

STATE OF ILLINOIS
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Speaker Biggert: "The House will be in order. The Members will be in their chairs. Representative Biggert in the Chair. The Chaplain for the day is Pastor Lowell Dean Allen of the Shirland United Methodist Church of Shirland. Pastor Allen is the guest of Representative David Winters. Guests in the gallery may wish to rise for the invocation."

Pastor Lowell Dean Allen: "I am very pleased to be with you today, having driven down from the Wisconsin state line, from Winnebago County, to be here. When Honorable Representative David Winters invited me I recall standing in the rabbinical counsel in Jerusalem where the rabbinical counsel deals with the laws that cannessa passes as well as their own. It reminded me that we have for four millennia had a rule of God's righteousness that all of our laws are tested against and so we're reminded that, as we pass those laws today we still have God's righteousness to account to. Let us pass God's blessing. Almighty God we humbly come to you this day to seek Your blessing. Although we are unworthy because of our willfulness to be the recipient of any of Your attention. We come to You relying upon Your steadfast love and constant mercy. Hear us we pray for we need Divine guidance. We ask for wisdom, born of knowledge and tempered by experience for this Legislative Body. May their work be inspired by understanding that the laws which are established should equally benefit every person in this state and strengthen the fabric of society in its interweaving with all interest. Oh God, You have placed a plum line in our mist by which we must measure our work. Help us remember that as we forge the laws, which will govern us, those laws must be based on the ancient vision of peace with justice, of equality of opportunity and concern for the well being of both citizen and sojourner in

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our mist. We ask You to bless our President, Bill Clinton, to bless the Congress and courts of the United States. We ask Your blessing upon our Governor, Jim Edgar, and all other state officers, the Senate and each of these Representatives, the judges and courts of the State of Illinois. We pray for them individually and as a Body. May they each constantly realize that the exercise collectively more influence than the sum total of all. Give the deliberations of this House the atmosphere of cooperation to achieve the common good. Help them offer dignity to those who plead their cause before them, especially the poor, the hungry, the mentally and physically sick, the homeless and the imprisoned. Show them ways to give voice to the voiceless, not using privileged power for those who are privileged and powerful. May the work of this Body enable our children to have the chance to grow up safely. May our youth find opportunity for success. May our families discover a supportive atmosphere and may our elderly be able to enjoy the fruits of their labors. Give understanding that in promoting Illinois Commerce throughout the world we must seek the benefits of this earth for the citizens of those lands with which we do business, not just profit for the constituency, which we each represent. May we appreciate that every need of our people hold significance and deserves our attention. Finally, when our work is done, let us celebrate the satisfaction of accomplishment, especially so when it has made a better world for all Your creatures, indeed for the whole of creation. Oh God, may Thine be the glory. Amen."

Speaker Biggert: "We will be led in the Pledge of Allegiance today by Representative David Winters."

Winters - et al: "I pledge allegiance to the flag of the United

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States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

Speaker Biggert: "Roll Call for Attendance. Excused absences. Representative Currie is recognized to report any excused absences on the Democratic side of the aisle."

Currie: "Thank you, Speaker. Let the record show that Representatives Laurino and Martinez are excused today."

Speaker Biggert: "Thank you, Representative. With leave of the House, the Journal will so indicate. Representative Cross is recognized to report any excused absences on the Republican side of the aisle."

Cross: "Thank you, Ma'am Speaker. On the Republican side of the aisle, there are no excuses. No excused absences."

Speaker Biggert: "Thank you, Representative Cross. The Journal will so indicate. Mr. Clerk, take the record. There are 116 Members answering the roll and a quorum is present. The House will come to order. Committee Reports? Committee Reports."

Clerk McLennand: "Committee Report, offered by, Representative Stephens, Chairman from Committee for Executive, to which the following Bills were referred, action taken on February 16, 1995, reported the same back with the following recommendations: 'do pass' Senate Bill 19; 'do pass' Senate Bill 22."

Speaker Biggert: "Senate Bills, Second Reading. Mr. Clerk, read Senate Bill 241."

Clerk McLennand: "Senate Bill 241, a Bill for an Act relating to education. Second Reading of the Bill. Committee Amendment #1, was referred to rules. No Motions filed. Floor Amendment #2, Committee on Rules."

Speaker Biggert: "Third Reading. Mr. Clerk, read Senate Bill

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242."

Clerk McLennand: "Senate Bill 242, a Bill for an Act relating to the University of Illinois. Second Reading of the Bill. Committee Amendment #1 was referred to Rules. Committee Amendment #...Floor Amendment #2 is in Rules."

Speaker Biggert: "Third Reading. Supplemental Calendar announcement."

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

Speaker Biggert: "Supplemental Calendar #1. Mr. Clerk, read Senate Bill 19."

Clerk McLennand: "Senate Bill 19, a Bill for an Act relating to charter schools. Second Reading of this Bill. Committee Amendments #1 through 25 lost. Fiscal note and a states mandates note has been filed."

Speaker Biggert: "Third Reading. Mr. Clerk, read Senate Bill 22."

Clerk McLennand: "Senate Bill 22, a Bill for an Act relating to education. Second Reading of the Bill. Committee Amendments #1 through 36 lost. Fiscal note and a states mandates note have been filed."

Speaker Biggert: "Third Reading. The Representative from Rock Island, Representative Brunsvold. For what purpose do you rise?"

Brunsvold: "Thank you, Madam Speaker. I rise to request a Democratic caucus immediately in 118, for about an hour."

Speaker Biggert: "For about an hour? Fine. The Democrats will be in caucus for approximately one hour in Room 118. Okay. Representative Leitch for what purpose do you rise?"

Leitch: "Thank you, Ma'am Chairman. We would request a Republican conference immediately in Room 114."

Speaker Biggert: "Thank you, Representative. The Republicans will caucus in Room 114. We will stand in recess until

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2:45."

Clerk Rossi: "Introduction - First Reading of House Bills. House Bill 1834, offered by Representative Cross, a Bill for an Act in relation to compensation for State's attorneys. House Bill 1850, offered by Representative Cross, a Bill for an Act to amend the Upper Illinois River Valley Development Authority Act. House Bill 1851, offered by Representative Hannig, a Bill for an Act to create the Illinois Procurement Code. House Bill 1852, offered by Representative Ryder, a Bill for an Act concerning insurance coverage. House Bill 1853, offered by Representative Meyer, a Bill for an Act concerning the responsibilities of the State Treasurer. House Bill 1854, offered by Representative Winkel, a Bill for an Act concerning housing. House Bill 1855, offered by Representative Winkel, a Bill for an Act to amend the Higher Education Student Assistance Act. House Bill 1856, offered by Representative Saviano, a Bill for an Act to amend the Real Estate License Act. House Bill 1857, offered by Representative Persico, a Bill for an Act to amend the Environmental Protection Act. House Bill 1858, offered by Representative Wojcik, a Bill for an Act to create the Residential Facilities for Older Adults Act. House Bill 1859, offered by Representative McAuliffe, a Bill for an Act to amend the Illinois Notary Public Act. House Bill 1860, offered by Representative McAuliffe, a Bill for an Act concerning employment compensation records. House Bill 1861, offered by Representative Lang, a Bill for an Act in relation to gambling. House Bill 1862, offered by Representative Lang, a Bill for an Act to amend the Code of Civil Procedure. House Bill 1863, offered by Representative Lang, a Bill for an Act to amend the Code of Civil

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Procedure. House Bill 1864, offered by Representative Scott, a Bill for an Act to amend the Illinois Human Rights Act. House Bill 1865, offered by Representative Scott, a Bill for an Act to amend the Code of Civil Procedure. House Bill 1866, offered by Representative Kubik, a Bill for an Act to amend the State Mandates Act. House Bill 1867, offered by Representative Hoffman, a Bill for an Act concerning children. House Bill 1868, offered by Representative Black, a Bill for an Act to amend the Illinois Public Aid Code. House Bill 1869, offered by Representative Leitch, a Bill for an Act to amend the Disabled Persons Rehabilitation Act. House Bill 1870, offered by Representative Moffitt, a Bill for an Act to amend the School Code. House Bill 1871, offered by Representative Schakowsky, a Bill for an Act to amend the Illinois Act on Aging. House Bill 1872, offered by Representative Schakowsky, a Bill for an Act concerning anti-union activities of certain State contractors. House Bill 1873, offered by Representative Schakowsky, a Bill for an Act regarding homemakers, chore housekeepers, and personal care attendants. House Bill 1874, offered by Representative Schakowsky, a Bill for an Act concerning the minimum wage of homemakers and chore housekeepers and personal care attendants. House Bill 1875, offered by Representative Schakowsky, a Bill for an Act concerning the minimum wage of homemakers and chore housekeepers and personal care attendants. House Bill 1876, offered by Representative Winters, a Bill for an Act to amend the Illinois Insurance Code. House Bill 1877, offered by Representative Saviano, a Bill for an Act concerning rental vehicles. House Bill 1878, offered by Representative Saviano, a Bill for an Act to amend the Illinois Vehicle

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Code. House Bill 1879, offered by Representative Saviano, a Bill for an Act to amend the Court Reporters Act. House Bill 1880, offered by Representative Saviano, a Bill for an Act concerning lienholders' rights, amending named Act. House Bill 1881, offered by Representative Andrea Moore, a Bill for an Act to amend the Counties Code. House Bill 1882, offered by Representative Brady, a Bill for an Act concerning the regulation of financial institutions by the Commissioner of Savings and Residential Finance. House Bill 1883, offered by Representative Schoenberg, a Bill for an Act to amend the Toll Highway Act. House Bill 1884, offered by Representative Kenner, a Bill for an Act to amend the School Code. House Bill 1885, offered by Representative Steve Davis, a Bill for an Act concerning the funding of police salaries. House Bill 1886, offered by Representative Shirley Jones, a Bill for an Act in relation to the University of Illinois. House Bill 1887, offered by Representative Ryder, a Bill for an Act making appropriations. House Bill 1888, offered by Representative Ryder, a Bill for an Act concerning drug products. House Bill 1889, offered by Representative Stephens, a Bill for an Act to amend the Illinois Public Aid Code. House Bill 1890, offered by Representative Stephens, a Bill for an Act to amend the Illinois Public Aid Code. House Bill 1891, offered by Representative Mitchell, a Bill for an Act concerning support. House Bill 1892, offered by Representative Rutherford, a Bill for an Act to amend the Civil Administrative Code. House Bill 1893, offered by Representative Kubik, a Bill for an Act to amend the Uniform Penalty and Interest Act. House Bill 1894, offered by Representative Lyons, a Bill for an Act to amend the Retail Installment Sales Act. House Bill 1895, offered by

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Representative Pedersen, a Bill for an Act to amend the Illinois Insurance Code. House Bill 1896, offered by Representative Leitch, a Bill for an Act to amend the Illinois Pension Code. House Bill 1897, offered by Representative Leitch, a Bill for an Act to amend the Illinois Pension Code. House Bill 1898, offered by Representative Biggins, a Bill for an Act to amend the Property Tax Code. House Bill 1899, offered by Representative Barbara Currie, a Bill for an Act to amend the Public Utilities Act. House Bill 1900, offered by Representative Ryder, a Bill for an Act concerning tax collections. House Bill 1901, offered by Representative Ryder, a Bill for an Act to amend the Civil Administrative Code. House Bill 1902, offered by Representative Ryder, a Bill for an Act to amend the Election Code. House Bill 1903, offered by Representative Meyer, a Bill for an Act concerning the towing of vehicles. House Bill 1904, offered by Representative Meyer, a Bill for an Act to amend the Illinois Insurance Code. House Bill 1905, offered by Representative Dart, a Bill for an Act to amend the Code of Criminal Procedure. House Bill 1906, offered by Representative Dart, a Bill for an Act to amend the School Code. House Bill 1907, offered by Representative Dart, a Bill for an Act to amend the School Code. House Bill 1908, offered by Representative Dart, a Bill for an Act to amend the Election Code. House Bill 1909, offered by Representative Dart, a Bill for an Act to amend the Civil Administrative Code."

Clerk Rossi: "House Bill 1910, offered by Representative Dart. House Bill 1911, offered by Representative Dart, a Bill for an Act in relation to balancing budgets. House Bill 1912, offered by Representative Dart, a Bill for an Act to create

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the Fiscal and Economic Stability Fund. House Bill 1913, offered by Representative Dart, a Bill for an Act in relation to the contents of the State budget. House Bill 1914, offered by Representative Dart, a Bill for an Act in relation to truth in budgeting. House Bill 1915, offered by Representative Lang, a Bill for an Act to amend the Workers' Compensation Act. House Bill 1916, offered by Representative Rutherford, a Bill for an Act to amend the Good Samaritan Food Donor Act. House Bill 1917, offered by Representative Black, a Bill for an Act to amend the Illinois Welfare Act. Introduction - First Reading of these House Bills."

Clerk McLennand: "Introduction - First Reading of House Bills. House Bill 2029, offered by Representative Blagojevich, a Bill for an Act in relation to implants. House Bill 2030, offered by Representative Blagojevich, a Bill for an Act to amend the Code of Civil Procedure. First Reading of Resolutions. House Joint Resolution #21, OFFERED BY REPRESENTATIVE PEDERSEN. House Joint Resolution #22, OFFERED BY REPRESENTATIVE PEDERSEN. House Joint Resolution #23, OFFERED BY REPRESENTATIVE BIGGINS. Introduction and First Reading of these Resolutions and House Bills. Introduction and First Reading of Constitutional Amendments. HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT NO. 20, OFFERED BY REPRESENTATIVE PANKAU. RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, That there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to add section 13 to Article VII of the Illinois Constitution to read as

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follows: ARTICLE VII LOCAL GOVERNMENT SECTION 13. UNFUNDED MANDATES (a) Whenever State legislation or State executive action implementing State legislation requires a unit of local government or school district to establish, expand, or modify its activities in such a way as to necessitate additional expenditures of revenue by the unit of local government or school district, the State shall provide funds to reimburse the unit of local government or school district for the costs necessary to carry out the mandated requirement, except that the State may, but need not, provide funds for the following mandates: (1) federally mandated requirements; (2) legislatively mandated requirements relating to criminal law; or (3) legislatively mandated requirements that became law before the effective date of this amendment or State executive actions initially implementing legislation that became law before the effective date of this amendment. (b) A mandated requirement that is not funded is not enforceable while not funded unless the bill implementing the mandated requirement or the bill authorizing the State executive action passed with the concurrence of at least three-fifths of the members elected to each house of the General Assembly and specifically states that it is a nonreimbursable mandate under this subsection. (c) For purposes of this section, a limitation on the ability of a unit of local government or school district to impose a tax does not constitute an unfunded mandate. SCHEDULE This Amendment takes effect upon approval by the electors of this State. First Reading of House Joint Resolution Constitutional Amendment #20. First Reading of HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT NO. 21, OFFERED BY REPRESENTATIVE DART RESOLVED, BY THE HOUSE OF

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REPRESENTATIVES OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend section 6 of Article IV of the Illinois Constitution as follows: ARTICLE IV THE LEGISLATURE SECTION 6. ORGANIZATION (a) A majority of the members elected to each house constitutes a quorum. (b) On the first day of the January session of the General Assembly in odd-numbered years, the Secretary of State shall convene the House of Representatives to elect from its membership a Speaker of the House of Representatives as presiding officer, and the Governor shall convene the Senate to elect from its membership a President of the Senate as presiding officer. (c) For purposes of powers of appointment conferred by this Constitution, the Minority Leader of either house is a member of the numerically strongest political party other than the party to which the Speaker or the President belongs, as the case may be. (d) Each house shall determine the rules of its proceedings, judge the elections, returns and qualifications of its members and choose its officers. No member shall be expelled by either house, except by a vote of two-thirds of the members elected to that house. A member may be expelled only once for the same offense. Each house may punish by imprisonment any person, not a member, guilty of disrespect to the house by disorderly or contemptuous behavior in its presence. Imprisonment shall not extend beyond twenty-four hours at one time unless the person persists in disorderly or contemptuous behavior. (e) No Representative may serve in any one or more of the

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following positions for more than 4 years in the aggregate: Speaker of the House of Representatives, Minority Leader of the House of Representatives, or Representative designated by the Speaker, Minority Leader, or the Representative's political party as a member of the leadership of that political party within the House of Representatives, excluding the positions of committee chairperson and minority spokesperson. No Senator may serve in any one or more of the following positions for more than 4 years in the aggregate: President of the Senate, Minority Leader of the Senate, or Senator designated by the President, Minority Leader, or the Senator's political party as a member of the leadership of that political party within the Senate, excluding the positions of committee chairperson and minority spokesperson. SCHEDULE This Constitutional Amendment takes effect upon approval by the electors of this State. First Reading House Joint Resolution Constitutional Amendment #21.

Clerk Rossi: "House Bill 1910, offered by Representative Mulligan, a Bill for an Act concerning guardianship and advocacy. First Reading of this House Bill."

Clerk McLennand: "Introduction - First Reading House of Bills. House Bill 1918, offered by Representative Hoeft, a Bill for an Act relating to the certification of teachers. House Bill 1919, offered by Representative Hoeft, a Bill for an Act to amend the School Code. House Bill 1920, offered by Representative Hoeft, a Bill for an Act to amend the School Code. House Bill 1921, offered by Representative Hoeft, a Bill for an Act to amend the School Code. House Bill 1922, offered by Representative Lang, a Bill for an Act to amend the School Code. House Bill 1923, offered by Representative Lang, a Bill for an Act concerning copyright royalty

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collection. House Bill 1924, offered by Representative Lang, a Bill for an Act in relation to certain State entities. House Bill 1925, offered by Representative Madigan, a Bill for an Act making an appropriation for the Cook County-Rush AIDS Center. House Bill 1926, offered by Representative Black, a Bill for an Act to amend the Illinois Optometric Practice Act. House Bill 1927, offered by Representative Shirley Jones, a Bill for an Act to amend the Illinois Criminal Justice Information Act. House Bill 1928, offered by Representative Saviano, a Bill for an Act to amend the Illinois Act on Aging. House Bill 1929, offered by Representative Saviano, a Bill for an Act to create the Tattoo Artist License Act. House Bill 1930, offered by Representative McGuire, a Bill for an Act to amend the Illinois Public Aid Code. House Bill 1931, offered by Representative McGuire, a Bill for an Act to amend the Housing Authorities Act. House Bill 1932, offered by Representative Durkin, a Bill for an Act providing for a State Sovereignty Auditor. House Bill 1933, offered by Representative Klingler, a Bill for an Act to amend the Legislative Commission Reorganization Act. House Bill 1934, offered by Representative Wirsing, a Bill for an Act relating to custodial trusts. House Bill 1935, offered by Representative Andrea Moore, a Bill for an Act concerning consumer credit reporting. House Bill 1936, offered by Representative Tenhouse, a Bill for an Act to amend the Illinois Emergency Management Agency Act. House Bill 1937, offered by Representative Tenhouse, a Bill for an Act to amend the Nursing Home Care Act. House Bill 1938, offered by Representative Phelps, a Bill for an Act to amend the Illinois Public Aid Code. House Bill 1939, offered by Representative Phelps, a Bill for an Act to amend the

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Illinois Public Aid Code. House Bill 1940, offered by Representative Lawfer, a Bill for an Act to amend the Farm Nuisance Suit Act. House Bill 1941, offered by Representative Ryder, a Bill for an Act to amend the Nursing Home Care Act. House Bill 1942, offered by Representative Hannig, a Bill for an Act to amend the Illinois Public Aid Code. House Bill 1943, offered by Representative Hannig, a Bill for an Act to amend the State Comptroller Act. House Bill 1944, offered by Representative Hannig, a Bill for an Act in relation to State finances. House Bill 1945, offered by Representative Hannig, a Bill for an Act to amend the Build Illinois Bond Act. House Bill 1946, offered by Representative Hannig, a Bill for an Act in relation to bonds. House Bill 1947, offered by Representative Hannig, a Bill for an Act to amend the General Obligation Bond Act. House Bill 1948, offered by Representative Hoeft, a Bill for an Act to amend the Illinois Public Aid Code. House Bill 1949, offered by Representative Stephens, a Bill for an Act in relation to State hiring practices. House Bill 1950, offered by Representative Stephens, a Bill for an Act in relation to work performed under certain State contracts. House Bill 1951, offered by Representative Ryder, a Bill for an Act to amend the Illinois Public Aid Code. House Bill 1952, offered by Representative Cross, a Bill for an Act to amend the Illinois Public Aid Code. House Bill 1953, offered by Representative Lou Jones, a Bill for an Act to amend the Illinois Public Aid Code. House Bill 1954, offered by Representative Dart, a Bill for an Act in relation to taxation. House Bill 1955, offered by Representative Kotlarz, a Bill for an Act in relation to taxation. House Bill 1956, offered by Representative Cowlshaw, a Bill for

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an Act to amend the School Code. House Bill 1957, offered by Representative Madigan, a Bill for an Act to amend the Comprehensive Health Insurance Plan Act. House Bill 1958, offered by Representative Leitch, a Bill for an Act concerning various powers of municipalities and local liquor control commissioners, amending named Acts. House Bill 1959, offered by Representative Phelps, a Bill for an Act to establish a medical residency bridging program. First Reading of these House Bills." House Bill 1960, offered by Representative Leitch, a Bill for an Act to amend the Nursing Home Care Act. House Bill 1961, offered by Representative Phelps, a Bill for an Act to amend the Illinois Rural Downstate Health Act. House Bill 1962, offered by Representative Phelps, a Bill for an Act to amend the Illinois Rural Downstate Health Act. House Bill 1963, offered by Representative Phelps, a Bill for an Act to amend the Illinois Rural Downstate Health Act. House Bill 1964, offered by Representative Blagojevich, a Bill for an Act to amend the Illinois Income Tax Act. House Bill 1965, offered by Representative Ronen, a Bill for an Act concerning direct care workers in facilities for the mentally ill or developmentally disabled. House Bill 1966, offered by Representative Poe, a Bill for an Act to amend the Health Maintenance Organization Act. House Bill 1967, offered by Representative Ryder, a Bill for an Act in relation to violence prevention. House Bill 1968, offered by Representative Hartke, a Bill for an Act to amend Section 3 of the Alcoholism and Drug Addiction Intervenor and Reporter Immunity Law. House Bill 1969, offered by Representative Tenhouse, a Bill for an Act to amend the Illinois Public Accounting Act. House Bill 1970, offered by Representative Ryder, a Bill for an Act to amend the Code

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of Civil Procedure. House Bill 1971, offered by Representative Black, a Bill for an Act to amend the Riverboat Gambling Act. House Bill 1972, offered by Representative Scott, a Bill for an Act to amend the Solid Waste Planning and Recycling Act. House Bill 1973, offered by Representative Winters, a Bill for an Act relating to vocational programs. House Bill 1974, offered by Representative Winters, a Bill for an Act to amend the School Code. House Bill 1975, offered by Representative Krause, a Bill for an Act to create the Patient Protection Act. House Bill 1976, offered by Representative Roskam, a Bill for an Act to amend the School Code. House Bill 1977, offered by Representative Krause, a Bill for an Act to amend the Civil Administrative Code. House Bill 1978, offered by Representative Krause, a Bill for an Act to amend the Liquor Control Act. House Bill 1979, offered by Representative Durkin, a Bill for an Act in relation to use and occupation taxes. House Bill 1980, offered by Representative Schakowsky, a Bill for an Act to amend the Local Governmental and Governmental Employees Tort Immunity Act. House Bill 1981, offered by Representative Wojcik, a Bill for an Act to amend certain Acts in relation to amateur radio antennas. First Reading - Introduction of these House Bills."

Speaker Daniels: "The House will come to order. Speaker Daniels in the Chair. We will now proceed to the Order of Third Reading. House Bill 20. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill 20, a Bill for an Act that amends the Code of Civil Procedure. Third Reading of this House Bill."

Speaker Daniels: "The Chair recognizes Representative Cross."

Cross: "Mr. Speaker, Ladies and Gentlemen of the House. I rise

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today to urge your support for House Bill 20. House Bill 20 attempts to reform the Civil Justice System by bringing fairness, equity and balance into the way we litigate claims alleging injury. This Bill would place a limit of half a million dollars indexed for inflation on recovery of non-economic damages. It would create a series of presumptions in products liability litigation that states, 'when a product meets standards set for it by federal or state government, it is presumed to be safe.' It would abolish the doctrine of joint and several liability to hold people who are responsible for other's damages responsible for only their share of the losses and not for the losses which they did not cause. It would create a cap on punitive damages of three times the economic damages awarded to a plaintiff. This is a cap to ensure that the punishment meets the offense. It would make other more technical changes in an effort to streamline the process of civil litigation, to encourage quicker resolution and reduce the cost of bringing and defending these lawsuits. The purpose of our civil litigation system is to compensate not reward people who have been harmed for the losses which they have incurred. That compensation should come from those who have caused the harm. Since the founding of this country, we have believed in individual responsibility and fairness. Unfortunately, our current system, however, has moved far away from those guiding principles which we have always held dear. It's time that Illinois addressed the problems that we have with our civil justice system. Illinois needs civil justice reform or tort reform as many call it. In the area of non-economic damages, we have seen a literal explosion in the amounts sought from and often awarded by juries. Non-economic damages are the least

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objective element of injury. We do not say by passing this legislation that those who have been harmed as the result of negligence of another do not incur pain and suffering. But we recognize the fact that their pain and suffering simply cannot be quantified in a fair and reasonable manner. Experience has shown that juries meeting in the same courthouse dealing with similar, if not identical injuries, will award different amounts of non-economic damages based, at times, on the emotion of the moment. This has resulted in a system in which defendants, in particular, and the populous in general, have lost faith that our civil court system is a reasonable method for resolving people's differences. Some argue that this is unfair and inequitable. However, this cap is intended to address the inequity of the current civil justice system. Inequities which have led to non-meritorious lawsuits being filed with the desire to obtain a large award of non-economic damages. Inequities which result in the perception that filing a lawsuit is like purchasing a lottery ticket. Inequities which require small businesses and municipalities to abandon needed services because of the fear..."

Speaker Daniels: "Excuse me. Excuse me, Representative Cross. Ladies and Gentlemen of the House, we all know this is extremely important Bill. We want to hear every Member of the House that wishes to be recognized. Will you please give the Gentleman your attention. Thank you."

Cross: "Thank you, Mr. Speaker. Inequities which require small businesses and municipalities to abandon needed services because of the fear that a lawsuit may result in a huge award against them. The cap establishes standards for such awards to be granted fairly and equitably for all parties.

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This cap is the centerpiece of all these reforms. Many states have adopted limits on non-economic damages. These limits have been upheld as well by both state and federal courts. The Constitutions of the State of Illinois and of the United States guarantee every citizen the right to a remedy for wrongs committed upon them. Under our current system, one who is a defendant has no remedy, no remedy for the wrong of being forced to pay more than the amount of damages incurred by a plaintiff. The results of this have become clearly evident. People make decisions as to their behavior based upon the fear of being sued and being unable to pay judgments. Physicians have stopped delivering babies based upon these concerns in many counties, here in the State of Illinois. Products which otherwise might be brought to market and provide valuable benefits to the citizens of Illinois have been delayed or removed from consideration for manufacture and sale. This has resulted in a system in which our decisions are more often than ever before based upon a fear of being wrong rather than a desire to be right. When one realizes the costs of this system and the inordinate delays inherent in it, one comes to the conclusion, as have I, and many others that it is time to return to fairness and to establish a more balanced system. The opponents of this Bill will argue that it is unfair to persons injured by others. They raise hypothetical situations, and we're going to hear those today, the what if cases, that are imaginative but unreal. They will argue that people will go uncompensated. But we live in the real world, and the real world does not reflect the opponent's imagination. The fact is, that should this Bill be enacted, persons injured through the negligence of others will be compensated for their injuries. Take, for

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example, the argument that the homemaker who has no job, outside of taking care of his or her family will go uncompensated for injuries that might be suffered through medical malpractice or product liability. The opponents argue that he or she...should he or she become incapacitated and unable to provide services in the home for his or her family, the family will recover no damages for economic losses. Our current system in its practices provide ample evidence that this is simply untrue. This legislation will not, and I repeat, will not change this fact. Homemakers under our current law have been awarded millions of dollars in damages for economic losses related to the services they provide their families. This Bill would not, in any way, and I repeat, would not in any way limit a homemaker's recovery for these well established economic losses. The opponents of this Bill will also argue that women will be treated unfairly if we enact this Bill. That assertion also is simply untrue and false. If anything women, will be treated exactly as men under the terms of this legislation. Opponents argue that a woman, on average, in this society makes less in income than a man. Today that is true. Hopefully, tomorrow that will not be the case. But what is true is that if a woman is making \$50,000 a year in salary and a man is making \$40,000 a year in salary, and they were to suffer identical injuries which prevented them from working, the woman in this situation would recover more than the man. That is both fair, it is just, and it is non-discriminatory. But the opponents of this Bill by virtue of these arguments are simply suggesting that everyone in our society should make the same in wages regardless of their job, or their effort. It is a philosophy of political economy that relies upon

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redistribution of income which they now wish to implement through a civil justice system that encourages lawsuit after lawsuit. Our tort system is designed to compensate injured plaintiffs for their real losses. This Bill would protect those rights while restoring balance in the system that is clearly tilted in an unfair manner. The reforms propose today have been adopted in similar form in many other states. We bring forward proposals which have been tried and found to be beneficial. These reforms will not take from anyone the ability to receive full compensation for their actual economic losses regardless of the level those losses may reach. The injured individual will be able to recover without limits for all lost wages, past and future medical bills, required special equipment or adaptation to their homes, the value of replacement services to provide services they otherwise would do themselves, such as child care, homemaker services, attendant services, and similar replacement services. This Bill will return our system to one in which compensation is based on loss and the responsibility to pay that compensation is based on fault. I urge your favorable consideration and will be happy to answer any questions, Mr. Speaker."

Speaker Daniels: "Is there any discussion? The Chair recognizes the Lady from Cook, Representative Schakowsky. Is the Lady yielding her time? You will be recognized, we'll recognize Representative Schakowsky. Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I'm not a lawyer, but some things I do know and it seems to me that it's true that all people must be treated equally under the law and under that idea, I want to ask the Sponsors a few questions. Will the Sponsor

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yield?"

Speaker Daniels: "Indicates he will."

Schakowsky: "I want to address the issue of bias in this Bill against women and children and the elderly and poor people which you say doesn't exist, but let me just ask you, let's say there's a plane crash and on that plane there's a CEO of a fortune 500 company and a pregnant woman who's not working and doesn't have any other children. And, let's say there's so call, non-economic losses which under your Bill will be cap at \$500,000. Let's say both have the maximum of non-economic losses so, who's going to end up getting more money out of that, the CEO, the company or the pregnant woman who has no other children?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, the current system, as it applies today, would be applicable today. Under an economic damage situation, there would be no difference in todays Bill that introduced in the current law as it exists today."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Then you would agree that the CEO, the company would get more money than the pregnant woman and you're saying that's under current law as well although, under current law there's some opportunity for the jury to maybe give some extra compensation to the woman who has now lost her child and to make up through non-economic losses for some of those differences. Wouldn't you agree then that a physician would end up with more money than a five year old child or a successful stockbroker more than an elderly woman or a lawyer more than a woman who, let's say, works as a domestic worker cleaning ones home. Those people would get more money than the others?"

Speaker Daniels: "Representative Cross."

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Cross: "Under the current system would decide economic loss the same under the present law as would be under this law. It depends on economic loss of the particular individual. There's no change in this particular law, Representative...in this particular Bill, Representative."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "But as you said, on non-economic loss, there would be. And then...and then that inequity it seems to me under your Bill is severely compounded by the notion that now punitive damages, if it is shown that the airlines or the manufacturer of the airplane has been at fault, now what you say is that punitive damages will be three times the economic loss. What that feels like to me is a situation, if we had this in criminal law, that a murderer or a child molester would get punishment based on the income of the victim, which I think would seem unfair to all of us, but doesn't that...isn't that a parallel here that the punitive damage will be based on the income or the economic loss of the victim. How do you explain this as being equitable?"

Speaker Daniels: "Representative Cross."

Cross: "Representative the concept of punitive damage is to punish the person who did the harm, not to reward the injured person, and that concept has not changed between the current law and the law as proposed today."

Speaker Daniels: "Representative Schakowsky, you have 45 seconds left."

Schakowsky: "There are a number of lights on and I know that Representative Ronen is willing to yield time to me. To...on the contrary Representative, if the goal is to punish the wrongdoer, your bill says if that wrong do...if the victim happens to be poor, then the wrongdoer will be punished less. How much more inequitable can you get?"

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And, if it is viewed that in the case of the Delcon Shield for instance where there may not be any economic damages, then are you saying that if punitive damages are three times and three times nothing is nothing that there should be no punishment?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, I'm not sure what the question."

Speaker Daniels: "Representative Schakowsky for a repeat of the question."

Schakowsky: "You're saying the goal of punitive damages."

Speaker Daniels: "Excuse me. We're going to officially recognize that Representative Ronan has yielded her time to you."

Schakowsky: "You're saying the goal of punitive damages is to punish, and I would agree. But the way your Bill is crafted is if the victim of the wrongdoer is poor, then the punishment will be less because it is based on economic damages. It is three...the cap on punitive is three time economic damages. How less American can we get by saying that we will punish wrongdoers based on the income of the victim?"

Speaker Daniels: "Representative Cross."

Cross: "Thank you Mr. Speaker. Representative, I don't want us to forget the fact that we still have States Attorneys in every county in this State who will prosecute, I hope and I assume, to fullest in a criminal situation. We have regulatory agencies in this state and as well at the federal level that will punish in the appropriate case with fines. The idea here is one of punishment, not of redistributing or rewarding money to the victim. We are talking about punishment."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Well, so much for fairness. Let me move on to the

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issue. Are you familiar with the Petrillo doctrine?"

Speaker Daniels: "Representative Cross."

Cross: "Yes."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Standed...it...the Petrillo doctrine addresses and affirms the sanctity of the physician/patient privilege in medical malpractice cases and as I understand it, under this Bill, if a patient wants to file a lawsuit against a doctor who may have damaged her kidney, she must sign a consent form that makes her entire medical record available to the defense. In other words, she has to sign away her right to privacy, as I understand it. Therefore, all her gynecological records will be open for the defense to pour over, whether it relates or not. Maybe some...her psychiatric files or whatever will be open now and she has to sign away her right of confidentiality. Is that the way this Bill...what this Bill states? That's the way I understand it."

Speaker Daniels: "Is the question the way you understand it? Or, is the question what the Bill states?"

Schakowsky: "Excuse Me."

Speaker Daniels: "Is the question the way you understand it? Or, is the question what the Bill states?"

Schakowsky: "I am trying to understand if this Bill does not require someone to give up the patient/physician privilege."

Speaker Daniels: "Representative Cross."

Cross: "Well, Representative, let's make, I guess one thing clear. This applies to both men and women, and the issue, just like the law is today and is well proposed under this Bill is one, gets down to one of relevance. If the medical records are relevant to the pending or proposed lawsuit,

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then they are accessible. If they are not relevant, then they will not be used in the case."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "I think you ought to take another look at the legislation, because right now, you have to waive your right when you file that suit and that you're saying that all of your medical records are open to scrutiny by the defense."

Speaker Daniels: "Do you have a question?"

Schakowsky: "So, my question is then, are you sure that you are correctly stating your position? I understand it much differently."

Speaker Daniels: "Representative Cross."

Cross: "Representative, they currently give up those medical records, under current law, and it's simply a matter of the attorney representing the plaintiff of going to court on a motion asking...indicating to the court that they are irrelevant and asking that they be barred, there's no difference."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "I think once again Representative, you need to check. The difference is now it is only by subpoena and it must be relevant. So, we are asking people to waive a privilege. Let me ask another line of questioning here. On..."

Speaker Daniels: "You now have 42 seconds."

Schakowsky: "Okay, there a number of people who are willing to give their time. Well, I'll start on this. On the...Representative Currie and Representative Fantin are willing to do that."

Speaker Daniels: "Representative Currie wishes to yield her time to you? Okay, we'll recognize that when your time

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expires."

Schakowsky: "Thank you. In the whereas section of the legislation where you state your intent, there are implications that consumers and taxpayers who are...that were somehow dearly paying for the current tort system and that we're all going to benefit."

Speaker Daniels: "Representative Currie yields her time to Representative Schakowsky."

Schakowsky: "And that...and that consumers and taxpayers will see relief in all kinds of prices because we will relieve wrongdoers of their responsibility of paying for damages. Let me...let me just ask you about some specifics here. You have, whereas the governor identified problems in the civil justice system which affect the creation of jobs, the retention of jobs, and the availability and the cost of health care. Whereas health care costs have increased less in some states with limits on non-economic damages in Illinois over the same period, and Whereas the systematic costs of tort liability continue to threaten the economic health of the state through higher consumer prices, increased taxes and ever rising health care costs. I would like you to point out the sections of your Bill that would require any reduced cost in health care, in insurance rates, that would require the passing on of savings to consumers, that would lower taxes, or that would create jobs. I've scrutinized this Bill and I can't find those sections. Could you point them out to me?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, the whole Bill does that, that's the intention of it."

Speaker Daniels: "Representative Schakowsky."

Cross: "The whole..."

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Schakowsky: "Well then I'm wondering if you could cite for me, any studies that show that consumers have actually saved from these reforms in any way. I'm talking about, not just mak...lower perhaps premiums for insurance, but where consumers have seen lower costs that can be attributable to these so-called tort reforms."

Speaker Daniels: "Representative Cross."

Cross: "Thank you. Representative, I think, if you're not familiar, the State of California enacted Caps on non-economic damages some years ago. The State of California now has had an opportunity to go through a period of time under those Caps and the studies that I have seen would suggest to you and support that the cost of health care has not risen nearly as high as in states without Caps on non-economic damages."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "But, but are you aware that between 1980 and 1991 the state that had the slowest growth in aggregate health care spending of all the 50 states and the District of Columbia is Illinois?"

Speaker Daniels: "Representative Cross."

Cross: "If she can repeat that Mr. Speaker, I'm sorry."

Speaker Daniels: "Repeat the question please, Representative Schakowsky."

"Schakowsky. "But are you...you were citing California. But, why not cite the number one state in lower increases in health care costs. Because, between 1980 and 1991 Illinois has been number one the in slowest growth. Are you aware of that?"

Speaker Daniels: "Representative Cross."

Cross: "No."

Speaker Daniels: "Representative Schakowsky."

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Schakowsky: "No, I'm sure you're not because I..."

Speaker Daniels: "May the Lady please have your attention, please."

Schakowsky: "I'm wondering if you have any evidence that rural health care access, because you say, Where is the Illinois Rural Health Task Force recommended limits on non-economic damages to improve health care in rural areas. Do you have any evidence that this increases health care access in rural areas?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, I know that in southern Illinois there are more than 20 counties where you can't find an obstetrician to deliver a baby. And, when a woman has to go to Indiana or Missouri to deliver a baby, then I think you are going to see some cost rise. If you look at the State of Indiana where non-economic Caps have been in place, you are now seeing doctors coming back to that state, so this is an opportunity to get doctors back to Illinois, back to southern Illinois, for instance."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "In fact though, if you look, not just antidotally, but if you look at all the states, what you find is that the increase in the number of doctors in cap states has been lower than the increase in doctors in non-cap states. That the change in the...the change in the number of obstetricians and gynecologists in cap states and in non-caps states is about the same change throughout the country so there is...there is precious little evidence that this has any affect. Now, in closing, to the Bill."

Speaker Daniels: "To the Bill. You have 26 seconds left Representative."

Schakowsky: "Yeah. Yet I accept that I am not a lawyer, but I do

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understand liberty and justice for all. This Bill does nothing to reduce health care costs or consumer prices and probably even insurance premiums. This Bill discriminates, especially against women, against old people, against poor people and children. I urge a no vote if we are against discrimination."

Speaker Daniels: "The Lady from Lake, Representative Moore."

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

Speaker Daniels: "He indicates he will."

Moore, A: "Isn't it true that currently under the law of joint liability, when there are multiple persons who cause injury, property damage or death, then those multiple persons will all, to some extent, contribute to an award. Further, isn't it true that if any one of those individuals is deemed more than 25% at fault, then that individual could be required to pay for the entire award, if other individuals don't have the ability to pay? You have touted the concepts of fairness and efficiency. How is the abolition of joint liability fair to injured plaintiffs. Won't the abolition of joint liability simply allow dead beat defendants to cause injuries and get away without compensating the injured party?"

Speaker Daniels: "Representative Cross."

Cross: "Thank you Mr. Speaker. Representative the abolition of joint liability should, as I have stated earlier, return the civil justice system to a system of fairness and accountability. Is it fair for individuals to be required to pay for damages which will exceed what they have caused in a particular matter? Is it fair to allow defendants to simply rely upon another defendant to pay for their

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portion? Current law is a system whereby an individual who has caused only a small portion of any damage, is required to pay for the full amount. Current law does not in any way ensure that the person with the 25% fault actually has the means to pay. The issue of whether or not an individual has the means to pay is separate and distinct from whether they have a legal obligation to do so. This change merely provides that individuals be responsible for their own actions. Whether or not the individuals have the ability to pay at all, depends upon the individuals personal financial status. This change coupled with the limit on non-economic damages should remove some of the incentives of plaintiff's attorneys to go after individuals merely because they have funds to pay for an award."

Speaker Daniels: "Representative Moore."

Moore, A: "Thank you Mr. Speaker. Thank you Representative. This is one of the most unfair parts of the current law and it strikes fear in the hearts of many people. If you have assets, you are always wanting to worry...you are worried continually that some kind of suit may go against those assets, even though the suit is unfair. I think this part and this change in the law will go a long way to make a more equitable solution."

Speaker Daniels: "Gentleman from Cook, Representative Lang."

Lang: "Thank you Mr. Speaker. I want to make it clear that I am speaking on a point of order, I'm not yet debating the Bill. May I state my point or order Sir?"

Speaker Daniels: "You may clearly state your point of order."

Lang: "Thank you very much. Mr. Speaker, it's come to my attention that when the amendment that is part of House Bill 20 that became the Bill that we're debating today was in the Executive Committee yesterday. The Executive

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Committee passed this Bill with only four Members of the Executive Committee...I'm sorry, they adopted the Amendment with only four Members of the Executive Committee in the room. That is clearly in violation of the House Rules that you have proposed and that we have adopted Sir. Accordingly, since the Bill was...the Amendment was adopted illegally and improperly under your Rules, accordingly, the Bill was adopted passed to the House Floor to Second Reading improperly under your Rules. Accordingly, it's on Third Reading improperly under your Rules, and accordingly this Bill should be taken out of the record and moved back to committee so that the Amendment can be properly adopted. And I ask that the Chair rule that and if the Chair refuses to rule that I would move, joined by more than five Members on this side of the aisle and ask for a Roll Call Vote, moving to overrule your order."

Speaker Daniels: "The Gentleman's Motion is not well taken. His point of order is incorrect. All those in favor to overrule the ruling of the Chair may signify by voting 'aye', an 'aye' vote is to overrule the Chair; all those opposed vote 'no'. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 51 'ayes', 64 'nays', none voting present. The Gentleman's motion is...has failed. Further discussion? The Gentleman from Rock Island, Representative Boland."

Boland: "Mr. Speaker, I'd like to yield my time to Representative Granberg."

Speaker Daniels: "So be it. Representative Granberg."

Boland: "To Representative Hoffman."

Speaker Daniels: "You can only do one at a time, which one do you prefer Sir?"

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Boland: "Representative Hoffman."

Speaker Daniels: "Alright, we're going to take away your time Representative Granberg and we're going to give it to Representative Hoffman. Is that alright with you?"

Speaker Daniels: "Representative Hoffman, the Gentleman from St. Clair. I thought I had you on that one."

Hoffman: "Will the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Hoffman: "In this Bill, it is my understanding Representative, that there are provisions regarding products liability and specifically regarding the requirement of a certificate of merit prior to the bringing of a products liability in the State of Illinois. Could you explain exactly what that entails, number one; and number two...number two, that is similar, I believe, to what now is required in the medical malpractice field. Isn't that right?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, it is very similar and the same intent is behind this affidavit and products liability as is the healing art...the healing art malpractice liability section."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Is there any legal means by which individuals, or there is anything in this Bill that requires manufacturers of these products to provide the information to the experts who have to do this certificate so they can make a determination as to whether products liability case is...is relevant in that situation."

Speaker Daniels: "Representative Cross."

Cross: "Representative, the answer to that specifically is 'no', but as you know, the products, as a rule, are generally available and this section also provides if you could

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examine the literature of the particular product."

Speaker Daniels: "Representative Hoffman."

Hoffman: "My point to you Representative is this; first of all, let's take example the Ford, Pinto case. In your opening remarks you indicated that we were dealing in hypotheticals, we were dealing in imagination, well Ford Pinto case, the many people who died because of the explosion of a gas tank which would have taken \$10.00 to fix; that was not imagination Representative, that was real...that was real. And under this Bill...under this Bill, in order to bring a products liability case in the State of Illinois, you cannot ask Ford, you cannot get information from Ford to find out that they knew all along for \$10.00 a car they could have saved lives. Under this Bill, you would have to look at the Ford, Pinto, you would have to say, well, here's the Ford, Pinto, we don't get to see the years and years and years of research that Ford did to show that they could have done it cheaper. You have to make a decision based on the product itself without the knowledge, without the information, without what is needed in order to bring the case to begin with. Second question, this piece of legislation specifically...specifically indicates that there is a presumption if a product...there is a presumption that no liability exists if a product has been okayed or is made with regard to state and federal standards. Is that correct?"

Speaker Daniels: "Representative Cross."

Cross: "It's a presump...the answer is yes, it's a presumption that's rebuttable, Representative."

Speaker Daniels: "Representative Hoffman."

Hoffman: "So for example, the Delcon Shield, which was okayed by the Food and Drug Administration; silicon breast implants,

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which was okayed by the Food and Drug Administration; non-flam...or pajamas...pajamas which was okayed by the Federal...pajamas for children which subsequently were found to be flammable was okayed by federal agencies. These types of products would have a presumption that there is no liability that exists, simply because some bureaucrat in Washington, some bureaucrat in Springfield who said that, hey, we're going to set these standards and these are okay. Is that correct?"

Speaker Daniels: "Representative Cross."

Cross: "Thank you. Representative, as you know, and as I said a minute ago, there's nothing prohibiting a case. There's a presumption of safety that's rebuttable."

Speaker Daniels: "Representative Hoffman, you have 52 seconds left."

Hoffman: "Mr. Speaker, I think I had my five minutes and also Mr. Boland's."

Speaker Daniels: "If you want to use it, that's fine."

Hoffman: "Yes. Getting back to the...the state and federal standards, airplanes, Representative, airplanes are normally have to be built to certain specifications that are put out by the federal government. Is that correct?"

Speaker Daniels: "Representative Cross."

Cross: "Yes."

Speaker Daniels: "Representative Hoffman."

Hoffman: "So if those airplanes were built to federal specification, there would be a presumption even if an airplane fell from the sky, killing 300 people, there would be a presumption against liability in that case."

Speaker Daniels: "Representative Cross."

Cross: "Representative, I will repeat again, it's the rebuttable presumption and there is also a negligence case if I'm not

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mistaken under current law and that nothing has changed."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, to say nothing has changed Representative is absolutely wrong.

That is absolutely, absolutely wrong and you know it. Because everything is changing under this Bill. Everything is changing, because what it's doing is saying, number one, you would have to have, to bring a products case under this Bill, you would have to have some expert without the knowledge of all the years of experience, without the information that is contained in the company about this product. They would have to sign a certificate of merit simply by looking at the crash of an airplane, so they would be prohibited from use...utilizing the information that is accompanied within a company's files, and number two, there would be a presumption that no liability exists. So if you are a child...if you are a child and you're on one of these airplanes...you're on one of the airplanes and it doesn't...it isn't in our imagination...it happens in real life, if you're a child and you're on one of these airplanes with your mother; that plane goes down; number one, there is a presumption that there is no liability and no liability exists and number two, number two, under your onerous cap provisions that are contained in this Bill under those provisions, number two, there are no economic losses, there is no medical damage, and there is very limited economic loss because the mother is a housewife and all of that is worth \$500,000. Now, Representative, that is wrong. That is wrong and you should know it. This is about big business, this is about big medicine, this is about big money and everybody here should know it. You know, people talk to me...people talk to me about this Bill on that side of the aisle. They say, oh, I hate to do this, I really am worried, I really hate to do this. Well, you're doing

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it and the blood is on your hands."

Speaker Daniels: "There will be no demonstrations from staff or the gallery. The gallery, you are guests in this chamber. There will be no further demonstrations. Representative Krause, the Lady from Cook."

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

Speaker Daniels: "He indicates he will."

Krause: "Representative Cross, I would like to go back, particularly on the points you've made, and be clear as to how the points relate to the homemaker and how they relate to the senior citizens in this Bill. And I would like to, if you could, tell me how homemakers would be compensated in this Bill. It has been stated here and it has been stated earlier that homemakers would not be fairly compensated for their loss if we cap non-economic damages because they do not have any economic benefit or income. Is that true based on the statements that have been made previously?"

Speaker Daniels: "Representative Cross."

Cross: "No, Representative, it's not. In fact, and for purposes of legislative intent, let me go through that. Homemakers have a great economic impact in their families and that has been recognized in the past and will continue to be recognized under this legislation. We have case law proving that homemakers have been awarded millions of dollars for their economic loss to their families and that will not change under this Bill. For example, they would receive compensation for child care, homemaking services such as cooking, cleaning, laundry and chauffeuring costs. All that has a direct economic impact on the family which can be calculated and recovered. Thank you."

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Speaker Daniels: "The Lady from Cook, Representative Krause."

Krause: "Thank you. Following up on that, Representative Cross, if I could also ask about the provisions as far as senior citizens. I have heard the arguments made against the Bill that you are presenting is that senior citizens, particularly women, would be treated unfairly in your Bill because they have less economic value if they are not employed and I would ask again of you if you could elaborate on your Bill how your Bill would change the amount of recovery seniors, particularly women, are allowed to receive under your Bill."

Speaker Daniels: "Representative Cross."

Cross: "Thank you Mr. Speaker. Representative Krause, let me remi...remind you and others again that damages are designed to compensate only for loss. Damages are designed singularly...or singularly to compensate for loss. Consequently an injured child will frequently receive awards that can total in the millions over the child's lifetime. Conversely, a senior citizen, whether that senior is a male or female will, under the current system, receive a lower compensation. The operative word is compensation, not reward. I would like to remind you further that non-economic damages, those rewards for pain and suffering, were never legislated by the General Assembly. They are the product of courts and lawyers."

Speaker Daniels: "Representative Krause."

Krause: "Thank you. Just one remaining, then question Representative. So you're telling us that under current tort system currently senior citizens receive less in jury verdicts because their loss is less and that this situation would not change under this Bill one way or the other."

Speaker Daniels: "Representative Cross."

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Cross: "Yes, Representative, that's correct."

Speaker Daniels: "Representative Krause, are you complete?"

Krause: "Thank you."

Speaker Daniels: "The Chair recognizes the Gentleman from St. Clair, Representative Holbrook."

Holbrook: "Thank you Mr. Speaker. I yield my time to Representative Lang."

Speaker Daniels: "The Gentleman from Cook, Representative Lang."

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

Speaker Daniels: "He indicates he will."

Lang: "Representative Cross, who does this Bill help? Who benefits under this Bill?"

Speaker Daniels: "Representative Cross."

Cross: "Just one word, everyone. Everyone Representative."

Speaker Daniels: "Representative Lang."

Lang: "That's a very fancy answer. What's...what's the goal of this legislation Representative?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, to be as simple as I can, it's a...it's a...the goal is to make people responsible for what they've done and to make them pay for simply that loss."

Speaker Daniels: "Representative Lang."

Lang: "You trying to dabble...deal with frivolous lawsuits in this Bill, Representative?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, in this Bill, and throughout this Bill, there are attempts, I would classify more to go after non-meritorious lawsuits than frivolous."

Speaker Daniels: "Representative Lang."

Lang: "Representative, does the issue of Caps deal at all with frivolous lawsuits?"

Speaker Daniels: "Representative Cross."

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Cross: "Representative, it goes back to an issue of fairness in this system and in that respect it does."

Speaker Daniels: "Representative Lang."

Lang: "Does this Bill...is this Bill about the goal of making health care costs lower in the State of Illinois."

Speaker Daniels: "Representative Cross."

Cross: "That's part of it."

Speaker Daniels: "Representative Lang."

Lang: "Do you have any proof Representative that health care costs will be lower as a result of this legislation?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, I went over this a little while ago with Representative Schakowsky and as I said, in a state comparable to ours in populations and urban areas like California, health care costs have stayed level and not risen as high as in other states and that's one of the goals of this Bill, yes."

Speaker Daniels: "Representative Lang."

Lang: "How do you explain then that Illinois is first among the 50 states in the least amount of growth in health care costs, even less than California with Caps, less than Indiana with caps, and of many other states with caps. What would you attribute that to, Sir?"

Speaker Daniels: "Representative Lang. Excuse me, I confused the two of you all the time. Representative Cross, I'm sorry Representative Cross."

Cross: "Are you sponsoring this, or am I?"

Speaker Daniels: "Representative Lang."

Cross: "Will you...please...in serious ..in serious and honestly, please repeat your question."

Speaker Daniels: "Representative Lang."

Lang: "Well, I hope my time will be taken away because

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Representative Cross didn't hear me. Representative Cross, the question was..."

Speaker Daniels: "Maybe because I confused the two of you."

Lang: "Well, I'm certainly also confused, Mr. Speaker. Representative Cross, the question was; how do you attribute the fact that Illinois is first with the least growth of medical care costs...health care costs in the country, even lower increases than in California and Indiana that both have Caps?"

Speaker Daniels: "Representative Cross."

Cross: "Representative now that I understand your question I can tell you that aggregate health care costs in Illinois have grown fairly...somewhat...for the most part, fairly slowly. But that is in large part...or largely part...largely due because the population in Illinois has grown much more slowly than in other states. We look at health care costs on a per capita basis, we see the rate of increase in Illinois is higher than many other states, including California and this legislation should and will help us do better."

Speaker Daniels: "Representative Lang, Representative Lang."

Lang: "Representative, do you trust juries to make decisions in the State of Illinois?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, what kind of juries, criminal juries, civil juries."

Speaker Daniels: "Representative Lang."

Lang: "Well, let's start with all juries and then let's go to civil juries. Why don't you answer both questions."

Speaker Daniels: "Representative Cross."

Cross: "Well, under civil...under the civil jury system, I think we are only talking about less than 10% of the cases filed

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go to juries in civil cases, if I'm not mistaken."

Speaker Daniels: "Representative Lang."

Lang: "Well, thank you for helping by telling us that this really isn't the major problem that you seem to say it is if it's so much. Matter of fact, it's only 5%, but that wasn't the question. The question is, do you trust civil juries?"

Speaker Daniels: "Representative Cross."

Cross: "Well Representative, I think that for the most part it's more a question of fear of this whole society as well as myself of going to a jury. And what this Bill does is it attempts to establish a balance and more importantly some consistency in the jury system."

Speaker Daniels: "Representative Lang, you're running out of time. Do you want to use your five minutes now?"

Lang: "I'll use my five minutes now, thank you Mr. Speaker. Please add it, don't take those ten seconds away from me."

Speaker Daniels: "I'm going to wait until it gets down to one, then I'm going to put it on."

Lang: "Thank you very much. Representative Cross, you still have not answered my questions as to whether or not you trust juries to make competent decisions in the State of Illinois. Juries which are made up of citizens of our State. In fact, people that have voted for you and I. So, the question is if they can be trusted to vote for us, can they be trusted to make competent decisions in civil cases?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, the issue isn't one of trust, it's a matter of setting some parameters and some guidelines. That's simply what we're doing under this Bill."

Speaker Daniels: "Representative Lang."

Lang: "Well, then let's talk about what we would call the fool

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the jury rule. Why is it that you feel it necessary not to tell the jury about all the rules relative to contributory negligence prior to the jury retiring to render their verdict?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, my understanding of a jury is for the jury to understand and make a decision of the facts presented to them, and that's their role as a jury."

Speaker Daniels: "Representative Lang."

Lang: "Is it not the case, Representative that in cases where juries retire and they are talking about things like contributory negligence; is it not a fact that when a jury sitting in the jury room looking over a case, and many of them decide well yes, the plaintiff was 60% negligent. Do you not think that most of the members of that jury believe the plaintiff is going to get 40% of their money?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, once again it's a matter of giving the jury their role and their role is to take the facts of the case and make a decision based on the facts."

Speaker Daniels: "Representative Lang."

Lang: "Isn't the role of a jury, Sir, to do more than that; not only to assess blame, but also to determine the amount of the damage? And how can they determine the amount of the damage if you don't give them all the facts they need to make that proper determination? If the jury wants the plaintiff to get 'x' dollars, the plaintiff ought to get 'x' dollars and if the jury doesn't know the parameters that they have to deal with, how are they going to render that verdict?"

Speaker Daniels: "Representative Cross."

Cross: "Thank you, Mr. Speaker. Representative, the jury is a

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fact finder. The judge applies the law, both the criminal and the civil, plural."

Speaker Daniels: "Representative Lang."

Lang: "And does not the judge instruct the jury on the law? And aren't you by this section of this legislation telling the judge that he's not to tell the jury this part of the law?"

Speaker Daniels: "Representative Cross."

Cross: "Representative I...are you famil...I'm sure you are familiar with IPI book. It's two, three, four inches thick. And I think if your go through that IPI Book, the jury instruction book, and you'll see a whole list of times that the judge does not instruct on particular points of the law."

Speaker Daniels: "Representative Lang."

Lang: "Well Representative, you're doing an excellent job of not answering any questions. Let me ask you this question. If you feel it necessary to restrict the jury from hearing the rules about contributory negligence; why do you feel it necessary that the jury be told that compensatory and punitive damages are not taxable?"

Speaker Daniels: "Representative..."

Lang: "Why are they told one thing and not the other?"

Speaker Daniels: "Representative Cross."

Cross: "Representative that's a matter of...as it applies, that's a fact, and that's what's being instructed to the jury. And that's the extent of it."

Speaker Daniels: "Representative Lang."

Lang: "Well why isn't the fact about contributory negligence told to the jury Representative? I'm really going to try to get you to answer this question. If you have an answer, we'd all like to hear it."

Speaker Daniels: "Representative Cross."

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Cross: "Representative maybe my answer is one that you just don't like, but we're talking about fact and we are talking about law. And there is a big distinction, as you know and instructing as to the law, or the fact, is one thing and that's what we are trying to do.

Speaker Daniels: "Representative Lang, you have now 53 seconds left."

Lang: "So the fact that these things are not taxable, that's not a law Representative, that's just a fact? What...what separates one and makes it a law and makes it a fact? And maybe we can get some fact and not fiction from you in this answer."

Speaker Daniels: "Representative Cross."

Cross: "Representative, I think I've covered this. One is fact and one's the law and I don't know how else to...I can repeat the same answer over and over if you'd like me to."

Speaker Daniels: "Representative Lang, 21 seconds left."

Lang: "Thank you Mr. Speaker. Representative Burke would like to donate his time to me."

Speaker Daniels: "I didn't see him even move. Is that true Representative Burke? Okay, that's true."

Lang: "Thank you Mr. Speaker. Now Representative, going back to the Petrillo doctrine, can you hear me while you're on the phone Sir?"

Speaker Daniels: "The question is, can you hear while you are on the phone?"

Cross: "Yes."

Speaker Daniels: "The answer is yes. Representative Lang."

Lang: "Thank you, because we can hook you up directly here and we'll just talk privately if you need to make it a phone call. Let me ask you this..."

Speaker Daniels: "He would be in trouble wouldn't he?"

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Lang: "Let me ask you this about the Petrillo doctrine. Doesn't what you have in your Bill relative to the changing in the changing in the Petrillo doctrine amount to coercion? Don't you say to people, Sir, if you're going to file a medical malpractice suit you're going to have to give up any privacy you have, any confidentiality you have, you might have a ripped up knee, but we're going to take a look at all of your records relative to a psychiatrist you may have seen, or your dental records, or athlete's foot that you had, or any number of other things that have nothing whatsoever to do with your ripped up knee. And do you believe that's appropriate Sir."

Speaker Daniels: "Representative Cross."

Cross: "Representative, when you file a lawsuit and you put an injury before the court, before a lawyer, a plaintiff's lawyer or defense lawyer, you put that injury at issue. Now whether or not something's relevant or irrelevant to that particular case is up to the judge to decide before the trial. That's the law now and that's the law under this particular Bill. There's no change about that, it's an issue of relevance."

Speaker Daniels: "Representative Lang."

Lang: "Thank you. Sir, I know you're not trying to be, but you're being disingenuous with us. The truth is that what you just said is not correct. The truth is that under this legislation if a person files a medical malpractice suit, they absolutely give up their right to privacy and they absolutely waived the patient/physician privilege. This doesn't leave it up to a judge, that's the current law. A judge today determines what's relevant. Under your legislation, Sir, that you want us to pass today, a person has to give up their rights and all of their medical

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records, whether it's related to the injury or not become part of the court record. Isn't that true Sir."

Speaker Daniels: "Representative Cross."

Cross: "Representative, that's inaccurate and if you were representing a plaintiff in a case and there was irrelevant information that the other side wanted, would you not go to the judge immediately with a Motion and have that information...that material suppressed? Would you not?"

Speaker Daniels: "Representative Lang."

Lang: "Sir, under today's law I would. But under the law you are proposing in House Bill 20, you cannot do that. Under the proposal in House Bill 20 the privilege is waived and all medical records become relevant. Let me go on Sir, let me go on to another matter. Relative to the issues of standards for punitive damage, are you with me, Sir? Relative to that information you have now created a new standard called evil motive. Is there any state in the country that uses a standard called evil motive to determine whether punitive damages should be awarded?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, we don't even need to leave this state. The State of Illinois and the Illinois Supreme Court, under Lloyd vs. Remington Arms has given us that standard, the evil motive standard, right here in the State of Illinois."

Speaker Daniels: "Representative Lang."

Lang: "Perhaps you could tell us the definition of that standard, Sir."

Speaker Daniels: "Representative Cross."

Cross: "And I quote from the Bill Representative, you want the cite, if you'd like it."

Speaker Daniels: "Would you like the case Representative Lang?"

Lang: "You can give me the cite, but make sure you aren't reading

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dicta to me Sir, if you are reading the holding in the case, we would all like to hear it, if you are reading dicta which to those who aren't attorneys, means superfluous language in an opinion. If you are reading an opinion to us, we'd like to hear it. If you're reading something that's not part of the holding of that case, it would be held irrelevant in a courtroom and we should hold it irrelevant here."

Speaker Daniels: "Are you asking him to read the whole opinion to you?"

Lang: "I am asking him to read it to us only if it's part of the holding, Mr. Speaker."

Speaker Daniels: "The question is, will you read it to him only if it's part of the holding? Representative Cross."

Cross: "Representative, I'm reading you what is part of the holding from Lloyd vs. Remington and I would remind you that the jury is going to make the decision whether or not this burden is met, but I will read you the language. 'The conduct must be outrageous, either because the defendant's acts are done with evil motive or because they are done with reckless indifference to the rights of others'."

Speaker Daniels: "Representative Lang."

Lang: "Is that where you got the language for your Bill, Sir? From that case?"

Speaker Daniels: "Representative Cross."

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

Speaker Daniels: "Representative Lang."

Lang: "Is that case where you got the language from your Bill, is that how you got the language that's in your Bill."

Speaker Daniels: "Representative Cross."

Cross: "One of the sources, Representative."

Speaker Daniels: "Representative Lang, you have 17 seconds."

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Lang: "Representative Eugene Moore has prepared to yield his time to me, Sir."

Speaker Daniels: "Representative Morrow, you wish to yield your time, Sir? Representative Morrow yields his time."

Lang: "Did you just ask me a question, Representative? Oh, I guess it's my turn then. You also, Sir in your Bill discuss that to get punitive damages you have to have proof by clear and convincing evidence. The current standard is a preponderance of the evidence and in a criminal case it's beyond a reasonable doubt. Why do we have this new middle ground, what is this standard and what is clear and convincing evidence. How is it different than a preponderance of the evidence?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, my understanding of the history of punitive damages that they are designed to punish. They are a penalty and this standard is not a criminal standard by the way, it's less than that as you've aptly pointed out. But, if it is...it is designed to punish and that's why the standard is a difficult one and that's why it is proposed in this language."

Speaker Daniels: "Representative Lang."

Lang: "Well, I understand that your trying to make it a difficult standard, you haven't surprised anybody with that, but I asked you what this standard is. It's just a bunch of words to everyone on this floor that is not a lawyer, and I dare say many who are a lawyer don't know really what this means. I don't know this standard. I've studied law, you've studied law, many here have studied law. Is there anyone on the floor that knows what this standard is, Sir?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, it's outlined in the Bill what it is."

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It's defined."

Speaker Daniels: "Representative Lang."

Lang: "I didn't hear your answer, I'm sorry."

Speaker Daniels: "Okay, I wonder if the Gentleman can have your attention because it's very important dialogue, we're going to make sure that they can hear each other. Representative Cross."

Cross: "Representative, it's in the Bill. If I'm not mistaken. If you've looked at page 27."

Speaker Daniels: "Representative Lang."

Lang: "What page, Sir."

Speaker Daniels: "Page 27, Sir."

Lang: "Well, that appears in the section on Products Liability, am I incorrect in saying that you have also used this as a standard for punitive damages?"

Speaker Daniels: "Representative Cross."

Cross: "Yes."

Speaker Daniels: "Representative Lang."

Lang: "Is that also in the Bill."

Speaker Daniels: "Representative Cross."

Cross: "Is what also in the Bill, Representative?"

Speaker Daniels: "Representative Lang."

Lang: "Is that definition also in the section regarding punitive damages?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, I'd refer you to page 21 for that particular question."

Speaker Daniels: "Representative Lang, page 21."

Lang: "Well, perhaps you could point out what line on page 21."

Speaker Daniels: "Representative Cross."

Lang: "Oh, I see it, I see it."

Speaker Daniels: "I see it."

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Lang: "Okay, yes, you have a definition of that, where did this definition come from, Sir and are we using this in any other kind of case in the State of Illinois today."

Speaker Daniels: "Representative Cross."

Cross: "Representative, my understanding is clear and convincing has been a standard, it's been around for a few years, quite a while as a matter of fact."

Speaker Daniels: "Representative Lang."

Lang: "In what kind of cases, Sir."

Speaker Daniels: "Representative Cross."

Cross: "Representative, my understanding that it's been around, back through common law days and it started out in England. I can't give you every particular situation right now. But, I'm sure your familiar with this standard."

Speaker Daniels: "Representative Lang."

Lang: "Well, Sir..."

Speaker Daniels: "Now, you have a minute and thirty seconds. I want to make sure that you are aware of that."

Lang: "Sir, if, if, I have plenty of people prepared to yield to me, Mr. Speaker."

Speaker Daniels: "Have at it."

Lang: "Mr... Mr. Cross, talking about the common law doesn't really help me here, I've asked you what, what the standards all about. What's the, pick a, give me a typical case and tell me what the difference between preponderance of the evidence and clear and convincing evidence."

Speaker Daniels: "Representative Cross."

Cross: "Thank you, Mr. Speaker. Representative, this is a standard that's been around as, you know, in the federal courts, this is a standard that we got from the cases out... some federal cases and let's remember there's no mistake about this, it's a difficult standard, it's a tough

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standard. But, we are talking about punishment, Representative and what's the... what's the problem with having a difficult standard for punishment? It's a penalty."

Speaker Daniels: "Representative Lang."

Lang: "Well, Sir, you haven't answered my question. Now, if you understand this portion of the Bill, you surely must be able to explain to the 118 Members of this House what clear and convincing evidence means. Take a fact example, and explain to us how, what you would have to prove with this standard that you would not have to prove under a preponderance of the evidence. What is the difference, and Mr. Speaker, while he's trying to figure that out, Representative Harold Murphy would like to yield his five minutes to me."

Speaker Daniels: "I haven't seen him move, yet. Is that correct Representative Murphy? All right, Representative Murphy will yield the time. So, we'll continue on. Representative Cross."

Cross: "Representative Lang, maybe you can define for me what beyond a reasonable doubt means. In a format that we can all understand here."

Speaker Daniels: "Representative Lang."

Lang: "Well, I would be happy to do that Sir, were this my Bill. But, it's not, it's your Bill and you have a right and a duty and a responsibility to explain it, not only to the Members of this House, but to all the citizens of the state who are going to suffer when this Bill passes. So, we would like very much to get a definition of what this means. Certainly, the lawyers here would. We may have to try a case sometime. Certainly there are some lawyers on your side of the aisle, some who are still with this Bill

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and apparently some who are not who would like to know what their going to have to do in the future when they try cases under this new law. So, maybe you could tell us what it means."

Speaker Daniels: "Representative Cross."

Cross: "Well, Representative, let's begin with the first part of it. I'll read to you what the Bill says, and the definition. 'Clear and convincing evidence means that measure or degree of proof that will produce in the mind of the trier fact, a high degree of certainty as to the truth of the allegations sought to be established. This evidence requires a greater degree of persuasion that is necessary to meet the preponderance of the evidence standard.' Now, as you know this is a standard that's going to be somewhere between preponderance of the evidence and beyond a reasonable doubt. But, ultimately and more important, this is a standard that the juries are going to have to struggle with and make a decision on, just like they do with the other two standards. And, if you trust the jury system... and this system and this standard works."

Speaker Daniels: "Representative Lang."

Lang: "Let's go on because there's no answers forth coming from the Sponsor as to this issue. Sir, are you familiar with the Kotech case?"

Speaker Daniels: "Representative Cross."

Cross: "Yes."

Speaker Daniels: "Representative Lang."

Lang: "Is it not a fact that the section that you have on your Bill regarding third party cases where there's an employer involved, is just simply a way to do an end run around the Kotech case."

Speaker Daniels: "Representative Cross."

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Cross: "No, Representative, but as, you know, it codifies... in reading the Bill... you can see it codifies the Kotechi decision."

Speaker Daniels: "Representative Lang."

Lang: "Well, let's see if we can understand this because of all of the bad features of this Bill, this seems to be one of the worst. So, if I understand this correctly, if an employee was injured on the job, sues a third party and that third party brings in the employer under contribution under the current law, under the current law the jury apportions a fault between the third party and the employer and apportions the... the verdict if there is one, between them. Is that correct?"

Speaker Daniels: "Representative Cross."

Cross: "Yes."

Speaker Daniels: "Representative Lang."

Lang: "And, in fact, then the plaintiff would have to repay to the employer anything received under workers compensation. Is that correct?"

Speaker Daniels: "Representative Cross."

Cross: "Yes, Representative."

Speaker Daniels: "Representative Lang."

Lang: "Well, doesn't your Bills sort of turn this topsy turvey by saying after all of that takes place, the employer really pays nothing, because don't you then say, and isn't the result of your Bill, this section of the Bill, isn't the result of it that... that the employers negligence if any, is imputed to the employee. And, isn't the employees verdict, if any, reduced by the amount of the employers negligence."

Speaker Daniels: "Representative Cross."

Cross: "Representative, let's not forget that we have the

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workman's compensation system available to the employees and it was designed as the resource for the injured employee. That is not affected in anyway under this Bill."

Speaker Daniels: "Representative Lang."

Lang: "Well, that wasn't really the question, Sir. We all know that there's workers compensation. The question is, does your Bill say in this section, regarding these issues, that... that, the employees or the... the injured party's verdict is to be reduced by the same measure of the negligence of the employer."

Speaker Daniels: "Representative Cross. Are you searching... are you searching for your next."

Cross: "No, Representative."

Speaker Daniels: "Are you searching for your next person Representative Lang. Are you going to get some more yielding of time? Representative Currie."

Lang: "Representative Shirley Jones would be happy to yield her time to me, Mr. Speaker."

Speaker Daniels: "Representative Currie has yielded her time to you, so we'll record that at the present time."

Lang: "Thank you."

Speaker Daniels: "Representative Cross."

Lang: "Did I get an answer?"

Speaker Daniels: "For an answer."

Cross: "The answer was no."

Speaker Daniels: "Representative Lang."

Lang: "Well, let me tell you, Sir. That's not a correct answer. So, maybe you need two telephones, but your not getting the correct answer. The truth is that under this Bill, Sir, and I would ask you to look at it and perhaps comment back to me again that the employers negligence let's assume it's fifty, fifty with the third party and the employer. If the

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employers 50% negligent..."

Speaker Daniels: "Excuse me, Sir. Representative Lang could you repeat that last part of it?"

Lang: "Fifty percent under my fact scenario would be reduced from the employees recovery, would it not, Sir?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, it's not a matter of reduction, it's a matter of applying the workman's compensation award that goes to the employee."

Speaker Daniels: "Representative Lang."

Lang: "Well, that's not really an answer, but isn't it true Sir, that, that once these reductions are made in the employees, or the injured parties award, isn't it likely that every employer in the state under these circumstances will go into court and say, to help out the contractor that their working with, I was a 100% responsible. That way we'll take care of all of the injured party's injuries. Isn't that likely to happen, Sir?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, the workman's compensation system is designed, as it was when it first was implemented to protect and compensate the injured employee and that is not affected, as I've said several times under this Bill. Now you don't like the answers I'm giving and I can appreciate that, but to continue to repeat the question, I'll give you the same answer."

Speaker Daniels: "Representative Lang."

Lang: "Sir, this has nothing to do with the workers compensation system. The current law and a law your not changing by the way and your, in your bad Bill allows for a third party claim against a non-employer. And the law also allows that third party to bring in the employer under contribution

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which I'm sure you studied in law school, and so this is separate from workers compensation. Now, clearly the employer is entitled to the workers comp. benefits back under the law but under the Bill you have here, isn't it possible that an employer will go into that courtroom and say I did it, I'm 80% responsible, I'm 90% responsible, I'm 100% responsible, and then that responsibility is inevitably deducted under your Bill from an award that the employee, the injured party can partake in?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, I guess in that extreme, that extreme example could happen today. So, it could happen today, and I guess it could ... happen again under this scenario. Now, I don't... Representative, I'm not sure if we're talking about the joint sever liability issue, if we're talking about Kotech, in your questioning."

Speaker Daniels: "Representative Lang."

Lang: "I wasn't talking about joint and several liability, I was talking about contribution and under today's law that cannot happen. Under today's law, if the jury says the third party's 50% at fault and the employers 50% at fault, that's how it's split up, than they...the contribution is made under the current law of the State of Illinois and the employer gets their workers compensation back. But, let's go on to another issue because there's another issue where you either don't understand your own Bill, you have not had the...the information given to you and you really don't know it's here but let's go on to another topic. In several of the sections of your Bill Sir, you say that the effective date of the Bill effects matters that have accrued to that date. In other sections of the Bill, you say it deals with issues that have been filed to that date.

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Why is this inconsistent and what do you think we should do about it?"

Speaker Daniels: "Representative Cross."

Cross: "Well, Representative I'll try to answer this one, but if you don't like this answer I'll try to keep it to a one time answer. When there's a substantive change Representative, the accrual language is there. When there's procedural change, we can as you know, we could change it at any time, and that's the reason for the difference."

Speaker Daniels: "Representative..."

Cross: "And there is going to be some... Under this Bill there are going to be some substantive changes and there are going to be some procedural changes."

Speaker Daniels: "Representative Lang."

Lang: "Thank you, I didn't understand your answer, but perhaps you can give me an example from the Bill what you mean, can you do that?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, when this Bill gets signed, assuming it does, and the cap provision. It's a substantive change and under that we use the accrual language."

Speaker Daniels: "Representative Lang."

Lang: "And, give me an example of the other one."

Speaker Daniels: "Representative Cross."

Cross: "Under the affidavit section, under the products liability as well, the Petrillo scenario or the Petrillo language would be procedural."

Speaker Daniels: "Representative Lang you have 15 seconds left."

Lang: "Mr. Speaker, I've completed my questions. Representative Moore is donating his time to me, Sir. For my comments on the Bill."

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Speaker Daniels: "Representative Moore will complete your time.
Representative Lang."

Lang: "Thank you, Mr. Speaker. To the Bill, Ladies and Gentlemen of the House. This is not a good Bill. I know that there's a lot of politics involved in this Bill, there's a lot of big money involved in this Bill, but there's a lot more at stake in this Bill. What's at stake is not whether doctors can save money on their malpractice insurance. What's at stake is not whether big business can save money on their liability insurance. What is at stake is the ability of everyday people in our society, working men and women, working men and women that work for some of the manufacturers that would like to see this Bill passed. Their rights, their responsibilities to their family, their desire to live a long and fruitful life. Their desire to be compensated for injuries when they occur. Ladies and Gentlemen, go down this Bill in every single section, every single section you see an effort to (a) do an end run around every Supreme Court case that involves these tort reform issues. Every single major Supreme Court case that involves these issues is dealt with here, and in every single case an end run is done. In some case they go right through the middle of the line, never mind an end run and they completely dismantle, completely dismantle, efforts by the Supreme Court to protect working men and women in the State of Illinois. So, on the issue of Caps...their discriminatory to children and to women and to any other kind of group you can think of except the people that will save money. There is no proof Ladies and Gentlemen that this Bill will accomplish anything but to save the big money interest that want save it a few dollars. There's no proof that health care will improve. There's no proof that

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health care costs will go down. There's no proof that jobs will be created. In fact, the information we have shows very clearly that in certain districts in Illinois that boarder the State of Indiana, the doctors who have moved into Indiana to save money on their malpractice insurance whose patients are going with them, the patients have reported that the health care costs are the same or higher. The health care costs aren't lower, so what is this for. Is this Bill to help doctors save a few dollars. Is this Bill to help big business save a few dollars to make their bottom line a little better. That's not what we're here for. We're here to protect people, we're here to take care of them to the best of our ability and we certainly are not here to hurt them. We're not here to say to them that if you drive a Ford Pinto that looks good when it leaves the shop and it blows up on I-55 that your not going to be compensated for your injuries, that's not what we're here for. We're here to protect the people we represent, we're here not to dismantle a tort system that works. People for weeks on this side of the aisle, on the Republicans side of the aisle have been talking about frivolous law suits. There are adds on the radio, that are all about frivolous suits, and they get people all riled up about frivolous suits. Well, Caps don't deal with frivolous suits, courts dismiss frivolous suits. Caps have nothing to do with frivolous suits and there's not one single word in House Bill 20 that deals with the issue of frivolous lawsuits. Not one single word, and if someone on that side of the aisle wants to file a reasonable Bill to deal with frivolous lawsuits, this side of the aisle will join in, even the lawyers, because we don't want the court houses clogged with bad lawsuits. We want to protect people, and

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Ladies and Gentlemen when you restrict the right of a jury of peers to decide these cases, you restrict the right of citizens to go into the court house and address their grievances, whether it be on civil cases or criminal cases, and the second you close out the right of a citizen to go into a court house and say their peace and ask for redress for whatever grievance they have, you have not only shut off the citizens rights, but you have shut off your own rights. Because if you shut off your constituents rights, someday you won't be able to go into that court house. Those court houses are open for all the people in the State of Illinois, not just the people in these galleries on either side. We must protect everybody in this state. This Bill does not do it. This Bill is a farce. This Bill is a failure, and everybody who will vote green on this Bill knows this is a wrong Bill. Vote 'no'."

Speaker Daniels: "The Gentleman from Vermilion, Representative Black."

Black: "Yes, thank you very much, Mr. Speaker and Members of the House. Will the Gentleman yield for questions?"

Speaker Daniels: "He indicates he will."

Black: "Thank you. Representative, for establishing purposes of... of a legislative intent. Could you read into the record why voluntary dismissal and refiling provisions are amended in this legislation?"

Speaker Daniels: "Representative Cross."

Cross: "Yes, Representative, thank you. The section your referring to is 13-217, as amended to remove a plaintiff's ability to bring an action one year after an action is voluntarily dismissed or dismissed for want of prosecution. This does not affect the ability of a plaintiff to voluntarily dismiss a case if the statute of limitation has

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not expired. This Amendment is patterned after the current Federal rules on voluntary dismissals. This Amendment is also intended to prohibit those situations where a plaintiff voluntarily dismisses an action and subsequently refiles after the expiration of the statute of limitation. These voluntary dismissals only delay a plaintiff's day in court and extends the length of time for resolution for both the plaintiff and defendant. Further, voluntary dismissals have been used, have also been used to strong arm defendants into a settlement. Finally, voluntary dismissals substantially increase the defense costs, especially in situations where the voluntary dismissal is on the eve of trial."

Speaker Daniels: "Representative Black."

Black: "Thank you, Representative. Do these Amendments deprive a plaintiff of cause of action?"

Speaker Daniels: "Representative Cross."

Cross: "Thank you, Representative. Once again, for legislative intent, the answer is no. The current law was established in part to protect a party who brings an action in good faith from complete loss of relief and afford a defendant a fair opportunity to investigate the circumstances on which the plaintiff wishes to impose liability. This balance has tilted to the plaintiff having an absolute right to voluntarily dismiss and prolong litigation with the hope of reaching a settlement. With the current liberal pleading provisions, wherein a complaint may be amended at almost anytime, the plaintiff is not unduly harmed by loss of the ability to refile a voluntarily dismissed lawsuit. We must remember the plaintiff can always proceed with the case to trial."

Speaker Daniels: "Ladies and Gentlemen, I wonder if we could have

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your attention, please? Representative Black."

Black: "Thank you very much, Mr. Speaker. Representative for purposes of legislative intent. Will the voluntary dismissal Amendments affect the statute of limitations for lawsuits?"

Speaker Daniels: "Representative Cross."

Cross: "No. The statute of limitations has not expired for filing a lawsuit, then the plaintiff is free to refile the lawsuit."

Speaker Daniels: "Representative Black."

Black: "Thank you very much, Mr. Speaker. Representative Cross, for purposes of legislative intent, do these changes prevent all lawsuits from being refiled?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, No. The lawsuit was voluntarily dismissed and the statute of limitations has not expired, then the lawsuit can be refiled. Also, some involuntarily dismissed lawsuits may be refiled."

Speaker Daniels: "Representative Black."

Black: "Yes, thank you very much Representative, Mr. Speaker. If I might, to the Bill. Ladies and Gentlemen, we'll hear a great deal about this today, and as a non-lawyer, I find it to be, to be a fascinating discussion. However, the bottom line last year in this country alone, litigation costs for cities and counties just cities and counties approached \$9,000,000,000 dollars. I give attribution to an article from US News and World Report, January 30, 1995. Let me also give attribution to Philip K. Howard, the author of the book entitled 'The Death of Common Sense'. How law is suffocating America, and I quote from an article from his book that appeared January 30, 1995 issue of US News and World Report: 'Law cannot save us from ourselves. Waking

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up every morning, we have to go out and try to accomplish our goals and resolve disagreements by doing what we think is right. Energy and resourcefulness, not millions of legal cubicles are the things that make America great. Let judgment and personal conviction be important again. There is nothing unusual or frightening about this, it's just common sense'. I intend to vote 'aye' for the Bill."

Speaker Daniels: "Further discussion? The Lady from Cook, Representative Davis. Further discussion? The Lady from Cook, Representative Flowers."

Flowers: "Mr. Speaker, will the Gentleman yield?"

Speaker Daniels: "He indicates he will."

Flowers: "Representative Cross, how did you come up with the dollar amount of \$500,000, please? Is this what you mean by family back?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, this is a figure that's been used in other states throughout the Country and I think there are approximately 20 states and they have enacted Caps on non-economic damages. In fact, a few states have been a little lower than this, but that's the, one of the ways we got to this figure."

Speaker Daniels: "Representative Flowers."

Flowers: "Representative Cross, I'm not an attorney so therefore I can not use the legal ease, but I need to know how do you put a price on a mothers love?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, I don't think there's any price."

Speaker Daniels: "Representative Flowers."

Flowers: "I agree with you, so therefore, how could you possibly come to this conclusion that there be this cap on a certain amount if a mother for some reason, is incapacitated and

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she is not able to be the mother that she once was to her child. How do you define, how...how much is it, Representative Cross?

Speaker Daniels: "Representative Cross."

Cross: "Representative, we need to make a distinction here between economic loss and non-economic loss. Economically, from an economic standpoint we spoke about this earlier. Her, his or her, maybe a father gets hurt and is rearing the child, but in any case the child care expenses have a value. The car pooling has a value, the cooking has a value. All of those are tangible, all of those are tangible costs that are recoverable under the economic definition, economic loss definition of this Bill. None of that is...is eliminated under this Bill. It's the same as current law."

Speaker Daniels: "Representative Flowers."

Flowers: "Representative Cross, my point is that if I am no longer able to walk my child to school, so therefore, the value is that, you...I can hire someone. So, is that the place to take the place of me?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, I think we've both agreed, there's no value that you can put on this."

Speaker Daniels: "Representative Flowers."

Flowers: "To the Bill, Mr. Speaker, Ladies and Gentlemen of the House."

Speaker Daniels: "To the Bill."

Flowers: "Again, the previous Speaker spoke about common sense. This is the furthest thing from common sense, as previous Speakers on this side of the aisle have so stated. That is the reason why we have a judge and we have a jury, and the very people that sit on the jury, those our those are our

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constituents. They have the common sense to place us here so therefore, we should truly leave things as they are. This is a bad, bad case of family value and I would urge a 'no' vote on this Bill."

Speaker Daniels: "The Gentleman from Kane, Representative Hoeft."

Hoeft: "Thank you, Mr. Speaker. My question is, what is the cost of this litigation explosion? Having come from the educational community and having been a superintendent of schools, I know that district after district in this state is...are stopping programs from being implemented, closing gyms. They are so frightened of the problems created by this tort system, this legal system that they are virtually driving children out of schools. I ask the Elgin public schools to give me a date...detail in what they spent last year in terms of the litigation and the attempt to stop the court involvement with this. They spent \$2,701,000 in their litigation funds, \$2,700,000, that could of gone to additional teachers, could of gone for additional programs. The cost for the 927 school districts in this state is absolutely immense. As I was coming to this chamber this day, I walked by the football field at Springfield High School, and I looked up and I saw that it is fenced in. When I was a child we could go down to the football field and we could run around, we could have a game on it, after school we could go into the gym and have activities, during the weekends we could go into the school. It's all closed up today, because of the fact that the school districts are saying we cannot put up with the fear of the lawsuit. That track is now surrounded by a huge fence stopping people from enjoying it. We are fencing in our schools, we are fencing in our hospitals, we are fencing in our municipalities in this morass of litigation. I think this

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is needed, this is a Pro-Illinois Bill and I would urge that it be passed."

Speaker Daniels: "The Gentleman from Will, Representative McGuire."

McGuire: "The Gentleman from Kankakee, Representative Novak."

Speaker Daniels: "The Gentleman from Kankakee, Representative Novak."

Novak: "Thank you Mr. Speaker, Ladies and Gentleman of the House. Will the Sponsor yield? Tom, do you want to, there you are."

Speaker Daniels: "He indicates he will."

Novak: "Thank you. Thank you. Tom, before I ask you a question, I just want to make a statement to the Bill. As a person who is not a lawyer, or not a doctor, nor do I own a corporation, I'm just a lay person just like many of us down here on this floor, because we're going to hear a lot more talk about legal terms and legal concepts, but I believe we need to expound upon this common sense proposition that we've been hearing here...hearing earlier in some of our other discussions. This is about a very, very contentious subject. I think that the general public knows very, very little apart, about and also they probably very care less, about it. Because it really doesn't impact them until something happens to themselves or something happens to their family, then it directly impacts their lives. So, the question Representative Cross, I have for you is that if assuming this Bill becomes law and if I were out the next day driving in a car with my son and we were hit by a drunk driver and that driver, driver's negligence caused my son to be a paraplegic for the rest of his life. How would this law effect me as his father being able to sue for damages, pain and suffering? Would he only get

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\$500,000 for being maimed for the rest of his life?"

Speaker Daniels: "Representative Cross. Ladies and Gentleman, a very important discussion. Would you please keep your discussion levels down to a minimum? Representative Bugielski. Representative McAuliffe. Representative McAuliffe. Representative Cross."

Cross: "Thank you, Mr. Speaker. Representative, in that scenario under this Bill there would be recovery under the economics section, which we know is there is no cap, there'd be a recovery under the non-economic and then potentially there's a recovery under the punitive section. So, you'd have all three avenues to...to approach."

Speaker Daniels: "Representative Novak."

Novak: "Yes, Representative, could you expound on that Representative Cross. Is your last statement there is potentially recovery under the non-economic, and I know that is the major subject of this legislation. Am I correct in stating then that there would not be a cap, I would not be capped in my quest to recover non-economic damages for my son who was maimed for the rest of his life by a drunken driver?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, in a...there's some language in the Bill in the punitive damage section that provides that there's no cap when someone's charged and convicted of a sentence in which they could be incarcerated. And in that situation there is no cap."

Speaker Daniels: "Representative Novak."

Novak: "Okay, Representative, you know I'm just confounded by this situation. How do you put a price tag on a person as far as their ability to recover costs or damages from a person that is maimed for the rest of their life or brain

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dead from, unfortunately something occurring on an operating table and then a person that...then a situation where, when there is a cap, how do we differentiate from that. I mean, how do you put a price tag on that, \$500,000 for this, but not \$500,000 for that. When they're both serious accidents and their both situations that will relegate a person for the rest of their lives to...to a position of just barely subsistence. How do we differentiate from that?"

Speaker Daniels: "Okay, we've got to break up some of these caucus's going on. The noise level is getting so it's...Gentlemen please take your conversations to the rear of the chamber. Representative Cross."

Cross: "Thank you, Mr. Speaker. Representative, in the scenario that you've mentioned there's a great deal of economic loss that can be recovered. Any loss in damage which a patient could recover in full, would be loss of income up until trial, if there is any income, with no reduction for taxes, projected loss of future income, all present and future hospital care costs related to the injury, whether it's needed in a community hospital, a teaching hospital, a specialty hospital, like we have here in Illinois, a good bit of them. Present and future physician care costs to treat any condition related to the injury, whether it's needed from a generalist, a specialist or a sub-specialist. Present and future nursing home care if that's needed, either in the home or in limited, limited care situations or skilled nursing..."

Speaker Daniels: "Representative Novak, you've run out of time. Are you...your going to use your own time, now? Representative Cross, will you complete your answer."

Cross: "Thank you, Mr. Speaker. Representative, in case you

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didn't hear me, once again, under the economic loss, present and future nursing care costs, whether they be in the home, a limited care nursing home or skilled care facility would be compensatory. Any present and future costs for medication, present and future costs for medical testing and examination, costs for medical supplies, medical equipment including the purchase of, maintenance or replacement. Present and future costs for replacement services in the home, the cost of transportation, the cost of any and all rehabilitation services to overcome the injuries, such as occupational, vocational speech or physical therapy. Any and all costs for corrective surgery, any and all costs for cosmetic surgery, the cost of home alterations, the cost of computer assisted learning, the value of replacement services provided by the injured person to family members, the value of replacement services provided by deceased person to family members, and there are a few others. But, I think you get the...and in that situation those are economic losses, there's no cap, there's no limit, and it's up to the jury as it is now to make that decision as to the amount."

Speaker Daniels: "Representative Novak."

Novak: "Representative, maybe I'm not understanding you correctly, but what I was trying to say was that under a situation where a person is maimed for the rest of their life in a drunken driving case, what your telling me is they have the ability to recover non-economic damages where there's not cap, correct? Just shake your head. Correct?"

Speaker Daniels: "Representative Cross."

Cross: "A non-economic situations under this Bill, there remains a cap at \$500,000, or there is a cap at \$500,000. But, under the drunk driving situation we can go to the

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punitives and in a drunk driving situation there's no cap. Potentially no cap under the language of this Bill."

Speaker Daniels: "Representative Novak."

Novak: "What your telling me essentially, telling this Body is that if an individual causes an action that they are potentially liable for criminal...to be incarcerated because they violated a state law, all right then there, then there is no cap. But, once there is not a crime committed, once a person is becomes brain dead because of something happened in a hospital or some other place in a medical lab, because that's not a crime then there's a cap, is that correct?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, the \$500,000 cap on non-economic damages stays, or that's, that's consistent across the board, under this Bill."

Speaker Daniels: "Representative Novak."

Novak: "Well, getting back to the situation that I, the scenario that I relate to you about my son becoming maimed in a drunken driving case, do you think it's fair and just and equitable that we have a cap on someone who is brain dead or someone who is, who has the loss the use of their legs and arms for the rest of their life. Is \$500,000, and I know that sounds like a lot of money, but is \$500,000 a real just and reasonable cap in this situation?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, as we talked about a second ago there is no cap on economics. On the non-economic, it's a matter of balance. This Legislature as a matter of public policy sets limits all the time. In criminal cases for instance, where we don't let the jury decide the penalty, we happen to let the judge decide. But, in the criminal contest,

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context for example, we set penalties as a matter of public policy, that's our job, we do that every day and we're trying in this situation to establish some balance to this system. To establish some stability and some consistency and that's the purpose behind this Bill. And, more importantly what we're doing in this Bill is attempting to eliminate the abuses that have gone on or are going on in the criminal, or the civil court system."

Speaker Daniels: "Representative Novak."

Novak: "Thank you, Mr. Speaker. One other question, Representative Cross concerning environmental matters. What...how is the, the doctor an of joint and several liability changed in this statute as it effects contaminated property and people that are liable for clean-up of that contaminated property, this is in a question concerning the environment."

Speaker Daniels: "Representative Cross."

Cross: "Representative, under this Bill the concept of joint and several liability is abolished."

Speaker Daniels: "Representative Novak, we're almost out of time, do you have somebody that wants to yield to you. Representative Schoenberg do you want give your time up? Yes, he does he says. Okay, Representative Schoenberg will yield to Representative Novak. There it is, you can see it going."

Novak: "Thank you, Mr. Speaker, I appreciate it."

Speaker Daniels: "Your welcome."

Novak: "I think again, for the record here, I think we need to talk about a scenario concerning how this joint and several liability abolition now effects contaminated property and future clean-ups. Could you give me a scenario where let's say, let's say I owned a company with two or three other

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joint partners and by some spill, or some...or some toxic waste or toxic materials was discharged on this property and our company dissolved and went away and the authorities have been looking for me and my other partners for years to try to bring to court a Resolution to the fact that who is the responsible person or persons under the law that discharged toxic waste or toxic materials because the land has to be cleaned up. How does this effect the situation like that, how is this going to effect that."

Speaker Daniels: "Representative Cross."

Cross: "Representative, under the abolition of the joint and several, the theory behind it is that you pay for what your responsible. Now, to answer directly your question about the clean-up every bit of that under my understanding of the law is controlled by federal law, every single situation that, that you've just described in your scenario would be under, covered under federal law, this Bill would not effect it."

Speaker Daniels: "Representative Novak."

Novak: "Why are we abolishing the joint and several liability then concerning environmental questions."

Speaker Daniels: "Representative Cross."

Cross: "Representative, the philosophy is that you pay for your share of the responsibility and nothing more. To me it's an issue of fairness. And, if I'm 20% at fault, then I should pay no more than 20% of the fault. If I'm 100% at fault, I pay 100%. And what we're trying to say very simply you pay no more than your share of fault, and we talked a little bit ago about common sense, or I think you did Phil and this in my mind is a common sense approach."

Speaker Daniels: "Representative Novak."

Novak: "Thank you."

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Speaker Daniels: "Further discussion? Representative Churchill for an announcement."

Churchill: "Thank you, Mr. Speaker. The Rules Committee which was originally scheduled for 5:00 will be postponed until adjournment. Rules Committee upon adjournment."

Speaker Daniels: "Further discussion? Representative Biggins, the Gentleman from DuPage."

Biggins: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. To the Bill. We all know the doctors and businesses want lawsuit reform, but the question is will reform really be good for all of us. Will it really be good for consumers, for our constituents back home. Consider these facts. The Southern Illinois girl scouts must sell 53,000 boxes of cookies each year just to cover their liability insurance costs. That's up..."

Speaker Daniels: "Representative Biggins."

Biggins: "Mr. Speaker, if I may, I'll start that over please. The Southern Illinois girl scouts must sell 53,000 boxes of cookies each year just to cover their liability insurance costs."

Speaker Daniels: "Continue."

Biggins: "That's up from 41,000 boxes just last year. Scout troops throughout the rest of the state have similar liability costs and stories to tell."

Speaker Daniels: "Mr. O'Brien you will refrain from further discussion on this floor, you will be removed. Representative Biggins."

Biggins: "All not for profit organizations and the people they serve will benefit from passage of this Bill, who else? Many school principals are spending more and more time and money defending their school districts from lawsuits and the threat of lawsuits rather than concentrating on their

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main mission, education. School districts and school children will benefit by freeing up liability expenses to buy new books. They will also benefit by making it easier to participate in extracurricular activities by reducing the liability threat for parents who want to take a car load of kids to a sports event. A park district director in Quincy estimates spending 40% of their total revenues on liability related costs rather than on park programs. People who use our parks will benefit from passage of this Bill. A mayor of a suburban village testified here last week that a sympathetic jury awarded a pain and suffering award against her municipality because a man jumped on a borrowed motorcycle without a driver's license with alcohol in his system. He ran, he ran into a curb and as a result of his accident is paralyzed. He sued the city for his own negligent actions and received a 6.75 million dollar award for pain and suffering. Every city and town in Illinois will benefit from passage of this Bill. Consumers who pay for all the added costs for product liability expenses will benefit from this Bill and finally, patients who are worried about the high cost of medical treatment will benefit from this Bill. Without lawsuit reform we don't have no affective health care cost control. We should all vote for this Bill because the people back home support lawsuit reform, we will all benefit by it. I understand that the other side of the aisle is doing cat calls and hooting over there as I make these comments, because that's what the other side of the aisle stands for and that's what the other side of the aisle believes government should be. I urge passage of this Bill."

Speaker Daniels: "Further discussion? The Gentleman from Fulton, Representative Smith."

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Smith: "Thank you, Mr. Speaker. I yield my time to Representative Dart."

Speaker Daniels: "Representative Dart."

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

Speaker Daniels: "He indicates he will."

Dart: "Representative, wasn't it a fact that just recently Mr. Murnane from the Civic Justice League acknowledged that there's no proof that the average consumer would save money in a result of the changes in these Bills?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, I'm not sure what Mr. Murnane said, but this Bill is about certainty, it's about balance, and it's about saving or keeping health care costs down. There's some truth to that, and fair..."

Speaker Daniels: "Representative Dart."

Dart: "Thank you. That is in fact what he said at the tribune recently on February 10th, and I'm glad you brought up health care though because isn't it a fact that health care costs in Illinois are actually under the national average?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, actually in areas with Caps in the State of California and the State of Michigan, and the State of Missouri and comparable communities. For example, the City of Los Angeles, our health care costs are going up higher than they are in the State of, the City of L.A. as well as the City of San Francisco, as well as the City of Detroit, and St. Louis. In comparable metropolitan areas, our health care costs are not stabilized."

Speaker Daniels: "Representative Dart."

Dart: "Thank you. Back to my question. Is it not a fact that the health care costs in Illinois though, Illinois not these other states are under the national average right

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now?"

Speaker Daniels: "Representative Cross."

Cross: "Well, Representative, I've heard that statement made earlier, I don't see any problem in improving this system even better than it is."

Speaker Daniels: "Representative Dart."

Dart: "We're all for improvements, but this year isn't it. The, the fact is that that was yes to my question, I guess. And isn't it also a fact that Illinois is the most profitable state in the union as far as insurance companies goes?"

Speaker Daniels: "Representative Cross."

Cross: "I don't know Representative."

Speaker Daniels: "Representative Dart."

Dart: "Thank you. Isn't it a fact that product liability cases constitute point one percent of all suits filed in Illinois?"

Speaker Daniels: "Representative Cross."

Cross: "Well, Representative my concern about products liability cases, and I'm not sure of the number, I know there were 70,000 annually filed in this country last year and in the United Kingdom there were 200. And the problem with product liability is it's scares manufactures and because of the fear of products liability suits, it keeps them from trying new innovative approaches. And that's the problem with the lawsuit of the product liability lawsuit."

Speaker Daniels: "Representative Dart."

Dart: "Yeah, it prevents them from trying new products like the Delcon Shield, and the Pinto I think too. So, it's point one percent of all suits filed, now isn't it also a fact that product liability between 1987 and 92 the rates have gone down 50%?"

Speaker Daniels: "Representative Cross."

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Cross: "I'm not aware of that Representative, but getting back to the products liability case. I know that Illinois is sixth highest in the country in reported AIDS cases. There are manufacturers and pharmaceutical companies right now because of the fear of products liability cases have stopped looking for cures, and stopped looking for vaccines in the AIDS area. That's the problem with the products liability cases."

Speaker Daniels: "Representative Dart."

Dart: "Yeah, I think we ought to talk to the people, the 25 people who have been jettisoned out of the back of vans recently because they will not take a look at that either. Isn't it also a fact that seven times more suits are filed by businesses than consumers?"

Speaker Daniels: "Representative Cross."

Cross: "Well, Representative there are people dying of AIDS daily in this country and I don't think we should ignore that, and I don't know the answer to your other question."

Speaker Daniels: "Representative Dart."

Dart: "Okay, we'll leave the AIDS one alone for now. Now, isn't it also a fact that the, the Civil Justice League that is supportive of this, they file a lawsuit every 37 minutes?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, no one is suggesting that meritorious lawsuits shouldn't be filed under this Bill."

Speaker Daniels: "Representative Dart."

Dart: "I forgot, those were the only meritorious ones were those. Isn't it also a fact personal injury cases over \$30,000 dollars represent only four percent of all cases that are filed?"

Speaker Daniels: "Representative Cross."

Cross: "I don't know."

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Speaker Daniels: "Representative Dart."

Dart: "Representative Shirley Jones is giving me her time."

Speaker Daniels: "How about if you use your time first."

Dart: "Oh, I will, I'll use all of it."

Speaker Daniels: "Okay, we'll count this against your time and then we'll go to Representative Jones."

Dart: "Thank you so much, Mr. Speaker. Your so kind."

Speaker Daniels: "Thank you very much. I'm in a giving mood."

Dart: "I can't imagine why. As far as punitive damages, is it not a fact that 325 cases in the last 25 years there's only been 325 punitive damage cases in the entire United States, including federal and state courts?"

Speaker Daniels: "Representative Cross."

Cross: "Would that include the McDonalds case Representative?"

Speaker Daniels: "Representative Dart."

Dart: "Yes, that would include the McDonalds case in which the reward was actually reduced and actually they stopped giving people third degree burns. So, your correct. Now, isn't it also a fact that punitive damages are very rarely ever sought and that as a matter of law that a judge presently must rule on whether or not their going to allow a plaintiff to proceed for punitive damages?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, I'm not gone through this Bill several times and I'm not sure that there's anything procedurally that we're talking about on punitives. Punitive damage cases."

Speaker Daniels: "Representative Dart."

Dart: "This, this Bill has nothing to do with punitive damages at all? No changes at all?"

Speaker Daniels: "Representative Cross."

Cross: "To the extent that the punitive damage section talks

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about setting out clear standards and establishing some consistency, there's nothing else in here other than as we talked earlier as you heard on debate earlier, there's the three times limit on the punitive damages."

Speaker Daniels: "Representative Dart."

Dart: "Thank you. So, I guess that there is punitive damages in here after all. Now, getting to punitive damages, this evil motive provision is something to be quite frank that I've never seen before. Can you define that for me so that when these cases come along which they will that they'll be a good legislative intent as to what evil motive is?"

Speaker Daniels: "Representative Cross."

Cross: "Well, Representative if you'd, if you read this Bill you'll see for yourself what evil motive, the definition of evil motive is. It's not for me to decide right now, it's a matter of frankly ultimately for the jury to decide whether there's evil motive there."

Speaker Daniels: "Representative Dart."

Dart: "But Representative, we're explaining everything else to the jurors right now and telling them what they can and cannot hear, what exactly their Caps are and how much they can give. Don't you think at this point in this juncture where were dramatically completely altering what punitive damages are about, we ought to give them a clue or some type of hint of exactly what the heck we're talking about here."

Speaker Daniels: "Representative Cross."

Cross: "Representative, could you please repeat that question?"

Speaker Daniels: "Representative Dart."

Dart: "I was commenting about just how studious you've been and so meticulous in going through everything else and laying out all these other things that were going to dictate to

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the jurors who are stupid and I was thinking if that's the case, why don't we also lay out to them what we mean by this evil motive which upon my review I'm yet to find any other state, country, or planet for that matter that has this."

Speaker Daniels: "Representative Cross."

Cross: "Representative, I'm not calling jurors stupid, now maybe someone on your side of the aisle is, but with the jury instruction that I assume will be coming after this Bill if it's signed into law will give the definition of evil motive. Just like we have jury instructions on, in other scenarios."

Speaker Daniels: "Representative Dart."

Dart: "Thank you. Yes, but we were talking, you were talking with Representative Lang I believe, about how the IPI lays these things out for these jurors and that's what we give them. I was just thinking that it would be awful nice if we just sort of clue people in about what we're talking about here."

Speaker Daniels: "Representative Cross."

Cross: "Representative, that's, in all my time in the courtroom that's what judges did."

Speaker Daniels: "Representative Dart."

Dart: "The judges would give the jurors the law, but it's the duty of the jurors at least every courtroom I've been in to apply the facts to the law. So, the judge, the juries do have a great deal of impact with the law. Now, on this three times the economic damages thing for punitives, economic damages are based on, what is that, is that based on what somebody's worth? Well, how do you arrive at that?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, there's a definition of economic damages

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in this Bill, and I think if you'd look on page 23 you'll see the definition. Talking about tangible loss here."

Speaker Daniels: "Representative Dart."

Dart: "So, I'm just trying to get clear on this now. So, is every human being in this room, in this state as far as if they were to be the victim of an accident, would their economic losses be the same?"

Speaker Daniels: "Representative Cross."

Cross: "Well Representative, under the current law they wouldn't be the same and under this law they wouldn't be the same."

Speaker Daniels: "Representative Dart."

Dart: "So, you mean everybody, everybody has the same economic value attached to them? Is that the truth, I mean is that, I'm trying to ask a question?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, absolutely not, but I think more importantly it's an issue for the jury to decide what the value is of a case."

Speaker Daniels: "Representative Dart."

Dart: "Is, I believe Representative Connie Howard is going to yield me her time in 10 seconds. The, but as far as economic value goes, that is, are you saying that every award that has been given out in this state has been one where..."

Speaker Daniels: "Representative Dart."

Dart: "Thank you. That every person is equal, they all have the same monetary value attached to them, in every case that's what's been happening?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, this Bill in no way affects economic loss, and under, it does not alter current law."

Speaker Daniels: "Representative Dart."

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Dart: "Well, what I'm trying to do is I'm trying to get an explanation of what economic damages are and my understanding of it is and if I'm wrong, explain to me, but depending if someone is a CEO of a corporation, there is a greater economic loss if that individual is a 30 year old CEO with this bright future as opposed to a 65 year old senior citizen who lives at home by themselves, is that not correct?"

Speaker Daniels: "Representative Cross."

Cross: "Well, Representative from an economic standpoint people have different incomes and, once again there is no change, but I'd be willing to go over the economic losses again if you'd like me to."

Speaker Daniels: "Representative Dart."

Dart: "No, thank you. You've just answered my question, my question was whether or not they have different values and that is the case. The thrust of that is, is because your change which you are changing from present law deals with punitive damages where your saying now that their losses are capped at three times their economic damages. So, by doing that what you are saying is that the individual who's the CEO, he or she will be able to get a great deal of money because their economic damages will be great, they can get three times that. But, the individual who had economic damages of next to nothing because they no longer are working like a senior citizen, a child maybe, or a housewife, they would have nothing. They would come back with zero, three times zero is still zero. So, when you have no economic loss based on your Bill we have now differentiated between people, we have set up a class structure here where if your rich your going to do okay, but if your poor, your are considered worthless by us under

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our punitive damage change here."

Speaker Daniels: "Representative Cross."

Cross: "Representative, I thought we discussed this earlier, but under the woman scenario we have economic loss if she works, if she doesn't work we have economic loss for her economic benefits as a homemaker, whether it's as a cook, whether it's as a driver, whether it's as a caretaker, whatever the case may be. Which would also apply for a man in a similar situation."

Speaker Daniels: "Representative Dart."

Dart: "What about if it's not a homemaker, what if it's someone whose just laid off, whose at home?"

Speaker Daniels: "Representative Cross."

Cross: "Well, what about it?"

Speaker Daniels: "Representative Dart."

Dart: "Well, won't their economic value be based on their past salary?"

Speaker Daniels: "Representative Cross."

Cross: "In, if someone has an employment history, an employment history they have the basis for an economic claim, under my understanding of the law Representative, currently and under the new law."

Speaker Daniels: "Representative Dart."

Dart: "Yes, I'm not going to get an answer to this one, so I'm off to another area here. When was the first time that you and the people with this group here sat down and talked with the trial lawyers or other parties about this particular Amendment, this Bill?"

Speaker Daniels: "Representative Cross."

Cross: "Well, Representative if we're going to be talking about negotiating and continuing or trying to establish a fair and equitable system in the State of Illinois, we were

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talking with people as late as yesterday."

Speaker Daniels: "Representative Dart."

Dart: "I believe my question was when did it start?"

Speaker Daniels: "Representative Cross."

Cross: "Representative it's my knowledge of how the Speaker operates, he's been available for some time and has been willing to speak and sit down with anyone on the other side on this issue and I guess the question would be when was he first approached?"

Speaker Daniels: "Representative..."

Cross: "And my understanding is the answer was yesterday for the first time."

Speaker Daniels: "Representative Dart."

Dart: "Yes, it was my understanding too. The first negotiation went on yesterday in regard to this Bill. My next point is, when was this version of the tort reform, when was it first presented to the Members of this side of the aisle?"

Speaker Daniels: "Representative Cross."

Cross: "Well Representative, we're talking about trying to balance the system. We're trying to talk about equity, we're trying to talk about some stability in setting some guidelines. We're talking about important public policy and I don't think calling it tort reform or any other thing is appropriate on an issue as serious as this, as this. Now, we've been willing to talk about this from day one and we, and I don't remember that we had an obligation to talk to any specific group about this."

Speaker Daniels: "Representative Dart."

Dart: "Well, the problem is, under our, I believe Representative Pugh is going to yield his time to me when I expire with mine here."

Speaker Daniels: "Your sure you want to do that?"

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Dart: "Thank you."

Speaker Daniels: "Okay."

Dart: "My understanding of this new house we live in here is that..."

Speaker Daniels: "Representative Dart."

Dart: "We are going to do something called openness, which would involve people being able to come in and testify about a Bill and something in which may come to be sort of a shocker to some folks around here, especially new people who don't, haven't been here before. We would actually get Bills so we could read them. Okay, it's something that we like to do so we can deliberate and actually talk semi-intelligently on a Bill around this place. The fact of the matter is that we did not see this Bill until 11:40 p.m. How can you begin to have a negotiation, how can you begin to have a debate until a Bill is not given until 11:40 p.m. on Tuesday night, a day and a half prior to it being up on Third Reading for this thing that you say is so darn important and is such a major change, why is it then that we, no one can see this thing, it's behind closed doors and it's burst out and run through and, how can you negotiate with that?"

Speaker Daniels: "Representative Cross."

Cross: "Well Representative, these aren't issues that are new to anyone in this chamber, and you know that as well as I do. In fact, we talked about these issues two years ago in the Judiciary Committee under the business reform. I haven't been here any longer than the first two years, but my understanding is we've been talking about these issues for some time and maybe after the November election is in reality the first time anyone on the other side of the aisle wanted to talk about this, but not before. Now we've

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had, we have had committee hearings this Session in Judiciary we've had committee hearings in Executive Session on two different occasions, they've been packed, there's been ample opportunity for opponents and proponents to talk about this issue, express their concerns, their reservations, their ideas and, and if anyone Representative closed the door it wasn't done by the Speaker, his door has always been open."

Speaker Daniels: "Representative Dart."

Dart: "Thank you, Yes. But, unfortunately for all the Members actually here, the Bill that was laying in these Executive Committees up until the moment you dropped your surprise, was a shell Bill. There's very little discussion that you can have on a shell Bill. And, so it remains to be seen how you can negotiate that, and you say these ideas have been around here for so long, when was the, give me a history as far as the evil motive thing. When was, give me the history of that, how many different sessions we've discussed the evil motive change to punitive damages, give me all the history on that?"

Speaker Daniels: "Representative Cross."

Cross: "Thank you, Mr. Speaker. Well, you want to talk about evil motive. November 30, 1990 Lowtz versus Remington Arms, that's been around that's five years now. The idea of Caps, I think we've been discussing that in this, in this chamber for the last ten years, maybe the last twenty years. The abolition of joint and several liability just as long, the cap on punitive damages even longer. It goes on and on, these have been on the table for eons."

Speaker Daniels: "Representative..."

Cross: "And now we happen to have the opportunity to seriously discuss them, seriously debate them and hopefully pass

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them. Now, we want to talk."

Speaker Daniels: "Representative Dart."

Dart: "How can you seriously debate or question anything when you can't get it to read until the day before? We, I dare say we have a few people in this room who are not lawyers who a couple of these concepts might be new to them and they might want to look into them. So, I find that a little bit troubling. Also, getting back to it, evil motive is something new, no one has seen that thing before. This is the first time we had this one dropped on us. As far as frivolous lawsuits, how can tax, how can these Caps in any way impact frivolous law suits, the Caps?"

Speaker Daniels: "Representative Cross."

Cross: "They don't Representative that I, that I believe. I don't believe they do. Pardon me, Representative, was the question how, how can capping affect meritorious or frivolous lawsuits or non-meritorious, was that the question?"

Speaker Daniels: "Representative Dart."

Dart: "No, my question, I mean you answered it. Caps don't apply to frivolous lawsuits, I mean that was accurate. Mr. Speaker, to the Bill."

Speaker Daniels: "To the Bill."

Dart: "And I believe I have other Members who will give me their time..."

Speaker Daniels: "Who wants to surrender their time?"

Dart: "Representative Lopez will."

Speaker Daniels: "Representative Brunsvold indicates that he will surrender his time to you."

Dart: "Thank you very much, Mr. Speaker. To the Bill. I found it particularly poignant today that we had a, a individual here who gave the prayer before hand in which he talked

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about fairness for all. He made a point of going on and out of his way to say that we are not here to look out for those big interests, we're here to look for the poor person, the less fortunate, and that's what we're supposed to keep in mind. I found it particularly poignant because of what we're doing today. What we're doing today is a disgrace, those people that he talked about are the very people we are sticking it to here. There was comments made earlier that at the beginning of this Bill that the jury awards differ, amounts differ in the same building. Well, believe it or not that's what's supposed to happen because the facts in every case are different. If they were all the same we wouldn't have a heck of a lot of problems around here. They're all different, they're supposed to be different. There is another statement that I found completely interesting saying that people have lost faith in the civil system, I got a big old news flash for you folks here, they haven't lost faith in that, they've lost faith in us. They've lost faith in us because of stunts like this. They've lost faith in us because we're dropping a Bill at the last minute which is taking all the rights away from victims. You can turn it any way you want, you can dress it up, and talked about all these reforms and stuff, but the bottom line is the people that need us the most are the ones getting hurt, and the fat cats are the ones that are sitting back laughing about this because they know they're going to be making a ton of money off of this. The opponents constantly like to bring up the McDonalds case, and yes that was brought up earlier. Well, believe it or not, you know what the system worked that time, because you know what, the front page talked about this large award, but about 20 pages down and about a week or

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two later on page 30, they talked about how they reduced it. And they also talked about, believe it or not McDonalds finally woke up and they stopped giving coffee out to people that get third degree burns from that. You know, third degree burns... Well, Representative Parke you'll have your turn. Third degree burns are something rather serious folks. So, they stopped doing that stunt, then we heard the nonsense about the Girl Scouts. Well, you want another news flash folks, you know who the only people who have been, who have sued the Girl Scouts a Member of the Civil Justice League folks. The people pushing this stuff. That's the only ones that's every been sued. The reason their insurance rates are so high are because the insurance agencies are gouging them, they've only been sued once. It has nothing to do with lawsuits. So, that is the most ridiculous argument I've ever heard. So, please stop with that nonsense. This will have nothing to do with that, it will have nothing to do with frivolous lawsuits. You know it and I know it. This comes down to one and only one thing and has nothing to do with predictability, it has this big old thing to do with this thing called greed, you've heard of that before. The people that have are trying keep it and the people that don't their trying to take it away from them. There is absolutely no crisis involved here, we have just established that. These lawsuits aren't exploding everywhere, that's not the case. The Caps, they will do nothing at all to stop this, what they will do is actually clog up our court system which we talked about. You think in your right mind anybodys going to settle for the maximum of \$500,000, absolutely not. Their going to drag every single case out as far as they can because their not going

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to want to settle for this ceiling they know is in there. The only person that is going to get hurt with the Caps are the victims who are hurt the most, not the ones who have the scratch, not the one that got a little bit of a burn, but the ones who are most violently hurt by some of the most irresponsible people out there. Businesses have not left this state because of the system we have on now, lawyers will continue to make money after this is over. The only ones who are going to get hurt are going to be the victims, because this pure and simple is one and only one thing and it's a special interest Bill, which is the common theme that runs through our fast track here. This is special interest, this is special interest at it's worse, and that touches on something called integrity. Integrity is something around here that we like to think that were pretty good with at times. Well, believe it or not, finally we get the Bill called, the Bill is called now and only now because all the arms have been twisted, the threats have been made to everybody and words have been broken. Peoples whose words were their bond, who were rock solid people now are gone. The heat has been put on them and they have changed. What was the truth yesterday is now a lie to them. They have changed 180 degrees. This is plain and simple, an outrage, this is a disgrace to this House, what we are doing to these people. The people who are going to get hurt the most anyway you cut it, no matter how many questions you don't want to answer over there are going to be the seniors, the children, and your constituents. Those are the ones that are going to get hurt. On November 8, this past election you guys considered yourself having a major victory. Well, while all this stuff was going on, there was some real things

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going on in my district and that was I had a minister in my district and his family of six in a van driving up to Milwaukee, you may of heard about it. They ran over something in the road, all the kids eventually died from their burns. Now, we are going to take a real story, play around with all this make belief stuff here and those people are the ones going to be it, and holding the bag. That's whats happening here. You know it and I know it, so let's stop the kidding around here. We're sticking it to the victims again and these are real live people."

Speaker Daniels: "The Gentleman from Madison, Representative Stephens."

Stephens: "Thank you, Mr. Speaker. First of all, for the record I would like to make a comment about a statement made earlier by the Gentleman from Cook. And for the record, as the Chair of the Executive Committee to where this Bill was heard and passed as amended. I would like to correct the statements that were made by the Gentleman from Cook. As to the adoption of the Committee Amendment #1 to House Bill 20. The record that I have in my hand indicates that the committee was called to order and a quorum was established at 8:00 a.m. on February 15. Representative Cross presented his Bill at approximately 9:00 a.m. The official records of the committee indicate that a 'do adopt' Motion was made on Amendment #1, by Representative Clayton and seconded by Representative Biggins. Without objections, or request otherwise, the Motion was passed by a voice vote. And I can assure you that a quorum was present, the action on this Amendment and the Bill was in order and no action was objected to by any Member of the committee during the entire process of the committee hearing on the above question. And that would have been the only time that such

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objection would be in order. Mr. Speaker, to the Bill. There are 21 states that have Caps on damages. These states include our neighbor states including Indiana, Michigan and Missouri. Two weeks ago, Wisconsin passed Caps, \$350,000, cap on non-economic damages in medical malpractice suites. The Bill is now... It passed with 64-33 vote, 12 Democrats in support. The Wisconsin Senate is now considering the Legislation. But as a side bar they're considering reducing the cap from \$350 to \$250,000. And why this is happening and why it has already occurred in other states is really pretty simple. We just need to restore fairness to the system. In my part of the state, if we don't do this we're going to continue to lose doctors to states where the civil justice system treats the physician and the patient both fairly. We face a crisis in Southern Illinois, 42 counties have no inpatient maternity care, 42 counties. There are 34 counties, and many parts of the City of Chicago, by the way that are considered and classified as medically under served. And when you talk to the doctors that aren't there as to why, this is why. We need to pass this Bill. We need to help bring doctors back to rural Southern Illinois and establish fairness, a level playing field in the court room, in every county in the State of Illinois, and I urge this Bill's passage. Thank you, Mr. Speaker."

Speaker Daniels: "The Gentleman from Cook, Representative Blagojevich."

Blagojevich: "Thank you Mr...Thank you Mr. Chairman. Let me just briefly give you a couple of statistics. In Utah after they imposed Caps, insurance rates for medical malpractice went up 15.3%; in Missouri after Caps were imposed, insurance premiums for doctors went up 38.6%; and in

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Colorado, after the imposition of Caps, insurance premiums went up 50.8%. I don't know that we've heard any real evidence that indicates that there would be any cost savings. Certainly you've heard a lot of discussion about frivolous lawsuits, but I think everybody would agree that the Bill that you are proposing that we pass deals with substantial injuries. Now, there may be issues of liability on these cases, but the issue isn't whether or not these are frivolous or nonsensical injuries; these are substantial injuries that we are talking about. There's something even larger here that underscores everything that we do and that is jury trials. Our system of government is predicated on jury trials. Thomas Jefferson said jury trials are more important to the establishment of democracy than free elections. We here in this Body, if we pass this law, are seeking to regulate what citizens on a jury would say with regard to a decision that affects another citizen. We, and in this case, most of you Republicans, are doing something contrary to what your fundamental principles of your party is, which is to save free enterprise and free market and allowing for an unfettered economic system. And yet...yet, we're putting, if we pass this Bill, a state mandate on juries. We're telling juries, that we are in part today going to...going to decide future verdicts because you can't go beyond \$500,000 in certain circumstances. You've heard a lot of specifics about the Bill and I know that many of you on the other side of the aisle in good faith believe in a lot of what's in that legislation. I know all of you want to help the business community, and there's nothing wrong with that. But, I have to ask you if I give you this scenario; how can you pass a Bill that would do something like this Bill would do

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in this fact pattern? Recently I was talking to a lawyer who represents a two year old...the parents of a two year old girl who was in her home, playing in the safety of her own home. And while there, she accompanied her father down to the basement to get winter clothes out to get their sweaters because the seasons were changing. While she was down there playing in the basement when her dad was looking for those clothes, she discovered, or accidentally fell into a sewage area in the basement where there was a defective sump pump. The heat from the sump pump measured 160 degrees. The water was 160 degrees Fahrenheit. The heat was so intense that the plastic coating that covered the sump pump melted. This girl fell into two and one-half feet of water with third degree burns from her naval down to her toes. For the rest of her life she will be scarred. For one year after this injury this girl, on a weekly basis, visited doctors and had skin grafts, difficult skin grafts performed on her body. Those skin grafts consisted of taking a razor and shaving off the scarred portions of her skin, and then taking a razor and getting the good portions of her skin and placing it on the scarred portions of her skin. She did this on a weekly basis for one year. And for one year she did this while her mom and dad held her in their arms as she generally cried in terror as this was being done to her. Now the chances of her being able to live a healthy life as a woman are slim. The chances of her ever enjoying sexual intercourse, the doctors are saying on this case, are unlikely. The chances of her ever having children are unlikely. The chances of her ever wearing a dress or even a bathing suit are not good, because as she grows up she may be very self-conscious about the permanent scarring which no one disputes that now

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exists with this poor girl, and she's growing. And as she grows with every passing day, her skin stretches. And as her skin stretches she suffers more pain and more discomfort. And she will, in all likelihood, be able to work, so there doesn't appear to be any economic damages. And, yes, the law will allow for her medical bills to be paid and so far they have been \$350,000. But the lawyers who represent her parents on this case have to place about \$100,000 in costs so that they can prove whether or not that product was, indeed, defective. Now, if they can't prove that, there's no damages. But if they prove defective product, if they can prove that, that \$100,000 cost comes from the non-economic damage portion of this Bill. And here's the problem: You take a third for the lawyer, you take \$100,000 away in costs. This girl is looking to get \$240,000 yet her life expectancy is 77 years. So for 75 years she's going to live scarred and disfigured and permanently you're telling me that's fair and just? Now I ask you, there may be things in this Bill that you can support, but I refuse to believe anybody in this chamber would support a Bill that would do that to a victim of negligence. If they prove negligence, this girl is cut off and there are hundreds and thousands of cases in the future that will be determined based on an arbitrary mandate state mandate, on what jury trials decide. We've got a system that works; it takes into account specific facts and specific circumstances. I can't believe you'd support a Bill like that. Thank you."

Speaker Daniels: "Further discussion. Gentleman from Cook, Representative Parke."

Parke: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. I...I believe we've been going on for well over two hours.

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Representative Cross, I want to commend you for doing such a good job of working and answering the questions, specifically from the other side of the aisle. For those Members in the chamber, I've been here ten years and I can remember back in 1986 that we put a package of Tort Reform Bills together, Co-Sponsored by Representative Steczo with me, which never saw the light of day. It was never let out of committee and the Democratic Party, in control at that time, refused to hear any tort reform so, I just want everybody to understand that this is not a new issue. This is not something that just happened. I might also remind the Body that last fall, for the first time in seven years, Mike Madigan, then the Speaker, allowed a Tort Reform Bill to be heard; it was the Scaffolding Act. That was my...my understanding that was the first time in seven years that the speaker allowed a Tort Reform Bill to be heard...heard on the floor of the House. We knew that if we wanted to kill a Bill, all we had to do was put an amendment, a Tort Reform Amendment on it, and that Bill wouldn't get called because they did not want to deal with that issue. So, when the other side of the aisle stands up and cries the crocodile tears about not having time to talk about this issue, that's ridiculous. This has been an ongoing issue for as long as I've been here and I know that a number of Representatives said it's been at least 20 years that we've been talking about it. Well, it's our turn; we're talking about it and we're doing something about it. I also want...for legislative intent, I would like to ask some questions for clarification. Representative Cross, could you explain the rationale for the limit on punitive damages?"

Speaker Daniels: "Representative Cross."

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Cross: "Yes Representative, like the cap on non-economic...non-economic damages, the limit of three times economic damage was reached after much deliberation over what the rational standard that was punitive. Finally, the limit established in the United States House Republicans' Contract of America was chosen. It was chosen because a multiple of actual tangible loss is a reasonable was to assess punishment. In essence, the punishment is currently related to the penalized activity. Frankly, it was also chosen because it has received a fair amount of support nationally."

Speaker Daniels: "Representative Parke."

Park: "Second question: Could you explain the rationale for the \$500,000 limit on non-economic damages?"

Speaker Daniels: "Representative Cross."

Cross: "Yes Representative. As many of here know, the Senate has passed a \$250,000 limit on non-economic damages for the past two years. The \$500,000 limit was reached, once again, after much deliberation over that the rational standard should be which included reviewing those limits in other states which are both higher and lower than our limit."

Speaker Daniels: "Representative Parke."

Parke: "Thank you. Finally, in a wrongful death action, can a working spouse recover damages for the wrongful death of a working spouse? This question was asked of me by a constituent that called in, not exactly as worded here, but similar, so we'd like an answer on that."

Speaker Daniels: "Representative Cross."

Cross: "Thank you Representative. The answer to that is yes. This Bill limits the non-economic damages to half a million dollars. The economic damages or the tangible loss that

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can be proven, are only limited by the contributory fault of the beneficiary. If the working spouse is not a fault in the death, 100% of economic damages or tangible losses are recoverable. Thank you."

Speaker Daniels: "Representative Parke."

Parke: "Thank you Representative Cross. In closing, I would just point out that the other side of the aisle is painting this Bill as a Bill for big business. Well, I'll tell you this Bill is also for little businesses that create 80% of the jobs in this state. I will tell you that it is also a Bill that's wanted, not only for little business, it's also wanted for local governments, school districts and the general public. The public could care less is what one of the Members on the other side said. I believe that, that is absolutely untrue. The general public wants this tort reform. They want it every time they have to pay higher prices for products. They want it every time they have to pay for higher costs for insurance. And they want it every time they have to pay for higher costs for services because those are brought in line because they got to pay higher rates because of the threat of liability and lawsuits. It was also claimed that this is not common sense. Well, I'd like say that common sense is based on the eyes of the beholder. We will be judged by the citizens because this Bill will pass. In my opinion, they will judge our Bill to be the right Bill. The answer to a tort system that is out of balance and lacks common sense. I ask the Body to vote favorably for the passage of this Bill."

Speaker Daniels: "The Gentleman from Washington, Representative Deering."

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

Speaker Daniels: "He indicates he will."

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Deering: "Tom, I had several questions and was going to make a comment, but a lot of people have been questioning you on this Bill. I just have one question and then I'll sit down. I'll make a deal with you right now. From this minute forward, you sit in a wheelchair the rest of your life not being able to touch your child. Not being able to touch your wife. Not being able to come and go as you please. Go to a swimming pool on a weekend, have a party. Would you take \$500,000 for that?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, there's no economic...there's no cap on economic losses. We've been over that time and time again today. As far as non-economic, I've said it and I agree with you. There's no amount of money that can replace that, and what we've talked about today and what we've talked about for some time is setting some parameters. Setting some balance, taking the fear away from people. The fear of being sued on a daily basis whether it's a business, whether it's a municipality, whether it's a park district, whether it's a small businessman, whatever the case may be."

Speaker Daniels: "Do you have anything further, Representative Deering? Representative Deering."

Deering: "Well, I tend to disagree with you, Representative as many other people do. You know, in previous campaigns all candidates, we all stand-up talk about family values. We all talk about accountability, well we see now where the price of family values is. We want a good family structure, you know, good family home but apparently it's only worth a half million dollars. We talk about accountability, for those Members that were here when we made the surcharge permanent for education. That came from

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with the clause from the Senate...so accountability was being presented from the schools in the form of quality review because we wanted everybody to be accountable where the money was going. But apparently somebody gets hurt because of...because of unsafe equipment or because of an incompetent physician or maybe even because of an accident through nobody...not through their own fault, I think we're really stepping over the bounds here by saying that there's no price tag on non-economic loss when, in fact, in my opinion there's a great price tag on...that you have to live without it the rest of your life."

Speaker Daniels: "The Lady from Cook, Representative Wojcik."

Wojcik: "Thank you, Mr. Speaker and Members of the House. Would the Sponsor yield?"

Speaker Daniels: "Indicates he will."

Wojcik: "Representative Cross, let me ask you this. Some have tried to paint this Legislation as anti-women because they contend, women have less money so they won't recover as much if they are harmed by a doctor or a product. Is there any language in this Bill that says, women will recover less than men?"

Speaker Daniels: "Representative Cross."

Cross: "No."

Speaker Daniels: "Representative Wojcik."

Wojcik: "Is there anything in our current court system that says, those who make less money must be compensated for their loss with more money than those who have a higher income?"

Speaker Daniels: "Representative Cross."

Cross: "No."

Speaker Daniels: "Representative Wojcik."

Wojcik: "Under our current tort system, is it not true that if women were getting comparable wages to that of men they

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would getting comparable benefits?"

Speaker Daniels: "Representative Cross."

Cross: "Yes."

Speaker Daniels: "Representative Wojcik."

Wojcik: "And is it not true that under our current system today, in fact, many women do make more money than men? If, for example, a man with a woman and a woman who were both harmed by the same bad product and she was an executive making \$80,000 a year, and he was a mechanic making \$25,000 a year. A verdict would likely compensate her for economic loss at a higher rate than his loss based on her higher earnings?"

Speaker Daniels: "Representative Cross."

Cross: "Yes."

Speaker Daniels: "Representative Wojcik."

Wojcik: "So under the current tort system women who make more money than men are recovering more in economic damage awards?"

Speaker Daniels: "Representative Cross."

Cross: "Yes."

Speaker Daniels: "Representative Wojcik."

Wojcik: "And women who make the same wages as men are recovering the same economic loss as men?"

Speaker Daniels: "Representative Cross."

Cross: "Yes, Representative."

Speaker Daniels: "Representative Wojcik."

Wojcik: "And House Bill 20 would not effect that, is that correct?"

Speaker Daniels: "Representative Cross."

Cross: "Correct."

Speaker Daniels: "Representative Wojcik."

Wojcik: "So, this Legislation can in no way be classified as a

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change in a law that is in anyway anti-women. Is that right?"

Speaker Daniels: "Representative Cross."

Cross: "That's right."

Speaker Daniels: "Representative Wojcik."

Wojcik: "I have no further questions of the Sponsor and I thank him for his information."

Speaker Daniels: "Thank you. The Gentleman from Peoria, Representative Leitch."

Leitch: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. For purposes of legislative intent, I would like to direct a couple of questions to the Sponsor. Will he yield?"

Speaker Daniels: "He indicates he will."

Leitch: "Representative, is it true that while this Bill would require a plaintiff's consent to disclosure of all health records that a 28 day period for such disclosure is provided to allow a plaintiff to go to the trial court and seek to limit immaterial and irrelevant records?"

Speaker Daniels: "Representative Cross."

Cross: "Yes, Representative it is true and, currently, trial courts limit subpoenas and discovery all the time."

Speaker Daniels: "Representative Leitch."

Leitch: "And is it true that this Bill only limits a plaintiff's ability to receive compensation for economic damages to the extent the plaintiff contributes to the injuries? And by that, I mean damages for past and future medical expenses and wages."

Speaker Daniels: "Representative Cross"

Cross: "Yes, Representative, economic damages are only affected if the plaintiff contributed to the injuries. All economic damages proven at trial are compensable."

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Speaker Daniels: "Representative Leitch."

Leitch: "And, Representative Cross, this Bill contains some changes in the statute of limitations for legal malpractice to delete separate limitations for actions concerning estate planning and wills. Is it the intent of this deletion to provide a standard or uniform statute for legal malpractice?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, this merely makes the existing six year limitation uniform for all actions. Further, this change would not bar actions which could be brought within two years of the effective date."

Speaker Daniels: "Representative Leitch."

Leitch: "Well, thank you very much, Representative Cross and Mr. Speaker, to the Bill. From the girl scouts to my brain surgeon, from doctors practicing expensive defensive medicine or in some cases, not practicing at all in our state, from a pharmaceutical industry that's handcuffed by over regulations driven by law suites and not by medicine, from manufacturers, like Caterpillar getting unfairly sued later for complying with laws and regulations in place legal on an earlier day. To small businessmen, like my neighbor Randy Arnold and his boys who have a family plumbing business. Small businesses throughout our state are being driven out of our state or indeed out our business. Our present system is a mess and everybody knows it. It's an impediment to economic growth in our state, it's an impediment to quality health care in our state, it's an impediment to badly needed pharmaceuticals being available to people with AIDS and to other life threatening and debilitating conditions. It's a system that urgently needs to be reformed. And that is why I'm very proud to be

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a part of the reform process and to bring this urgently needed legislation to the floor and hopefully to passage. Thank you very much for your consideration."

Speaker Daniels: "The Gentleman from Cook, Representative Kubik."

Kubik: "Thank you, Mr. Speaker. I'd like to ask the Sponsor a couple of quick questions."

Speaker Daniels: "Indicates he will."

Kubik: "Representative Cross, first of all I want to thank you for your patience in this long and very instructive debate. I was wondering if you would respond to two questions? The first question is, a number of Amendments relate to the physician/patient privilege and medical records. Could you explain these Amendments, please?"

Speaker Daniels: "Representative Cross."

Cross: "Thank you, Mr. Speaker. Representative Kubik, these changes are necessary to bring fairness and equity back to the civil justice system. These changes essentially provide that when plaintiffs put their physical or mental health at issue, then plaintiffs must authorize release of all of their health care records to the parties. This should allow quicker assessment of liability and damages by all parties. The Appellate Courts interpreting the statutory physician/patient privilege have created an intolerable situation where employees cannot discuss lawsuits with their employers."

Speaker Daniels: "Representative Kubik."

Kubik: "My other question, Representative Cross relates to the Petrillo Doctrine. There has been much talk about the Petrillo Doctrine. Can you explain the Doctrine and how it is addressed in this Bill?"

Speaker Daniels: "Representative Cross."

Cross: "Thank you. Representative, the case of Petrillo versus

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Syntex Laboratories, Inc. interpreted section 2-802 of the Code of Civil Procedure to require physicians, who treat a plaintiff, to only disclose health care information about the plaintiff through normal formal discovery procedures like subpoenas and depositions. This, at the time, appeared to be a rational decision. Subsequent court cases, however, have extended and contorted the original rule to such an extent that hospitals are prohibited from discussing a lawsuit with the employee involved without using formal discovery procedures, and a treating physician cannot be sent simple correspondence. In short, the statutory physician/patient relationship has been abused to the extent that civil litigation is embroiled with an endless and expensive battle of discovery in which no one is served. These...in closing Representative, these Amendments very simply require a plaintiff who puts his physical or mental issue, mental health at issue in a case, to execute consents to authorize full and early disclosure of health care information to all parties. This is information which would currently be available. This should end needless expensive discovery which serves the legitimate interests of neither the plaintiff nor the defendants. Thank you."

Speaker Daniels: "Further discussion? The Gentleman from Winnebago, Representative Scott."

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

Speaker Daniels: "He indicates he will."

Scott: "Representative Cross, in the preamble to the Bill it talks about economic retention of jobs and other economic factors and that somehow this particular Bill will help those factors. Are you familiar with that portion of the preamble?"

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Speaker Daniels: "Representative Cross."

Cross: "Representative, where are you in the preamble, if you don't mind?"

Speaker Daniels: "Representative Scott."

Scott: "Sorry. Bottom of the first page on page 1, line 17."

Speaker Daniels: "Representative Cross."

Cross: "I see it now, Representative."

Speaker Daniels: "Representative Scott."

Scott: "Are you aware of any objective studies or evidence that would prove that economic development would be enhanced by a cap of non-economic damages or punitive damages, such is contained in this Bill?"

Speaker Daniels: "Representative Cross."

Cross: "Well, Representative, with the threat and the fear of the lawsuits not only in negligence theories but product liability cases, we have seen by 1980...up through 1980 more than 300,000 jobs were gone in the State of Illinois. Between 70...1978 and 1993 the number of manufacturing jobs in Illinois fell 37%. In 15 years the manufacturing component of the states economy fell from 26.6% to 17.5% of the workforce."

Speaker Daniels: "Representative Scott."

Scott: "Well, thank you for that but that wasn't exactly my question. My question was, whether or not you were aware of any objective economic studies which would prove that the Caps that are contemplated in House Bill 20 would provide economic incentives or economic development, any objective studies?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, I went over these same questions with a previous Representative and in the areas where we have had Caps or other states have had Caps for an extended period

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of time in metropolitan dash urban areas like Los Angeles, San Francisco, Detroit and St. Louis. We have seen a cost savings in those states and in those municipalities."

Speaker Daniels: "Representative Scott."

Scott: "But in fact, isn't Illinois economy growing faster than the national average?"

Speaker Daniels: "Representative Cross."

Cross: "Well, Representative, it's...anytime we can do better and anytime the General Assembly can assist in bettering the economy of the General Assembly or the State of Illinois, I think it benefits everyone of us, whatever side of the aisle we may be on."

Speaker Daniels: "Representative Scott."

Scott: "I don't disagree with that but still, isn't our economy growing faster than the national average and aren't our employment rate lower than the national average?"

Speaker Daniels: "Representative Scott. Representative Cross."

Cross: "I'm sorry, Mr. Speaker. If he could repeat that question."

Speaker Daniels: "Could you repeat the question, Representative Scott?"

Cross: "Please."

Scott: "Certainly. Not arguing at all with your last statement. Isn't it still a fact that our economy in Illinois is growing faster than the national average? And our unemployment rate in Illinois is lower than the national average. Aren't those both facts?"

Speaker Daniels: "Representative Cross."

Cross: "Well that, Representative, that may be the case but I think the facts have also supported that by capping, as I said earlier, do help...do provide cost savings."

Speaker Daniels: "Representative Scott."

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Scott: "Well, I think that was a yes, so I'll take that and move on to something else. We talked about rural health care availability and the preamble again talks about the rural health care task force. But wasn't an answer to a previous question, didn't you state that there are areas of Chicago that are also under served in terms of prenatal and other medical care?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, I didn't say that but it my understanding that may be true and if we can improve on that in addition to the rural area I'm all for it."

Speaker Daniels: "Representative Scott."

Scott: "Not to be facetious or anything but none of us here would call Chicago rural, right. I don't think."

Speaker Daniels: "Representative Cross, for a definition of Chicago."

Cross: "I didn't, Representative, I don't...did not at anytime mean to say that Chicago was rural. I was talking about downstate parts of Illinois where we, as we said earlier, maybe up to 20 counties, if not more, that don't have doctors to deliver babies. And if...I think it is a public policy stand point in this state, whatever we can do to improve the civil justice system to bring those physicians back to those counties. It is something we need to be working on."

Speaker Daniels: "Representative Scott."

Scott: "Representative Cross, in the preamble also it talks about the current systematic cost of tort liability being unacceptable. But are you familiar with the study that was partially funded by the civil justice league that says..."

Speaker Daniels: "Representative Scott, Representative Hartke is yielding is time to you. So that will start now."

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Representative Scott."

Scott: "Thank you, Mr. Speaker. Are you familiar, Representative Cross, in spite of that particular statement in the preamble that a study funded in part by the Illinois Civil Justice League concluded that Illinois's per capita cost for tort liability may in fact be below the national average. Are you familiar with that study?"

Speaker Daniels: "Representative Cross."

Cross: "No I'm not, Representative."

Speaker Daniels: "Representative Scott."

Scott: "Representative Cross, you had mentioned at one point that this was given a full hearing in the Judiciary Committee as well. Do you remember saying that a few minutes ago?"

Speaker Daniels: "Representative Cross."

Cross: "What I believe I said, Representative, was that this issue has been debated time and time again by this General Assembly and these issues have been discussed time and time again over the last 20 years. What happened in Judiciary is we went, I believe, the whole morning listening from the opponents, talking about the same issues we've been talking about today and heard only from the opponents that morning."

Speaker Daniels: "Representative Scott."

Scott: "But in fact at the time that the testimony was going on in the Judiciary Committee, there wasn't a Bill and in fact...there were...and what was being talked about was Caps. And all the provisions regarding joint and several liability regarding punitive damages, regarding the waiving of your right to privacy, with respect to your prior medical records. None of that was discussed because it wasn't in a Bill at that point, right?"

Speaker Daniels: "Representative Cross."

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Cross: "Well, Representative, for the first time in the two plus years I've been here, we've actually debated a Bill on the House Floor fully and in great detail. Unfortunately we didn't drop it on you guys 24 minutes before we voted on it, which seem to be the case the last two years. We had ample opportunity to debate this in committee yesterday, Republicans and Democrats were both there, proponents and opponents were both there, we had testimony from both sides. Now going back to the Executive Committee a couple weeks ago as well as the Judiciary, we talked about these issues. These issues aren't new to anyone in this chamber. They have been discussed by all...we want to talk about special interest groups, we know which ones we're talking about and they've been discussing these and resisting these for many many years. So this isn't a new issue for us, this isn't a new concept."

Speaker Daniels: "Representative Scott."

Scott: "I know for a fact we never heard anything about evil motive when we were in the Judiciary Committee the other day. Let me move on to another area, let me give a brief hypothetical, with respect to punitive damages, if I could. You've got two companies that manufacture the same product, Representative. One of which is a multi-million dollar company or making a billion dollar company and one of which is a mom and pop company that...with very few assets. Now we're talking about punitive damages and I believe you said, first of all that punitives damages...that the reason for them is designed to punish wrong doing. That was...I believe that's what you said earlier in your presentation? Is that true?"

Speaker Daniels: "Representative Cross."

Cross: "It has been my understanding of the concept of punitive,

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Representative, punitive damages."

Speaker Daniels: "Representative Scott."

Scott: "So if we took a damage award, of say \$10,000 in a case, an economic damage awards since that's all punitive damages are going to be based on. Are we saying that the punishment for the multi-million dollar company would be exactly the same as the punishment for the mom and pop corporation that might have \$5,000 in assets?"

Speaker Daniels: "Representative Cross."

Cross: "Well, Representative, a couple parts of the answer. We of course have the criminal penalty that we discussed earlier and the regulatory penalty. But more importantly when you talk about the multi..."

Speaker Daniels: "Excuse me, Sir. Ladies and Gentlemen can we please have your attention? A very important discussion going on. Thank you. Representative Cross."

Cross: "More importantly even perhaps Representative in that multi-million example, multi-million dollars company example, there is the potential for many more plaintiffs and with many more plaintiff's you have potentially far greater monetary punishment to that big company than you do to the mom and pop company. Now, before I...we lose track of this, let's...this evil motive example or this evil motive issue. I don't want any of us to forget or misunderstand that the evil motive language that we've referred to, that we have been discussing, that's in this Bill, came right out of a case decided by the Illinois Supreme Court, filed November...September 19, 1990. Right out of that Bill, no discussion about it. This is not a foreign concept, it has been around in the state for at least five years. So just, so we're clear on that."

Speaker Daniels: "Representative Scott, you only have a few

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seconds left. Representative Giles is going to...okay thank you. Representative Scott."

Scott: "Thank you, Mr. Speaker. In your representation to us, Representative Cross is that was part of the actual whole in the case and not just dicta?"

Speaker Daniels: "Representative Cross."

Cross: "Well, Representative, I'm reading right out of the Bill. I'll get to the page in just a second. Page 16, right of the case, excuse me. Lotts versus Remington Arms, I'll read it again so we make sure we...the conduct must be outrageous either because the defendant acts are done with an evil motive or because they are done with reckless indifference to the rights of others. In parenthesis then there is a reference to the restatement of torts, I refer to 1979 date. So, I don't believe this is a new concept for any of us."

Speaker Daniels: "Representative Scott."

Scott: "Is that the only example of that particular phrase or term of legal ease that we find in any of the history of Illinois law? We've got one case from 1990, I believe you said."

Speaker Daniels: "Representative Krause...Cross."

Cross: "Well, Representative, I...I think the Illinois Supreme Court is a pretty...is about the highest court we have in this state and I respect their decisions and respect what they say. And if they know about evil motive, I suspect most of the legal community knows about it."

Speaker Daniels: "Representative Scott."

Scott: "Representative Cross, there's language in the preamble that talks about erratic jury awards, no objective criteria for the decisions that jury's make. Don't studies show, in fact, that the best determinate of jury awards are the

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severity of plaintiff's injuries? I mean there are a number of studies that will show that, aren't there?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, what this...in addition we talked about balance and fairness. But what this is truly addressing, as well, is the concept of fear that manufacturers have, as I said earlier. The fear of litigation, the fear that stops them in their tracks from addressing new ideas, innovative approaches. Whether we're talking about the medical community or the business community or the municipality. Fear that keeps us from experimenting, fear that keeps us from innovative approaches. And that's what this is all about and if we don't address the concept of fear or this fear that permeates throughout society, then we won't keep us with the problems that we have in this country."

Speaker Daniels: "Representative Scott."

Scott: "Well, I understand that but my question was, whether or not studies actually show and the only studies that are out there that I'm aware of, unless you can tell me that there is something different. The only objective studies that are out there that are a determinate of the size of jury verdicts are based on the severity of plaintiff's injuries. That in fact is the best...best determinate of the size of a jury verdict."

Speaker Daniels: "Representative Cross."

Cross: "Representative, the problem again is one of disparity, as we talked about earlier. You can be in two different court rooms, the Cook County Court House with similar facts and get totally identical verdicts, totally different verdicts. Thank you. No consistency whatsoever. That's not fair to the victim, that's not fair to the defendant."

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Speaker Daniels: "Representative Scott."

Scott: "Representative Cross. Aren't the facts of every case different? I mean, how many cases are exactly the same? I mean, I know you are a lawyer, you've practiced, you know all cases have different sets of facts. I mean they all have the same theory of liability but all of them have different sets of facts."

Speaker Daniels: "Representative Cross."

Cross: "Well, Representative, when we see the disparity as much as 100 times the difference then we're talking about a significant disparity. Caps limit that potential for disparity. The state of Wisconsin, for instance, just to the North of us, as well as Indiana, have both enacted Caps. And the problem that we have as a state is that we are now going to have to compete with Wisconsin or Indiana. If you're from Gary, Indiana or you're from Chicago, we're going to potentially lose jobs to Indiana. If you're from the Rockford area or from the Waukegan area, we could potentially lose jobs to Wisconsin, the State of Wisconsin and we've got to prevent that. The other states are going to leave us in the dust as far as economic development if we don't enact these Caps."

Speaker Daniels: "Representative Scott you're running out of time again."

Scott: "I know that. I believe Representative Fantin would yield her time to me, Mr. Speaker."

Speaker Daniels: "Who wishes to do that?"

Scott: "Representative Fantin."

Speaker Daniels: "Representative Fantin will represent you...you will give up your time to speak? Okay. Representative Scott."

Scott: "Thank you, Mr. Speaker. But in spite of us not or having

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this erratic system, as you described it. Motorola built in Harvard instead of going three miles North to Bigfoot. Going into Wisconsin, is that correct?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, thank God for Motorola and if we could get more and if this Bill does it and I think it will, then let's open up the door and bring as many Motorola's as we can to the State of Illinois."

Speaker Daniels: "Representative Scott."

Scott: "Mr. Speaker, to the Bill, if I could."

Speaker Daniels: "To the Bill."

Scott: "We could talk a lot about Caps and obviously that has been a focus of a lot of the discussion around here but there is so much that's wrong and bad with this Bill and really abhorrent other than the whole other issue of Caps. The product liability certificate of merit, we haven't spent much time debating that issue or talking about that issue, it is obviously a very complicated issue. The problem was eluded to earlier on in the discussion. It is not like medical malpractice. If I'm injured in a medical malpractice case, I can go to my own health care provider that I think has injured me, get my own charts, get my own documents that talk about my particular ailment, take them to an expert, take them to my attorney. In a product liability case we don't have that same ability. In fact, it's incredibly difficult, much of that information is protected under propriety statues. So we don't have any ability to get that particular information. All that does is cut off product liability suits. I understand if that's what you want to do but please understand you're not serving any cause of eliminating frivolous lawsuits, all you're doing is cutting off many genuine lawsuits as well.

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This idea that we can waive the privilege of our entire medical history, is absolutely abhorrent to me and I think it should be to every one of us whether we're lawyers or not, we tend to break this down into who's a lawyer and who's not today but it goes a lot deeper than that. An injury that I suffer, a knee injury, where I'm alleging malpractice. Should somebody be able to go back and find my medical records that have nothing to do with that particular case? It is different than the system right now and the speech that was made earlier that it isn't any real change, was flat out wrong. There is a big difference between this particular statute. And if you're ever injured and don't want people to be able to go back into your entire medical history with ailments, perhaps mental illness, anything that has to do, that doesn't have to do with this particular injury you have. If you don't want that to happen then you need to vote 'no' on this Bill. We're not going to tell jury's that awards aren't taxable but we are going to tell them that awards aren't taxable but we're not going to tell them about the Caps. And Representative Cross said that he had great faith in jury's and he wasn't calling them stupid. Well, I think we are calling jury's and judge's stupid because what we're saying to them is, in any tort liability case you don't have the ability to listen to the facts of the case and to decide exactly what's the best verdict to happen. And the judge, who in many many cases, reduce jury verdicts like the McDonald's case and hundreds and thousands of other cases around this state every year. We're telling them they don't have the ability to do that anymore, that somehow they have advocated their responsibility and we in our wisdom have to set a cap. A cap, mind you 500,000 that's

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based on what other states have done. Not based on any kind of analysis of jury awards, not based on anything else but what other states have done. And that is kind of a heck of way for us to decide that we're going to take money out of the hands and mouths of injured victims. The most ridiculous part of this Bill to me, the goofiest part is the punitive damage. What we're saying is, the punitive...punitive damages are designed to punish, that's what they were there for. They're there to punish the conduct of wrongdoers. They're not there based on happenstance to decide that because the person that you injured happens to make a lot more money than another person who is injured, that your punishment should somehow be greater. That's ridiculous, that completely guts the whole idea of having punitive damages. And what it would do is, in the case that I cited to Representative Cross, you could have a McDonald's Corporation and another corporation on mom and pop grocery store, take the cup of coffee case. The punitive damage award in both those cases would be exactly the same? Who is that really going to benefit? The elimination of joint and several liability, we talk about that as a bonus and a protection for people who end up paying more than their responsibility for the injury. But you know what the premise of joint and several liability is, it is to protect the victim and it is to make sure that the victim gets compensated for his and her injuries. And what we're doing by doing this is we're saying, well if you happen...if you happen to be hurt by someone who's judgment proof or you happen to be hurt by someone 80% of it by somebody who can't afford to pay anything, you're injuries aren't worth anything then. Your injuries are worthless because you happen to hit someone

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who is judgment proof. The idea is to take care of the people who are injured. This does nothing to combat frivolous suits, which is what we heard all the rage was from the Governor on down. And I heard two things that are very disturbing, I heard talking about a reward. Well, if you can look at a person who's lost the society and companionship of their daughter or son and tell them that non-economic damages is a reward you are a better person than I am because I can't do it. Please vote 'no'."

Speaker Daniels: "The Gentleman from Will, Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker. Will the Sponsor yield for questions to establish legislative intent?"

Speaker Daniels: "He indicates he will."

Wennlund: "Representative Cross. The respondents in discovery provision is being amended to prohibit the use of fictitious defendants. Why is this necessary?"

Speaker Daniels: "Representative Cross."

Cross: "Historically, Representative, the respondents in discovery provision was enacted for healing art malpractice cases and later expanded to all civil litigation. The provision allows plaintiffs to name respondents, or potential defendants, in addition to the named defendant prior to determining whether a... should be added as a new defendant. A six month period is provided for this determination. Unfortunately, different panels of the First District Appellate Court have interpreted this provision to both prohibit and allow the use of fictitious defendants. This Amendment affirmatively states the General Assembly's determination that fictitious defendants are not permitted."

Speaker Daniels: "Representative Wennlund."

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Wennlund: "Thank you, Representative Cross. Could you please explain why the jury will be told that compensatory damages or punitive damages may not be taxable or to the extent that they are not taxable, but not told about the cap on non-economic damages or the 50% contributory fault rule?"

Speaker Daniels: "Representative Cross."

Cross: "First, whether the jury will be informed, will depend upon the status of the law at the time that the case goes to the jury. Second, legal commentators and some courts have determined that informing the jury of limitations creates a bias against the defendants. This bias could result in the cap which is meant to be a standard or guideline becoming a floor and half a million dollars becoming the standard non-economic award. This Amendment would rely on the court to make a verdict conform to the law. At the same time, the court's authority to modify a jury's verdict to conform to law is a long standing legal principle."

Speaker Daniels: "Representative Wennlund."

Wennlund: "Thank you, Representative Cross. Why is the affidavit of merit provision amended?"

Speaker Daniels: "Representative Cross."

Cross: "Thank you, Mr. Speaker. Two modifications are being made in the healing art malpractice affidavit of merit to strengthen for...to strengthen it for its original purpose of reducing the number of frivolous claims. Even with the affidavit of merit, health care providers win 79% of the claims brought. These Civil Justice Amendment...Civil Justice Amendments of 1995 are meant to correct that situation. First, a plaintiff's authority to hide the name of the health care professional who opined that a meritorious case existed is deleted. This should influence

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health care professionals to use the utmost care in making future decisions. Second, a plaintiff currently can obtain a 90 day extension to obtain the reviewing health care provider's report if the statute of limitation will expire before the report can be obtained. The courts appropriately have allowed those extensions and then under section 13-217 have voluntarily dismissed their actions. Plaintiffs have subsequently refiled the action one year later and again sought and received the statutory 90 day extension. This Amendment will prohibit the plaintiff from voluntarily dismissing an action and obtaining an additional 90 day extension. The second extension, after ample time to obtain a report, would be prohibited."

Speaker Daniels: "Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker. To the Bill, Ladies and Gentlemen of the House. Isn't it amazing that in three and half hours of debate, on this Bill, all we've heard was, we haven't had an opportunity to review these provisions, we haven't had an opportunity to talk about Caps, which have been proposed in at least in the last 10 years that I have been here. Nobody has answered the question, why not, like it was a dirty word or a secret word. Because the trial lawyers have kept this issue under the rug. The flock no longer has the shepherd, it can now come to light and bring about fairness in the justice system in the State of Illinois, that's the bottom line. Now we will no longer be swept under a rug but it will be heard and it will be passed. Let's get on with it and pass it."

Speaker Daniels: "Lady...or the Gentleman from Cook, Representative Balthis."

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

Speaker Daniels: "He indicates he will."

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Balthis: "Representative Cross, there's two sections in this Bill that seems to benefit the taxpayers of local government. The particular one is the governmental tort immunity section where people are assigned to do community work by the courts. Can you explain a little bit about what that section is designed for?"

Speaker Daniels: "The Gentleman, Representative Cross."

Cross: "Thank you, Mr. Speaker. Representative, what we're talking about in that section is the defendant in a criminal case that has been ordered to perform community service work. He is assigned to a local YMCA or a park district and in the event he gets hurt in there doing that, there is some liability coverage for that particular unit."

Speaker Daniels: "Representative Balthis."

Balthis: "So this allows the local community to use non-paid workers to do community service that will benefit the taxpayers?"

Speaker Daniels: "Representative Cross."

Cross: "That's right, Representative. And in order for us, as you know, in the last few years we've toughened up criminal laws around here about as tough as you can get and one of those things that we've done is said there should be community service performed as a condition of the sentence and this allows us to continue that concept of community service and not let the municipality or the non-profit organization be threatened by lawsuit."

Speaker Daniels: "Representative Balthis."

Balthis: "The other section is on the joint and several liability. One of the things that I've heard and as I served as mayor that we always heard about was that the local community was a deep pocket. I've...I understand that the City of Chicago will be the largest benefactor of

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this joint and several liability because they get hit with many, many lawsuits. The City of Rockford, the larger communities in the State of Illinois. You have any numbers or any idea what...what costs this...what savings this would be to local government?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, I don't have any numbers but I do...I can tell you that the general concept of the abolition of joint several is very simple, you only pay for your share of your liability, no more. So if the city or municipality has a 10% liability assessed against them by the jury or by a judge that is the limit of their liability and that is the extent of it. And the City of Chicago ought to love that concept."

Speaker Daniels: "Representative Balthis."

Balthis: "Thank you, Mr. Speaker. To the Bill, we have done many things to local government, including passing Tax Caps recently. There are things in this Bill that are troubling but I think that there are many things in this Bill that serve to help local governments, it serves to help local taxpayers and so I think there's reason for many of us to vote for this Bill."

Speaker Daniels: "The Lady from DuPage, Representative Biggert."

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

Speaker Daniels: "He indicates he will."

Biggert: "Representative Cross, for the purpose of legislative intent, I have one question. The Bill has amended the Code of Civil Procedure to prohibit an action when there has been a voluntarily dismissal by the plaintiff or the action has been dismissed for one of prosecution and to say that it will be prohibited from being refiled when the statute of limitations has expired. Is this a deprivation of a

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significant right of the plaintiff to dismiss the case and then not allow them to refile it within a year?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, I'm going to read this answer, as we have earlier, for the purpose of legislative intent. The right of a plaintiff to voluntarily dismiss an action and then refile that action a year later, even if the statute of limitations has expired, has become, through judicial interpretations, a matter of rights that is troubling to those involved. Voluntary dismissal of a case is often used as an additional weapon to reach a higher settlement. Voluntary dismissals often occur on the eve of trial. This is after the defendant has expended significant funds preparing for a defense. Further, voluntary dismissals protract and prolong resolution of civil cases which often take six years in the Chicago area and three to four years downstate. This Amendment sets a standard that cases which are filed by plaintiff must proceed to resolution in whatever form that there may be, whether it is voluntary dismissal, dismissed for one of prosecution, verdict, or settlement. The tactic of voluntarily dismissing to delay the proceeding or try to increase awards would not be permitted. The plaintiff has brought a lawsuit to resolve a dispute and receive due compensation. We believe that the civil justice system should not be used to thwart the plaintiff's objective. This Amendment in no way affects a plaintiff's ability to go forward with the trial and resolve the dispute. Thank you."

Speaker Daniels: "Representative Biggert."

Biggert: "Thank you, Representative. And so in other words, this arises when a plaintiff has not been able to find an expert that they want to testify in a case and so they're still

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searching so they'll dismiss the case several times?"

Speaker Daniels: "Representative Cross."

Cross: "This...Representative, this provision of the Bill clearly...I mean...directly addresses that problem that you just gave us, that scenario."

Speaker Daniels: "Representative Biggert."

Biggert: "So that will prohibit this?"

Speaker Daniels: "Representative Cross."

Cross: "Yes."

Speaker Daniels: "Representative Biggert."

Biggert: "To the Bill, Mr. Speaker. I've been listening with great interest to some of the comments from the other side of the aisle and while I've only been here for two years and today seems like another year, I would like to comment that having served on the Judiciary Committee last year. The first thing that was apparent was that there...that no one from this side of the aisle was allowed to present a Bill which would amend the code of civil procedure or to present a Bill and have any hope of passage which had the word tort involved in it. And as a brand new Freshman I was the recipient of a do not pass Motion on a Bill concerning product liability. And a do not pass Motion meant then that that Bill had no chance of ever getting out of committee. I think what we've seen is the need for tort reform and its time has come. The other comment that I would like to make is that, we have discussed this concept while all the language has been evolving over the last few months. I do have a copy of a article that's reprinted from the Illinois Bar Journal from January of 1995, written by the president of the Illinois Bar, who also was down here to testify. And I would have to say that the concepts and many...much of the language that's in here is what is

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in our Bill. So certainly this Bill has been discussed. Last year I had the opportunity to serve on the Riverboat Gambling Subcommittee of the judiciary and we spent day after day discussing these issues, even though there was no Bill. So somewhere at sometime this language has been in this House for many many months, if not years. And again I think that the time is right, I'm very happy to support this Bill and urge 'do passage'."

Speaker Daniels: "Representative Monique Davis, the Lady from Cook."

Davis, M.: "Thank you, Mr. Speaker, for giving me this opportunity. I'd like to ask a couple of questions. I know Mr. Cross feels he's being doing a lot. Mr. Cross, if a person is injured by a product or through someone's neglectful or willful neglectful act, be that person male or female, the head of a household and they are...and they collect the medical bills are taken care of and they receive a settlement. What happens if three months later infection that occurs from the injury is activated and the person dies, what happens?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, I think I'm being responsive to your question. If they reach the verdict and a settlement, then precluded from a wrongful death action."

Speaker Daniels: "Representative Davis."

Davis, M.: "Okay. You're saying this Bill will preclude them from seeking further damages or that mother or those children who are left without the support and care of that individual. They would be not able to collect because of the death of this injured person and the death really occurred because of the accident or the injury."

Speaker Daniels: "Representative Cross."

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Cross: "Representative, what this does is, tries to clear up some Appellate Court decisions. We are still waiting...the Supreme Court has not ruled on it. So this is an attempt to clean up any confusion we have in the law."

Speaker Daniels: "Representative Davis."

Cross: "And..."

Davis, M.: "Okay. The next question I have for you is, would you explain Article 6(a) on page 59, when you discuss liability for those who are performing public service or community service?"

Speaker Daniels: "Representative Cross. Page 59, 6(a)?"

Cross: "Yes, Representative, that's really a two part...are you talking about 6(a) 105? At the bottom of the page?"

Speaker Daniels: "Representative Davis."

Davis, M.: "Yes, it is the section right at the bottom of the page. Right."

Speaker Daniels: "Representative Cross."

Cross: "Thank you, Mr. Speaker. I just wanted to make sure Representative. That is a two part section, Representative and somewhat...somewhat was addressed with Representative Balthis question. But what this does, if a defendant in a criminal case is sentenced to do community service work and he gets hurt while he's doing that community service work, the group with whom he's doing the community service work, is not liable. The second part..."

Speaker Daniels: "Representative Davis."

Davis, M.: "Who is liable? If the person of the persons that you are doing the work for or with are not liable, who is liable?"

Speaker Daniels: "Representative Cross."

Cross: "All right, Representative. Let's say that the defendant in a community service scenario is picking up cans as part

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of his community service for the YMCA on the side of the road and he gets hit by a car while he is doing that, the driver of the car is liable, not the YMCA."

Speaker Daniels: "Representative Davis."

Davis, M.: "Even if the community service worker said to the person who is supervising the activity, I don't want to be out here on this highway because it's dangerous, there's cars coming back and forth and you know I think maybe we should move back. Are you telling me that that employer still is not liable for those damages?"

Speaker Daniels: "Representative Cross."

Cross: "First of all, Representative. It is not an employer, this a...was a defendant criminal...criminal case who's part of the sentence is community service. If...it's a criminal case and it's a defendant that has been ordered to perform community service or an ordinance violation perhaps. Now, if the employer and if it were not an employer situation, but if the person in charge of the community service acts in a willful or wanton manner, then there can be some liability, maybe liability on that person's part. But in the scenario with the car, the driver of the car, hits the person as they're picking up cans, that person is liable."

Speaker Daniels: "Representative Davis."

Davis, M.: "A question in reference to the earnings that a person has, for example, it was stated that many women earn 80,000. To set damages based upon a person's earnings is discriminatory on its face. For the simple reason that most women do not earn what men earn. Most African-Americans do not earn what white people earn. And when you base...when you base damages on how much that person earns, saying the man who earns 80,000 gets more

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than the intern. They both lose a leg in a willful, wanton accident but the intern because she or he is earning less than the professional, will get less damages is extremely discriminatory based on income. We don't do that when people kill people. We don't say that he was earning more so your sentence is more or she was earning less so your sentence is less. Therefore, this Bill is extremely flawed and as I look through it I am ashamed that the people in Illinois will have their pursuit of happiness hampered, they will no longer be allowed to pursue happiness and to live of the life our constitution mandates for them with this legislation. A lot of people are going to consider leaving...'

Speaker Daniels: "Further discussion? The Gentleman from Livingstone, Representative Rutherford."

Rutherford: "Okay. Thank you, Mr. Speaker. Representative Cross, for the purpose of legislative intent. In this Bill there are number of Amendments to various Acts concerning an employer's liability to an employee or to a joint defendant with the employer. Would an employer be relieved of additional liability and be required to pay what is provided on the worker's compensation laws only and has this...and can this is a fair and equitable change?"

Speaker Daniels: "Representative Cross."

Cross: "Thank you, Representative. These modifications are entirely fair and equitable and consistent with Illinois law concerning an employer's responsibility to an employee and joint defendant's. This Bill merely codifies the decision of Kotechi versus Cyclops Welding Corporation (585 N.E. 2d 123 (Ill. 1991)). In that case, Mr. Kotechi brought an action for personal injuries against the defendant-manufacturer of a welding agitator used on the

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premises of his employer. The manufacturer then filed a third party complaint against Mr. Kotech's employer seeking contribution. Mr. Kotech moved to strike the third party complaint and the court denied the Motion. On appeal, the Appellate Court reviewed whether an employer sued as a third party defendant, in a product liability case, is liable for contribution for any amount in excess of the employer's statutory obligation or liability under Workmen's Compensation laws. The court determined that the employer is not liable for any amount above the statutory Workmens' Compensation Act recoveries. This Bill codifies current case law into the context of Workers' Compensation Laws."

Speaker Daniels: "Representative Rutherford."

Rutherford: "Why is the limit on non-economic damages linked to abolition of joint and several liability in healing art malpractice?"

Speaker Daniels: "Representative Cross."

Cross: "Historically, joint and several liabilities applies...has applied to healing art malpractice actions. In these actions, the parties often work together very closely and the true degree of fault can be difficult to determine. As the abolition of joint and several liability will diminish the advantages of a common defense, the individual defendants could be subject to significant verdicts. The limit on non-economic damages helps to provide stability to determine liability."

Speaker Daniels: "Representative Rutherford."

Rutherford: "And obviously these questions are for legislative intent and this is another one of those but it is actually a good question that those non-lawyers of us in the chambers would like to have explained. This Bill applies

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contributory fault to most actions and eliminates joint and several liability. Could you explain why this is being done?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, our civil justice system has evolved in such a manner that persons are no longer held accountable or responsible for their own actions. The risks in lawsuits have been spread to many others on occasion without consideration of an individual's degree of responsibility. The current law allows an individual who trespasses and ignores warnings to be compensated for injuries caused by the danger warned about. In the current system's zeal to compensate injured parties, it has neglected to determine true responsibility. These changes should return the system to the concepts of fairness, efficiency and accountability. If I cause most of my injury, then I should not and would not be able to seek out others to pay for my injuries."

Speaker Daniels: "Representative Rutherford."

Rutherford: "Thank you, Representative. Mr. Speaker, to the Bill. It has been estimated that lawsuits cost Illinoisans about \$1,200 every year, per person, this is wrong. Some park districts estimate that 40% of the cost of running their park is due directly to liability concerns, this is wrong. Skyrocketing insurance premiums have left many rural areas without obstetricians or even hospitals, that is wrong. Sixteen rural communities have no hospitals facilities to deliver babies, that is wrong. Two hours ago I was on the phone to my local hospital, the cost of malpractice insurance for the obstetrician, that we are fortunate to have in Pontiac, Illinois. The malpractice insurance premium divided by the number of babies she

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delivers a year into the cost to deliver a baby has the malpractice insurance premium cost 10% to deliver a baby in Pontiac, that is wrong. Ladies and Gentlemen, this Bill is trying to put on track the things that are wrong in our tort system today, I stand here and strongly encourage you to vote in favor of House Bill 20. Thank you, Mr. Speaker."

Speaker Daniels: "The Gentleman from Madison, Representative Davis."

Davis: "Thank you, Mr. Speaker. Would the Gentleman yield?"

Speaker Daniels: "Indicates he will."

Davis, S.: "Representative Cross, please bear with me because I'm one of the new Members here and I'm also a non-lawyer, but I have a few questions that I would like to ask. Now let me get this right, this Bill, according to you, is suppose to make the civil justice system more consistent. Is that correct?"

Speaker Daniels: "Representative Cross."

Cross: "I like to look at it as a Bill and a proposal to make the civil justice system more fair or fairer."

Speaker Daniels: "Representative Davis."

Davis, S.: "More consistent earlier and also in the Bill you state that...that non-economic damage awards are highly erratic and you're trying to eliminate that in this legislation. Is that not correct?"

Speaker Daniels: "Representative Cross."

Cross: "We're trying to limit or in this Bill we cap or limit non-economic damages to an amount of half a million dollars."

Speaker Daniels: "Representative Davis."

Davis, S.: "So, Representative, so tort reform in this instance means that we're substituting government in the place of

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the jury system. Is that not correct?"

Speaker Daniels: "Representative Cross."

Cross: "Not at all, Representative. We're simply setting some parameters and some guidelines. As I said earlier, we set parameters and guidelines all the time. I know you're not a lawyer but you're familiar, to some degree I'm sure, with the criminal justice system. We set parameters from...in sentencing, all the time, that's what this Body intended to do. And setting parameters in this system or in the civil system is no different than trying to set them or setting them as we have previously in the criminal system."

Speaker Daniels: "Representative Davis."

Davis, S.: "Ask you this, Sir. Are you skeptical of the average juror and how by you taking away the jury system in this state. How can you throw the jury system out of the window in this state, by using this legislation? I don't understand it."

Speaker Daniels: "Representative Cross."

Davis, S.: "You have more confidence in the government than you do in the jury system, is that correct?"

Speaker Daniels: "Representative Cross."

Cross: "Well, Representative, I think this Body is pretty representative of the State of Illinois, there are 118 of us and I think the jury system's pretty good. But as I said earlier, we're trying to make some adjustments and set some parameters and I don't see anything wrong with that."

Speaker Daniels: "Representative Davis."

Davis, S.: "Is there any case, Sir, that you're aware of, in the State of Illinois to where non-economic damages would be worth more than \$500,000 in your mind?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, can you repeat that one more time?"

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Speaker Daniels: "Representative Davis."

Davis, S.: "I'm curious, Sir, if in your mind there is any case, civil justice case, that has come before the court system that would be worth more than \$500,000 in non-economic damages?"

Speaker Daniels: "Representative Cross."

Cross: "Well, Representative, as we've said earlier, there's some cases out there that no amount of money could replace someone."

Speaker Daniels: "Representative Davis."

Davis, S.: "True, Sir, that in the last three years it's only been one liability case in the State of Illinois that was in excess of \$500,000?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, I...I'm not aware of that. I think the exact opposite is true, there has been...as I said earlier, there has been 70,000 of those things filed nationwide over the past year."

Speaker Daniels: "Representative Davis."

Davis, S.: "Let me ask you this, Sir. On page 22, section D, when you talk about the Criminal Act provision in here. I'm curious, is...does this Act covers doctors for medical malpractice and are you aware of any doctors that have been sentenced to jail for a medical malpractice lawsuit or for medical malpractice?"

Speaker Daniels: "Representative Cross."

Cross: "Well, Representative, the current law for both doctors and lawyers, I might add, is no different under this Bill, we're keeping the law the way it is."

Speaker Daniels: "Representative Davis."

Davis, S.: "Sir, Representative, there was a case in my county back in the early 1980's, a 23 year old woman with three

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children..."

Speaker Daniels: "Sir, you only have a short time left."

Davis, S.: "Sir."

Speaker Daniels: "You only have a short time left. You want to bring your remarks to a close? Representative Saltsman yields his time to you. Proceed Sir."

Davis, S.: "Thank you, Mr. Speaker. A case in my county, a 23 year old woman with three children went to a OB/GYN in Wood River, Illinois and she went there for a simple D and C operation. And in the process this doctor perforated her..."

Speaker Daniels: "Representative Davis."

Davis, S.: "He pulled 19 feet of her small intestine through the perforation outside the vagina, filling a large stainless steel basin. He did this in full view of the nurses. When the nurses asked what he was pulling out, he said he didn't know and kept pulling. Finally, an anesthesiologist stopped him from pulling the bowel. This lady had to be rushed to emergency surgery where they were able to salvage seven inches of her small intestine. She has now a small bowel syndrome as a result of the loss of her intestines. She had to be placed on hyperalimentation for ten hours every other day in order for her nutritional needs to be met. She's not able to care for her children because she has to receive hyperalimentation while she was awake. She was expected to have a normal life expectancy as a frail and fragile person with extraordinary medical hyperanalmentation needs. The jury verdict, Sir, in this case, the jury, 12 members, not the State of Illinois, twelve members on a jury awarded this lady \$5 million. Two million of which was for economic loss. My question to you Sir is this, do you feel that \$500,000 is a fair judgment

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for this lady, for what she went through, for the negligence of this doctor?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, under this Bill there is no cap whatsoever for economic loss in a medical malpractice case. Now first of all the doctor's act was as awful as you're saying, he should be referred to the disciplinary commission number one. And number two, from an economic loss standpoint, I think we've gone over this repeatedly today, that woman is entitled to every medical bill incurred as a result of that presently and in future bills, whether it's surgery, whether it's therapy, whether it's a wheelchair, whether it's home care, whether it's nursing home care or whether it's skilled care, the list goes on and on. This Bill in no way prohibits that."

Speaker Daniels: "Representative Davis."

Davis, S.: "Well, I would submit to you, Sir, that...that was a criminal act on this doctor's part and the real criminal part of this is that this doctor is still practicing medicine in Madison County, Illinois. To the Bill, Speaker."

Speaker Daniels: "To the Bill."

Davis, S.: "I'm not aware of any consumer group in the state that supports any of the so called tort reforms because they realize, as should we, that these proposals will shut the courthouse doors to all Illinois consumers. We live in the safest society in the world, in the homeplace, in the workplace and in the environment. Because of the civil justice system and the threat of damages due to negligence. Mr. Speaker, I'm for free enterprise, however, enterprise should not be free when it comes to the lack of safety for consumers and when the enterprise causes undue harm through

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a deliberate act of said enterprise. The true facts in this debate are only 5% of all civil cases."

Speaker Daniels: "Gentlemen, may I have your attention, please."

Davis, S.: "...filed in the state are tort cases."

Speaker Daniels: "Excuse me, Sir. Excuse me, Sir. Ladies and Gentlemen, can Representative Davis please have your attention? Thank you very much. Representative Davis."

Davis, S.: "Thank you, Speaker, thank you. Tort cases filings have actually gone by 2% since 1990, while lawsuit cases, such as business suing business, have multiplied in recent years. Nationally on 4% of all tort cases filed annually are product liability cases. This represents about 40,000 cases annually, even though there were over 21,000 deaths and 28 million injuries arising from consumer products. In the past 25 years there have been only about 350 punitive damage verdicts on product liability cases, yet the threat of punitive damages has been a major force in inducing investment in safety and has saved untold numbers of lives. If we remove this incentive, Mr. Speaker, we risk or should I say we encourage the reckless behavior by each and every business in this state. Let's cut to the quick with this debate and let's talk about what it's really about. It's about money and it's about pay backs, we know who's paying who. I want to close by saying this, it has been proven, it has not been proven here today but it has been proven in the past that Caps do not reduce health care spending. Caps do not increase the number of doctors, Caps do not help medically under served areas, Caps do not reduce medical prices, Caps do not reduce insurance costs, Caps do not increase employment and Caps do not reduce inflation. I urge each and everyone of my colleagues a 'no' vote on this. Thank you."

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Speaker Daniels: "The Lady from Sangamon, Representative Klingler."

Klingler: "Thank you, Mr. Speaker, Members of the General Assembly. Just before the Session today I came from meeting of over 300 retired teachers who were very angry and very concerned about rising health costs. We, the State Legislature, are concerned about rising health costs in the Medicaid system and what we can do to bring the Medicaid costs under control. If we, in fact, want to control medical costs and health care costs, we must look at all of the players in the system. Because if they are going to be reforms in the health care system and going to be savings all those involved must be a part. The first major group of players are the hospitals, the physicians, the nurses, the therapist who provide the direct care to the patients. They have already undergone significant reforms and changes in the way they practice and deliver medicine in the last few years. With the amount of pre-review and utilization review which second guesses and looks at every decision made in an effort to save costs. The second major player in the health care area is the insurance industry which must pay for the medical costs and they also have undergone significant changes over the last few years, from devising systems which change how patients are paid, how diseases are reimbursed, how...what treatment is given. Sometimes some companies even restrict access or restrict coverage for certain procedures again in an effort to control costs. The third major player in the health care system..."

Speaker Daniels: "Excuse me. Can the Lady please have your attention? I know everybody's been very patient. Thank you."

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Klingler: "The third major player in the health care system after the health care providers and the insurance industry is the legal system. Yes, the legal system is in fact a major player and a major factor in our health care system, in how it's delivered, in what kind of delivery is made. And unlike the other two systems the providers and the insurance, the legal system has not undertaken reforms in the past few years to lower its cost, like the other two components. We cannot have true health care reform, which almost everyone says here that we want, and we cannot control health care costs unless we also have reform within the legal system. I would hope that all of you that are concerned on health care costs and want reform will join me in supporting this legislation."

Speaker Daniels: "The Gentleman from Clinton, Representative Granberg."

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

Speaker Daniels: "He indicates he will."

Granberg: "Representative Cross, I just want to ask you a few questions to clarify your position. At the onset of this debate this afternoon you talked about the Petrillo rule. Do you believe that is in fact a good rule, that the Supreme Court was correct in affirming that rule?"

Speaker Daniels: "Okay. Ladies and Gentlemen we're having trouble hearing the questions. These are very important questions, for your consideration. Okay, Representative Granberg, could you repeat the question, please?"

Granberg: "Thank you, Mr. Speaker. Representative Cross, you talked in the beginning of this debate about the Petrillo rule, do you agree with that rule, Representative?"

Speaker Daniels: "Representative Cross."

Cross: "Well, Representative, I'm not so much worried about the

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Petrillo case itself, I'm worried about the after effects of Petrillo and what it has done to this system."

Speaker Daniels: "Representative Granberg."

Granberg: "Do you agree that the Supreme Court or do you think the Supreme Court erred in affirming that rule and the 30 other court decisions that also affirmed that rule, do you believe they erred as well?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, what we're doing on this Bill, is attempting to provide discovery at a more open and maybe in a fuller way, also in a swift way and that's what the language of this Bill is intended to do."

Speaker Daniels: "Representative Granberg."

Granberg: "Well, Representative, I believe your legislation repeals the Petrillo rule so I assume that you are in fact opposed to that privilege?"

Speaker Daniels: "Representative Cross."

Cross: "As I said earlier, Representative, by modifying that concept of Petrillo we can in a cheaper more efficient way go through the discovery process. All the safeguards are still there and that's not the intent to...the intent here is not to introduce irrelevant medical records in a trial, that abuse is prevented through motions, as we have talked about earlier."

Speaker Daniels: "Representative Granberg."

Granberg: "Representative, where is that in the Bill that these protections are afforded under your legislation?"

Speaker Daniels: "Representative Cross."

Cross: "Well, Representative, I...I don't know, I don't practice in this area but I am familiar with the Code of Civil Procedure and current Code of Civil Procedure allows me, along with the Supreme Court rules, to go into any court

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file a Motion, requesting that a subpoena or be quashed in a criminal case or certain materials that I think are irrelevant to the certain cases not be allowed and that they should be pushed aside. That law, from a Civil Code of Procedure standpoint or Supreme Court rules is not being changed. And the Petrillo...and the language in this Bill doesn't change that in any way."

Speaker Daniels: "Representative Granberg."

Granberg: "Representative Cross, I thought I heard you mention earlier in the debate though, that that person would have a right to file a Motion within 28 days to object that information. Were you getting that from the legislation itself or the Code of Civil Procedure?"

Speaker Daniels: "Representative Cross."

Cross: "Yes, Mr. Speaker, thank you. The significance of the 28 days is to respond to the consent."

Speaker Daniels: "Representative Granberg."

Granberg: "Representative, is that...are you reading the Bill. Is that were you're getting that language or that from the Code of Civil Procedure?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, at least for the purposes of all the lawyers here and we can tell everyone, we know what Motion practice is all about. We know that you can go into any court in the State of Illinois or current Code of Civil Procedure Supreme Court rules and block this and you're under ordinary Motion practice. Do you disagree with that?"

Speaker Daniels: "Representative Granberg."

Granberg: "Representative, there is nothing in your Bill that permits you to contest this. This is a complete waiver, page 16 of the Bill, Sir. It is a complete waiver of that

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privilege."

Speaker Daniels: "Representative Cross."

Cross: "Representative, as we said earlier once, as I said earlier but not with you but in another question session. Once the injury becomes an issue in the case it's for the court to decide, using this language as well as motion practice language and the current, as I said, Code of Civil Procedure, to decide whether those medical records are admissible or not. Whether those medical records are relevant or not. And there is nothing in this Bill or in any other Bill that's been introduced in this area that affects that right to go into court."

Speaker Daniels: "Representative Granberg, your friend Representative Frias is giving you his time. He is indeed. Representative Granberg."

Granberg: "Representative Cross, under your legislation there is a waiver. If you do not sign that waiver your lawsuit is dismissed. You have to sign the waiver, Sir. Otherwise the lawsuit is dismissed, page 16 of the Bill lines through 13 through 18. This is a complete waiver, you will be deemed to waive any privilege, any medical privilege."

Speaker Daniels: "Is that a question, Sir? Representative Granberg."

Granberg: "And on page 18 says, it will be dismissed if it is not signed, Sir. So I just want that clarification, Representative Cross. Because that is in fact the impact of your legislation, not the Supreme Court rule, not the Code of Civil Procedure, your Bill. You waive that privilege and if you don't your lawsuit is dismissed."

Speaker Daniels: "Do you have a further question, Sir? Representative Granberg."

Granberg: "Yes. Representative, I just wanted to see if you

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agree with me on this or do you think..."

Speaker Daniels: "Representative Cross. Representative Cross."

Cross: "Representative, I don't agree, with all due respect to your assessment of this. You file the case, you put the injury, it becomes an issue or you put it up as an issue. Once the waiver is signed you as an attorney are going to have 28 days to go before the judge and ask that any irrelevant information, any immaterial information concerning medical records be excluded."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker. Representative Cross that is no where in your legislation. So let me ask you a question, Sir. I assume that is your intent, your intent then is this is not a waiver of that privilege. That is your legislative intent on this legislation?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, I've read the legislative intent into the record, as have other people."

Speaker Daniels: "Representative Granberg."

Granberg: "You disagree, Sir. You believe that this is not a complete waiver of that privilege?"

Speaker Daniels: "Representative Cross."

Cross: "There is no question it's a waiver, Representative. No one is suggesting that, it is the responsibility, as I've said several time now, of the plaintiff and the plaintiff's attorney to go into court and ask that the inadmissible or irrelevant material be barred."

Speaker Daniels: "Representative Granberg."

Granberg: "Representative Cross, the Bill does not authorize the plaintiff or the plaintiff's attorney to do that. Sir, can you...please direct me to the page and the language where that is in the legislation."

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Speaker Daniels: "Representative Cross."

Cross: "Representative, what we're talking about, as I would...as most I think every attorney knows, this whole concept of going to court and asking the judge to rule inadmissible medical records or bar them is implicit in the Code of Civil Procedure. Now the problem is you don't like the answer you're getting. We've been over this time and time again, Representative. And I don't know how else I can say it, you have the 28 days, if it's something that you think is irrelevant you go before the judge, you ask him to rule it irrelevant and inadmissible."

Speaker Daniels: "Representative Granberg."

Granberg: "Sir, it's not the answer that I object to, I'm trying to get an answer. In your legislation there is nothing in there that states that. Either you sign this waiver or your lawsuit is summarily dismissed. That is the question. You seem to be giving me a different opinion as to what your legislation does. I'm merely reading the language in your Bill and I just need to know if you agree with me or not. If you do not agree with me then that is your legislative intent that does not take place, that you do not unconditionally waive that privilege."

Speaker Daniels: "Representative Cross."

Cross: "Representative, this legislation merely sets up the waiver and it also sets up the dismissal provision. The time or the ability to go into court, once again as I've said earlier, doesn't have to be addressed in this Bill, it's implicit in the Code of Civil Procedure."

Speaker Daniels: "Representative Granberg. You're short of time here and Representative Mautino is giving you his time, another friend."

Granberg: "Another friend, Mr. Speaker?"

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Speaker Daniels: "Yes, Sir, you've got a lot of them.
Representative Granberg."

Granberg: "Representative Cross, I respectfully submit to you that you're incorrect on this, that is not in the Code of Civil Procedure, Sir. This...this...you cannot overcome a specific piece of legislation and the drafting with the general rule. That's the old legislative construction that we learn so well in law school. So that is your legislation, that is your language, that's why I want to be perfectly clear because this is a very very important Bill, extremely important to all of the people in this state."

Speaker Daniels: "Your question is?"

Granberg: "Thank you, Mr. Speaker. Let me just read this for Representative Cross and see if he agrees. On page 18 of his Bill, line 11...lines 11 through 18. Should a plaintiff refuse to timely comply with the request for a signature and delivery of a consent permitted by the sub-section, the court on Motion shall issue an order authorizing disclosure to the party or parties, requesting said consent of all records, all records and information mentioned herein or order the cause dismissed. You either provide, you sign the consent and you provide all records or your cause is dismissed. There is nothing in the Code of Civil Procedure that would be...that would control that language."

Speaker Daniels: "I think that was a form of a question, right? Representative Granberg? Yes, Representative Cross. Can you answer that question?"

Cross: "Representative, we're shifting a little bit here on the debate and the discussion. Let me finish. Medical records, once you put the case before the court, are wide open. Now, if the judge deems that they are irrelevant or

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immaterial then they're out. But the plaintiff here has started the lawsuit and they're fair game until the judge has said no."

Speaker Daniels: "Representative Granberg."

Granberg: "Mr. Cross that is the...that is the present law, that is the law existing today, your legislation changes the existing law. That's the point, Sir. That is why we need to make sure that we are absolutely correct on this. Your Bill changes the present law."

Speaker Daniels: "Representative Granberg, that was not a question, that was a statement. Do you have a question?"

Granberg: "Thank you, Mr. Speaker. I do have a question. Do you agree with me, Representative that your legislation changes the present law?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, this Bill in many ways changes the present law but what this Bill does not do is change the Code of Civil Procedure nor does it take away the authority or the power of the judge sitting in the courtroom hearing this case or prior to hearing the case..."

Speaker Daniels: "Representative Granberg."

Cross: "...to say the evidence is relevant or irrelevant."

Speaker Daniels: "Representative Granberg."

Granberg: "So I just want to make this perfectly clear, Sir. Your intent is, the Code of Civil Procedure controls your legislation. That takes precedence over the language in your Bill. That in fact, this cannot be waived, it's gone according to the Code of Civil Procedure, your legislation does not control it. Is that correct, Sir?"

Speaker Daniels: "Did you hear the question? Representative Cross."

Cross: "Well, Representative, I...if I was in a courtroom I think

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we would hear the familiar response of the judge of ask and answer or the order. But the Bill, as I've said on more than one occasion now, is very clear on what it says. The Code of Civil Procedure is very clear about what it says. I don't know how else to address it."

Speaker Daniels: "Representative Granberg."

Granberg: "Present...we'll make this very very simple. Just tell me yes or no, yes or no. Does the Code of Civil procedure control your legislation, does that that precedence or does it not? Yes or no. We'll make this very very clear and I won't bother you anymore."

Speaker Daniels: "Representative Cross."

Cross: "Well, Representative, this is going to be like any other law when you pull out the statute. You have to read that particular law in conjunction with the Code of Civil Procedure, like we do all the time."

Speaker Daniels: "Representative Granberg."

Granberg: "All I want is just yes or no, Representative, that's all I ask. I'm not asking for a great deal here. Just a yes or no. You're not billing us by the hour. Yes or no."

Speaker Daniels: "Representative Cross."

Cross: "Representative, I've answered the question as best I can."

Speaker Daniels: "Representative Granberg. Representative Granberg."

Granberg: "I haven't...I haven't heard an answer yet. It's either yes or no. So apparently this is vague and maybe so vague as to be declared unconstitutional. I do not know."

Speaker Daniels: "You're running out of time again, Sir."

Granberg: "Now another question, Sir, we'll get off that one. You have some questions or you made some comments about joint liability and how we are going to abolish joint

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liability in this legislation."

Speaker Daniels: "Now, Sir, you're going to need another friend.

Is there another friend that you have here?"

Granberg: "I don't know if I have that many. I..."

Speaker Daniels: "Okay. All right, Representative Young from St.

Claire, the Lady from St. Claire has become your friend

again. Another...go ahead, Sir."

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

mentioned, I believe, about the elimination of joint

liability in your legislation. What happens with joint

liability? Are there any exceptions to the joint liability

language in case this Bill is declared unconstitutional?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, the Bill read..."

Speaker Daniels: "Representative Cross."

Cross: "Representative, the Bill reads that if the cap is

declared unconstitutional that for medical malpractice

cases the joint civil liability comes back. And I..."

Speaker Daniels: "Representative Granberg."

Granberg: "Representative, I'm just curious because I've heard a

lot of good arguments today on the elimination of joint

liability, so I would assume that you want to eliminate

joint liability, that we would eliminate it for all

parties. Why would you draw this exception, this special

exception, for doctors?"

Speaker Daniels: "Representative Cross."

Cross: "Well, Representative, this is one of those areas in

medical malpractice case where the tort-feasors all work

together, whether it is the hospital, the nurse, the doctor

and this is what we are trying to take into account in

addressing this area. And I'm glad to know...see that

you've had an opportunity...I heard earlier that you didn't

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have an opportunity to read this Bill. It sounds like you've had ample opportunity to go through it."

Speaker Daniels: "Representative Granberg."

Granberg: "Representative, I thought and correct me, I'm sure you will, I thought that was the case in all negligence cases, that all tort-feasors were the same, they all had some inter-reaction or interplay. So why would we carve out this one special exception for the medical profession?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, I believe your premise is wrong. You might want to restate...if you could restate that question. But I don't agree with the premise of your question."

Speaker Daniels: "Representative Granberg."

Granberg: "So, I'm sorry, so doctors are the only group that deserves special attention and their liability should be expanded to hospitals? There should be no other increase in liability for joint liability for any other parties?"

Speaker Daniels: "Representative Cross."

Cross: "In expansion, Representative, in all there's just one instance when it doesn't and that's if the non-economic Caps are ruled unconstitutional. That's the only instance, not an expansion by the way."

Speaker Daniels: "Representative Granberg."

Granberg: "Well, it's not an expansion, Sir, except with your legislation because we eliminate joint liability. And on page 25, lines 26 through 31 it states that joint and several liability would once again come into play if this legislation were declared unconstitutional. Why would we carve out this special exception for one group?"

Speaker Daniels: "Representative Cross."

Cross: "Jim, I answered this a minute ago, it is a matter of all these tort, potential tort-feasors working together in the

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same scenario in a hospital room, in an emergency room, in a doctor's office."

Speaker Daniels: "Representative Granberg."

Granberg: "So...so the basis for the language in this Bill is that this is the only case where these people work together, that's why we have joint liability for the medical profession, when...if this law is declared unconstitutional?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, once again I...with all due respect I'm just a...I disagree with your initial premise. The other part of this question I've answered, I think, two or three different times now."

Speaker Daniels: "Representative Granberg."

Granberg: "So this...Representative Cross. This was in no way shaped or fashioned to assist the medical community at all?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, we're trying to be fair to people that have services of...from a physicians, from nurses, from hospitals, anyone associated with the health care industry."

Speaker Daniels: "Representative Granberg."

Granberg: "Well, Sir, why are we...why are we entering into alternative pleading when we don't want joint liability and we're going to eliminate it because of I think some very good arguments by you on sound public policy. But in cases this Bill is declared unconstitutional we think there should be joint liability because that way doctors can spread their liability. Now I'm just curious why we're doing this and that is the only reason because you...they work together with the medical community, the hospitals,

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the nurses?"

Speaker Daniels: "Representative Cross."

Cross: "This is one of those unique areas, as I said earlier, were they do. Now a manufacturer of a car, for instance, as a rule doesn't work in conjunction with the driver of that car. But a hospital with a doctor is going to work with the nurse, he's going to work with other people in the emergency room, there's a clear distinction between the two different cases."

Speaker Daniels: "Representative Granberg. You're running out of time again, Sir."

Granberg: "How about Representative Feigenholtz."

Speaker Daniels: "How about Representative Madigan, will he yield his time to you?"

Granberg: "Oh, no, we don't want to do that, no, no, no...good effort Mr. Speaker."

Speaker Daniels: "Oh, okay. It was good try. You got anymore friends? Representative Bugielski has jumped to your defense. Representative Bugielski would yield his time."

Granberg: "I think you've been..."

Speaker Daniels: "Representative Granberg."

Granberg: "Mr. Speaker, I think you've been taking lessons from Representative Cross. Representative, you made another comment a few moments ago that it looks like we've had time to read the Bill so I appreciate that because we have tried. But I was noticing today a certain column in the Sun Times. Is it really true that rank and file Republicans did not see the Bill until Wednesday?"

Speaker Daniels: "Do you want to define what you mean by rank and file?"

Granberg: "Well, from what I've seen so far they're are all in lock step."

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Speaker Daniels: "And they're beautiful, aren't they?
Representative Cross."

Cross: "Representative, I'm not about the try to speak for the
other Republicans on this side of the aisle, there is no
way I can do that."

Speaker Daniels: "Representative Granberg."

Granberg: "Was the...were you made aware of the provisions of
this Bill Wednesday or earlier on this Amendment, your
Amendment?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, are we talking about this article again?"

Speaker Daniels: "Representative Granberg."

Granberg: "I'm just trying to get at the public inputs and
apparently we were not aware of this legislation and it
sounds like your side of the aisle may not have been aware
of this legislation until Wednesday. So I was trying to
find out exactly when this all came about in the final form
of your Amendment."

Speaker Daniels: "Representative Cross."

Cross: "Representative, I can assure you that this caucus or the
Republican side of the aisle tried to be responsive and are
trying to be responsive to the voters in our
legislative...respected legislative districts. We've heard
them, we've listened to them and we're responding to them
with this legislation. We've talked about this on numerous
occasions in our caucus. We've talked about this on
numerous occasions at candidates forums. We've listened to
our constituents, we've seen their letters, we've heard
their phone calls and we've talked about this time and time
again at our conferences and our caucus's. We've had
adequate debate on this side of the aisle and I...'

Speaker Daniels: "Representative Granberg."

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Granberg: "Representative Cross, I appreciate the time you spent on this matter and I know you are concerned about your constituents and treating everyone equally. So and I assume that you think a wife and mother performs an outstanding job in her home and she has a very, very significant contribution to make. Why do we draw a distinction between treatments of a wife and mother who elects to stay at home and perform that position, that job, and someone who has a position outside the home, who is employed outside the home, why do we draw a distinction in your legislation?"

Speaker Daniels: "Representative Granberg...Representative Cross."

Cross: "Representative, we're not changing the law one bit with that issue of economic damages. And if...as I said, we're not changing the law one bit."

Speaker Daniels: "Representative Granberg."

Granberg: "A hypothetical then, Representative. Say you have a woman, 30 years old, wife and mother and she is killed in an air accident leaving behind a husband and a child. What damages would the survivors be entitled to under your legislation?"

Speaker Daniels: "You want to answer that one again, Representative Cross?"

Cross: "Representative, I...this may be about the fifth or sixth time we've talked about this but once again, same economic recovery that she would... that family would have been entitled to for her loss today under this Bill as it would of been yesterday under the current law."

Speaker Daniels: "Representative Granberg, some new questions."

Granberg: "They're new, I'm just not getting the answers. On non-economic losses, Representative Cross. What would be

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the consequences of that hypothetical?"

Speaker Daniels: "Representative Cross."

Cross: "Can you repeat that please?"

Speaker Daniels: "Representative Granberg."

Granberg: "I have to ask the same question, Mr. Speaker."

Speaker Daniels: "Several times over."

Granberg: "If you have a 30 year old woman who has a husband and a son and that woman is tragically killed in an airplane accident. What non-economic losses would be applicable to the survivors, under your legislation?"

Speaker Daniels: "Representative Cross."

Cross: "Half a million dollars."

Speaker Daniels: "Representative Granberg."

Granberg: "Now change the hypothetical one item. From one child let's say they had eight children. What would they be entitled to for non-economic losses, under your legislation?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, this legislation refers to..."

Speaker Daniels: "Excuse me, Representative Cross. But Representative Granberg I hate to tell you this, you need another friend. You have one there? Okay. Representative Stroger, you want to volunteer? It's a powerful friend you have, Representative Stroger is going to give you his time. Okay. Representative Granberg."

Granberg: "No. I'm sorry, Mr. Speaker. The question was, Representative Cross, change that hypothetical from one child to eight children. How would that...how would they be impacted on the non-economic losses under your legislation?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, the current legislation refers to each

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plaintiff and under this case the plaintiff would be the, maybe the executor under the wrongful death case. It would be \$500,000."

Speaker Daniels: "Representative Granberg."

Granberg: "I just wanted to make sure on this. So, \$500,000 for the entire family, the husband and the surviving children?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, let's make sure we understand the distinction. We're only talking about non-economic. Potential still perhaps for punitive and all of that we've talked about earlier, time and time again, about economic."

Speaker Daniels: "Representative Granberg."

Granberg: "Representative Cross, are there punitive damages allowed in a wrongful death case?"

Speaker Daniels: "Representative Cross."

Cross: "There is the wrongful death example, Representative. There aren't any punitives. But as long as we're talking about all the issues here and Caps, in the other cases there is the potential."

Speaker Daniels: "Representative Granberg."

Granberg: "So, in that hypothetical, the more children you have, you would be entitled or you could receive the same amount. The amount would not change whether it's one child, two children, ten kids, it would be the same for each different scenario?"

Speaker Daniels: "Representative Cross."

Cross: "Well, Representative, as I said earlier, there's still the economic amount that you seem to want to ignore and we don't know what that could be. It could be 300,000, it could be \$14 million."

Speaker Daniels: "Representative Granberg."

Granberg: "I keep on trying to get yes or no answers,

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Representative. But I assume in the hypothetical and that was the reason for the question that people who decide to stay at home and take care of their children and their families are very, very valuable because they do not have an income they should not be treated differently. That they are in fact are a tremendous asset to the home. And since we're so concerned about family values, there should be a value placed on that woman or that spouse staying home with those kids. So, on non-economic losses the 500,000 would stay the same no matter how many children. What economic losses would there be if she is not gainfully employed outside the home?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, I think for about the tenth time, we've talked about the loss of caring as a mother, the loss of the driving around, the loss of cooking, the loss of homemaker. And I will give you a case as a good example. Remember the current law, we're talking about economic, it's not being changed with the new law. Medical malpractice case at Loyola Hospital in a similar case when we're talking about a woman that wasn't working loss of services to that woman or to the estate for to the damage amount was \$1.85 million. That's the current law under economic loss potential. The jury instructions under the current law provide for it. And this law doesn't change it when we talk about economics. That's not the intention."

Speaker Daniels: "Representative Granberg, some new questions, Sir?"

Granberg: "Thank you Mr. Speaker. Thank you Representative Cross. To the Bill."

Speaker Daniels: "Yes Sir, to the Bill."

Granberg: "What we've seen here, and I believe the Representative

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has demonstrated it, we have seen and we are seeing special interest legislation. There are exceptions carved out for the medical community, that is clear. That the restriction on peoples ability to file suits based on economics, based on their position in life, once again we are seeing legislation crafted by special interests that directly benefits those special interests, and today we're seeing the medical community, the manufacturers and large insurance concerns fight the battle against working families, children and the aging. Well, I wonder who's going to win, and that's what we are doing here today. So if this is going to happen, it's going to happen for the special interests. When we see this today, we're seeing a priority given to those people and once again we are seeing different segments of our state pitted against one another. We've seen the suburbs versus downstate on school education funding. We've even seen labor and management, and now we're seeing working people against large concerns. That seems to be the priority of the new majority in Illinois and one that is not right for this House. This legislation I believe, Mr. Speaker, I believe Representative Woolard would like to yield his time, Sir."

Speaker Daniels: "Who? Representative Woolard?"

Granberg: "I believe so."

Speaker Daniels: "I'm sure he will. He's jumping up and he wants to...Representative Woolard is going to interrupt you. Representative Woolard."

Woolard: "Yes Mr. Speaker, I definitely would like to yield my time, but the inference that he's my friend, I'd like to get straight."

Speaker Daniels: "Sorry, we're not going to put that one to a vote Representative Granberg, so your non-friend has given

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you five minutes."

Granberg: "I get treated this way in my district, I don't need to come up here. But obviously this legislation blatantly violates our Illinois State Constitution. It usurps the power of our Illinois Supreme Courts and violates the separation of powers by reversing landmark decisions that have taken place in this state by our Supreme Court, whether it's Petrillo, Capecki, or Wright vs. DuPage. Furthermore, it violates our Constitution. When you look Article 1, Section 12, the right to remedy injustice. I quote: 'Every person shall find a certain remedy in the law for all injuries and wrongs which he receives to his person, privacy, property or reputation. He shall obtain justice by law freely, completely and promptly.' And let me emphasize completely, that is the right under our constitution and that is the right that is being taken away today. Furthermore, Article 1, Section 13, trial by jury, and I quote: 'The right of trial by jury is heretofore enjoyed shall remain inviolence.' That is the precedence in this state, that is the precedence given in our state's constitution and that is what we are changing today. We are seeking to change our constitution without the requisite constitutional convention. We are seeking to change our constitution by the acts here in this House and this Body and it is something that should not be done. Representative, you've talked earlier about what if cases that the opponents would give you what if this, what if that. Well, let me give you a real one. Two friends of mine were expecting a baby 13 years ago...11 years ago, and as the father of that child stood outside the emergency room, the mother of that child was attempting to give birth. The doctor kept on pulling the child while the

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umbilical cord was wrapped around that baby's throat. Little did he know, until he saw another physician rush to the emergency room inside to help with the delivery, little did he know until he heard the screams of the mother of that child when they were forced to perform an emergency cesarean without anesthetic. Little did they know until later that their baby, a beautiful little girl, suffered brain damage, oxygen deprivation. That child, 11 years old, is now a quadriplegic, a beautiful little girl. She has the mentality of a three year old, it will never get any larger. And we are going to sit here in Springfield and tell people across this state what kind of compensation they are entitled to. Who are we to tell these people; this is not our right. This is a body of the people, we're supposed to protect them. By God, what are we doing telling these people what the loss of a child means. Ladies and Gentlemen, we're advocating our responsibility, we're advocating a responsibility to be the people to protect the people of this state and it's wrong."

Speaker Daniels: "The Gentleman from Jersey, Representative Ryder."

Ryder: "Thank you Mr. Speaker. I'm hesitant to do this to Tom Cross because he's been a good soldier all afternoon and into the evening. But there are some questions that I wish to ask him and I would ask if he would yield."

Speaker Daniels: "The Gentleman says he will yield."

Ryder: "Representative, this afternoon we've heard a lot of questions about this Petrillo case. Can you explain what this Petrillo business is to those non-lawyers in the group?"

Speaker Daniels: "Representative Cross."

Cross: "Yes Representative. Current law lets a defendant inquire

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into past medical history of a plaintiff. Current law requires a court to suppress information which is irrelevant. This Bill does not affect either principle. This Bill does substitute a new method which is more efficient for exchanging information. But it does not, in any way, limit a court's authority to judge evidence irrelevant. You are trying to distract Members by confusing privilege and relevance."

Speaker Daniels: "Representative Ryder."

Ryder: "Thank you Mr. Speaker. Representative Cross, why should we establish a limit on non-economic damages?"

Speaker Daniels: "Representative Cross."

Cross: "Three prime reasons Representative mandate establishment of limits non-economic damages: one, because irrationally high uncontrolled non-economic damage awards are crippling Illinois ability to compete in this new national and world economy; two, because these awards are causing health care costs in Illinois to raise at a higher rate than other states and these awards are both an injustice to both plaintiffs and defendants; three, because non-economic damage awards are subjective and without standards resulting in instances in which people with the same injuries receive unequal compensation as the awards are made by different judges and juries."

Speaker Daniels: "Representative Ryder."

Ryder: "Mr. Cross, could you explain to me how the consumer price index adjustment works."

Speaker Daniels: "Representative Cross."

Cross: "Yes Representative, every January 20th the limit on awards would be increased or decreased by the percentage change in the consumer price index for the previous twelve months. Thus, the limit would be adjusted as the cost of

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living changes, the comptroller would inform each chief judge of the change so they could be applied in appropriate uses."

Speaker Daniels: "Representative Ryder."

Ryder: "Representative Cross, there has been some conversation this afternoon that the cap on non-economic damages somehow is special to particular groups so I'm going to ask you if this limit only applies to medical malpractice and product liability actions."

Speaker Daniels: "Representative Cross."

Cross: "No Representative. The half a million dollar limit on non-economic damages applies to all lawsuits involving death or personal injury. No particular defendants are singled out. This is comprehensive reform to bring rationality to the civil justice system."

Speaker Daniels: "Representative Ryder."

Ryder: "Thank you Mr. Speaker. Representative Cross, why does the limit apply to each plaintiff rather than each occurrence or incident?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, the limit provides a standard to prevent the current injustice of juries awarding large non-economic award with no rational basis. Noneconomic awards would be more equitably awarded. There exist circumstances such as plane crashes where a limit on non-economic damages per occurrence would not be equitable to the multiple plaintiffs. Therefore, the limit attempts to reach a balance between the rights of a plaintiff to receive appropriate compensation and the rights of the defendant to be treated fairly and equitably."

Speaker Daniels: "Representative Ryder."

Ryder: "Mr. Cross, all afternoon we've heard conversations about

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damages, non-economic and economic damages. Can you tell me what are, for purposes of legislative intent, economic and non-economic damages?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, as defined in Section 2-1115.2 of the Bill - economic damages are all damages which are tangible such as future medical expenses. These damages are financial in nature and objectively verifiable and quantifiable. In contrast, non-economic damages are 'intangible' such as pain and suffering. These damages are not financial in nature and are not objectively verifiable and quantifiable. Actual or compensatory damages would be the total of both economic and non-economic damages."

Speaker Daniels: "Representative Myers, will you yield your time to Representative Ryder? You will do so? Okay, Representative Ryder."

Ryder: "Mr. Speaker, thank you for recognizing Representative Myers and further, for avoiding any embarrassment on my part by trying to get a list of my friends. I wouldn't want to embarrass myself as Representative...well the while the Representative on the other side of the aisle did, So I appreciate the courtesy. I have a question, if I might ask it. Why do you believe that a limit on non-economic damages is constitutional?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, non-economic damages, unlike economic damages cannot be measured and calculated objectively. Non-economic damages are currently awarded in a haphazard irrational manner. Since non-economic damages cannot be measured, some guidelines or standards to prevent the unjust taking of property from one individual and giving it to another is needed. This limit provides this standard.

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The limit is a balance of the rights of the plaintiff to receive compensation and the rights of the defendant to be treated fairly and equitably by the civil justice system. Further, it should be noted that the limit applies to all lawsuits brought alleging damages because of personal injury or death."

Speaker Daniels: "Representative Ryder."

Ryder: "Finally, Representative Cross, would you allow me as a Co-Sponsor of this Bill, to read into the record, language concerning the access to medical records in Illinois portion?"

Speaker Daniels: "Representative Cross."

Cross: "Yes."

Speaker Daniels: "Representative Ryder."

Ryder: "Thank you, it was a good answer. Whenever the physical or mental health of an individual is an issue of litigation, their medical records become available to litigants in an effort to evaluate and in some cases prove or disprove their current condition and the causes for same. The statutory privilege between physician and patient is waived when a patient puts their physical or mental condition at issue. Prior to 1986 it was general custom for the defendant through their lawyer to be able to contact the patient's physician and other treaters and inquire about the patient's status and prognosis. In 1986 the court laid down the principle that exparted communication were not permissible and that this information was only available through the discovery process. Subsequent decisions have taken this principle and added to it doctrines which prohibit access to any and all records other than through a process and which is currently practiced, plaintiff's attorney have control on

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both the information and the timing and method of its disclosure. This is taken substantially...added substantially to the cost and delays of litigation. The Amendments to House Bill 20 provide that when physical or mental condition is an issue, any defendant may request a written release from the plaintiff patient to have access to their records. It goes on to provide that access includes all records, charts, x-rays and other radiographic evidence of physical or mental condition. The Amendment provides that the consent must be given within 28 days of it being requested. The 28 day period permits the plaintiff, the patient, if they feel it necessary, to go before a court. And to seek to limit the extend of the disclosure. The limitation could be sought because of a fear that irrelevant or highly personal medical records need not be disclosed. If these records are irrelevant or immaterial to the issues in the litigation, a court can limit their disclosure. That's no different from current law. Currently, if a defendant issues a subpoena for medical records, the plaintiff patient may seek to limit the scope of the subpoena to documents and information which is relevant. Similarly, in the context of taking an oral deposition, objections based on relevance can be brought and either the answers not given or may be given and later ruled to be irrelevant, immaterial or inadmissable. This procedure seeks to hold down the costs and the time for the handling of one of these matters, while still providing an opportunity to limit disclosure to that information which is truly necessary for the handling of the litigation. Mr. Speaker if I can now, speak in argument to the Bill and at the appropriate time ask for additional time."

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Speaker Daniels: "Representative Pankau will yield her time to you."

Ryder: "Thank you Mr. Speaker. Ladies and Gentlemen of the House, some of these concepts are relative simple. When someone files a lawsuit alleging personal injury, they are placing at issue, their injury. That injury is substantiated by records. The current practice under current doctrine is that the defendant's lawyers are required to find the needle in the haystack. They cannot attempt to look at records without seeking, by subpoena, that information. And then the Plaintiff is able to playing hide-and-seek with those records by going to court and saying no, you can't see it. All this law does is say that if you are going to file a lawsuit that places your injury at issue, your records are open. You are asked, asked, to file a waiver to give consent to your records, and if you don't the penalty is within the bill after 28 days. But the law provides that you then have the opportunity before the 28 days, the next day if you want, to ask a judge to make rulings on what records can and cannot be provided. That, with the exception of paying hide-and-seek, is the law today. And the laws of today, meaning the Code of Civil Procedure, would help the judge make those decisions as to what should be and what should not be disclosed. It's not a complicated issue, although I compliment those on the other side who have done their very best as trial lawyers that they are, to take a complicated issue and make it very very difficult. Why are we here today? We are here today because we have a system that is being abused. We have people that are being injured and they consider it a lottery; how much money can I get? And who is responsible? We have a society that is saying to

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themselves, I am not at fault, I am not responsible; somebody else is and somebody else has to pay. Well, who is doing that paying, Ladies and Gentlemen? You and I, and the people of this State of Illinois. We're doing that paying every time we buy a car, every time we ask a child to be inoculated with a vaccination, because 70% of that cost is due to liability in that inoculation. And \$1,200.00 of the new car is due to litigation. In fact, it has been estimated that you and I pay a litigation tax every year of over \$1200.00 per person for the cost of these litigations. But even if we don't, even if we don't have that tax, how else do we pay? We pay in the loss of innovation and manufacturing jobs because somebody's afraid to take a chance because they might be sued. Somebody is afraid to try a new product approved by government standards because they know that the cost of litigation may outweigh the cost of bringing that product to market. You and I pay that cost. We all pay for those tickets for somebody else to play the lottery. Now I have heard hypotheticals and real examples of people that have been horribly hurt, and my heart goes out to them, but it's our job, it's our job to make public policy about what this state is to be about. Are we to reward, or compensate? Are we to look at the public good, or the individual lottery? I want jobs in this state. I want people to innovate. I want to find some cures for some common diseases so that millions of people can be helped. And it's my belief that this Bill does just that."

Speaker Daniels: "Representative Cross to close."

Cross: "Represent...Mr. Speaker, thank you. Very briefly, I appreciate the opportunity that you have given this chamber to open...to provide open and honest debate on this issue.

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And I would encourage everyone to vote for this Bill. I appreciate your patience and I'd appreciate a 'yes' vote. Thank you, Mr. Speaker."

Speaker Daniels: "You've heard the Gentleman's motion. The question is, 'Shall House Bill 20 pass?' All those in favor signify by voting 'aye'; opposed by voting 'nay' and the voting is open. Have all voted who wish. Have all voted who wish. Have all voted who wish. Clerk will take the record. on this question there are 63 'ayes', 52 'nays', one voting 'present'. This Bill having received a Constitutional Majority, is hereby declared passed. Okay, you got it out of your system. There is announcement, we will be buying dinner. It should arrive at approximately 8:15. It will be chicken. I know you want steak, but tonight it will be chicken. We have...okay settle down now, control yourself. We have a substantial amount of work left to do tonight. I think you would rather stay in tonight, than tomorrow. We will be in tomorrow but we are going to try finish a great deal of our work tonight.

Come back tomorrow at 10:00 and complete our work, so that hopefully can get home and on the road at a earlier hour than we did last week. So, be prepared for your dinner. Representative Blagojevich did wish to state something for the record?" tfh;7

Blagojevich: "Yes, Mr. Speaker thank you, for the record I would just like to state that I'm a attorney by trade and my office handles personal injury cases. So, I would like to disclose that for the record. Thank you."

Speaker Daniels: "Thank you. Representative Salvi did you wish to state something for the record on House Bill 20?" tfh;7

Salvi: "Thank you Mr. Speaker, I also fill I need to disclose the fact that I am a trail lawyer. That I too

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handle injury cases, I chose to vote 'present'."

Speaker Daniels: "Thank you. The house will stand at ease for approximately for five minutes. Come to Order, Members will be in their seats and all unauthorized persons should please remove themselves from the floor. Senate Bills Third Reading. Senate Bill 10. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 10, a Bill for an Act Concerning Public Aid, Third Reading of this Senate Bill."

Speaker Daniels: "The Chair recognizes Representative Stephens."

Stephens: "Thank you, Mr. Speaker. This is a Bill that we passed as House Bill 209 just a couple days ago. We had three or four hours of debate on it. I would suggest that everyone understands the Bill and I'll be glad to respond to questions, but I would move it's passage and for your 'aye' vote."

Speaker Daniels: "Is there any discussion? The Chair recognizes the Lady from Cook, Representative Schakowsky."

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

Speaker Daniels: "He indicates he will."

Schakowsky: "Where is he? I forgot where he is. Oh, there he is. So, is this the exact same Bill as House Bill 209 that we passed?"

Speaker Daniels: "Representative Stephens."

Stephens: "The language is exact, the same, yes."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "So then, this is the...the Bill that the Sunday Tribune referred to in a headline that said, Illinois welfare reform is riddled with holes." And the SundaySun Times referred to as being flawed. Is that the Bill that we are talking about?

Speaker Daniels: "Are you going to take the papers over to him to

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show him those so he can comment on that? Representative Stephens, can you answer that?"

Stephens: "Mr. Speaker, she...she has some documents that she re...referring to that I'm not familiar with. She did reframe to the Sun Times. I know that they did a story that said that this was the...sort of reasonable legislation that Americans support and that was...that they encourage President Clinton to get on board. He's not called me yet."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Well, actually, that...that's not the case. They referred to the Welfare Reform Bill, which I...I'll talk about later. This particular Bill, with this language, in quite different terms, but...and...and pointed out a number of the...the flaws as I did when we questioned about it before. Do you anticipate any trailer Bills on this Bill to correct the flaws which, it sounded to me like you acknowledged were in the Bill?"

Speaker Daniels "Representative Stephens?"

Stephens: "What...what would be your definition of a trailer Bill?"

Speaker Daniels "Representative Schakowsky."

Schakowsky: "My definition would be a Bill that refers to the same topic that would correct, tighten up, make less sloppy, the Bill that's before us right now."

Speaker Daniels: "Representative Stephens."

Stephens: "Well, under that definition, I would say if it...that's the complete and full definition, the answer would be 'no.' But, if, as I understand a trailer Bill, and the commitment that I would be willing to make, is that if there is anything in this legislation that down the road causes problems and winds up doing things that we do not

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intend to do, which I am not predicting and would be surprised by, but if it that's the case, certainly there are many avenues and that you can call a trailer Bill if you wish that are available to remedy a problem, should a problem present itself."

Speaker Daniels: "Representative Johnson in the chair."

Speaker Johnson, Tim: "Representative Schakowsky."

Schakowsky: "Well, I appreciate your acknowledgement that there may be unintended consequences of this...this legislation, because I'm certain that there will be. Will this Bill save the taxpayers any money."

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Over, would you care to refine your question to over a certain period of time, in general?"

Speaker Johnson, Tim: "Representative Schakowsky."

Schakowsky: "I'm referring...let me phrase it another way. The director of the Department of Public Aid called this Bill revenue neutral, which I take to mean that this particular legislation will not save the taxpayers any dollars in so-called welfare reform and, do you agree with that?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Thank you for the clarification of your question. The remarks that you are referring to by the director were in response to a question as to the effect of the Bill during its first year of implementation. And so, for the first year of implementation, he says its revenue neutral. We agree. If you say that that's not saving taxpayers dollars, then you've answered your own question."

Speaker Johnson, Tim: "Representative Schakowsky. I would remind you that you have 30 seconds remaining."

Schakowsky: "Yes, and Representative Gash has given me her time she told me."

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Speaker Johnson, Tim: "Representative Gash, is that your desire?"

Schakowsky: "Thank you. Mr. Stephens, why do we need emergency rules to implement parts of this Bill. These are rules that must be implemented within ten days after they are proposed?"

Speaker Johnson, Tim: Representative Stephens."

Stephens: "As you...as you're aware, because I know you've read the Bill, the Bill has an immediate effective date. The purpose of the emergency rules is so that we can get right to work on it so that we can get the waiver request to the administration in Washington that I know is anxious to let states deal with the welfare reform concepts that the Bill addresses."

Speaker Johnson, Tim: "Representative Schakowsky, do you have further questions?"

Schakowsky: "Yes, I do. Isn't it true that in this legislation that you're attempting to change the behavior of peoples on...people on AFDC, for example by cutting off people after two years. Then you're saying that two years and you have to get a job. I mean, never mind if there's no jobs or ending the income assistance for a woman who has another baby. Is there...let me put another...is this a Bill an attempt to change the behavior of people on welfare?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "The decision of a person to change their behavior is their own decision. What this is, is a Bill that tries to deal with the issue of changing a 30 year system of failed public policy that rewards and indeed, encourages people to stay on public aid and to continue to participate in the AFDC program. It that winds up changing behavior, this Bill doesn't change behavior. You and I can't change some one elses behavior. They can certainly change their

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behavior and they may do that as a result of the legislation that you see before you."

Speaker Johnson, Tim: "Representative Schakowsky."

Schakowsky: "Well, I would take that as a yes because what you're saying is that you think that the way the current system is that it, those provisions anyway, encourage people to stay on welfare but...To the Bill, Mr. Speaker."

Speaker Johnson, Tim: "Proceed."

Schakowsky: "There is unanimous consensus in this House that we must change a welfare system that is degrading and dehumanizing. In fact, Representative Blagojevich has an Amendment that is now languishing in the Rules Committee that would actually supplement this current Bill by providing a proposal on how we can replace the current AFDC system, which your Bill does nothing to do. It does not explain how we will do it at all, other than to say that the Department of Public Aid, who has already messed up the system, is completely in charge. Many of the provisions of this Bill are not controversial and we agree. The...the decisions...the concept of going after deadbeat dads, there is no controversy over that. But several are based on myths. It's simply a myth that poor women have a third child to get \$37 more a month. Women don't do that any more than any one of the mothers in this House had another child in order to get the tax exemption for that child. It's just ridiculous. And we're talking about \$37 a month. Look at...that is less than half of the \$81 per day we get to cloth our...house ourselves and to feed ourselves. This is really no money at all and it's a myth that most people stay on welfare long term. Half of the people who are on welfare are off within a year and about two thirds are off in two years. It's simply a myth. This Bill can't change

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behavior that simply doesn't exist. The real effect of this Bill is to further impoverish poor single parent families with very young children. This Bill will lead to worsen child health and nutrition, increase child abuse and neglect and other devastating long term, irreparable, expensive harm to children. This Bill does nothing to promote self sufficiency. It doesn't address the well identified barriers to self sufficiency faced by tens of thousands of Illinoisans. It provides no additional funding for adult education. Will someone yield? Representative Jones will yield her time."

Speaker Johnson, Tim: "I don't believe you can speak to Representative Jones. Does Representative Jones wish to yield her time?"

Jones: "I wish to yield my time to her."

Speaker Johnson, Tim: "You're request is granted."

Schakowsky: "This Bill provides no additional funding for child care, even though it is universally recognized that welfare recipients need child care to participate in education and training and low income workers need child care to stay employed. It ignores proposals to enhance job creation, job development or job retention. Once again, this is a Bill that was 50 pages, released to the public just 15 minutes before the Senate Committee, as well as the House Committee held simultaneous hearings and there was only limited opportunity for testimony before the Bills passed out of committee on the very same day. This Bill is badly drafted and in several respects is poorly conceived. We can do better. There is no good reason to pass this Bill now. I'd like to quote from the Sun--Times, which says, 'Accelerating legislation is leaving out a critical piece of the democratic process, the discussion. And that is

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more likely to result in hidden costs, unintended consequences and half baked ideas than good public policies. The welfare reform Bill would eliminate aid to families with dependent children after December 31, 1998. But rather than setting up a system for determining what kind of program should be put in its place, the legislation assigns that job to the Department of Public Aid, the operator of the current failed system. Those affected by fast track legislation passed in January and February will spend much of April and May introducing Amendments that will ameliorate unforeseen damage done by an over eager legislature.' It could all be avoided. There is simply no good reason for us to have to act now. A 'no' vote on this Bill or a 'present' vote on this Bill is not a vote against welfare reform. It is a vote against a flawed Bill, a sloppy Bill and a Bill that will have real life consequences on half a million women and children in Illinois. We can't afford to do this. We are using children as one of the Congressmen in Washington said, 'as crash dummies' as this fast track legislation goes down the track. I urge a 'no' vote or a 'present' vote."

Speaker Johnson, Tim: "The Chair would recognize the Gentleman from Lake, Representative Churchill, for the purpose of announcement."

Churchill: "Thank you, Mr. Speaker. With the agreement of the minority spokesperson on the Rules Committee. The Rules Committee will meet at 8:30, 8:30 rules."

Speaker Johnson, Tim: "The record will so note. The Chair recognizes the Gentleman from Cook, Representative Morrow."

Morrow: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House. You know much of the talk about welfare reform has been about subsidizing so called lazy people at home. Well

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let me remind some of the Members of this General Assembly who else we subsidize through our actions. For those of you who weren't around when Sears moved again, moved from the West side of Chicago, moved downtown and then wanted to move to Hoffman Estates. Sears came down here and requested subsidies and tax...and tax investments in order to move, that's a private company. White Sox ballpark was subsidized by taxpayer dollars. I haven't heard anybody on this side of the aisle or the other side of the aisle saying that we need to reform that. We have a racetrack, we have a racetrack owner that was willing or trying to hold the State of Illinois hostage because he couldn't get a gaming boat. But yet when his racetrack burned down and some of you need to listen to this, if your house burned you better have fire insurance. When his racetrack burned down he came down here and was given subsidies..."

Speaker Johnson, Tim: "Excuse me. If we could just have a little order so we can hear Representative Morrow. Proceed."

Morrow: "When his racetrack burned down, where did he come for help? Did he go to his insurance company? He came to the General Assembly and what did we do? We subsidized him in building a new racetrack. I don't see any reform on racetracks trying to subsidize them. There's a gentleman who built three hotels in this state off of taxpayer dollars, we subsidized them. I don't hear any reform measures talking about that. We subsidize farmers, we subsidize coal miners, I don't hear anybody talking about less reform and let's stop farmers sitting on their rear ends, they ought to be out their planting. I haven't heard anybody said, let's close some coal mines because we don't need to be subsidizing lazy coal miners. But yet we pick on the ones who don't need to be picked on because they

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need the most protection, women and children. And last but not least, last but not least, if many of the Members of the General Assembly, some of you are new, I'll be glad to give you a report of the biggest subsidy scam going on in the State of Illinois and that's bond financing. Eleven billion dollars worth of subsidies is backed by the State of Illinois and who are they going to? They're going to friends of the Governor, friends of this current administration. We're subsidizing law firms. So until we deal with subsidizing everybody else in this General Assembly, how dare we pick on women and children who need our help. Vote 'no' on Senate Bill 10. Otherwise when that Subsidy Bill that comes across these desks for Arlington Racetrack, whoa you who vote for it, whoa you that go home and say, I voted to get lazy women off of welfare but yet I was willing to subsidize Arlington Racetrack. But yet I was willing to subsidize \$11 billion worth of bonds that no minorities and no women get any of its worth."

Speaker Johnson, Tim: "Representative Turner wishes to yield his time to allow Representative Morrow to close. And your request is granted."

Morrow: "And the biggest scam, before I sit down, we're going to be asked to subsidize a airport that nobody wants. And many of you Members who are now talking about women and children need to get off their duff, whoa the press releases that are going to go into your district. Because I met you when you first came down here, some of you new ones, if you don't find the backbone to have some independence down here you won't be back. I looked at the names of the Legislators that were here last term, many of them didn't come back. Don't use your two years of being

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in office subsidizing Leadership. That's all we're doing, we're subsidizing Leadership. Let them get off their lazy duffs and earn a living too. If we're going to tell women and children that. This is a ridiculous Bill and yet we don't know how much its going to cost. But I tell you this, I tell you this, you're hurting many of my constituents but yet you're going to come to me because you're not going to be able to vote on the appropriation for this measure because you're not going to want to raise taxes. But you're going to come to me and say Charles we need your help on the budget. Well, I can already tell you what my reply is going to be, it's going to be called basa for those who know Spanish. Basa, and in gutter english, it means kiss. Now I'm not going to tell you what to kiss but it means kiss. Every new Member you need to come into my office and get a copy of who we've been subsidizing. Do you know we have subsidy...we are subsidizing the building of fraternity houses at Eastern Illinois? Do you know that? But yet many of them same fraternities wouldn't let a person of my color in their fraternity but yet we're subsidizing them. But yet your going to say, oh whoa I did a good thing, I got lazy women off of welfare and if they have anymore children we're not going to pay for it but then your also telling them same women to go have an abortion for your pro-lifers. Think what you're doing, I know what you're going to do, but this Session is young, this Session is young and I may forgive but I never forget and when you need my vote, and when you need my vote and let's hope we get out by the end of May. But when you need my vote and you want to subsidize Arlington and you want to subsidize that airport and you want to subsidize another private company in this state, I'm going to tell you what

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I'm going to do with my vote and I'm going to tell you what press releases we're going to send out..."

Speaker Johnson, Tim: "Excuse me."

Morrow: "...I'm not a negative campaigner."

Speaker Johnson, Tim: "Just a moment. If we give Representative Morrow a little order. We just want to make sure that everybody is able to hear your comments, Representative. Proceed."

Morrow: "There's need to reform the welfare system but there's also a need to create jobs and many of the same people in my community that you want to throw off of welfare cannot get a job at McCormick Place because they're not a part of the union. Those unions that keep women and minorities out of there. Oh I'm not going to chastise this side of the aisle, I'm also going to chastise this side of the aisle because I'm not going to forget either. Many of the Members on this side of the aisle voted with the other side of the aisle. You're going to need my vote too. Yes, I know it's time, when you don't want to hear it, it's time. But I tell you what, between now and May it will be my time."

Speaker Johnson, Tim: "Thank you, Representative. I was about to recognize Representative Santiago on a point of personal privilege with respect to interpretation of Spanish but he's waived that. So in lieu thereof the Chair would recognize the Lady from Cook, Representative Andrea Moore."

Moore, A.: "Thank you, Mr. Speaker. But the Lady is from Lake."

Speaker Johnson, Tim: "Yes, Ma'am."

Moore, A.: "Ladies and Gentlemen of the House."

Speaker Johnson, Tim: "I thought I said that."

Moore, A.: "Is this a perfect Bill? Perhaps not, we are talking about serious and comprehensive welfare reform. But there

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is one particular component that's included in this Bill that I think it's important to recognize and that is the issue of chronic truancy. Several years ago I served at a commission called Project Past, which addressed the issues of truancy in grade schools and it was to provide a transition between grade school and high school. Over the years in observing how truancy worked it was established that it needed to be watched at a much earlier age and that's what this Bill does. There will be a crackdown on excessive absences from school for the chronically truant first through sixth graders and the parents would be notified that to receive their checks they must abide by the referral to an agency and receive counseling. They have found..."

Speaker Johnson, Tim: "Excuse me, Representative. If we could just have...just have a little more order in the chamber so that the people wishing to address this issue can do so, it would be appreciated by the Chair and both sides of the aisle. Proceed."

Murphy, M.: "Thank you, Mr. Speaker. We need to look for more ways to address the front end of the problems that we face in this state and this portion of the Bill does just that. In identifying children, with chronic truancy at an early age, agencies are able to address more comprehensive issues with counseling. Issues that effect not just the children in school but also the families that are...that live together. Thereby having a better chance of success as the kids get older. If the kids aren't in school learning in the first through sixth grades, they are lacking the very basics in the education area that they need to succeed. I support this Bill because it does address the front end of the problem, thereby hoping to elevate some of the problems

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at the back end that we are constantly faced with as far as prisons and other problems that are almost too great to bare. I would ask that you support this Bill in recognition that it isn't a perfect Bill but it is comprehensive in its approach and it is worth supporting."

Speaker Johnson, Tim: "Thank you, Representative. The Chair recognizes the Lady from Cook, Representative Ronen."

Ronen: "Thank you, Speaker. Ladies and Gentlemen of the House. I rise in opposition to Senate Bill 10 as I rose in opposition to House Bill 209. There's no disagreement that there's serious fundamental problems with the welfare system and the most harsh critics of this system are those who have been trapped in it. And it is important that we note that the overwhelming majority of welfare recipients would rather be getting a paycheck than a welfare check. But Senate Bill 10 will do little to improve this system and as we've heard tonight and as we heard last week, it can do much to make the system worse and cause great harm. This Bill is just about slogans, not solutions. If the proponents of this Bill were serious about moving people off of welfare we would not be rushing to judgment with a Bill that's so seriously flawed both technically and substantively. If the proponents were serious about welfare reform they would have allowed serious debate and discussion in the Health and Human Services Committee but this Bill by passed that committee. If the proponents of this Bill were serious about welfare reform they would have crafted a Bill which provides the kinds of support, vocational training, supported services in child care, that's necessary to move families from welfare. Senate Bill 10 does not provide these supports. And if the proponents of this Bill were serious about welfare reform

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they would have pilot tested some of these strategies, not done it throughout the whole state. No other state has done this so drastically as we're proposing in Illinois. In fact, if we look at the experience in Michigan and what we found, we'll see that the poverty rate among children has doubled. That's not a solution, that's making the problem worse. So it's clear that this Bill is not a serious attempt to solve a very complex problem. Complex problems require thoughtful deliberative actions. If we are to reform the welfare system we need to start focusing on policy not political expediency. Tonight we're talking about peoples lives, we're talking about the lives of over a half a million vulnerable children, they need our help and compassion. Poverty is not a crime or a disgrace, families who need help to get back on their feet should not be punished. When businesses are floundering about to fail we understand the need to support them, to make them whole and healthy. Don't Illinois families deserve that same understanding? It's very easy to do battle with groups who have little or no clout and it's very easy to win, as we've seen here. But winning that battle almost insures that we lose the war and in so doing I think we lose our humanity. Tonight is the day to set aside partisanship and cynical political poise and vote 'no' on Senate Bill 10."

Speaker Johnson, Tim: "Thank you, Representative. The Chair recognizes the Gentleman from Cook, Representative Lang."

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

Speaker Johnson, Tim: "He indicates he will."

Lang: "Representative Stephens, are you there?"

Speaker Johnson, Tim: "Representative Stephens is there."

Lang: "Thank you. Representative, I heard one of your colleagues say earlier this was not a perfect Bill, do you agree?"

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Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Define perfect."

Speaker Johnson, Tim: "Representative Lang."

Lang: "I couldn't hear the answer. Mr. Stephens are you...I cannot hear you."

Speaker Johnson, Tim: "Just a little more quiet, perhaps we could hear the question and the answer. The question, I believe was, do you believe this Bill is perfect, Representative Stephens? Your response."

Stephens: "I believe that nothing that exists currently on this earth is perfect."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Thank you for that answer. So what would you change about this Bill if you could get it back into committee and do that?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "At this time, nothing."

Speaker Johnson, Tim: "Representative Lang."

Lang: "So it is a perfect Bill, is that correct, Sir?"

Speaker Johnson, Tim: "Representative Stephens, do you wish to address the question?"

Stephens: "Mr. Speaker, the...the arrogance of the question I guess deserves a response but I don't think I'll lower myself to that level at this point."

Speaker Johnson, Tim: "If I could for a moment, I'd recognize the Clerk for purposes of announcement, Representative Lang."

Clerk McLennand: "Rules is presently meeting in the Speaker's Conference Room behind the chamber."

Speaker Johnson, Tim: "Proceed, Representative Lang."

Lang: "Thank you, Mr. Speaker. I...other than being called arrogant, I'm not sure I heard the answer. Could the Sponsor of the Bill repeat his answer to my question?"

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Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Representative, your questioning and your line of questioning is obviously dilatory, even to the most casual observer. You asked me earlier and I said that I thought that nothing that exists on this earth is perfect and then you try to put words in my mouth saying, that...then because you wouldn't change anything and I wouldn't at this time, then you try to say that by that I am saying then that this Bill is perfect. You, Sir, should not be trying to put words in my mouth. Your question is inappropriate, your arrogance is obvious and that's the response that you're going to get from me at this time."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, Representative, I'm not quite sure what you're talking about. You just said to me that nothing on this earth is perfect. So I asked you what you would change about the Bill and you said nothing. So if the Bill...if there's nothing you would change about the Bill, it must therefore be perfect. Is that correct?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Obviously, you were or not correct. I think you better get a dictionary out first and secondly I think you ought to consider your remarks, your personality, everything about you, everything about this whole chamber. What would you change, is everything that's not perfect in need of change, by your definition. Are you perfect? And if not, how are you going to change yourself today?"

Speaker Johnson, Tim: "Representative Lang, do you have any new questions to address to the Sponsor?"

Lang: "Well, first...well just a comment and then I'll go into another question. Representative, when I have a Bill about my personality, we'll talk about what's wrong with it. I

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can give you a whole list of things, what's wrong with my personality. Let's go on Representative. Since apparently you do think it's a perfect Bill, you don't want to make any changes. Do you think there's any explosion in cases in A.F.D.C., Sir?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Do I think there is an explosion of A.F.D.C. cases. Was that your question? Or did you say, do you think this is going to cause an explosion?"

Speaker Johnson, Tim: "Representative Lang."

Lang: "The question was, do you think there is currently one that you're trying to address with this Bill?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Obviously not. This is a Bill about A.F.D.C. not about D.C.F.S."

Speaker Johnson, Tim: "Representative Lang. Further questions?"

Lang: "Once again, Mr. Speaker, I did not hear the answer. I may be arrogant but Representative Stephens apparently lost his vocal cords."

Speaker Johnson, Tim: "Well, if I could then, if you're not able to hear the answer and some people are not able to hear the question. If we could just have a little more quiet in the Chamber."

Lang: "I would submit to you, Mr. Speaker..."

Speaker Johnson, Tim: "...A little more decorum in the chamber."

Lang: "...that the reason I could not hear the answer..."

Speaker Johnson, Tim: "Well, Representative, if we could just have some quiet. I'm doing this out of respect for you and your inquiry. If we could have some quiet in the chamber, decorum in chamber, Representative Lang will be able to articulate his questions so that everyone can hear it and the response can heard as well. Please bring your remarks

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to a close."

Lang: "So, I did not hear the last response and by the way, Mr. Speaker, Representative Kaszak is yielding her five minutes to me. Could I get a response Mr. Stevens?"

Speaker Johnson, Tim: "Well, before we do that. Representative Kaszak, is that your desire? Representative Kaszak requests that her time be allotted to Representative Lang and your request is permitted. Representative Stephens in response."

Stephens: "Your question was, did I introduce this Bill because of an...I think there's an explosion in A.F.D.C. cases? And if that was your question, would you shake your head one way or the other?"

Speaker Johnson, Tim: "Representative Lang."

Lang: "No. My question was, do you think there's an explosion in cases in A.F.D.C.? I didn't ask you if that's why you introduced the Bill, I know why you introduced the Bill. I'm asking you, if you think there's an explosion in cases in A.F.D.C.? A very simple question which I've now asked five times."

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Well I am pleased that you have asked it now that I can finally hear it and there's enough calm and the answer to your question is, no."

Speaker Johnson, Tim: "Further questions?"

Lang: "Then what are you trying to address with this Bill? What is the big crisis in A.F.D.C. that requires to do what your doing? What is your goal with this legislation, Sir?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "To promote responsibility for ones own welfare."

Speaker Johnson, Tim: "Further questions, Representative Lang?"

Lang: "Thank you. So while we're on the issue of responsibility

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and trying to get people off the welfare rolls and onto the payrolls. Let me ask you if there's any new funding or any proposal for new funding in this legislation or any program in this legislation for job training?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Well, there is no...this is obviously not an Appropriations Bill, so there is no funding in this Bill for job training. However, there is a mechanism through...by which because we're going to be saving dollars that would be going in cash...additional cash grants. It is the intention of the Bill and I think states pretty clearly that we intend to use that money for such things as, job training and transitional day care."

Speaker Johnson, Tim: "Representative Lang."

Stephens: "I hope that satisfies your question."

Speaker Johnson, Tim: "Representative Lang. New questions."

Lang: "Is there a program set up on this Bill for job training and transitional day care?"

Speaker Johnson, Tim: "Representative Stephens."

Lang: "Or is that your fondest wish as time rolls on?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "I heard your question but was it an editorial comment at the end or was it an additional part of the question, the last part of what you said?"

Speaker Johnson, Tim: "Representative Lang."

Lang: "What is it you'd like to know from me? How come I'm answering more questions than you are, its your Bill? What is it you would like to know from me, Representative? Maybe you can explain your Bill to the Body and then we won't have this problem. If you know the answer to the question I suggest you provide it to us. If you don't know, just simply say you don't know. No one will be

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embarrassed."

Speaker Johnson, Tim: "Representative Stephens, in response."

Lang: "So just address me the question."

Speaker Johnson, Tim: "Representative Lang, do you have further questions?"

Stephens: "Just give me the question."

Lang: "I didn't get that question answered, Mr. Speaker. The question is, is there any program in this Bill for job training or day care? The Representative has suggested that he proposes that the saved money, whatever that is, an unknown figure, will be used for day care and for job training. And I'm asking if there's any program set up in this legislation for those two items."

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Those programs already exist within the department."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Think they're working pretty well?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Do I think they're working pretty well? I think that we've made significant progress."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Please tell us what that progress is, Sir."

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "We have put more people to work that were not previously working. We have helped provide job training and we have provided transitional day care so that people can seek employment and seek further education. Do I call that working? Yes."

Speaker Johnson, Tim: "Representative Lang."

Lang: "All right. Let's go on. I think we know what you're saying, Representative. Under your Bill, after you want to cut people off after 24 months. What happens after 24

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months if a person is legitimately tried to find a job but there's no job available to them?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "According to all the information I have, I don't perceive that as a problem, I really don't. There are jobs, the economy is growing, the President tells us that extraordinary growth in jobs, at entry level jobs in Illinois are at an all time high and unemployment is at a 22 year..."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Effingham, Representative Hartke. Representative Fantin, is that your desire? Your desire and request will be so granted. Representative Lang."

Lang: "Thank you, Mr. Speaker. And I'll have number of other people yield their time to me as well until I'm finished and I would appreciate you acknowledging that and I appreciate you acknowledging this. Representative, is it then your testimony that there are jobs for everyone who's currently on welfare out there in the State of Illinois?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "The group that you're referring to, Sir. That you mentioned the 24 month. Okay. That group, by definition in the Bill, are those families whose youngest child is 13 years old or older. This Bill, Sir, deals with A.F.D.C., when that child reaches the age of 18 they are going to lose their benefits anyway. What is happening now, they are going to find jobs. Do I think there's a job right now for everybody? I think there will be a job for everybody who wants to work and this Bill is going to encourage this. This transition is going to happen anyway. And what happens to people who live in your neighborhood, who wind up out of a job? They go and look and they find another

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job. That's the way life is. That is fair and that is honest and it is going to lead this nation in a direction that gets people in a mental attitude that welfare is not a permanent state, it is a temporary state and that is what we want to do."

Speaker Johnson, Tim: "Further questions, Representative Lang?"

Lang: "Thank you. Do you provide any incentives to business to hire people on A.F.D.C.?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Not in this legislation."

Speaker Johnson, Tim: "His answer was, not in this legislation. Do you have further questions? Please proceed."

Lang: "Thank you. Representative, let me go in another direction now. I heard the Governor say when we passed the House version of this Bill, I heard him interviewed on the radio, and he says he was pleased to move that legislation along because it controlled the birth rate of teenage women. Do you think that's an appropriate thing for the State Legislature to be doing?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "I don't know that it's appropriate for me to comment as to the...as to the appropriateness of comment that the Governor made. I don't think that serves any function as to the description of this Bill."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Representative, I don't think...if you don't want to answer the question, just say so, it was a simple question. Do you think the General Assembly should be about the business of controlling the birth rate of teenage women in the State of Illinois? Is that our job?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "I'm not even sure how you would go about that. So

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I...so what should I say? I'm not going to be..."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, Representative, it's a simple yes or no. Do you have a yes or no for me or do you just want to leave it there? You can leave it there if you want, I just want to know if you have an answer."

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Thank you for reminding me of my privileges as a Member of the Assembly and I have finished answering your question."

Speaker Johnson, Tim: "Representative Lang, do you have further questions?"

Lang: "Yes, I do. So apparently the Representative doesn't have an answer to the question of whether the General Assembly should be doing that kind of work. Let me ask you this. You're very anxious to get women who have extra children, as you put it, from getting additional benefits. How much are those additional benefits? A teenage mother has two children and has a third, under the current law how much is that additional benefit?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Approximately \$100.00."

Speaker Johnson, Tim: "Representative Lang."

Lang: "One hundred dollars for what period, a month, a year, a week?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Another good question. The answer is \$100 approximately per month."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, I think it's less than a \$100 a month but let's pick any figure you like. Do you really think that women purposely have children so that they can attain that \$100

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or less a month?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "I think the question's irrelevant."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Sir, the question's not irrelevant. You stated over and over again, in the press, in committee, on the floor of this House that you think we should control this thing by saying to women, hey don't have anymore kids because we're not going to pay you for it, we're not going to pay you for it. Now Senator Philip has indicated, he thinks women have additional children so they can buy lotto tickets. Do you agree with that?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Representative, first of all, I'd like to refer to your previous remarks as to...you quoted me as saying things that I have not said. Could you please provide those news articles to me because you and I both know they don't exist because I didn't say what you just said that I said. And as to...I don't care to wish...I don't wish to comment on the President of the Senate's comments on this Bill or anything else this evening."

Speaker Johnson, Tim: "Representative Lang, your time is at a close. The Chair would recognize the...Representative Novak."

Novak: "Yes, Mr. Speaker, I'd like to donate my or yield my time to my good friend, Representative Lang."

Speaker Johnson, Tim: "Representative Novak has asked to yield his five minutes to Representative Lang and the request is granted. Representative Lang proceed."

Lang: "Thank you, Mr. Speaker. Mr. Stephens, do you think any women in this state have additional children to get any additional amount of money from the State of Illinois?"

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Speaker Johnson, Tim: "Representative Stephens."

Stephens: "I suppose that's possible."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Representative, anything's possible. The question was, do you think, as the Sponsor of this Bill, that any women in the State of Illinois purposely have children so they can get this \$100 or less per month in their pocket as a cash grant?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "I think that it's possible and they may perceive that it is an advantage. It's not but they may perceive that it is an advantage to have child after child on welfare. It is not an advantage but they may perceive that it is and they may be having children because they think that it's economically possible to exist for generation after generation and I think history shows that maybe people get trapped in this system, Representative."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Representative, do you really think anybody thinks that you can raise a child for 60 or 70 or \$100 a month? Do you really think that anybody would have a child because they could put 50 or 60 or \$70 in their pocket? Are they going to end up with that 60 and \$70 in their pocket?"

Speaker Johnson, Tim: "Representative Stephens, do you wish to respond?"

Stephens: "Representative, first of all you can raise a child if you're given food and housing and health care and no cash, absolutely."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Let's go onto another area. The disingenuous answers we're getting are frightening. Representative, let me ask you this, is there anything in your Bill dealing with the

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issue of fraud, either fraud by recipients or fraud by providers in this system?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Mr. Speaker, I don't believe it's appropriate for one Member of this Body to say to another that is answering questions that, the answers to which he does not like, to say to that Representative that I'm being disingenuous because I am not. Now having said that, would you please remind me of your most recent question?"

Speaker Johnson, Tim: "Want to restate the question, Representative Lang?"

Lang: "Thank you. The question is, is there anything in your Bill that deals with the issue of fraud at all, either provider fraud or recipient fraud?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "No."

Speaker Johnson, Tim: "Further questions, Representative Lang?"

Lang: "Was that no, Representative. Just nod your head. I didn't hear you."

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "The answer to the question, you've asked me to keep them simple, it was one word, two letters, no."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, then I would ask you why not? The people in my district when they talk to me about welfare are very concerned about fraud, they're concerned about recipient fraud to be sure, they're also concerned about provider fraud. We have providers who are defrauding the system. What are we going to do about that, why isn't that in this Bill?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Representative, we...we're in the 19th Legislative Day

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because of the Leadership on this side of the aisle we have dealt with major issues already, two of which have already been signed by the Governor, we are making progress that is unprecedented in Illinois and we still have many legislative days to deal with all of the issues of concern of the people of the State of Illinois including welfare fraud. And if you have examples and samples of welfare fraud that you want us to deal with you bring me the problem Sir and I will do my best to find an answer, a solution to your problem. We will deal with those tough issues, you can guarantee it and the people of Illinois will reward us."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Thank you. To the Bill, Mr. Speaker..."

Speaker Johnson, Tim: "To the Bill."

Lang: "...and Representative Julie Curry is going to yield five additional minutes to me so I can finish my comments."

Speaker Johnson, Tim: "Is that your desire, Representative Curry? Your request will be granted."

Lang: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House. We heard a lot of answers here to questions I didn't ask. I didn't get many answers to the questions I did ask. Does anyone really think that any woman would have a child for 50 or 60 or \$70 a month thinking that they're going to be able to have a whole lot extra spending money, I don't think so. Does anybody really think this is a comprehensive answer to the welfare problem in the State of Illinois, I don't think so. This doesn't deal with fraud, it doesn't deal with job training, it doesn't deal with day care, it doesn't deal with any of the things that need to be done to provide families the way to get out of the welfare roles and onto the payrolls. The Democratic

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side of the aisle is a welfare reform plan, it's not going to be voted on. But it is a terrific plan partly from the State of Florida that provides a way for people, who can't get a job within 24 months, to find one. We provide incentives to business and this side, the Republican side of the aisle, should be interested in business. We provide incentives to business to hire people who are on these programs. We provide job training, we provide day care, we provided a program that will deal with the issue of fraud in the welfare system. That's what your constituents are worried about, fraud. They don't mind that people with children are getting enough money to take care of their children but they don't want the system defrauded. The Democratic side of the aisle has a plan to deal with that, both provider fraud and recipient fraud. A program that got back over \$40 in California for every dollar that expended on the program. So, this side of the aisle stands for welfare reform, we stand for a limit on the amount...a length of time someone can be an A.F.D.C., we stand for that limit but we aren't going to starve children in the process. We stand for that limit but we're going to make sure that people have jobs to go to. Are we just going to simply cut them off with no lifeline and no safety net? It's inappropriate for us to do that, it's criminal for us to do that. We can pass a welfare reform package out of this House that the Governor will sign that's the best of what you have and the best of what we have proposed and we can put it on the table and it can be a package of which we can be proud. We cannot be proud of this package because it hurts people. We can deal with welfare, we can put a limit on it and we can make it work but we can't do it with Bills that are simply sound bite politics, we can't do it

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with Bills that simply pander to the worst instincts of people, we must do it in the right way. This is not the right way. I recommend a 'no' vote."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Cook, Representative Santiago."

Santiago: "Thank you, Mr. Speaker. Would the Gentleman yield for a couple of questions?"

Speaker Johnson, Tim: "Indicates he will."

Santiago: "I promise I'll treat you well. Representative Stephens, can you tell me or give me an estimate of how many public aid recipients are there in the State of Illinois? How many people are receiving aid currently, now?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Representative, if all welfare cases, not just A.F.D.C.?"

Speaker Johnson, Tim: "Representative Santiago."

Santiago: "All welfare."

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "All right. A.F.D.C. we're talking about 600,000 people with an average of about three per family. Total welfare...total welfare, you want that number?"

Speaker Johnson, Tim: "Representative Santiago."

Stephens: "Just one second. I think it's about...somewhere over a million people but I don't know how much...not much more over a million. For medicaid, food stamps and A.F.D.C., it's all inclusive. I know that's a rough number, we can get you an exact number, I'll have staff get you an exact number tomorrow."

Speaker Johnson, Tim: "Further questions?"

Santiago: "Representative Stephens, did you say about 600,000 under the A.F.D.C. program?"

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Speaker Johnson, Tim: "Representative Stephens."

Stephens: "We believe that the answer is between 6 and 700,000 individuals, that is...that breaks down to about 200,000 families."

Speaker Johnson, Tim: "Representative Santiago."

Santiago: "Yes. Can you give me an estimate of how many children are going to be effected by this proposal?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Yes. And I guess that would be about 16,000 cases that, if we're talking about the 13 and over, and if you're talking about the whole population. Let's say if you want to assume that all the children in A.F.D.C. families are somehow affected then the answer is 400,000. Of those 400,000 they lose absolutely nothing in this. And what they gain is, if they happen to be over 13, their mother is going to be forced to participate in a job training program and to seek employment or to lose benefits. If they're between the ages of five and 12 and they're in school, their mother is going to be forced to seek job training. If they are four and under they will...that family would not be directly effected. If additional child would be born into that family, of course, that child would receive health care benefits, housing, food stamps but the mother would receive no additional cash."

Speaker Johnson, Tim: "Further questions, Representative Santiago?"

Santiago: "So you're estimating that we're talking about 400,000 children. Am I correct in assuming that?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Well, this...I...what...the fact is there are about 400,000 children living in A.F.D.C. families in Illinois today. They would not be affected in any way other than,

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as I just described. Their parents, their mother would be affected in the three ways I described to you. Four Hundred Thousand, yes."

Speaker Johnson, Tim: "Further questions, Representative Santiago?"

Santiago: "Yes. Could you get me an estimate of how many children under the age of 13 are going to be affected by this, by your Bill?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Representative, I can tell you the number that I'm most familiar with. I can't give you an answer to that question. I can tell you that the families of children...with children who's...were the families the youngest child is 13 years or older, there are approximately 16,000 of those families. I can get you the answer to that question as to the rest of the, the total of the other families but I don't have it with me and I have several staff who are very well informed but that's a very specific question and it's difficult to answer."

Speaker Johnson, Tim: "There's been a request from Representative Lopez that he yield his five minutes to Representative Santiago for further questions. Your request is granted. Representative Santiago, proceed."

Santiago: "So, so...we're talking maybe 400,000 children in overall and you said about 16,000 under the age of 13? Am I correct?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Sixteen Thousand cases were the youngest child in the family is 13 or older."

Speaker Johnson, Tim: "Further questions, Representative Santiago?"

Santiago: "Representative Stephens, are there any provisions in

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this legislation to curtail or prevent welfare fraud?"

Speaker Johnson, Tim: "Representative Stephens, do you want to answer that question again?"

Stephens: "The answer is the same as before. I don't know if you heard my response to Representative Lang's question. And the answer is, in this legislation, this Senate Bill 10, the answer to your question is no."

Speaker Johnson, Tim: "Further questions, Representative Santiago?"

Santiago: "Were there any in the prior Bill? In the House Bill that you passed earlier on?"

Speaker Johnson, Tim: "Representative Stephens."

Santiago: "So, there's..."

Speaker Johnson, Tim: "Well, if you would give the Gentleman an opportunity to respond."

Stephens: "No. No, this Bill does not include it, neither did the previous Bill. We...that's not what this Bill is about, this Bill is about A.F.D.C. families and how we can get them to transits from welfare to work."

Speaker Johnson, Tim: "Representative Santiago."

Santiago: "So, I'm correct in stating that there are no provisions in this Bill, nor the Bill that passed here last week, which contain any provisions to prevent welfare fraud. Am I correct in making that statement?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "You're correct when you say that. You're, of course, ignoring all of the other information about how we can deal with welfare fraud, including the addition of the inspector general to the Department of Public Aid, which I think you supported last year."

Speaker Johnson, Tim: "Further question, Representative Santiago?"

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Santiago: "Well, Representative Stephens, so once again there's nothing in the Bill that directs any provisions here that affect...I mean, welfare fraud?"

Stephens: "No."

Santiago: "Let me ask you this other question."

Speaker Johnson, Tim: "Representative Santiago."

Santiago: "Is there any provisions in this Bill which directs itself to the issue of medicaid? Is there anything in here that addresses the medicaid problem? Are there any provisions in this Bill which address that problem?"

Speaker Johnson, Tim: "Representative Stephens, do you want to answer that question?"

Stephens: "No. We had a substantial program to deal with that last year and as you know the administration is still...The Federal Administration led by Democrat President Clinton is not cooperating with us at all."

Speaker Johnson, Tim: "Further question, Representative Santiago?"

Santiago: "So, your answer is no. Am I correct in assuming that?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "If you're referring to this Bill, the answer is no."

Speaker Johnson, Tim: "Representative Santiago."

Santiago: "Can you tell me, what part of the medicaid is contained in the welfare budget? What...can you give me a percentage of that?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Mr. Speaker, I did not hear enough of the question to understand it. I'm sorry."

Speaker Johnson, Tim: "Restate the question, Representative Santiago."

Santiago: "Well, what percentage of medicaid is contained within

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the welfare budget, within the public aid department budget?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "If you're referring to the Department of Public Aid's budget, about 75% is medicaid."

Speaker Johnson, Tim: "Further question, Representative Santiago?"

Santiago: "So, you're saying...you're making a...you're telling me that 75% of the public aid budget is medicaid? Is that your response?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "That's an approximation, of course but yes that my answer. Approximately 75%, I hope that matches your figures. Seventy-Five percent, yes."

Speaker Johnson, Tim: "The Chair would recognize a request from Representative Eugene Moore, the Gentleman from Cook, to yield his five minutes to Representative Santiago for any further questions and your request is granted."

Santiago: "So, Representative Stephens, so you're saying about 75%, is that your answer?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Mr. Speaker, with all due respect, I have answered the question the same way three times. Representative Santiago has not indicated that he has not heard me, he has just asked the question again for the third time. I believe that's dilatory, I wish you would rule so. The answer is 75%, if he asked it a fourth time, the answer will be approximately 75%."

Speaker Johnson, Tim: "Any new questions, Representative Santiago?"

Santiago: "Mr. Speaker, it is not intention to be dilatory, I just want clarifications for the record. Representative

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Stephens, how much money are we going to save the taxpayers of the State of Illinois by implementing all of these welfare reforms?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "The first year, none. No cost, no gain."

Speaker Johnson, Tim: "Further question, Representative Santiago?"

Santiago: "So, no savings? Is there a cost in implementing this...these welfare reform, is there any cost connected to this?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Representative, with all due respect, I gave you that answer in the previous question because I anticipated it. I said no cost and no gain. The net result of the first year of this program is estimated to be revenue neutral. We do not have estimates as to what the gains or the savings will be in the out years but I think after the first year of the program, which is revenue neutral, not going to cost the taxpayers any additional dollars. After that year of experience I'm sure that we'll have significantly...significant data that will be able to give projections in the out years as to the millions of dollars that we can possibly save."

Speaker Johnson, Tim: "Further new questions, Representative Santiago?"

Santiago: "Yes Sir."

Speaker Johnson, Tim: "Proceed."

Santiago: "Representative Stephens, of your...all of your welfare reform, within your Bill, how many of those reform would require federal permission or federal waivers?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "It's six or seven. If you'll just let me refer to

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staff, I remember six for sure, let me turn to staff and get an exact answer for you. And I'm going to answer this question simply and just hold one second. To the best of our knowledge, Representative, seven."

Speaker Johnson, Tim: "Representative Santiago."

Santiago: "Can you please name those?"

Speaker Johnson, Tim: "Representative Stephens, in response."

Stephens: "I can and I will. In answer to your question, section 4.2 on page 19 refers to the family cap, that's one. Section 4-17, page 25 targeted work initiative to time limited, that's the second. Section 4-1.10, page 16 the job search for new applicants is the third. Section 4-1.9, page 16, teen parent must attend school, would be four. Section 4-8, page 22, the truancy project, which we discussed for 37 minutes the other day is five. On...In section 4.1, page 14, employability plan for all clients, would be #6. And finally, the last that would require a waiver, section 12-4.31, page 41 and Sections 10-17.7, the first on page 41, the second on Page 34, the adjudication of paternity, would all require a federal waiver. I hope that answers your question."

Speaker Johnson, Tim: "Further questions, Representative Santiago?"

Santiago: "Representative Stephens, what will happen, if you know the answer, if the federal government says no to these reforms, where do we go from there?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Well, the first thing that will happen will be, the next general election will make the last November 8th look like a mild party for us. Secondly, if the federal government does not cooperate, we will not be able to accomplish the goal..."

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Speaker Johnson, Tim: "Representative Stephens, you want to bring your answer to a close? Representative Stephens does not wish to do so. The Chair recognizes the Gentleman from Effingham, Representative Hartke."

Hartke: "Thank..."

Speaker Johnson, Tim: "Your time was concluded, did someone wish to yield their time? Request has been made and the request will be granted. Representative Santiago, proceed."

Santiago: "Thank you, Mr. Speaker. Ron, I mean Representative Stephens, could you please...I didn't hear you answer the last question, could you please tell me the answer to the last question?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Your question was, if the federal government does not grant the waivers to any or all portions that are required then those sections of the Bill will not go into affect because, as you know, they require a federal waiver. We expect the federal government to cooperate. We are dismayed when they have not granted waivers on previous Bills that have passed this chamber and been signed by the Governor. I hope that you will contact the Governor...the President for us and ask that they consider to act quickly and grant those waivers. If they don't, this Bill will have very little affect and it will be the fault of the President."

Speaker Johnson, Tim: "Further questions, Representative Santiago?"

Santiago: "Yes. Representative Stephens, I wish I could help you in your request but our President is a liberal individual and I'm on the other side of that spectrum, so I don't think if I call him, you know what will happen, he will not listen to me. So, why don't you call him? Yes. To close,

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Mr. Speaker. We...I have asked the Gentleman several questions, he has been truthful in...with his answers which our first question was, is there any provision in this Bill that addresses a problem of welfare reform? The answer was no. Is there...the second question was, is there anything here that would reduce the or tackle the problem of medicaid? The answer was no. Are there any savings if we pass this Bill? The answer, once again, is no. Is this Bill going to cost any money to the taxpayers? The answer is no. And we asked him about, what would happen if their reforms are rejected by the federal government? He tells me to call the President. Well, what this will tell you is Ladies and Gentlemen is that, this Bill is flawed, is full of holes and we must analyze this Bill very carefully because we're dealing with families, with poor people, we're going to drive poor people deeper into poverty. The fact is, that we have about 700,000 people in this state that are receiving public aid and yet instead of trying to cut that budget using other methods, we're attacking the people which are going to suffer the most, the children in our state. We have under...if this Bill passes and is signed by the Governor about 475,000 children will be affected. Is that intention of the Governor of this State of Illinois? I wish, I and I hope not but I have been proven incorrect before, hopefully this time the Governor will address this issue and not hurt the children of our state. They are our most precious commodity so we, we have responsibility all of us, Democrats, Republicans, Liberals, Independents to the children in this state. And what we're doing with this is, once again we're putting people deeper and deeper into the hole of poverty. Let's create programs that are going to benefit children, let's create programs

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that are going to create jobs, let's create programs for after school, let's tackle the problem of education, that's where we have to concentrate. The A.F.D.C. program and only addresses a small portion, a very small portion, of the welfare or the public aid budget. Let's address the big problem, let's set up some reform for the medicaid problem which is affecting the total welfare budget. Let's address those problems. Let's not pick on the children, let's not pick on the children because they cannot defend themselves. Let's pick on the big monster, the one that you are afraid..."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Effingham, Representative Hartke."

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

Speaker Johnson, Tim: "He indicates he will."

Hartke: "Representative Stephens, last week we discussed this same identical Bill and since then I've had a little time to read it. And I told you at that time I hoped I could find a piece of legislation that I could vote for because I do believe we need to reform the welfare system. Reading through this a little bit and maybe you can clarify this for me. Individual young mothers who have children under the age of 18, there's a requirement in here that they live at home, is that correct, if they want to continue to receive assistance?"

Speaker Johnson, Tim: "Representative Stephens."

Hartke: "Yes."

Speaker Johnson, Tim: "Further questions, Representative Hartke?"

Hartke: "In practicality, how many of those young mothers do you think that have left home, become pregnant and then so forth, will be accepted back into that family setting with

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their mother and father?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "First of all, Sir, if they've left that home previous and its been over a year, that...their not affected. What we're talking about are children who are living in a functioning loving home."

Speaker Johnson, Tim: "Further questions, Representative Hartke?"

Hartke: "Yes. And so they would not be cut off of A.F.D.C., is that correct, if they're living in the home with their parents?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "If they've been out of the home for more than a year they would not be affected. And if they are...if we are asking them to go back into a situation that endangers either themselves or the child that is yet to be born, then they would exempt."

Speaker Johnson, Tim: "Representative Hartke, do you have further questions?" Hartke: "Yes, I have several, Mr. Speaker."

Speaker Johnson, Tim: "Proceed."

Hartke: "So...so this would not really then affect a whole lot of those young mothers under the age of 18?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "I think it would affect most because if...most young women under the age of 18, that I'm familiar with, are living at home. And yes, it would affect them."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Yes. I have another question. What is the effective date of this Bill?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "It's...it's with the...let me make sure I get the right...much of this Bill would become a law on signing but there is an exception to that and let me make sure I

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clarify it with staff first before I respond. I'll be right with you. A section where we...where the department will be giving cases to the Department of Revenue to collect for child support, that won't go into effect until January '95. Excuse me, I said...I misspoke."

Speaker Johnson, Tim: "Representative Hartke."

Stephens: "January '96, excuse me."

Hartke: "January of '96. There is a provision in this, I do believe, that if a mother who has...is on welfare and with children and they become pregnant, they would not be continued that extra A.F.D.C. support for that extra child, is that correct?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "No, not exactly correct, Sir. It would just be the cash portion, they would still receive food stamps, housing and medicaid, which is the major benefits."

Speaker Johnson, Tim: "Further questions, Representative Hartke."

Hartke: "Yes, I understand that, Representative Stephens. That's why I was concerned about the effective date..."

Speaker Johnson, Tim: "Excuse me. Excuse me. If we could just have a little...little quiet so Representative Hartke can articulate his question. Representative Hartke."

Hartke: "...if we have that mother become pregnant, you know, on an immediate effective date or so forth. Should not this provision kick in like nine months or at least ten months after that fact?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Representative, you read the Bill. Now your question earlier was, when does the Bill take effect? This is a provision of the Bill and you know, after reading the Bill, that it's ten months...there's a ten month gap in there to make...to take care of those who may, under normal

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gestational periods, have become pregnant and have a child that was conceived, the Bill was signed."

Speaker Johnson, Tim: "There's been a request by Representative Stroger to yield his five minutes to Representative Hartke and request is granted. Proceed Representative Hartke."

Hartke: "Thank you, Mr. Speaker. Okay. I think we've...we've reached a somewhat of an answer on that. I have another question. Two years of able bodied individuals and you're off, is that right?"

Speaker Johnson, Tim: "Representative Stephens."

Hartke: "If you can't find a job after two years and your able bodied and you're off of the system, is that right?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Not necessarily."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Could you explain that provision of, you know, two years on the system and then you're not entitled to the cash benefits?"

Speaker Johnson, Tim: "Representative Stephens."

Hartke: "I'm talking about able bodies individuals."

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Mr. Speaker, we have answered all of these questions. The information is...glad to continue to provide it, I personally don't mind staying here all night and I'm sure we'll get some Republicans Members to yield to Representative Hartke if he wants to continue the line of questioning. In answer to his question, the 24 month limit of benefits is for those families where the youngest child in the Aid For Families With Dependent Children, family unit is 13 years or older. Now I would remind him that also, that when...if that's the case in that family, they are a mere five years away from facing that tough reality

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of providing for themselves in any case. And what this Bill does is put a 24 month limit and at the termination, if they do not cooperate and go out and seek and find employment, benefits will be terminated."

Speaker Johnson, Tim: "Further questions, Representative Hartke?"

Hartke: "Yes. And I'm not trying to be dilatory, Ron, I've got a serious question. If that individual, let's say, is after 18 months has found gainful employment, say through a temporary service and he works at this agency, let's say for 6 months, 7 months and then of course the temporary service that had found employment, this outfit no longer needed him and he's laid off and temporary service do not have another job for him and he can't find one. He's not entitled to unemployment, it is my understanding, and he cannot find another job. Can he then go back onto the system?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Yes. They can go back on, they're not punished for working during those...in your scenario they would have six months left."

Speaker Johnson, Tim: "Further questions, Representative Hartke?"

Hartke: "Yes. So you're saying they have 24 months totally in their life where they can collect assistance and that's all."

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Well, I think you said in their life. No, we're talking about 13 years for those first...with children 13 years and older. So we're talking about 24 months out of the 60 months left that they have, would have had anyway."

Speaker Johnson, Tim: "Representative Hartke, further questions?"

Hartke: "Yes. I didn't hear that last response. They have 24 months out of how many years?"

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Speaker Johnson, Tim: "Representative Stephens."

Stephens: "I said it in months, 60 months, five years. That's the maximum because if the child is 13, when the child reaches 18 they are no longer qualified for A.F.D.C. anyway. I'm calling that five years, since we were talking in terms of months, I shifted it from 24...compared to 24 months limited benefits. I said, I compared it to 60 months which is what the maximum...many of these families will have only three years or 36 months to go, some will have less than 24 months and they're going to lose those benefits."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "So it's your anticipation then a five year plan, so to speak, that would be no one on A.D.F.C.?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "No, Representative, I think you made your misunderstanding of the Bill. Your focusing only on the...now on the one section that talks about the 13 year and older, you're forgetting the five to 12's and the zero to four's. So, no that's not my plan."

Speaker Johnson, Tim: "Representative Stephens. Representative Hartke."

Hartke: "Well, thank you very much, Mr. Speaker. You know, I've read this thing and I think I understand what you're trying to do and I still would like to support this Bill but I think there are so many holes and so many loopholes and it is difficult for me to understand and I think I understand part of the system. And I think I know what you want to do but I'm not sure this is going to work at all. I think it's going to be very difficult to understand. We have...we have some ideas, on this side of the aisle, that may work. And I'm disappointed that we haven't had the

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opportunity..."

Speaker Johnson, Tim: "If you could bring your remarks to a close, Representative Hartke."

Hartke: "Well, thank you for your courtesy. I think I'm disappointed over here that we have not have an opportunity to put more input in this thing. I don't think this is a Democrat problem, I don't think it's a Republican problem, I think it's a problem here not only in the State of Illinois but throughout the nation. You know, we talk about fraud in the system and I do believe that when individuals, who are now on general assistance or public aid, walk into my office and they can quote the public aid code to me, I know good and well they're using this system and they've probably done it in your offices as well. We want to get at fraud in the system, this doesn't address that fraud in the system. It doesn't look at some of the problems that we have out there. I think we ought to both sides of the aisle set down to resolve this problem. It's early in the Session and I would like to see something done but I don't think this is the mode or the Bill that we can do this in. And I'm going to vote 'no'."

Speaker Johnson, Tim: "The Chair recognizes the Lady from Cook, Representative Flowers."

Flowers: "Thank you, Mr. Speaker. Representative Stephens..."

Speaker Johnson, Tim: "He indicates he'll yield."

Flowers: "You talk...you're talking about welfare nightmare. Here you're going to require the Illinois Department of Public Aid to advise every applicant for A.F.D.C. of the requirement that all recipients move towards self sufficiency and the value and the benefits of employment. As a condition of eligibility the applicant must prepare and submit a personal plan for achieving employment."

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Representative Stephens, how would...have you been to a welfare office lately?"

Speaker Johnson, Tim: "Representative Stephens. Do you wish to respond?"

Stephens: "I haven't been to one this week. I've been in one this year, excuse me, within the last year, yes."

Speaker Johnson, Tim: "Representative Flowers."

Flowers: "Have you been to one in Chicago? Because the welfare offices in your district is drastically different from the ones that I represent in the City of Chicago. Have you ever visited a welfare office in the City of Chicago?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Your remarks seem to indicate that you have been in a welfare office in my district, you said they're different. Which one were you in?"

Speaker Johnson, Tim: "Representative Flowers."

Flowers: "Mr. Chairman...Mr. Speaker, I asked the Gentleman a question, I will be more than happy to answer his once he answers mine. Would you answer my question please?"

Speaker Johnson, Tim: "Representative Stephens, do you wish to respond further?"

Stephens: "I'm enjoying this. I have not been, to my knowledge, in a welfare office, as you call it, in the City of Chicago. Now answer my question."

Speaker Johnson, Tim: "Representative Flowers."

Flowers: "Representative Stephens, nor have I visited one in your district but I do know the population in the City of Chicago is much bigger than the population in your district. So I can...without ever being there I can truthfully say that mine is bigger than yours."

Speaker Johnson, Tim: "Could we have some order? Representative Stephens in response."

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Stephens: "Mr. Speaker, she comparing the City of Chicago with my district. I would suggest that my district is the same size as your district, Representative."

Speaker Johnson, Tim: "Further questions, Representative Flowers?"

Flowers: "Representative Stephens, we're talking about the welfare offices in the City of Chicago or I will narrow it for you, the welfare office that sits on 79th Street in the 21st Representative District in the City of Chicago, State of Illinois. It's much bigger than any of yours in your district. How about that?"

Speaker Johnson, Tim: "Representative Stephens, that's a question. Do you wish to respond?"

Stephens: "No. But I would like to take an opportunity I think I'm...to visit that welfare office if you would give me a tour."

Speaker Johnson, Tim: "Further questions, Representative Flowers?"

Flowers: "I would be more than happy to accommodate you on that because I think Representative Stephens, on a very serious note, you should visit it for your own education. Representative Stephens, this Bill also would deny any person of 18, who's not married, any assistance. Are we into shotgun weddings here, for the State of Illinois? Are we going to make people get married?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "If I understand your question, the answer is no."

Speaker Johnson, Tim: "Further questions, Representative Flowers?"

Flowers: "You're specifically saying to me that your Bill does not call for anyone under the age of 18, whose never been married, to be denied and that's not living with an adult,

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to be denied assistance?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "It does not deny them benefits it's...unless they make a decision. If they were under the age of 18, living at home and got pregnant and wanted to go out and file for an A.F.D.C. and live elsewhere and establish a whole new caseload then that would be denied. We urge...the Bill speaks to the issue asking like happens in almost all families in America and I would suggest on public aid families too, that if you're a teenager living at home and you get pregnant, we want you to stay home. That's pretty simple, it's a basic philosophy, I think it's straight forward."

Speaker Johnson, Tim: "Representative Flowers."

Flowers: "Excuse me, Representative Stephens, I'm sorry I didn't quite understand you. What do you mean in all American families, that if you get pregnant you would naturally be expected to stay home? I don't understand that, would you please elaborate?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "I'm suggesting that, in my opinion, that that is, when I say all Americans I'm suggesting that for the greater part of those instances were a teenage girl gets pregnant, she's currently living with her family more than likely she's going to remain in that family, that usually makes the most economic sense. There are exception, of course, to that and our Bill allows for those exceptions."

Speaker Johnson, Tim: "Representative Flowers, I've already extended your time by a minute. If we could bring your remarks to a close, I'd..."

Flowers: "Speaker, Representative Harold Murphy is yielding me his time."

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Speaker Johnson, Tim: "Pardon me."

Flowers: "Representative Harold...yes..."

Speaker Johnson, Tim: "Representative Murphy wishes to yield his five minutes to Representative Flowers and your request is granted."

Flowers: "Representative Stephens, are all teenagers created equal?"

Speaker Johnson, Tim: "Representative Stephens."

Flowers: "Do they think alike, do they walk alike, do they talk alike, do they act alike?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Was...just nod so that I can answer your question. Was the first part of your question, are all teenagers created equal?"

Speaker Johnson, Tim: "Representative Flowers."

Stephens: "I believe that all...all people are created equal. We certainly wind up being different in many aspects by the time we're a teenager. I would suggest that...my experience with my teenagers and I'm now just about into my fifth teenager in our family. My daughter's 12 and her birthday's April 6th, you might want to send her a card she would appreciate hearing from you Mary, the...my experience has been that certainly my five, as they were all teenagers, were all different. And I would think that across the country all American teenagers there are no two alike, exactly."

Speaker Johnson, Tim: "Any further questions, Representative Flowers?"

Flowers: "Thank you, Mr. Speaker. My point to you Representative Stephens, teenagers are different, there's some very responsible teenagers out here. This Bill calls for independency and self sufficiency. That's what you want

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these people to grow up to be but yet you're going to make these teenagers be dependent upon adult because you feel that they're not able to take care of themselves on their own."

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Please don't misunderstand anybody, please don't misunderstand this part of the Bill. This Bill does not limit any teenager in Illinois that's on A.F.D.C. at whatever age of a teenager and wants to go out and live on her own, at her expense or the father of that child's expense, that is absolutely not prohibited, limited nor discouraged by this Bill. They are free to do as they please, they are not exactly free to do as they please and then send the taxpayers the bill."

Speaker Johnson, Tim: "Further questions, Representative Flowers?"

Flowers: "Representative Stephens, will...how will this part of the Bill or how will this Bill be enforced? Are we going to hire welfare police to police these people that's on welfare?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "No."

Speaker Johnson, Tim: "Representative Flowers."

Flowers: "How will it be enforced, Representative Stephens?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "The...if the family...if the teenage child leaves home and applies for assistance at another Illinois or anywhere in Illinois for A.F.D.C., that record will be noted and those benefits would be denied. If she refuses to go back to the home for no good reason, to her family, then she would not qualify for benefits. That is just the way it's going to be."

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Speaker Johnson, Tim: "Representative Flowers."

Flowers: "Representative Stephens, my question to you is, how will this be enforced? How would you know that this teenager is not really living with an adult or her family, mother or father? You know, how are you going to find this out? Are you going to make a liar out of this teenager because she knows that this what she would have to say or do in order to get these measly benefits?"

Speaker Johnson, Tim: "If we could have the attention of the chamber. The noise level is rising and I think some people, including the Sponsor, are not able to hear the questions. So if we could have a little more order, it would be appreciated. Representative Stephens, can you respond?"

Stephens: "Well, we know where the...where the check is going and we presume that she is there. If she is elsewhere, if she applies for benefits they'll be denied. If she is not there...I mean we're not going to go out and check, we will...she will...we will assume that she was there. We trust her, she wouldn't lie to us, would she? And if she would, what purpose would be served? No money would be lost, it would be just like the current system."

Speaker Johnson, Tim: "Please bring your comments to remark or to a close, Representative Flowers."

Flowers: "My question to you, Representative Stephens...my question to you."

Speaker Johnson, Tim: "I've turned on the additional one minute, if you could bring your comments to a remark...to a close. Representative Giles wishes to yield his five minutes? Your request is granted."

Flowers: "Speaker...Representative Stephens, again my question to you and it is very important because I need to know, how is

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this going to be monitored, how are you going to enforce it? You know, because it's not enforceable. Not unless you're going to create another layer of bureaucracy. Are you going to create a police welfare of welfare police officers?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "I believe you're missing the point of the Bill. What the Bill prevents is for her to leave and go out and establish a whole new household. We are not going to create a new level of bureaucracy. If that teenage child leaves that home and doesn't apply for benefits elsewhere, we won't know that unless she applies, if she stays there, which we assume she will do, the family will receive benefits. If she leaves and the family does not notify us, the department, then the family is in violation of the Act."

Speaker Johnson, Tim: "Further questions, Representative Flowers?"

Flowers: "Representative Stephens, there's going to come a time in that teenager's life when she's going to make a decision, that she's going to go out on her own. There's going to come a time in the Department of Public Aid's life when they are going to have to make a determination as well as an evaluation. Am I correct?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Well certainly all teenager's reach a point in their life when they make their own minds up. And the last part, you said the department would do what?"

Speaker Johnson, Tim: "Representative Flowers."

Flowers: "Representative Stephens, I wish you would hurry up and answer because the clock is steady ticking."

Speaker Johnson, Tim: "Representative Stephens."

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Stephens: "If I understand your question. The department tells me the best answer to your question is, that we do a redetermination every six months."

Speaker Johnson, Tim: "That goes back to my welfare nightmare. Moving on. Representative Stephens, is this a demonstration program? I mean, have this program been tried maybe in another country and it has found to have worked? Because I don't see any safety nets in here, you know, what if it doesn't work? What if this program does not work, then what?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Well, it's going to work if the waivers are granted. If it doesn't work, nothing lost."

Speaker Johnson, Tim: "Further questions, Representative Flowers."

Flowers: "Representative Stephens, Representative Stephens, there is something lost, you are talking about people lives here, you are talking about helpless women and children. How could you just so easily say, if it doesn't work nothing lost. That's not true."

Speaker Johnson, Tim: "Question, Representative Flowers, or are you addressing the Bill?"

Flowers: "I want him to tell me how this program is going to work? There is no safety net here. Is this a demonstration program? Let's call it what it is."

Speaker Johnson, Tim: "Representative Stephens, do you wish to respond?"

Stephens: "Mr. Speaker, this is not a demonstration program."

Speaker Johnson, Tim: "Representative Flowers, further questions?"

Flowers: "Representative Stephens, are there seven waivers that you would have to get for this program? Are there seven

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waivers in which you will have to get for the implementation of this program?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "In the entire Bill, all aspects of the Bill considered, there are a total of seven sections that require a federal waiver."

Speaker Johnson, Tim: "Further questions, Representative Flowers?"

Flowers: "Representative Stephens, would you agree that jobs are not as plentiful as it used to be like in the 60's and the 70's, would you agree with me on that?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "No, I would not."

Speaker Johnson, Tim: "Representative."

Flowers: "Representative Stephens, let me ask you another question. Do you know of anyone in your district that is going to be willing to give up their jobs and their livelihood so that one of these recipients of A.F.D.C. would be able to get a job?"

Speaker Johnson, Tim: "Your time is expired, Representative Stephens. The Chair would recognize the Lady from Cook, Representative Monique Davis. The Chair would then recognize the Gentleman from Cook, Representative Pugh. Yes, Ma'am. There's a request from Representative Scott to return to Representative Flowers and to yield his five minutes and your request is granted."

Flowers: "Speaker, Representative Stephens would you please answer my question? Do you know of anyone in your district that would be willing to give up their job? Since you say jobs are plentiful as they used to be because I've not seen an abundance or heard of an abundance of jobs coming to the State of Illinois. Where are these people going to get

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these jobs that you want them to have?"

Speaker Johnson, Tim: "Representative Stephens."

Flowers: "So there's..."

Stephens: "Representative, I can't give you a name of anyone, particularly today, that's ready to give up their job but I would suggest to you two things. One, certainly are people retiring from the workplace everyday. Secondly, I would tell you that because of economic growth new jobs are being created everyday and I would tell you, finally in answer to your question, that this state is on the verge of an economic boom because of the simple action that took place in the first 19 legislative days of this Session..."

Speaker Johnson, Tim: "Excuse me. If we could give Representative Stephens our attention."

Stephens: "...We're going to see jobs..."

Speaker Johnson, Tim: "Excuse me, Representative. Give Representative Stephens our attention, so we can hear his response."

Stephens: "We're going to see jobs that you have yet to imagine. I mean let's look at the evidence in America. There are more Americans working today than ever before and next year we'll set even more records. And with this program and with encouragement to work and rewards for work and taking incentives away from being on welfare, we will create jobs, Americans have always been willing to work and have always been able to find jobs and they've always been able to provide jobs for those who are ready to work and we will do it and it will work on a daily basis."

Speaker Johnson, Tim: "Representative Flowers, further questions?"

Flowers: "Representative Stephens, how does your Bill address child care here, that's question #1. Number two, it states

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in the Bill that when a child turns 18 years old, that child is automatically off welfare. So that means he's a burden on his mother, if he stays in the house and all 18 year olds would not be able to find a job. Is that the reason why we're building more boot camps or what would you suggest that we do for that child that turns 18 and out of high school? Now the parents are looking for jobs and so are the teenagers. So now would you please explain to me about the child care for the parents who are in need of child care and explain to me what's going to happen to the 18 year old."

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "There are currently, as you know, child care provisions for the programs that exist. Money saved by not giving the cash grant is intended and in the legislation will be shifted to those programs. And to your...in answer to your question about becoming age 18, Representative think about what you said. What happens now when they turn 18? They don't continue on A.F.D.C. as a recipient."

Speaker Johnson, Tim: "Further questions, Representative Flowers?"

Flowers: "Representative Stephens, right now, according to your Bill, it only deals with newborns as far as day care is concerned. I'm talking about the 9 the 10 year old. What is that mother to do? Should she have latch-key kids? Are we going to do this home alone business again?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "If they're a teen mom in school, there's day care available...if we're talking about a teen mom in school, that child...of that...of that teen mom gets day care. If they're involved in job training program, that child there are day care programs available. You know that."

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Speaker Johnson, Tim: "Representative Flowers."

Flower: "Representative Stephens, I do not know that child care is available because it's not available now. My next question to you Representative Stephens, what about the jobs program, the job opportunity basic skills program? How long has that program been in effect #1, how many federal dollars have we lost from the lack of implementation of that program, how many people are involved in that program as we speak today. And my main question is, how many federal dollars we've lost from our lack of implementation of that program?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Its been in existence about five or six years, I believe. And Representative Flowers, I'll have to get back to you as to how many federal dollars you characterize as being lost, I don't have the answer and I apologize."

Speaker Johnson, Tim: "Representative Flowers, your time is concluded. There's been a request to yield an additional five minutes and your request is granted."

Flowers: "Thank you. Representative Stephens, I have a chart over here I would love to show it to you, that only 12% of the population is being served by this program that's been in effect, according to you, for the last six years, only 12%. And we have lost millions and millions of dollars as a result of this program going to waste."

Speaker Johnson, Tim: "Further comments, or questions, Representative Flowers?"

Flowers: "Mr. Speaker. To the Bill."

Speaker Johnson, Tim: "Representative Flowers, to the Bill."

Flowers: "People on welfare never, never wanted a handout. They only ask 30 years ago for a helping hand. We've created this monster. Representative Stephens, I would merely

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suggest to you that you take this Bill off the fast track. We're talking about poor women and children here and this deserves more thoughtfulness to this process not making a bigger mess. Thank you."

Speaker Johnson, Tim: "Thank you, Representative Flowers. Let me acknowledge, if we could just have a moment. State to the chamber that it is the intention of the Chair to allow everyone the opportunity to address this Bill, including extension of time. I would point out also to the chamber that there are a number of lights on and the hour grows late. It's certainly the desire to the Chair to afford everybody the opportunity but I would certainly want to point that out and hope we keep our comments and questions within the confines of reason. Representative Black, the Gentleman from Vermillion. For what purpose do you rise?"

Black: "Yes. Thank you very much, Mr. Speaker. To the Bill."

Speaker Johnson, Tim: "Representative Black, to the Bill."

Black: "Thank you very much. Ladies and Gentlemen and Members of the House. I don't know what we're doing here, I suppose if you look back in history that you could see somebody assigned people on the decks of the Titanic..."

Speaker Johnson, Tim: "Excuse me, excuse me, Representative Black. If we could have some order here, it will not only expedite the proceeding but allow everybody to hear the comments from both Representative Black and anybody else who wishes to address the Bill. So if we could please, please have staff and Members decorum and order so that Representative Black and whoever else wishes to do so can address the Bill. Representative Black, proceed."

Black: "Thank you very much, Mr. Speaker. I think what we're seeing here tonight is an exercise and rearranging the deck chairs on the Titanic. I suppose it gave somebody

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something to do but it didn't change the outcome. Now this Bill is going to pass and it's going to pass with boats on both sides of the aisle. If all of you would listen to what we've been doing here for the last hour. How in the world could we bring ourselves to the point were we are asking each other, who's public aid office is bigger, mine or yours. There's something to be proud of, who's public aid office is bigger? I heard somebody get up awhile ago, Mr. Speaker and said, we're disappointed you didn't join with us, let us have some of our ideas on the Bill. Where the hell have you been for ten years? We asked you last year and the year before that and the year again. Where have you been? Yes. That's right. That's right. That's right."

Speaker Johnson, Tim: "If we could have some order in the chamber."

Black: "That's right."

Speaker Johnson, Tim: "Representative..."

Black: "You're all learning."

Speaker Johnson, Tim: "If we could have some order in the chamber. We have a reinforced gavel now. If we could have some order in the chamber. I think Representative Black will have the opportunity to conclude his remarks. We'd appreciate the decorum that's maintained itself through most of the day. Representative Black."

Black: "You're all learning very well. You're all learning very well. And I'll repeat, I'll repeat my question. Where have you been for 10 years? We've brought this topic up time and time again. Oh no let's study it, oh no let's create a task force, we're working on that. Come on, come on come on. Now you know the outcome of this Bill, you've known it for the last two hours. And listen to some of the

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stuff you've had to say. It's an emotional issue, there's no question about that. It's not a partisan issue. Your elected President of the United States said in the State of the Union Address, he's going to end welfare as we know it. Right on President Clinton, right on, right on. And then in all seriousness, in all seriousness, Mr. Speaker and I would appreciate some time that they haven't given me. In all seriousness, then you have, then you have..."

Speaker Johnson, Tim: "If I could have...I we could...Gentlemen...if we could have some order...just have some order. Everybody in this chamber has been accorded the courtesy of having their...their remarks being able to be addressed. With decorum in the House and I would simply ask that people on both sides of the aisle accord the same courtesy to Representative Black. Representative Black."

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

Speaker Johnson, Tim: "Wish to bring your comments to a close?"

Black: "I have 63 people wishing to donate their time to me. All right?"

Speaker Johnson, Tim: "If we could have some order. Representative Clayton, again Representative Clayton has asked that her five minutes be yielded to Representative Black and that request will be granted. Representative Black, addressing the Bill."

Black: "Thank you very much, Mr. Speaker. I'll try to lower my voice so that maybe you can strain to catch every word. Because for all that we do in this chamber and we try to have some fun and I like to have as much fun as you do, maybe more. But you really...you really should listen to what some of you have been saying tonight and listen carefully. You're telling us that it's governments responsibility to provide answers to every question, it's

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governments responsibility to subsidize illegitimacy, it's governments responsibility to take care of these people, poor women, poor children. Oh we're going to turn them out in the street, it's governments responsibility. Were does it say that? Were does it say that? You know all we're asking you tonight is for once be serious with us. You want to join with us? File your Bills, there's time, plenty of time, they're trailer Bills, get on them. All right? All the Sponsor of this Bill is attempting to do and you put him through the ringer and you've tried to ridicule him and you've tried to make fun of him and some of you have even been personal about it. All right? And you can yell at me, that's fine. That's right. All right. All we're asking you to do is to join with us on an idea that isn't new, it isn't revolutionary and it isn't a Republican idea or a Democrat idea. You all have the same concerns that I do and I like to fell out of my chair when the debate on this issue, extremely important issue, degenerated into the idea that somehow my public aid office should be bigger than your public aid office. You want to do something about the problem? Then why don't you work with the Sponsor of this Bill and the Sponsor of several other Bills to reinstill, reinstill in the hearts and minds of people from Chicago to Carbondale the issue, the simple issue, of accepting responsibility for your actions. If you make certain choices, what gives you the right to come to me and say, you Sir should subsidize my choice. I made a mistake and therefore it's your responsibility to subsidize my choice. It is not. It never has been and it never will be. Now make all the fun and comments that you want to make, you know and I know that the issue of welfare in this country will not go away. Even those on it, even

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those on it will tell you it..., it doesn't work, it's degrading, it's inflexible. Well, if you haven't listened to Dave Letterman lately, tune in. So whatever you want to do and the games you want to play. The issue here is still the same. Put your actions where your false rhetoric has been for the last ten years. It's time to tell people you will be held responsible for your actions, you will be held accountable for your decisions. It is not governments responsibility to take you by the hand from the day you're born, till the day you die. Now the Bill will pass, it's time to put aside some of this nonsense. Let's vote, let's go home, let's get some sleep and for once in your life, let's do what's right."

Speaker Johnson, Tim: "The Chair recognizes the Lady from St. Clair, Representative Younge."

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

Speaker Johnson, Tim: "He indicates he will."

Younge: "Representative Stephens, are you familiar with the races of the most of the children involved in Aid to Dependent Children in Illinois?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Am I familiar with their races? Yes, I am."

Speaker Johnson, Tim: "Further questions, Representative Younge?"

Younge: "Yes. What race are they?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "A variety, predominately I think that you'll find that they're Caucasian by numbers as far as percentage wise."

Speaker Johnson, Tim: "Further questions, Representative Younge?"

Younge: "I was under the impression that most of the children affected by this program are black children, in Illinois."

Speaker Johnson, Tim: "Further comments on the Bill, Representative Younge?"

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Younge: "I didn't hear the answer."

Speaker Johnson, Tim: "Was it a question or a comment? Did you wish to address the question again to Representative Stephens? Representative Stephens."

Stephens: "Maybe I misunderstood the question. I thought you were referring to welfare caseload in its entirety. If you're talking about A.F.D.C. children, then I, if you want the predominant race, I think it's around 59% and it's African-American."

Speaker Johnson, Tim: "Further questions or comments, Representative Younge?"

Younge: "Yes. Mr. Speaker, would you please leave the light on, I have a series of questions that I want to ask the Sponsor and to turn it off everytime is disrupting and it interrupts me. Are..."

Speaker Johnson, Tim: "Representative, if I could respond to your comment. We have rules of the House and the light was turned on, the timer was turned on and if you conclude your remarks within that time and someone else wishes to yield their time to you, the request will be granted. So proceed."

Younge: "Thank you very much, Mr. Speaker. Representative Stephens, are you aware of the fact that until last year was the policy of the Illinois Department of Public Aid to drive fathers away from the home?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Representative, if you can find me a document in all of the policy manuals of the Department of Public Aid that says that it is the policy of the department to drive men away from the home I will be shocked, that is not the policy."

Speaker Johnson, Tim: "Further question, Representative Younge?"

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Younger: "Representative, everyone in this room knows that up until about a year or two ago the department used to search these A.D.C. homes looking for the fathers and looking for the people and the policy was to disrupt the family and to drive them away, everybody knows that, that was the policy. Aren't you aware of that?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Representative, if you're referring to A.F.D.C. families, then of course that's a different story because, by definition, they are not part of that family and have so testified. At least the mother in that family has testified that there is no father living in that house. And if you call that driving a father out of the house, I call it fraud on the part of the person who said that they weren't there in the first place."

Speaker Johnson, Tim: "Representative Younger."

Younger: "You're aware, as we all are, that there is a change of situation now in Illinois. Until about a year ago it was the policy to disrupt these families, to drive the man out of the house and not to require any responsibility on the part of the male involved in this whole situation. I want to ask you to interpret specifically for us on page 13 of this Act, lines 14 through 27. What does this mean?"

Speaker Johnson, Tim: "Representative Stephens, in response."

Stephens: "Just a moment, Mr. Speaker, I need to find the...you said page 13 in Senate Bill? Are you looking at the Senate Bill?"

Speaker Johnson, Tim: "Representative Younger."

Younger: "Senate Bill 10, page 13, lines 14 to 27."

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "I believed the question was, what does the Bill mean on page 13, section beginning with line 14."

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Speaker Johnson, Tim: "Representative Younge, your time's expired. The request has been from Representative Monique Davis, who has already been recognized but we'll acknowledge her...that's fine...we'll acknowledge your request to yield your five minutes to Representative Younge. Proceed Representative Younge."

Younge: "I'm having difficulty, Mr. Speaker, in getting any answers from the Sponsor of this Bill. I want to know, what...lines 14 to Line 27, what does that mean, that public aid is abolished as of 1998? And then it says the department shall develop an alternative program of mutual responsibility between the department and the client to allow the family to be self sufficient or employed as quickly as possible. The provision of transitional assistance to families in the form of an emergency one time payments to prevent job loss. Does that mean that the intent of the department is to place a family on just a one time payment cycle each month, they have to reapply, what does that mean?"

Speaker Johnson, Tim: "Representative Stephens, in response."

Stephens: "No. It does not necessarily mean that."

Speaker Johnson, Tim: "Representative Younge, further questions or comments?"

Younge: "Yes. Could it mean that, could it mean that after...after...that the alternative that you're really talking about here, is that a family would have to reapply ever month for public aid, is that what you're talking about, Sir?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Representative, it means that we are going to end the program as it exists today. It means what it says, we...the exact policy in the State of Illinois, in the year

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1999 is going to be a lot different than what it is today. It means that we are going to work department with the family to develop programs through the legislative process that create a system that helps those in need temporarily because they're need is temporary. We will address that need and we will develop programs that will put able bodied people to work. It will develop programs where necessary...where people who are in need to transitional care, for job training, education purposes, that we can have those sorts of programs. The bottom line in each case being that the key word is going to be temporary."

Speaker Johnson, Tim: "Excuse me. Excuse me. If we could just have some order so Representative...bring his response to a close. Representative Stephens?"

Stephens: "I believed I've answered the Lady's question sufficiently, I'm sure she disagrees."

Speaker Johnson, Tim: "Representative Younge, do you have further questions or comments?"

Younge: "This is a very serious matter and we're entitled to some answers. My question is quite specific, Mr. Sponsor. Is it the intent of the department to have these people in the harassing situation on a month by month basis. They have to go in there and appeal for an payment under your alternative. This is what is suggested by this...by the reading here. Answer the question, yes or no. Is that your intent?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Obviously, no."

Speaker Johnson, Tim: "Representative Younge. Do you have further questions or comments?"

Younge: "Yes, I do."

Speaker Johnson, Tim: "Please proceed."

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Young: "On page 16 of the Bill, lines 1 through 8."

Speaker Johnson, Tim: "Could you give the Lady your attention?
Representative Younge."

Younge: "Is it your intention that people who are ill or disabled
would have to get high school diplomas?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "If I heard your question correctly, I think the answer
is, that the program specifies that they must be able
bodied."

Speaker Johnson, Tim: "Representative Younge."

Younge: "On page 17 of the Bill you take out the standard...the
standard providing for livelihood comparable with
health...comptable with health and well being. What is
the new standard under your Bill?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "The standards are going to be the same but by taking
that language out you won't be able...but we're not in the
position where we're treating one family differently than
another."

Speaker Johnson, Tim: "Representative Younge, you want to bring
your questions and comments to a close?"

Younge: "Well, if the standards going to be the same, why are you
making the changes?"

Speaker Johnson, Tim: "Representative Stephens, in brief
response."

Stephens: "For the reason that I just stated, Ma'am."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from
Cook, Representative Pugh."

Pugh: "Thank you, Mr. Speaker and Ladies and Gentlemen of the
House. Would the Sponsor yield for a couple of questions?"

Speaker Johnson, Tim: "He indicates he will."

Pugh: "I understand, Representative Stephens, due to the lateness

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of the hours I will keep my comments or my questions brief. And I'd like to begin by commending you with this portion of the legislation that requires the license or renewal of drivers license to be revoked if individual is not current with their child support payments. I think that's a very good portion of the Bill. As a matter of fact I think that's the only good portion of the Bill. Historically, the welfare system, as we know it, has served to separate the families. Does this Bill...does this piece of legislation provide correction of those disincentives for separating the families?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "This Bill deals with families that are already separated by definition of Aid to Families with Dependent Children and through the federal definition."

Speaker Johnson, Tim: "Further questions, Representative Pugh?"

Pugh: "The next question, does it...does it provide incentives for mothers to go to work?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "It takes away the disincentives...disincentives. I would call that providing incentives."

Speaker Johnson, Tim: "Further questions or comments, Representative Pugh?"

Pugh: "Could you tell me, how much this program reorganization, because we are going to reorganize the programs that are currently in place at the Department of Public Aid, am I correct?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Well, I...I suppose if you're referring to the section about the sunset. Yes, we're going to reinvent public assistance in Illinois. At least through this Bill the A.F.D.C. section of it, public assistance."

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Speaker Johnson, Tim: "Representative Younge."

Pugh: "Mr. Chairman. What..."

Speaker Johnson, Tim: "Representative Pugh."

Pugh: "What...what will be the cost of this reorganization, Representative Stephens? I asked this question once before and you gave me a sign. For the record, can you give me a numerical number?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "The sign that I gave you and I sure hope you didn't misinterpret it, was in response to the question that you asked on House Bill 209 last week and that was, what was the cost of the implementation of this Bill? And I gave you a sign that is generally accepted as reflecting the number zero. So, zero is the answer to your question."

Speaker Johnson, Tim: "Further questions or comments, Representative Pugh?"

Pugh: "So, there won't be a cost factor? How much will the implementation of this program save the taxpayers?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "I seem to remember that question too and it inspired me to give you a sign. I don't know if I did that but it would have been a zero."

Speaker Johnson, Tim: "Representative Pugh, do you have further questions or comments?"

Pugh: "If there's no cost savings involved and there's no projected increase. What is the objective of implementing this restructuring of the Department of Public Aid, what is your objective?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Representative Pugh, I have a great deal of respect for you and that is a appointed and intelligent question and I would like to respond. First of all, let me remark

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that we in response to the questions that were answered with the answer zero, that was first year, it is revenue neutral. In the out years there will savings. But that is not really the basic reason for these...this Bill and legislation similar to this that you're going to see around the country. The basic reason is, what we are trying to do is take away incentives for people to remain trapped on welfare, that's the basic reason. And by encouraging deadbeat dads to take responsibility for their children, we think that makes good sense. Keeping children who are having babies in school, we think makes good sense. Keeping a child who has a child at home with her family unit, we think makes good sense. Those are the basic things that many Americans feel are values that we hold dear and help us become success in our life...successful in our lives. And those are things that we think no one should be denied and that is the purpose behind the Bill, Sir."

Speaker Johnson, Tim: "Representative Pugh, if you could bring your questions and comments to a close."

Pugh: "Representative, I too share a level of respect and admiration for you. The legislation states that the objective of the Bill is to allow these families to reach a level of self sufficiency. How many of these people, this 59% of minorities that will be affected by this legislation, live in your district?"

Speaker Johnson, Tim: "Representative Stephens, in brief response."

Stephens: "Mr. Speaker, I apologize, I missed the question. Representative Pugh, I'm sorry. Would you repeat it please?"

Pugh: "Let me back up for just a second."

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Speaker Johnson, Tim: "We've added..."

Pugh: "What portion...maybe you can ask the staff, what portion..."

Speaker Johnson, Tim: "Excuse me, Representative Pugh, Representative Pugh, without the request from any Members we've added an additional two or three minutes, so if you could bring your remarks to a close, Representative Stephens will attempt to respond."

Pugh: "...portion of the overall budget, that we're talking about, is dedicated to Medicaid?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "If your question is, what portion of the public aid budget is dedicated to Medicaid? The answer has been...the question has been asked twice this evening already, and the answer is still 75%. That's okay."

Speaker Johnson, Tim: "Representative Pugh."

Stephens: "No offense."

Pugh: "It's been stated also that 59% of these individuals are minority. What percentage of these minorities live in your district?"

Speaker Johnson, Tim: "Time has expired, Representative. You want to briefly answer the question, Representative Stephens? Then we'll proceed."

Stephens: "First of all, make sure what...the numbers we're talking about. Fifty Nine percent has to do with the A.F.D.C..."

Pugh: "Representative..."

Stephens: "...not the entire welfare load. And as to the percentage that live in any particular Representative's district, including my own, I have...I don't have that information available."

Speaker Johnson, Tim: "There has been a request by Representative

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Howard that he yield his five minutes, is that correct, to Representative Pugh and your request is granted."

Pugh: "In...in this legislation we're attempting to move these families to a level of self sufficiency by the creation of a new set of programs. Part of the programmatic change would be for allowing the individuals to prepare personal plans for achieving employment. Am I correct? These plans would be implemented through social...social service networks?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "No."

Speaker Johnson, Tim: "Representative Pugh."

Pugh: "Implement these programs, will the department implement the programs or with the level...or will the social service networks implement the programs?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Which programs are you referring to, Sir?"

Speaker Johnson, Tim: "Representative Pugh."

Pugh: "The programs that are going to be put in place to take these individuals from unemployment to self sufficiency? The personal plans for achieving self employment that the Bill speaks to."

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Representative, each plan is different, variety of divisions in the department would be affected. You'll have to make your question more specific. Or all I can tell is, it will be the Department of Public Aid. If you can be more specific, I can be more specific in my response."

Speaker Johnson, Tim: "Representative Pugh."

Pugh: "Bills speaks to a group of social service networks that would provide services to these individuals. Who are the social service networks that will be providing the services

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to the individuals?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Well, first of all, to help you be more specific, you're not referring to the entire Bill. You're remarks must be based I...I'm anticipating...I think your remarks are directed at the truancy section? And if...because that's the only place in the Bill that any of us know that it refers to those social service networks. That's the only and it's only that one section. And depending on the area of the state we're talking about. We're talking about a variety of...seem to be a religious based social services organizations, charitable non-profit organizations that exist in just about every community in Illinois."

Speaker Johnson, Tim: "Any further questions, Representative Pugh?"

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

Speaker Johnson, Tim: "To the Bill."

Pugh: "It's been historically the individuals that have worked diligently to prepare themselves for a society that has not created a place for them. Various individuals who have no idea of what the needs are in these various communities are continuously to...working to create plans for individuals that who they have no idea of what their needs are. These same people are the ones who are creating programs that on one end is saying, that the program is designed to allow an individual to go to a school but on the other end are creating programs to close the schools or creating disincentives for schools to operate in the communities where these individuals are going to be placed off of welfare programs. In East St. Louis, for instance, Assumption School has been closed and turned into a prison. When are we going to begin to deal with the real problems

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associated with welfare? And it's not the people that are on welfare, it's the bureaucrats that are continuing to perpetuate their employment by keeping these people dependent. It is with that I request all of the people, who have a conscience, to vote 'no' on this piece of legislation."

Speaker Johnson, Tim: "Thank you, Representative. The Chair recognizes the Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker and Members of the House. Less than a...we debated on this House floor House Bill 209. Many of the opponents of the Bill pointed out its many flaws, for example, a plan to stem truancy that would have doubtless the unintended affect of substantially increasing case loads in the Department of Children and Family Services. Proponent after proponent of House Bill 209 began his or her remarks with the statement, this is not a perfect Bill, this is not a perfect Bill but. House Bill 209 is, of course, identical to Senate Bill 10. House Bill 209 was not a perfect Bill, it was a flawed Bill and Senate Bill 10, identical, is equally imperfect and equally flawed. But there's a difference between a vote last week on 209 and a vote this week on Senate Bill 10. The difference is that this is final action. If this Bill wins support from this House this measure goes to the Governor. Well what's the rush? We've heard on this House floor from proponents about a Trailer Bill. We know that Senator Raica has already scheduled hearings to improve the provisions of this measure. The Chairman of our House Executive Committee has said he wants to work with the advocacy community to make this a better program. Well, what's the rush, Speaker and Members of this House? This is February 16th, it isn't June 30th, it isn't May 26th. It's a

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disgrace and a scandal for us to send to the Governor a measure that everybody admits has serious flaws. So what's the deal? Is it that before he went fishing Senator Philip said to Representative Daniels, let's divy up the spoils from one side of the Rotunda to the other. You get to be the architect of the destruction of the civil justice system. If I get the opportunity to run it when it comes to making a bad welfare system worse. Is that why we're rushing to judgment on this program? You did your press releases last week, you got your sound bites, let's take a little time. February 16th, we have a few months. Let's sit down and see if we cannot craft a better Bill that does what we all want to do and that is to improve the welfare system. Let me talk for a minute about one of the central tenants of this Bill. And a former Speaker said, 'well why didn't the Democrats do it when they were in charge?' Well, one of the reasons we didn't do a measure like this is because of the strong opposition of the Edgar Administration to the starve the baby proposal in Senate Bill 10. The Edgar Administration and its Department of Public Aid said, do not starve the baby. Family Caps are bad public policy and they are bad public policy. Let's look at economic incentives. The entire welfare system in this state is a disincentive for a woman to become pregnant while she's on welfare. What do we do for people on welfare? We give them in the cash grant 40% of what the state says it takes to keep body and soul together. How valuable, how worthwhile is that welfare grant? It buys 50% less today than it did 20 years ago. An economical rational woman will not decide to become pregnant for the \$37 she'll get extra a month, money that will hardly keep that tot in Pampers. Economic disincentives we have plenty,

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what we don't have are the supports a woman needs to become economically self sufficient. If you want to do it right, let's provide the child care, the extended medical care and the job training that mothers on welfare need in order to become independent. Anybody in her right mind would rather a paycheck..."

Speaker Johnson, Tim: "If you could give the Lady your attention...if you could give the Lady your attention."

Currie: "...a paycheck than a welfare check. And when we talk about choice, about subsidizing choice, as one prior Speaker did. Let me remind you first that we do subsidize all of our choices to have additional babies. We get extra exemptions in the federal income tax and in the state income tax. But the real issue of choice here is the choice of the baby, the baby you plan to starve. That baby did not choose to come into this world, that baby did not choose poor parents. I think it's a disgrace for us to rush to action on this Bill in its present form and I would encourage the Members to say 'no' today so we can go back to the drawing boards and put together something that really will help..."

Speaker Johnson, Tim: "Bring your remarks to a close, Representative. The Chair recognizes the Gentleman from Cook, Representative Dart."

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

Speaker Johnson, Tim: "The Sponsor indicates he'll yield."

Dart: "Representative, did we get any answers back yet from the director of D.C.F.S. about how many kids this is going to bring into the system?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "If you're referring to...because of this Bill? The...let me just say this, in response to your question,

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under the current federal law and existing state law protected payee status can be imposed when the recipient is not acting in the best interest of the child. Most often this is applied in cases deemed to have financial mismanagement. Senate Bill 10 establishes irregular school attendance as an additional reason for finding lack of proper necessary support or care to implement a protected payee. This is not identical to D.C....D.C.F.S. standards for neglect or abuse and may prevent some cases from needing D.C.F.S. intervention. Let me repeat that because you keep hammering away on this. This is not identical to D.C.F.S. standards for neglect or abuse and may prevent some cases from actually becoming...causing D.C.F.S. intervention. In fact, the Department of Children and Family Services definition of neglect specifically excludes truancy as a basis for neglect. A finding under this section will not lead to referral to D.C.F.S. So the answer is, no effect."

Speaker Johnson, Tim: "Further question or comments, Representative Dart."

Dart: "Yes. I remember that best interest law, I help write it. You know the kids will come in because there is a grounds for neglect based on situations where they cannot be provide the adequate living. So we're talking about children who are pushed out because they've had, the mother's had two kids. This Bill will abolish A.F.D.C., is that correct? In two years?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "You speculate that it will abolish it. Abolish means to me, gone forever. I think what we're going do is reinvent Aid to Families with Dependent Children so that we have a system that is first of all, temporary and its

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benefit nature by design and one that leads families to be responsible for their actions and leave them to further their education and/or job training skills so that they can share in, at least share, in providing welfare for the families that they are responsible for."

Speaker Johnson, Tim: "Further questions or comments, Representative Dart?"

Dart: "Thank you. You're abolishing it because it's broken, I presume. That's as much as I can get out of that. If we're so upset about it, we've got this other department called D.C.F.S. where we have kids that are in there for 20, 30 different placements and we actually have killed a few of them that we've had on our control. Will you help me in Co-Sponsoring and abolishing that department and starting from scratch too?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "Be glad to discuss any piece of legislation you have pending."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Who's going...who's in charge of developing the new A.F.D.C.?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "The department by rule will develop and have recommendations. It will eventually fall on this Body to determine what the nature of the reinvention of welfare in Illinois will be."

Speaker Johnson, Tim: "Representative Dart, if you could bring your questions and comments to a close."

Dart: "Thank you. I believe Representative Brunsvold was going to yield his five minutes."

Speaker Johnson, Tim: "Representative Brunsvold has indicated he wishes to yield his five minutes to Representative Dart and

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the request will be granted."

Dart: "Thank you. And these people, are these the same people that gave us healthy moms, healthy kids?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "This General Assembly passed healthy moms, healthy kids."

Speaker Johnson, Tim: "Representative Dart."

Dart: "The Department of Public Aid had nothing to with it, hua?"

Speaker Johnson, Tim: "Representative Stephens."

Stephens: "To my knowledge none of them voted for it."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Well, good, we might want to keep them out of this one then too, hua? To the Bill."

Speaker Johnson, Tim: "Representative Dart, to the Bill."

Dart: "Thank you. Seeing his answers are not forthcoming here. The...that's been sort of the going on today actually this turned out to be a great day in Illinois history. Today we first...we took out the victims, we took out seniors and children, now we're going after children. We can't even seem to get our stories straight. We have people over there telling us that there is a...we have more jobs than what you've never seen before but yet about two hours prior to that we were saying we don't have any jobs and that's why we need tort reform. And we can't even keep our stories straight within an hour. This...I find troubling too when we have individuals who are talking about how it's not governments responsibility to get involved in certain situations. Well, I dare say, two years ago every single Member on the other side of the aisle but one opposed a Bill that I had that dealt with people who murder and rape their little kids and we subsidized them and you guys voted for that. You were all for subsidizing people who rape

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their kids and who disfigured them and murdered them. All for that, everyone of you voted for it and you know the Bill I'm talking about too, but now we're problems with this one. So I perceive a great deal of inconsistency here. This Bill was bad last week, this Bill is bad today, you know it. I wish it was more like a fine wine that got better with time but it didn't. This is more like Boone's Farm. This was bad then, it's bad now, there's no hurry. Go ahead and do your vote, do your damage. Its been a great day for the citizens of Illinois, thanks to yourselves."

Speaker Johnson, Tim: "Representative. The Chair recognizes the Gentleman from Cook, Representative Kenner."

Kenner: "Mr. Speaker. Thank you, Mr. Speaker. I yield my time to Representative Younge."

Speaker Johnson, Tim: "With all due respect, Representative, citing the attention of the Body to House Rule 7-3, Sub-section E, 'no Member shall speak longer than five minutes at one time, nor more than once in the same question except by leave of the House'. Is there objection to the request of Representative Kenner. There has been an objection raised and the Chair would rule your request, Representative, out of order. Representative Cook, the Lady from...Representative Davis, the Lady from Cook."

Davis, M.: "I'm taking Lou Jones time."

Speaker Johnson, Tim: "If we could just have...have the attention of the Body. Representative, Representative. Representative Davis."

Davis, M.: "Well, do you want to address them?"

Speaker Johnson, Tim: "Representative Lang, for what purpose do you rise?"

Lang: "Thank you, Mr. Speaker. I have a point of order, I

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appreciate you calling on me without even me cajoling the Chair. We're entitled to know who objected to Representative Youngue asking for leave."

Speaker Johnson, Tim: "In the opinion of the Chair. Representative McAuliffe, among others, has objected. Representative McAuliffe, among others, has objected. Correct. The Chair recognizes the Gentleman from Madison, Representative Stephens to close."

Stephens: "Well, thank you, Mr. Speaker. The...I believe we were..."

Speaker Johnson, Tim: "If we could give the Gentleman the same order that we've given Ladies and Gentlemen on both sides of the aisle. Representative Stephens, the Gentleman from Madison, to close."

Stephens: "Thank you, Mr. Speaker. I...they can continue to demonstrate it doesn't bother me. The facts of the matter are that what we've seen demonstrated here this evening is a basic different philosophy. Mr. Speaker, as they continue to demonstrate I will just continue to tell you that I move passage of Senate Bill 10 and ask for your 'aye' vote."

Speaker Johnson, Tim: "Representative, if you could...if you could pause for just a moment. If you could pause for just a moment. Representative Davis has risen on a point of order. Your point? State your point."

Davis, M.: "Turn to speak and I appreciate the opportunity. I'm an elected official just as everybody else is in this room. Now I know...I know that you don't want to hear what I have to say because you know that I'm going to tell you..."

Speaker Johnson, Tim: "Representative."

Davis, M.: "...what it really is about that Bill."

Speaker Johnson, Tim: "Representative."

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Davis, M." "You have allowed..."

Speaker Johnson, Tim: "Representative. If we could have some order so I can respond to Representative Davis's comments. Representative Davis, you previously yielded your time to Representative Younge. You've yielded your time previously and the House rules will not permit you to speak to the issue again and that's the ruling of the Chair. If you wish to appeal the ruling of the Chair you may do so. Do you appeal the ruling of the Chair? The Motion is...the question is...the question is, Shall Senate Bill 10 pass. All in favor vote 'aye'; all opposed, vote 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? This is final action. Mr. Clerk, take the record. On this question, there are 75 voting 'aye'; 38 voting 'no'. This Bill having received the Constitutional Majority, is hereby declared passed.

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Lake, Representative Churchill. Who now moves that the House stand adjourned until the Friday, February 17, 1995 at the hour of 10:00 a.m. All in favor signify by saying 'aye'; opposed, 'nay'. The 'ayes' have it. In the opinion of the Chair the 'ayes' have it and the House now stands adjourned allowing Perfunctory time for the Clerk until Friday, February 17, 1995 at the hour of 10:00 a.m."

Clerk Rossi: "Introduction - First Reading of House Bills. House Bill 1799, offered by Representative Kubik, a Bill for an Act to amend the Public Utilities Act. House Bill 1907, offered by Representative Dart, a Bill for an Act to amend the School Code. House Bill 1802, offered by Representative Black, a Bill for an Act to amend the County Jail Act. House Bill 1993, offered by Representative Black, a Bill

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for an Act to amend the County Jail Act. House Bill 1984, offered by Representative Parke, a Bill for an Act to amend the Illinois Educational Labor Relations Act. House Bill 1985, offered by Representative Parke, a Bill for an Act concerning Regulatory authority to the Department of Professional Regulation. House Bill 1986, offered by Representative Parke, a Bill for an Act to amend the Workers' Compensation Act. House Bill 1987, offered by Representative Lindner, a Bill for an Act to amend the Illinois Municipal Code. House Bill 1988, offered by Representative Cowlshaw, a Bill for an Act to amend the School Code. House Bill 1989, offered by Representative Lang, a Bill for an Act to amend the Liquor Control Act. House Bill 1990, offered by Representative Art Turner, a Bill for an Act to create the Empowerment Zones Implementation Act. House Bill 1991, offered by Representative Kotlarz, a Bill for an Act to amend the Illinois Municipal Code. House Bill 1992, offered by Representative Dart, a Bill for an Act to amend the Property Tax Code. House Bill 1993, offered by Representative Dart, a Bill for an Act in relation to occupation taxes. House Bill 1994, offered by Representative Ronen, a Bill for an Act concerning municipalities. House Bill 1995, offered by Representative Ronen, a Bill for an Act to amend the Property Tax Code. House Bill 1996, offered by Representative Dart, a Bill for an Act to amend the School Code. House Bill 1997, offered by Representative Dart, a Bill for an Act in relation to the sale of tax delinquent property. House Bill 1998, offered by Representative Dart, a Bill for an Act to amend the Property Tax Code. House Bill 1999, offered by Representative Capparelli, a Bill for an Act to amend the

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Property Tax Code. House Bill 2000, offered by Representative Blagojevich, a Bill for an Act to amend the School Code. House Bill 2001, offered by Representative Blagojevich, a Bill for an Act relating to truant officers. House Bill 2002, offered by Representative Blagojevich, a Bill for an Act to amend the School Code. House Bill 2003, offered by Representative Blagojevich, a Bill for an Act to amend the School Code. House Bill 2004, offered by Representative Blagojevich, a Bill for an Act to amend the School Code. House Bill 2005, offered by Representative Blagojevich, a Bill for an Act to amend the School Code. House Bill 2006, offered by Representative Blagojevich, a Bill for an Act to amend the School Code. House Bill 2007, offered by Representative Blagojevich, a Bill for an Act to amend the School Code. House Bill 2008, offered by Representative Blagojevich, a Bill for an Act to amend the School Code. House Bill 2009, offered by Representative Blagojevich, a Bill for an Act to amend the School Code. House Bill 2010, offered by Representative Blagojevich, a Bill for an Act to amend the School Code. House Bill 2011, offered by Representative Blagojevich, a Bill for an Act to amend the School Code. House Bill 2012, offered by Representative Blagojevich, a Bill for an Act to amend the School Code. House Bill 2013, offered by Representative Blagojevich, a Bill for an Act to amend the School Code. House Bill 2014, offered by Representative Blagojevich, a Bill for an Act to amend the School Code. House Bill 2015, offered by Representative Blagojevich, a Bill for an Act to amend the School Code. House Bill 2016, offered by Representative Blagojevich, a Bill for an Act to amend the School Code. House Bill 2017, offered by Representative Blagojevich, a Bill for an Act to amend the School Code.

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House Bill 2018, offered by Representative Blagojevich, a Bill for an Act to amend the School Code. House Bill 2019, offered by Representative Blagojevich, a Bill for an Act to amend the School Code. House Bill 2020, offered by Representative Blagojevich, a Bill for an Act to amend the School Code. House Bill 2021, offered by Representative Blagojevich, a Bill for an Act to amend the School Code. House Bill 2022, offered by Representative Blagojevich, a Bill for an Act to amend the School Code. House Bill 2023, offered by Representative Blagojevich, a Bill for an Act to amend the School Code. House Bill 2024, offered by Representative Kubik, a Bill for an Act to amend the Property Tax Code. House Bill 2025, offered by Representative Steve Davis, a Bill for an Act concerning motor vehicles. House Bill 2026, offered by Representative Blagojevich, a Bill for an Act to amend the School Code. House Bill 2027, offered by Representative Steve Davis, a Bill for an Act to amend the Attorney General Act. House Bill 2028, offered by Representative Blagojevich, a Bill for an Act to amend the Criminal Code. House Bill 2029, offered by Representative Blagojevich, a Bill for an Act in relation to breast implants. House Bill 2030, offered by Representative Blagojevich, a Bill for an Act to amend the Code of Civil Procedure. House Bill 2031, offered by Representative Blagojevich, a Bill for an Act to amend the Illinois Public Aid Code. House Bill 2032, offered by Representative Blagojevich, a Bill for an Act to amend the Illinois Public Aid Code. House Bill 2033, offered by Representative Blagojevich, a Bill for an Act making appropriations to the Lieutenant Governor. House Bill 2034, offered by Representative Blagojevich, a Bill for an Act to eliminate certain duties of the Lieutenant Governor. House

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Bill 2035, offered by Representative Balthis, a Bill for an Act to amend the Municipal Code. House Bill 2036, offered by Representative Balthis, a Bill for an Act to amend the Illinois Municipal Code. House Bill 2037, offered by Representative Balthis, a Bill for an Act to amend the Motor Fuel and Petroleum Standards Act. House Bill 2038, offered by Representative Tom Johnson, a Bill for an Act to amend the Unified Code of Corrections. House Bill 2039, offered by Representative McGuire, a Bill for an Act to amend the Illinois Pension Code. House Bill 2040, offered by Representative Cowlshaw, a Bill for an Act to amend the School Code. House Bill 2041, offered by Representative Cowlshaw, a Bill for an Act to amend the Unemployment Insurance Act. House Bill 2042, offered by Representative Cowlshaw, a Bill for an Act to amend the Illinois Governmental Ethics Act. House Bill 2043, offered by Representative Lindner, a Bill for an Act to amend the General Assembly Operations Act. House Bill 2044, offered by Representative Deering, a Bill for an Act to amend the Pension Code. House Bill 2045, offered by Representative Winters, a Bill for an Act to amend the Correctional Budget and Impact Note. House Bill 2046, offered by Representative Salvi, a Bill for an Act to amend the Juvenile Court Act. House Bill 2047, offered by Representative Durkin, a Bill for an Act in relation to community corrections. House Bill 2048, offered by Representative Durkin, a Bill for an Act in relation to fees. House Bill 2049, offered by Representative Salvi, a Bill for an Act to amend the Unified Code of Corrections. House Bill 2050, offered by Representative Winters, a Bill for an Act to require the chief judge of each circuit to adopt a system of structured intermediate sanctions for violations of the terms and

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conditions of probation, conditional discharge, and supervision. House Bill 2050, offered by Representative Winters, a Bill for an Act to require the chief judge of each circuit to adopt a system of structured intermediate sanctions for violations of the terms and conditions of probation. House Bill 2051, offered by Representative Mautino, a Bill for an Act to amend the Illinois Horse Racing Act. House Bill 2052, offered by Representative Deering, a Bill for an Act to amend the Illinois Pension Code. House Bill 2053, offered by Representative Mautino, a Bill for an Act to amend the Illinois Horse Racing Act. House Bill 2054, offered by Representative Dart, a Bill for an Act in relation to the contents of the State budget. House Bill 2055, offered by Representative Shirley Jones, a Bill for an Act in relation to factual budget notes. House Bill 2056, offered by Representative Gash, a Bill for an Act to create the Savings and Stability Fund. House Bill 2057, offered by Representative Madigan, a Bill for an Act making an appropriation to the CHIP Board. House Bill 2058, offered by Representative Schakowsky, a Bill for an Act to amend the Vital Records Act. House Bill 2059, offered by Representative Schakowsky, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. House Bill 2060, offered by Representative Deering, a Bill for an Act concerning the Sports Facilities Authority. House Bill 2062, offered by Representative Schakowsky, a Bill for an Act in relation to privatization of government services. House Bill 2063, offered by Representative Schakowsky, a Bill for an Act concerning public health. House Bill 2064, offered by Representative Daniels, a Bill for an Act to amend the Illinois Purchasing Act. House Bill 2065, offered by Representative Daniels, a Bill for an Act to amend the

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Community Services Act. First Reading of these House Bills."

Clerk Rossi: "House Bill 2066, offered by Speaker Daniels, a Bill for an Act in relation to public services. House Bill 2067, offered by Representative Lawfer, a Bill for an Act to amend the Liquor Control Act. House Bill 2068, offered by Representative Krause, a Bill for an Act to create the Mental Health Treatment Preference Declaration Act. House Bill 2069, offered by Representative Zabrocki, a Bill for an Act to amend the Community Mental Health Equity Funding Act. House Bill 2070, offered by Speaker Daniels, a Bill for an Act concerning disabled persons. House Bill 2071, offered by Representative Krause, a Bill for an Act to amend the Abused and Neglected Long Term Care Facility Residence Reporting Act. House Bill 2072, offered by Representative Leitch, a Bill for an Act concerning health. House Bill 2073, offered by Representative Krause, a Bill for an Act concerning employee insurance benefits. House Bill 2074, offered by Representative Krause, a Bill for an Act to amend the Illinois Public Aid Code. House Bill 2075, offered by Representative Krause, a Bill for an Act to amend the Mental Health and Developmental Disabilities Code. House Bill 2076, offered by Representative Winters, a Bill for an Act to amend the School Code. House Bill 2077, offered by Representative Cowlshaw, a Bill for an Act to amend the School Code. House Bill 2078, offered by Representative Cowlshaw, a Bill for an Act to amend the School Code. House Bill 2079, offered by Representative Cowlshaw, a Bill for an Act to amend the School Code. House Bill 2080, offered by Representative Rutherford, a Bill for an Act to amend the Illinois Vehicle Code. House Bill 2081, offered by Representative Rutherford, a Bill for

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an Act to amend the Illinois Vehicle Code. House Bill 2082, offered by Representative Ryder, a Bill for an Act concerning property. House Bill 2083, offered by Representative Ryder, a Bill for an Act concerning nursing home facilities. House Bill 2084, offered by Representative Cowlshaw, a Bill for an Act to amend the School Code. House Bill 2085, offered by Representative Lou Jones, a Bill for an Act to amend the Housing Authorities Act. House Bill 2086, offered by Representative Howard, a Bill for an Act to amend the State Finance Act. House Bill 2087, offered by Representative Howard, a Bill for an Act to amend the Property Tax Code. House Bill 2088, offered by Representative Howard, a Bill for an Act to amend the Criminal Code. House Bill 2089, offered by Representative Howard, a Bill for an Act to amend the Unified Code of Corrections. House Bill 2090, offered by Representative Howard, a Bill for an Act to amend the Unified Code of Corrections. House Bill 2091, offered by Representative Howard, a Bill for an Act relating to school funding and taxes. House Bill 2092, offered by Representative Mulligan, a Bill for an Act to amend the Children and Family Services Act. House Bill 2093, offered by Representative Andrea Moore, a Bill for an Act to amend the Property Tax Code. House Bill 2094, offered by Representative Stephens, a Bill for an Act to amend the Unified Code of Corrections. House Bill 2095, offered by Representative Pedersen, a Bill for an Act concerning marriage. House Bill 2096, offered by Representative Pedersen, a Bill for an Act in relation to penalties for offenses committed in safe retail zones. House Bill 2097, offered by Representative Pedersen, a Bill for an Act to amend the Unified Code of Corrections. House Bill 2098, offered by Representative Pedersen, a Bill for

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an Act to amend the Criminal Code. House Bill 2099, offered by Representative Biggert, a Bill for an Act to amend the Probate Act. House Bill 2100, offered by Representative Skinner, a Bill for an Act in relation to reviews of property assessments. House Bill 2101, offered by Representative Biggert, a Bill for an Act to amend the Probate Act. House Bill 2102, offered by Representative Kubik, a Bill for an Act to amend the Code of Civil Procedure. House Bill 2103, offered by Representative Kubik, a Bill for an Act to amend the Clerks of Courts Act. House Bill 2104, offered by Representative Kubik, a Bill for an Act concerning juvenile courts. House Bill 2105, offered by Representative Kubik, a Bill for an Act to amend the Code of Civil Procedure. House Bill 2106, offered by Representative Kubik, a Bill for an Act in relation to gambling. House Bill 2107, offered by Representative Lang, a Bill for an Act and to amend the Illinois Pension Code. House Bill 2108, offered by Representative Kubik, a Bill for an Act to amend the Illinois Horse Racing Act. House Bill 2109, offered by Representative Hoffman, a Bill for an Act to amend the Private Detective, Private Alarm and Private Security Act. First Reading of these House Bills."

Clerk Rossi: "House Bill 2110, offered by Representative Erwin, a Bill for an Act relating to education. House Bill 2111, offered by Representative Monique Davis, a Bill for an Act to establish an elected board of education. House Bill 2112, offered by Representative Hoffman, a Bill for an Act to amend the School Code. House Bill 2113, offered by Representative Santiago, a Bill for an Act to amend the School Code. House Bill 2114, offered by Representative Erwin, a Bill for an Act to amend the School Code. House Bill 2115, offered by Representative Black, a Bill for an

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Act to amend the Workers' Compensation Act. House Bill 2116, offered by Representative Madigan, a Bill for an Act to amend the School Code. House Bill 2117, offered by Representative Dart, a Bill for an Act regarding conventions and tourism. House Bill 2118, offered by Representative Ronen, a Bill for an Act to amend the Revised Cities and Villages Act. House Bill 2119, offered by Representative Winkel, a Bill for an Act to amend the Alternative Health Care Delivery Act. House Bill 2120, offered by Representative Hughes, a Bill for an Act to amend the Emergency Medical Systems Act. House Bill 2121, offered by Representative Skinner, a Bill for an Act to amend the Unified Code of Corrections. House Bill 2122, offered by Representative Skinner, a Bill for an Act to amend the Unified Code of Corrections. House Bill 2123, offered by Representative Hughes, a Bill for an Act to amend the School Code. House Bill 2124, offered by Representative Hughes, a Bill for an Act concerning Medicaid. House Bill 2125, offered by Representative Stephens, a Bill for an Act to amend the Illinois Vehicle Code. House Bill 2126, offered by Representative Ciarlo, a Bill for an Act to amend the Toll Highway Act. House Bill 2127, offered by Representative Wait, a Bill for an Act to amend the Law Enforcement Emergency Care Act. House Bill 2128, offered by Representative Wirsing, a Bill for an Act to amend the Illinois Vehicle Code. House Bill 2129, offered by Representative Morrow, a Bill for an Act to amend the Toll Highway Act. House Bill 2130, offered by Representative McGuire, a Bill for an Act to amend the Illinois Educational Labor Relations Act. House Bill 2131, offered by Representative Saltsman, a Bill for an Act to amend certain Acts in relation to public labor relations.

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House Bill 2132, offered by Representative Winkel, a Bill for an Act concerning the State budget. House Bill 2133, offered by Representative Black, a Bill for an Act to amend the Public Community College Act. House Bill 2134, offered by Representative Poe, a Bill for an Act concerning federal mandates. House Bill 2135, offered by Representative Salvi, a Bill for an Act concerning State meal expenses. House Bill 2136, offered by Representative Pedersen, a Bill for an Act in relation to the production, provision, and acquisition of goods and services by governmental entities. House Bill 2137, offered by Representative Persico, a Bill for an Act to amend the Environmental Protection Act. House Bill 2138, offered by Representative John Jones, a Bill for an Act in relation to oil and gas. House Bill 2139, offered by Representative Saviano, a Bill for an Act in relation to criminal justice. House Bill 2140, offered by Representative Moffitt, a Bill for an Act to amend the Illinois Insurance Code. House Bill 2141, offered by Representative Moffitt, a Bill for an Act to amend the Property Tax Code. House Bill 2142, offered by Representative Moffitt, a Bill for an Act to amend the School Code. House Bill 2143, offered by Representative Moffitt, a Bill for an Act concerning employee compensation. House Bill 2144, offered by Representative Biggins, a Bill for an Act to amend the Bingo License and Tax Act. House Bill 2145, offered by Representative Murphy, Maureen Murphy, a Bill for an Act concerning health and fitness center facilities. House Bill 2146, offered by Representative McGuire, a Bill for an Act to amend the Illinois Vehicle Code. House Bill 2148, offered by Representative John Turner, a Bill for an Act to amend the Juvenile Court Act. House Bill 2149, offered by

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Representative Maureen Murphy, a Bill for an Act in relation to exemption from real property taxes. House Bill 2150, offered by Representative Black, a Bill for an Act to amend the Public Community College Act. House Bill 2151, offered by Representative McAuliffe, a Bill for an Act to amend the Emergency Telephone System Act. House Bill 2152, offered by Representative Balthis, a Bill for an Act to amend the Illinois Municipal Code. House Bill 2153, offered by Representative Maureen Murphy, a Bill for an Act to amend the Illinois Income Tax Act. House Bill 2154, offered by Representative Dart, a Bill for an Act to amend the Personnel Code. House Bill 2155, offered by Representative Younge, a Bill for an Act to amend the Illinois Community Development Finance Corporation Act. House Bill 2156, offered by Representative Zickus, a Bill for an Act to amend the Metropolitan Water Reclamation District Act. House Bill 2157, offered by Representative Zickus, a Bill for an Act to amend the Illinois Insurance Code. House Bill 2158, offered by Representative Zickus, a Bill for an Act Illinois Pension Code. House Bill 2159, offered by Representative Zickus, a Bill for an Act to amend the Illinois Pension Code. House Bill 2160, offered by Representative Zickus, a Bill for an Act to amend the Illinois Pension Code. House Bill 2161, offered by Representative Zickus, a Bill for an Act amend the Illinois Pension Code. House Bill 2162, offered by Representative Zickus, a Bill for an Act and to amend the Illinois Pension Code. House Bill 2163, offered by Representative Zickus, a Bill for an Act to amend the Illinois Pension Code. House Bill 2164, offered by Representative Weaver, a Bill for an Act in relation to concealed firearms. House Bill 2165, offered by Representative Wennlund, a Bill for an Act in

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relation to real estate tax exemptions. House Bill 2166, offered by Representative Wennlund, a Bill for an Act to amend the Workers' Compensation Act. House Bill 2167, offered by Representative Wennlund, a Bill for an Act relating to education. House Bill 2168, offered by Representative Skinner, a Bill for an Act in relation to criminal law. House Bill 2169, offered by Representative Skinner, a Bill for an Act to amend the School Code. House Bill 2170, offered by Representative John Turner, a Bill for an Act to amend the Juvenile Court Act. House Bill 2171, offered by Representative Skinner, a Bill for an Act concerning inmate health care. House Bill 2172, offered by Representative Skinner, a Bill for an Act concerning zoning of unincorporated areas of counties. House Bill 2173, offered by Representative Skinner, a Bill for an Act in relation to the use of motor fuel taxes. House Bill 2174, offered by Representative Skinner, a Bill for an Act concerning escrowed county motor fuel tax proceeds. House Bill 2175, offered by Representative Skinner, a Bill for an Act concerning foster care. House Bill 2176, offered by Representative Brady, a Bill for an Act to amend the Illinois Pension Code. House Bill 2177, offered by Representative Brady, a Bill for an Act to amend the Illinois Pension Code. House Bill 2178, offered by Representative Klingler, a Bill for an Act to amend the Illinois Pension Code. House Bill 2179, offered by Representative Wait, a Bill for an Act to amend the Property Tax Code. House Bill 2180, offered by Representative Wait, a Bill for an Act to amend the Property Tax Code. House Bill 2181, offered by Representative Wait, a Bill for an Act to amend the Illinois Municipal Code. House Bill 2182, offered by

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Representative Wait, a Bill for an Act to amend the Illinois Vehicle Code. House Bill 2183, offered by Representative Zickus, a Bill for an Act to amend the Property Tax Code. House Bill 2184, offered by Representative Zickus, a Bill for an Act to amend the Illinois State Auditing Act. House Bill 2185, offered by Representative Stephens, a Bill for an Act in relation to the sale of motor vehicles. House Bill 2186, offered by Representative Woolard, a Bill for an Act to amend the Election Code. House Bill 2187, offered by Representative Woolard, a Bill for an Act in relation to the manner of selection of the Illinois Commerce Commission. House Bill 2188, offered by Representative Woolard, a Bill for an Act to provide for the election of trustees of the University of Illinois by districts. House Bill 2189, offered by Representative Churchill, a Bill for an Act providing for the Metropolitan Airport Authority. First Reading of these House Bills."

Clerk Rossi: "House Bill 2190, offered by Representative Phelps, a Bill for an Act to amend the Civil Administrative Code. House Bill 2191, offered by Representative Kenner, a Bill for an Act to amend the Illinois Public Aid Code. House Bill 2192, offered by Representative Kenner, a Bill for an Act to amend the Illinois Income Tax Act. House Bill 2193, offered by Representative Salvi, a Bill for an Act to create the Woman's Right To Know Act. House Bill 2194, offered by Representative Saltsman, a Bill for an Act amend the Illinois Pension Code. House Bill 2195, offered by Representative Feigenholtz, a Bill for an Act to require the use of certain safety equipment by children. House Bill 2196, offered by Representative Currie, a Bill for an Act to amend the Illinois Purchasing Act. House Bill 2197,

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offered by Representative Currie, a Bill for an Act to amend the Lobbyist Registration Act. House Bill 2198, offered by Representative Currie, a Bill for an Act to amend the Airport Authorities Act. House Bill 2199, offered by Representative Spangler, a Bill for an Act to amend the Illinois Vehicle Code. House Bill 2200, offered by Representative Skinner, a Bill for an Act to amend the School Code. House Bill 2201, offered by Representative Skinner, a Bill for an Act to amend the School Code. House Bill 2202, offered by Representative Wait, a Bill for an Act to amend the Illinois Vehicle Code. House Bill 2203, offered by Representative Brady, a Bill for an Act to amend the Illinois Vehicle Code. House Bill 2204, offered by Representative Zickus, a Bill for an Act to amend the Illinois Identification Card Act. House Bill 2205, offered by Representative Tom Johnson, a Bill for an Act in relation to blood alcohol concentration levels. House Bill 2206, offered by Representative McAuliffe, a Bill for an Act to amend the State Finance Act. House Bill 2207, offered by Representative Biggins, a Bill for an Act to amend the Counties Code. House Bill 2208, offered by Representative Tom Johnson, a Bill for an Act in relation to emergency telephone systems. House Bill 2209, offered by Representative Biggert, a Bill for an Act to amend the Clerks of Court Act. House Bill 2210, offered by Representative Stephens, a Bill for an Act regarding dogs and cats. House Bill 2211, offered by Representative Skinner, a Bill for an Act concerning health care. House Bill 2212, offered by Representative Frias, a Bill for an Act in relation to retired peace officers. House Bill 2213, offered by Representative Scott, a Bill for an Act to amend the Sale of Tobacco to Minors Act. House Bill 2214, offered

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by Representative Churchill, a Bill for an Act concerning public and private cooperation for business and economic development in Illinois. House Bill 2215, offered by Representative Pedersen, a Bill for an Act regarding school buses. House Bill 2216, offered by Representative Biggins, a Bill for an Act to amend the Charitable Games Act. House Bill 2217, offered by Representative Winters, a Bill for an Act to amend the Property Tax Code. House Bill 2218, offered by Representative Pedersen, a Bill for an Act to amend the Property Tax Code. House Bill 2219, offered by Representative Pedersen, a Bill for an Act to amend the Property Tax Code. House Bill 2220, offered by Representative Pedersen, a Bill for an Act to amend the Property Tax Code. House Bill 2221, offered by Representative Ryder, a Bill for an Act to amend the Rural Bond Bank Act. House Bill 2222, offered by Representative Skinner, a Bill for an Act to amend the Property Tax Code. House Bill 2223, offered by Representative Ryder, a Bill for an Act to amend the Higher Education Student Assistance Act. House Bill 2224, offered by Representative Ryder, a Bill for an Act to amend the Physician Assistant Practice Act. House Bill 2225, offered by Representative Skinner, a Bill for an Act concerning the child care. House Bill 2226, offered by Representative Biggert, a Bill for an Act concerning children. House Bill 2227, offered by Representative Klingler, a Bill for an Act concerning foster care. House Bill 2228, offered by Representative Krause, a Bill for an Act to amend the Child Care Act. House Bill 2229, offered by Representative Gash, a Bill for an Act to amend the Jury Commission Act. House Bill 2230, offered by Representative Cowlshaw, a Bill for an Act to amend the School Code. House Bill 2231, offered by

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Representative Black, a Bill for an Act to amend the Public Community College Act. House Bill 2232, offered by Representative Currie, a Bill for an Act concerning child and spouse support. House Bill 2233, offered by Representative Gash, a Bill for an Act in relation to unsolicited fax transmissions. House Bill 2234, offered by Representative Mautino, a Bill for an Act in relation to the registration of sex offenders. House Bill 2235, offered by Representative Feigenholtz, a Bill for an Act concerning sexually transmitted disease. House Bill 2236, offered by Representative Tom Johnson, a Bill for an Act to amend the Code of Criminal Procedure. House Bill 2237, offered by Representative Durkin, a Bill for an Act to amend the Criminal Code. House Bill 2238, offered by Representative Schakowsky, a Bill for an Act to create a family unity demonstration program for incarcerated mothers and their children. House Bill 2239, offered by Representative Cowlshaw, a Bill for an Act to amend the Illinois Domestic Violence Act of 1986. House Bill 2240, offered by Representative Rutherford, a Bill for an Act to create the Patient Access to Treatment Act. First Reading of these House Bills."

Clerk Rossi: "House Bill 2241, offered by Representative Meyer, a Bill for an Act to amend the Illinois Public Aid Code. House Bill 2242, offered by Representative Andrea Moore, a Bill for an Act to amend the Civil Administration Code. House Bill 2243, offered by Representative Morrow, a Bill for an Act limiting the ballot access of persons having served multiple terms in the United States Congress. House Bill 2244, offered by Representative Skinner, a Bill for an Act to amend the Public Utilities Act. House Bill 2245, offered by Representative O'Connor, a Bill for an Act in

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relation to the transfer of certain crime lab functions. House Bill 2246, offered by Representative Winters, a Bill for an Act in relation to property taxes. House Bill 2247, offered by Representative Myers, a Bill for an Act to amend the State Finance Act. House Bill 2248, offered by Representative Myers, a Bill for an Act to amend the State Comptroller Act. House Bill 2249, offered by Representative Rutherford, a Bill for an Act to amend the State Finance Act. House Bill 2250, offered by Representative Rutherford, a Bill for an Act to amend the State Comptroller Act. House Bill 2251, offered by Representative Rutherford, a Bill for an Act to amend the Illinois State Collection Act. House Bill 2252, offered by Representative Deering, a Bill for an Act concerning construction contractors. House Bill 2253, offered by Representative Deering, a Bill for an Act to amend the Illinois Pensions Code. House Bill 2254, offered by Representative Skinner, a Bill for an Act in relation to transportation. House Bill 2255, offered by Representative Skinner, a Bill for an Act to amend the Toll Highway Act. House Bill 2256, offered by Representative Skinner, a Bill for an Act to amend the Toll Highway Act. House Bill 2257, offered by Representative Lang, a Bill for an Act to amend the Riverboat Gambling Act. House Bill 2258, offered by Representative Hannig, a Bill for an Act to amend certain Acts in relation to the State fiscal year. House Bill 2259, offered by Representative Hoffman, a Bill for an Act to amend certain Acts by eliminating references to the Illinois Legislative Investigating Commission. House Bill 2260, offered by Representative Wojcik, a Bill for an Act to amend the Minimum Wage Law. House Bill 2261, offered by Representative... Introduction - First Reading of these House Bills. House Bill 2262, offered by Representative

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Frias, a Bill for an Act to create the Marital Relationship Equivalency Study Task Force. House Bill 2263, offered by Representative Biggert, a Bill for an Act to amend the Election Code. House Bill 2264, offered by Representative Howard, a Bill for an Act to amend the School Code. House Bill 2265, offered by Representative Skinner, a Bill for an Act to amend the Senior Citizen Real Estate Tax Deferral Act. House Bill 2266, offered by Representative Skinner, a Bill for an Act to encourage the construction of housing in areas that lack adequate housing stock. House Bill 2267, offered by Representative Mautino, a Bill for an Act to amend the School Code. House Bill 2268, offered by Representative Scott, a Bill for an Act in relation to education financing. House Bill 2269, offered by Representative Howard, a Bill for an Act in relation to education finance. House Bill 2270, offered by Representative Burke, a Bill for an Act to amend the School Code. House Bill 2271, offered by Representative Scott, a Bill for an Act to amend the School Code. First Reading of these House Bills."

Clerk Rossi: "Introduction - First Reading of Bills. House Bill 2272, offered by Representative Harold Murphy, a Bill for an Act in relation to educational financing. House Bill 2273, offered by Representative Mautino, a Bill for an Act to amend the School Code. House Bill 2274, offered by Representative Blagojevich, a Bill for an Act to amend the School Code. House Bill 2275, offered by Representative Klingler, a Bill for an Act to amend the Property Tax Code. House Bill 2276, offered by Representative Granberg, a Bill for an Act in relation to land conveyances. House Bill 2277, offered by Representative Bost, a Bill to amend the Act of the Illinois Municipal Code. House Bill 2278,

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offered by Representative Bost, a Bill to amend the Law Enforcement, Civil Defense Workers, Civil Air Patrol Members, Paramedics, Firemen and State Employees Compensation Act. House Bill 2279, offered by Representative Wennlund, a Bill for an Act in relation to police and fire department promotions. House Bill 2280, offered by Representative Lachner, a Bill for an Act to amend the Code of Civil Procedures. House Bill 2281, offered by Representative Lachner, a Bill for an Act in relation to small businesses self-representation. House Bill 2282, offered by Representative Feigenholtz, a Bill for an Act to amend Section 5 of the Right to Privacy in the Workplace Act. House Bill 2283, offered by Representative Gash, a Bill for an Act relating to learning zones. House Bill 2284, offered by Representative Maureen Murphy, a Bill for an Act to amend the Lessor's Liability Act. House Bill 2285, offered by Representative Stephens, a Bill for an Act to amend the Illinois Drainage Code. House Bill 2286, offered by Representative Zickus, a Bill for an Act to create the Users Consumer Protection Act. House Bill 2287, offered by Representative Biggins, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. House Bill 2288, offered by Representative Kubik, a Bill for an Act to amend the Illinois Horse Racing Act. House Bill 2289, offered by Representative Kubik, a Bill for an Act to amend the Illinois Horse Racing Act. House Bill 2290, offered by Representative Biggert, a Bill for an Act to amend the Unified Code of Corrections. House Bill 2291, offered by Representative Roskam, a Bill for an Act in relation to fair employment standards. House Bill 2292, offered by Representative Lang, a Bill for an Act concerning education funding. House Bill 2293, offered by

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Representative Pedersen, a Bill for an Act concerning the Senior Citizens Assembly. First Reading of these House Bills."

Clerk McLennand: "Introduction - First Reading of House Bills.

House Bill 2294, offered by Representative Persico, a Bill for an Act to amend the Illinois Vehicle Code. House Bill 2295, offered by Representative Roskam, a Bill for an Act to amend the School Code. House Bill 2296, offered by Representative Roskam, a Bill for an Act to amend the Code of Civil Procedure. House Bill 2297, offered by Representative Roskam, a Bill for an Act to amend the Code of Civil Procedure. House Bill 2298, offered by Representative Roskam, a Bill for an Act to amend the Code of Civil Procedure. House Bill 2299, offered by Representative Skinner, a Bill for an Act relating to employee protection. House Bill 2300, offered by Representative Skinner, a Bill for an Act concerning privatization of State government. House Bill 2301, offered by Representative Bost, a Bill for an Act concerning State participation in an interstate commission for the study of climate change. House Bill 2302, offered by Representative Stephens, a Bill for an Act to amend the School Code. House Bill 2303, offered by Representative Granberg, a Bill for an Act to amend the Unified Code of Corrections. House Bill 2304, offered by Representative Granberg, a Bill for an Act to amend the School Code. House Bill 2305, offered by Representative Winters, a Bill for an Act to amend the School Code. House Bill 2306, offered by Representative Flowers, a Bill for an Act relating to insurance coverage for contraceptive services. House Bill 2307, offered by Representative Leitch, a Bill for an Act to amend the Public Utilities Act. House Bill 2308, offered by

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Representative Mulligan, a Bill for an Act concerning child abuse. House Bill 2309, offered by Representative Hoffman, a Bill for an Act to create the Health and Human Services Delivery Planning Act. House Bill 2310, offered by Representative Tom Johnson, a Bill for an Act to amend the Code of Criminal Procedure. House Bill 2311, offered by Representative Tom Johnson, a Bill for an Act to amend the Code of Criminal Procedure. House Bill 2312, offered by Representative Tom Johnson, a Bill for an Act to amend the Code of Criminal Procedure. House Bill 2313, offered by Representative Tom Johnson, a Bill for an Act to amend the Juvenile Court Act. House Bill 2314, offered by Representative Tom Johnson, a Bill for an Act to amend the Juvenile Court Act. House Bill 2315, offered by Representative Tom Johnson, a Bill for an Act to amend the Juvenile Court Act. House Bill 2316, offered by Representative Tom Johnson, a Bill for an Act to amend the Private Correctional Facility Moratorium Act. House Bill 2317, offered by Representative Tom Johnson, a Bill for an Act to amend the Criminal Code. House Bill 2318, offered by Representative Tom Johnson, a Bill for an Act to amend the Criminal Code. House Bill 2319, offered by Representative Tom Johnson, a Bill for an Act to amend the Criminal Code. House Bill 2320, offered by Representative Tom Johnson, a Bill for an Act to amend the Unified Code of Corrections. House Bill 2321, offered by Representative Tom Johnson, a Bill for an Act to amend the Unified Code of Corrections. House Bill 2322, offered by Representative Tom Johnson, a Bill for an Act to amend the Unified Code of Corrections. House Bill 2323, offered by Representative Churchill, a Bill for an Act to amend the Property Tax Code. House Bill 2324, offered by Representative Noland, a Bill for an Act

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to amend the Health Maintenance Organization Act. House Bill 2325, offered by Representative Cross, a Bill for an Act to amend the Title Insurance Act. House Bill 2326, offered by Representative O'Connor, a Bill for an Act to amend the Illinois Motor Vehicle Theft Prevention Act. House Bill 2327, offered by Representative Brady, a Bill for an Act relating to the rehabilitation and liquidation of certain insurers. House Bill 2328, offered by Representative Pedersen, a Bill for an Act concerning extensions and terminations of insurance coverage. House Bill 2329, offered by Representative Wirsing, a Bill for an Act concerning administration by the Department of Agriculture of various Acts relating to animals. House Bill 2330, offered by Representative Zickus, a Bill for an Act concerning public health. House Bill 2331, offered by Representative Ryder, a Bill for an Act concerning the regulation of insurance practices. House Bill 2332, offered by Representative Kubik, a Bill for an Act concerning taxation. House Bill 2333, offered by Representative Skinner, a Bill for an Act to amend the AIDS Confidentiality Act. House Bill 2334, offered by Representative Hanrahan, a Bill for an Act concerning housing and amending a named Act. House Bill 2335, offered by Representative Hanrahan, a Bill for an Act in relation to taxation. House Bill 2336, offered by Representative Skinner, a Bill for an Act to amend the Illinois Egg and Egg Products Act. House Bill 2337, offered by Representative Pedersen, a Bill for an Act to approve the Interstate Insurance Receivership Compact. First Reading - Introduction of these House Bills."

Clerk McLennand: "Introduction - First Reading of House Bills.
House Bill 2338, offered by Representative Biggert, a Bill

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for an Act to amend the Illinois Human Rights Act. House Bill 2339, offered by Representative Myers, a Bill for an Act to amend the Illinois Vehicle Code. House Bill 2340, offered by Representatives Ciarlo, Balthis, Zabrocki, a Bill for an Act to amend the Illinois Aeronautics Act. House Bill 2341, offered by Representative Winters, a Bill for an Act concerning rehabilitation services. House Bill 2342, offered by Representative Hassert, a Bill for an Act concerning the regulation of corporate fiduciaries. House Bill 2343, offered by Representative Mitchell, a Bill for an Act concerning economic initiatives. House Bill 2344, offered by Representative Parke, a Bill for an Act to create the Airport Noise Reduction Act. House Bill 2345, offered by Representative Parke, a Bill for an Act to create the Airport Noise Act. House Bill 2346, offered by Representative Zabrocki, a Bill for an Act relating to the regulation of financial services. House Bill 2347, offered by Representative John Turner, a Bill for an Act in relation to professional practices. House Bill 2348, offered by Representative Ackerman, a Bill for an Act in relation to professional regulation. House Bill 2349, offered by Representative Winters, a Bill for an Act to amend the Illinois Nursing Act of 1987. House Bill 2350, offered by Representative Saviano, a Bill for an Act in relation to the professions, amending named Acts. House Bill 2351, offered by Representative Moore, Andrea, a Bill for an Act concerning the duration of State leases, amending named Acts. House Bill 2352, offered by Representative Parke, a Bill for an Act to amend the State Employees Group Insurance Act. House Bill 2353, offered by Representative Dart, a Bill for an Act to create a Healthy Start Program. House Bill 2354, offered by Representative

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Dart, a Bill for an Act to amend the Abused and Neglected Children Reporting Act. House Bill 2355, offered by Representative Dart, a Bill for an Act concerning neglected or abused children. House Bill 2356, offered by Representative Dart, a Bill for an Act to amend the Children and Family Services Act. House Bill 2357, offered by Representative Dart, a Bill for an Act to amend the Abused and Neglected Child Reporting Act. House Bill 2358, offered by Representative Cowlshaw, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. House Bill 2359, offered by Representative Brady, a Bill for an Act in relation to police officers and firefighters. House Bill 2360, offered by Representative Biggins, a Bill for an Act to amend the Regional Transportation Authority Act. House Bill 2361, offered by Representative Cross, a Bill for an Act to amend the Professional Service Corporation. House Bill 2362, offered by Representative Cross, a Bill for an Act concerning non-support of spouse and children. House Bill 2363, offered by Representative Cross, a Bill for an Act to amend the Illinois Parentage Act of 1984 by changing Section 4. House Bill 2364, offered by Representative Cross, a Bill for an Act concerning probate. House Bill 2365, offered by Representative Cross, a Bill for an Act to amend the Limited Liability Company Act. House Bill 2366, offered by Representative Cross, a Bill for an Act to amend the Revised (Union) Limited Partnership Act. House Bill 2367, offered by Representative Cross, a Bill for an Act to amend the Uniform Partnership Act. House Bill 2368, offered by Representative Cross, a Bill for an Act to create the Limited Liability Partnership Act. House Bill 2369, offered by Representative Cross, a Bill for an Act to amend the

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Illinois Domestic Violence Act. House Bill 2370, offered by Representative Deuchler, Biggins, Bugielski, Krause, a Bill for an Act concerning certain financial organizations regulated by the Commissioner of Savings and Residential Finance. First Reading of these House Bills."

Clerk Rossi: "House Bill 2371, offered by Representative Dart, a Bill for an Act concerning services for children. House Bill 2372, offered by Representative Dart, a Bill for an Act concerning services for children. House Bill 2373, offered by Representative Dart, a Bill for an Act concerning services for children. House Bill 2374, offered by Representative Dart, a Bill for an Act concerning services for children. House Bill 2375, offered by Representative Dart, a Bill for an Act to amend the Abused and Neglected Child Reporting Act. House Bill 2376, offered by Representative Dart, a Bill for an Act to amend the Abused and Neglected Child Reporting Act. House Bill 2377, offered by Representative Dart, a Bill for an Act to amend the Abused and Neglected Child Reporting Act. House Bill 2378, offered by Representative Dart, a Bill for an Act to amend the Abused and Neglected Child Reporting Act. House Bill 2379, offered by Representative Dart, a Bill for an Act to amend the Juvenile Court Act. House Bill 2380, offered by Representative Dart, a Bill for an Act to amend the Juvenile Court Act. House Bill 2381, offered by Representative Dart, a Bill for an Act to amend the Children and Family Services Act. House Bill 2382, offered by Representative Dart, a Bill for an Act to amend the Children and Family Services Act. House Bill 2383, offered by Representative Dart, a Bill for an Act in relation to missing children. House Bill 2384, offered by Representative Dart, a Bill for an Act to amend the

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Adoption Act. House Bill 2385, offered by Representative Dart, a Bill for an Act to amend the Children and Family Services Act. House Bill 2386, offered by Representative Dart, a Bill for an Act to amend the Criminal Code. House Bill 2387, offered by Representative Cross, a Bill for an Act to amend the Illinois Municipal Code. House Bill 2388, offered by Representative Cross, a Bill for an Act to amend the Business Corporation Act. House Bill 2389, offered by Representative Cross, a Bill for an Act to amend the General Not For Profit Corporation Act. House Bill 2390, offered by Representative Cross, a Bill for an Act to amend the Uniform Commercial Code. House Bill 2391, offered by Representative Cross, a Bill for an Act to amend the Mobile Home Park Act. House Bill 2392, offered by Representative Cross, a Bill for an Act to amend the Real Estate License Act. House Bill 2393, offered by Representative Cross, a Bill for an Act concerning child custody. House Bill 2394, offered by Representative Cross, a Bill for an Act to amend the Adoption Act. House Bill 2395, offered by Representative Dart, a Bill for an Act in relation to adoption. House Bill 2396, offered by Representative Cross, a Bill for an Act to amend the Code of Civil Procedure. House Bill 2397, offered by Speaker Daniels, a Bill for an Act to amend the Judicial Districts Act. House Bill 2398, offered by Representative Cross, a Bill for an Act to amend the Juvenile Court Act. House Bill 2399, offered by Representative Maureen Murphy, a Bill for an Act to amend the Election Code. House Bill 2400, offered by Representative Kubik, a Bill for an Act to amend the Liquor Control Act. House Bill 2401, offered by Representative Klingler, a Bill for an Act in relation to the powers and duties of the Department of State Police. House Bill 2402,

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offered by Representative Churchill, a Bill for an Act to amend the Illinois Health Facilities Planning Act. House Bill 2403, offered by Representative Churchill, a Bill for an Act to amend the Illinois Public Aid Code. House Bill 2404, offered by Representative Kubik, a Bill for an Act to amend the Judicial Districts Act. House Bill 2405, offered by Representative Kubik, a Bill for an Act to amend the Supreme Court Act. House Bill 2406, offered by Representative Black, a Bill for an Act to amend the University of Illinois Act. House Bill 2407, offered by Representative Black, a Bill for an Act to amend the Medical Center District Act. House Bill 2408, offered by Representative Biggert, a Bill for an Act to amend the Court Reporters Act. House Bill 2409, offered by Representative Winters, a Bill for an Act to amend the Election Code. House Bill 2410, offered by Representative Kubik, a Bill for an Act to amend the Election Code. House Bill 2411, offered by Representative Pedersen, a Bill for an Act to amend the Counties Code. House Bill 2412, offered by Representative Kubik, a Bill for an Act to amend the Regional Transportation Authority Act. House Bill 2413, offered by Representative Kubik, a Bill for an Act to amend the Metropolitan Water Reclamation District Act. House Bill 2414, offered by Representative Lyons, a Bill for an Act to amend the Election Code. House Bill 2415, offered by Representative Clayton, a Bill for an Act to amend the Election Code. House Bill 2416, offered by Representative Andrea Moore, a Bill for an Act to amend the Election Code. House Bill 2417, offered by Representative Brady, a Bill for an Act to amend the State Employees Political Activity Act. House Bill 2418, offered by Representative Hughes, a Bill for an Act to amend the Election Code. House Bill

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2419, offered by Representative Lawfer, a Bill for an Act regarding agencies serving older persons. House Bill 2420, offered by Representative Roskam, a Bill for an Act to amend the Minimum Wage Law. House Bill 2421, offered by Representative Wirsing, a Bill for an Act to amend the Election Code. House Bill 2422, offered by Representative Durkin, a Bill for an Act to amend the Election Code. House Bill 2423, offered by Representative Cross, a Bill for an Act to amend the Consumer Fraud and Deceptive Business Practices Act. House Bill 2424, offered by Representative Winters, a Bill for an Act to amend the Election Code. House Bill 2425, offered by Representative Cross, a Bill for an Act to amend the Attorney Act. House Bill 2426, offered by Representative Kubik, a Bill for an Act to amend the Open Meetings Act. House Bill 2427, offered by Representative Kubik, a Bill for an Act to amend the Civil Administrative Code. House Bill 2428, offered by Representative Pedersen, a Bill for an Act in relation to county assessors. House Bill 2429, offered by Representative Pankau, a Bill for an Act to amend the Response Action Contractor Indemnification Act. House Bill 2430, offered by Representative Hassert, a Bill for an Act concerning property. House Bill 2431, offered by Representative Biggins, a Bill for an Act to amend the State Finance Act. House Bill 2432, offered by Representative Andrea Moore, a Bill for an Act in relation to local open space and recreational land acquisition. House Bill 2433, offered by Representative Skinner, a Bill for an Act in relation to trustees of special districts. House Bill 2434, offered by Representative Stephens, a Bill for an Act concerning alcohol and controlled substances. House Bill 2435, offered by Representative Boland, a Bill

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for an Act concerning adoptions. House Bill 2436, offered by Representative Mulligan, a Bill for an Act concerning childhood care. House Bill 2437, offered by Representative Mulligan, a Bill for an Act concerning childhood care and education. House Bill 2438, offered by Representative Burke, a Bill for an Act concerning the humane treatment of animals. House Bill 2439, offered by Representative Spangler, a Bill for an Act to amend the School Code. House Bill 2440, offered by Representative Cowlshaw, a Bill for an Act to amend the School Code. House Bill 2441, offered by Representative Cowlshaw, a Bill for an Act relating to the management, maintenance, repair, and construction of school buildings. House Bill 2442, offered by Representative Cowlshaw, a Bill for an Act to amend the School Code. House Bill 2443, offered by Representative Cowlshaw, a Bill for an Act to amend the School Code. House Bill 2444, offered by Representative Roskam, a Bill for an Act to create the Voucher System Studies Task Force. House Bill 2445, offered by Representative Tom Johnson, a Bill for an Act to amend the Juvenile Court Act. House Bill 2446, offered by Representative Lindner, a Bill for an Act to amend the Criminal Code. House Bill 2447, offered by Representative Biggert, a Bill for an Act to amend the Pretrial Services Act. House Bill 2448, offered by Representative Weaver, a Bill for an Act to amend the Criminal Code. House Bill 2449, offered by Representative Ciarlo, a Bill for an Act to amend the Criminal Code. House Bill 2450, offered by Representative Lawfer, a Bill for an Act to amend the Criminal Code of 1961. House Bill 2451, offered by Representative Mitchell, a Bill for an Act to amend the Code of Criminal Procedure. House Bill 2452, offered by Representative Poe, a Bill for an Act to amend

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the Criminal Code of 1961. House Bill 2453, offered by Representative Rutherford, a Bill for an Act to amend the Unified Code of Corrections. House Bill 2454, offered by Representative Klingler, a Bill for an Act to amend the Illinois Vehicle Code. House Bill 2455, offered by Representative Spangler, a Bill for an Act to amend the Housing Authorities Act. House Bill 2456, offered by Representative O'Connor, a Bill for an Act to amend the Abandoned Housing Rehabilitation Act. House Bill 2457, offered by Representative Roskam, a Bill for an Act to amend the Citizens Utility Board Act. House Bill 2458, offered by Representative Roskam, a Bill for an Act to amend the Citizens Utility Board Act. House Bill 2459, offered by Representative Roskam, a Bill for an Act in relation to a scholarship schools pilot program. House Bill 2460, offered by Representative Howard, a Bill for an Act to amend the Illinois Public Aid Code. House Bill 2461, offered by Representative Cowlshaw, a Bill for an Act concerning the regulation of the sale and use of alcoholic beverages. House Bill 2462, offered by Representative Cowlshaw, a Bill for an Act to amend the Liquor Control Act. House Bill 2463, offered by Representative Cowlshaw, a Bill for an Act to amend the Liquor Control Act. House Bill 2464, offered by Representative McGuire, a Bill for an Act to amend the Illinois Insurance Code. House Bill 2465, offered by Representative Stephens, a Bill for an Act to amend the Public Aid Code. House Bill 2466, offered by Representative Wennlund, a Bill for an Act to amend the Illinois Police Training Act. House Bill 2467, offered by Representative Zabrocki, a Bill for an Act to amend the Housing Authorities Act. House Bill 2468, offered by Representative Zabrocki, a Bill for an Act to amend the

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Housing Authorities Act. House Bill 2469, offered by Representative Ciarlo, a Bill for an Act concerning health and amending a named Act. First Reading of these House Bills." House Bill 2470, offered by Representative Krause, a Bill for an Act to amend the Illinois Grant Funds Recovery Act. House Bill 2471, offered by Representative Stephens, a Bill for an Act to amend the Illinois Public Aid Code. First Reading of these House Bills."

Clerk Rossi: "No further business, the House will stand adjourned until Friday, February 17, 1995 at the hour of 10:00 a.m. The House now stands adjourned."

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