I don't know. I am under the impression that the new Uniform Transfer to Minors Act put in the \$10,000. When I saw the original draft of the Uniform Law, that \$10,000 was in parentheses, indicating that the Uniform Law commissioners knew that the various states might want to have a different number. So that's something..."

McCracken: "And... I'm sorry. And Representative Barkhausen is a Member of that Commission? Is that right?"

Breslin: "He is. Yes, he is."

McCracken: "Then, this was his suggestion to raise it to \$50,000?"

Breslin: "Yes, it was. Yes."

McCracken: "Thank you."

Speaker Braun: "Is there further discussion? The Gentleman from Jersey, Representative Ryder. Representative Ryder."

Ryder: "Thank you, Madam Chairman. Would the Sponsor yield?"

Speaker Braun: "She indicates she will."

Ryder: "Thank you. Representative, 10,000 to 50,000 seems to be a large jump. Also, I'm concerned why it wasn't amended in the Senate. Could you answer either of those questions?"

Breslin: "I... I don't think that Senator Barkhausen thought about it. When the Bill came to Committee, he and I discussed that, because a Member of the Committee had asked me about it, and that's when we both looked up the Uniform Law, and he changed his mind on it. It was the first time it was drawn to his attention, and he agreed that he thought it should be changed, but he said it's up to the will of this Body. If you disagree, he'll go along with whatever the House decides."

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Ryder: "They had no justification for the 50,000. He just grabbed that pretty much out of the air?"

Breslin: "It was his... his personal opinion that a transfer over \$50,000 in value of any kind of property to a minor would be a major step, and that a custodianship should be created for it, for the property. I think he was thinking of things like \$10,000. You can buy cars today that cost more than 10,000, and to transfer it to a minor to require the creation of a custodianship, he thought was inappropriate."

Ryder: "However, cars are not at the 50,000 level yet."

Breslin: "Yes."

Ryder: "You are... You're sponsoring the Amendment, so therefore, you are agreeing with the 50,000."

Breslin: "Yes."

Ryder: "Alright. Thank you."

Speaker Braun: "The Lady has moved for the adoption of Amendment #3 to Senate Bill 992. All in favor say 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Braun: "Third Reading. The Lady moves for immediate consideration... for leave to immediately consider Senate Bill 992. Is leave granted? Leave is granted on the Attendance Roll Call. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 992, a Bill for an Act regulating transfers of property to minors. Third Reading of the Bill."

Speaker Braun: "The Lady from LaSalle."

Breslin: "... Madam Speaker and Ladies and Gentlemen of the House, the State of Illinois presently has... has what is called the Uniform Gifts to Minors Act. The Uniform Law commissioners have updated this Act that Illinois accepted in 1956, and we have updated ourselves a great deal. The

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Uniform Law commissioners have gone back and looked at the total Act statewide and decided that there should be a major update, because we have found that so many states have changed their law to make advances with their own particular system that the law was no longer uniform. So, this Act is that proposed update. It is called the Uniform Transfer to Minors Act. There are four major changes from the old Act. The first is that any kind of property, under this Act, may be transferred to a minor. Under the other Act - the earlier Act - it permitted only gifts of securities. The second major change is that this Act permits transfers based on a future occurrence. The old Act only provided for transfers that were immediate. The third change is that any transfer made pursuant to the law of another state that has also adopted the Uniform Transfer to Minors Act would remain subject to that loss. So, it adds the... a choice of law rules, here. The fourth change is that the liability of custodians is limited, as is the liability of the minor, with regard to the minor's liability, with regard to the property, is limited to the property itself. For instance, should the minor receive property that is real, in other words, might receive a parcel of land, should an accident happen on that land, the damage award that should be given would come out of the value of that property, and you couldn't go into other property that the minor might hold through custodianship in some other manner. This is the Uniform Law that is proposed by the Uniform Law commissioners. It has been adopted already by six states, and it is being proposed in all of the other 50 states. I would appreciate a favorable Roll Call."

Speaker Braun: "The Lady has moved the passage of Senate Bill 992. On that, the Gentleman from DeKalb, Representative

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Countryman."

Countryman: "Thank you, Madam Speaker. Will the Lady yield?"

Speaker Braun: "She indicates she will."

Countryman: "Representative Breslin, I know I asked you this in Committee, but I want to make sure we have it for legislative intent. Would anything created under the Uniform Gifts for Minors Act and so cited, such as a gift under a will or something like that, automatically be picked up by this new Act?"

Breslin: "How do you mean by 'picked up'?"

Countryman: "Well, if you created in a will, if you said, 'I leave this property to my children under the Uniform Gifts for Minors Act.' And we pass this Bill, it becomes effective, but the will does not become effective until death, which occurs after that, this Act would supersede the Uniform Gifts to Minors Act?"

Breslin: "Yes. Yes."

Countryman: "And does it contain a provision that says that what was created under the Uniform Gifts for Minors Act is now covered by this Transfers to Minors Act?"

Breslin: "Yes, it does."

Countryman: "The second question I have deals with this exclusion, or the exclusive liability of the asset. Does that mean that if a minor is given a piece of property, and somebody's injured, and they sue, they wouldn't be barred from recovering against the insurance carrier on that property, would they?"

Breslin: "No, they would not. The only limit specifically stated in the Act deals with the limit as to the custodian and the limit as to the minor. Should the minor have purchased property... or purchased insurance to cover that kind of an experience, the insurance would certainly cover the Act."

Countryman: "And then, the third question goes to this \$50,000

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amount. You're saying if, in fact, the transfer exceeds \$50,000, they must use the Act."

Breslin: "That's correct."

Countryman: "They could use a trust or some other device. Is that correct?"

Breslin: "Surely, they could. Yes."

Countryman: "Can you make more than one gift of less than 50,000 and not use the Act?"

Breslin: "Yes, I believe you can."

Countryman: "Thank you."

Speaker Braun: "Is there further discussion? The Gentleman from DeWitt, Representative Vinson."

Vinson: "Yes, will the Lady yield for a question?"

Speaker Braun: "She indicates she will."

Vinson: "Representative, I am particularly... did you adopt the effective date change?"

Breslin: "Yes."

Vinson: "So, under the law, if we passed this, it would be impossible to make that gift... to make a gift of a beneficial interest in the land trust prior to July 1st of '86?"

Breslin: "No, that is not so. At the... At the present time, that is covered, I believe, under the... It is not covered by the Uniform Gift to Minors Act. So, it wouldn't transfer under that uniform gift, but you can... you can make it under other provisions of Illinois law. Okay?"

Vinson: "Yes, but if you adopt a law that says that you can make that transfer, and then you adopt, with it, an effective date that says that that law takes effect July 1st next year, then it would seem to me that you can't make that transfer until July 1st next year."

Breslin: "Incorrect."

Vinson: "Why?"

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Breslin: "There are already laws that allow for the transfer of land trusts. As a consequence, this Bill only allows for how that land trust can be transferred under uniform... under the Uniform Laws Act with all of the... the benefits that accrue to doing it under the Uniform Law."

Vinson: "But if you say that this is the only way that you can make this transfer, this is how you got to do it, and you say that when you can do it begins July 1st of '86, then how can you make it before July 1st of '86?"

Breslin: "We already have the law in effect, called the Uniform Transfer to Minors Act, and other laws that will not be affected by this Bill until 1986."

Vinson: "Okay. Now, the Uniform Transfer to Minors Act, that's already in effect?"

Breslin: "Yes."

Vinson: "Is that basically the law in the rest of the United States?"

Breslin: "Yes, except that it has been amended by every state, in one form or another. That is the reason that the Uniform Law commissioners suggested that they were losing uniformity on this issue. So they went back to draft a new proposal. And that's what you see before you today."

Vinson: "Well, it just seems to me that if we've got a law that is... that 49 other states have adopted that's a perfectly good law, why should we change it?"

Breslin: "It's not a perfectly good law, and I have already described why it is not. Six other states have already adopted this suggested change to the Uniform Transfer to Minors Act, and I understand that it is being proposed in other states. According to the Washington Post..."

Vinson: "I'm sorry. I'm having a very difficult time hearing you, Representative."

Breslin: "Okay. I'm telling you, Representative, that several

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other states have already made this suggested change in their law. It is pending in all of the other states in the nation, and according to an article I have in the Washington Post, the National Conference of Commissioners on Uniform State Laws does not expect this to be a controversial issue at all, and they expect it to be easily adopted everywhere."

Vinson: "Well, to the Bill, Madam Speaker, Ladies and Gentlemen of the Assembly. I am somewhat skeptical about the assertion that this will not affect the transfer to a minor... the beneficial interest in a land trust prior to January 1st, 1986. I believe that because it states how you have to make that transfer and because it states what the effective date of that transfer is, that being January 1st, 1986, that if any of you own property in the form of a land trust, a beneficial interest in a land trust, and wish to transfer your interest in that property to your minor son or your minor daughter or your minor niece or nephew, I think that that transfer cannot take effect before July 1st of 1986. That would have some very substantial tax code ramifications. You could put yourself in a position where a transfer that you might want willingly to make, might very much want to make before July 1st of 1986, can't take effect until after that, and that can have some dramatic tax code liability on you. I think that, given that fact and given the fact that the alternative to not passing this law is to accept a law currently in effect in 43 other jurisdictions in this... I'm sorry... 42 other jurisdictions in the United States that seems to have worked perfectly well in those other 42 jurisdictions, that the Sponsor simply hasn't made the case for changing the law. And I don't think that you should impact on... particularly on farmers who often own land in the land

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trust... in this fashion, to make them wait for a year to give land away with the potentially damaging tax code consequences. I am very skeptical about the case for passing this Bill and would urge a 'no' vote."

Speaker Braun: "The Chair recognizes the Gentleman from Cook, Representative Kulas."

Kulas: "Thank you, Madam Speaker. I move the previous question."

Speaker Braun: "There's only one person left to speak, Representative Kulas. Representative Ewing has had his light on for awhile, so we'll go to him. Representative Ewing."

Ewing: "Representative Breslin, I have a question. I'm somewhat confused about Amendment #3, where we're talking about the appointment of... or if there is no guardianship, guardian appointed, or if one is unable to serve, and we change the limit from 10,000 to 50,000. Could you explain how that works in the... Say I have a guardianship set up now for a child, and they have \$60,000 worth of assets, and the appointed guardian can no longer serve. Does that mean that a successor can't be appointed?"

Breslin: "No, it does not. Representative, several methods have already been created for transferring gifts to minors. Trusts and guardianships have been typical. However, they are costly to create. They still have the effect of doing what you wanted to do if you do have a trust or a guardianship, but custodianships were created under the Uniform Gifts to Minors Act so that people who are not wealthy could make a transfer, for whatever reason, of a substantial piece of property and still have their objective maintained. One major objective is that the property would be properly maintained and maybe the minor is not of mature enough age to do that on his own, and the second major qualm that people have about making gifts to

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minors is that the minor could not properly deal with the property, because he couldn't enter into contracts with handling it. In other words, third parties would be suspect of dealing with this person who is a minor. A stockbroker might, for instance, not transfer stock at the request of the minor, because the minor could change his mind and back out of the contract, and the stockbroker is left holding the bag. So, in answer to your question, if you do it with... if you make the transfers and trusts and guardianships, this Bill doesn't affect it, but if you make the transfer under the Uniform Transfer to Minors Act, you would follow this form, and the \$50,000 limit would be appropriate."

Ewing: "Yeah, well, I understand the use of the Act, Representative, but my question is, if I transferred \$50,000 to a minor under the Uniform Gifts to Minors Act, if this law was passed, and say, a year later, that asset amounted to \$55,000 from income or earnings, then the guardian became ineligible, how can I appoint a new one? Or, how can we have a new one appointed?"

Breslin: "There is a method for nominating new people in the Act."

Ewing: "But this Amendment says that if it's over 50,000, it can't be transferred. Now, we can transfer 50,000 up there to start a guardianship, but a year later, it's worth 55,000, and the guardian is deceased and we need a new one. I think you're kind of stuck."

Breslin: "There is... There is a method for nominating a new one."

Ewing: "But you've said right here in this Amendment that you can't transfer it to him if it's over \$50,000."

Breslin: "No. All I did in the Amendment was change the amount from \$10,000 to \$50,000. So the same circumstances could

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arise, should the value of your property raise from... from \$9,999 to \$10,500."

Ewing: "I understand, but I mean, is that kind of a loophole..."

Breslin: "A loophole?"

Ewing: "... that's in the current legislation and current law and also in this one where we ought to be able to appoint somebody for an existing guardianship, I would think, regardless of the amount."

Breslin: "Okay. It's not a guardianship, it's a custodianship. And I believe that the proper thing to do, should you want to transfer once... Remember, once it's already been transferred, that \$50,000 limit is what applies when the transfer initially takes place. There's no further action afterwards. Should there be a transfer made afterwards, you would have to have an appointment of a custodian."

Speaker Braun: "The Lady has moved for the passage of Senate Bill 992. All in favor vote 'aye', opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? The Gentleman from Cook, Representative Berrios, to explain his vote. Have all voted who wish? The Clerk will take the record. On this question, there are 111 voting 'aye', 2 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of the Special Consent Calendar, page 25 of the Calendar, I want to announce that the following Bills have been taken off of the Special Consent Calendar: Senate Bill 343, Senate Bill 406, Senate Bill 560, Senate Bill 896, Senate Bill 1245. 1-2-4-5. These Bills will appear on the Special Order... on the Appropriate Special Orders of Business. Further, on the Special Consent Calendar are Bills which need to move... be moved from Second to Third Reading. First is Senate Bill 648, on page 26. Representative McCracken. Read the Bill, Mr. Clerk."

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Representative Hawkinson again on Amendment #2."

Hawkinson: "I previously explained what the Amendment does. I'd be happy to answer any questions, and in the absence of any, I would move for the adoption of Amendment #2 to Senate Bill 651."

Speaker Braun: "The Gentleman has moved the adoption of Amendment #2. There being no discussion, all in favor say 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Braun: "Third Reading. Senate Bill 1303. 1303. On page 30 of your Calendar. Representative Slater."

Clerk O'Brien: "Senate Bill 1303, a Bill for an Act to amend Sections of the Criminal Code. This Bill has been read a second time previously. No Committee Amendments."

Speaker Braun: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, offered by Representative Johnson."

Speaker Braun: "Representative Johnson, on Amendment #1."

Johnson: "Amendment #1 addresses itself to the repeal of an archaic provision in Illinois Criminal Code that has never been enforced. I wrote a paper in law school on why this should be abolished, and now I'm having a chance to do it. I think Representative Slater agrees with the intent of the Amendment. The Bill... The current law is silly and unconstitutional, and I move for its adoption."

Speaker Braun: "The Gentleman has moved the adoption of Amendment #1. On that, is there any discussion? The Chair recognized the Gentleman from DeWitt, Representative Vinson."

Vinson: "Yes, Madam Speaker. Will the Sponsor yield for a question?"

Speaker Braun: "He indicates he will."

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Clerk O'Brien: "Senate Bill 648, a Bill for an Act to amend the Criminal Code. This Bill has been read a second time previously. Amendment #1 was adopted in Committee."

Speaker Braun: "Any Motions filed? While the Clerk is getting the Amendment for 648, I want to announce that the voting on the Special Consent Calendar will remain open from two... for two hours from the time that we vote on those Bills. There are change of vote forms at the Clerk's well. So it would... You would do well to review the items of business on the Special Consent Calendar, determine whether or not you want to change your vote on any or all of them. The appropriate forms are at the Clerk's desk, and the voting will be... you will have two hours to do that, because the voting will be open for two hours. Again, back to Senate Bill 648, Representative McCracken."

Clerk O'Brien: "Amendment #1 was adopted in Committee."

Speaker Braun: "Any Motions filed?"

Clerk O'Brien: "No Motions filed."

Speaker Braun: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Braun: "Third Reading. Senate Bill 651. Representative Parcells."

Clerk O'Brien: "Senate Bill 651, a Bill for an Act to amend Sections of the Illinois Vehicle Code. This Bill has been read a second time previously. Amendment #1 was adopted in Committee."

Speaker Braun: "Any Motions filed?"

Clerk O'Brien: "No Motions filed."

Speaker Braun: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #2, offered by Representative Hawkinson."

Speaker Braun: "The Gentleman from Knox on Amendment #2."

Hawkinson: "Thank you, Madam Speaker. Amendment #2 was discussed

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in Committee. It changes the word 'the' before 'approximate cause' to the word 'a', and it's meant to clarify, in the definition of 'approximate cause', that the approximate cause need not be the sole approximate cause involved, and I would ask for the adoption of Amendment #2."

Speaker Braun: "The Gentleman has moved the adoption of Amendment #2. On that, the Gentleman from Macon, Representative Dunn."

Dunn: "Just a brief point of inquiry, Madam Chairman. There was a reference to voting on Special Consent Calendar. Are we going to have a computer printout of some kind with a list of those Bills? I don't think the Democrat Members have any such list, and it's kind of difficult to go through the Calendar and look them up one by one. Aren't we going to have something to help us decide how to vote?"

Speaker Braun: "I'm sorry, Representative. Your request is regarding?"

Dunn: "Special Consent Calendar. Are we going to have some kind of computerized list to facilitate the consideration of those Bills? If we have to go down the Calendar and look them up one at a time, that's difficult. Are we going to do that, or not? If we're going to vote on this in a couple of hours, we ought to have something in front of us to help us check them out."

Speaker Braun: "Let me inquire as to whether or not such printouts will be made available."

Dunn: "Thank you."

Speaker Braun: "On Amendment #2, again, Representative Hawkinson. Representative Vinson."

Vinson: "I would just echo Representative Dunn's comments. I think that that's a good point that he's made, and it might be worthwhile to distribute such a printout."

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Speaker Braun: "Representative Vinson, it is on the Calendar already. I've been told that these Bills are on the Calendar, and the printout that you have of the Calendar will... will reflect what we're considering on the Special Consent Calendar now. Special Consent Calendar starts on page 25 of the Regular Calendar. If you have a printout of the Bills on the Regular Calendar, that should suffice for purposes of the Special Consent Calendar. Representative Vinson."

Vinson: "I think that's the point. I don't think Members do."

Speaker Braun: "Representative McCracken."

McCracken: "Thank you. I understand that the voting is going to be held open for some period of time."

Speaker Braun: "Two hours, yes."

McCracken: "And that Members are going to have an opportunity to submit any 'no' or 'present' votes, and you're going to distribute a form in the future, for that purpose. Is that correct?"

Speaker Braun: "The form will be available at the Clerk's desk... at the Clerk's well."

McCracken: "Okay."

Speaker Braun: "And I've just been advised that printouts will be available."

McCracken: "Okay. I think that solves it."

Speaker Braun: "Okay. Alright. Representative Dunn."

Dunn: "Maybe I don't speak the same language. I'm not looking for a list to check off my votes on. I'm looking for a list, a computer printout of the synopsis of the Bills, or at least a one line description, aside from an addition to the Calendar to facilitate the decision making process on the Special Consent Calendar."

Speaker Braun: "Representative Dunn, I understand, and you made yourself clear, and that will be distributed."

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Vinson: "Representative, as I read the Amendment #1, it sticks in my mind that this was your first Bill. Is that correct?"

Johnson: "That's right. It absolutely... It was."

Vinson: "And it passed overwhelmingly in the House."

Johnson: "That's right. I don't know what happened."

Vinson: "It got tied up someplace else in the process?"

Johnson: "Something. I don't remember."

Vinson: "Okay. Well, I think since... since this is, in effect, your first Bill, everybody ought to be for this."

Speaker Braun: "The Gentleman has moved the adoption of Amendment #1. All in favor say 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Braun: "Third Reading. Senate Bill 1436, Representative O'Connell. Representative O'Connell? Mr. Clerk? Oh, Representative O'Connell."

O'Connell: "Thank you, Madam Speaker. Amendment #2..."

Speaker Braun: "Representative O'Connell, first the Bill has to be brought back to Second. The Gentleman requests leave to bring the Bill back to Second Reading for purposes of Amendment. Is leave granted? Leave is granted. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1436, a Bill for an Act to amend the Juvenile Court Act. This Bill has been read a second time previously. Floor Amendment #2, offered by Representative O'Connell."

Speaker Braun: "Representative O'Connell, on Amendment #2."

O'Connell: "Thank you, Madam Speaker. Amendment #2 provides that where a petition has been filed by the state's attorney for a violation of probation by a minor in Juvenile Court, that hearing must be held within 15 days of the filing of the petition. It simply affords the minor the opportunity that

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his tolling of the probationary period will not go on indefinitely, and to my knowledge, there is no opposition to this Amendment."

Speaker Braun: "The Gentleman has moved the adoption of Amendment #2. On that, is there any discussion? The Chair recognizes the Gentleman from Knox, Representative Hawkinson."

Hawkinson: "Thank you, Madam Speaker. Will the Sponsor yield for a question?"

Speaker Braun: "He indicates he will."

Hawkinson: "Representative, what is the effect of the failure to provide a hearing within 15 days of the filing of the petition to revoke?"

O'Connell: "The tolling period would cease, so the probationary period would then continue to run. Unless... Unless it was occasioned by the minor himself or herself."

Hawkinson: "Does your Bill specifically provide for that remedy for the failure to provide the hearing? My concern is that there not be any defense made thereby, or any Motion to dismiss the petition caused solely by the failure to hear the petition within that 15 days. You understand my concern?"

O'Connell: "Well, the Bill provides that the only time that the tolling can occur is when a petition has been filed. And if the hearing is not held within 15 days and is through no fault of the state, but is occasioned only by the minor, then by the very nature of the Bill itself, it would continue to... the... the tolling would cease and the violation period would continue. So that, let's say, for example, there were two months left of the probationary period. The only tolling would occur for 15 days, the time the petition was filed, and the 15th day after, where no hearing was held."

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Hawkinson: "Let's assume that the... the alleged violation occurs early in a lengthy period of probation, say, the second month of a two year period of probation, and the state's attorney promptly files the petition to revoke, but for some reason which is not the fault of the defendant, the hearing is... maybe you can't find a court reporter, as sometimes happens in our part of the state, or you have a crowded juvenile docket, and... it's 30 days before the hearing can be held on the petition to revoke. Would your... Does your Bill clearly spell out not only that the period is only tolled for 15 days, but that there is no cause, therefore, for a Motion by defense to say, 'I move to dismiss the petition to revoke?'"

O'Connell: "It does not address that."

Hawkinson: "So, it could... It could be argued that what you're doing here is setting up a speedy trial rule, because it sounds like a speedy trial rule, and that for failure to come within the provisions of the speedy trial rule, the case should be dismissed, as is the case with other speedy trial rules."

O'Connell: "The petition language is only to be found in that wherein the tolling of the period of time occurs. If, in your example, I thought you said it was one year's time, and two months after the sentencing, a petition is filed for violation of probation, under this Amendment, it would only address the provisions for purposes of tolling. It would not serve as the basis for a grounds of a motion to strike the petition."

Hawkinson: "Does... Does the language say that? The reason I'm concerned is because the analogy to the speedy trial rules that we have otherwise, even if you fail to meet the speedy trial deadlines after a demand is made, or in the case of someone in custody, within a prescribed statutory period,

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even though there may be time left within the statute of limitations, the state is forever barred from refileing that action. The failure to come within the speedy trial rules constitutes an automatic dismissal, and my concern is that we not set up a similar provision here."

Speaker Braun: "Representative Greiman, in the Chair."

Hawkinson: "Representative, would you be good enough to take this out of the record for just a moment, if we could get the Chair's leave to come back to it?"

O'Connell: "Certainly. We're... Mr. Speaker, if I were to take it out of the record now, would I have leave to get back to it? It is on the Special Consent Calendar."

Speaker Greiman: "Okay."

O'Connell: "Thank you."

Speaker Greiman: "Take it out of the record, and we'll get back to it. Alright. Mr... Mr. O'Connell, are you prepared to come back to this shortly? Alright. So we are... Yes, Mr. O'Connell?"

O'Connell: "Mr. Speaker, I think we're prepared to go back to the Amendment, and my statement for the record is that this will probably go to Conference Committee. I will address the Representative's concerns in a Conference Committee, if that meets with his leave."

Speaker Greiman: "Alright. Mr. Clerk, then, we will proceed with the Amendment. Call the Amendment. With respect to Amendment #2 to House Bill 1436, Mr. O'Connell."

O'Connell: "I simply ask for adoption of the Amendment - #2."

Speaker Greiman: "The Gentleman from Cook moves for the adoption of Amendment #2 to Senate Bill 1436. Is there any discussion? There being none, the question is, 'Shall this Amendment be adopted?' All in favor say 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment's adopted. Further Amendments?"

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Clerk O'Brien: "No further Amendments."

Speaker Greiman: "Third Reading. Mr. Clerk, on the Order of Special Consent Calendar, Senate Bills appears Senate Bill 648, 651, 1303 and 1436. Would you read them a third time... for Third Reading?"

Clerk O'Brien: "Senate Bill 648, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill. Senate Bill 651, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill. Senate Bill 1303, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill. And Senate Bill 1436, a Bill for an Act to amend the Juvenile Court Act. Third Reading of the Bill."

Speaker Greiman: "Alright, Ladies and Gentlemen. We are now on the Special Consent Calendar. Senate Bills 343, 406, 560, 896, 1245 and 492 have been removed from the Special Consent Calendar. These Bills will appear on various Special Orders of Business - on a single Special Order so that they will be heard appropriately. Mr. Hicks, for what purpose do you seek recognition?"

Hicks: "Yes, Mr. Speaker. Would you read those numbers one more time, please?"

Speaker Greiman: "The Bills that have been removed? 343, 406, 560, 896, 1245 and 492. Now, Mr. Cullerton moves... or asks leave of the House to waive the provisions of Rule 37(c) to allow House... Senate Bills 648, 651, 1303 and 1436 to be considered this day. Does the Gentleman have leave? Leave is granted. There will be change of vote forms available at the Clerk's well. They've been distributed. Alright. And the voting will remain open for vote changes for two hours. The question is, 'Shall these Bills pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open, and this is final action. Have all voted who wish? Have all voted who

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wish? Mr. Clerk, take the record. Alright. We will be back to announce the vote in two hours from now, so it would be at 5:30. 5:30. Thank you. On the Order of Senate Bills Special Call - Civil Law appears Senate Bill 1102. Do you wish to proceed with that? 1102. Mr. Vinson, do you wish to? Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1102, a Bill for an Act to amend the Business Corporation Act. This Bill has been read a second time previously. No Committee Amendments."

Speaker Greiman: "Are there any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, offered by Representative Cullerton."

Speaker Greiman: "The Gentleman from Cook, Mr. Cullerton, on Amendment #1. Mr. Clerk, the Bill is on Second. The board should be changed."

Cullerton: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #1 to this Bill..."

Speaker Greiman: "The board..."

Cullerton: "This is Amendment #1, is it not? Mr. Speaker, is this Amendment #1 or 2?"

Speaker Greiman: "Amendment #1."

Cullerton: "Right. Amendment #1 deals with the Business Corporation Act. The Act as originally proposed would have removed the filing fees that have to be paid to the county recorder's office. This Amendment simply replaces the current law with regard to filing fees. I move for the adoption of Amendment #1."

Speaker Greiman: "Mr. Cullerton, do you... do you... Are your remarks completed?"

Cullerton: "Yes..."

Speaker Greiman: "Alright. The Gentleman from Cook moves for the adoption of Amendment #1 to Senate Bill 1102. And on that, Mr... The Gentleman from DeWitt, Mr. Vinson."

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Vinson: "Yes, Mr. Speaker, Ladies and Gentlemen of the Assembly. Amendment #1 deals with the portion of the Bill that would have done away with the local filing requirements, which would have benefited companies by relieving them of unnecessary burdens and unnecessary filing fees. There's been opposition to that. This Amendment would eliminate that. Amendment #3 will deal with a compromise solution, and so for that reason, I have no opposition to Amendment #1."

Speaker Greiman: "The question is, 'Shall Amendment #1 be adopted?' I'm sorry. The Gentleman from Macon, Mr. Dunn."

Dunn: "What does Amendment #1 do?"

Speaker Greiman: "Mr. Cullerton, Mr. Dunn requests... asks yield for questions."

Cullerton: "Restores the filing fees that were eliminated by the Bill as it was originally drafted. So the filing fees would still have to be paid. There would be no revenue loss to the counties."

Dunn: "Alright. And then..."

Cullerton: "That's all it does."

Dunn: "That's the current situation in the statutes, isn't it?"

Cullerton: "That's right. It would... retains the current law."

Dunn: "And does... Okay, then. Do you know... Alright. Alright. I approve the Amendment. Okay."

Speaker Greiman: "The question is, 'Shall Amendment #1 be adopted?' Those in favor say 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment's adopted. Further Amendment?"

Clerk O'Brien: "Floor Amendment #2, offered by Representative Cullerton."

Speaker Greiman: "The Gentleman from Cook, Mr. Cullerton."

Cullerton: "Yes, when we passed the business corporation rewrite last year, there was an omission, if you will, which this

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Amendment is designed to protect. It changes the notice requirement for non-unanimous consent to five days prior to the execution, not five days prior to the effective date. The Bill that we passed a couple of years ago was ambiguous with regard to this issue, and at the request of the proponents of the Bill, they had chosen a method by which they were going to clear up this ambiguity. This Amendment does perhaps change that original proposal, but in either case it makes it clear that the change... the notice requirement for non-unanimous consent should be five days prior to the execution, rather than five days prior to the effective date. I'd be happy to answer any questions and would ask for your support on the Amendment."

Speaker Greiman: "The Gentleman from Cook moves for the passage... for the adoption of Amendment #2 to Senate Bill 1102. And on that, is there any discussion? The Gentleman from DeWitt, Mr. Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the Assembly. With respect to Amendment #2, current law is ambiguous as to whether notice of informal action must be given five days before the effective date of the action or five days before a decision to take the action is made. Senate Bill 1102, as passed by the Senate, opted for the former, which is generally viewed as favorable to majority shareholder interests. Representative Cullerton strongly argues that we should opt... that we should opt for five days prior to the decision, and I will acquiesce in that, and as a consequence, offer no opposition to Amendment #2."

Speaker Greiman: "The question is, 'Shall Amendment 2 be adopted?' Those in favor say 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment's adopted. Further Amendment?"

Clerk O'Brien: "Floor Amendment #3, offered by Representative

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McCracken and Cullerton."

Speaker Greiman: "The Gentleman from DuPage, Mr. McCracken."

McCracken: "Yes, Sir. #3?"

Speaker Greiman: "Yes, Mr. McCracken. #3."

McCracken: "Oh, this is the staggered... Oh, no. This is not the staggered terms. This is quarterly payments. The current law requires dual filing and also the payment by the Secretary of State to all counties upon dissolution, whether voluntary or otherwise, of all corporations. The Secretary originally sought an Amendment which would exempt him from paying the counties for the dissolution filing fee. That was not acceptable, as Representative Cullerton mentioned earlier, and we have a compromise so that it will be made by quarterly payments as opposed to with each and every filing. I move its adoption."

Speaker Greiman: "The Gentleman from DuPage moves for the adoption of Amendment 3 to Senate Bill 1102. Is there any discussion? The Gentleman from Cook, Mr. Cullerton."

Cullerton: "Yes, thank you, Mr. Speaker. Since Mr. Vinson has closed on my Amendments, I'd like to close on Representative McCracken's. This is a compromise. The way the situation works right now, everytime a filing is made where the state is to be reimbursed, apparently this is done out of petty cash by the county recorders on an individual filing basis. What this Amendment proposes to do is to require the recorder to submit for payment to the Secretary of State on a quarterly basis the amount the filing fees incurred. So, I think it's a workable compromise, and I will acquiesce in the Gentleman's Amendment."

Speaker Greiman: "Further discussion? There being none, the question is, 'Shall Amendment 3 be adopted?' Those in favor say 'aye', opposed 'nay'. In the opinion of the

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Chair, the 'ayes' have it. The Amendment's adopted.
Further Amendment?"

Clerk O'Brien: "No further Amendments."

Speaker Greiman: "Third Reading. The Gentleman from DeWitt, Mr. Vinson, moves to suspend Rule 37(c) to allow consideration of this Bill at this time. Does the Gentleman have leave to use the Attendance Roll Call? Leave. Leave is... Mr. Cullerton?"

Cullerton: "I just wanted to know why we're in such a hurry."

Speaker Greiman: "Well, Mr. Vinson need not move, then, and need not have leave."

Cullerton: "I don't have any objections, but I..."

Speaker Greiman: "There is an objection, in any event. There's an objection. So... Yes. Third Reading. Yes, Mr. Vinson?"

Vinson: "I move to suspend the... the requisite rule so that we can have immediate consideration to Senate Bill 1102."

Speaker Greiman: "That will take 71 votes, Mr. Vinson."

Vinson: "Well, let's see if we've got them."

Speaker Greiman: "Alright. Mr. Vinson moves to suspend the provisions of Rule 37(c) so that Senate Bill 1102 may be heard at this time. All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Mr. Cullerton, one minute to explain your vote."

Cullerton: "Yes, I want everyone to realize that this is a Bill that Representative Daniels is a Sponsor of, and I think we should hurry up and pass it."

Speaker Greiman: "Have all voted who wish? Have all voted? Mr. Clerk, take the record. Oh, Mr. Vinson has friends. On this question, there are 99 voting 'aye', 10 voting 'no', 3 voting 'present', and the Motion carries. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1102, a Bill for an Act to amend

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Sections of the Business Corporation Act of 1983. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from DeWitt, Mr. Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the Assembly. I think that the Members have been treated to a comprehensive discussion of several provisions in this Bill in Second Reading action just completed. By far the most important provision in this Bill was unaffected by what we did on Second Reading. It's a provision that says that the articles of incorporation of a corporation may provide the directors who sit on staggered boards may only be removed for cause. I think that is a critically important provision to add to the law of Illinois and the Business Corporation Act, because the thing that it will do is re-enforce the independent judgment that directors may exercise in their role as being directors of a corporation. One of the unfortunate results of the modern corporate structure is that far too often, directors rubber stamp what management wants. The only way in which one can assure that there will be some independent judgment exercised by a board of directors, arguably, is to provide that you have staggered boards of directors, and that those staggered boards may... may exercise independent judgment; that a director need not be afraid that if he uses good business judgment on an issue, that he's going to be immediately removed by somebody temporarily in control of the corporation in violation of the minority shareholders' interest in the corporation, and potentially exposing the corporation to enormous damages via a shareholder derivative suit. For those reasons, we opt to include the provision in the law that permits an Illinois corporation to provide, in its articles of incorporation, the directors who sit on staggered boards may only be removed for cause.

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I think it's a salutary provision that will strengthen the public interest considerations in the independent judgment opportunities for members of a board of directors, and I would move for passage of Senate Bill 1102."

Speaker Greiman: "The Gentleman from DeWitt moves for the passage of Senate Bill 1102. And on that, the Gentleman from Cook, Mr. Cullerton."

Cullerton: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. I also rise in support of the Bill even though it doesn't do what Representative Vinson just said it did."

Speaker Greiman: "The Gentleman from... The Lady from LaSalle, Ms. Breslin."

Breslin: "Will the Gentleman yield for a question?"

Speaker Greiman: "Indicates that he will."

Breslin: "Representative, can you tell me what the effective date of this Act is?"

Vinson: "I've got to look through the Bill for a second, but just give me a minute, and I'll tell you. It doesn't have the effective date in there, so it would be January 1st."

Breslin: "So, it would be January 1st of 1986. Well, tell me, what is the effect if we... If this Bill passes, what effect does it have on the Business Corporation Act of 1983?"

Vinson: "It amends it. It changes it."

Breslin: "It changes it."

Vinson: "Yes, in several respects."

Breslin: "Well, if this... I'm concerned about the effective date of this Act. If it doesn't go into effect immediately, how will we operate to affect incorporations in the future? For instance, if there are fines and fees to be levied, will we not be able to levy those fines and fees? What will happen?"

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Vinson: "Yes, we'll be able to levy those current fines and fees that are in the law now."

Breslin: "Why?"

Vinson: "Now, you should understand, Representative..."

Breslin: "Why?"

Vinson: "In... So that I can comprehensively answer your question. You should understand that no Bill, just because it has an immediate effective date, goes into effect immediately. We have a thing called the Statute on Statutes in this state. And when a Bill has an immediate effective date, it goes into effect after the Governor signs the Bill or if he should veto it after final disposition of the veto."

Breslin: "I understand that perfectly, Sir. My question is, why won't this have an effect, if it doesn't go into effect until January 1. What happens in this interim six month period?"

Vinson: "Because it... You mean, why won't it have an effect immediately?"

Breslin: "No, I mean what will happen to the incorporation of all businesses in this time period that we stand in abeyance while we are waiting for this Act to go into effect?"

Vinson: "Well, what will happen is that the current law will continue to be applicable."

Breslin: "Oh."

Vinson: "And the new law will be... This law will be applicable after July... January 1st."

Breslin: "Oh, I see. Thank you, Representative."

Vinson: "Now, can I... Could I judge from that, now that I've explained the... would you support it?"

Speaker Greiman: "Now, Mr... Mr. Vinson. Mr. Vinson. She said, 'Oh, I see,' which is not a question, but rather, a statement. Have you completed your inquiry, Ms. Breslin?"

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Breslin: "I have. Thank you."

Speaker Greiman: "You have. Further discussion? Mr. Vinson, now you may close."

Vinson: "Ladies and Gentlemen of the Assembly, Senate Bill 1102 is truly a desirable and vital and public interested change. A fundamental problem with major corporations in this country is that, too often, boards of directors act as rubber stamps for management activity. What the change in this Bill will do is to prevent somebody who has temporarily acquired control from firing a board of directors, if that board of directors seeks to exercise independent judgment. I believe it is one of the most desirable Bills that's come down the pike. I believe that it will strengthen public accountability of boards of directors and strengthen the... the resolve and the capacity of a member who is a board of directors to exercise independent business judgment rather than simply to act as a rubber stamp for management. I would move for a favorable Roll Call on Senate Bill 1102."

Speaker Greiman: "The question is, 'Shall this Bill pass?' All in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. This is final action. Currie, 'present'. Not only that, vote me 'present'. Have all voted who wish? Have all voted who wish? Mr. Clerk... Mr. Clerk, take the record. On this question, there are 113 voting 'aye', none voting 'no', 3 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Senate Bills Special Call - Civil Law appears Senate Bill 1188. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1188, a Bill for an Act to amend Sections of the Criminal Code. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Lake, Mr. Churchill."

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Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1188 is a Bill dealing with the definition of pornography. What this Bill does is to redefine the term obscene by placing into that term the standards that are contained in the case of Miller versus California, which is a Supreme Court case. This Bill is similar to several other Bills that have been on our Calendar and Bills that have passed out of here already. I would ask for its favorable adoption."

Speaker Greiman: "The Gentleman from Lake, Mr. Churchill, has moved for the passage of Senate Bill 1188. On that, is there any discussion? There being none, the question is, 'Shall...?' I'm sorry. Is there discussion? There being no discussion... Oh, I'm sorry. Tim. Representative Johnson, the Gentleman from Champaign."

Johnson: "What this Bill would do, then, Representative Churchill, or this Amendment, is to make more things obscenity. Makes a much broader definition. Is that right?"

Churchill: "No, the definition is specifically related to certain acts, and it is... The acts that are described in the Bill are those acts which are also described in the case of Miller versus California."

Johnson: "But the point is, the current law requires one to find a more stringent set of circumstances before something's considered quote, unquote 'obscene'. Miller versus California makes it easier to prosecute these people who would deprave the public morality. Is that right? Clearly, that's what the... My question is really rhetorical, but I want to make sure that I'm right."

Churchill: "I think there's a three-prong test, and I think the second prong actually restricts acts rather than broadens them, and the third part is the part that says 'lacks

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serious literary, artistic, political or scientific value'."

Johnson: "If you were a prosecutor out to save society from consenting adults fouling up their own lives by seeing obscene things, would you rather have the current law, or would you rather have your Bill?"

Churchill: "I think I'd rather have the Bill that's constitutional, which would be the Bill I'm proposing."

Johnson: "Well, no. Clearly, now, that's not right. You don't have to enact this Bill to make the law constitutional. Current law is absolutely constitutional. Miller versus California just says you can go farther in terms of restricting obscenity and still be constitutional. This is not a constitutionally mandated Bill."

Churchill: "I understand. In that case I would prefer to have the Miller versus California standard."

Johnson: "Okay. Well, this is a philosophical discussion, and if we think that it's important to save all of the people from their own... their own sins and their own efforts to do what they want with their own lives when they're not affecting anybody else, then you should vote for this Bill. But if you think that it's really not the function of government to continue to make it a crime for a consenting adult to see what they want under... under circumstances that don't pose any threat to the public health or safety, then you ought to vote 'no' on this Bill. Now, you know, it's easy. We can all come up with examples of things that we'd rather not see. Well, you don't have to see them. And we all have examples of things we'd rather have children not see. Well, I agree with that, and we've passed such a broad, sweeping set of legislation in the last two years that it makes it almost a Class X felony, and maybe it should, for children to be exposed to obscene

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material. But this Bill - and Representative Churchill in all sincerity is proposing this because he believes in it - makes it much, much easier, provides a much looser test for what's obscene and what isn't. And I simply believe that in a free society, that consenting adults ought to have a greater ability to control and run their own lives when they're not affecting anybody else. And... And it's clear, that this is in no way constitutionally mandated. All Miller versus California says is that if you... if you so choose, Legislatures can more carefully and narrowly, or in this case, broadly, define what 'obscenity' is. So, it's just a clear philosophical question as to whether you want to give prosecutors, who ought to be spending their time prosecuting killings and armed robberies and burglaries, more ability to prosecute these dangerous people who go out in the freedom of their own lives and their own sanctity as an individual, to do what they want, and I think it's a bad Bill. And I hope everyone votes 'no'."

Speaker Greiman: "Further discussion? There being none, the Gentleman from Lake, Mr. Churchill, to close."

Churchill: "Well, thank you, Mr. Speaker. Representative Johnson and I have a difference of opinion on this particular point. He feels that it's going to create a looser standard and broaden standards for prosecutors because of the way this Bill is written. I tend to think it does the exact opposite. I think in the past, that when we've had the last portion of the test of pornography without... utterly without redeeming social value, and we've created a situation in which prosecutors have to try and find some standard and apply what is and what is not utterly without redeeming social value, I think this Bill, if we pass it, puts in specific tests lacking serious literary, artistic, political or scientific value. It creates a tighter

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standard. The middle portion of the Bill lists specific acts that have to be proven. That's a tighter standard. I think that, in all reality, what we're looking at is something that is going to give prosecutors a chance to define within limited terms, rather than the broader scope of the former Bill. I think it's a good Bill. I think it does comply with Miller versus California, which is the test for pornography today. It's similar to other Bills that we've put out of here already, and I would just ask for favorable support of the Bill."

Speaker Greiman: "The question is, 'Shall this Bill pass?' All in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open, and this is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 99 voting 'aye', 16 voting 'no', 11 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Senate Bills Special Call - Civil Law appears Senate Bill 1224. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1224, a Bill for an Act to amend Sections of the Code of Civil Procedure. This Bill has been read a second time previously. Amendment #1 was adopted in Committee."

Speaker Greiman: "Further Amendments?"

Clerk O'Brien: "No Motions on Amendment #1. Floor Amendment #2, offered by Representative Zwick."

Speaker Greiman: "Lady from Kane, Ms. Zwick, on Amendment #2. Yes, Mr. Clerk, the Bill is 1224. Ms. Zwick, on Amendment #2."

Zwick: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would ask for the adoption of Amendment 2 to Senate Bill 1224. Because of some issues that were brought up in the Judiciary Committee, we had agreed to change some

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of the language to make it more agreeable to those in attendance. And I think we've done that. The Bill would be changed to say that the individual refrain from normal business activity or attend religious services which is much more specific and becomes the more desirable language for everyone. I would ask for its adoption."

Speaker Greiman: "The Lady from Kane moves for the adoption of Amendment 2 to Senate Bill 1224. And on that, the Lady from LaSalle, Ms. Breslin. There being no discussion, the question is, 'Shall this Amendment be adopted?' All in favor say 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment's adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Greiman: "Lady asks leave of the House to waive Rule 37(c) so that this Bill may be heard at this time. Does the Lady have leave? Leave to use the Attendance Roll Call. Proceed. Mr. Clerk, read the Bill. I'm sorry. Third Reading."

Clerk O'Brien: "Senate Bill 1224, a Bill for an Act to amend Sections of the Code of Civil Procedure. Third Reading of the Bill."

Speaker Greiman: "The Lady from Lake, Ms. Stern, on Senate Bill 1224."

Stern: "This is a... Mr. Speaker, Members of the House, this is a relatively straightforward Bill that simply permits an attorney of the Jewish faith to get a continuance if the projected court date would fall on one of the very special high holidays. It has been amended to deal with the objections that were set forth, and I can't imagine that it would be controversial. I urge an 'aye' vote."

Speaker Greiman: "Lady from Lake moves for the passage of Senate Bill 1224. And on that, the Lady from LaSalle, Ms.

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Breslin."

Breslin: "Thank you, Mr. Speaker, Ladies and Gentlemen. I do believe that the Bill is controversial. First of all, it provides for religious observance only to people of the Jewish faith. I think that is inappropriate in our statutes. And the second is that the Supreme Court... rather the Judicial Conference of the State of Illinois has already addressed this issue; and, by unanimous vote of all of the Chief Judges in the State of Illinois, they have determined and given instructions to all Judges that they shall have appropriate recognition of the religious observances of all of the litigants before them. They have qualified their direction by saying only in instances where the dictates of human welfare and overriding interests of law should dictate otherwise. And that is for very good reason. I will give you one example that we talked about in Committee. There are certain provisions in the law where a person, for instance, might be required to have a hearing within 120 days. A felon would be required to have hearing within 120 days. Should that 120 day rule operate on the day that the defendant's counsel wants to observe a religious holiday, if you pass that Bill... this Bill, the Judge will have to grant a continuance. The 120 day rule will operate and the defendant must go free. It is inappropriate to pass this Bill at this time. I have even spoken to the Senate Sponsor, Senator Carroll, on this issue. He has agreed with the Judicial Conference. He thinks it is a better method... way of operating on this issue, and for... all of those reasons, I would suggest a 'no' vote."

Speaker Greiman: "Further discussion? Gentleman from Knox, Mr. Hawkinson."

Hawkinson: "Thank you, Mr. Speaker. I also rise in opposition to

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this Bill. There was an unfortunate occurrence, apparently, which caused the introduction of this Bill and a like Bill, House Bill 2092. When House Bill 2092 was heard in the House Judiciary Committee this spring, it was agreed to place that Bill in Interim Study because the Supreme Court had agreed to issue a directive on the matter. The Supreme Court has issued that directive which takes care and, in essence, directs that these continuances be given for these high holidays with the very limited exception of compelling human needs. The prior Representative has outlined one instance when a compelling human need might justify that there not be a continuance. There are many more examples that could be... could be thought of. So, I would suggest that we allow the Supreme Court directive to work, lay the matter in Interim Study as we did with House Bill 2092, see if there is a recurrence of the problem and then, perhaps, take issue with it at a later Session. However, given the nature of the Bill, if you cannot bring yourself to vote 'no' on this Bill, I would urge you to consider a 'present' vote and let the Supreme Court directive take care of this problem."

Speaker Greiman: "Further discussion? There being none, the Lady from Lake, to close."

Stern: "Mr. Speaker, I was going to ask Representative Zwick to close, but if I may simply point out that the presenter of this Bill misspoke. It is no longer limited to members of the Jewish faith. It is an attorney who is a bona fide member of a religious faith that... wait till I find it - that dictates that the individual refrain from normal business activity or attend services. May I yield to Representative Zwick?"

Speaker Greiman: "You may. Ms. Zwick, to close."

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

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House, I would like to clarify what you've heard here today, because this has really been quite a lengthy episode that we've gone through on this Bill. I did introduce the same Bill as a House Bill which was heard before Judiciary Committee. It was at that time that I tried very hard to resolve this issue without having to pursue it through the legislative process. In all good faith, I spoke to Chief Judge Gully. We talked about his introducing something before the Judicial Circuit at the Judges' meeting so that we would not have to continue that Bill. And in good faith, I tabled that Bill under his pledge that something would be done in the Judicial Conference. Something was done in the Judicial Conference, but it was simply not addressing our concern and was insufficient. I wrote him a letter explaining to him that the language that he put in his Resolution, which said that it must be a holiday that required isolation or sequestration, did not apply to those of us who are of the Jewish faith and needed to respect our holidays by not having normal business activity, where we have to attend religious observances - the reason that this Bill is here. He, therefore, said that he could not change it any further and; therefore, Senator Carroll and I decided to continue in pursuit of passing this legislation. There was an attorney who was denied a continuance, someone who was of the Jewish faith. In fact, I might tell you it was Ira Rogal, Jerry Shea's partner, who was in DuPage County, was denied a continuance by a Judge. And I don't care what the best interests of human welfare are, that is still within the Judge's discretion. If he doesn't want to be in court that day, he can change things around. Whatever his pleasure is, he can change them around. The only current exemption in the law is for those of us in the Legislature. I think that people who have a religious

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observance on that day... we limit it to those religious observances which require your attendance at religious services and require that you do not pursue your normal business activity. It is very limited in scope. It is here because an incident did happen. And it will happen again if we don't do something about it. I think the least amount of respect that we should show to Jewish attorneys is to give them this one part of the law that says they must receive a continuance, and it will not violate the 120 day rule. There are other ways of getting around that. You can always set it earlier and not later. I would ask for your support. I beg for your support. I think it's a good Bill. I think this is an appropriate reaction to an unforgivable action by a Judge. Thank you."

Speaker Greiman: "Question is, 'Shall this Bill pass?' All in favor signify by voting 'aye', those opposed by voting 'no'. Voting is now open, and this is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 66 voting 'aye', 38 voting 'no', 9 voting 'present', and this Bill, having received a Constitutional Majority, is here... Yes, the Lady from LaSalle, Ms. Breslin."

Breslin: "I'd like to verify the affirmative, please."

Speaker Greiman: "The Lady from... The Lady from LaSalle, Ms. Breslin, asks for a Verification of the Affirmative Roll Call, Mr. Clerk. The Lady from Kane asks for a Poll of the Absentees."

Clerk O'Brien: "Poll of the Absentees. DeJaegher. Didrickson. Homer. Leverenz. And Sutker."

Speaker Greiman: "Mr. Clerk, poll the Affirmative Roll."

Clerk O'Brien: "Alexander. Barger. Barnes. Berrios. Bowman. Braun. Brookins. Bullock. Capparelli."

Speaker Greiman: "Excuse me. Ms. Didrickson? Ms. Didrickson?"

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Didrickson: "Mr. Speaker, I'd like to be recorded 'aye', please."

Speaker Greiman: "Ms. Didrickson votes 'aye'. Mr. Shaw? Mr. Shaw votes 'aye'. Mr. Curran? Mr. Curran vote 'aye'. Mr. Homer? Mr. Homer votes 'no'. Proceed, Mr. Clerk."

Clerk O'Brien: "Continuing the poll of the affirmative. Christensen. Churchill. Cullerton. Curran. Currie. Davis. DeLeo. Didrickson. Dunn. Farley. Flinn. Flowers. Virginia Frederick. Giglio. Giorgi. Greiman. Hannig. Huff. Johnson. Keane. Kirkland. Koehler. Krska. Kulas. Laurino. LeFlore. Levin. Matijevich. Mautino."

Speaker Greiman: "Excuse me. Mr. Steczo? Steczo votes 'aye'. Mr. Tate."

Tate: "Mr. Speaker, may I have leave to be verified, please?"

Speaker Greiman: "Ms. Breslin? Ms. Breslin indicates you have leave to be verified. Mr. Regan? Mr. Regan asks leave to be verified. Mr. Clerk, proceed."

Clerk O'Brien: "McGann. McNamara. McPike. Nash. O'Connell. Panayotovitch. Parke. B. Pedersen. W. Peterson. Preston. Pullen."

Speaker Greiman: "Excuse me. Mr. Parke. Mr. Parke asks leave to be verified. You have leave, Sir."

Clerk O'Brien: "Rea. Rice."

Speaker Greiman: "Yes, excuse me. Mr. Peterson. Mr. Peterson asks for leave to be verified. And Mr. Pedersen asks leave to be verified. Peterson and Pedersen. Proceed, Mr. Clerk."

Clerk O'Brien: "Richmond. Ronan. Saltsman. Shaw."

Speaker Greiman: "Excuse me. Mr. Laurino asks leave to be verified. Mr. Laurino, you have leave. Proceed, Mr. Clerk. I'm sorry. Mr. Nash also asks leave. Mr. Nash. Proceed, Mr. Clerk. Ms. Didrickson asks leave to be verified. Ms. Didrickson. Ms. Didrickson, you have leave.

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And Mr. (sic - Ms.) Braun asks leave to be verified. Mr. McCracken changes his vote from... Mr. McCracken... Mr. McCracken? Mr. McCracken will stay where he is. Now, do we have a list? Have I gone too quickly? Alright. Proceed."

Clerk O'Brien: "Continuing a poll of the affirmative. Soliz. Steczo. Stange. Then Steczo. Stern. Tate. Terzich. Turner. Van Duyne. Vitek. Washington. White. Anthony Young. Wyvetter Young. Zwick. And Mr. Speaker."

Speaker Greiman: "Mr. Leverenz, for what purpose do you seek recognition?"

Leverenz: "Now?"

Speaker Greiman: "Mr. Leverenz."

Leverenz: "Could I be recorded as voting 'aye'?"

Speaker Greiman: "Mr. Leverenz votes 'aye'. Mr. Bowman asks leave to be verified. Does he have leave? Mr. Bowman, you have leave to be verified. Mr. O'Connell? Mr. O'Connell votes 'aye'? No."

O'Connell: "No. Could I have leave to be verified?"

Speaker Greiman: "Oh. Mr. O'Connell asks leave to be verified. And there are 71 voting 'aye'. Mr. McCracken goes from 'no' to 'aye'. Mr. Slater goes from 'no' to 'aye'. Mr. Regan goes... No, that's not Mr. Regan. That's Mr. Pangle. So we have McCracken and Slater going from 'no' to 'aye'. Proceed. The Lady from LaSalle withdraws her request for a verification. On this question... Mr. Clerk? On this question there are... Yes, Mr. Hawkinson?"

Hawkinson: "'Present', please."

Speaker Greiman: "Mr. Hawkinson goes from 'no' to 'present'. ...go to 'present'. On this question there are 73 voting 'aye', 34 voting 'no', 9 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of... Yes, the Lady from

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LaSalle, Ms. Breslin."

Breslin: "Thank you, Mr. Speaker. Just to correct the record. I voted incorrectly on Senate Bill 1199, and I would like to correct the record that I would have preferred to have been voted 'aye' on Senate Bill 1188. Thank you."

Speaker Greiman: "Alright. It will be... that... those remarks will be journalized. As you are aware, we cannot change the Roll Call. Special Call - Civil Law, Senate Bill 1285. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1285, a Bill for an Act concerning missing children and amending certain Acts herein named. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Knox, Mr. Hawkinson, on Senate Bill 1285."

Hawkinson: "Thank you, Mr. Speaker. This is the I SEARCH cleanup Bill proposed by the administration to make certain corrections in the I SEARCH program. Among the changes are the inclusion of a school district as a unit of local government. It mandates a leads NCIC check in all out of state custody cases involving Illinois courts, which would include a mandatory check with the National Custody Register. It amends existing statutory language regarding the composition of the I SEARCH advisory boards to allow representation from each participating agency. It modifies the responsibilities of the I SEARCH unit by expanding the duty of limiting operations to locating missing children to include prevention activities. And it clarifies that Department of Law Enforcement, when it confirms a missing person or children report into the lead system, by providing a procedure by which the entering agency would be responsible or at least the primary agency to be contacted for such confirmation or acknowledgement. I'd be happy to try to answer any questions, and I would urge the favorable

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passage of this Bill."

Speaker Greiman: "The Gentleman from Knox... Gentleman from Knox moves for the passage of Senate Bill 1285. And on that, is there any discussion? There being none, the question is, 'Shall this Bill pass?' All in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open, and this is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 115 voting 'aye', none voting 'no' and none voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Senate Bills Special Call - Civil Law, appears Senate Bill 1380. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1380, a Bill for an Act relating to child custody and visitation rights. Third Reading..."

Speaker Greiman: "Gentleman..."

Clerk O'Brien: "No. This Bill has been read a second time previously. No Committee Amendments."

Speaker Greiman: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, offered by Representative Turner."

Speaker Greiman: "Gentleman from Cook, Mr. Turner, on Amendment #1."

Turner: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Committee... or of the House. Amendment #1 eliminates the two year provision that was stated in the Bill. This is an agreement between myself and the Department of Children and Family Services. I ask that we get a favorable support of this Amendment."

Speaker Greiman: "Gentleman from Cook moves for the adoption of Amendment 1 to Senate Bill 1380. And on that, is there any discussion? Being none, the question is, 'Shall this Amendment be adopted?' All those in favor say 'aye', those

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opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Greiman: "Third Reading. The Gentleman from Cook, Mr. Turner, asks leave of the House, using the Attendance Roll Call, to waive Rule 37(c) of the rules so that this Bill may be heard at this time. Does the Gentleman have leave to use the Attendance Roll Call? Leave is granted. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1380, a Bill for an Act relating to child custody and visitation rights. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Cook, Mr. Turner, on Senate Bill 1380."

Turner: "Thank you, Mr. Speaker. Senate Bill 1380, it amends the Juvenile Court Act and the Probate Act to limit the custodial rights, the visitation rights and the right to be appointed a guardian of persons who have caused or contribute to a minor becoming an abused or neglected child. It helped clarify some language in both the Juvenile Act and the Probate Act. It determines... It makes the determination that clear and convincing evidence... It makes the clear and convincing evidence standard, which should help to make this Bill a little easier to prove when you go to court. I'd ask for your favorable support of this legislation."

Speaker Greiman: "The Gentleman from Cook, Mr. Turner, moves for the passage of Senate Bill 1380. And on that, is there any discussion? The Gentleman from Knox, Mr. Hawkinson."

Hawkinson: "Thank you, Mr. Speaker. Will the Sponsor yield for a question? Representative, would you explain the Floor Amendment and what affect it had on the Bill?"

Turner: "Yes. Originally the House... this Senate Bill was set

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up so that once a person has been... the Amendment deletes the requirement that it established by clear and convincing evidence that a potential guardian or a minor has contributed to the neglect or abuse of a child in order to preclude that person from being the appointed guardian. It eases the clear and convincing standard make. It's easier to preclude a person from being appointed a guardian. It also removes the two year limitation in terms of when the accused and the family can get back together. So we removed that two year time framework."

Hawkinson: "So, the Bill, as originally presented, which would have prohibited even visitation for two years, that part has been deleted from the Bill by this Amendment."

Turner: "Yes, it has."

Hawkinson: "Thank you very much."

Speaker Greiman: "Further discussion? The Gentleman from McLean, Mr. Ropp."

Ropp: "Thank you, Mr. Speaker. A question of the Sponsor. I'd just... I think you... you answered the question that you've taken a two year provision out which would now allow for families to attempt to get together quicker than they could have under... without this Bill, which would have disallowed that up to two years. Is that correct?"

Turner: "That's correct."

Ropp: "Okay. Thank you."

Speaker Greiman: "The Gentleman from Coles, Mr. Weaver."

Weaver: "Thank you, Mr. Speaker. A question of the Sponsor. Will this Bill allow a situation where an abused child has been removed from a parent - will it make it easier for that child to go back to that abusing parent, or will it make it more difficult for that child to be awarded back to that abusing parent?"

Turner: "It would make it harder. The fact that we are

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establishing the clear and convincing evidence would make it harder for the... to put the abused person and the child back together. The removal of the two year limitation would help in a case where... it would allow some flexibility within the Department where there... where there is no... I should say, where it's not clear whether the abuser or... it hasn't been proven that the abuser has really committed the particular crime. It would allow the Department to put the parent and the child back together and not wait the two year statute. But where, in fact, the person who has committed the abuse, this particular Bill would now make it easier to prove that, and thereby, allowing the Department to act more accordingly in terms of separating the parent and the abused kid."

Weaver: "Thank you."

Turner: "Further discussion? Question is, 'Shall this Bill pass?' All in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open, and this is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 110 ... 111 voting 'aye', none voting 'no', 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Senate Bills Special Call - Civil Law, appears Senate Bill 1437. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1437, a Bill for an Act to add Sections to the Consumer Fraud and Deceptive Business Practice Act. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Cook, Mr. Terzich."

Terzich: "I want your vote. That's... Alright. The... Senate Bill 1437 prohibits any person from conducting a home repair or home improvement business under any name other than the person's real name, an assumed corporate name or

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assumed business name and it provides for the first violation as a Class A misdemeanor and that each subsequent conviction is a Class 4 felony. I believe there was similar legislation that did pass the House, and I would urge your support."

Speaker Greiman: "The Gentleman from Cook, Mr. Terzich, moves for the passage of Senate Bill 1437. On that, is there any discussion? The Gentleman from Marion, Mr. Friedrich."

Friedrich: "Would the Sponsor yield?"

Speaker Greiman: "Indicates that he'll yield for a question."

Friedrich: "In some areas, building permits are not required. Is it a misdemeanor if you don't?"

Terzich: "No, I took that out. I amended that Section out."

Friedrich: "Thank you."

Terzich: "You're welcome."

Speaker Greiman: "Further discussion? There being none, the question is, 'Shall this Bill pass?' All in favor... Yes, Mr. Johnson."

Johnson: "I know when people don't hear me when I'm explaining something, that means I don't want them to hear me. I didn't hear Representative Terzich. And I wonder if he could tell me exactly what the Bill does. It may well be totally noncontroversial, but I'd like to hear what it does."

Terzich: "Well, you should have listened, Representative."

Johnson: "Well, I did, but I didn't understand you."

Terzich: "Well..."

Johnson: "Either that, or we talk different."

Terzich: "Well, I will do it in English, okay? It amends the Consumer Fraud and Deceptive Business Practice Act, and it prohibits any person from conducting a home repair or home improvement business under any other name than the person's real name, assumed corporate name or assumed business name

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and it provides that the first violation is a Class A misdemeanor and that each subsequent conviction is a Class 4 felony. Representative Friedrich asked a question whether or not there was a provision with regard to building permits being a Class A misdemeanor. That provision was taken out of the Bill. It was amended out of the Bill. And that's all the Bill does, and it's similar to legislation that we passed out of here with about 105 votes."

Johnson: "What names would one choose to do business as that would constitute a threat to the public health and safety, other than... I mean, if you use your real name, assumed corporate name, assumed business name. What other names are there that people would use that would cause a problem?"

Terzich: "Well, from what I understand, that there's been a number of home improvement firms that just generate different names going out through different neighborhoods and not representing the true name of their business. You can go under any... As a matter of fact, even through a telephone solicitation. Many, many times that you would assume an assumed name rather than the business name that you would go under. And this is what the Bill does."

Johnson: "The... Well, what... I'm not going to oppose this Bill. I just... I'm just searching for the necessity for it. It is... Assumed business name that the Bill has reference to, is that the name that you have to file with the county clerk and go through the statutory procedure, or is that the generic term of assumed business name? I suppose anybody could assume any name or names and still be legal under the statute."

Terzich: "Well, from what I understand, home business repair operating under a name other than the real name of the

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individuals conducting the business, an assumed corporate name complying with the Business Corporation Act of 1983, or as an assumed business name."

Johnson: "That's what I mean. What's the assumed business name?"

Terzich: "I really couldn't tell you."

Johnson: "Well, I guess if you wanted to defraud people, you'd just assume... if you're using that term just in its Webster's sense, you could assume..."

Terzich: "You can assume any name that you could dream up, I would believe."

Johnson: "And still be legal under this statute? I guess what I'm getting at... Bob, I'm really not trying to give you a ... I'm going to vote for the Bill."

Terzich: "Well, if ... if..."

Johnson: "I just want to know what problem we have that this..."

Terzich: "If the person uses a name, a different assumed name, and he is caught using that name other than as stipulated here, and then they would be subject to be guilty of a misdemeanor. That would be under the Deceptive Practice Act. Many senior citizens are vulnerable to this type of presentation by..."

Johnson: "I know they are, and I think everybody's concerned about that. I guess my question was the way the Bill is worded I don't know how you're really going to get at the problem of fraud because people can assume a whole series of names and still perpetrate fraud. But if you want it and you think it's going to solve the problem, I'll vote for it."

Terzich: "Thank you."

Speaker Greiman: "Gentleman from McHenry, Mr. Klemm."

Klemm: "Yes, thank you, Mr. Speaker. Will the Sponsor yield for a question?"

Speaker Greiman: "Indicates that he will yield for a question."

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Klemm: "Representative Terzich, for... the questions I ask now is more for legislative intent, if I may. I see Amendment #1, that was added, talks about building permits and the person that does the construction..."

Terzich: "I took those... I amended that Section out of the Bill, Representative. There's Amendment #2 which took it out of the Bill."

Klemm: "Alright. My purpose... my question is that Amendment #2 has deleted all reference to building permits?"

Terzich: "Correct."

Klemm: "Alright. Thank you very much."

Speaker Greiman: "Further discussion? There being none, the question is,... I'm sorry. Mr. Huff."

Huff: "Thank you, Mr. Speaker. I rise very briefly and very succinctly to support this measure. It is an appropriate one. Apparently it addresses itself to a problem that's unique only in Chicago. There are many home improvement companies that operate under several doing business as aliases where, subsequent to securing a contract for work, if the work is shoddy or if there are complaints against that particular name, they just simply go out of business under that name while they still maintain their business offices under another name. I think this is an excellent Bill. It deals with a problem that apparently is only peculiar to Chicago, but I would support your adoption of this Bill."

Speaker Greiman: "Gentleman from Saline, Mr. Phelps."

Phelps: "Thank you, Mr. Speaker. I just simply rise in support of this Bill, and I feel it's targeted for a clientel of our citizenship of the senior citizens that are hit hard at this, and I move the previous question."

Speaker Greiman: "Excuse me. Will unauthorized persons please leave the floor? Alright. Question is, 'Shall this Bill

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pass?' All those in favor signify by saying... by voting 'aye', those opposed vote 'no'. Voting is now open, and this is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 114 voting 'aye', none voting 'no', none voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Senate Bills Special Call - Civil Law, appears Senate Bill 235. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 235, a Bill for an Act to amend Sections of the Consumer Fraud and Deceptive Business Practice Act. This Bill has been read a second time previously. No Committee Amendments."

Speaker Greiman: "Are there any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, offered by Representative Homer."

Speaker Greiman: "The Gentleman from Fulton, Mr. Homer."

Homer: "Thank you, Mr. Speaker. I ask leave to withdraw Amendment 1 and 2."

Speaker Greiman: "Amendment #1 is withdrawn. Further Amendments?"

Clerk O'Brien: "Floor Amendment #2, offered by Representative Homer."

Speaker Greiman: "Gentleman from Fulton, Mr. Homer, on Amendment #2."

Homer: "Ask leave to withdraw."

Speaker Greiman: "#2 is withdrawn. Further Amendments?"

Clerk O'Brien: "Floor Amendment #3, offered by Representative Homer."

Speaker Greiman: "Gentleman from Fulton, Mr. Homer, on Amendment #3."

Homer: "Thank you, Mr. Speaker. Amendment #3 is language that was worked out by the Sponsor of the Bill, together with

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the concerns of the Illinois Retail Merchants' Association, to satisfy objections that were raised. The Bill itself is a consumer protection Bill dealing with the issue of free offering. I would ask for the adoption of the Amendment and certainly would answer any questions."

Speaker Greiman: "The Gentleman from Fulton, Mr. Homer, moves for the adoption of Amendment 3 to Senate Bill 235. And on that, the Gentleman from Champaign, Mr. Johnson."

Johnson: "Could you tell us what the Amendment does and how it varies the Bill?"

Homer: "Okay. Yes, I can, Representative Johnson. The Bill itself addresses the problem of unscrupulous promoters who would, in trying to promote a product, a business or an interest in real estate, offer a free prize to induce consumers to traverse or to rely upon that free prize, to go out of their way to take a look at the product. And it's been found that there are many circumstances or some circumstances where that free prize is worthless, and people have traveled several hundred miles to get the free prize only to find out that this was basically a bogus offering. So, what the amended Bill says is that free prizes shall not be permissible unless all material terms and conditions relating to the offer are clearly and conspicuously disclosed at the outset of the offer so as to leave no reasonable probability that the offering might be misunderstood."

Speaker Greiman: "Further discussion? There being none, the question is, 'Shall Amendment #3 be adopted?' All in favor say 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment's adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Greiman: "Third Reading. Gentleman from Fulton moves..."

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Yes, Mr..."

Homer: "Thank you. I move for the suspension of..."

Speaker Greiman: "Gentleman from Fulton moves for the suspension of Rule 37(c), using the Attendance Roll Call, so that this Bill may be heard at this time. Does the Gentleman have leave? Gentleman has leave. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 235, a Bill for an Act to amend Sections of the Consumer Fraud and Deceptive Business Practice Act. Third Reading of the Bill."

Speaker Greiman: "Gentleman from Fulton, Mr. Homer."

Homer: "Thank you, Mr. Speaker and Ladies and Gentlemen. The Amendment 3 that was just adopted becomes the Bill. I would simply ask for your favorable consideration."

Speaker Greiman: "The Gentleman from Fulton moves for the passage of Senate Bill 235. And on that, is there any discussion? The Gentleman from DeKalb, Mr. Countryman."

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

Speaker Greiman: "Indicates he'll yield for a question."

Countryman: "Is it my understanding now that the language which was in the initial Bill that said that you had to state... specify the fair market value of the prize is not there now?"

Homer: "That's correct, Representative Countryman. That no longer is part of the Bill."

Countryman: "Well, it seemed to me that that was a pretty good idea. Do you know why that was taken out?"

Homer: "Well, the retail merchants, I think, had a legitimate concern as to what the definition of free market value would be. The proposed... the amended language, Representative, is language that's consistent with and identical to Federal Trade Commission language which deals with this problem at the federal level. And I believe that it still provides the basic protections. Here's the

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problem, very simply, that they pointed out to me. Take, for example, a razor blade offering where Gillette offers seven blades for the price of five. They were concerned that the original Bill would require them to put the fair market value of each blade in their advertising. And based upon that concern, we amended the Bill."

Countryman: "I thought the Bill was kind of designed to go at these people that said if you come out to look at our campsites, you win a free TV and find that they've won some TV that's rather worthless or something like that."

Homer: "Right. That is the thrust of the Bill. And by this Amendment, hopefully we'll be addressing just that type of... that type of transaction and not... not being cumbersome or harrassing to those legitimate retail establishments."

Countryman: "Thank you."

Speaker Greiman: "Further discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. And this is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 110 voting 'aye', 1 voting 'no', none voting 'present'. This Bill, having received the Constitutional Majority... Ms. Deuchler votes 'aye'. There are, therefore, 111 voting 'aye', 1 voting 'no' and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Senate Bills, Special Call - Civil Law, appears Senate Bill 762. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 762, a Bill for an Act to amend the Physical Fitness Services Act. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Fulton, Mr. Homer."

Homer: "Thank you, Mr. Speaker and Ladies and Gentlemen. Senate

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Bill 762 is identical to a... some provisions that were incorporated in a House Bill that passed out last month. The Bill deals with the Physical Fitness Services Act and specifically with those requirements in that Act for there to be only a one year length on the contract by which a person... a consumer may enter into a contract with a physical fitness service center. That is in the current law, one year. This Bill would say that the minimum term could be extended to two years. The second part of the Bill is that under current law, for renewal clauses contracts under that Act, there's a limit that the renewal would be not less than 25 percent of the cost of the original contract. This Bill, as presented, would change that minimum from 25 percent to 10 percent. I would entertain any questions and move for the adoption... passage of the Bill."

Speaker Greiman: "The Gentleman from Fulton, Mr. Homer, moves for the passage of Senate Bill 762. And on that, the Gentleman from Cook, Mr. Cullerton."

Cullerton: "Yes, would the Sponsor yield?"

Speaker Greiman: "Indicates that he'll yield for a question."

Cullerton: "Representative Homer, could you tell me why we would want to change the law to allow for a two year contract as opposed to a one year contract?"

Homer: "Thank you, Mr. Speaker. Representative Cullerton, of course, the concept of restricting the right to contract is one that runs... to our legal system in the first place. But because of possibilities or potentials for abuse in this area, physical services centers, the Legislature, a few years ago, restricted the length of any contract to one year. And that was done with the full consent blessing of such interests as, for example, the Chicago Health Club was a promoter at that time. And the reason for the original

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one year limitation was that it was felt that ... that any abuses in this area seem to occur where firms would come in and promote a facility and promote membership and hook somebody to a long term contract. So, it was felt that the one year limit was needed to protect consumers. Now it's felt, after a number of years of experience, practical experience under the Bill, that the one year period has turned out to be unduly restrictive, both... not just to the health clubs, but also to consumers who are anxious to take advantage of a longer term contract. And so, what we're asking to do here is simply put Illinois in accord with a number of other surrounding... or other states, such as New York, California, Florida, Georgia, Wisconsin and Ohio, who have gone to the two year limit and have found that to be a satisfactory limitation fully protective of the consumer interests and, yet, not unduly restrictive."

Cullerton: "Then this option to renew... give me an example of how that works right now and how you want to change it?"

Homer: "Okay. Maybe the best way would be... and the reason that was put in was to prevent health clubs from circumventing the contractual limits that we established in the Bill. For example, let's suppose the current law has a one year limitation for a contract, so the health service center says, 'Alright, we want to get around that, so what we'll do is say we'll sell you a one year membership, but we'll tell you that you can renew that for each of the next three years for a dollar a year. And, therefore, we've really got a one year contract, so we're complying with law.' But really, in effect, what they're doing is attempting to circumvent the law by making a token renewal amount. So, when the Bill was... the legislation was originally proposed it said that the renewal could not for less than

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25 percent of the cost of the original contract. So that, under that example, a thousand dollar first year contract could only be renewed with the minimum of 250 dollars for the second year. That made it harder of health clubs to circumvent the intent of the Bill. So, what we've found, however, is that 25 percent figure is, again, unduly restrictive because, based upon studies in this area, 80 to 95 percent of the cost of servicing the customer occurs within the first year of the contract. So that to bring this into conformity with reality in the factual case, it's felt that we needed to remove that 25 percent limit and move it back to 10 percent, which would be a more reasonable minimum."

Cullerton: "Well, so this Bill is for the people that own physical fitness centers."

Homer: "Well, it's for... it's for both the consumers and physical fitness centers. I think what we're saying is that perhaps maybe the legislation a few years ago, as sometimes happens to correct a problem, maybe went too far in one direction, and now it's necessary to correct the course by bringing the measure back into conformity."

Cullerton: "So, this will encourage people to join physical fitness centers and, thus, making the state a healthier place to live."

Homer: "I didn't... Will you repeat that?"

Cullerton: "This will encourage people to go to physical fitness centers. Instead of having a one year contract where they would just not renew it, this will encourage them to sign a two year contract so that they'll end up probably going twice as long as they normally would, and we'll have a healthier state to live in."

Homer: "Yeah, there you go. That seems to be the understanding that I have."

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Cullerton: "Thank you."

Speaker Greiman: "Further discussion? The Gentleman from Cook,
Mr. Levin."

Levin: "Would the Sponsor yield?"

Homer: "Yes."

Levin: "I would ask questions anyway."

Homer: "Okay."

Levin: "The original legislation was sponsored by Representative
Pierce."

Homer: "You mean... You mean the original staff..."

Levin: "The current law. The current law."

Homer: "The current law. I don't know."

Levin: "Yeah, and I think he sponsored that just last year."

Homer: "No. This... this.. Senate Bill 762 actually is promoted
by former Representative Pierce."

Levin: "Yes."

Homer: "But he had the same Bill last year that he had which was
the same Bill as Senate Bill 762. The Bill passed the
House but died in the Senate Rules Committee."

Levin: "But the original legislation that this is intending on
amending was to correct an abuse whereby these health
facilities would sell somebody a five or a ten year, a long
term, program and they'd go... for someone who'd go in once
or twice and decide this wasn't for them and they'd be
stuck with it, and they wouldn't be able to get out of it.
And the purpose for the limitation was to correct a series
of substantial abuses. You know, is that not correct?"

Homer: "Yes, that's correct."

Levin: "And, you know, why, you know, two years is a pretty long
period of time. Is there any current cooling off period
where, after you sign a contract, if you decide within 15
days or 30 days you don't want it, you can get out of it?
Is there anything like that now?"

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Homer: "Yes... well, as a matter of fact, that was the subject of the House Bill that passed the General Assembly that incorporated these provisions. The House Bill provided there was a seven day period of rescission where a consumer may change his or her mind and opt out of the health club. The health club industry, at that time, approached... That Bill, by the way, was promoted by the Attorney General's Consumer Division. The health clubs negotiated with that division and with the Sponsor of the legislation and came up with this... with an Amendment identical to Senate Bill 762 which was then incorporated into that House Bill and passed out of the House. So that, yes, this has to be a balance. The consumers' rights are paramount and that's been our focus in the original House Bill. However, we recognized that, in the end, consumers don't benefit unless health clubs are able to function reasonably and profitably and without undue governmental restriction. And so we're willing, on the behalf of consumers, to recognize that some accommodation is necessary where it's legitimately needed. I might mention also this is former Representative Pierce's first Bill as a lobbyist, which we'd want to recognize as well."

Levin: "I think ... wasn't House Bill 1814 his first Bill as a lobbyist? That's right. To the Bill, Mr. Speaker. I must... despite the excellent sponsorship, I have serious problems with this Bill. We put... We had serious problems with respect to this industry with respect to people being taken by these facilities where somebody would be forced to sign a long term contract. That was the only way they could get use of membership in the health facility. They'd go in one or two times. They decided this wasn't for them or it didn't have the services they wanted, and they found out they were stuck with a one, two, five or ten or

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twenty-five year contract that they couldn't get out of. So, the legislation we passed just a couple of years ago was to correct that, to provide some limitations to protect the consumer. We've heard nothing as to what are legitimate reasons for changing it now. And, you know, I think this well... well-intentioned Bill, while a good Sponsor, is not something that's good for the consumer, and I would urge a 'no' vote."

Speaker Greiman: "Gentleman from Cook, Mr. Preston."

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. There are a number of good reasons to support this Bill. One is, I think, that it makes perfect sense to extend the contract period for two years from the standpoint both of the consumer and of the health club itself. The health club, of course, wants to be in a position to be able to plan future capital expenditures and repair work on a facility and they can do that. When they go to the bank and they have a contract for only one year, a bank's going to say, 'Hey, we can't loan money if you're only guaranteed a membership for one year, but we can loan you money to make your capital improvements,' if you show them a contract of a longer period of time. They, therefore, have some assets to rely on when they make their loan. From the consumer's standpoint, a consumer wants to know that if he or she joins a health club, that the health club cost isn't going to triple or quadruple that following year. They want some assurance that they can join it and have some continuity of service at a cost that's affordable. So, those are two very good reasons. There's even a third excellent reason for supporting this Bill, and that's because of the sponsorship of this Bill by, not only the House Sponsor, but by former Representative Dan Pierce, who is a lobbyist who is very

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interested in this Bill, and you might even consider this Bill actually Pierce's first Bill as a lobbyist. So, for Pierce's first Bill, I would encourage your 'aye' vote."

Speaker Greiman: "Further discussion? The Gentleman from Fulton, Mr. Edgar... Mr. Woodyard, from Edgar."

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

Speaker Greiman: "Indicates he will."

Woodyard: "Representative Homer, since this is a physical fitness Bill, have you filed a physical note on this?"

Speaker Greiman: "Being no further discussion, the Gentleman from Fulton, Mr. Homer, to close, briefly."

Homer: "Thank you. I'd ask for your support for the Bill."

Speaker Greiman: "The question is, 'Shall this Bill pass?' All in favor signify by voting 'aye', those opposed vote 'no'. This is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 95 voting 'aye', 14 voting 'no', 3 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Senate Bills Special Call... Yes, Mr. Vinson, for what purpose do you seek recognition?"

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

Speaker Greiman: "Pardon?"

Vinson: "Inquiry of the Chair."

Speaker Greiman: "Yes, Mr. Vinson."

Vinson: "Mr. Speaker, I don't believe there is anything more important in this chamber than that the records be straight on how the Members of this chamber have cast their votes. I notice that the record of the proceedings for March... for May 24, 1985 is now out. I notice that on page 544, in regard to House Bill 1277, it reflects a Roll Call on that Bill that shows 70 'yeas' and 45 'nays'. It was a Bill sponsored by Representative Phelps and Nautino - et al, a

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variety of Sponsors. And I just happen to have before me, Mr. Speaker, a copy of the Roll Call on House Bill 1277 that day, and it's interesting that that one only shows 69 people recorded in favor of that Bill. Now, Mr. Speaker, that led me to examine the Roll Call on that Bill. And the Roll Call on that Bill showed that Representative Phelps was absent on that Roll Call and; yet, when the official records of the House are brought forth, and I look at the official records of the House right here, I notice that Representative Phelps is recorded on them as voting 'yes'. Now, Mr. Speaker, that is the kind of thing that I'm sure you would agree we cannot have in this chamber. And I would ask you to do something to rectify that and to make sure it never happens again. You'll recall that we had quite a discussion on this last year, and I thought that procedures were in effect to avoid that. There's nothing more important to the people of this state than to have official records which reflect accurately how Members have voted on Bills. And I can't see how we can conceivably have a situation where, in fact, we've got a case where the Clerk's Office or somebody's changing these records. I don't think that's right, and I don't think you do."

Speaker Greiman: "Mr. Vinson, the Chair certainly agrees with you that, as well as the Clerk, that accuracy in our records is a very important part of the task of State Government and running this House and the General Assembly. And, generally, we will check it out. We will come back to you, and we will make a thorough inquiry on it. Alright? Further disc... On the Order of Senate Bills, Special Call - Civil Law, appears Senate Bill 413. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 413, a Bill for an Act reapportioning Judicial Districts in Judicial Circuits. Third Reading of

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the Bill."

Speaker Greiman: "The Gentleman from Will, Mr. Van Duyne."

Van Duyne: "Yes, thank you, Mr. Speaker. This Bill, when we were in the Amendment process, has been debated quite intensively. So I have no real reason to go into it in depth, but just simply put, it's necessitated by the population growth of Will County, which is now up to 340,000 people. And it was thought that it might be a good idea to have it... have Will County as a separate Circuit. So that was the initial intent of the Bill, to set up Will County as a separate Circuit District, the 12th, and in the Amendment stated also, sets up the Kankakee County and Iroquois County as the 21st District. It also places Iroquois County in the 4th Appellate District. We've had a lot of conversation about this. There's been a lot of accommodations have tried to be made to satisfy everybody. And as I know, to my knowledge, at least most everyone is satisfied with the Bill the way it is, and I would submit that, too, for your... for your scrutiny and also ask for an 'aye' vote."

Speaker Greiman: "Gentleman from Will, Mr. Van Duyne, moves for the passage of Senate Bill 413. And on that, is there any discussion? The Gentle... Is there any discussion? Wow. The Gentleman from DeWitt, Mr. Vinson."

Vinson: "Mr. Speaker, has this Bill been amended today?"

Speaker Greiman: "Yes, it has, but he previously had leave to have it heard instanter."

Vinson: "I beg your pardon?"

Speaker Greiman: "He previously had leave to have it heard instanter."

Vinson: "How did he get that kind of leave?"

Speaker Greiman: "Apparently... apparently, at the previous time, the Body, the House of Representatives, gave him that

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leave."

Vinson: "Yes, but now... he took it out of the record then. So he needs leave to hear it today. That's the real..."

Speaker Greiman: "No, he still has the... leave is still appropriate. He took the Bill out of the record, but he still has leave to hear it today. What we did was we waived rule 37(c). Did you want to speak to the Bill?"

Vinson: "Would you tell me what Roll Call that vote was taken on?"

Speaker Greiman: "Pardon?"

Vinson: "Would you tell me what Roll Call that vote..."

Speaker Greiman: "Attendance Roll Call. You supported it, Mr. Vinson."

Vinson: "I don't believe so."

Speaker Greiman: "The Gentleman from Champaign, Mr. Johnson."

Johnson: "I just want to speak to the Bill when it's appropriate."

Speaker Greiman: "To the Bill."

Johnson: "I think everybody in casting their vote on this Bill ought to know what this does. As I said in debate on the Amendments, the Senator and the Representative came to us with the apparently worthwhile idea of making Will County its own Circuit because of the growth of population and the necessities of administration of justice and so forth. And with some exception, we basically agreed with that as a premise. But now what this Bill does is something substantially different. Among other things, it does or could change the balance between the 3rd and 4th Appellate Districts at a time when there's at least rumors that the Supreme Court Justice from that area may be retiring and there may be an election to fill that spot and then, accordingly, probably another election to fill the Appellate Court spot. It does, for the first time that I

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can recall and I think the first time in the history of our judicial system, at least after the Judicial Article, split a Circuit so that Kankakee goes to one Appellate District and Iroquois, historically and even now with this Amendment and Bill in the same Circuit, goes to a different district, which means that people will go all the way from Onarga and Ashkum and other areas in northern Iroquois County all the way to Springfield, which seems to be, at least when they have the option of preserving it, a silly alternative. All we've got to do to do what Representative Van Dwyne wants to do is defeat this Bill. We'll force it into a Conference Committee and then we'll do what he and the Senator say is the only thing they really wanted to do and that is to take care of their own county. Now, people can say what they want about the value of tradition and the value of operating under years of a particular system, but, believe me, just in terms of the economical administration of our court system, it makes a very dramatic difference, in terms of how a county has been situated as between Appellate Districts and Circuits and so forth, and now we're going to upset that for no apparent reason at all. Nobody has yet to explain why we need to change and split counties into separate Appellate Districts when we can solve the same problem by a much easier and less disruptive mechanism. This Bill is bad enough, but I hope that the ultimate doesn't happen and that is for us to pass this Bill, as amended, have it go over to the Senate, wind up in a Conference Committee and then have a total judicial redistricting as we faced last year; and, as you found last year, the whole system, from both sides of the aisle and both political parties, were uniformly opposed, or almost uniformly opposed, to those dramatic changes. I don't think this is necessary. We can vote 'no'. We can force it

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to a Conference Committee. We can force the process to be able to do what Representative Van Duyne really wants to do and that is to give his county its own Circuit. I urge a 'no' vote."

Speaker Greiman: "The Gentleman from Knox, Mr. Hawkinson."

Hawkinson: "Thank you, Mr. Speaker. I won't repeat the arguments just made or the argument that we had at the Amendment stage, but I also rise in opposition to this Bill. It clearly goes beyond the initial intent of the Sponsor to create a single Circuit for Will County, a move that is supported locally by... apparently by the bars and by the Judges and could probably be supported here. But this Bill goes way beyond that and changes Iroquois County from the 3rd Appellate District to the 4th. It sets up all sorts of political ramifications, and it also sets the stage for a complete rewrite in Conference Committee, and I would urge a 'no' vote."

Speaker Greiman: "Gentleman from Cook, Mr. Terzich."

Terzich: "Yes, I'd like to take this Bill to the jury, and I move the previous question."

Speaker Greiman: "Gentleman moves that the previous question be put. Those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the main question will be put. Mr. Van Duyne, to close."

Van Duyne: "Thank you, Mr. Speaker and Members. I'm sorry that we can't pacify the people on the other side of the aisle, when we have made an honest effort to alleviate the problem of Representative Breslin and Representative Countryman. One of the Representatives over there assured me he had no real interest in this himself. It seems, with his debate, he... he evidently told me something that he didn't really believe himself. We have tried to make everyone happy as we legitimately could in this Bill, and evidently we

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can't satisfy a couple. But Representative (sic - Senator) Sangmeister, the Sponsor of this, it came out of the Senate with a very definite vote in his favor, and I ask everyone in the House to support it. And I ask for your 'aye' vote."

Speaker Greiman: "Question is, 'Shall this Bill pass?' All in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. This is final action. Mr. Countryman, to explain his vote. One minute."

Countryman: "Thank you, Mr. Speaker. I said it before in the debate in this Amendment. I think this sets a bad precedent, a bad policy, and it's going to cost the taxpayers of the State of Illinois a substantial amount of money. And I think this is a bad Bill, and I urge a 'no' vote."

Speaker Greiman: "Ms. Koehler, one minute to explain your vote."

Koehler: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Perhaps no one is in a better position to speak against this Bill than myself. I recall my own problems with reapportionment with the Democrat-drawn reapportionment plan for Legislative Districts. I had to go into the Illinois Supreme Court to get a fair district. There were others on the Democrat side of the aisle that were racially gerrymandered, as mine was politically gerrymandered. We do not want to open up the court systems to the same type of political gerrymandering and political shenanigans that we see happening here. With this Amendment that has been adopted, it could go into a Conference Committee and, in that Conference Committee, we could see the same kind of political politics played with our Judicial Districts that we saw played with the legislative reapportionment map. This Bill ought to be defeated. We don't want it to go into a Conference

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Committee where they can pay off political pals and debts.

I oppose this and hope you'll join me."

Speaker Greiman: "Mr. Pangle, the Gentleman from Kankakee, one minute to explain your vote."

Pangle: "Thank you. I have sat back and listened to the Amendment debate, and I've listened to the debate on the Bill. I called the Chief Judge - and Iroquois County happens to be in my district - I called the Chief Judge of Kankakee-Iroquois and I talked to him this morning and he happens to be a Republican, by the way. He said that as far as the Judges were concerned in Iroquois and Kankakee County, they had no problem changed in the Appellate Court from the 3rd to the 4th. The important thing was to get Kankakee and Iroquois a Circuit within itself, and he had no problem with the Amendment. And I would appreciate an 'aye' vote."

Speaker Greiman: "The Gentleman from Marion, Mr. Friedrich, one minute to explain your vote."

Friedrich: "Mr. Speaker, my counties are not in this area, but I do have two questions. One, what's this going to cost the taxpayers in creating this new district and the new judgeships? And the other I would like to know is, who are the candidates for Judge? Obviously, they're circulating around, and maybe some of the people on this floor are creating a district for themselves."

Speaker Greiman: "Mr. McCracken, Gentleman from DuPage, one minute to explain your vote."

McCracken: "If this appears to receive the requisite number, I'm going to verify, please."

Speaker Greiman: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 63 voting 'aye', 49 voting 'no', 2 voting 'present'. And the Gentleman from Will asks for a Poll of the

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Absentees. Yes, Mr. Homer. Mr.... Mr. Clerk, Mr. Homer votes 'aye'. Homer 'aye'. Poll of the Absentees."

Clerk Leone: "Poll of the Absentees. Krska. Leverenz. And Sutker."

Speaker Greiman: "Mr. Hastert. Mr. Hastert goes from 'no'... from 'aye' to 'no'. Hastert votes 'no'. Mr. Clerk, proceed to verify the Affirmative Roll Call."

Clerk Leone: "Poll of the affirmative. Alexander. Berrios. Bowman. Braun. Breslin. Brookins. Brunsvold. Bullock. Capparelli. Christensen. Cullerton. Curran. Davis. DeJaegher. DeLeo. Dunn. Farley. Flinn. Flowers. Giglio. Giorgi. Greiman. Hannig. Hartke. Hicks. Homer. Huff. Keane. Kulas. Laurino. LeFlore. Levin. Matijevich. Mautino. McGann. McNamara. McPike. Mulcahey. Nash. O'Connell. Panayotovich. Pangle. Phelps. Preston. Rea. Rice. Richmond. Ronan. Saltsman. Shaw. Soliz. Steczko. Stern. Terzich. Turner. Van Dyne. Vitek. Washington. White. Wolf. Anthony Young. Wyvetter Younge. And Mr. Speaker."

Speaker Greiman: "Mr. Turner asks leave to be verified. Mr. McCracken, are you giving people leave to be verified?"

McCracken: "As long as I can keep up with them."

Speaker Greiman: "Mr. Turner asks leave to be verified. Mr. Brookins..."

McCracken: "Okay."

Speaker Greiman: "... asks leave to be verified. Mr. Preston asks leave to be verified."

McCracken: "Alright."

Speaker Greiman: "Mr. Leverenz votes 'aye'."

McCracken: "Votes 'no'."

Speaker Greiman: "Mr. Leverenz votes 'aye'. Mr. McCracken, do you... Yes, Mr. Saltsman."

McCracken: "Mr. Saltsman?"

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Speaker Greiman: "Mr. Saltsman asks leave to be verified, and Mr. Dunn asks leave to be verified."

McCracken: "Leave. Leave."

Speaker Greiman: "Those two Gentleman, Saltsman and Dunn."

McCracken: "Ready?"

Speaker Greiman: "I'm ready. Are you ready? Mr..."

McCracken: "Do you have a count, Sir?"

Speaker Greiman: "Proceed to the verification... questions to the Roll. Excuse me. Mr. Hartke. Ladies and Gentlemen, it's sort of in vogue to ask leave, I guess."

McCracken: "I'm ready."

Speaker Greiman: "If you don't have any reason to leave the floor, don't ask leave. Mr. McCracken, questions of the Affirmative Roll Call."

McCracken: "Mr. Berrios. Representative Berrios."

Speaker Greiman: "Mr. Berrios. Mr. Berrios in ... Mr. Berrios. How is the Gentleman recorded?"

Clerk Leone: "Gentleman's recorded as voting 'aye'."

Speaker Greiman: "Remove the Gentleman from the Roll."

McCracken: "Representative Brunsvold."

Speaker Greiman: "Mr. Brunsvold is in his seat."

McCracken: "Couldn't see him in his chair. Representative Cullerton."

Speaker Greiman: "Mr. Cullerton is in... just left the floor. We'll get him for you if you want him."

McCracken: "Alright. We'll waive that. But let him know I did that for him, okay?"

Speaker Greiman: "I will let him know. It's a 'chit'."

McCracken: "Representative DeJaegher."

Speaker Greiman: "Mr. DeJaegher. Mr. DeJaegher in the chamber? How is the Gentleman recorded?"

Clerk Leone: "Gentleman's recorded as voting 'aye'."

Speaker Greiman: "Remove the Gentleman from the Roll Call."

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McCracken: "Representative Farley."

Speaker Greiman: "Mr. Farley is in his seat."

McCracken: "Sorry."

Speaker Greiman: "As always."

McCracken: "I'm sorry. Representative Flinn."

Speaker Greiman: "Mr. Flinn. Mr. Flinn. Mr. Flinn in the chamber? Mr. Flinn is in his seat."

McCracken: "I see him. I see him. Representative Giglio."

Speaker Greiman: "Mr. Giglio. Mr. Giglio in the chamber?"

McCracken: "And Representative..."

Speaker Greiman: "Mr. Giglio is in his ... is in Mr. Panayotovich's seat."

McCracken: "Representative McGann."

Speaker Greiman: "Mr. McGann. Mr. McGann in the chamber? Mr. McGann. How is Mr. McGann recorded?"

Clerk Leone: "Gentleman's recorded as voting 'aye'."

Speaker Greiman: "Remove Mr. McGann from the Roll Call."

McCracken: "Representative O'Connell."

Speaker Greiman: "Mr. O'Connell. Mr. O'Connell. How is Mr. O'Connell recorded?"

Clerk Leone: "Gentleman's recorded as voting 'aye'."

Speaker Greiman: "Remove Mr. O'Connell from the Roll Call."

McCracken: "Representative Krksa."

Speaker Greiman: "Mr. Krksa did not vote."

McCracken: "Representative Terzich."

Speaker Greiman: "Mr. Terzich. Mr. Terzich in the chamber? He's at the door."

McCracken: "Representative White."

Speaker Greiman: "Mr. White is in his seat."

McCracken: "Couldn't see that, sorry. Representative Rea."

Speaker Greiman: "Mr. Rea. Mr. Rea in the chamber? How is Mr. Rea recorded?"

Clerk Leone: "Gentleman's recorded as voting 'aye'."

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Speaker Greiman: "Remove Mr. Rea."

McCracken: "Representative..."

Speaker Greiman: "Mr. Berrios... Excuse me. Mr. Berrios has returned to the chamber. Restore Mr. Berrios to the Roll Call, Mr. Clerk. Mr. McCracken, proceed."

McCracken: "Representative Bowman. I'm sorry."

Speaker Greiman: "Mr. Bowman is in his seat. Mr. DeJaegher has returned to the Roll Call. Mr. Rea has returned to the chamber. So restore Mr. DeJaegher and Mr. Rea to the Roll Call."

McCracken: "Representative Alexander."

Speaker Greiman: "Ms. Alexander. Is Ms. Alexander in the chamber? How is the Lady recorded?"

Clerk Leone: "Lady's recorded as voting 'aye'."

Speaker Greiman: "Remove her from the Roll Call."

McCracken: "Representative McNamara."

Speaker Greiman: "Mr. McNamara is in his seat. Yes, Mr. McCracken, other questions, further questions?"

McCracken: "Panayotovitch. Representative Panayotovitch."

Speaker Greiman: "Mr. Panayotovitch. Well, he's right here. Mr. Panayotovitch is right here."

McCracken: "Oh, I'm sorry."

Speaker Greiman: "At my right hand, as always."

McCracken: "Nothing further."

Speaker Greiman: "On this question there are 61 voting 'aye', 50 voting 'no', 2 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Van Dwyne, for what purpose are you now seeking recognition?"

Van Dwyne: "That's my heartbeat, Mr. Speaker."

Speaker Greiman: "Pardon?"

Van Dwyne: "That's my heartbeat. I'm sorry. I didn't realize..."

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Speaker Greiman: "Ladies and Gentlemen, we will now go to the Special Order of Games of Chance. On the Special Order - Games of Chance... Yes, before we do, let the Chair announce that we will take a vote at 5:30 or shortly thereafter on the Special Consent Calendar, so that if you have Bills that you wish to vote 'no' or 'present' or change your vote, they must be in by 5:30. On the Order of Special Call - Games of Chance appears Senate Bill 169. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 169, a Bill for an Act to amend an Act in relationship to funding of certain metropolitan exposition and civic center authorities. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Cook, Mr. Bullock."

Bullock: "Thank you, Mr. Speaker. I'd like to request suspension of the appropriate rule in order that..."

Speaker Greiman: "The Bill is on the Order of Third Reading."

Bullock: "I'd like to request leave to return 169 to the Order of Second Reading for the purpose of Amendment."

Speaker Greiman: "The Gentleman from Cook, Mr. Bullock, asks leave of the House to return the Bill to the Order of Second Reading for the purpose of Amendment. Gentleman has leave. The Bill is returned to the Order of Second Reading for the purpose of Amendment. Mr. Clerk, any Amendments?"

Clerk Leone: "Floor Amendment #2, Bullock, amends Senate Bill 169..."

Speaker Greiman: "Gentleman from Cook, Mr. Bullock, on Amendment #2."

Bullock: "Request leave to withdraw."

Speaker Greiman: "Pardon?"

Bullock: "Withdraw Amendment #2."

Speaker Greiman: "Amendment #2 is withdrawn. Further Amendments?"

Clerk Leone: "Floor Amendment #3, Bullock - et al, amends Senate

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Bill 169..."

Speaker Greiman: "Gentleman from Cook, Mr. Bullock, on Amendment 3."

Bullock: "Request leave to withdraw."

Speaker Greiman: "Amendment #3 is withdrawn. Further Amendments?"

Clerk Leone: "Floor Amendment #4, Bullock - et al, amends Senate Bill 169 as amended."

Speaker Greiman: "Gentleman from Cook, Mr. Bullock, on Amendment 4."

Bullock: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #4, in fact, becomes the Bill. Amendment #4 deletes the enacting clause and essentially does two things. It takes out the contents of the original Bill as the Bill came from the Senate amending the Metropolitan Exposition Act. And, secondly, the Amendment adds to the Bill, in fact the Bill, which is legalizing dog racing in the State of Illinois. We have had considerable discussion on the content of this Amendment before. I would only say that within this Bill, for those individuals who have a particular concern about the Bill, there is a provision in here which will, in effect, grandfather in existing tracks, horse racing tracks. The Bill, in fact, amends the Horse Racing Act, makes it merely the Racing Act. There are also provisions in the Bill that designate the funds for the Common School Fund. Mr. Speaker and Ladies and Gentlemen of the House, I move adoption of Amendment #4."

Speaker Greiman: "The Gentleman from Cook, Mr. Bullock, moves for the adoption of Amendment 4 to Senate Bill 169. Is there any discussion? There being no further discussion, the question is, 'Shall Amendment #4 be adopted?' Those in favor say 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment's adopted."

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Further Amendment?"

Clerk Leone: "No further Amendments."

Speaker Greiman: "The Gentleman from Cook, Mr. Bullock, asks leave of the House, using the Attendance Roll Call, to waive Rule 37(c) so that this Bill may be heard at this time. Does the Gentleman have leave? Gentleman has leave. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 169, a Bill for an Act in relationship to certain funding of metropolitan and exposition civic center authorities. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Cook, Mr. Bullock, on Senate Bill 169."

Bullock: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 169, as amended, in fact, would legalize dog racing in the State of Illinois. It would protect existing tracks by prohibiting any track being established within 55 miles of a track. It, in fact, would grandfather in eight tracks which I have previously cited for the record. The fact of the matter is greyhound racing and harness racing are a compatible sport and a compatible industry. They operate quite effectively in seven states and are legalized in 14 states. I'd like for Illinois to become the 15th state. Mr. Speaker and Ladies and Gentlemen of the House, this is an economic development tool, and I would urge an 'aye' vote."

Speakear Greiman: "The Gentleman from Cook, Mr. Bullock, has moved for the adoption... has moved for the passage of Senate Bill 169. And on that, is there any discussion? The Gentleman from Cook, Mr. Kubik."

Kubik: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in opposition to this Bill. Less than one month ago, a similar proposal was overwhelmingly defeated by this same Body. The past three General Assemblies have

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defeated this kind of a Bill. And in all that time, the issues have not changed. They remain the same. This is a bad Bill for what it does to the horse racing industry economically and from the standpoint of pure and simple humaneness. This legislation is being touted as an economic development proposal. Nothing could be further from the truth. You know, during this General Assembly, we're going to consider an off-track betting proposal. This particular proposal, off-track betting, is being considered not only to increase revenue for the state, but also to get the horse racing industry through some tough times. You know, on the one hand, we're doing something to help the horse racing industry, and on the other, we're creating an industry that directly competes with it. It just doesn't make sense. All you have to do is look at the facts, and don't take the horse racing industry's word for it or the dog racing industry's word for it. Just look at our legislative research unit. And what that study says, it compares the revenues of both horse racing and dog racing in the eleven states that have both. Of those, the overwhelming majority saw a major decline in horse racing revenues over a three year period ending in 1983. The average loss in revenue was 48 percent, 48 percent. Now how many businesses could lose 48 percent of their revenues in three years and survive? I don't think too many. In Illinois, the horse racing industry is a billion dollar industry. It produces between 65 and 70 million dollars of tax revenue for this state. It provides over 25,000 direct jobs, 12,000 indirect jobs to this state, and it is underpinning that horse racing industry. We have over 1500 breeding farms in this state that are home to 30,000 horses. Are we willing to jeopardize this industry by the creation of an industry that will directly compete with it

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and potentially destroy it? It doesn't make sense. This is not an economic development proposal. It's an economic homicide committed against the horse racing industry. And if that's not enough, many of you voted against this proposal last time on the grounds that it was simply inhumane. I ask you to consider, does it make sense to add to the more than 30 to 50,000 greyhounds that are destroyed each year by this industry? Does it make sense to create an industry in the State of Illinois in which eight out of ten greyhounds are destroyed, destroyed simply because they can't run fast enough? Does it make sense to add to the over 75,000 small animals that are destroyed during the training of greyhounds for this blood sport? In Illinois, the Humane Society has destroyed the 150,000 small animals each year because we can't find homes for them or for whatever reason. We're going to create an industry that is going to increase this. Does it make sense to add to this carnage by creating an industry in which 80 percent of these dogs never see the age of four? Ladies and Gentlemen, nobody is asking... there is no great outcry for greyhound racing in the State of Illinois, and I don't think that it makes sense and I can't believe that State Government's thirst for revenue is so great that we can turn a blind eye to this inhumane blood sport. This proposal, with all due respect to the Sponsors, just doesn't make sense economically, and it is inhumane. Let's defeat it for the fourth time and consign it to the scrap heap for bad ideas. I ask your 'no' vote."

Speaker Greiman: "We don't normally see the Minority Leader in a tender moment. For those of you who thought he was incapable of any tenderness, he is holding a very lovely young lady up here, young woman. She knows that she'll never be up here, because she's a Republican, not because

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she's a woman. Further discussion? The Gentleman from Cook, Mr. Harris."

Harris: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I have to compliment the Sponsor of this Bill for several reasons. I have to compliment him for his tenacity. He is living... his efforts here are really living testimony that nothing ever dies on this floor, ever, ever, ever. But let's listen to what the previous speaker said. We've killed this Bill three times this Session, three or four times last Session. Perhaps one day its time will come; but, to my distinguished colleague, I don't think it's the time now. I would simply recommend another 'no' vote."

Speaker Greiman: "Gentleman from Champaign, Mr. Johnson."

Johnson: "Let me just make three or four points and then talk to what this Bill is really all about. Just some miscellaneous points that I think everybody ought to understand when they vote on this Bill. First of all, this Bill and Acts that we've passed this General Assembly provides substantially increased penalties to the point where the cruelty to the animals... cruelty to animals argument simply has no merit. Secondly, in Florida, during the period of time we've been debating this issue, they've earned between 100 million and 200 million dollars of extra revenues for their school system. Thirdly, in Massachusetts and other states nationally that have both dog racing and horse racing, the total revenues of the racing industry have substantially and on an ongoing basis increased, while states like Illinois that are limited in their racing sector to a single area, namely horse racing, revenues have continued to decrease. In areas nationwide where you locate within reasonable proximity of it, one or two... two or three or more gaming industries, the revenues

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from each one of those industries has increased. So, those are some facts that deal with some of the arguments that the previous speakers have made. But what I want to talk about is this - I want to talk about the money that would and could be used for the gifted students program in Illinois, about the money that's necessary to provide for adequate teachers' salaries and teacher training, for our early childhood pilot programs, for an increased emphasis upon hard sciences and a hard science curriculum that helps this state and nationally develop the kind of scientific base that we need to be a strong state and a strong country, our learning disabilities system, our programs for dropouts and on and on and on, all the areas of necessity for the school children of Illinois that can and would be served by a simple 'yes' vote on a Bill that when the... the veneer is taken away, has really no drawbacks. It's got to be for school children in Illinois. The money is absolutely earmarked for education. It can be spent to the satisfaction of everyone in here with no negative effects on anybody. I think this is a good Bill, a good Amendment, long overdue, and I urge a 'yes' vote."

Speaker Greiman: "The Gentleman from Cook, Mr. Panayotovich."

Panayotovich: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, if I could correct my colleagues on the other side of the floor. First of all, and they are right, Representative Bullock has been very avid about this, but this Bill was passed out of this House last year. It failed in the Senate by only four votes. You remember last year we talked a little bit about what an opportunity we have as a General Assembly now to create a whole new industry. There's not many times we can look throughout our lives and say that, we, the General Assembly, can create a new industry - new jobs. We talked about some of

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the things that are going. Right now if we could get about fifteen tracks started in this state of ours we could get 30 thousand new jobs, 30 thousand new jobs, along with the new industry. One of our colleagues on the other side said that there are 25 thousand, and this would affect that. We don't know that, what they would affect. If we lose maybe a few thousand in the horse industry and pick up 20 or 30 thousand in the dog industry, I think it can be worked out between the two. I know there's support on both sides of the aisles. We have an opportunity. We're looking for 65 to 75 million dollars earmarked for education from the dog tracks. I'm not saying that it's going to be the easiest thing to do. We have... The tracks up in northern Illinois right now, they just opened up a new dog track in Dubuque, Iowa, I believe it is, and they're just clamoring to get in. I think it's an opportunity. I think it deserves its chance. It only lost in the Senate by a few votes last year. It did get out of this House, and I think we should get it out again and give it a chance."

Speaker Greiman: "The Gentleman from Cook, Mr. Pedersen."

Pedersen: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I think the basic point that we have to consider and that we have considered many times already is that there's a limit to the amount of gambling money out there. I mean you can... people can only devote so much money to... to this hobby. The second thing is that there are those who feel that the Lottery has already caused problems for the horse racing industry. So what do we have to gain by going with dogs and possibly destroying an established one billion dollar industry? And when we talk about other states and how they can coexist and so on, I think people have to know that all the other states have lower taxation on the horse racing industry so they can exist... so they

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can exist because they can compete. So we have considered this on many occasions and we should vote 'no' again."

Speaker Greiman: "Further discussion? The Gentleman from Edgar, Mr. Woodyard."

Woodyard: "Thank you, Mr. Speaker. I rise in support of the Bill as amended for several reasons. Certainly one, I think all of us are searching our souls right now of how we're going to vote before the end of this week to fund education. Well, this is one way that we can do it. And it should generate 35 to 50 million dollars at least for the Common School Fund. I think that's a highly important part of this Bill where it is earmarked. And naturally, one of the other things that I mentioned on the floor of this House before in debate on... on this kind of Bill is its impact on agriculture. And I think all of us realize the crisis that agriculture is facing this year. Did you know if this Bill should happen to be signed into law, it will mean the use of an additional twelve and a half million pounds of soybean meal per year? It takes about 17 thousand dogs, 10 thousand of them being the actual racing dogs, and if you'll compute what those dogs eat, you'll find that they do eat twelve and a half million pounds of soybeans worth over... of soybean meal worth over six million dollars. So it may be from a strange standpoint, but at least that's a very valid reason to support the Bill. And the third area, in approximately three years of testimony that we've taken on this Bill, and every time this Bill has been presented to the Revenue Committee, there has not been one single documented, and I say that very strongly, documented case where we find that dog racing does hurt horse racing. I certainly would not be in support of this Bill if I felt that it were going to hurt horse racing. And for those reasons, I urge its passage."

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Speaker Greiman: "The Lady from Cook, Ms. Parcells."

Parcells: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I want to deal with just one issue. I mentioned before that I have a brother who owns standardbreds, thoroughbreds and also dogs. And the issue of inhumanity and cruelty to animals absolutely is not true. These dogs are treated very well, much better than horses. Those of you who are for horse racing must be aware that they are whipped with a stick in either kind of race in a standardbred race or thoroughbred race. They have a jockey either on their back or in a cart behind them. And if you've watched them after they come in from a race, they very often have a bloody mouth from the bits that are put in their mouths. Dogs have none of these. Dogs are raced absolutely free. They only have on a muzzle so that at the finish line you can see who is the winner. The other point that was brought up is that there's great destruction of these dogs. When they don't win anymore, they are destroyed. We'll what do you think happens to championship horses. They end up in the glue factory or they end up in horse meat. They don't keep those horses around very long either. That's just the way it is. I think Florida has proved that horse racing and dog racing are as compatible as Marshall Fields and Lord & Taylor in the same shopping center. Our neighboring State of Iowa loves their dog track. I think it's a chance for us to get some real money for our schools, and I urge your 'aye' vote."

Speaker Greiman: "There being no further discussion, the Gentleman from Cook... Sir... Mr. Saltsman, I'm sorry. Mr. Saltsman, the Gentleman from Peoria, a late entry. Go ahead, Sir."

Saltsman: "Thank you, Mr. Speaker. I think everyone knows that... how hard hit the Peoria area is with the economy

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now, and this is an economic development program if we should be fortunate enough to land one of these tracks. The mayor of Morton, Washington, Chillicothe, Bartonville, these are all conservative communities. The mayors of these eleven, twelve central Illinois cities know that everyone of these cities are not going to get a track, but they're in favor of just getting one into that area to try to help our economy, to try to help the job market in our area, regardless of if they're part time jobs or not. We need a track very bad in that area. We're ready to start with one immediately. And like I said, many of these mayors who are from conservative areas are backing this legislation, and they are responsible local officials. I ask your support to help us and to make sure that we get this Bill passed today as we did last year. Thank you."

Speaker Greiman: "The Gentleman from St. Clair, Mr. Flinn."

Flinn: "Mr. Speaker, I move the previous question."

Speaker Greiman: "Well, it's not necessary. No one is seeking recognition. Mr. Bullock, to close."

Bullock: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I'd just like to say that in yesterday's Chicago Sun--Times I think the Sun--Times did a tremendous service for Illinois because it ran a feature story on page 102, 'Is Racing Going to the Dogs?' And it talked about the Dubuque Greyhound Park Lineup as it relates to the Quad City Race Track, and I submit for all of your information and certainly for your reading that it indicates that in seven states, in seven states, in Arizona, Oregon, Colorado, Massachusetts, Florida, New Hampshire and Arkansas, in those seven states dogs and horses are running compatibly. In Illinois we have many race track owners; horse race, harness race, thoroughbred racing owners, who also run dogs in those states. They are presently running

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dogs and horses in those states. The fact of the matter is, in Illinois we have harness racing tracks that support Senate Bill 169 and legalizing dog racing. We have Balboa Park supports horse... dog racing and also has harness racing. We have Fairmont and Cahokia Racing Tracks - harness thoroughbred tracks that support dog racing and support this Bill. The fact of the matter is, when the numbers are reported about the drastic cuts in harness racing in Illinois, it is not that revenue is down in Illinois because of dog racing, it is down because the harness thoroughbred racing tracks are closed. Those tracks are closed. Those jobs are lost. The is revenue lost in those particular communities. We have two horse racing tracks presently closed, not because of dogs but because of declining attendance. I personally think that horses, greyhounds and off-track betting can thrive in Illinois, and I'm prepared to support all of them. And I ask those of you who support them to support all of them. Filling the dark days, filling the dark days with greyhounds can assure continued operation and financial success of those tracks to the benefit of both the harness as well as the greyhound industry. Mr. Speaker and Ladies and Gentlemen of the House, this Bill offers new life. It offers new jobs for Illinois residents and Illinois citizens, and I respectfully urge an 'aye' vote."

Speaker Greiman: "The question is, 'Shall this Bill pass?' All in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open, and this is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 46 voting 'aye', 65 voting 'no', 3 voting 'present'. Mr. Bullock. The Gentleman requests that the Bill be placed on the Order of Consideration..."

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Bullock: "Poll the absentees."

Speaker Greiman: "I'm sorry. Pardon?"

Bullock: "Poll the absentees first."

Speaker Greiman: "A Poll of the Absentee... Yes, Mr. Bullock, you will need 47 votes to place this on the Order of Postponed Consideration. Ms. Flowers votes 'aye'. You have 47 votes. Mr. Bullock requests that the Bill be placed on the Order of Postponed... Yes, Mr. Bullock, what would you like? What is your pleasure?"

Bullock: "I want you to poll all the absentees."

Speaker Greiman: "You want to poll the other absentees. Alright."

Clerk Leone: "DeJaegher. McGann. Sutker. Van Duyne. No further."

Speaker Greiman: "Mr. Bullock."

Bullock: "Well, Mr. Speaker, just in explaining my vote, I don't intend to place the Bill on Postponed Consideration."

Speaker Greiman: "Alright."

Bullock: "I think I've been given an opportunity by the House to consider this measure. Some Members have indicated that they're going to vote for the Bill, and obviously they're not. And I don't intend to pursue it again."

Speaker Greiman: "On this question, there are 47..."

Bullock: "Mr. Speaker."

Speaker Greiman: "Yes, Mr. Bullock."

Bullock: "Representative Preston... I think Representative Preston wants to change his vote."

Speaker Greiman: "Mr. Preston. Mr. Preston goes from 'no' to 'aye'. On this question, there are 48 voting 'aye', 64 voting 'no', 2 voting 'present', and the Bill fails. On the Order of... Games of Chance - Special Call appears Senate Bill 422. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill..."

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Speaker Greiman: "Excuse me, Mr. Clerk. No, that's alright.
Proceed, Mr. Clerk."

Clerk Leone: "Senate Bill 422, a Bill for an Act to amend
Sections of the Bingo License and Tax Act. Third Reading
of the Bill."

Speaker Greiman: "The Gentleman from St. Clair, Mr. Flinn."

Flinn: "Thank you, Mr. Speaker. Mr. Speaker and Ladies and
Gentlemen of the House, what Senate Bill 422 does is
correct an oversight that we made two years ago when we
permitted St. Clair and Madison County to have two more
bingo games of 500 which would raise their total payout
from 2,250 dollars to 3,250 and the reason for it at that
time was to let them compete against Missouri just across
the river where St. Louis, of course, is at, who permits a
3,600 dollar payout. Well, in the course of passing that
Bill through both Houses and getting the Governor to sign
it, we had overlooked Monroe County. And Monroe County has
a number of veterans' organizations and churches that are
in dire need of this Bill. All it does is add Monroe
County to the St. Clair and Madison County Bingo Law. So
I would ask for a favorable vote. I don't know... I know
of no oppositions."

Speaker Greiman: "The Gentleman from St. Clair moves for the
passage of Senate Bill 422. And on that, is there any
discussion? There being none, the question is, 'Shall this
Bill pass?' Those in favor signify by voting 'aye', those
opposed vote 'no'. Voting is now open. This is final
action. Have all voted who wish? Have all voted who
wish? Mr... Have all voted who wish? Mr. Clerk, take the
record. On this question, there are 112 voting 'aye', 3
voting 'no', none voting 'present'. And this Bill, having
received a Constitutional Majority, is hereby declared
passed. Ladies and Gentlemen, we were on a Bill when

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5:30... the hour of 5:30 arrived. If anyone has not filled in the form for voting on the Special Consent Calendar, they may now do so and bring it to the well. And... So you may now bring it to the well, and we are about to close consideration of the Special Consent Calendar votes. Come on, Margie. Alright.. So we are going once, we are going twice, going three times, and we are now... we have now closed the opportunity to provided additional... changes of votes on the Special Consent Calendar. And we will at a later time this evening declare this Bill... these Bills to have been passed. - Now, on the Order of Senate Bills Special Call - Games of Chance appears Senate Bill 667. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 667, a Bill for an Act in relationship to the deposit and investment of state monies. Third Reading of the Bill."

Speaker Greiman: "Mr. Cullerton, do you wish to handle that Bill?"

Cullerton: "Yeah, if I could have leave to do that, I'd appreciate it, Mr. Speaker."

Speaker Greiman: "The Gentleman asks... You have leave to handle that, Sir."

Cullerton: "This Bill amends the State Lottery Law and an Act in relation to state monies to allow... or add qualifications for credit unions which are to receive notice that proposals are to be received for the deposit of state money. It limits the notice to credit unions with 50 million or more in assets. It allows the Treasurer... with the consent to the Superintendent of the Lottery to contract with any person or corporation, including recognized financial institutions, to perform financial functions or services related to the Lottery. It also allows for the... a special fund known as the Deferred

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Lottery Prize Winners' Trust Fund to be administered by the Superintendent and indicates that moneys invested in the fund shall be secured by the full faith and credit of the United States. The Bill passed, of course, unanimously in the Senate, sponsored by President Rock and in the House by Speaker Madigan. If there's any questions, I'll attempt to answer them."

Speaker Greiman: "The Gentleman from Cook has moved for the passage of Senate Bill... of 667. And on that, the Gentleman from Winnebago, Mr. Giorgi. Alright, the Gentleman from Edgar, Mr. Woodyard."

Woodyard: "Thank you, Mr. Speaker. I rise in support of Senate Bill 667. This was before our Revenue Committee. It was felt very strongly by the State Lottery that they needed some additional flexibility in investing the... the Lottery Annuity Money. And this Bill would do that. So I certainly rise in support of it."

Speaker Greiman: "The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open, and this is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'aye', 1 voting 'no', none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. We will now go to the Order of Special Call - Insurance, Senate Bill 300. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 300, a Bill for an Act relating to group accident and health insurance coverage for former spouses and employees. Has been read a second time previously. No Committee Amendments."

Speaker Greiman: "Are there any Floor Amendments?"

Clerk Leone: "Floor Amendment #1, Hallock, amends Senate Bill

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300."

Speaker Greiman: "The Gentleman from Winnebago, Mr. Hallock, on Amendment 1."

Hallock: "Thank you, Mr. Speaker, Members of the House. Amendment #1 is offered pursuant to some discussions on this Bill. I think most members in the business community have agreed that this idea is a laudable one. What we've tried to do is enact an Amendment which could, in fact, begin the program on a reasonable basis. I believe Amendment #1 does that. And it does it in the following ways. First of all, we use the language for terminate... employees, which is six months. In other words, we say that the coverage for spouses and divorcees could remain for six months. That language would change the session to nine months. So we are, in effect, saying that they could remain in this program for a nine month period. Secondly, we restrict the plan to the same benefits that are... that are under the current coverage. Third we say that the individual could not convert their policy until the end of the policy period, and lastly, we say that the spouses or divorcee would be required to pay 20% of the administration cost as well as the current premium cost. We believe that these ideas are ones which will, in effect, ensure that these people have the insurance that they need and can stay in the programs, but yet at the same time ensure that the business community in our state can afford those programs. And I think that... I say to you that's the important distinction here. Everyone on this side of the aisle, I believe, and most business people around the state believe that we have to do something in this area. The difference I believe is what we should do. And I think this Amendment is a reasonable one, and I would ask for your support."

Speaker Greiman: "The Gentleman from Winnebago has moved for the

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adoption of Amendment 1 to Senate Bill 300. And on that, the Gentleman from Cook, Mr. Bowman."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to Amendment #1. I do so on several grounds. The Gentleman suggested that somehow this Amendment was developed in response to concerns raised by the business community; however, I was present in a room where... at a meeting that he was ostensibly chairing, and this issue came up and a representative of the Chamber of Commerce said, well, even if this... proposal like this was adopted to the Bill they would still be in opposition to the legislation. So don't kid yourselves. This Amendment is not... The Bill with this Amendment will not be supported by the business community. The substantive reason for opposing the legislation is twofold. Number one, the Gentleman says that, well, this makes the Bill like the present arrangement that we have with laid off workers. The... I would just point out that the whole purpose of the legislation is to enable people to get their lives back together again after a... a major change in their lives, a traumatic experience, a... hopefully a once in a lifetime experience, and that for someone who has been a homemaker all of her life that takes more than six or nine months. Our unemployment insurance programs, by contrast, last for only 13 weeks or 26 weeks, because it doesn't take as much time to return to the work force if you've been employed in the marketplace already. Lastly, this particular Amendment completely, completely fails to address the needs of the most vulnerable group of all, and that is the group of women over 55. These are women, many of whom have been housewives for forty, forty-five years and who suddenly find themselves without any means of support. And these people definitely need more than six

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months. I would just call to the attention of the Body that there's an Amendment #4 pending which addresses all of these issues, does so in a responsible way, does so in a way that I believe addresses the concerns that... that many people do have with the legislation. And I would recommend that the House reject Amendment #1 and adopt Amendment #4."

Speaker Greiman: "The Gentleman from Cook, Mr. Terzich."

Terzich: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, I... I endorse this Amendment that the... What this Bill is basically doing is you're telling an employer who is providing benefits for his employees to go into the insurance business. This is exactly what this Bill will do is it will mandate employers to go into the insurance business. This is a problem that should be resolved by insurance carriers. There are products available. The Association for the... The NOW Association couldn't even provide benefits for... for their members through an association group, and you're telling an employer that he has to provide these benefits. I think this is a good Amendment, and we should support Representative Hallock's Amendment."

Speaker Greiman: "The Gentleman from DuPage, Mr. McCracken."

McCracken: "I stand in support of the Amendment. There is, as we already know, existing law requirements for the continued coverage of terminated employees. I see no rational distinction between the case of the terminated employee and how that person is treated and the case of an employee whose benefits... strike that, whose spousal relationship changes. There's just absolutely no reason to distinguish in the law between the case of the coverage available to the terminated employee and the coverage available to an employee still with the company but whose wife has divorced him. So it's just... I think it's an Amendment that brings

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back some sense into the law, and I urge it's adoption."

Speaker Greiman: "The Lady from Kane, Ms. Zwick. Ms. Zwick. Well, Ms. Zwick, try Mr. Davis'."

Zwick: "Thank... Thank you, Mr. Speaker, Members of the House. I'll be rather brief. I simply want to stand in opposition to Representative Hallock's Amendment, although I certainly appreciate the effort that he's put into this. The Bill, as it passed the Senate, was a completely open-ended version which is similar to what has been passed in five other states and is working and is a much needed provision for... for people who are... who become divorced or widowed. It's a most important Bill. I appreciate his efforts at trying to resolve some of the concerns that were raised, but we do have an alternative that we will offer you in Amendment 4 which, I believe, is a much more reasonable compromise. We are willing to compromise. That's the reason behind Amendment 4. I would ask for your opposition to this Amendment and for you to adopt the later Amendment, Amendment #4, which we'll explain later on. Thank you."

Speaker Greiman: "The question is, 'Shall Amendment 4 (sic - 1) pass?' All those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'nos' have it. Yes, who is yelling there? Mr. Hallock, are you... Mr. Hallock."

Hallock: "Yes, two points. First of all..."

Speaker Greiman: "Mr. Hallock, I'm sorry. I didn't allow you the opportunity to close. I'm sorry. You may close. I'm so sorry."

Hallock: "I'd like to close, and then, second, I'd like to ask for a Roll Call vote on this as well."

Speaker Greiman: "Sure."

Hallock: "I'd like to correct a couple, I think, incorrect

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statements which were made. First of all, pursuant to the meeting we had with Representative Bowman, we had several other meetings. Present at those meetings were the Chamber of Commerce, the AEI, the Manufacturers' Association, Caterpillar, Life Insurance Council and others, and they have all agreed on this Amendment. I would say, as a matter of fact, this Amendment has their full support and their encouragement. I believe this Amendment is the wise one. It begins this fine program. As I said before, I strongly believe we should do something in this area, but I believe at the same time we have to do what's reasonable. And this is a good beginning without being a real burden on business, and I would ask for your support."

Speaker Greiman: "The question is, 'Shall Amendment #1 be adopted?' Those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 44 voting 'aye', 67 voting 'no', 1 voting 'present'. The Amendment fails. Further Amendment?"

Clerk Leone: "Floor Amendment #2, Madigan, amends Senate Bill 300."

Speaker Greiman: "Yes, Mr. Bowman, on Amendment #2."

Bowman: "Withdraw Amendment #2, please."

Speaker Greiman: "Withdraw Amendment #2. Further Amendment?"

Clerk Leone: "Floor Amendment #3, Madigan - Bowman - Zwick, amends Senate Bill 300."

Speaker Greiman: "Mr. Bowman. Withdraw Amendment #3. Further Amendment?"

Clerk Leone: "Floor Amendment #4, Madigan - Bowman - Zwick - et al..."

Speaker Greiman: "The Gentleman from Cook, Mr. Bowman, on Amendment #4."

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Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #4 does make some significant changes in Senate Bill 300, but it does so in such a way as to protect the most vulnerable group of persons whom we must protect at all costs. I'm speaking of the former dependent spouses who are over 55 years of age, who have spent a lifetime as a homemaker and now find themselves without any means of support. The Amendment provides that persons 55 years and older shall be able to remain in the group plan as long as they continue to pay the premium including the employers share. Now for the first two years, they will not have to pay the 20% administrative charge, but for any subsequent time period, the 20% administrative charge would be assessed. For persons under the age of 55, they will be able to remain in the group plan only for two years. They will not be assessed a 20% administrative charge as contained in the original Bill. We feel that this is a fair tradeoff, that by offering a shorter time period to be in the group plan that the administrative burden will not be as heavy on the providers; and, therefore, that provision was dropped. So that we have for people over 55, it is open-ended unless they become eligible for Medicare or remarry or join another group plan and for under 55 for up to two years unless they too become eligible for another group plan or remarry. So I believe that this is a... a fair balancing of interest, and I urge adoption of Amendment #4."

Speaker Greiman: "The Gentleman from Cook, Mr. Terzich."

Terzich: "Yes, could I ask the Sponsor a couple questions?"

Speaker Greiman: "Indicates that he'll yield for questions."

Terzich: "You know, you're setting up conditions about people... they're... they go work for another employer, they get married, they're under, they're over. How do you figure

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that you can determine what the insurance needs are of that individual, of that spouse? I mean how... how do you determine what they're termination would be or the fact that because they went and they worked somewhere else that they would get this? Now there's a number of married couples that both of them are employed, both of them have insurance. Which one would determine if they were divorced who would carry that insurance? If they were working, they wouldn't have to have it, but how would an employer have to know what to do or why would he provide these benefits?"

Bowman: "Well, Representative Terzich, you seem to be asking several questions all at once, and I'll try to respond the best I can to... to all of them. The... The question as to how is it that we are determining the insurance needs of individuals, we're not doing that. I believe everybody understands that people who were members of these... Don't forget the Bill applies only to people who were members of a group plan at one time and who were dropped out of the plan by virtue of a change in their marital status. We are presuming that the people would wish to remain in the group plan. This Bill gives them the opportunity to remain in the group plan. We're not determining their needs. They are determining their needs. They were members of the group plan. They want to stay in it. We're letting them stay in. Insofar as the other issues you raised, there a... there's a coordination of benefits clause in the legislation. I believe that it is similar... it would be administered similarly to other arrangements where there... say a person was eligible for a public program, and the private program refused to pay if the public program paid or if some other insurance company paid, I think this would be administered exactly the same way coordination of benefits are administered now."

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Terzich: "Well, aren't group insurance plans basically conditions of employment? Don't you have to meet certain employment conditions to become even eligible for, say, health and welfare benefits with an employer?"

Bowman: "Well, that's usually the case, Representative Terzich, but what... the population we're addressing here are people who are members of the plan by virtue of being dependents of somebody else."

Terzich: "I'm... I'm not talking about that. You're telling me that you want... a certain segment of people insured, which happens to be, I guess, divorcees, male or female..."

Bowman: "... and widows."

Terzich: "Isn't all group insurance plans basically a condition of employment, and who is the contract with - the employer or with the employees? I don't know."

Bowman: "Well, Representative Terzich, don't forget that the Bill accounts for the change in marital status by requiring the insured to..."

Terzich: "Mr. Speaker, could I have some attention here? I really can't hear the explanation. There's too much noise in the chamber, and I'd be interested in hearing what he has to say."

Bowman: "Representative Terzich, of course, we account for the change in marital status in the Bill by requiring the insured to pick up the employers share. We would not presume that if the marriage relationship was severed that the... employee... excuse me, the employer would continue to pay whatever portion that they had paid before. We would... This Bill doesn't require that. The insured pays the premiums."

Terzich: "Could you tell me what the penalty is for noncompliance with this? You're telling an employer that he has to furnish somebody some insurance. Can you tell me what the

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penalty is if an employer does not want to provide a spouse with coverage, just wants to provide benefits for his employees?"

Bowman: "Well, Representative, there... there are no criminal penalties or anything like that. We're... We're not trying to be heavy handed here. I presume that the aggrieved party could sue, and the courts would require the coverage."

Terzich: "You mean if an employer did not want to provide benefits for spouses, what would happen?"

Bowman: "Well, Representative Terzich, we... we consider all sorts of legislation such as mandatory auto insurance. I... I don't find anything... If you're suggesting this is unique or novel, I don't think it's either."

Terzich: "Well, let's assume then that the State of Illinois, who has a group insurance plan, decided that they only wanted these benefits for their employees and that for anybody that's terminated... including divorce that they would have a conversion plan, could they do that or would they have to give them this plan regardless of what you said? And if they didn't do it, what would be their penalty? Would you take away their insurance?"

Bowman: "Representative Terzich, I... you know, I think you must be looking at some different Bill. We're just leaving people in the same group plan that they've been a member of all along. There's no new insurance or no new benefits or anything like this. They were covered previously to the change in marital status. They'll continue to be covered. I mean, you must be looking at a different Bill."

Terzich: "Do you understand with insurance that there has to be some relationship between the insured and the insurance carrier..."

Bowman: "Yeah."

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Terzich: "...whether it's a financial or anything... You just can't insure anybody. There has to be some arrangement between both parties before you can take insurance on other people. There has to be some relationship."

Bowman: "Representative Terzich, what we are doing here is leaving people in the plans that they had been members of. That defines the relationship. In my opinion, that... the fact that they were members of that plan already and had been members for some time, that defines the relationship as far as I'm concerned."

Terzich: "Well, do they get paid by the employer? All you're saying is that they're supposed to pay an employer some insurance premiums. They're supposed to carry some coverage. They're supposed to file claims. They're supposed to notify people. I thought insurance companies did that, not employers."

Bowman: "Representative, if the insurance companies would like to pick up the administrative burden for this, that's fine with me."

Terzich: "Well, to the Amendment, also the Bill. This is one reason why on a group insurance contract, it's an employer and an employee contract. It has nothing to do with whether the employee... It says that it covers a certain segment of employees. And one of those conditions is that you are an employee of that group and not a terminated employee, which also would include the spouses, that there are benefits under conversion plans and that this is very, very weak. You're telling an employer that he has to go into the insurance business and not an insurance company. And I still would like to know what the penalty would be for noncompliance."

Speaker Greiman: "The Gentleman from Winnebago, Mr. Hallock."

Hallock: "Thank you. Would the Sponsor yield for a question?"

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Speaker Greiman: "Indicates he will."

Hallock: "This Bill appears to be rather complicated and doesn't offer the kind of solution I thought we had offered with #1, but let me speak to that. How does it work exactly with spouses that are under 55?"

Bowman: "If a former spouse is under the age of 55, they are eligible to remain in the group plan for a period up to two years provided that they pay the full freight, the employee's share as well as the employer's share. They would terminate upon failure to pay the premium, or if the group policy self-destructed, or if the former spouse became... came under another group plan at some later date within the two year period, or remarries or upon the expiration of the two year period."

Hallock: "Well, then, what happens for those spouses who are 56?"

Bowman: "Who are 56? I'm sorry. I didn't hear the question."

Hallock: "Those who are 56."

Bowman: "They are eligible to remain in the group plan until such time as they... one of the things I've already sighted happens or until they become eligible for Medicare, which would occur on their 62nd birthday."

Hallock: "Alright, so that's the second category. Now the third category is for spouses who are 57. What happens to them?"

Bowman: "I... I beg your..."

Hallock: "We've already drawn two distinctions, those who are 55 and those who are 56 are treated differently. Now, those who are 57, what happens to them?"

Bowman: "Okay, the difference... there is one other difference that should be pointed out; that in terms of the administrative charge there is no charge for the first two years no matter what age the person is - over 55."

Hallock: "So you're saying at 57 then they have lifetime? I mean in practicality. At 57 they have lifetime?"

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Bowman: "No, only until they become eligible for Medicare. Now, they won't have to pay the 20% charge for the first two years."

Hallock: "Well, Mr. Speaker, we could go on and on with this, but I think some of this points point out how ludicrous this Bill has really become. I believe we had offered a good compromise. Of course, that went down. I think this is a bad compromise. As a matter of fact, it's not a compromise at all. It essentially is still the same Bill only in a more convoluted fashion. It's going to be very costly to the business without really any great benefits, and I would ask that it be defeated."

Speaker Greiman: "The Lady from Lake, Ms. Frederick."

Frederick: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I do not rise to ask a question of the Sponsor, but I do rise to support Amendment #4, because I think it's important that we provide insurance coverage for former dependent spouses under 55 as well as those over 55 years of age. I don't believe there's any situation quite as traumatic to a former dependent spouse as to suddenly realize that she has... no longer has insurance coverage under her husband's policy. And in order to protect herself, she finds she has to buy health insurance at double or triple the former premium cost. I've had many calls from widows over the years seeking help in getting insurance coverage at a reasonable rate. And I've talked to the insurance industry several times hoping that the industry would come up with the a helpful solution. Thus far, I don't believe they have. And so I think that we ought to support Amendment #4 as a step in the right direction, and I urge your 'yes' vote."

Speaker Greiman: "The Gentleman from St. Clair, Mr. Flinn."

Flinn: "Mr. Speaker, I move the previous question."

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Speaker Greiman: "The Gentleman from St. Clair moves that the previous... that the main question be put. Those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes'... In the opinion of the Chair, we'll take a vote. All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Excuse me, Mr. Tate, we're doing it mechanically, Sir. Mr. Clerk, take the record. On this question, there are 76 voting 'aye', 33 voting 'no', and the Motion carries. The Gentleman from Cook, Mr. Bowman, to close."

Bowman: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, as the Bill stands now with the defeat of Amendment #1, it is completely open-ended. A former spouse can remain in the plan for the rest of their lives or until they become eligible for Medicare. Under the Amendment that we are... we have just got through debating that we are prepared to vote on, this will limit the coverage. The Amendment was prepared because a number of people who wanted to support the Bill felt anxious about supporting a Bill that was open-ended. This Amendment was adopted... was prepared as a reasonable effort to try to respond to those concerns. This Amendment limits the coverage to two years for those persons under 55. But at the age of 55 because the persons at that age and older are the most vulnerable, we have provided a longer time period. I believe this is a reasonable compromise, and for those of you who are... have been anxious about a completely open-ended Bill, this is the Amendment to vote for. I move its adoption."

Speaker Greiman: "The question is, 'Shall Amendment #4 be adopted?' All those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment's adopted. Further

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Amendment?"

Clerk Leone: "Floor Amendment #5, Terzich, amends Senate Bill 300."

Speaker Greiman: "The Gentleman from Cook, Mr. Terzich, on Amendment #5."

Terzich: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, Amendment #5 basically takes everything after the enacting clause and provides a benefit for spouses that upon death of an employee that the benefits would be extended one year upon death of an employee. About seven or eight years ago, we passed legislation that provided a 90 day coverage for the spouse upon death of an employee, which would include the children. This would extend it to one year. Most group plans in the State of Illinois and throughout the United States basically have provisions upon which termination of insurance occurs, which would be a nonpayment of a premium... the plan... when the plan was terminated by the employer, such as he went out of business and also upon termination of employment. And these are standard termination provisions. Once the employer and the employee association is terminated the benefits are terminated. Out of all of these, they also include that they have conversion privileges, and that conversion privilege could be for life insurance, whether it be dental insurance or health insurance. And group benefits simply consist of a group of benefits. The cost for a conversion plan is basically determined by the age and also by the number of dependents that you may have insured. For example, if an... if an employee is terminated at age 55 that the premium would be substantially higher than if you happen to be a spouse and you were terminated and you happen to be 24 or 25 years old. This benefit here would simply extend the benefits. There's no selection. It

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would be the same as an extension of benefits if you were terminated while you were in the hospital and also would have to pay for your bills. The problem of spousal coverage, when the Bill was in the Insurance Committee, that they had a number of people from the NOW Organization and what have you, and I asked the question, as to if this is a problem about spousal insurance why they didn't have an association plan whereby they could convert to a health insurance plan at a reasonable premium and for reasonable benefits. And their reply was that there are no reasonable premiums and there are no reasonable benefits upon conversion - that a group insurance plan in the State of Illinois on the average costs an employer approximately one hundred dollars a month for single coverage and from two to three hundred dollars a month for family coverage. And if they think that they're going to be paying those types of premium even on a conversion plan when they're unemployed and they are not getting the benefits, they have another thought coming, and I would urge your support of Amendment #5."

Speaker Greiman: "The Gentleman from Cook moves for the adoption of Amendment 5 to Senate Bill 300. And on that, the Gentleman from Bureau, Mr. Mautino."

Mautino: "Thank you, Mr. Speaker. I believe the speak light was on to ask some questions on Amendment 4. But since that was impossible, I'll try to get some answers from Representative Terzich on Amendment 5. Representative Terzich, your legislation addresses... your Amendment addresses the provisions for a deceased member... a deceased employee of an existing employer group, extending that from 90 days to one year for conversion coverage for the spouse. Is that correct?"

Terzich: "No. What it does is, it acts the same as an extension

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of benefits. In other words, that that person who was insured as a dependent under the group insurance policy would be covered for the same benefits and upon termination of one year that that person would also have the right to exercise any conversion benefits that may be involved in the plan. For... Then they could convert to an individual policy after one year."

Mautino: "Alright, let me ask you a question in the... using this as an example. If I have an employee and that employee is divorced, and that divorced spouse marries someone else, do I, as an employer, am I bound to have that ex-spouse carried on my insurance since I pay 100% of that insurance coverage?"

Terzich: "The benefits would be extended for one year as a condition, the same way as a condition of employment. For example, you know, if I have insurance coverage for one year, and I paid... basically paid the premium or whatever it is that that contractual provision provides me with coverage regardless of my marital status or whether I became eligible for Medicare. However, the contractual provisions of the policy would apply if they had other coverages, such as they had Medicare insurance or anything. Then the contractual provisions would apply the same as an active employee."

Mautino: "Then I think your Amendment is better than #4. I stand in support."

Terzich: "Excellent Amendment."

Speaker Greiman: "The Gentleman from Macon, Mr. Tate."

Tate: "Thank you... Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I... I rise in support of Amendment 5. It's certainly the best Amendment that's been offered thus far out of the last. It makes a bad Bill much better. Essentially what he's doing is on the death of an

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employee and member... former spouse, dependent children shall be able to continue coverage for at least one year. It puts a little bit more equity into a... a Bill that right now, even under the present system, we don't provide for regular employees. So I encourage, at least this side of the aisle to... to adopt this Amendment. Thank you."

Speaker Greiman: "The Gentleman from Cook, Mr. Bowman."

Bowman: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I rise in opposition to Amendment #5. I do so on several grounds. First of all, I would just point out that widowhood is a very traumatic experience. Here we have a person, probably a woman who's experienced the death of her spouse, perhaps it was a sudden death, perhaps even a death on the job in the course of the employment. Suddenly she is without any means of support. If this woman has been a housewife for many years, she will have to go through a period of job training and job search, and one year simply isn't enough time to permit someone in such traumatic circumstances to... to deal with the situation the way Representative Terzich has proposed in this Amendment. Furthermore, if a woman is over 55, the... the problem is just many, many times worse, because she may have been out of the job market for 40 years, 30 years. And suddenly she's got to be, you know, deal with the... the fact that her husband has died, and that alone will take time to settle the estate and those matters and then she'll have to go through training and job search. Women in that situation simply need more time. And Representative Terzich's Amendment is simply nothing more than an baldfaced effort to water down the Bill because he didn't like Amendment #4. I urge those people who stood with me on Amendment #4 to defeat Amendment #5."

Speaker Greiman: "The Gentleman from Madison, Mr. Wolf."

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Wolf: "Mr. Speaker, I move the previous question."

Speaker Greiman: "The Gentleman from Madison, Mr. Wolf, moves that the main question be put. Those in favor say 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The main question be put. Mr. Terzich, to close."

Terzich: "Well, yes, Mr. Speaker, Representative Bowman made mention about the spouse. I happen to be the Sponsor of the Bill that currently provides an extension of benefits for 90 days, and this extension of benefits is also carried up to two years by many insurance companies that offer group insurance plans in the State of Illinois. And I put that Bill in exactly for the reason that he stated, because of the traumatic experience. This benefit has worked well in the State of Illinois, and this benefit extends it up to one year. And it's certainly much more logical and feasible to do it this way; that if there's a divorce, divorces aren't unexpected. It takes years to develop a divorce, and they can anticipate. This has nothing to do with an employer to make him required to provide benefits for a divorced individual whether he be male or female or any other... other circumstances; that the marketplace is there for them to get out whatever their insurance needs are. There are different strokes for different folks. They can still buy it. If they don't, see Representative Hallock. I think he might be selling insurance or someone there, but there's no need for that. And this Bill or Amendment certainly provides coverage for a spouse whether it be male or female. In case of an unexpected death the benefits will be extended. It also provides a conversion plan, and I would urge your support of Amendment #5."

Speaker Greiman: "The question is, 'Shall Amendment #5 be adopted?' All in favor say 'aye', those opposed 'no'. In

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the opinion of the Chair, the 'ayes' have it. Mr. Tate. Were you seeking recognition, Mr. Tate? Mr. Hallock, yes, what did you want? You want a Roll Call? All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Would you vote Mr. Vinson 'aye'? He just did. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 42 voting... 43 voting 'aye', 70 voting 'no', none voting 'present'. And this Bill, having... and the Amendment fails. Further Amendment?"

Clerk Leone: "Floor Amendment #6, Terzich, amends Senate Bill..."

Speaker Greiman: "The Gentleman from Cook, Mr. Terzich, on Amendment 6."

Terzich: "Yes, Mr. Speaker, this vote is orchestrated; therefore, I'm going to withdraw Amendment #6."

Speaker Greiman: "#6 withdrawn. Further Amendment?"

Clerk Leone: "Floor Amendment #7, Davis, amends Senate Bill 300 on page six."

Speaker Greiman: "The Gentleman from... Oh, Mr. Davis withdraws Amendment 7. Further Amendment?"

Clerk Leone: "No further Amendments."

Speaker Greiman: "Third Reading. The Gentleman from Cook, Mr. Bowman, moves to waive Rule 37(c) by the use of the Attendance Roll Call so that this Bill may be heard at this time. The Gentleman have leave? Leave is granted. Third Reading. I'm sorry. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 300, a Bill for an Act relating to the group accident and health insurance coverage of former spouses and employees. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Cook, Mr. Bowman, on... on Senate Bill 300."

Bowman: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, Amendment #4 is the Bill, so I won't go into detail

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about what the Bill does. I just want to point out a couple of things. Number one, that presently 19 states have some form of permitting former spouses to remain in the group plans of which they had been members before a change in marital status. However, with this legislation even as amended by Amendment #4, Illinois will be on the forefront of reform in this area; that the Amendment that we put on does provide a limitation so that those of you who... who have been concerned and expressed concerns to me about the... the impact on business, that impact will be mitigated as a result of Amendment #4. It does represent a balancing of interest, and at the same time, it targets for special consideration former spouses over the age of 55, the most vulnerable group who need this coverage the most. I believe it is a fair Bill, a progressive Bill. I urge everyone to support it. I move its passage."

Speaker Greiman: "The Gentleman from Cook, Mr. Bowman, moves for the passage of Senate Bill 300. And on that, the Gentleman from Bureau, Mr. Mautino."

Mautino: "Thank you, Mr. Speaker. I'd like to question the Sponsor, if I may."

Speaker Greiman: "Proceed, Sir."

Mautino: "Representative Bowman, I'm a self-insured person. Included in that self-insurance is coverage for all dependents of my employees, their children as well as spouses. Included in that package of health care benefits is disability as well, of which I pay 100%. If, in fact, one of my employees is divorced, let us assume that the female is the ex-spouse and she remarries, am I under this legislation directed and mandated to carry her under my insurance provisions which include as well all those benefits that I pick up 100%?"

Bowman: "First of all, Representative Mautino, the major

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assumption or premise..."

Mautino: "Just yes or no, please."

Bowman: "No, because..."

Mautino: "I would not have to cover her. Is that what your saying?"

Bowman: "Because you're self-insured, and this doesn't cover self-insureds."

Mautino: "I have employees that are under Teamster Central State Pension Program which dictates that my employees must be members of teamsters and coverage for their dependents is there as well. In that regard, if that person is not an employee of mine or not a teamster, how do I cover that ex-spouse? Can you tell me?"

Bowman: "Well, Representative, you actually aren't covering them or in that situation you wouldn't be covering them. They would be paying the full premium. They would, however, receive the benefits that other employees who are covered by the same group would receive."

Mautino: "Are you telling me that that ex-spouse is going to pay me for their coverage the premium that their former spouse was assessed by my company?"

Bowman: "They would pay the amount the former spouse was assessed plus any amount that you contributed on top of that as the employer's share."

Mautino: "In the employer's share of which I pay 100%, that former spouse will then pay my company that 100%. Is that what you're telling me?"

Bowman: "That is correct, Sir. That is correct."

Mautino: "And I do not have to... I do not have to carry her on my policy which is impossible in my case, since she is not an employee or he if that... if that's the case, that if that individual is married, I do not have... married after the divorce, I do not have to carry them as well?"

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Bowman: "That's right. If they remarry, they're out of the plan."

Mautino: "Thank you."

Speaker Greiman: "The Gentleman from McHenry, Mr. Klemm."

Klemm: "Thank you, Mr. Speaker. Will the Sponsor yield for a question?"

Speaker Greiman: "Indicates that he'll yield for a question."

Klemm: "Representative Bowman, you had indicated in your explanation of Amendment #4 that all you were doing was leaving those people that were in the program under group insurance as a spouse to continue in the program. Is that correct?"

Bowman: "Well, they would continue receiving the same type of coverage at the same group rate. They would pay the premiums."

Klemm: "Alright. As you know, many companies offer individual insurance coverage and family insurance coverage. What were to happen if a married individual had individual coverage which did not include insurance for the spouse at all, that person were to pass away unfortunately, could the spouse then come in and ask for insurance coverage under your Bill?"

Bowman: "Well, if I understand correctly, and maybe I... I'm not sure I do, you're saying that a company offers individual plans?"

Klemm: "Yes."

Bowman: "Then... Then the Bill wouldn't apply because it's not a group plan."

Klemm: "So if the spouse you're talking about is not presently covered by the... the insured spouse then they would not be and made access to the insurance coverage."

Bowman: "If the spouse was not covered... First of all, we're dealing only with health and accident."

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Klemm: "I didn't hear you."

Bowman: "First of all, we're dealing only with health and accident insurance, and if the former dependent spouse was not covered at all prior to the change in marital status, then the Bill would not apply."

Klemm: "Alright, thank you very much."

Speaker Greiman: "Further discussion? The Lady from Sangamon, Ms. Oblinger."

Oblinger: "Thank you, Mr. Speaker. Members of the House, it was very interesting to me to hear all the people who were in favor of Amendment #1, and #5 and #6, but I didn't hear that the people who are most affected were in favor of that. Last time we had a White House Conference on Aging, which was 1981, I chaired the Committee on Problems of Women. We had 14 recommendations made that they felt would make their lives livable. And number one on that list was health insurance if their spouses died. I think we have to look at what their concerns are as well as the concerns on the other side. I hope you support Senate Bill 300."

Speaker Greiman: "Further discussion? The Gentleman from Macon, Mr. Tate."

Tate: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill... or Senate Bill 300 is probably one of the worst Bills that we've seen this Session. This is without question a Bill that is not... as previous speakers have said, it's anti employer. But it's not only anti employer, it's anti employee. It's anti small business. It's anti just about everything there can be to be anti of, I guess. This Bill... What basically we're setting in motion here, Ladies and Gentlemen, is a... is a mechanism for the majority of employers in this state to get out of the health insurance business. Right now what this Bill would provide, it would provide a mechanism that could

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stand insurance to spouses to widows and have an anti selection process that only... only the people that are ill or sick or can't get insurance anywhere else would receive. The healthy people, the people that are going to go on and get another job, the people that can find insurance in other places aren't going to stay in the group insurance. That means that the employees that are in that group insurance are going to have to pay the freight. This Bill will totally destroy health insurance plans for small business. It will totally destroy health insurance plans for large businesses. Employers will start eliminating insurance. And this Bill will put the majority of employers, probably, to get into the self-insurance process. This is a bad Bill. This is a discriminatory Bill. This is a hideous act. This goes against everything... We don't even do this for normal employees. For a normal employee, we don't extend this kind of benefits for. For a normal employee, we only extend it for nine months. But for a certain segment of this society, we're going to give them carte blanche insurance. Now that's not fair, and that's not right. And that's not good policy. It's a bad Bill."

Speaker Greiman: "The Gentleman from Marion, Mr. Friedrich."

Friedrich: "Will the Sponsor yield?"

Speaker Greiman: "Indicates he'll yield for a question."

Friedrich: "Is there anything in the Bill, as it now stands, that has a basis of need, and I'm talking about the person who's to get the benefits has a need in terms of income or is it just carte blanche?"

Speaker Greiman: "Yes, turn on Mr. Bowman, please."

Bowman: "Representative Friedrich, the Bill... this is not a welfare program. The people who receive the insurance coverage pay the full freight."

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Friedrich: "You've answered my question. Now to the Bill, Mr. Speaker. Every program we have around here to help people, the poor, the sick, the Alzheimer's Disease, the students, everything else has a basis of need. I can tell you that some of the people who'd be taking a free ride on this don't have a need. You're assuming that every widow is in need. When, as a matter of fact, in our town the richest people in town are the widows. And I can tell you more... that a lot of these people are... are working some place. They're not going to be out in the job market. Half of the wives are working right now. And the other thing is, they probably just got a pretty good sizable settlement from insurance and so on. Now there are some needy, and that would be a different problem, if this was geared to help only those people who were in financial problem or who had a real health problem. But I can tell you that this is going to be another burden on business just at a time when we are beginning to recover in Illinois. Hollywood Candy Company is just beginning to expand in Illinois, and I'm going to give you all a candy bar tomorrow to show you what they're doing. But I will tell you this. They called me today, and they said, 'We can't afford this.' And I can tell you, if you put it on we're going to expand somewhere else. Now if that's what you're trying to do, just go ahead and drive the nail in the coffin, and the last guy out, turn out the lights."

Speaker Greiman: "Ms. Zwick, the Lady from Kane."

Zwick: "Thank you, Mr. Speaker. Four states, Minnesota, Massachusetts, Texas and Wisconsin have all enacted legislation that is very similar to this. They have reported no increased cost to business because of this legislation being on the books. One thing that also has not been pointed... One thing that has not been pointed out

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is that there are many situations where this is desperately needed because many women or men - I mean, don't forget that many times couples will choose when the man is self-employed to use a man's... to use the woman's group insurance policy. Now, when she dies, the man could use this option to continue coverage for himself and the children. But many times, both men and women, when this kind of situation occurs, a death or a divorce, if they have a medical history of any kinds of problems, be it past heart problems or past cancer treatment, they not only can't... can't afford the higher coverage that it's going to cost them if they go onto an individual policy, they simply can't get health insurance. The only hope that they have of continuing any kind of health coverage and not going on the public welfare rolls is to be included in a group policy, to continue with the policy that has covered them in the past. This Bill is very important to those groups of people. There are others who will choose to stay in. They need a two year transition period when a crisis like this occurs in someone's life, whether it's because of death. They need to have two years to make the transition. That is why we offered this compromise. I would urge you to support it. Thank you very much."

Speaker Greiman: "The Gentleman from Cook, Mr. Krska. Mr... Ms. Currie."

Currie: "Thank you, Mr. Speaker and Members of the House. Those who suggest the demise of the insurance company in the State of Illinois, when Senate Bill 300 becomes law, are grossly exaggerating the facts. A change in marital status does not suggest a change in the status of one's own individual health, whether it is the former spouse or whether it is the children of that marriage. I speak from personal experience. In my family, a sudden death,

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suddenly my mother a widow with five children to rear without the benefits of a good health insurance policy that my father enjoyed at work. My mother had an option with limited money to support the five children, to bring us all up, she could spend a substantial sum for a health insurance individual policy that offered very little in the way of coverage. She took that choice because she had no other. And luckily, luckily for us it was not a disaster that that was our only option. Under Senate Bill 300, nobody gets a free ride. For the option for the widow, the option for the children is not that the employer will foot the bill. The widow and the children will foot the entire bill themselves, but the bill they foot will offer greater coverage at a lower cost than any individual policy on the market. Senate Bill 300 is good legislation for children and for former spouses."

Speaker Greiman: "The Gentleman from Madison, Mr. Wolf."

Wolf: "Mr. Speaker, I move the previous question."

Speaker Greiman: "The Gentleman from Madison, Mr. Wolf... Mr. Wolf moves that the previous question be put. All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. This is on the previous question. Mr. Clerk, take the record. On this question, there are 70 voting 'aye', 43 voting 'no', none voting 'present'. And the... the Motion fails. Further debate? Mr. Vinson."

Vinson: "Yes, Mr. Speaker, will the Sponsor yield for a question?"

Speaker Greiman: "Indicates he'll yield for a question."

Vinson: "Representative, there's one thing I'm not quite... I don't quite understand about this whole scheme that you're trying to put together here. This is to provide coverage for a former spouse. Is that correct?"

Speaker Greiman: "Yes, Mr. Bowman. Turn Mr. Bowman on."

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Bowman: "That is correct, Representative Vinson."

Vinson: "What happens if the employee under whom coverage is claimed quits?"

Bowman: "The... Okay. The insurance terminates."

Vinson: "What?"

Bowman: "The insurance terminates."

Vinson: "For the former spouse?"

Bowman: "Yes, for both."

Vinson: "So the entire purpose of this Act can be defeated if the employee quits for 30 minutes, which permits the company to terminate the former spouse, and then goes back to work. Is that right?"

Bowman: "Representative Vinson, would you... would you be kind enough to clarify whether you mean whether the... the former... the spouse terminates before the dependent spouse becomes a former spouse or not?"

Vinson: "Terminates after the former spouse becomes a... becomes covered under the provisions of this Act."

Bowman: "I beg your pardon? Then... I misunderstood you. No, the insurance would not terminate. It terminates only under the... at that point, only under the conditions that I mentioned in the debate on Amendment 4."

Vinson: "What is that condition?"

Bowman: "Whether... If they remarry, become eligible for Medicare, they become covered by another group plan or if they fail to make timely payments."

Vinson: "So you're saying that if I'm working for a company, and I'm married to somebody and then that person divorces me..."

Bowman: "Or you divorce her."

Vinson: "...under this system they would be covered by my group insurance program if there is one. Right?"

Bowman: "If that person continues to pay the premium, including

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the employers share and these other conditions don't apply, yes."

Vinson: "So we're making that person eligible for a benefit under the group insurance program. They have to pay, but we're making them eligible. Right?"

Bowman: "Well, Representative Vinson, it's either that or Medicaid."

Vinson: "But I say we are making them eligible. Right?"

Bowman: "That's what the Bill does."

Vinson: "And the purpose is... is to protect those people out there, and that's a reasonable extension of the former relationship. Right?"

Bowman: "That is correct."

Vinson: "But then, if I no longer work for that company, that former spouse can continue to claim under that policy. Is that correct?"

Bowman: "Again, at their expense. They would have to continue paying the premiums."

Vinson: "Well, what's the rationale behind that?"

Bowman: "Well, Representative Vinson, the... don't forget the way that we amended the Bill, you know... I think your... your question might have been more appropriate to the Bill in its unamended form. But clearly in its amended form, we have a time limited coverage here. And the purpose is simply to permit the former spouse, who presumably was a full time homemaker or they would have had other kinds of insurance coverage, to reenter the marketplace, to get their life back together, acquire the necessary marketable skills and then go to work as gainfully employed and paying taxes rather than being a drain on our Medicaid program."

Vinson: "Okay, now let me ask you this question. A... Suppose the former spouse was formerly married to someone newly hired after the divorce or after the dissolution, I guess

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we call them now, after the dissolution. Is there coverage then?"

Bowman: "Wait a minute. Let me make sure I get that straight - that a woman, say for the sake of argument, a woman was divorced and then remarried?"

Vinson: "No, I'm saying A is married to B."

Bowman: "A is married to B. Okay."

Vinson: "A goes to work for X corporation. Before A goes to work for X corporation, B divorces A. Okay? Now B is a former spouse. Why can't B as a former spouse claim under the... under the group insurance program that A's entitled to as an employee of X."

Bowman: "Well, Representative Vinson, I... I would... if you want to offer an Amendment to that effect, I might even support it. But the fact is the Bill, as amended doesn't permit that."

Vinson: "My question is, why doesn't the Bill do that right now?"

Bowman: "Okay. The whole purpose of the Bill is to permit continuity of benefits, continuity of care. A person, who depended upon somebody else for their source of income, for their livelihood and for their insurance now has to go it alone because of a change in marital status, perhaps divorce, perhaps widowhood. We want to make sure that that person retains the same benefits that they have been used to while they are getting their life back together again. That's the fundamental premise of the Bill, Sir."

Vinson: "I understand what you... the policy for such a difference would be. I'm asking you... It seem to me as I read the Bill that the Bill does that right now. Would you show me the language in the Bill where... where it doesn't do that? I think the Bill clearly does that. It entitles the former spouse."

Bowman: "Oh, you're... you're alleging to me, Sir, that the Bill

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provides that a... a former spouse can 'postspectively' enter a group plan."

Vinson: "I don't see where that's precluded in the Bill."

Bowman: "Representative..."

Vinson: "Would you tell me where it's precluded in the Bill?"

Bowman: "A necessary condition is that you were previously covered, and if legislative intent would help clarify the matter, I give it to you right now, Sir."

Vinson: "You're saying that that is clearly not the case then."

Bowman: "That is clearly not the case."

Vinson: "Okay. Now..."

Bowman: "Because the spouse would not have been a dependent spouse in that arrangement. That's the reason."

Vinson: "Oh, a former spouse must be a dependent spouse to claim under this thing."

Bowman: "Yeah, that's right."

Vinson: "Alright, I think I now understand those policies in the Bill, and I still think it's a bad idea and would urge a 'no' vote."

Bowman: "You're a hard man to please, Representative Vinson."

Speaker Greiman: "The Gentleman from Cook, Mr. Terzich. Mr. Terzich."

Terzich: "Yes, I... I've got a couple questions. What do you do in the case of a union negotiated plan? Representative Mautino, for example, hires some teamsters. He just pays into the teamster fund. He doesn't really insure. He pays the health and welfare to the union, and you got a union negotiated plan. How does that happen?"

Bowman: "Well, Sir, that's a... a group plan under the meaning of this... this Bill. It's not strictly self-insured as I understood him initially to say so that the coverage would be the... It wouldn't be handled any differently."

Terzich: "Well, what do you mean? He's paying into health and

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well... He has nothing to do other than pay money into a union who provides the benefits under a union negotiated contract. How... How would that work?"

Bowman: "Well so, the former spouse would then make the payment directly to the union."

Terzich: "To... Then it would be between the union and not the employer."

Bowman: "Yeah. I think that would be the easiest way of doing it."

Terzich: "Alright. Now in addition to that, you... you are aware that whenever you pay money and you have some health insurance it's a contractual arrangement between somebody that says upon the condition of you paying me some money, I agree to pay you X amount of benefits. Who's the contract between? What liability does an employer have of; number one, providing a benefit; number two, collecting a premium; number three, finding out whether that person is married, eligible or not eligible; and what liability does that employer have if he happens to change carriers, or go out of business or just discontinue his operation? Is he liable for that insurance?"

Bowman: "It says... Representative Terzich, it says on page six of the engrossed Bill, 'Within 30 days after the date of receipt of the notice from the employer or former spouse of the termination of a new group policy... initiation', excuse me, 'new group policy, the insurance company by certified mail return receipt requested shall notify the former spouse,' et cetera. So the burden is on the insurance company to make notification..."

Terzich: "You mean the insurance company doesn't know anything about the spouse. I mean, how... how are they supposed to know whether they're married, where they're living, if they have a claim and what would the employer's liability be for

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failure of notifying that particular individual?"

Bowman: "It's not the employer's burden or liability, Sir. The point is this, that the... the former spouse was a dependent under the previous coverage, so the insurance company knows of the existence of this person because they were a dependent of the..."

Terzich: "The insurance company does not know whose spouses are insured. When you complete your application, you put a name, you don't put any addresses. They give you your definition of an eligible dependent which does not include whether they're married, or single, or stepchildren, foster children, adopted... There's no such thing as that. They don't keep any records of what the individuals are that are insured."

Bowman: "Okay. Under the Bill, the former spouse has to notify the insurance company that they desire to retain coverage in the group plan, so that that would help the insurance company if they didn't have that record."

Terzich: "Well, are you saying then they're making an agreement with the insurance company and not... You're telling me that they're supposed to pay the money to the employer and the employer is supposed to... Who's liable for the claims, and who's liable for the contracts and what happens if an employer wants to change a plan? You're telling me that he's taking money from someone, and he is not going to be held liable for that money?"

Bowman: "No, it's basically a relationship between the... the insured and the insurance company. The employer to the extent that he's involved at all is simply involved in administrative role."

Terzich: "Well, that... that's right. But the contract is between the employer and the insurance company. It has nothing to do with the employees, the dependents. The

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employer determines what the benefits are. He determines what the eligibility requirements are. He determines what the premiums are. All of those are done by the employer. The insurance company is simply administering an employer's plans. So how are you telling me that they don't have any liability? If the employer pays an insurance company a premium, the contractual provisions tell you what the insurance company has to pay to the employee upon acceptance of that premium."

Bowman: "Representative Terzich, I'm not an attorney. And unless Senator Savickas' Bill passes, I won't be licensed to practice. But let me just say to say that the... the dependent spouse or former dependent spouse will pay a premium, the full freight to the insurance company. Now, as far as I'm concerned, that is a constructive contract. That establishes the contractual arrangement between the insurance company and the insured, in this case the former dependent spouse, under the same terms as the contract that is established in writing between the insurance company and the former employer. It's a constructive contract, Sir."

Terzich: "Well, you tell me if I'm an employer, I have a group plan, and I decide, because the premiums are too high and there's a renewal, I'm going to change my plan on July 1. And I have three spouses that are insured under, you know, the previous plan. Now I'm going to change the benefits. I'm going to change the eligibility. Or I may not even... I might go to a self-insured plan. Am I liable to carry that insurance because I took their premium or are they going to dictate what type of benefits I'm going to give my employees and how much I'm going to pay? And I have to tell those people that we're changing carriers and you send me the money instead of sending it to me..."

Speaker Greiman: "Bring your remarks to a close, Sir."

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Terzich: "Well, what are the contractual provisions of this Amendment?"

Bowman: "Representative Terzich, the same contractual provisions would apply. If you changed the contractual provisions, as I say, this is a constructive contract. They would apply to the... the former dependent spouse. If you decide to abandon the plan altogether and become self-insured, then that's it. You... You would not be obliged to... to pick up the... or to provide the coverage. That's the only condition under which you wouldn't be..."

Terzich: "But is the employer liable for any claims or for to notify those people that you're telling them to insure? What is their liability? None?"

Bowman: "They have no liability."

Terzich: "So if they didn't notify the spouse that they were changing carriers or they said that I am not going to accept your premium or insure you, there will be no liability on the employer under the contractual provisions."

Bowman: "Not for the insurance. Not for the insurance. There may be some other liability for failure to notify, but not for insurance."

Terzich: "Well, I would like to know what that liability is. What is the penalty if they do not comply with what you're telling them to do? What happens if they say, 'Go to an insurance company to get insured. I'm not going to do it.'"

Bowman: "Well, there... there's nothing in the Bill that spells out a liability. It's not spelled out within the four corners of the Bill. But as I already pointed out, I'm not an attorney, and I'm sure that a good attorney could probably find some reason that the..."

Speaker Greiman: "Mr. Terzich, bring your remarks to a close."

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Terzich: "Alright, well... I just speak to the Bill. You know, this is again that there's no way, there's no contractual provisions; that on any group insurance plan it's between the employer and the insurance company, and that at the same token, there's no mention about Medicare. The Federal Government has determined with employers with 20 or more employees that the prime carrier is the employer and not Medicare, but yet this Bill is saying that you can go into Medicare even though the Federal Government says that the employer is supposed to be the prime carrier. This is an ineffective... And I can assure you from past experience when they find out what the premium - and medical care cost is not cheap today, and I'm not saying that. It is expensive, and there is a need. And that's the same reason why we had Medicare and a number of other things. But when they find out what the premium is and that they are not getting any money anyhow to even pay it, this is an unworkable solution. And in addition that you are telling the employer that he is going to be liable for... to administer a plan that should be done by private industry, whether this is through your Medicare or Medicaid or public aid or going out and get your own individual policy. That's the way it's going to be. I can tell you right now that this plan is not going to be workable, and I would urge a 'no' vote."

Speaker Greiman: "The Lady from Cook, Ms. Parcels."

Parcels: "Thank you, Mr. Speaker. Ladies and Gentlemen, as a female and a divorced person, I should be for this Bill. But I've studied it very carefully, and as much as I'd like to be for it, I have to tell you it's really a bad Bill. This is one of those Bills that sounds good. It's certainly popular at home. You've been heavily lobbied for it right here on the floor, but it's a very discriminatory

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Bill. This Bill will adversely affect all business large and small in this state. The Chamber of Commerce and every business group in this state is adamantly opposed to this Bill because they know the adverse affects it will have on the business community. We can forget trying to lure new business to Illinois if this Bill passes. General Motors would be crazy to bring Saturn Plant to Illinois. Their group health insurance costs will be great enough for their six thousand employees without having to handle the individual health policies of ex-spouses of their employees. For a large company, this could be hundreds of individuals to be handled separately. What an administrative nightmare. Here's a company trying to help out their employees with a nice group health insurance, and the state says, 'Oh, and by the way, you have to take care of all the ex-spouses of your employees, even though they are no longer legally a part of your group.' How about aunts and uncles and grandmothers. Let's throw them in too. Now, instead of a simple automatic deduction from a paycheck, the company must send out monthly bills to ex-spouses who may be moving from place to place and then send second notices if bills are not paid on time, and then they turn into bill collectors for all those individual policies. Ladies and Gentlemen, the decision to divorce is made by a husband and wife. Health insurance is just one of many, many decisions to be made and arranged for by that couple. Why should the employer of the working spouse have to pay for that decision when it is really the responsibility of the divorcing couple? An ex-employee can be insured for six months and we may shortly change that to nine months, but an ex-spouse who has even less connection to that company can carry the insurance for years and years. Why should the ex-spouse have a tie to the company

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when he or she no longer has a tie to the ex-spouse? The proponents will tell you that because the ex-spouse is paying the premium it won't cost the company anything. In fact, they may even make money. That's poppycock. If the company was going to make money then why is every business in this state against it?"

Speaker Greiman: "Mr. Hallock, the Gentleman from Winnebago."

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

Speaker Greiman: "Indicates he'll yield for a question."

Hallock: "Representative Bowman, I have one last question I hadn't asked before. How does this treat the terminated employee?"

Speaker Greiman: "Yes, what is... Mr. Daniels, for what purpose do you seek recognition?"

Daniels: "Only to point out that I know how concerned you are to hear the full debate on this issue, but Representative Parcels was not completed. She took a breath."

Speaker Greiman: "I'm sorry. I thought..."

Daniels: "I knew that you would correct that."

Speaker Greiman: "You take a breath, you're in trouble. I'm sorry. Mr. Hallock, with your permission, I'd return to Ms. Parcels so that she could finish. Proceed, Ms. Parcels."

Parcels: "Thank you, Mr. Speaker. I wanted to bring up something that has not been brought up here today. The reason that business is against the Bill is because of something called adverse selection, which they know will occur. The ex-spouse may pay premiums, but just one hospital bill will cost far more than any premium paid, and this might occur again and again. With more and more illnesses, the insurance rate will continue to climb for the whole group. And guess who gets to pick up the majority of that premium? That's right - the company of

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the ex-spouse. Ladies and Gentlemen, if we want to take care of all the divorced people of the State of Illinois, maybe we should start a special state group policy just for them. But for heaven's sake, don't discourage business in our state by saddling them with the ever increasing insurance costs that will certainly occur if you pass this Bill. I urge your 'no' vote."

Speaker Greiman: "Mr. Hallock."

Hallock: "Thank you very much. I just renew my question. And the question was, how does this Bill treat the terminated employee statute which is currently a law in Illinois?"

Bowman: "It doesn't affect that at all, Sir."

Hallock: "Well, then, what you're saying, if we pass this law and that one stays as it is, we will have, in fact, a six month provision for terminated employees, a two year provision for those who are under 55, a questionable provision for those who are between 55 and 57 and probably a lifetime provision for those who are over 57. Is that the case?"

Bowman: "Well, we're treating people in different situations differently. I think that's fair."

Hallock: "Well, that's probably the way you can minimize it. But it seems to me... Mr. Speaker, to the Bill, and briefly. The end result of this Bill, I believe, will be that many companies throughout the state, and I say a good number of companies throughout the state will stop offering this kind of insurance. And that's... because what's going to happen, in fact, is that this Bill, I believe in essence, will end up hurting those whose very aims are to help. And because of that, it's a bad Bill, and I urge a 'no' vote."

Speaker Greiman: "Mr. Ryder."

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

Speaker Greiman: "Indicates he'll yield."

Ryder: "Thank you. Representative, it's obvious to me that

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you're very concerned about this problem. I take it that it's a very large problem. Do we know how many people we're talking about would be falling into these categories?"

Bowman: "Well, Representative Ryder, that's hard to say because, first of all, most marriages will end in a formerly dependent spouse suddenly becoming either widowed or divorced, so I think this potentially covers almost all dependent spouses in the state. I don't know exactly what the figure is, Sir, I'm sorry."

Ryder: "Given the divorce rate and the fact that dependent spouses are normally the last to die... individuals, or at least that seems to be the experience that we've had, we're talking about a large number of people, but you don't know how many."

Bowman: "That's right."

Ryder: "A significant problem."

Bowman: "It is a significant problem, Sir."

Ryder: "Given that we're talking about such large numbers then, I think we'd also agree that this is going to increase the cost of insurance premiums because additional people will be covered."

Bowman: "No, I don't think we have to agree to that. Let me point out that in the case of divorced spouses in particular, you would have in most cases, especially with this two year limitation in there now, you'd have the former spouse continuing to be employed, paying the full premium. His premium is completely unaffected by the fact that this... that he's been divorced, and we now have the divorced former dependent spouse paying an additional premium. So the estimate for divorced persons is that the insurance companies will collect an additional 60% in premiums from that population."

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Ryder: "Is that same optimistic outlook present for the situations concerning death?"

Bowman: "Not... Not for... concerning death. But in that case, the former dependent spouse would now pay 100% of the premiums instead of 160%."

Ryder: "So you're indicating to me that although we're covering people that are not covered under insurance now, and although we're extending the coverage through these policies that there's going to be no cost or increase to the person's that's paying the premiums."

Bowman: "Representative Ryder, this does not cover any new people who are not members of a group plan at the time of a change in marital status. I don't understand why a change in marital status should affect their... their health other than to say... their physical health, perhaps their anxiety level but not their physical health."

Ryder: "Will it or will it not increase the cost of insurance?"

Bowman: "All I can say, Representative Ryder, is that Representative Zwick pointed out to us that there are four other states that are very similar to this kind of plan, and there have not been any adverse effects there that have... that have been published. We have tried to... our best to find out the answer to that question."

Ryder: "The law, as it's presently stated, would cover us as employees of the State of Illinois. I think that you had some conversations earlier concerning that very point."

Bowman: "Wait a minute. Would you repeat the question? I'm not sure I heard it. It's a little noisy here."

Ryder: "I understand. I believe that some earlier questions established that the State of Illinois would and its employees, of which you and I are too, would be covered by this law."

Bowman: "That's right. By the way, the state plan already covers

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widows for two years or more."

Ryder: "And has anyone asked if there would be any additional cost as a result of this program for the State of Illinois?"

Bowman: "Well, Representative, the problem is that these women are already in the plan now. I mean, in other words, the state plan right now covers widows. Okay?"

Ryder: "But not... But not as a result of divorce."

Bowman: "No, not as a result of divorce. So the state plan, I mean it's... Well, the state planners couldn't tell us what it would cost to cover without the widows in. I mean, what I'm trying to tell you is that in other states where they've gone from a situation pre law to post law, we haven't been able to determine any difference."

Ryder: "Did you happen to ask the folks that supply insurance for us if that was going to raise our cost?"

Bowman: "The... The plan already covers widows, and there's no speculation as to what the effect would be for divorce."

Ryder: "I take it from that that you did not ask the folks that provide our insurance whether their cost to the State of Illinois would be increased."

Bowman: "I did not personally... I did try to get the information."

Ryder: "...knowledge... Did anyone file a fiscal note on this?"

Bowman: "There was no request for a fiscal note filed."

Ryder: "And you don't have any... You're telling me you have no idea."

Bowman: "That's right."

Ryder: "Thank you."

Speaker Greiman: "Mr. Homer."

Homer: "Thank you, Mr. Speaker. Move the previous question."

Speaker Greiman: "The Gentleman from Fulton, Mr. Homer, moves that the main question be put. All those in favor signify

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by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it, and the previous question be put. And we will... Alright, now... If we could just calm down, Ladies and Gentlemen. It is apparent that the Republican side of the aisle and many Republicans wish to slow the process. That is their privilege. They have been recognized, and we patiently heard their... their debate. And certainly, they will be... continue to be recognized. Mr. Vinson asks for a Roll Call. He is entitled to a Roll Call. He has been joined by the appropriate number. Now, all of those in favor of the main question being put, signify by voting 'aye', those opposed vote 'no'. Voting is now open. Okay. Mr. Clerk, take the record. Mr. Clerk, take the record. On this question, there are 68 voting 'aye', 47 voting 'no', 1 voting 'present', and... and the Motion fails. Now, let's see, the Lady from Cook, Ms. Didrickson."

Didrickson: "Yes, thank you, Mr. Speaker. Would the Sponsor yield for a question or two?"

Speaker Greiman: "Indicates that he'll yield, of course."

Bowman: "Why not?"

Didrickson: "Representative Bowman, the four other states that you refer to with regards to similar legislation, how is it similar or dissimilar?"

Bowman: "Well, in the other states, the similarity is that they're able to remain in the group plan but the dissimilarity is the time during which that coverage remains in effect."

Didrickson: "Okay. The time factor is where it's dissimilar. Can you be more specific?"

Bowman: "Wisconsin is probably the one that would be closest to us, both... I don't mean just geographically, I mean in terms of the coverage. They have an 18 month provision

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across the board."

Didrickson: "Do any of the other states have what might have appeared in Amendment #1?"

Bowman: "Well, I'm sorry. I can't answer that because I was... I felt... Amendment #1 had so little to recommend it, I didn't bother to research the other states."

Didrickson: "Okay, another question, Representative Bowman. Representative Mautino raised a question with regards to self-insured from the small business perspective. What about from the large corporations? What are the numbers we're talking about in this state with regards to self-insured? How many companies, corporations? How many employees?"

Bowman: "Well, I can't... I can't answer that, Representative Didrickson. I don't have those statistics in front of me."

Didrickson: "Well, to the Bill, Mr. Speaker. I think that's a relative question."

Speaker Greiman: "Oh, proceed, Ms. Didrickson."

Didrickson: "Thank you. My understanding is that in the State of Illinois about a third of the corporations or rather a third of the employees are covered under self-insured policies. They're the large corporations like Caterpillar, John Deere, GM, Chrysler, but they're also the small businesses in this state. And that's a group that's disenfranchised or discriminated against under this Bill, if you're self-insured. And that's because of the federal ERISA laws. But this Bill also discriminates, this has already been brought up, the fact with terminated employers... terminated employees. We are not tracking the same time frame here. And for those two reasons, I would oppose this Bill."

Speaker Greiman: "The Gentleman from Cook, Mr. Leverenz."

Leverenz: "The Sponsor yield?"

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Speaker Greiman: "He indicates he'll yield."

Bowman: "No, I won't yield."

Speaker Greiman: "Indicates he won't yield."

Leverenz: "Now?"

Speaker Greiman: "To the Bill, Mr. Leverenz."

Leverenz: "How are you going to notify all these folks, and track them... former spouses? Are you going to check all the divorce court records?"

Bowman: "No."

Leverenz: "I ask that because of the problem we had with underinsured motorists and all those other things that we went round and round with. Would the staffer like to answer the question?"

Speaker Greiman: "Mr. Leverenz, the Gentleman has suggested he doesn't care to yield. He's within his rights."

Bowman: "I'm just saying to the Chair, I'm not going to yield to any further questions because it's obvious that people aren't interested in getting information. They just want to stall, and so I'm not going to yield to any further questions. If he wants to talk, I'll let him talk."

Speaker Greiman: "The Gentleman from... To the Bill, Mr. Leverenz."

Leverenz: "He won't answer the question, I'll vote 'no'."

Speaker Greiman: "The Gentleman from DuPage, Mr. McCracken."

McCracken: "Just to point out that if the purpose is to help people who can't help themselves, then why is the criterion not need based? The criterion is status based and has nothing to do with need. Underlying this status based criterion, I suppose, is the assumption that need is... a necessary corollary to status in our society, and that just isn't true. A person's under 55 and the divorced spouse of another, that person is not necessarily a person in need. The person is over 55, that person is not necessarily a

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person in need. If your point is to help people in need, then why not make your criterion need based? You have... You have created a fallacy. You... You're underlying assumption is faulty. And in addition to all of those other reasons, your main fault here is one of a misidentification. There's no logical connection, no necessary corollary between the status that you have set forth and the... and the fact of whether or not that particular person is in need. If that, for no other reason, it should be absolutely defeated, and I am going to verify it if it appears close."

Speaker Greiman: "The Gentleman from Lake, Mr. Shaw... Mr. Churchill. I'm sorry. Mr. Churchill. Mr. Churchill, do you wish to speak?"

Churchill: "Yes. Will the Gentleman yield?"

Speaker Greiman: "No, he's indicated not."

Churchill: "How about one of the hyphenated Cosponsors?"

Speaker Greiman: "Mr. Churchill, the Gentleman has indicated he does not care to yield. He is within his rights. Proceed if you wish to speak."

Churchill: "If I were just to ask a question and nobody answered it, would it just be devoid of answer?"

Speaker Greiman: "Well, Mr. Churchill, apparently you have chosen not to speak. Mr..."

Churchill: "No, I asked..."

Speaker Greiman: "Mr. Piel, you spoke, I believe. Did you not?"

Hallock: "Mr. Speaker."

Speaker Greiman: "Yes, Mr. Hallock."

Hallock: "I'd be happy to answer his questions, if nobody else wants to."

Speaker Greiman: "Excuse me. Mr. Churchill, you have the floor if you care to speak."

Churchill: "I had asked a question. I was waiting for the

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answer. I didn't hear it."

Speaker Greiman: "Mr. Churchill, you asked a question of the Chair, and I assumed it was rhetorical. Certainly, you understand that I don't have to... the Chair does not have to lay out for you the way that you'd like to debate. You may say anything you like as long as it is relevant to the topic involved and germane to the Bill. Mr. Bowman has indicated he does not care to answer questions any further. Now, you may... you have the floor, Sir. And you may use that floor within the confines and parameters that I have set out. Proceed, Mr. Churchill."

Churchill: "Thank you, oh, generous Speaker."

Speaker Greiman: "Indeed."

Churchill: "I... I just wished to find out how many divorced wives could be on this plan? I mean, if you got... if you got married and divorced every year, and you worked for one employer and eventually you quit and went for another job and you'd had like 10 wives and they'd all been on this plan, would they still continue to be on the plan? Are there any divorced wives around here who would like to answer that question? Are there any... any divorcees? No one. Representative Leverenz, would you like to answer that question?"

Speaker Greiman: "Mr. Churchill."

Churchill: "Now... Now may be the time. Now may be the time."

Speaker Greiman: "Mr. Churchill. Mr. Churchill."

Churchill: "Yes, yes, Mr. Speaker."

Speaker Greiman: "I want to point out to you, Mr. Churchill, that we are in the middle of a debate on medical expenses for divorced people, widows and derivatively orphans. The Chair has no intention of allowing you to make a circus out of this. If you wish to debate, you may debate, Sir. Do not ask Mr. Leverenz or anybody else. Mr. Bowman has

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suggested he will not answer questions. Your time is running out, Sir. You may speak to the Bill, Sir, or please sit down."

Churchill: "I appreciate that. I appreciate that, Mr. Speaker, and I would like to know, how many, you know, if you had two or three divorced wives and they were on the plan, and you went to work for somebody else, would they continue to be on that plan? That's a question. All those who think that it's true, raise your hands."

Speaker Greiman: "Excuse me, Mr. Churchill. You are out of order. Mr. Piel, you are recognized, Sir. You are out of order, Sir. Shut off Mr. Churchill."

Piel: "Thank you, Mr. Speaker. First question, of the Clerk. Will the Clerk yield to a question? We are... The only Amendment that has gone on the Bill, correct, if I'm... correct me if I'm mistaken, but it's Amendment #4. I'm asking a question of the Clerk, Mr. Speaker."

Speaker Greiman: "Mr. Piel, the Clerk is not a Member of this Body. Now if you wish to debate the question..."

Piel: "Okay, then I'll ask a question of the Speaker. I'm just trying to find out..."

Speaker Greiman: "Mr. Piel. Mr. Piel. You are very close, also, to being out of order. You may debate the Bill, and you may ask whatever..."

Piel: "I'm asking a question of the Chair."

Speaker Greiman: "...rhetorical questions you like, but neither the Clerk nor anybody else will answer it. If you seek an answer..."

Piel: "I'll ask a question of the Chair."

Speaker Greiman: "...higher place than this Chair."

Piel: "I'll ask a question of the Chair. Is the... Am I correct in ascertaining that the only Amendment that has been added to the Bill is Amendment #4? I don't think that there's

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anything obnoxious about the question. I just asked a question, if it was Amendment #4."

Speaker Greiman: "Amendment 4 has been added to the Bill."

Piel: "That is the only Amendment. Correct?"

Speaker Greiman: "Procedural. Yes."

Piel: "Okay. Representative Bowman, will you yield to a question? No. Okay. I... I have a right to ask the Chief Sponsors, plural, if they... is Representative Madigan here on this important piece of legislation? Okay. He's not here. I guess he's in Chicago. Okay. Representative Flowers."

Speaker Greiman: "Excuse me, Mr. Piel. Mr. Matijevich, for what purpose do you seek recognition?"

Matijevich: "I make a point of order. I don't think it's appropriate that he ask who are his... who is not here to the Chair. That obviously is making a mockery of this Bill. It's evident that evidently the Republicans are against widows and women. If they want to continue to prove it, go ahead. But it's obvious to me... Keep it up. Show every woman and every widow in the State of Illinois you're against them. You're doing a good job of it."

Speaker Greiman: "Mr. Matijevich. Beyond the purview of a point of order. Mr. Piel, proceed, Sir."

Piel: "If the previous Speaker would have as many women on his side as we did on ours, I could understand what he was saying. I'm just going through the speakers... the Sponsors, Mr. Speaker, to find out if one of them will yield to a question. Will Representative Zwick yield to a question? No. Representative Flowers, will you yield to a question? Yes, she will. Thank you very much. No, she... she reneged on that. Representative Laurino. He's not here. Okay. Okay. Seeing as nobody will, Mr. Speaker, I've got ten minutes. Correct?"

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Speaker Greiman: "No, you have seven minutes."

Piel: "Okay, I've got seven minutes. Basically what I was going to ask, I was going to ask a question in reference to Amendment #4. Amendment #4 basically states in one part of it is that if you send out your premium notice, you have within 30 days of the receipt of the notice. It states nowhere in the Amendment what verification of the receipt of the notice is. So technically I can say that I received it on the first of June, for instance, and the insurance company mailed it out the first of May. There's no provision in there for a registered letter, so what you end up having is a situation to where the notice provision of the Bill could end up sending a person to court, having the poor person who has not received this or received it late, the notice on the insurance, you know, having to defend themselves for a cancellation of the insurance policy. For those of you who have not... we've got seven... we've got about six minutes right now. For those of you who haven't read the Bill, and, you know, obviously everybody's been talking so I don't think that they have been paying a lot of attention to the Bill. Basically, it amends the Insurance Code, the Non-Profit Health Care Service Plan Act, the Medical Service Plan Act, and the Voluntary Health Services Plan Act, the Vision Services Plan Act, the Dental Services Plan Act, the Pharmaceutical Services Plan Act, and it requires group accident and health insurance policies and plans to provide for a continuation of benefits to former spouses of covered members or employees, effective the first calendar day of the next month of the calendar month, sixty days after becoming law. Now that you're thoroughly confused on that, let me go into what Amendment #4 basically does. Amendment #4 is... has been added to the Bill. And, you know, I've

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been sitting here. You know, people are yelling for time, I've still got five minutes. And I figure if I... they don't want to answer straightforward questions..."

Speaker Greiman: "Four minutes."

Piel: "I felt that I had, you know, straightforward questions. I was not being obnoxious. I... I usually answer questions when people ask them about my Bills. But I had questions seriously about Amendment #4. Because I thought that Amendment #1 and 4 had both been adopted. But obviously, with Amendment #4, there are certain questions dealing with Amendment #4 that were in Amendment #1 but now are just in Amendment #4 alone. So, basically, what Amendment #4 does do, it makes changes such the continuation of the privilege shall be available to a former spouse under the age of 55 for the maximum of two years. So it is giving them a two year hiatus on the coverage for a former spouse who is of the age of 55. For those 55 or over, they may obtain continual coverage until reaching the age... I've still got four minutes. I've still got four minutes... qualifying age or otherwise..."

Speaker Greiman: "Three minutes. Three minutes, Mr. Piel."

Piel: "Three minutes. Okay. Qualifying the age or otherwise becoming eligible for Medicare. Now, if they do become eligible for Medicare, then the service that they would have would be cancelled because of the Medicare kicking in. But if they were before 55, then the service would not cover. The monthly premium for the former spouse who is under 55 years old shall be the amount that would have been paid if the former spouse - now if they are 55 it would be the coverage by the former spouse - shall be the amount paid if the former spouse were the employee. So in other words you've got to figure in there if they were the employee at that time, plus the amount the employer would

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contribute. So it's the amount of the former spouse plus the employer or the employee at that time. There will be no additional coverage for administrative expenses. So what you're basically saying in that point is that the business or the self-insured or the insurance company shall pick up any additional expenses on that form. For those 55 or older, the premium shall include an additional 20%, an additional 20% for administrative cost beginning two years after the start of the continued coverage. So in other words, what it is doing, it's discriminating about... on those who are older than 55, adding an additional 20% to it. And that is basically covering the administrative cost, two years after the start of the continued coverage. Provide... It also provides for the failure to pay the initial monthly premium. So if you do not pay the initial monthly premium..."

Speaker Greiman: "Bring your remarks to a close, Mr. Piel."

Piel: "...for the... I am, Mr. Speaker. I'm getting right down to the nitty-gritty of what I was trying to get at."

Speaker Greiman: "Mr. Piel, you have 27 seconds."

Piel: "Twenty-seven, twenty-six, twenty-five. So basically what it is is that right now the premium notice, if it's sent out, you've got a dispute between the person who has the premium coverage and the person who has the insurance policy. So I would ask that you watch this very closely. Eight, seven, six..."

Speaker Greiman: "...off..."

Et al: "Five, four, three, two, one."

Speaker Greiman: "And now the Gentleman from Macon, Mr. Dunn. We'll get back to you, Mr. Dunn. The Gentleman from Cook, Mr. Brookins."

Brookins: "Move the previous question, Mr. Speaker."

Speaker Greiman: "Well, maybe you should hold that for a while,

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Mr. Brookins. Let's see. Mr. Nash, for what purpose do you seek recognition?"

Nash: "Mr. Speaker, I move we adjourn."

Speaker Greiman: "I didn't recognize you for that Motion, Mr. Nash. Ms. Braun."

Braun: "I move... I move that we adjourn."

Speaker Greiman: "Thanks, Ms. Braun, for being right with the Leadership group there. I didn't recognize you either for that, Ms. Braun. Mr. Regan. Mr. Regan, for what purpose do you seek recognition?"

Regan: "Well, I second the Motion to adjourn."

Speaker Greiman: "Fine. Mr. Vinson, for what purpose do you seek recognition?"

Vinson: "I move that we adjourn, and I'd point out that Motion isn't debatable, Mr. Speaker."

Speaker Greiman: "I didn't recognize you for that either, Mr. Vinson. You spoke in debate. Now, Mr... Mr. Bowman, to close."

Bowman: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, we have had both a full and a fulsome debate, and I mean that in the literal sense of fulsome on this subject. I will be very brief in my closing remarks. I just want to make a couple of points. No one gets a free ride under this. The insured pays 100%. It is a contract between the insured and the insurance company. The employer is out of it. Other states have these plans. They work. They do not... They are not harmful to business. Lastly, the only alternative for a former dependent spouse other than this is Medicaid - that's public aid - that's the public assistance plans. I don't think any of us want that. This is a vote for families. I move for passage of House... Senate Bill 300."

Speaker Greiman: "The Gentleman from Cook, Mr. Bowman, has moved

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for the passage of Senate Bill 300. The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Mr. Tate, you spoke in debate. Do you wish to... Mr. Tate on a point of order. Proceed, Sir."

Tate: "Speaker, I would just like you to ask the Members to vote their own switch because I will verify this Roll Call if it receives the requisite number."

Speaker Greiman: "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 74 voting 'aye', 40 voting 'no', 1 voting 'present'. And Mr. Tate requests a Poll... a verification of the Affirmative Roll Call. Is that correct, Mr. Tate? Mr. Clerk, Mr. Bowman requests a... a Poll of the Absentees."

Clerk O'Brien: "A Poll of the Absentees. Krska. McAuliffe and Sutker."

Speaker Greiman: "McAuliffe votes 'aye'. Mr. Kulas asks leave to be verified. Mr. Clerk... Mr. Van Duyne. Mr. Van Duyne and Mr. Christensen ask leave to be verified. Is that alright, Mr. Tate? No, I'm sorry. No, the first one was alright. Alright, Mr. Tate, I'm holding on."

Tate: "Mr. Speaker, I would allow everyone to be verified if we're going to adjourn in the next 20 minutes."

Speaker Greiman: "Well, the schedule is to adjourn, and we probably will be adjourning then."

Tate: "Sure."

Speaker Greiman: "So you want to withdraw your verification?"

Tate: "No. They... They can go ahead and have leave now."

Speaker Greiman: "Alright, Mr. Van Duyne, and Mr. Christensen, and Mr. DeLeo, and Mr. Huff, and Mr. Nash, and Mr. O'Connell. Mr. Preston. Mr. Soliz. Now we may have business after this Gentlemen, so you might just hang

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around. We're still going to be here. Ms. Stern. Mr. Vitek. Excuse me, Mr. Vitek voted 'no' so we won't... he's not being verified. Mr. Homer, and that's it. Mr. Clerk... I thought Mr. Dunn wanted to speak on the issue. Alright, Mr. Dunn, leave for you to be verified. You know how to clean out a House, don't you, Tate? Go ahead. Goodbye Berrios. Okay, Mr. Berrios, and Mr. Capparelli. Mr. Clerk, verify what is left of the Affirmative Roll Call."

Clerk O'Brien: "Alexander. Berrios. Bowman. Braun. Breslin. Brookins. Brunsvold. Bullock. Capparelli. Christensen. Countryman. Cowlshaw. Cullerton. Curran. Currie. DeJaegher. DeLeo. Dunn. Farley. Flinn. Flowers. Virginia Frederick. Giglio. Giorgi. Greiman. Hannig. Harris. Hartke. Hicks. Hoffman. Homer. Huff. Keane. Kirkland. Kulas. Laurino. LeFlore. Leverenz. Levin. Matijevich. McAuliffe. McGann. McNamara. McPike. Nash. Oblinger. O'Connell."

Speaker Greiman: "Alright, excuse me, Mr. Clerk. I think there is something... Yes, Mr. Hawkinson."

Hawkinson: "How am I recorded, Mr. Speaker?"

Speaker Greiman: "'No'."

Hawkinson: "Change me to 'aye'."

Speaker Greiman: "Hawkinson votes 'aye'. Mr. Clerk, proceed."

Clerk O'Brien: "O'Connell. Panayotovich. Pangle."

Speaker Greiman: "Excuse me, Mr. Clerk. Does Ms. Satterthwaite have leave to be verified? You have leave."

Clerk O'Brien: "Phelps. Preston. Rea. Regan. Rice. Richmond. Ronan. Saltsman. Satterthwaite. Shaw. Slater. Soliz. Steczo. Stephens. Stern. Turner. Van Duyne. Wait. Washington. White. Williamson. Wolf. Anthony Young."

Speaker Greiman: "Mr. McPike asks leave to be verified with Mr. Laurino and Ronan. McPike, Laurino and Ronan. Proceed,

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Sir."

Clerk O'Brien: "Anthony Young. Wyvetter Younge. Zwick, and Mr. Speaker."

Speaker Greiman: "Mr. McAuliffe, a progressive Republican, wishes to be verified. No, no, no. We're kidding you. We're kidding you. Okay, does he have leave Mr. Tate? Tate, you have questions of the Affirmative Roll Call?"

Tate: "Mr. Speaker, how many are we starting with?"

Speaker Greiman: "Mr. Clerk. 86 'aye'."

Tate: "86?"

Speaker Greiman: "I'm sorry, 76, 76 'ayes'. 76 'ayes', Mr. Tate."

Tate: "Mr. Speaker, it's kind of difficult to verify the other side of aisle. If I could have a few people that are remaining in their seats."

Speaker Greiman: "It should be easy. Nobody's there. Go ahead, Mr. Tate."

Tate: "Is Mr. Flinn?"

Speaker Greiman: "Mr. Flinn. No, he wasn't verified. Mr. Flinn. Flinn in the chamber? Not in the chamber. Remove the man... Gentleman from the Roll Call."

Tate: "Is Mr. Bullock?"

Speaker Greiman: "Mr. Bullock. Mr. Bullock. Mr. Bullock in the chamber? Remove Mr. Bullock. Here's Mr. Bullock. Add Mr. Bullock back to the call... Roll Call."

Tate: "Mr. Flinn, just showed up too? Okay. Mr. McGann."

Speaker Greiman: "Excuse me. Mr. Hoffman would like to be verified. Leave for Mr. Hoffman. Ms. Cowlshaw to be verified. Alright? Mr. Tate, proceed."

Tate: "Mr. Ryder would like to be recognized."

Speaker Greiman: "Mr... Mr. Tate, when you get up here, you will be able to call on people..."

Tate: "Okay. I understand. Mr. Brunsvold."

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Speaker Greiman: "Mr. Brunsvold is in his chair, Sir."

Tate: "Mr. White."

Speaker Greiman: "Mr. White is in his chair."

Tate: "Mr. Ryder is trying to be recognized. But Mr. Panayotovich."

Speaker Greiman: "Mr. Tate, we are coming to the close of this verification unless you stay to the verification. Now if you have questions of the Affirmative Roll Call..."

Tate: "I asked Mr. Panayotovich."

Speaker Greiman: "You may ask. Mr. Panayotovich was... is right here at my right."

Tate: "Mr... Is this... Mr. Giglio."

Speaker Greiman: "Giglio's at his chair."

Tate: "Mr. Hicks."

Speaker Greiman: "Hicks at his... in his chair."

Tate: "Mr. Ryder."

Speaker Greiman: "Mr. Clerk, what's the count?"

Tate: "I asked, is Mr. Ryder in his chair?"

Speaker Greiman: "Mr. Clerk, what is the count? This is an Affirmative... a verification of the Affirmative Roll. Mr... Mr. Tate, on this question... Well, Mr. Mulcahey, for what purpose do you seek recognition?"

Mulcahey: "Mr. Speaker, please record me as voting 'aye'."

Speaker Greiman: "Mr. Mulcahey goes to 'aye'. On this question, there are 76 voting 'aye', 38 voting 'no', 1 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of House Bills Special Call - State Insurance appears House... Senate Bill 309, Representative - where are you - Representative Breslin in the Chair. Alright, we're on 309. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 309, a Bill for an Act to amend Sections of the Illinois Insurance Code. Third Reading of

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the Bill."

Speaker Greiman: "Ms. Breslin in the chair."

Speaker Breslin: "Representative Vinson, for what reason do you rise?"

Vinson: "Mr. (sic - Madam) Speaker, from about halfway through that verification until the previous temporary Speaker announced the Roll Call..."

Speaker Breslin: "Representative Vinson, are you on the Order of Senate Bill 309?"

Vinson: "I'm on the order of fairness and justice, which I'm sure you're not on. If you'd get on that order, things would move smoothly around here. But I know... I know that you're not disposed to do that."

Speaker Breslin: "Ladies and Gentlemen, the Clerk has just advised me that with regard to all Bills on the Consent Calendar, those Bills have all received the necessary Constitutional Majority and are hereby declared passed. So we have done some business today. On the question of Senate Bill 309, Representative Mautino."

Mautino: "Thank you, Madam Chairman (sic - Speaker). Senate Bill 309 came over from the Senate in it's original form. Provided that continuation of a... of coverage under a group insurance policy should not be made available to an employee who is discharged because of the commission of a felony or a theft in connection with the employee's... the employee's work. Amendment #1 was added in the House - that was, I believe, presented by Representative Cullerton - that these provisions of the main proposal did not... did not affect those companies in bankruptcy or reorganization under the Federal Bankruptcy Law. House Amendment #2 - also, I believe by Representative Cullerton as well, or Hartke, excuse me - provide... deleted the provisions that addressed the unavailability of a person subjected to court

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supervision in connection with an employer related offense from that legislation. And so the bottom line is those are the groups that are involved. So that an employee who has been discharged because of a felony or theft, those... an employee under the provisions of bankruptcy or federal reorganization and those that are on court supervision for an offense would not be eligible for the availability of additional insurance coverage."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 309. And on that question, is there any discussion? There being no discussion, the question is, 'Shall Senate Bill 309 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative Daniels, for what reason do you rise?"

Daniels: "Madam Speaker, you saw my light on. Now let's start talking how you're going to continue the operation of this House. I'll tell you this, Madam Speaker..."

Speaker Breslin: "Representative Daniels, are you speaking to the issue before us?"

Daniels: "Now you want to listen to me. You go ahead and you try to shut me down, Madam Speaker, and you're going to see what..."

Speaker Breslin: "Representative Daniels, you are out of order. The question is, 'Shall this Bill pass?' All those in favor vote... Have all... Mr. Clerk will take the record. On this question, there are 97... 98 voting 'aye', 1 voting 'no' and 2 voting 'present'. And this Bill is declared passed, having received the Constitutional Majority. Representative Cullerton."

Cullerton: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. I move that we continue all the Special Orders set for today till tomorrow at the Call of the Chair and that the House stand adjourned until 9 a.m. tomorrow

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morning."

Speaker Breslin: "Representative Cullerton, there is an objection to the Motion, so the question is... The Gentleman has moved that we... continue the Special Orders of Calls until the Call of the Chair. All those in favor vote 'aye', all those opposed vote 'no'. Have all voted who wish? The Clerk will take the record. On this question, there are 64 voting 'aye'... 66 voting 'aye', 42 voting 'no' and none voting 'present', and the Motion carries. Representative Cullerton."

Cullerton: "Yes, I move that we adjourn till 9 a.m. tomorrow morning."

Speaker Breslin: "The Gentleman has moved that this House stands adjourned until 9 a.m. tomorrow morning. All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and this House stands adjourned until 9 a.m. tomorrow."

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