

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

128th Legislative Day

May 9, 1996

Speaker Daniels: "The House will come to order. The Members will please be in their chairs. Those not entitled to the floor, will please retire to the gallery. The Chaplain for today is Pastor Tom Busch, of the Sharon United Methodist Church in Decatur. For your information, this church was totally destroyed by the tornado that passed through Decatur two weeks ago. And Pastor Busch is now working on plans to rebuild the church, and we certainly wish him the best in his efforts. Pastor Busch is the guest of Representative Duane Noland. Guests in the gallery may wish to rise for the invocation. Pastor Busch."

Pastor Busch: "First, I'd like to take a minute to say on behalf of the communities, that were devastated by the tornadoes, not just Decatur, but Urbana, Ogden, and the area around Stanford, and on behalf of the congregations and Pastors of the churches affected, not only my church, Sharon United Methodist Church, but the churches of Ogden, the Ebenezer United Methodist Church up near Atlanta, the McHenry United Methodist Church down in Southern Illinois, and St. Matthews Lutheran Church in Urbana, and Central Baptist of Decatur. I want to thank you and your constituents for your help. The offers of help that have come in by telephone, donations and prayers. Psalms 107:3, reminds us that God has gathered us here from the East and the West and the North and the South. Psalms 107 verse 1 says, 'Give thanks to the Lord for He is good, for His loving kindness is everlasting.' Let us pray. Lord God, You are the Creator, Redeemer and Empowerer. You have given us protection through high winds and high water. Hear the concerns of our hearts today. We ask this morning for Your wisdom and guidance as Bills and issues are discussed in this House of Representatives. Please guide our

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conversations, and our deliberations. We would ask that Your presence would not depart from us today or in the days ahead. In the name of the Father and the Son and the Holy Spirit. Amen.

Speaker Daniels: "Thank you, Pastor Busch. We'll be led in the Pledge of Allegiance by Representative Duane Noland."

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

Speaker Daniels: "Roll Call for Attendance. Representative Kubik. Representative Kubik. Representative Currie is recognized to announce any excused absences on the Democratic side of the aisle."

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

Speaker Daniels: "The record will so reflect. Representative Cross, excused absences on the Republican side of the aisle."

Cross: "Thank you, Mr. Speaker. We're all here on the Republican side."

Speaker Daniels: "Thank you, Representative Cross. Take the Roll, Mr. Clerk. On this question, there are 116 Members answering the Roll, and a quorum is present and the House will come to order. We have with us today, Richard L. Stubblefield, who is the youth and government advisor of Mt. Vernon High School. Cheryl Glenn, Shawn Smith, Allison Raine, and Jeff Wimberly. They are guests of Representative John Jones from Mt. Vernon. Will you please welcome them today to Springfield? Representative Kubik in the Chair."

Speaker Kubik: "Committee Reports."

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Clerk McLennand: "Committee Reports. Committee Report from Representative Andrea Moore, Chairman from the Committee on Elections and State Government. To which the following Joint Action Motions were referred, action taken on May 8, 1996 reported sent back due for consideration: Floor Amendment #2 to Senate Bill 1465. Committee Report from Representative Ron Stephens, Chairman from the Committee on Executive, to which the following Joint Action Motion was referred, action taken on May 8, 1996, reported sent back due approve for consideration: Floor Amendment #1 to Senate Bill 1769."

Speaker Kubik: "Senate Bills, Second Reading. Mr. Clerk, please read Senate Bill 1769."

Clerk McLennand: "Senate Bill #1769, the Bill's been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Tom Johnson has been approved for consideration."

Speaker Kubik: "The Chair recognizes the Gentleman from DuPage, Representative Johnson."

Johnson, Tom: "Yes, Mr. Speaker, and Members of the House. This is the end of a number of pieces of legislation over the past few years dealing with the DuPage County Airport. This Bill would limit the gross take-off weight of aircraft using the DuPage County Airport and it's limited, and I have to emphasize, it's limited only to the DuPage County Airport, to a gross weight of 91,000 lbs. except in cases of emergencies and in connections with air shows or exhibitions. And I would ask for an affirmative vote on this. This is very important to my district and I think that this will resolve probably all of the outstanding issues surrounding DuPage County Airport."

Speaker Kubik: "The Gentleman has moved for the adoption of Floor

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Amendment #1. And on that, is there any discussion? The Chair recognizes the Gentleman from Madison, Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Kubik: "The Sponsor indicates he will yield."

Hoffman: "Now Representative, it's my understanding this...I was in Executive Committee yesterday, is this the same Amendment that was heard in Executive Committee yesterday?"

Speaker Kubik: "Representative Johnson."

Johnson, Tom: "Yes it was."

Speaker Kubik: "Representative Hoffman."

Hoffman: "So this is the legislation that the Department of Transportation is vehemently opposed to?"

Speaker Kubik: "Representative Johnson."

Johnson, Tom: "They are opposed to this piece as it relates to our airport. At least that was their position yesterday. I had discussions with them in the hall afterwards, I'm not sure. I presume they still might be opposed."

Speaker Kubik: "Representative Hoffman."

Hoffman: "Well, it's my understanding that they are opposed and they actually in Executive Committee yesterday, I don't know what happened afterwards, but I said vehemently, I meant vehemently. They were vehemently opposed to it. As a matter of fact, they testified in opposition to this indicating that it could jeopardize federal funding. How do you address that issue with regards to the federal funding?"

Speaker Kubik: "Representative Johnson."

Johnson, Tom: "Jay, in discussing this with them afterwards and I think even in their testimony yesterday, this could conceivably have an adverse impact of federal funding, as it relates to the DuPage County Airport. And that is a

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debatable issue still, and they acknowledged that and they acknowledged that yesterday. It will not impact federal funding anywhere else in the state."

Speaker Kubik: "Representative Hoffman."

Hoffman: "Well, our analysis indicates that it could potentially cost the state 8 million to 29 million in federal funds, and I think that IDOT yesterday, Craig Findley indicated that that was his concern also, and I don't know that amount of money is only because of DuPage...DuPage County Airport. However, you know we have an airport facility that is being built now in my area. I don't want to see any of those federal funds jeopardized. I think that this being a reliever airport and vital to the entire transportation system in Cook and DuPage and Lake Counties. I think we have to be very, very careful in how we affect, not only DuPage County Airport, but how it affects the entire metropolitan area and the entire State of Illinois with regards to federal funds. Therefore, I think that we should be voting against this Amendment on this side of the aisle. I would think also, that the people on that side of the aisle would be voting against it. I don't think we should be doing this willy-nilly. I think that the Department of Transportation is against this and we should be voting against this. I would assume since the Department of Transportation has taken a position against it, the Governor's Office, although they haven't taken a formal position, would be reluctant to even think about signing this. In addition, I have a parliamentary inquiry, Mr. Chairman. I know that in light of the fact that recent...our recent court ruling of the bundling of Bills, this Bill has to do with the Department of Transportation and I would question the germaneness. I know this...the

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original Bill had to do with the Vehicle Code and I'm a bit concerned that we're number one. I mean just as a practical matter. I think that anybody who supports the Masons would be concerned that the Master Mason license plates have been removed from this Bill, and if you have anything to do or care about the Masons or the Masons in your district, you should support the Masons. Ask that the original Bill be reinstated. But in addition to that, I think there's a huge germaneness problem here, and I would ask the Parliamentary...inquiry of the Chair on that aspect."

Speaker Kubik: "Representative Hoffman. Representative Hoffman. Representative Hoffman, with all due respect to the Masons, this Bill deals with both the Bill and the Amendment deal with transportation, and therefore, the Amendment is germane. Further discussion? Seeing none, Representative Johnson to close. Representative Johnson, hold on. Representative Hoffman."

Hoffman: "Well, the concern with the Master Mason license plate essentially was a Vehicle Code, dealt with a Vehicle Code, this deals with...and the Finance Act, and this deals exclusively, my understanding, with the Airport Authority, so I respectfully disagree with your ruling, but understand your ruling."

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

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

Speaker Kubik: "The Sponsor indicates that he will yield."

Lang: "Thank you. I've been told that there there's a possibility that we're going to lose as much as \$29 million in federal funds if we make this change at the DuPage Airport. Is that a fact or not a fact, Sir?"

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Speaker Kubik: "Representative Johnson."

Johnson, Tom: "That number is going up all the time. It was 8 million before, now you're saying 29. No. It's my understanding in terms of looking at the opinions that have been rendered and so on, this could conceivably have an adverse impact of federal funds conceivably as it relates to the DuPage County Airport. And we do not get \$29 million, Representative Lang."

Speaker Kubik: "Representative Lang."

Lang: "Well in fact, DOT said that the hit could be somewhere between 8 and \$29 million, those are DOT numbers. Is it your statement that we are going to take no hit?"

Speaker Kubik: "Representative Johnson."

Johnson: "As I responded to you previously Representative Lang, it's my understanding that this will impact potentially and this is a very big debatable point, even in terms of the opinions that have been rendered so far. It could conceivably impact federal funding at DuPage County Airport. Not the balance of the state regardless of what you might be reading there. I know that IDOT is opposed."

Speaker Kubik: "Representative Lang."

Lang: "Well, you know we on this side of the aisle try to defend our friends at IDOT whenever possible. The fact is that you don't know if we're going to take a hit. They think we're going to take a hit of maybe as much as \$29 million. Is your desire to make this change at the DuPage County Airport sufficient to bear the risk of losing as much as \$29 million of federal funds that won't cost us a dime to retrieve from the federal government?"

Speaker Kubik: "Representative Johnson."

Johnson, Tom: "Representative Lang, you know again, I'm telling you this impacts potentially DuPage County Airport

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regardless of what you might be reading there. Now, in addition, we have heard all kinds of arguments here that in the past, that if in fact if you compare this to the Helmet Law, and we cannot do certain things and FAA comes in and says you can't do that, they would declare this law unconstitutional, or whatever, as it relates to DuPage County Airport. But this Bill is carefully drawn to impact DuPage County Airport only, and has the agreement of all of the surrounding communities as well as the County of DuPage, and everybody is in full support of this Bill, except for IDOT. And again, the worst case is, this might impact future federal funds at DuPage County Airport, however, if you've been to our airport, that is a very fine facility. I'm not sure we'll be needing any more federal funds at that airport."

Speaker Kubik: "Representative Lang."

Lang: "Thank you. To the Amendment, Mr. Speaker. I believe the Sponsor is telling us what he believes to be the case, but there seems to be a difference of opinion whether the Sponsor is correct or whether IDOT is correct. I think we need to look very carefully at any Bill that says that we could potentially lose as much as \$29 million of federal funds; that could be used by all the airports in the State of Illinois. That's what IDOT says. I don't know why we should believe them any less than we believe the Sponsor. Since we don't have an answer to the question, and since this Bill is very narrow in its scope, I don't know why we should proceed to move this Bill along in the process when we could take a major hit in dollars. As you all know, we have got a crisis in this state...that's a financial crisis, not enough money in any fund in the State of Illinois. Not enough money anyplace. So, I don't think we

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can afford to take \$29 million and just give it away when the Sponsor himself says it's a potential loss. He doesn't say it's not a loss, he doesn't tell us we won't lose \$29 million, he just says, 'Well, it's a potential, it's not a big deal, it's only \$29 million.' I think we ought to look twice, three times and four times before we risk any loss of federal funds. So, I would recommend 'no' votes on this measure."

Speaker Kubik: "Further discussion? The Chair recognizes the Lady from DuPage, Representative Pankau."

Pankau: "Thank you, Mr. Speaker. I rise to ask my fellow Members to support this Amendment. Representative Johnson has done yeoman's work in negotiating this."

Speaker Kubik: "I apologize Representative."

Pankau: "It has not been easy to get the minds that be and the collective wisdom together on the DuPage Airport and working with the DuPage Airport Authority. I understand IDOT's reluctance to support this. However, it's an opinion on their part based on the fact that DuPage is considered a reliever airport. And in the case of an emergency a plane must be able to land there. There is sufficient law in both federal and state to allow a plane to land there even if it's over that weight restriction, if it is indeed a true emergency. It's written that way for any airport. There are also enough airports in the Metropolitan Chicago area that...Palwaukee, Midway, Meigs, all of those could be reliever airports. Therefore, for those reasons and for the fact that there finally is an agreement on the DuPage Airport, I ask you to support this Amendment."

Speaker Kubik: "Further discussion? Seeing none, the Gentleman from DuPage, Representative Johnson moves the adoption of

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Floor Amendment #1. All those in favor say 'aye'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. Any further Amendments, Mr. Clerk?"

Clerk McLennand: "No further Amendments. A State Mandates Note has been requested on the Bill 'as amended' and has been filed.

Speaker Kubik: "Third Reading. Committee Reports."

Clerk McLennand: "Committee Reports from Representative Weaver, Chairman from the Committee on Appropriations for Education to which the following Bill was referred, action taken on May 9, 1996, reported the same back with the following recommendation, 'do pass as amended', Senate Bill 1261."

Speaker Kubik: "On the Order of Concurrence, on page 8 of the Calendar, Mr. Clerk, please read House Bill 2557."

Clerk McLennand: "House Bill #2557, a Motion to Concur has been approved for consideration."

Speaker Kubik: "Before we get to Representative Wojcik, Representative Boland's light has been on for a moment or two. The Chair recognizes the Gentleman from Rock Island, Representative Boland."

Boland: "Thank you, Mr. Speaker. I rise on a point of personal privilege to announce one of our birthday boys here in the chamber today. The Honorable Jack McGuire, one of our younger, more vibrant Members of our Assembly. He has...being a real health nut, he has a fruit tray somewhere over there unless he is trying to hide it."

Speaker Kubik: "Happy birthday, Representative McGuire. Now, to proceed. The Lady from DuPage, I'm sorry, the Lady from Cook, Representative Wojcik."

Wojcik: "Thank you, Mr. Speaker, and Members of the House. I move to concur with Senate Amendment #1 to House Bill 2557. The Senate Amendment provides for an effective date that is

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60 days after the Bill becomes law. There will, would still be an immediate effective date, however, for coverage provided under the State Employee Group Insurance Act. The delayed effective date is needed to prevent unintentional violations of the law. Once the Governor signs the Bill, insures the time to change policies that up for renewal, time to notify insurance company employees in the field, time to prepare new printed materials explaining coverage, and time to also notify employers who internally administer parts of the insurance plan. I ask for a favorable concurrence."

Speaker Kubik: "The Lady has moved to concur with Senate Amendment #1 to House Bill 2557. And on that, is there any discussion? The Chair recognizes the Lady from Cook, Representative Schakowsky."

Schakowsky: "I just want to reaffirm with the noise in the chamber...oh, thank you, Mr. Speaker. Will the Sponsor yield? That all this Amendment does is change the effective date of the Bill? Thank you."

Speaker Kubik: "Representative Wojcik."

Wojcik: "It makes a technical correction also, by deleting a reference in the Bill to limited health service organizations and it's deleted because they do not provide maternity coverage."

Speaker Kubik: "Representative Schakowsky."

Schakowsky: "I would recommend concurrence then along with the Sponsor."

Speaker Kubik: "Any further discussion? Seeing none, Representative Wojcik to close."

Wojcik: "Thank you, Mr. Speaker. I just move for its concurrence."

Speaker Kubik: "The Lady has moved for the concurrence...has

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moved to concur with Senate Amendment #1 to House Bill 2557. The question is, 'Shall the House concur with Senate Amendment #1?' All those in favor will vote 'aye'; all those opposed will vote 'no'. The voting is open, and this is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 114 voting 'aye'; 2 voting 'no', and 0 voting 'present', and this Bill having received...the House does...and therefore, the House does concur with Senate Amendment #1 to House Bill 2557, and this Bill having received a required Constitutional Majority, is hereby declared passed. Senate Bills, Second Reading, on page 5 of the Calendar. Mr. Clerk, please read Senate Bill 1465."

Clerk McLennand: "Senate Bill #1465, the Bill's been read a second time previously. Committee Amendment #1 was adopted. Floor Amendment #2, offered by Representative Ryder, is approved for consideration."

Speaker Kubik: "The Chair recognizes the Gentleman from Jersey, Representative Ryder on Floor Amendment #2."

Ryder: "Mr. Speaker, thank you very much. Last evening, the committee approved this Amendment for recommendation for adoption. Also joining me on this Amendment are Representative Santiago, Representative Lou Jones, Representative Carol Ronen. This is done with the agreement of Central Management Services, The Executive Branch, and the Illinois Association of Hispanic State Employees, all of whom who have been very cooperative to allow this Amendment which is help us better gather and review information that is already being collected for the perusal of the Auditor General. I would be happy to answer any questions."

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Speaker Kubik: "The Gentleman has moved for the adoption of Floor Amendment #2, and on that, is there any discussion? The Chair recognizes the Gentleman from McHenry, Representative Skinner."

Skinner: "Yes, I wonder if the Gentleman could explain what the Amendment does?"

Speaker Kubik: "Representative Ryder."

Ryder: "Representative, currently we have the ability to indicate employee numbers and those numbers based on certain minorities under federal law and others that we are required to comply with. This simply makes those numbers accessible to the Auditor General, and also asks the Auditor General to report in their audits compliance with the necessary laws based on those numbers."

Speaker Kubik: "Representative Skinner."

Skinner: "That's basically what the State Employee Records Act does? Collects information on race and sex of employees?"

Speaker Kubik: "Representative Ryder."

Ryder: "Those two categories plus disabilities, Representative, you are correct."

Speaker Kubik: "Representative Skinner."

Skinner: "Well, there's certainly no reason the Auditor General should not have access to that data. Thank you very much."

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

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

Speaker Kubik: "The Sponsor indicates he will yield."

Schakowsky: "Representative, until this Amendment was added, are you saying that the Auditor General did not, as part of a compliance audit, make these kinds of determinations? We didn't look at the diversity among state agencies employees?"

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Speaker Kubik: "Representative Ryder."

Ryder: "Representative, I can't say whether the Auditor General looked at this information, but the first part of your question is correct. They were not required to report on it."

Speaker Kubik: "Representative Schakowsky."

Schakowsky: "It certainly seems to me that this therefore, is a very important addition to this legislation and would strongly recommend then that we concur...or that we adopt the Amendment. Or whatever we're going to do, I'm for it."

Speaker Kubik: "Further discussion? Seeing none, Representative Ryder moves the adoption of Floor Amendment #2. All those in favor will say 'aye'; opposed will say 'no'. In the opinion of the Chair, the 'ayes' have it. Any further Amendments Mr. Clerk?"

Clerk Rossi: "No further Amendments have been approved for consideration. Notes that have been requested on the Bill, have been filed."

Speaker Kubik: "Third Reading. Senate Bills, Third Reading. Mr. Clerk, please read Senate Bill 1465."

Clerk Rossi: "Senate Bill 1465, a Bill for an Act concerning the Administration of the Court of Claims. Third Reading of this Senate Bill."

Speaker Kubik: "The Chair recognizes the Gentleman from Jersey, Representative Ryder."

Ryder: "Thank you, Mr. Speaker. The Bill now 'as amended,' contains the Amendment approved by the Illinois Hispanic State Employees Association and a Administrative Bill which creates a new fund to allow the Court of Claims to access monies made available by the federal government for Administration of the Crime Victims Compensation Program. As you know, these funds are grants to the victims of

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crime. The federal government gives it to us and we do the administration. Through recent legislation passed federally, we now have the ability to take some of this money to help finance the administration of that program. It's a win/win situation for the state and for the victims of crime and I would be happy to answer any question on this Bill."

Speaker Kubik: "The Gentleman has moved for the passage of Senate Bill 1465, and on that question, is there any discussion? Seeing none...the question is, 'Shall Senate Bill 1465 pass?' Those in favor of the Bill will vote 'aye'; those opposed will vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted wish? Mr. Clerk, please take the record. On this question, 116 Members voted 'aye'; 0 voted 'no', and 0 voted 'present', and this Bill having received a Constitutional Majority, is hereby declared passed. On the Order of Concurrence, page 8 of the Calendar. Mr. Clerk, please read House Bill 3157. Representative Rutherford, the Gentleman from Livingston."

Rutherford: "To nonconcur."

Speaker Kubik: "He's recognized."

Rutherford: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Thirty one fifty seven is a piece of legislation we've used for some of our common sense legislation to remove some of the obsolete and duplicated laws. The Senate has amended it. I would move to nonconcur with the Amendment."

Speaker Kubik: "The Gentleman has moved to nonconcur on Senate Amendment #1 to House Bill 3157, and on that, is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Lang."

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

Speaker Kubik: "The Sponsor indicates that he will yield."

Lang: "Thank you. Representative this Amendment, or the nonconcurrence will put this in a Conference Committee. Does that mean that you and the Senate cannot agree on what common sense is?"

Speaker Kubik: "Representative Rutherford."

Rutherford: "Be it far from me to try to interpret something like that for these chambers. I will...actually it won't put in a Conference Committee, it's only if they're going to refuse to recede will it put it into a Conference Committee, and complete mutual cooperation in working with the Senate Sponsor, Senator Weaver. I anticipate he is going to refuse to recede, and it will put it into a Conference Committee even more showing the testimony that the House and Senate Republicans are working closely together. When the Conference Committee is staged, we are going to be able to put more common sense into it. You are going to have the opportunity to discuss it when it comes back in a Conference Committee Report."

Speaker Kubik: "Representative Lang."

Lang: "As usual, I have no idea what you just said to me. Is it your hope that the Senate will recede from this Amendment and send the Bill to the Governor?"

Speaker Kubik: "Representative Rutherford."

Rutherford: "No."

Speaker Kubik: "Representative Lang."

Lang: "So what are you trying to accomplish? Are you trying to put this into a Conference Committee, Sir?"

Speaker Kubik: "Representative Rutherford."

Rutherford: "I'm going to keep my answers real short so you can understand. 'Yes.'"

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Speaker Kubik: "Representative Lang."

Lang: "Cool. What are you going to do when you get there? You going to put a lot more common sense in here that might mean common sense to you but not to the rest of us?"

Speaker Kubik: "Representative Rutherford."

Rutherford: "Considering that all the common sense legislation we've already introduced passed unanimously, I would anticipate that we are going to keep that trend going, and the answer is, 'yes.'"

Speaker Kubik: "Representative Lang."

Lang: "Well then, why do you need this in a Conference Committee? What do you want to add? Have you found other statutes that should be common sensed out? Has the Senate found some other Bills regarding the laying of eggs or whatever you have in some of these other things that we need to correct? Why do we need to send this to a Conference Committee?"

Speaker Kubik: "Representative Rutherford."

Rutherford: "To answer your first question, 'yes.' And to answer your second question, it's because that...because of the clock and the way it's running, the only other way to add in these additional...language into it would be through a Conference Committee."

Speaker Kubik: "Representative Lang."

Lang: "Well, I'm glad to know you found some other Sections of the statute that need correcting, and I for one, will be waiting with great anticipation. I'm hope...if I can figure out what they are in advance I'll be for them. Maybe I can ask Representative Granberg, who apparently is clairvoyant. We found that out yesterday, and he can possibly tell me what is going to be in this before you move it along. Thank you, Sir."

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Speaker Kubik: "Further discussion? Seeing none, the Gentleman from Livingston, Representative Rutherford, moves to nonconcur to Senate Amendment #1. Those in favor of the Motion will say 'aye'; those opposed will say 'no'. It's the opinion of the Chair, the 'ayes' have it, and the House nonconcur on Senate Amendment #1. On the Order of Concurrence, Mr. Clerk please read...that's page 8 of the Calendar, please read House Bill 3448. The Chair recognizes the Lady from Cook, Representative Lyons."

Lyons: "Thank you, Mr. Speaker. I move to nonconcur with Senate Amendment #1, on House Bill 3448."

Speaker Kubik: "The Lady has moved to nonconcur on Senate Amendment #1, to House Bill 3448. And on that, is there any discussion? The Chair recognizes the Gentleman from Clinton, Representative Granberg."

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

Speaker Kubik: "The Lady indicates that she will yield."

Granberg: "Representative Lyons, can you briefly describe the Senate Amendment #1, that you move to nonconcur?"

Speaker Kubik: "Representative Lyons."

Lyons: "It removes the forfeiture provisions and the eavesdropping provisions of the original Bill."

Speaker Kubik: "Representative Granberg."

Granberg: "Representative, could you go into a little bit greater detail, because there might be some of us who may not want to remove the forfeiture provisions in regards to street gangs and drug forfeitures?"

Speaker Kubik: "Representative Lyons."

Lyons: "The eavesdropping portion of the Bill would allow the Attorney General's Office to obtain the eavesdropping with notification of the State's Attorney's Office. And the forfeiture portion of the Bill, would provide for criminal

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forfeiture of assets, in the case of those offenses that are committed that are listed in the Bill."

Speaker Kubik: "Representative Granberg."

Granberg: "Well Representative, why would we want to weaken those provisions? Why wouldn't we want to keep the authority with the Attorney General, a good Republican, like Jim Ryan, in order to assist the prosecution in street gangs? And why would we want to remove the drug forfeiture provisions of the Bill, because that makes it tougher on criminals?"

Speaker Kubik: "Representative Lyons."

Lyons: "That's exactly why I'm not concurring with it, so we agree."

Speaker Kubik: "Representative Granberg."

Granberg: "Well, thank you, Representative, cause I wanted to make sure because on these issues, both sides have to understand, because sometimes we don't want to be caught doing the wrong thing when we can actually send these Bills to the Governor. So, I thank you for your explanation."

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

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

Speaker Kubik: "The Sponsor indicates that she will yield."

Lang: "Representative, this sounds a little soft on crime to me. Do you want to nonconcur in a Senate Amendment that deals with these forfeiture provisions which are sponsored by, I think Mr. Petka, who's probably the toughest on crime person we have here in Springfield, and we're wondering, at least I'm wondering, why you want this Amendment off the Bill?"

Speaker Kubik: "Representative Lyons."

Lyons: "Have you read the portion of the Amendment that is

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being...the Senate Amendment, have you read that? And you're saying that you don't agree with it? So, that you agree with me that we shouldn't concur? I'm confused."

Speaker Kubik: "Representative Lang."

Lang: "Oh, so you think that Mr. Petka's soft on crime?"

Speaker Kubik: "Representative Lyons."

Lyons: "No, I certainly don't think that Senator Petka's soft on crime."

Speaker Kubik: "Representative Lang."

Lang: "Well, I know that someone over there is soft on crime. That's it."

Speaker Kubik: "Further discussion? Seeing none, Representative Lyons now moves to nonconcur with Senate Amendment #1. Those in favor of the Motion will say 'aye'; those opposed will say 'no'. It's the opinion of the Chair, the 'ayes' have it, and the House does nonconcur on Senate Amendment #1 to House Bill 3448. Committee Announcements Mr. Clerk."

Clerk Rossi: "The House Rules Committee will meet today at 12 noon in the Speaker's Conference Room. The Rules Committee will meet today at 12 noon in the Speaker's Conference Room."

Speaker Kubik: "On the Order of Concurrences, page 8 of the Calendar. Mr. Clerk, please read House Bill 3052. On that Bill, the Chair recognizes the Lady from DuPage, Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I move to nonconcur, that is to not concur in Senate Amendment #1 to House Bill 3052."

Speaker Kubik: "The Lady has moved to nonconcur with Senate Amendment #1 to House Bill 3052. And on that, is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Dart."

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

Speaker Kubik: "The Sponsor indicates that she will yield."

Dart: "Representative, what is the Amendment that we're not concurring in please?"

Speaker Kubik: "Representative Cowlshaw."

Cowlshaw: "The Senate Amendment #1 is the one which deletes the prohibition against the Chicago School District having a legal holiday on the day on which the Members of the House of Representatives are elected."

Speaker Kubik: "Representative Dart."

Dart: "Representative, is that provision in another Bill now anyway? Is that provision already in another Bill anyway?"

Speaker Kubik: "Representative...Ladies and Gentlemen, could we reduce the noise level. Representative Dart and Representative Cowlshaw are having a hard time conversing. Representative Cowlshaw to answer Representative Dart's question."

Cowlshaw: "I don't believe so."

Speaker Kubik: "Representative Dart."

Dart: "So then...the thrust is that the provision that you're asking to nonconcur in would delete the provision dealing with the Chicago...Board of Education's General Election Day. To the Motion, Mr. Speaker. I would ask for a Roll Call on this and I would like our colleagues to be aware of it. This Amendment was placed on their Bill by Senator Berman, and what it did was, it deleted the provision which we passed out of here before which was going to prohibit the Chicago Board of Education to make the General Election Day a holiday. This is something that was directed at the City of Chicago uniquely and which was a bad idea. This Amendment here was something that was going to try and rectify the situation. So, I would ask for a Roll Call,

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Mr. Speaker. I appreciate that, and I'd urge a 'no' vote on this."

Speaker Kubik: "Further discussion. The Chair recognizes the Gentleman from Effingham, Representative Hartke."

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

Speaker Kubik: "The Sponsor indicates that she will yield."

Hartke: "As I recall in committee, Representative, there was also a question about Good Friday in this piece of legislation. Where does that standing now in this Bill?"

Speaker Kubik: "Representative Cowlshaw."

Cowlshaw: "I'm sorry Representative, I could not hear your question."

Speaker Kubik: "Representative Cowlshaw, your point is well taken. Ladies and Gentlemen, let's reduce the noise level so that we can have a dialogue. Representative Hartke, would you please restate your question?"

Hartke: "If my memory serves me correct, this original Bill would require that the Chicago schools not be closed on Good Friday. I think I brought that question up in committee because this would disallow them from calling that a school holiday. Where is that right now? Is that still in the Bill, or was that taken out?"

Speaker Kubik: "Representative Cowlshaw."

Cowlshaw: "Representative Hartke, that was never in this Bill. It was in House Bill 2664 by mistake, and that has been removed from that Bill. So what you are asking about, to the best of my knowledge, is presently in no piece of legislation anywhere here."

Speaker Kubik: "Representative Hartke."

Hartke: "Okay. To the Motion. I really disagree with this move to nonconcur. This piece of legislation and Motion is a slam at the election process in Chicago and I would hope

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that in all fairness to the election process because of the use of the schools in Chicago as polling places, it would cause great confusion if we had both the elections taking place in the schools during school hours when the school is in session and this will allow for the Chicago school unit to declare that a holiday. But with this nonconcurrency it takes that provision out. So, I support Representative Dart's position that we should not approve of this nonconcurrency."

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

Cowlshaw: "What?"

Speaker Kubik: "We are talking to the electrician. I'm sorry. Representative Davis."

Davis: "Thank you, Mr. Speaker. I do appreciate this opportunity. We are asking of course for a Roll Call Vote on this Nonconcurrency Motion."

Speaker Kubik: "I recognized that a Roll Call was requested."

Davis: "And this is the Section that the Senators wisely removed from this Bill, is the Section that denies the decision at a local level of whether our schools should be open on an election day. Presidential election or what have you. And the reason of course, that at times the Chicago Public Schools close on election day, is because in Chicago a number of schools are used for polling places. The buildings are very, very, very old. There are a number of entrances and exits and all of these entrances and exits are not manned by any monitors or policemen, but on election day, those entrances must be open because the polling place has to be accessible to all voters. So, we just realize for safety of our children, the safety of

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these children is very important to most of us, and we feel that the local level decision should be made on whether these schools should be open on election day or closed on election day. It is so important that children are in a safe environment during any school day. On election day, when you have all kinds of strangers coming in and out of a building that cannot be monitored because we don't have that kind of extra staff available, nor can the Chicago Police provide a policeman for every entrance or exit, or follow people around who have entered the building. People who enter a building to vote can wander around a school building. They can be under a stairwell, they can be in the washroom, and we just don't want to chance something happening to any child. Not one child. Not one child do we want to chance something happening to by keeping that school open. We feel that on a election day in the City of Chicago, where many, many of our schools are used for polling places because there are not many other buildings available for that. That these buildings that are very old, that have a number of entrances and exits, also have a no parking sign all around the building during school days. Now, if the school is open on that day, and voters are pulling up to go in and park your car and you run in and vote. They cannot park around that school. They will have to park some distance away from those buildings. Not only will we have that problem, but we have school buses that arrive because many children are bussed into a school. So, the buses are arriving and attempting to park, and children will alight from those buses. There is not necessarily a monitor there to make sure the children safely get off the bus and go into the building. So, if you have cars of people coming in and out to vote, running close by, and you

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have buses letting children off, we are putting our babies in danger. They may not be important to you. You might not even consider them of any value to the State of Illinois, but the Senators do. The Senators felt the children in Chicago are important, valuable. We want to save their lives. We want to put them in a safe environment. Therefore, we urge you to vote 'no' on this Nonconcurrency Motion. We want to protect Chicago's children as well as any others in the state. Thank you."

Speaker Black: "Representative Black in the Chair. Any further discussion? And on that, the Gentleman from Whiteside, Representative Mitchell."

Mitchell: "Thank you, Mr. Speaker. I rise in support of the nonconcurrency of Senate Amendment #1. Let's use a little common sense. In public schools all over the State of Illinois, spend thousands of dollars to bring school children to Springfield to see how the process works. Here we have an opportunity to see the process begin in public schools, and we're afraid that the school children are in jeopardy from the voters of the State of Illinois. Now common sense tells us that if a person is going to come into a school as a voter in the State of Illinois to vote and then hide in the stairwells, that kind of person would probably come and hide in the stairwells anyway. Voting has nothing to do with it. The process of voting in the State of Illinois is one that is open to every single citizen that registers. In schools, we spend a lot of time teaching that. Here we have the common practice of voting in our schools that can be observed by school children, and I think we should make it statewide that schools are open on election day, not just in the City of Chicago, but any and every school that is a polling place and that happens

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in many downstate areas, would be open so that children see how the process works. I agree with Representative Cowlshaw, and we should nonconcur with Senate Amendment #1. Thank you."

Speaker Black: "Further discussion on the issue? The Gentleman from Clinton, Representative Granberg is recognized."

Granberg: "Thank you, Mr. Speaker. To the Motion. Ladies and Gentlemen, I rise in opposition to the Motion to nonconcur with the Senate Amendment. This is a good Bill right now. Let's cut to the chase on why they are attempting to do this. They don't want people to vote. For some reason, your side of the aisle is discouraging people from registering and voting. You have attempted to do this with the Motor Voter Bill that was recently held unconstitutional. You're trying relentlessly to put impediments to people exercising their right to vote. I don't know why you're so concerned with people wanting to vote. Why do you want to keep the turnout down? Why you trying to keep people from voting? It should be open to the public. We should be encouraging people to use their right to vote, and time and time again, you stand in their way. You did it with Motor Voter. You intended to implement a three tier system, separate elections for federal, separate for state, and separate for local. That was ruled unconstitutional. Now, once again, you're attempting to thwart these people from exercising their rights. I don't know why you're trying to do this. Why you stand in the way of the people. But once again, you're trying to do this to all of the state and all the people of of Illinois. Let the people vote. Let the people exercise their rights. Have confidence in the people for a change. Have confidence in how they're going to vote. Let them

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 speak their minds however they might. If they want to vote Republican that's fine, if they want to vote Democrat, that fine, but at least give them the opportunity. Let them have the opportunity to speak their minds. And I have friends on that side of the aisle who talk about election reform, who talk about trying to assist people. Well, let them do it. This is your chance. Vote against this Motion, let's concur. Send the Bill to the Governor, and let's allow all the people of Illinois to voice their opinions. Time and time again, you stand in their way. That's not what we're about. That's not what this institution is about, and you're doing this in direct contravention of the will of the people. Vote 'no' on this Motion."

Speaker Black: "Representative Granberg, have you concluded your remarks? Thank you. Further discussion? The Gentleman from DuPage, Representative Roskam."

Roskam: "Thank you, Mr. Speaker. I move the previous question."

Speaker Black: "The Gentleman has moved the previous question, and on that, I assume you're ready to vote. All those in favor of putting the main question, signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Representative Cowlshaw to close."

Cowlshaw: "Mr. Speaker, the purpose of nonconcurring in this Amendment, is in order to include an Amendment that makes this provision statewide. So that no school district anywhere in Illinois can fail to have the schools open on election day so that young people can see the process of voting in person and be encouraged to become participants. This has nothing to do with encouraging or discouraging any registered voter from participating at the polling place. It has to do with being certain that our students in

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schools throughout this state whose buildings are used for polling places, will have an opportunity to see what that process is like. This is democracy in action. Please vote 'yes'."

Speaker Black: "The quest...yes Representative Lang, are you seeking recognition?"

Lang: "Thank you. We would seek to verify if this receives the requisite number."

Speaker Black: "Representative Lang, you are aware that this does not require a Constitutional Majority to nonconcur? Proceed."

Lang: "Yes. I know what it requires, but I still would request a verification, Sir."

Speaker Black: "Well, I was going to do this on a voice vote. I'm not sure we can give you a verification. You're absolutely correct. You did. Alright. The question is, 'Shall the House nonconcur with Senate Amendment #1 to House Bill 3052?' All those in favor of nonconcurring will signify by voting 'aye'; all those opposed will signify by voting 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 66 voting to 'nonconcur'; 49 voting 'nay'; 0 voting 'present'. Representative Lang, do you persist in the verification? The Gentleman has withdrawn his request for verification. The House does nonconcur in Senate Amendment #1 to House Bill 3052. Mr. Clerk, Committee Report."

Clerk Rossi: "Representative Churchill, Chairman from the Committee on Rules, to which the following Joint Action Motions were referred, action taken on May 9, 1996, reported the same back due approve for consideration: to the order of Second Reading, Senate Bill 363 to the House

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floor; Floor Amendment 3 to Senate Bill 761; to the Order of Concurrence, House Bill 1798, House Bill 3165, and House Bill 3510, a Motion to concur with Senate Amendment #1 to House Bill 3669."

Speaker Black: "Ladies and Gentlemen of the House. If I could have your attention, we'd like to recognize the students from John E. Albright Middle School in Villa Park, Illinois. They're in the gallery at this time. The students from John E. Albright Middle School are guests of Representative Bob Biggins. We will now proceed to the Order of Senate Bills, Third Reading. Mr. Clerk, on page 3 of the Calendar, appears Senate Bill 1323. Please read the Bill."

Clerk Rossi: "Senate Bill 1323, a Bill for an Act amending the Marriage and Dissolution of Marriage Act. Third Reading of this Senate Bill."

Speaker Black: "And on that, the Lady from Cook, Representative Lyons is recognized."

Lyons: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1323 amends the Marriage and Dissolution of Marriage Act. This provides that any grandparent, great-grandparent, sibling or non-custodial parent of any minor child convicted of any offense involving an illegal sex act against a victim less than 18 years of age, and also for violations of the Article on Bodily Harm, they will no longer be entitled to visitation rights while incarcerated. I'll answer any questions."

Speaker Black: "And on the Lady's Motion, is there any discussion? The Gentleman from Cook, Representative Dart."

Dart: "Will the Sponsor yield?"

Speaker Black: "She indicates she will."

Dart: "Representative, how many cases of this have occurred?"

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Speaker Black: "Representative Lyons."

Lyons: "I don't know of any cases that have occurred. This was a constituent that brought it to the Senator's attention and it's closing a loophole for the possibility of it happening."

Speaker Black: "Representative Dart."

Dart: "So this is just in anticipation of a judge ordering visitation of a child to someone who is in prison?"

Speaker Black: "Representative Lyons."

Lyons: "Correct."

Speaker Black: "Representative Dart."

Dart: "Well, I mean, I don't think there's too many people who are opposed to the notion Representative, it's just...well, judges have done some crazy things so I'm not going to sit here and defend judges. The...I just find it interesting though, that we have no reported cases of this. Representative, as far as the other provisions of it, how long would it be before someone was discharged or incarcerated on misdemeanors before they could have visitation rights?"

Speaker Black: "Representative Lyons."

Lyons: "I'm sorry, I did not hear your question."

Speaker Black: "Representative Dart, perhaps you could rephrase your question or speak into the microphone."

Dart: "How long will it be before someone who is incarcerated for a misdemeanor, will have visitation rights?"

Speaker Black: "Representative Lyons."

Lyons: "You're asking how long, I'm sorry, I can't hear you."

Speaker Black: "Representative Dart, try again."

Lyons: "At the beginning of your question, you're not speaking into the microphone. I heard the end of it, I didn't hear the beginning."

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Speaker Black: "We'll try once more. Representative Dart."

Dart: "How long before people who are incarcerated for a misdemeanor, before they can have visitation?"

Speaker Black: "Representative Lyons."

Lyons: "Currently, visitation is prohibited from people who are on parole or mandatory release, supervisory release, unless they have gone through a treatment program, visitation is prohibited to them. Does that answer your question?"

Speaker Black: "Representative Dart."

Dart: "Sort of. Does this Bill change any of that?"

Speaker Black: "Representative Lyons."

Lyons: "No it does not."

Speaker Black: "Representative Dart."

Dart: "So then the only change this Bill makes then is for those people who are in prison, it's excluding them from any visitation rights in case a judge were so inclined to do that?"

Speaker Black: "Representative Lyons."

Lyons: "Exactly."

Speaker Black: "Representative Dart."

Dart: "Nothing further."

Speaker Black: "Further discussion? The Gentleman from Washington, Representative Deering is recognized on the Bill."

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

Speaker Black: "She indicates she will."

Deering: "I'm sorry, Representative, I didn't hear the total line of questioning there, but would this keep...would this cut out visitation rights for certain inmates in prison?"

Speaker Black: "Representative Lyons."

Lyons: "Yes."

Speaker Black: "Representative Deering."

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Deering: "So, is this for any inmate, inmates in general, or do they have to be convicted and incarcerated for certain types of crimes?"

Speaker Black: "Representative Lyons."

Lyons: "Yes, they do have to be convicted of a sex offense against a minor."

Speaker Black: "Representative Deering."

Deering: "And this would be for their total stay in prison?"

Speaker Black: "Representative Lyons."

Lyons: "Yes."

Speaker Black: "Representative Deering."

Deering: "Thank you."

Speaker Black: "Further discussion? The Gentleman from Logan, Representative Turner."

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

Speaker Black: "She indicates she will."

Turner: "Representative, I was a little bit confused about one of your previous responses. Does this measure preclude visitation or does it preclude court ordered visitation rights?"

Speaker Black: "Representative Lyons."

Lyons: "This would prohibit an inmate who was convicted of a sex offense, from appealing to the Marriage and Dissolution Act in securing visitation rights, if he was guilty of a sex offense against a minor. Does that answer your question?"

Speaker Black: "Representative Turner."

Turner: "I think so. I think you answered my question about it precluding court ordered visitation privileges, but I guess my question to specify it a little better would be, suppose the custodial spouse chose to take a child into visit someone who is in prison and it was her desire to allow that visitation in a monitored fashion, would that be

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precluded under your Bill or would that be allowed?"

Speaker Black: "Representative Lyons."

Lyons: "No it would not."

Speaker Black: "Representative Turner."

Turner: "Thank you. That's all the questions."

Speaker Black: "With no one seeking recognition we would ask Representative Lyons to close."

Lyons: "Thank you, Mr. Speaker. This is a Bill, as I said before, that closes a loophole, prevents the trauma of a child being forced to visit someone who is incarcerated, who has committed a sex offense to children, and I ask for your favorable consideration."

Speaker Black: "The question is, 'Shall Senate Bill 1323 pass?' All those in favor vote 'aye'; 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? Mr. Clerk, take the record. On this question, there are 116 voting 'aye'; 0 voting 'no'; 0 voting 'present'. This Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on the Order of Senate Bills, Third Reading, page 3 of the Calendar, appears Senate Bill 1440. Please read the Bill."

Clerk Rossi: "Senate Bill 1440, a Bill for an Act concerning the deaf and hard of hearing. Third Reading of this Senate Bill."

Speaker Black: "And on the Bill, the Gentleman from Cook, Representative Kubik, is recognized."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I bring before you today, Senate Bill 1440. Senate Bill 1440, is somewhat a Bill that is a long time in the making. Essentially what Senate Bill 1440 would do, is to create a commission for the deaf and hard of hearing in

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Illinois. Over the past couple of years, there has been a number of states, and I believe that there is at least 21 of them now...24 I'm sorry, 24 states that currently have commissions for the deaf and hearing impaired. This commission would serve as a clearing house and a communications facilitator between the deaf and hearing impaired community and the state government. I would be happy to respond to any questions you might have, and would urge your support of Senate Bill 1440."

Speaker Black: "Is there any discussion on the Gentleman's Motion? And on that, the Lady from Cook, Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker. I stand in strong support of Senate Bill 1440. I want to tell you a incident that happened at the hearing that reinforces and underscores why this Bill is so necessary. This is a piece of legislation that will enable people who are deaf and hearing impaired, to access services in many areas where the deaf and hard of hearing right now are excluded. So come to hearing on this Bill, and we find the Department of Rehabilitation Services is opposing it. And they are there with two people to oppose this, because they say that the services are already provided or could easily be provided. Then I asked them, 'Did you provide interpreter services for this hearing where you came to oppose this creation of a deaf commission?' They said, 'No, the department does not provide interpreter services within the Capitol Complex.' So here they are to oppose a Bill, there are many deaf people there in the audience, there to testify and they, themselves, through their organizations provided three interpreters so that these individuals could have access to this hearing. I was so amazed and appalled that the

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department would take a position against this legislation and yet, exclude from even understanding what that testimony was, the very people that would be affected. It is so obvious that we need this. This commission would provide help to parents who have deaf children. It would provide training for various agencies and departments, for the police, for the schools. It is...there was testimony that this...by a former director of such an agency in Virginia who now lives in Illinois and needs access to the services provided by his agency. All the states around Illinois have such a thing. This is a wonderful piece of legislation and I would like to be added as a cosponsor of this Bill, as I...as one of many cosponsors, and I would strong support for this Bill."

Speaker Black: "Further discussion on the Gentleman's Bill? The Lady from Cook, Representative Flowers."

Flowers: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I, too, rise in support of the Gentleman's Bill. I was truly dumbfounded by the behavior of the department, and they had the nerve to say to the Members there, that the department could not afford to have this because if the deaf people would want theirs, then some other group would want their own agency. I said, 'How dare you!' Here a young...two men recently have been gunned down, truly slaughtered, because they could not articulate or they were trying to articulate with the only thing that they had to work with, and that was their hands. And I'm sure the police officers had that tied or handcuffed behind their backs. And I said to the department, 'How do you go and tell a mother that you cannot afford to have this?' Last year, I introduced a Bill that would call for police sensitivity training, specifically for minority men,

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because there's a certain behavior and these happen to have been minority men that was gunned down by these police officers. And I think we should send a message to the State of Illinois, that we respect all kinds of people in this state, and I would urge the passage of this Bill. Thank you."

Speaker Black: "The Gentleman from Jersey, Representative Ryder, is recognized on the Bill."

Ryder: "Thank you, Mr. Speaker. Representative Kubik, I rise to support your Bill. I'm happy to do that. I have the special circumstances of being able to represent the School for the Deaf of the State of Illinois, which I am proud to say is part of my district. So I'm happy to stand and do what I am doing today. But I wish to address my remarks to the previous speaker. To the previous speaker who suggests that the actions taken were akin to slaughter. Representative, I hope that you misspoke. Representative, I hope that your oratory was such that your firm belief, I haven't mentioned your name ma'am, that your firm belief in what was going on, but you have no right to suggest what happened in Green County, Illinois, was as you suggested. I'm not casting blame or aspersion on either the person who was killed or the part-time police officer who did what he did. It is not for me, nor is it for you, to suggest the eventual outcome. I support this Bill as I have the efforts on behalf of the deaf community, for years. I was one of the first Legislators to have a TDD in my office, so they could communicate with me, not through some relay system. And I have listened to their concerns for a long time. And I would suggest to you that there are those who might indicate that the funds that might be available for this would be better spent on a school for the deaf, but

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the Gentleman, the lead Sponsor in this worked long and hard, and I admire him for that, and intend to support his efforts. Representative Kubik, you are to be congratulated. You have labored long and hard in this vineyard, and I appreciate your efforts. I appreciate the extra efforts that you did, in talking with the Governor's Office. Thank you, Mr. Speaker."

Speaker Black: "Further discussion? The Gentleman from Champaign, Representative Johnson."

Johnson, Tim: "I move the previous question."

Speaker Black: "The Gentleman from Champaign, has moved the previous question. The question is, 'Shall the main question be put?' All those in favor signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it, and the main question shall be put. Representative Kubik to close."

Kubik: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I realize that there are some incidents that have occurred over the past month and a half involving a deaf community, which has shed a lot of light on the community, and I understand the passions are running high on that score. I think that one of the goals which we are trying to achieve with this commission, is to increase the communication between those who can hear and those who cannot. And if anyone has spent any time with the deaf community, they recognize how large of a challenge it is for those who cannot hear, to communicate with the hearing world. And that's especially prevalent in a situation when you're dealing with government. So, the idea behind this proposal is to increase communication so that the services that the people in the hearing and the deaf community are entitled to, can be given to them. So, Ladies and

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Gentlemen, I thank you all for your support of this legislation and I would appreciate your 'aye' vote on Senate Bill 1440."

Speaker Black: "The question is, 'Shall Senate Bill 1440 pass?' All those in favor will vote 'aye'; opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'aye'; 0 voting 'nay'; 0 voting 'present', and this Bill having received a Constitutional Majority, is hereby declared passed. On page 8 of the Calendar, Order of Concurrence, appears House Bill 2421. At this time, the Lady from Lake, Representative Moore, is recognized."

Moore, Andrea: "Thank you, Mr. Speaker. At this time, I would introduce a Motion to nonconcur with Senate Amendment #1 for House Bill 2421."

Speaker Black: "You heard the Lady's Motion, is there any discussion? On that, the Gentleman from Clinton, Representative Granberg."

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

Speaker Black: "She indicates she will."

Granberg: "Representative Moore, could you go into a little more detail on the substance of Senate Amendment #1?"

Speaker Black: "Representative Moore."

Moore, Andrea: "Yes, Representative, as you know, this is what is referred to as the Committee Bill for the House Elections and State Government Committee, and it went over to the Senate and at that time, it was discovered that there is an old obsolete part in the statute that relates to providing railings around the voting booths and there was a court case, evidently, in East St. Louis that was calling attention to this, and so it was thought that it would best

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to make a revision. So there was a revision put in the Amendment taking away the railing requirement, however, there were several other areas identified that should have been clarified at the same time, and so what we want to do is be able to put it into a Conference Committee and make a consistent cleanup of the statute."

Speaker Black: "Representative Granberg."

Granberg: "So, Representative, it is not your intention to substantially modify or introduce or add new legislation to this Bill in a Conference Committee Report? You're merely trying to provide a cleanup vehicle when it goes back to the Senate, but it is not your intention to add anything new to the Bill, anything that...any new legislation that has not been previously considered?"

Speaker Black: "Representative Moore."

Moore, Andrea: "No, Representative. We want this to be a good committee Bill for the House Elections Committee."

Speaker Black: "Representative Granberg."

Granberg: "It is not your intention to add the provision that was debated in this House, previously, that lost on the verification that you sponsored?"

Speaker Black: "Representative Moore."

Moore, Andrea: "Actually, that is still alive over here in a Senate Bill. You'll get your chance again, Representative."

Speaker Black: "Representative Granberg."

Granberg: "Well, you don't intend to use this Bill for that legislation?"

Speaker Black: "Representative Moore."

Moore, Andrea: "Not this year."

Speaker Black: "Representative Granberg."

Granberg: "I thank the Lady for her answers."

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Speaker Black: "Further discussion? The Lady from Cook, Representative Ronen."

Ronen: "Thank you, Speaker, Ladies and Gentlemen of the House. I just rise to support of the Lady's Motion as is evident from her previous testimony. This is just a cleanup Bill. This Bill represents bipartisan efforts from our Elections and State Government Committee, and I would ask Members on this side of the aisle to vote to nonconcur with the Senate Amendment. Thank you."

Speaker Black: "With no one seeking recognition, the Lady from Lake, Representative Moore, to close."

Moore: "Thank you, Mr. Speaker, Members of the House. Please vote 'aye'. Thank you."

Speaker Black: "The question is, 'Shall the House nonconcur with Senate Amendment #1 to House Bill 2421?' All those in favor of nonconcurring, signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it, and the House does not concur in Senate Amendment #1 to House Bill 2421. Representative Kubik in the Chair."

Speaker Kubik: "On page 2 of the Calendar, Senate Bills, Third Reading. Mr. Clerk, please read Senate Bill 1319."

Clerk Rossi: "Senate Bill 1319, a Bill or an Act amending the Downstate Public Transportation Act. Third Reading of this Senate Bill."

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

Black: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I ask for your support of Senate Bill 1319. What this Bill will do, is alter the funding formula for downstate mass transit districts. It will change the operating assistance grant availability by taking it up 2% a year, for the next five years. That will take us from

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45% of operating expenses to 55% of operating expenses. In the current fiscal year, the appropriation for the downstate system is approximately \$22,800,000. Of that amount, approximately \$18.5 million will be spent. All we are asking for in this Bill, is to allow us to access the money that is set aside by 2/32 of the sales tax from downstate mass transit so we can access it at a faster rate because of the federal budget cuts. I would like to make one thing perfectly clear, we are not raiding any money that would otherwise accrue to any transportation system elsewhere in the State of Illinois. There is a pot of money set aside for downstate mass transit, and because of recent federal budget cuts, all we are asking is that we have...that we are able to access more of that downstate mass transit fund than we are currently allowed to take from it. So, I would be glad to answer any questions that you have, and would certainly ask for your support of the Bill."

Speaker Kubik: "The Gentleman has moved for the passage of Senate Bill 1319. And on that, is there any discussion? The Chair recognizes the Lady from Cook, Representative Irwin."

Irwin: "Thank you, Speaker. We did have a number of questions about this issue in the Transportation Committee which at that time, Representative Black was nice enough to assist with. Maybe he can help share some of his views on this again with the rest of the Members. Representative, you indicated that this increase in funds was not raiding any other transit fund. Will you clarify where the funds come from that will go towards this increase?"

Speaker Kubik: "Representative Black."

Black: "Yes, I'd be more than happy to do that. The amount of money set aside for downstate mass transit, is equal to

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2/32 of the sales tax revenue. That's approximately \$36 million that is available for downstate mass transit. Now Madison and St. Clair Counties, receive their share outright, and they have no restriction as the other downstate systems have. So, we're not bothering the system in Madison and St. Clair County at all, but I believe they support the Bill. By raising the operating the assistance formula by 2% a year, up to a maximum of 55% from the current 45%, we will simply be able to access that amount of money in a shorter period of time. Now, as you mentioned in committee, I must be very honest with you, that pot of money is not available for suburban or Chicago Mass Transit. But the money we currently do not expend, does go into the General Revenue Fund. And one could then make the argument that you would then perhaps have access to that approximately \$18 million this year, available in the General Revenue Fund, that we will be expending at a quicker rate over the next 5 years. And I would accept that argument and understand it, but it is important we understand that we are not diverting money from any fund that would otherwise accrue to suburban or city transit operations."

Speaker Kubik: "Representative Erwin."

Erwin: "Representative Black, isn't it true that the funds are coming from the General Revenue Fund to go towards this \$4 million increase that is in Senate Bill 1319? Isn't the source of the funding, the General Revenue Fund?"

Speaker Kubik: "Representative Black."

Black: "Yes, it is. It does come from the General Revenue Fund, but it is earmarked at 2/32 of the sales tax revenue which generates approximately \$36 million for downstate mass transit. Under the current operating funds subsidy, we are

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not expending all of that money. You're point is accurate, I cannot deny that. The pot of money available for downstate mass transit, does indeed come from money that would accrue through the General Revenue Fund."

Speaker Kubik: "Representative Erwin."

Erwin: "Thank you, Representative, and I do appreciate that explanation. Now I must say, however, that while I am sympathetic towards the needs of downstate mass transit systems, I certainly hope that my city and suburban colleagues, understand that the operating subsidies that would also come out of the General Revenue Fund for the Regional Transportation Authority, including Pace, Metra, and the Chicago Transit Authority are likewise experiencing the same cuts in federal funding, the same frankly, cuts in state operating expenditures. Need I mentioned in committee, our riders, Representative Black, pay a \$1.50 to get on a bus or an el or a train, whereas your riders in downstate, are still only paying at the fare box, a dollar. So I think that it points up to me and I actually did have an Amendment drafted for this which, unfortunately, is still in Rules, but I do believe that we have a serious issue in this state in trying to find additional sources of revenue for mass transit. And I would like to work with you and my colleagues from the collar counties to find additional funds for mass transit in our region. So, this is indeed funds that could be going to the CTA or the RTA because the source of the increase is the General Revenue Fund, and I would only urge you to consider before we leave here to agree to help us find an equal amount that could go towards the RTA in helping this six county region in Chicago. Thank you."

Speaker Kubik: "Further discussion? The Chair recognizes the

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Gentleman from Effingham, Representative Hartke."

Hartke: "Thank you, very much, Mr. Speaker. I stand in support of this piece of legislation. My legislative district has no mass transit district in it at all, but I understand the needs of downstate. Medium size communities such as Danville, Champaign, Springfield, Peoria and Bloomington, Carbondale, Mt. Vernon, they need this money. Without these monies, they will have absolutely no mass transit system at all. And I stand in support of this. It is not going to hurt the collar counties or the Chicago Area. This does not take funds away from them, and I think that it is a grand idea, and I commend Representative Black for putting forth this legislation, and I stand in support of it. I think the rest of my downstate colleagues as well as Chicago and suburb ought to support this move."

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

Skinner: "I wonder if the Gentleman would tell us what percentage of the fare box, what percentage does the fare box pay of the cost of a trip in downstate Illinois on mass transit?"

Speaker Kubik: "Representative Black."

Black: "Since the...yes, thank you very much, Mr. Speaker. Since the operating subsidy is currently at 55%, I suppose I could stand here and tell you that other sources would then make up the 55%. In some districts I'm sure that is correct. I think your point is, and I don't intend to disagree with you, the fair box revenue does not cover a very large percentage of the cost of most transit systems...particularly the one...the only one I'm familiar with is the one in Danville, and I would have to tell you in all honestly the fair box receipts do not pay, I am sure, anywhere near 50% of our operating costs, quite

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frankly."

Speaker Kubik: "Representative Skinner."

Skinner: "How much will be diverted from the General Fund if this Bill passes that could be spent on amortizing pensions or state aid to education?"

Speaker Kubik: "Representative Black."

Black: "As I understand the legislation, we have appropriated approximately or have available to us, let's say that, out of the 2/32 share, approximately \$36 million. In this fiscal year, we will expend about \$18 million of that on downstate mass transit, as if this Bill is successful as we raise that operating subsidy from 45 to 55% over the next five years, my guess is we will absorb most of that 36 million. So, I think I would be comfortable in saying to you, we probably will use \$18 million that might otherwise be appropriated elsewhere."

Speaker Kubik: "Representative Skinner."

Skinner: "Well Representative, no one on this House floor can say that you haven't said exactly what you're trying to do. Thank you very much for being so forthright."

Speaker Kubik: "Further discussion? The Chair recognizes the Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. I just wanted to thank Representative Black for his attention to this matter. In working with all regions of the state, I just want to echo his remarks. In fact, this takes no funds away from suburban or urban areas. This is for downstate mass transit, but again, it does not impact the revenue streams of any other system or any other region in the state. I urge my friends on this side of the aisle to vote 'yes'."

Speaker Kubik: "Further discussion? The Chair recognizes the Gentleman from Peoria, Representative Leitch."

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Leitch: "Thank you, Mr. Speaker, Ladies and Gentleman of the House. I, too, would like to underscore the importance of the Bill that Representative Black has before us, and I would further like to point out that just recently in our community of Peoria, a referendum passed overwhelmingly, overwhelmingly in support of our mass transit district. And as Representative Black alluded to earlier on the issue of moving from 45% to 55%, I had a Bill in this chamber that would have moved that very quickly to that number, but Representative Black has a much better Bill than mine, and Senator Weaver, I think, has thoughtfully put this together and it's something of very, very significant importance to us and downstate, and it does not take away from suburban money. So, we need your help on this and I would ask that you join me in supporting this Bill."

Speaker Kubik: "Further discussion? Seeing none, Representative Black to close."

Black: "Thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House. I think the Representative from Cook made some very good points about mass transit and the need for such throughout the State of Illinois. It is becoming much more important in the last last few years in downstate communities than it was probably was 20 years ago. With distances greater as we seek employment, as factories have closed, as family farms have been absorbed, mass transit is coming more to the forefront of our concerns in downstate as well as it's been in the forefront of your concerns in the Chicago and suburban area for many years. I would have been willing to have Representative Erwin's Amendment on my Bill, but as you recall yesterday, in the torrential rains, the printing unit flooded out, and I think that Amendment was lost due to floods. Which is

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nothing new. I recall some Amendments I had three years ago lost to locust and breakdown of printing equipment, those things happen on occasion. But, I will stand here and say that I certainly will work with Representative Erwin and any one else in this chamber as we try to address the ever increasing need and I think soon to be demand for mass transit as we become a little different kind of state than we were 50 years ago. I thank you for your questions and debate. I ask for your support of Senate Bill 1319."

Speaker Kubik: "The Gentleman has moved for the passage of Senate Bill 1319. And on that, those who are in favor of the Bill will vote 'aye'; those opposed will vote 'no'. The voting is now open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 77 voting 'aye'; 37 voting 'no', 1 voting 'present', and this Bill having received the Constitutional Majority, is hereby declared passed. The Chair recognizes the Gentleman from Jersey, Representative Ryder."

Ryder: "Ladies and Gentleman of the House, I rise on a point of personal privilege. Oftentimes we hear about high school students in trouble, high school students that cause problems. Well, I have the pleasure of introducing to you today some high school students that are solving problems. With us in the Speaker's Gallery, are five students from Jersey Community High School, who for the second year in a row were state winners in the Mothers Against Drunk Driving Campaign by producing the very best public service announcement. I'd like for you to help me recognize Christy Volt, Jess Weller, Angie Keebrick, Jason Jones, Rachel Dickey. Their assistants from the faculty, Brad Beechum, Dennis Fester, and also with them today is Ian

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Braden from the audio visual. For the second year in a row, Mothers Against Drunk Driving, Insurance One, and Secretary of State George Ryan, have recognized their efforts as the best in the State of Illinois. Please help me welcome them."

Speaker Kubik: "Welcome and thank you. Congratulations. Mr. Clerk, on the Order of Concurrence, page 9 of the Calendar, please read House Bill 3669. The Lady from Will, Representative Ciarlo."

Ciarlo: "Thank you, Mr. Speaker. I move to concur with Senate Amendment #1 to House Bill 3669. This amends the Unified Code of Corrections to require the Prison Review Board prior to the inmates release from custody, to provide upon request, a recent photo of an inmate to a victim or a concerned citizen. The Amendment places the responsibility on the Prison Review Board to supply the photo. Under current law, victims and other concerned citizens are entitled to know when an inmate is to be released from prison for any reason. The victim or other citizen must submit a request for this release information to the Prison Review Board, and this Bill 'as amended', allows the Prison Review Board to supply the same person with a photo as well."

Speaker Kubik: "The Lady has moved to concur with Senate Amendment #1 to House Bill 3669. And on that, is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Lang."

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

Speaker Kubik: "The Sponsor indicates that she will yield."

Lang: "Thank you very much. 'Concerned citizen' in this Amendment is defined as any other person associated with the victim or prisoner. Can we presume that means

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relatives of prisoners can also request photographs?"

Speaker Kubik: "Representative Ciarlo."

Ciarlo: "Yes Representative."

Speaker Kubik: "Representative Lang."

Lang: "How far does that go? Any relative, third cousin three times removed, uncles, step-uncle in-laws, how far does this go?"

Speaker Kubik: "Representative Ciarlo."

Ciarlo: "I would think it would be any relative who is concerned."

Speaker Kubik: "Representative Lang."

Lang: "You would think it would be that, but what is it? It's your Bill. What does it say? How far do we go with this?"

Speaker Kubik: "Representative Ciarlo."

Ciarlo: "That will be determined by the Prison Review Board."

Speaker Kubik: "Representative Lang."

Lang: "So, the definitions in this Bill will be further expanded by rule by the Prisoner Review Board and go through JCAR, is that correct?"

Speaker Kubik: "Representative Ciarlo."

Ciarlo: "No sir, I believe they are already part of the statute."

Speaker Kubik: "Representative Lang, further questions?"

Lang: "You believe they're already part of the statute. Are they already part of the statute?"

Speaker Kubik: "Representative Ciarlo."

Ciarlo: "Yes, they are."

Speaker Kubik: "Representative Lang."

Lang: "Would that everybody on your side of the aisle answer questions 'yes', 'no', and get right to the point. Thank you, Representative, I'll support your Motion."

Speaker Kubik: "Further discussion? Seeing none, Representative Ciarlo to close."

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Ciarlo: "I believe that the Senate did do some things to this Bill, that just made it a better Bill. I would urge everyone to support this Amendment."

Speaker Kubik: "The Lady has moved to concur with Senate Amendment #1, and on that...those in favor of the Motion will vote 'aye'; those opposed vote 'no'. The voting is open, and this is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 113 voting 'aye'; 0 voting 'no'; and 1 voting 'present', and the House does concur with Senate Amendment #1 to House Bill 3669, and this Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, announcements."

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

Speaker Kubik: "The Chair recognizes the Gentleman from Winnebago, Representative Scott."

Scott: "Thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House. In the gallery with us today, we have the 8th grade class from St. Peter Cathedral School in Rockford. They're here with their teacher, Mrs. Shirley 'Fadial', who brings a group of great kids down every year, and I would just like you all to welcome them to Springfield for me. Thank you."

Speaker Kubik: "Welcome to you all. Thank you for coming. On Supplemental Calendar #1, Senate Bills, Second Reading. Mr. Clerk, please read Senate Bill 363."

Clerk McLennand: "Senate Bill #363, a Bill for an Act that amends the Illinois Vehicle Code. The Bill has been read a second time previously. State mandates note and fiscal note have been requested and have been filed."

Speaker Kubik: "Third Reading. On page 4 of the Calendar, Senate

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Bills, Second Reading. Mr. Clerk, please read Senate Bill 761."

Clerk McLennand: "Senate Bill #761, has been read a second time previously. Floor Amendment #2 offered by Representative Brady, has been approved for consideration."

Speaker Kubik: "The Chair recognizes the Gentleman from McLean, Representative Brady, on Floor Amendment #2."

Brady: "Mr. Speaker, I move to withdraw Floor Amendment #2."

Speaker Kubik: "The Gentleman has moved to withdraw Floor Amendment #2. With leave of the House, that Amendment will be withdrawn. Is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Lang. Floor Amendment...with leave of the House, Floor Amendment #2 has been withdrawn. Any further Amendments, Mr. Clerk?"

Clerk McLennand: "Floor Amendment #3, offered by Representative Brady, has been approved for consideration."

Speaker Kubik: "The Chair recognizes the Gentleman from McLean, Representative Brady, on Floor Amendment #3."

Brady: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #3 clears up the issue of validity as this Bill would affect the validity of recorded documents. It's a technical change, and I ask this Body to approve it."

Speaker Kubik: "The Gentleman has moved for the adoption of Floor Amendment #3 to Senate Bill 761. Is there any discussion? Seeing none, those in favor of the Amendment will say 'aye'; those opposed will say 'no'. In the opinion of the Chair, the 'ayes' have it. Floor Amendment #3 is adopted. Any further Amendments?"

Clerk McLennand: "No further Amendments have been approved for consideration. A Fiscal Note has been requested on the Bill 'as amended', and has not been filed."

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Speaker Kubik: "The Bill will remain on the Order of Second Reading. We will now move to page 9 of the Calendar, Resolutions. Mr. Clerk, please read House Joint Resolution 98."

Clerk McLennand: "House Joint Resolution #98, presents a Bill of Rights and Responsibilities for Learning, Standards of Conduct, Standards of Achievement. Rules recommends 'be adopted'."

Speaker Kubik: "The Chair recognizes the Gentleman from Champaign, Representative Winkel."

Winkel: "Thank you, Mr. Speaker. House Joint Resolution 98 is the Bill of Rights and Responsibilities for Learning. It sets up broad principles for conduct and academic achievement. It recognizes that discipline is a prerequisite to academic achievement and declares that all students and school staff have a right to a safe, orderly, and drug-free school. And that codes of discipline should include consequences that are enforced consistently and fairly. States alternative educational placements should be established for violent and chronically disruptive students, and declares that all students and school staff have a right to learn and work in districts and schools that have clearly stated and rigorous academic standards and which run high grades and which high grades stand for high achievement and promotion. I'll be glad to take any questions."

Speaker Kubik: "The Gentleman has moved for the adoption of House Joint Resolution 98. And on that, is there any discussion? Seeing none, those in favor of the Resolution will say 'aye'; those opposed will say 'no'. It is the opinion of the Chair, that the 'ayes' have it. The Resolution...House Joint Resolution 98 is adopted. The Chair recognizes the

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Lady from Cook, Representative Howard. For what reason do you rise?"

Howard: "Thank you, Mr. Speaker. I rise on a point of personal privilege. Visiting us today in our chamber, are students from Chicago State University in my district. Among them are three young people who are part of the Model Illinois Government Program that was held this past March here in Springfield. Komisha Williams, Karen Williams and Stan Gilkey, are with us today. Mr. Gilkey is also...he served as the Speaker of the House during the Model Illinois Government mock Session, and he's going to be serving as Governor during the next year's Session. Please, would you all help me to welcome my district, the Chicago State University group."

Speaker Kubik: "Welcome and congratulations to you all. Thank you Representative Howard. On the Order of Resolutions, we now move to House Joint Resolution 105. The Chair recognizes...I'm sorry, Mr. Clerk, please read House Joint Resolution 105."

Clerk McLennand: "House Joint Resolution #105, renames the section of Illinois Route 2 from the City of Dixon to the City of Rockford, to the Blackhawk Trail. Rules recommends 'be adopted'."

Speaker Kubik: "The Chair recognizes the Gentleman from Whiteside, Representative Mitchell on the Resolution."

Mitchell: "Thank you, Mr. Speaker. On a request from the Blackhawk RC&D and the Illinois Department of Transportation District 2, we are requesting a 'yes' vote on House Joint Resolution 105, which renames a portion of Illinois Route 2 from Dixon, Illinois to the city of Rockford, after the very famous and instrumental chief, Chief Blackhawk, of the Sauk Tribe. If you've ever driven

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Route 2, it's an absolutely beautiful highway that winds along the Rock River encompassing a state park, and Governor...former Governor Jim Thompson named that one of the most beautiful highways and most relaxing drives in the State of Illinois. In order to bring more attention to this area and to attract people of, not only Illinois, but surrounding states to our area, we're very proud of it and very proud of what's been done along the Rock River, and we would hope to maximize the tourism trade by inviting people to come and drive the Blackhawk Trail. So, Mr. Speaker, I would be happy to answer any questions concerning this House Joint Resolution and would request an 'aye' vote from everyone. Thank you."

Speaker Kubik: "The Gentleman has moved for the adoption of House Joint Resolution 105. And on that, is there any discussion? The Chair recognizes the Gentleman from Jo Davies, Representative Lawfer."

Lawfer: "Thank you, Mr. Chairman, and Ladies and Gentlemen of the House. To the Bill, to the Resolution. Chief Blackhawk was a vital part of the history of northwestern Illinois, and this is a way that we can put in memory, some of the history that makes northwestern Illinois so great, and Chief Blackhawk was a very vital part of it, and I would urge support of this Resolution."

Speaker Kubik: "Further discussion? Seeing none, Representative Mitchell to close."

Mitchell: "Thank you, Mr. Speaker. Along the Blackhawk Trail, Route 2 in Illinois, up on the side of one of the higher hills, just after Oregon, Illinois, is a huge statue erected in memory of Chief Blackhawk. It's very inspiring as well as the trail, and I would just urge an 'aye' vote from everyone. Thank you."

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Speaker Kubik: "The Gentleman has moved for the adoption of House Joint Resolution 105. Those in favor of the Resolution will say 'aye'; those opposed will say 'no'. It's the opinion of the Chair, the 'ayes' have it, and House Joint Resolution 105, is hereby adopted. On page 2 of the Calendar, Senate Bills, Third Reading. Mr. Clerk, please read Senate Bill 1246."

Clerk McLennand: "Senate Bill #1246, a Bill for an Act in relation of postpartum care. Third Reading of this Senate Bill."

Speaker Kubik: "The Chair recognizes the Lady from Cook, Representative Wojcik."

Wojcik: "Thank you, Mr. Speaker, and Members of the House. Senate Bill 1246, parallels House Bill 2557 with one exception. Senate Bill 1246, does not include school employees. Everything else is intact. We have 48 hours inpatient care following a standard delivery, and 96 hours following a Cesarean Section. This is up to the discretion of the doctor. He may make the decision as to whether the patient can leave earlier if he so desires, but it would be between the patient and her doctor. Also, we have an Amendment that was placed on it in committee that also allows Medicaid patients to be covered. So, all in all, I would just say that it is a good Bill and I ask for its favorable passage."

Speaker Kubik: "The Lady has moved for the passage of Senate Bill 1246. And on that, is there any discussion? The Chair recognizes the Lady from Cook, Representative Schakowsky."

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

Speaker Kubik: "The Sponsor indicates that she will yield."

Schakowsky: "Representative, just a little while ago, we passed a Bill that looks very similar. What does this do to enhance

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or how does it differ from that legislation?"

Speaker Kubik: "Representative Wojcik."

Wojcik: "Representative, the only difference is that school employees are not covered. That's the only difference with this Bill versus the other one."

Speaker Kubik: "Representative Schakowsky."

Schakowsky: "So, Representative, why is it that we're passing this legislation, and why would we want to exclude school employees?"

Speaker Kubik: "Representative Wojcik."

Wojcik: "Most of the school employees have self insurance in their districts."

Speaker Kubik: "Representative Schakowsky."

Schakowsky: "Does the other legislation cover Medicaid patients?"

Speaker Kubik: "Representative Wojcik."

Wojcik: "Yes."

Speaker Kubik: "Representative Schakowsky."

Schakowsky: "Representative, explain to me again, if you did, why it is we want to put two Bills on the Governor's desk that are so similar?"

Speaker Kubik: "Representative Wojcik."

Wojcik: "Well, Representative, because there happens to be two Houses of government here, and this is the Senate's version and we have the House version. So, that's why we have two Bills."

Speaker Kubik: "Representative Schakowsky."

Schakowsky: "We're specifying Medicaid patients in here and we're explicitly not including school employees. I don't really understand why this particular group of women would be excluded from this legislation?"

Speaker Kubik: "Representative Wojcik."

Wojcik: "Representative, we took the Senate version, corrected

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the Medicaid section, and let it go out as it is right now."

Speaker Kubik: "Representative Schakowsky.

Schakowsky: "So, I think Members of this Body then have to understand that the one way in which it differs and it affects a certain group of employees. Can you restate for us who they are, how many there are, and why it is we are excluding them singly as opposed to other groups of women."

Speaker Kubik: "Representative Wojcik."

Wojcik: "Representative, it would be self insured school districts, and we don't know approximately how many we're talking about."

Speaker Kubik: "Representative Schakowsky."

Schakowsky: "Other self insured public bodies, their employees are still included or not, under this legislation?"

Speaker Kubik: "Representative Wojcik."

Wojcik: "Yes."

Speaker Kubik: "Representative Schakowsky."

Schakowsky: "Well, it appears to me that the Senate has sent us a Bill that is significantly inferior to your Bill, Representative, and the one that we passed a few moments ago, but there are probably thousands and thousands of employees of school districts around this state that would not, primarily women, I would think, who are not going to be covered by this legislation. Since we have passed what many of us feel to be an excellent Bill, the product of many deliberations, I really can't see why it is that we should vote for an inferior Bill that has come from the Senate."

Speaker Kubik: "Representative Wojcik."

Wojcik: "Representative, we did try to bring this Bill up so that it would not be so inferior. We did bring Medicaid into

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it, but I guess the area that there is a problem is self insured. You know, even in all the negotiations, we really had a difficulty with the self insured area. One thing that has developed with all the negotiations that have gone on, is that we have now awakened the self insured companies and the other areas that are doing it to the fact that there is a problem and most of them are now beginning to negotiate this specific area which I am elated about."

Speaker Kubik: "Representative Schakowsky."

Schakowsky: "I would recommend to the Sponsor that we simply just take this Bill out of the record and that the Bill that we passed, put that on the Governor's desk, and it's a superior Bill and if the Sponsor does not wish to do that, I would say that the Bill that we're looking at now is sufficiently flawed..."

Speaker Kubik: "Representative Schakowsky, please bring your remarks to a close."

Schakowsky: "Just to finish my remarks. Perhaps we want to consider at least a 'present' vote on the Senate version which is inferior to the one that we worked on and passed here."

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

Black: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I hold the Sponsor of this Bill in the highest regard. I mean the Sponsor and I are very close friends. We're so close we live in different apartments. But I've got to tell you, I voted no on all these Bills and this gives me an opportunity, she's already passed the Bill I think she wants, to at least explain my vote since I can't do that under the rules. In all seriousness, I applaud the Lady for what she is trying to do here. Many, many years

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ago, when my wife gave birth to our son, I was in the delivery room, and that was when that was very unusual, and I think it was probably about the first year a husband could go in the delivery room with his wife for the birth of a child. So, I understand, and I'm appalled that any medical person or hospital or insurance company, would want to move a new mother out the door in any period of time that would not be in the best interest of the mother and child. But, I would submit to you, that the State of Colorado addressed this issue by negotiation with their Department of Insurance. What we have already done and what now is on the Governor's desk or soon will be, is we have by statute, placed the Illinois General Assembly, in the medical, surgical and insurance procedure, and I would say to any of you, and I'm very sincere about this, I have probably spent as much time in the hospital as anybody on this floor. And I can tell you, I don't want the decision on when I can be released, resting in the hands of this General Assembly. In fact, that thought strikes absolute terror in my heart. If the Gentleman from Clinton had anything to do with it, I might never get out of the hospital. On the other hand, I might get out in two hours after open heart surgery, I'm not sure. But, I must say, the only reason I vote 'no' on this, I'm not unsympathetic to the concept behind the Bill, but I'm telling you, once we begin to legislate this, there will be no end to procedures that people will bring to us and say, for example, 'Uncle John had his knee operated on or his hip replaced and they sent him home in 18 hours, and I think you should legislate that those people stay there three days.' And what I told the media a month ago when I didn't vote for this, if you look at this Bill very carefully,

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there's enough loopholes the private pay patients are still going to get out the hospital relatively soon. But Medicaid patients, will stay until the last quarter hour is used up, and that's public money that we're then using. I commend the Sponsor. I've absolutely no problem with what she's attempting to do in theory or in concept, but I see some problems that may come down the road when political bodies want to intervene in medical and surgical procedures."

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

Ronen: "Thank you, Speaker, Members of the House. Will the Sponsor yield?"

Speaker Kubik: "The Sponsor indicates that she will yield."

Ronen: "Representative Wojcik, I just wanted to clarify some issues as to who would be covered under this Bill versus the House Bill that we previously passed? What the differences are, and especially in regards to self referred...self insured rather?"

Speaker Kubik: "Representative Wojcik."

Wojcik: "Representative, it's self insured school employees."

Speaker Kubik: "Representative Ronen."

Ronen: "Are not covered, and that's the only difference? What was the rationale for that?"

Speaker Kubik: "Representative Wojcik."

Wojcik: "Evidently, the Senate chose not to do it for some reason."

Speaker Kubik: "Representative Ronen."

Ronen: "Is there some reason we chose not to make that Amendment amended in the House to be similar to your Bill?"

Speaker Kubik: "Representative Wojcik."

Wojcik: "We really...I think my main concern was getting in the

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Medicaid patients, and that's an area that I felt we should concentrate more on. And in negotiations, as I stated before, the self insured companies are becoming aware of this problem and they are now beginning to put it into their contracts."

Speaker Kubik: "Representative Ronen."

Ronen: "I think I'm starting to understand, so that's the only group that are different from the previous Bill, in your Bill, the House Bill would be more comprehensive and probably in your mind, a better Bill. We would hope the Governor would sign that one."

Speaker Kubik: "Representative..."

Ronen: "You're nodding your head. That's fine. Thank you. Thank you."

Speaker Kubik: "Further discussion? The Chair recognizes the Gentleman from Madison, Representative Stephens."

Stephens: "Well, thank you, Mr. Speaker. I just had to rise in response to the Gentleman from Danville. He doesn't want the Legislature making these decisions. It's appropriate that we not make medical decisions and that's not what we're doing. Bureaucrats at the insurance companies should not be making medical decisions, and if Uncle Elmer starts getting tossed out of the hospital in 18 hours by some bureaucrat at an insurance company, then it ought to be the Legislature that comes to his defense and simply says as we are saying in this legislation, it is not a bureaucrat or an elected official's decision or their place for a decision to be made. This is a place for a decision to be made by medical practitioners and the patient. And that's all this Bill does is allow for that interaction to take place as it historically has done. And so, I rise in strong support of the Lady's Motion, and urge an 'aye'

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vote."

Speaker Kubik: "The Chair recognizes the Gentleman from DuPage, Representative Biggins."

Biggins: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this Bill and would like to put a Bill person identified with it, Mrs. Rogers from Lombard, called me four weeks ago, and asked me if we were going to pass this Bill. And I said, 'We already passed it out of the House, similar Bill, and I voted for it'. And she asked me when I thought it would pass out of the Senate. And I said I didn't know that. She said, 'Well, can it be done in three weeks?' And I said, 'Well, we don't normally move things that quickly, plus the Governor has to sign the Bill'. She said, 'I would really like it if you could do it in the next three weeks'. I said, 'Why?' She said, 'Because I'm having my fifth baby in three weeks, and I want to stay an extra day in the hospital. I don't want to go home cause the hospital would make me go out and I'd have to go home and take care of my four other children'. To which I said, 'Well, maybe if we can't do it by the time you deliver your fifth child, I guarantee you it will be law by the time you have your sixth', and then she wasn't very happy. I'd like to make her happy, so I hope that the Body passes this Bill."

Speaker Kubik: "Further discussion? The Chair recognizes the Gentleman from Lake, Representative Salvi."

Salvi: "Well, thank you, Mr. Speaker. I approach this Bill from a very personal perspective. My wife and I are going to have our fifth child in June, and I can tell you from having had four children and being forced really to... for all four of those children to leave the hospital after 24 hours. This I can tell you from personal experience, is an

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excellent Bill. And I look forward to voting 'yes', and I just hope it applies in time for our baby which is due on June 16th. Thank you."

Speaker Kubik: "Further discussion? Seeing none, Representative Wojcik to close."

Wojcik: "Thank you, Mr. Speaker, and I thank everyone for their concern and for their suggestions. I'd like to just point out something. Birth is a wonderful, wonderful happening. When you have a female going into the hospital and she's in labor, and she's counting the clock to make sure that she's going to get in there in enough time that she can have 12 hours in that hospital to deliver that baby is a crime. It's a crime. What this Bill is doing, is it's taking it out of the hands of these so called insurance decision makers who don't know the first thing about medicine and it's putting it into the hands of the doctor and his patient. That is what this is doing. We are taking the trauma out of delivery, we're putting happiness back into their lives with this wonderful, joyous occasion. I can only say to you, yes this is the Senate's version, but in fairness to the Senator, we are calling this Bill. He's worked on it, he has the right, I am carrying it for him, and so I ask that we pass it and send it back to the Senate."

Speaker Kubik: "The Lady has moved for the passage of Senate Bill 1246. Those in favor of the Bill will vote 'aye'; those opposed will vote 'no'. This is final action. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 112 voting 'yes', 2 voting 'no', 2 voting 'present', and this Bill having received a Constitutional Majority, is hereby declared

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passed. Mr. Clerk, on page 4 of the Calendar, the Order of Second Reading, please read Senate Bill 761."

Clerk McLennand: "Senate Bill #761 has been read a second time previously. A State Mandates Note has been filed on the Bill as requested. The Fiscal Note request has been withdrawn."

Speaker Kubik: "Third Reading. Mr. Clerk, on the Order of Senate Bills, Third Reading, please read Senate Bill 761."

Clerk McLennand: "Senate Bill #761, a Bill for an Act that amends the Counties Code. Third Reading of this Senate Bill."

Speaker Kubik: "The Chair recognizes the Gentleman from McLean, Representative Brady."

Brady: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. Senate Bill 761, writes into the statutes that in order to give public notice, assignments and releases of mortgages must be recorded in the County Recorder's Office in the county in which that property resides. I ask for your favorable consideration. I'd be happy to respond to any questions."

Speaker Kubik: "The Gentleman has moved for the passage of Senate Bill 761. And on that, is there any discussion? Seeing none, those in favor of the Bill will vote 'aye'; those opposed will vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 114 voting 'aye'; 1 voting 'no'; 0 voting 'present', and this Bill having received a Constitutional Majority, is hereby declared passed. The Chair recognizes the Lady from Cook, Representative Flowers."

Flowers: "Mr. Speaker, I would like for the record to reflect, had I been in my seat, I would have vote 'yes' on Senate

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Bill 761. Thank you."

Speaker Kubik: "Representative Flowers, the record shall so reflect."

Flowers: "Thank you."

Speaker Kubik: "For what purpose does the Gentleman from Vermilion, Representative Black arise?"

Black: "Yes, thank you very much, Mr. Speaker. With the indulgence of the Chair, an announcement as to the condition of a good friend of many ours, John Cross. The growth on John's kidney was diagnosed as malignant today, but the prognosis is good. He's in great spirits, and he wanted to make sure that all of you know how much he appreciates the Resolution, your thoughts and prayers."

Speaker Kubik: "Thank you, Mr. Black and certainly we all join you in those sentiments. Introductions, Mr. Clerk."

Clerk McLennand: "Introduction of Resolutions. House Joint Resolution #111, offered by Representative Roskam, was referred to the Rules Committee. Introduction and First Reading of House Bills. House Bill #3732, offered by Representative Phelps, a Bill for an Act in relation to unemployment insurance. First Reading of House Bill #3732, and it's referred to the Rules Committee."

Speaker Kubik: "Mr. Clerk, messages?"

Clerk McLennand: "Messages from the Senate. Mr. Speaker, I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of the following House Bills with their Senate Amendments: House Bill #2799 together with Senate Amendment #1; House Bill #2621 together with Senate Amendment #1; House Bill #3451 together with Senate Amendments #1, 2 and 3; and House Bill #3532 together with Senate Amendment #1; and House Bill #3617 together with

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Senate Amendments #1 and 2, in the adoption of which I am instructed to ask concurrence of the House. These Bills passed the Senate 'as amended' on May 9, 1996, and are referred to the Rules Committee."

Speaker Kubik: "Mr. Clerk, on page 5 of the Calendar, Senate Bills, Second Reading, please read Senate Bill 1490."

Clerk McLennand: "Senate Bill #1490, the Bill has been read a second time previously. Committee Amendment #1 was adopted. Committee Amendment #2 was referred to Rules. Floor Amendment #3 has been referred to Rules. Floor Amendment #4, offered by Representative Winkel, has been approved for consideration."

Speaker Kubik: "The Chair recognizes the Gentleman from Champaign, Representative Winkel on Floor Amendment #4."

Winkel: "Thank you, Mr. Speaker. Amendment #4 deletes Section 15 from Senate Bill 1490. That's the Section dealing with negligent, hiring and retention. That's by this Amendment, if adopted, it would be deleted, dropped from the Bill. Be glad to take any questions."

Speaker Kubik: "The Gentleman has moved for the adoption of Floor Amendment #4, and on that, is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Lang."

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

Speaker Kubik: "The Sponsor indicates that he will yield."

Lang: "Thank you. Representative, can you be a little clearer what you're doing here? What part of the Bill does Amendment 4 delete, and what is the effect of that deletion?"

Speaker Kubik: "Representative Winkel."

Winkel: "Representative, Floor Amendment #4 deletes Section 15 from Senate Bill 1490, and that's all it does. It deletes

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it, omits it, drops it, removes it."

Speaker Kubik: "Representative Lang."

Lang: "So, in the original Bill if I understand, Representative, Representative, hi, how, Representative, in the original Bill you created a new standard aside from the standard of telling somebody a perspective employer something that is true about your employee or your ex-employee, you added a standard that said that, sort of information and belief, something you think is true, if you really think it's true, then you go ahead and tell them that, but now you're deleting that second standard here, is that correct?"

Speaker Kubik: "Representative Winkel."

Winkel: "No, that's not correct."

Speaker Kubik: "Representative Lang."

Lang: "All right, so you have not changed that. You've...in your Bill, well, we'll get to the Bill on Third Reading. So, who are you satisfying by making this change? Who asked for this change?"

Speaker Kubik: "Representative Winkel."

Winkel: "As the Sponsor, it satisfies me. I'm concerned about the language. I was not satisfied with the language in Section 15, and I decided to remove it. That's why I put in Floor Amendment #4 to delete it from the Bill."

Speaker Kubik: "Representative Lang."

Lang: "Well, to the Amendment. My view is, this makes a really bad Bill slightly better. I'll still be voting 'no' I think on the Bill, but I think we should support the Amendment."

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

Davis: "Mr. Speaker, I am really, I think my Bill is Amendment #5, is that the next Amendment that you have?"

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Speaker Kubik: "Representative, according to our records, Amendment #5 has been referred to the Rules Committee."

Davis: "Oh, Mr. Speaker."

Speaker Kubik: "Further questions?"

Davis: "Yeah, I wanted to know from Representative Winkel why you didn't include the elements from Amendment #5 into Amendment #4 since they were not going to approve from Rules Amendment #5? The content of Amendment #5 would've certainly been germane to Amendment #4."

Speaker Kubik: "Representative Winkel."

Winkel: "Representative, I know nothing, whatsoever, about your Floor Amendment #5. Never seen it. Not applicable to Rules as I understand it. I'm prepared to answer any questions you might have though on Amendment #4."

Speaker Kubik: "Representative Davis."

Davis: "Well Representative, Amendment #5 merely would have increased the minimum wage by \$2.00 for adults and \$1.00 for young people. It would have seen to it that those Americans, especially in Illinois, who are working at wages much below a livable wage, it would have brought them up to a level in which they could at least pay rent, feed their families and work 40 hours a week. And this Amendment would have given them a \$1,000 per month."

Speaker Kubik: "Representative Davis. We are debating Floor Amendment #4. I would appreciate it if you would confine your remarks to Floor Amendment #4. Do you have any further questions about...Representative Davis."

Davis: "I'll just say I'm very sad that you didn't include it, but I will support your Amendment."

Speaker Kubik: "Further discussion? The Chair recognizes the Gentleman from Washington, Representative Deering."

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

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Speaker Kubik: "The Sponsor indicates that he will yield."

Deering: "Representative, is there anything in this Bill or this Amendment that removes the speed bump that will automatically cut down working men and women's benefits when they are laid off from a job?"

Speaker Kubik: "Representative Winkel."

Winkel: "Representative, I'll try to answer that as precisely as possible. Floor Amendment #4 deletes the language of Section 15 from Senate Bill 1490. And that's what it does and nothing more."

Speaker Kubik: "Representative Deering."

Deering: "Well, since you haven't answered the question about removing the speed bump, what's the language in Section 15? What are we deleting?"

Speaker Kubik: "Representative Winkel."

Winkel: "Representative, I assume you have a copy of the Bill. If you don't, I'd be glad to read it to you if that's what you really want. Is that what you want?"

Speaker Kubik: "Representative Deering."

Deering: "Yeah, please. Go ahead and read it."

Speaker Kubik: "Representative Winkel."

Winkel: "Section 15."

Speaker Kubik: "Representative Winkel."

Winkel: "'Section 15. No liability from employee hiring or retention. No employer shall be liable for any damages as a result of the hiring or retention of an employee except when the employer willfully hires or retains an employee whom it knows or reasonably should know, likely poses an imminent threat to the health or safety of others. This Section is limited to causes of actions sounding in tort and does not otherwise curtail a cause of action grounded solely upon rights established by the statutes of this

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state'. And I can tell you that that's the language of Section 15 that's being deleted. After reviewing it and listening to the debate that we had in Executive Committee, I'm persuaded that it is not adequate. I'm dissatisfied with it, and that's why I decided to omit it."

Speaker Kubik: "Representative Deering."

Deering: "Well, thank you, Representative. Hopefully...what's left in the Bill if we remove this?"

Speaker Kubik: "Representative Winkel."

Deering: "Are we making any other changes to unemployment regulations or statutes in the state that would adversely affect laid off men and women?"

Speaker Kubik: "Representative Winkel."

Winkel: "Representative, with all due respect, Floor Amendment #4 simply deletes Section 15 and it does nothing more. When we get to the Bill, I'd be glad to debate that with you."

Speaker Kubik: "No further discussion. Seeing no further discussion, the Gentleman from Champaign moves the adoption of Floor Amendment #4. Those in favor of the Amendment will say 'aye'; those opposed will say 'no'. It's the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Any further Amendments, Mr. Clerk?"

Clerk Rossi: "No further Amendments have been approved for consideration. The notes that have been requested on the Bill have been filed."

Speaker Kubik: "Third Reading. Mr. Clerk, on the Order of Senate Bills, Third Reading, please read Senate Bill 1490."

Clerk McLennand: "Senate Bill #1490, a Bill for an Act that amends the Unemployment Insurance Act. Third Reading of this Senate Bill."

Speaker Kubik: "The Gentleman from Champaign, Representative Winkel is recognized on Senate Bill 1490."

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Winkel: "Thank you, Mr. Speaker. Illinois employers increasingly encounter difficulties in background checks of job applicants. Companies, especially the smaller companies, are fearful of costly litigation and oftentimes they are forced to opt to avoid risk of litigation by giving out a former employee's name, dates of employment, and last job held. The lack of information typically available in a background check can lead to some dire results. Tragedies can occur when a childcare facility or hospital unknowingly hires a convicted sex offender, as an example. The consequences of such a hiring can be avoided if employers have reasonable assurances that they would not be subjected to frivolous lawsuits by...they're giving factual responses concerning a former or current employee's performance to inquiries from perspective employers. Senate Bill 1490 'as amended', codifies the current case law in Illinois. It's an accurate reflection of case law currently on the books. It regards what an employer can say to another employer about an employer or...excuse me, about a current or former employee. This simply says that an employer that provides the truth no longer has to fear frivolous lawsuits costing him or her tens of thousands of dollars. The proposal also allows the employers to more freely communicate truthful performance related information. You give a truthful reference, you get some protection. You tell lies about a former or current employee, this Bill as amended provides no safe haven. I'd be glad to answer any questions."

Speaker Kubik: "The Gentleman has moved for the passage of Senate Bill 1490. And on that, is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker. Could we get some quiet in the

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chamber please?"

Speaker Kubik: "The Gentleman makes an excellent point. Can we reduce the noise level so we can hear the debate on this legislation? Representative Lang."

Lang: "Thank you. I know you'll restore my time, Mr. Speaker. Thank you very much. I rise in strong opposition to Senate Bill 1490. We have a pretty good law today. It says that employers can provide truthful information about their employees to perspective new employers. This Bill would provide civil liability to an employer who discloses false information about an employee. They could use the excuse of 'good faith'. I'm willing to admit that most of this would be in 'good faith'. I'm not saying that every employer in Illinois would purposely not tell the truth. But the fact is that if you disclose false information about someone and allow that to be an immunity, then you're adding a separate standard that allows employers to give this information. It reverses the current law regarding libel and slander. If you give false information, it's your burden to prove 'good faith'. This Bill assumes 'good faith'. It assumes that every statement made by an employer to a perspective new employer made the statement in 'good faith'. It requires that the employee if they've been discriminated against, or feels they've been discriminated against, to prove that the former employer was lying. Now how are you going to prove that? What way are you going to use? What evidence will you use to prove that the employer was lying? It can't be done. It's difficult to do, and in essence, will allow employers to make it very difficult for employees to change jobs or to move on if a particular employer had a particular personality problem with a employee. That employer might

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make it very difficult just because of a personal pique to allow that person to get a new job. So the Bill states that an employer is not liable for providing information that it believes in 'good faith' is truthful. It's an impossible standard. It's a standard that can't be proven in a court of law in the reverse. So, it's a standard that makes it impossible for the employee who might be aggrieved to address those grievances in a manner that the statute would provide. It can't be done. There's some information here that the purpose of this is to stop frivolous lawsuits in employment defamation cases. But this Bill won't have any affect on that. This Bill won't have no affect no it because it will dissuade workers with legitimate cases from pursuing them. That's what it will do. It won't stop frivolous cases, but will have a chilling impact on the ability of an employee to go to court if they are discriminated against. We should not be about the business of insulating anybody from a false statement. That's what this Bill does, make no mistake about it. It says to ordinary working men and women in Illinois that you may change jobs if you wish, but if you do and you ask your employer for a reference or if the perspective new employer goes to your employer for a reference, no matter what they say about you, you've got a problem. Certainly if they provide truthful information that's not so great about you, that certainly should be passed on. But to allow the employers to pass on false information and then allow those employers to be immune from civil liability, is ludicrous. Why don't we if we pass this, go on and give everybody immunity from everything in the State of Illinois. Let's allow all false statements to be immune. No one would do that on this floor, and yet some of you are about to vote

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for a Bill that says to ordinary working men and women, that your employer can pass on false information about you and not have to pay the price for that. I don't think that's right. I don't think in good conscious you think that's right. So, let's protect working men and women. If there's a Bill that will help employers in this area, which I admit is sticky, to give them the opportunity to pass on information to the new employer that is fairer, let's find that language and let's pass it. But let's not pass legislation that enables a company to pass on false information about our constituents and then be immune from the results of that false information. I would strongly suggest 'no' votes."

Speaker Kubik: "Further discussion? The Chair recognizes the Gentleman from DuPage, Representative Roskam."

Roskam: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. We have created a culture of uncertainty among employers in this state. We have created an environment that gives an employer a double message. We have this notion that employers are to provide information about former employees, and yet we've created a culture, that says, 'Well, play it safe. Only give the name, the rank, the serial number. Maybe tell how tall they are. Don't talk about weight, that's probably an offense. Don't tell them any other subjective information, because if you do Mr. and Mrs. Employer, we're going to come after you'. Because if you say something that's possibly offensive, if you say something that's subjective, then woe to you, because you're going to be on the hook. The previous speaker failed to really highlight one of the essential features of this Bill. This Bill requires a 'good faith' mental framework on the part of the employer. The employer

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can't be cavalier about what's going on. They're still accountable if they're cavalier. The employer can't say knowingly false things, but this is an attempt, and Representative Winkel has worked long and hard on this Bill. This is an attempt to get employers out of the 'catch 22' trick bag that they're in right now. Let's create certainty. Let's create a 'good faith' exception, so if they're doing the right thing and they're trying to pass on truthful information so that subsequent employers know information that is important to know. Let's hold them to the appropriate standard. I strongly suggest that we all vote 'aye' on this 'good faith' measure. Thank you."

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

Mautino: "Thank you. Will the Sponsor yield? I have just a couple of questions. Can you tell me what the current practice is amongst small businesses is as far as references go? We had this discussion in committee, and I wondered what the urgency or what the need on this legislation was?"

Speaker Kubik: "Representative Winkel."

Winkel: "Representative, exactly right. This is something that happens every day to small businesses where they're out to hire, they want to get a reference on a perspective employee, they call former employers who are very reluctant to give the information besides a name, dates of employment, and maybe what they did while they were there insofar as a job title. But beyond that, the conventional wisdom has become, especially for smaller businesses who cannot absorb the hit, the financial hit of expensive

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employment law litigation, that they only give out that kind of information, and that's how the bad perspective employee slips through the system, gets...they are just passed on from employer to employer because nobody wants to really tell about their job performance. Their job performance was bad, they're still afraid as somebody who is responding to an inquiry, to give that kind of truthful information because of the fear that they're going to be sued for libel, sued for slander. You have defamation cause of action. So, it's become the conventional wisdom among attorneys advising small businesses, don't give anything beyond that information, make that your policy. Never deviate from that. That's standard practice these days, Representative."

Speaker Kubik: "Representative Mautino."

Mautino: "I guess maybe that's...I don't really follow that because in the real world I've interviewed and taken references on hundreds of people. And I've called and it's mostly small business, and I've called them and called the employers and really never have had a problem talking about the employees. If I a good reference, they've stayed on for consideration. If I got a bad reference, the resume went in the garbage. I mean there wasn't a whole lot of concern that I've ever really found. So I, no I haven't seen anything in lawsuits or it hasn't really been brought up to me a whole lot. That's why I wondered where the Bill did come from and I hadn't seen that raised as much of a concern. I guess I don't have a question. I just wondered if there is a need since in my own experience I really haven't seen that big of a problem. Employers and small business people talk. You know, and they will let you know whether someone that I've found anyway has been a good or

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bad employee. So I'm not sure that the need is really there on that."

Speaker Kubik: "Further discussion? The Chair recognizes the Gentleman from Livingston, Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Would ...question for the Sponsor if he'll yield?"

Speaker Kubik: "He will yield."

Rutherford: "Thank you very much. Representative, how does this legislation impact the company's responsibility for record keeping on the Personnel Records Act?"

Speaker Kubik: "Representative Winkel."

Winkel: "Representative, Section 20 of this legislation specifically states that an employer is not exempt from that Act. Under the Personnel Records Act, an employee has the right to inspect the information and challenge the contents including the ability to put in writing their version of information that the employee disputes."

Speaker Kubik: "Representative Rutherford."

Rutherford: "Good Bill."

Speaker Kubik: "Further discussion? The Chair recognizes the Lady from DuPage, Representative Biggert."

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

Speaker Kubik: "The Sponsor indicates he will yield."

Biggert: "Representative, you have in the language, the presumption of 'good faith' language, and several of the previous speakers have talked about the 'good faith' language. Does this go beyond case law? You mentioned case law in your introductory remarks and would this presumption go further and make new case law or is this a more or less of a codification?"

Speaker Kubik: "Representative Winkel."

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Winkel: "Representative, this in fact codifies current case law.

Specifically we're talking about the 'Kryzinski' case that the Illinois Supreme Court considered. And you know, there was previous mention by one of the speakers that we've gone beyond the law and have created something entirely new. Nothing could be farther from the truth. The 'Kryzinski' case says, and I quoted, 'If the defamation claim arises out of an employer/employee relationship, the plaintiff may be confronted with a qualified privilege. To overcome the privilege, the plaintiff has to plead and prove the statements were made with actual malice'. Actual malice in this context requires the plaintiff to plead and prove that the statement was made with knowledge of its falsity or reckless disregard of whether it was true or false. I mean, there are several decisions in Illinois that have established that the employer is protected when it provides information it believes is in 'good faith' and that information is true. Again in the 'Kryzinski' case, the Supreme Court noted that the defamation claim arising from the employer/employee relationship may be subject to a qualified privilege. That's the existing case law as set forth by the Illinois Supreme Court. That's precisely the sort of language, that's precisely the language in fact, that we have in Section 10 of this Act. The court noted that to overcome such privilege, the plaintiff must prove that the statements were made with actual malice. The context of a past employer giving a reference information to new employers has been found subject to conditional privilege. In many, many Illinois cases the Anderson case, the Quinn case, the Miller case, this is Illinois case law. This is in the Books...it's in...this is an effort to put it in the Statute Books to codify it, to make a clear public

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statement of the current state of the law involving this subject matter so that employers can with confidence with their attorney, find it in the Statute Book, know exactly what the public policy is on this, so they can give...they know the parameter of what they can and cannot give. And as long as it's performance-based information and it's true, you have some privilege. If you lie and it's not about performance, if it's not about the performance of a former or current employee, you've gone beyond the parameters, and you are not protected. You are subject to all the causes of action that currently exist in defamation and nothing about that has changed. As a matter of fact, Section 10 overturns no case law. It merely restates existing law as you can find it in the cases."

Speaker Kubik: "Representative Biggert."

Biggert: "Thank you very much, Representative, for your most complete answer. To the Bill. I stand in support of the Bill. Thank you."

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

Erwin: "Thank you, Speaker. I rise in strong support of Senate Bill 1490. And actually, as I've mentioned to Representative Winkel, two years ago I almost sponsored a nearly identical Bill from the requests of some of my own constituents who had indicated business owners and business managers had come to me with the complaint that on all sides of the employment equation, people are not being forthright about information about employees. And I think for many of us that are sitting in this chamber, if you go back, if you have another job, go back to your other job and ask the personnel office or the Human Relations Department what information they give out when potential

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employers call about a former employee. I bet you 9 times out of 10, that you're going to discover that their instructions are to give out no information other than the person worked here. And I have done sort of an informal survey of people, and pretty much people get these instructions, give out no information. It seems to me that if we are going to hold employers responsible for a workplace that is free of sexual harassment, if we're going to hold employers responsible for environments in workplaces that are violence-free so that women and every worker can feel safe in a work place, I want employers to be armed with information that will allow them to make good judgments upon hiring. If we are interviewing people in a childcare center or a hospital or a nursing home or a cleaners or a pharmacy or wherever it is, I want honest information to be given to an employer so that all workers will have a safe environment. I think that Representative Winkel did a terrific job of going through the technical part of this. When I discovered two years ago frankly, and it was my own lack of good research, I was told that it was already law, so that my Bill wouldn't be necessary. Well, the truth was, it's already case law as he has just explained. We do need to have this clarification I think in this statute. And I certainly urge an 'aye' vote."

Speaker Kubik: "Further discussion? The Chair recognizes the Gentleman from Cook, Representative Parke. Representative Parke, do you wish to speak?"

Parke: "Thank you, Mr. Speaker, I move the previous question."

Speaker Kubik: "The Gentleman has moved the previous question. The question is, 'Shall the main question be put?' Those in favor say 'aye'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. Representative Winkel to

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close."

Winkel: "Thank you, Mr. Speaker. Encouraging truthful references can only help employees and employers alike. Recourse will remain available for those employees who have been defamed under the statutory and case law. Nothing there changes. Senate Bill 1490 is supported by the Advocate Health Care, Chemical Industry Council of Illinois, Child Care Association, CILCO, Gro-Mark Inc., Illinois Construction Industry Committee, Illinois Health Care Association, Illinois Hospital and Health Systems Association, Illinois Lumber Dealers Association, Illinois Manufacturers Association, Illinois Retail Merchants Association, Illinois State Chamber, Illinois Statewide School Management Alliance, Management Association of Illinois, Motorola Inc., National Federation of Independent Business. I ask for your favorable vote."

Speaker Kubik: "The Gentleman has moved for the passage of Senate Bill 1490. Those in favor of the Bill will vote 'aye'; those opposed will vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 60 voting 'aye'; 54 voting 'no'; 1 voting 'present', and this Bill having received a Constitutional Majority, is hereby declared passed. Committee Announcements, Mr. Clerk."

Clerk McLennand: "The following committees will meet at 3:00. Cities and Villages in Room C-1; Executive in Room 114; Health Care and Human Services in Room 118. At 3:30, Registration and Regulation will meet in Room 118. Judiciary for Criminal Law in Room D-1; and Revenue in C-1. Again, at 3:00 p.m., Cities and Villages in C-1; Executive in Room 114; Health Care and Human Services in 118. At

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3:30, Registration and Regulation in 118; Judiciary Criminal in D-1; Revenue in C-1. And the House will reconvene at 4:30. The House will reconvene at 4:00."

Speaker Kubik: "Thank you, Mr. Clerk. The Chair recognizes the Lady from DuPage, Representative Biggert."

Biggert: "Thank you, Mr. Speaker. The Republicans would request an immediate conference in Room 114."

Speaker Kubik: "How long will the conference be Representative Biggert?"

Biggert: "Approximately one hour."

Speaker Kubik: "Representative Brunsvold, do the Democrats wish to caucus?"

Brunsvold: "Thank you, Mr. Speaker. Did the Republicans request a conference?"

Speaker Kubik: "Yes they did, Representative Brunsvold."

Brunsvold: "Then the Democrats would also like to conference."

Speaker Kubik: "Okay, both the Republicans and Democrats will caucus until 3:00 p.m. And I would remind the Membership that at 3:00 p.m., we have committees, so those who are on committees please remember that at 3:00 p.m. we begin committees. So the Republicans will caucus and the Democrats will caucus, and we will reconvene the House at 4:00 p.m. Ladies and Gentlemen, we have one final item of business before we go to conference. Mr. Clerk, what is the status of Senate Bill 1769."

Clerk McLennand: "Senate Bill 1769, had been moved to Third Reading earlier today."

Speaker Kubik: "Please return the Bill to the Order of Second Reading. And with that Ladies and Gentlemen, the House will stand in recess until 4:00 p.m."

Clerk McLennand: "Attention Members of the House of Representatives. The House will reconvene in five minutes."

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All persons not entitled to the House floor please retire to the gallery. Thank you."

Speaker Daniels: "The House will come to order. The Members will please be in their chairs. Those not entitled to the gallery will please... not entitled to the floor will please retire to the gallery. Committee Reports."

Clerk McLennand: "Committee Reports. Committee Report from Representative Cross, Chairman from the Committee on Health Care and Human Services to which the following Joint Action Motions were referred, action taken on May 9, 1996 reported the same back due approve for consideration; a Motion to concur in Senate Amendment #1 to House Bill 3613. Committee Report from Representative Saviano, Chairman from the Committee on Registration and Regulation to which the following Joint Action Motions were referred, action taken on May 9, 1996, reported the same back due approve for consideration; a Motion to concur in Senate Amendments #1 and 2 to House Bill 2347. Committee Report from Representative Maureen Murphy, Chairman from the Committee on Revenue, to which the following Joint Action Motions were referred, action taken on May 9, 1996, reported the same back due approve for consideration; a Motion to concur in Senate Amendments #1 and 2 to House Bill 427. Committee Report from Representative Tom Johnson, Chairman from Committee on Judiciary for Criminal Law, to which the following Joint Action Motions were referred, action taken on May 9, 1996, reported the same back due approve for consideration; a Motion to concur in Senate Amendment #1 to House Bill 2915. Committee Report from Representative Balthis, Chairman from the Committee on Cities and Villages, to which the following Joint Action Motions were referred, action taken on May 9, 1996, reported the same

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back due approve for consideration; a Motion to concur in Senate Amendment #1 to House Bill 3414, and approve for consideration, Floor Amendment #4 to Senate Bill 1780."

Speaker Daniels: "Order of Concurrences, page 7 of the Calendar, is House Bill 427. The Lady from Cook, Representative Maureen Murphy."

Murphy, Maureen: "Thank you, Mr. Speaker, Ladies and Gentlemen. Once again I bring before you legislation that extends replacement tax investment credit for seven years. However, now it's turned into a bicameral/bipartisan effort with two Amendments. Senate Amendment #1 contains the identical language contained in the Engrossed Bill. Again, this would extend the income investment credit to...for seven years until December 31st, the year 2003. Should I do both?"

Speaker Daniels: "Yes, we want both."

Murphy, Maureen: "Senate Amendment #2 would amend the High Impact Investment Tax Credit Property Tax Code. This would provide a tax abatement or benefit granted by a taxing district to a private individual by an agreement that explicitly sets forth the length and terms of a contract for the purpose of originating, locating, maintaining and rehabilitating. In short, this was the recommendation of Senator Tom Dunn, and would enable and allow the repayment of tax abatement to be waived by mutual agreement of the individual or entity of the taxing district. I'll stand for questions."

Speaker Daniels: "Representative Granberg."

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

Speaker Daniels: "She indicates she will."

Granberg: "Representative Murphy, I just want to make sure the Senate Amendments that were added, do they make any changes

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in the legislation you handled previously in the House that we sent over to the Senate? This basically reflects the earlier legislation, is that correct?"

Speaker Daniels: "Representative Murphy."

Murphy, Maureen: "It is not...it does add to it Representative Granberg, and the contents of the Amendment that you should be particularly interested in pertained to cancellation, repayment of tax benefits. And were the direct result of conversations and discussions held between Senator Tom Dunn, IMA, Deere & Co., IRMA and Taxpayers Federation, and Sears. However, you're probably thinking of Senator Dunn's Sponsored legislation, Senate Bill 703 from last Session."

Speaker Daniels: "Representative Granberg."

Granberg: "With the discussions that took place between those named groups, they were in complete agreement with the language Representative, and there was no opposition to those negotiations and the agreement that takes form in that Senate Amendment?"

Speaker Daniels: "Representative Murphy."

Murphy: "Not that I'm aware of and it did pass by Attendance Roll Call just out of the Revenue Committee that we just adjourned from."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you. Nothing further."

Speaker Daniels: "The Lady moves for the concurrence of the House in Senate Amendments #1 and 2 to House Bill 427. All those who...indicate by voting 'aye'; those opposed by voting 'no'. The voting is open. This is final action. Order of Concurrence, Senate Amendments #1 and 2. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 111 'ayes'; 0 voting 'no'; 0 voting 'present', and the

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House does concur in Senate Amendments #1 and 2 to House Bill 427, and this Bill having received a Constitutional Majority, is hereby declared passed. House Bill 2347. Read the Bill Mr. Clerk."

Clerk McLennand: "House Bill #2347, a Motion to concur has approved for consideration."

Speaker Daniels: "The Gentleman from Logan, Representative Turner."

Turner: "Thank you, Mr. Speaker. I'm moving for concurrence in Senate Amendment #1 and Senate Amendment #2. Senate Amendment #1 changes the title of the department regarding real estate licensing where it occurs in the Bill to the Office of Banks and Real Estate. It's a technical correction and Senate Amendment #2 authorizes investment of the monies in the Profession's Indirect Cost Fund and allows for the interest to be retained therein."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you. Will the Gentleman yield?"

Speaker Daniels: "He indicates he will."

Granberg: "Representative Turner, I didn't get a chance to talk to Senator Madigan about this. As you know, he's home ill. There is no opposition to this language that was added to the Bill in the Senate, is that correct? This is a department initiative?"

Speaker Daniels: "Representative Turner."

Turner: "That is correct, Representative."

Speaker Daniels: "Representative Granberg."

Granberg: "So again, just for the record Representative, no opposition whatsoever? This took place with the negotiations I understand and I just want to make sure that's accurately reflected?"

Speaker Daniels: "Representative Turner."

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Turner: "Yes, Representative, that is correct."

Speaker Daniels: "Representative Granberg."

Granberg: "Great."

Speaker Daniels: "The Gentleman moves for the concurrence in House Bill 2347, Senate Amendments #1 and 2. All those in favor will signify by voting 'aye'; opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 111 'ayes'; 0 voting 'no'; 1 voting 'present'. The House does concur in Senate Amendments #1 and 2 to House Bill 2347, and this Bill having received a Constitutional Majority, is hereby declared passed. House Bill 2915. The Gentleman, Representative Spangler."

Spangler: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. This Amendment was agreed language between the Governor's Office, DCFS and Metro Counties with regards to language in there that indicates that there has to be a independent finding of abuse or neglect separate from the charge or adjudication. It is this language in agreement and a lot of work went on behind the scenes to make sure that the counties were going to be protected with regards to cost and also that the state, in fact DCFS would have that responsibility and I would be happy to answer any questions."

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

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

Speaker Daniels: "Yes. He indicates he will."

Scott: "Thank you. Representative Spangler, now this had to do with the Bill which last year was passed right at the end of Session which basically said that 'anybody, who had been

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adjudicated a delinquent or charged with a crime couldn't then be governed by DCFS'. We are dumping the kids back on the counties. That is the genesis of all of this, right?"

Speaker Daniels: "Representative Spangler."

Spangler: "That is correct."

Speaker Daniels: "Representative Scott."

Scott: "How are we sure with what you are proposing here in this Senate Amendment, how are we sure that the departmental rules aren't going to do exactly what we are trying to avoid with the Bill you just passed here earlier? Because you know the Bill last year, the one that we passed, it started us in all this mess, that was a department initiative too. So, how do we know the departmental rule isn't going to be just as bad or worse than that Bill was?"

Speaker Daniels: "Representative Spangler."

Spangler: "Thank you, Representative Scott. That is an excellent question. And that was one of the details that we worked on very closely. And simply because you are a 100% right. If, in fact, this reverted back, we would have wasted our time working on this, you know, from the start. But what it is, is the Administrative Rules will have to be formulated and then go through JCAR, and so there is an excellent checks and balances here where we did not have that before where it would be you know, in the past, the Department Administrative Rules."

Speaker Daniels: "Representative Scott."

Scott: "Well, I appreciate that. But, I guess the problem that I have with that is, if there is a lot of work going on now and we all understand what the issues are, because most of us who have a significant DCFS population in our district, we have been working on this ever since that Bill passed last Spring. Why couldn't we do that here? I mean I would

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rather have the check and balance that we all have something here that we can look at, and we can debate and then we can pass, rather than leave something by Departmental Rule. Again, going back to the philosophy that it was a Departmental initiative that got us in this mess in the first place."

Speaker Daniels: "Representative Spangler."

Spangler: "It was part of the Agreed Bill process in this. And in fact, each time that we met, the main proponents of this, Metro Counties, were involved with this. In fact, I went back to Metro Counties and they have the 10 largest, you know, in the State. And it was in fact them that agreed and had the confidence that they would be able to live with this language."

Speaker Daniels: "Representative Scott."

Scott: "Is this defined? Is the term in here defined anywhere else? 'A minor, for whom an independent basis of abuse, neglect, or dependency exists'? Is that defined anywhere else in the law, because, all I have in front of me is the Amendment?"

Speaker Daniels: "Representative Spangler."

Spangler: "No, it is not. It is alluded to, and back when we first ran this Bill, it was spoke on for reasons of legislative intent. But, in the Amendment is the only spot that that will show up."

Speaker Daniels: "Representative Scott."

Scott: "So, do we know for sure what it means to have 'an independent basis of abuse, neglect'? I mean is this departmental determination? Is this court determination? What are we talking about here?"

Speaker Daniels: "Representative Spangler."

Spangler: "It will end up being departmental decision, and it was

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felt that, that was better, them being the experts in that field rather than left up to the courts. But, also the rules under which they work will have to be Administrative Rules that will have to go through the JCAR process."

Speaker Daniels: "Representative Scott."

Scott: "Well, I know that this kind of sounds like a broken record, but I've got some real concerns, because we know that their glaring concern for the kids last year was to dump them into the counties where they knew a lot of kids wouldn't get serviced at all. We knew that their overriding concern was a financial one. It wasn't one based on the best interest of the children, it was one based on the best interest of their own particular budget, and they didn't care that, (A), the counties were going to get nailed with all this extra dollars, and (B), there are a lot of kids that were just going to get lost and and left in limbo. So, I guess I'm scared, quite frankly, just to say 'Well that is fine. Let's let a departmental initiated rule come forward and then it will all be fine again?' Why don't we take, we've still got time left here. Why don't we take a little bit more time and try to come up with something ourselves. I think there is enough expertize within the General Assembly here, especially a lot of people who studied this issue extensively over the years before you and I got here. Why don't we work on this issue a little bit right now, rather than leave it up to a departmental rule, when we really know what the overriding emphasis of the department is."

Speaker Daniels: "Representative Cross."

Cross: "I would like to move the previous question, Mr. Speaker."

Speaker Daniels: "The question is 'Shall the main question be put?' All in favor say 'aye'; opposed 'no'. The 'ayes'

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have it. The main question is put. Representative Spangler now moves for the adoption and concurrence in Senate Amendment #1 to House Bill 2915. All those in favor will indicate and show by voting 'aye'; all those opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk, will take the record. On this question there are 113 'ayes'; 0 voting 'no'; 0 voting 'present'. This House does concur in Senate Amendment #1 to House Bill 2915, and, this Bill having received a Constitutional Majority is hereby declared passed. House Bill 3414. Read the Bill, Mr. Clerk. The Lady from Cook, Representative Lyons."

Lyons: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. Senate Amendment #1, allows for the creation of Scenic Byways Program within the Department of Transportation. A Scenic Byways Program, will allow IDOT to nominate roads and highways that exhibit specific intrinsic qualities to the United States Department of Transportation for designation to a national system of scenic byways. I'll answer any questions."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you. Will the Lady yield? Representative Lyons, have we seen this in a House version previously?"

Speaker Daniels: "Representative Lyons."

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

Speaker Daniels: "Representative Granberg."

Granberg: "Senator DeAngelis added the Amendment in the Senate. At whose request was this? Was it the request of the department or was it the request of Mr. Findley, or do we know?"

Speaker Daniels: "Representative Lyons."

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Lyons: "This was a request by the Outdoor Advertising Organization and IDOT."

Speaker Daniels: "Representative Granberg."

Granberg: "So, briefly, the Outdoor Advertising Agency would be able to purchase or rent space from IDOT along these scenic highways?"

Speaker Daniels: "Representative Lyons."

Lyons: "No, this is for someone in the community who would be willing to apply for the scenic byway and then get approval. They are just proponents of it."

Speaker Daniels: "Representative Granberg."

Granberg: "So there is nothing with the Outdoor...this will allow them to apply for it, Representative, that simply allow them to do this? And could you briefly explain that process for us, please?"

Speaker Daniels: "Representative Lyons."

Lyons: "Yes. This would allow a community to apply for a Scenic Byway designation to IDOT and therefore hopefully get federal funds to maintain that scenic byway."

Speaker Daniels: "Representative Granberg."

Granberg: "I think nothing further. Thank you."

Speaker Daniels: "Further discussion? Representative Black."

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

Speaker Daniels: "She indicates she will."

Black: "Representative, in my district we have had some problem with signs. We're some distance off the interstate highway. Let me make sure I understand this. Sometimes we want to put a sign on private property adjacent to an interstate highway directing people to a museum, for example, where Abraham Lincoln use to practice law, or some kind of tourist attraction. Would we be prohibited from

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doing that if this...if we concur in the Senate Amendment if that stretch of road would be designated as Scenic Byway?"

Speaker Daniels: "Representative Lyons."

Lyons: "No. Interstates would not be...you would not be prohibited on a interstate from doing this. This would not be for business designated highways."

Speaker Daniels: "Representative Black."

Black: "Would we then be putting restrictions on what we refer to in my area as state highways like State Route 1?"

Speaker Daniels: "Representative Lyons."

Lyons: "That's possible, but the community would be the one applying for this designation, and if there was a problem, public hearings would be held so that anyone who did have a problem would be able to voice that opposition."

Speaker Daniels: "Representative Black."

Black: "Thank you very much, Representative."

Speaker Daniels: "Representative Lyons now moves that the House concur in Senate Amendment #1 to House Bill 3414. All those in favor will signify by voting 'aye'; opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 113 'aye'; 0 voting 'no'; 0 voting 'present', and the House does concur in Senate Amendment #1 to House Bill 3414, and this Bill having received a Constitutional Majority, is hereby declared passed. House Bill 3613. Representative Winters."

Winter: "Thank you, Mr. Speaker. I move to concur with Senate Amendment #1."

Speaker Daniels: "Could you explain...the..."

Winters: "Okay. Yes. Senate Amendment #1 provides that the

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results of a blood or urine test performed to determine blood or alcohol content by...on an emergency room patient who is injured in a motor vehicle accident, may be reported to the state police or other law enforcement entities. I would be happy to take any questions on this."

Speaker Daniels: "Representative Flowers. Representative Flowers, are you addressing this issue?"

Flowers: "Representative Winters. I know we just left from downstairs and discussing the same issue, but I really was not clear on the...and first of all, let me preference my remarks by saying that I know exactly what it is that you're trying to do. I, too, am a mother. I don't want any drunk drivers on the road. I want them to all be locked up for life. That's my remarks in regards to that. But in regards to this Amendment here, it appears to me that we are violating people's constitutional rights. If I was stopped for drunken driving, I would...if, yeah, if it were to happen, I would have a choice Sir, whether to either take the Breathalyzer Test or give up my drivers license. That would be my choice. But in the case of an accident, and I'm laying in the Emergency Room, I don't have a choice. You're going to have somebody just come in and stick a needle in me and use the results of that test for whatever purpose they may want to use it for. Can you please elaborate on that, and can you please tell me how my constitutional right is not being violated?"

Speaker Daniels: "Representative Winters."

Winters: "This test would be a normal course of event, not that the police are asking for it, they're simply trying to treat the patient. They would take a blood test to understand how to treat them. If they do find that there is alcohol in there above the blood alcohol content, it is

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up to the doctor to decide whether or not he reports it. It's a normal medical procedure. We're trying to close an escape hatch that some drunk drivers have. They happen to be injured significantly enough that they end up in an Emergency Room. Should they escape the option of either taking a Breathalyzer Test or losing their license? If they're injured, they will escape that because there is no way for that test to be reported, and we're trying to close that escape hatch."

Speaker Daniels: "Representative Flowers."

Flowers: "Speaker...I mean Representative..."

Speaker Daniels: "Winters."

Flowers: "...Winters, what is the current law? What is the current law?"

Speaker Daniels: "Representative Winters."

Flowers: "In case of an emergency where someone is taken to the Emergency Room?"

Speaker Daniels: "Representative Winters."

Winters: "Under the current way that we operate, they may be able to take the blood test but they could not report that to the law enforcement agencies. It's simply is confidential and the doctor will be charged if he turns to the patrolman who is accompanying the ambulance and says, 'This guy has a alcohol content of .02,' or whatever, he's breaking the law. We're simply making it possible for him to report to the police agencies that we have a drunk driver here and he needs to be charged."

Speaker Daniels: "Representative Flowers."

Flowers: "Representative Winters, this is permissible Bill. You're saying that the doctor may now choose to turn this information over. So it's not a mandate that he do so. What would happen if a doctor chooses not to do so, Sir?"

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Speaker Daniels: "Representative Winters"

Winters: "Well, as I'm sure that you are also share the sentiment, I don't like mandates, so this is permissive. The doctor may choose not to. I believe most of them would be responsible and say we need to get these drunk drivers off the road. It is not a mandate, however."

Speaker Daniels: "Representative Flowers."

Flowers: "Representative Winters, if this is an important Bill here, certain things should be mandated. So, now, the doctor will have the ultimate decision, not only of life and death in his hands, but whether or not a person will be choosed...will be charged with a crime or not. So, he may let this one get away, and then he will charge this one. So, I mean, where is the continuity here and what is the purpose of the Bill if we're not trying to get them all and just whoever the doctor deems willy-nilly?"

Speaker Daniels: "Representative Winters."

Winters: "The charging of the driver if he is under the influence is not up to the doctor. Simply reporting the test is. The charging would be up to the state's attorney."

Speaker Daniels: "Representative Flowers."

Flowers: "Representative Winters, if the doctor gives out information, is he liable? Would I be able to sue?"

Speaker Daniels: "Representative Winters."

Winters: "He is not liable. That is the point of this legislation is to make it so that he cannot be charged for releasing this information."

Speaker Daniels: "Further discussion? Representative Skinner."

Skinner: "I wonder if the Gentleman can tell us why the person who may have caused the accident won't be tested but the person who may be the victim in the accident and injured, will end up being tested?"

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Speaker Daniels: "Representative Winters."

Winters: "The person who is injured may be the cause and may have been a pedestrian or walked out in front, they may be tested at this point anyway for medical treatment. It's only the reporting of the blood alcohol content or the drug content in the blood that would be reported. We're not asking for new testing, but simply to allow if they do find in the course of normal medical procedures, that there is an influence that they then would not be prosecuted under confidentiality rules. They would not be prosecuted if they do report it to a police agency."

Speaker Daniels: "Representative Skinner."

Skinner: "I don't have a problem with that but it seems to me that this is a fairly baby step. I can tell you that in the accident in which my mother was killed, when my mother ended up getting tested, getting a blood alcohol test in the Emergency Room, and the trucker that ran her down, didn't, I guess I just don't think that that is quite fair. I have no reason to oppose your Bill, I think the information should be turned over, but I surely think the people that escape from accidents unscathed and don't have to make a trip to the Emergency Room deserve a little test too."

Speaker Daniels: "Representative Cross."

Cross: "Thank you, Mr. Speaker, I move the previous question."

Speaker Daniels: "The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'no'. The 'ayes' have it. Representative Winters to close."

Winters: "Members of the House. This is a Bill that tries to close a loophole allowing some drunk drivers, if they happen to be injured in an accident, to escape our driving under the influence laws. I would urge a positive vote."

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Speaker Daniels: "Representative Winters moves for the concurrence in Senate Amendment #1 to House Bill 3613. All those in favor indicate by voting 'aye'; opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record Mr. Clerk. On this question, there are 113 'aye'; 0 voting 'no'; 0 voting 'present', and the House does concur in Senate Amendment #1 to House Bill 3613, and this Bill having received a Constitutional Majority, is hereby declared passed. Representative Davis, you have a Motion to make."

Davis: "Mr. Speaker, I ask for leave of the House to suspend House Rule 6...3-6(a) to allow for the immediate consideration of House Resolution 110."

Speaker Daniels: "The Lady ask for leave of the House. Is there leave? Leave is granted. Mr. Clerk, read House Resolution 110."

Clerk McLennand: "House Resolution # 110, offered by Representative Davis."

Speaker Daniels: "Representative Davis."

Davis: "Thank you, Mr. Speaker. Do I read this?"

Speaker Daniels: "You may refer to the Resolution that you're asking the House to adopt. Representative Davis."

Davis: "The Resolution that we're asking to be adopted today, is not for a former Legislator, but it is for a person who has provided unusual dedicated service to the State of Illinois. His name is Reverend Rooker. Reverend Rooker served as the Chairman of the Committee or group that provided for the adoption of over 5000 children in the State of Illinois. He was the director of the One Church/One Child Organization. Of course the organization was started by Father Clements, and after Father Clements

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resigned and left Chicago, Reverend Rooker took over this program. He visited many churches, he formed many alliances. He made sure that a number of children had a very good home. He left us from his home, the circumstances we're not sure of, but we do know he was a dedicated citizen to provide good child care to those children needing to be adopted. We are asking, Mr. Speaker, that all Members of this Body be added as Members of this Resolution."

Speaker Daniels: "The Lady has requested that all Members of the Body be added as Members of this Resolution. Is there leave? Leave is granted. Representative Davis now moves for the adoption of House Resolution 110. All those in favor will signify by saying 'aye'; opposed 'no'. The 'ayes' have it, and House Resolution 110 is hereby adopted. Representative Klingler, did you have your light on? No. For what purpose did you seek recognition?"

Klingler: "Thank you, Mr. Speaker. I was a Co-sponsor on this legislation and I've worked with the One Church/One Child group in Springfield and I was called and notified of the death of Reverend Rooker and asked if I could do a Resolution regarding his death and regarding the work that he has done for children and foster care children and especially the One Church/One Child Program. Thank you."

Speaker Daniels: "Representative Churchill now moves that the House stand adjourned until Tuesday May 14, 1996, at the hour of 10:00 a.m. in Perfunctory Session, and the hour of 12:00 noon in Regular Session. All those in favor signify by saying 'aye'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it, and the House now stands adjourned until Tuesday May 14, 1996, at the hour of 10:00 a.m. in Perfunctory Session, and the hour of 12:00 noon in

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Regular Session, so be it."

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