

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

119th Legislative Day

May 5, 1998

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by Representative (sic - Chief Doorman) Lee Crawford who is the Assistant Pastor of the Victory Temple Church in Springfield. The guests in the gallery may wish to rise and join us in the invocation."

Assistant Pastor Crawford: "Let us pray. Most gracious and eternal God, we look to you as superior, for we realize that You are superior. You're superior in wisdom, understanding and knowledge. So, we ask that You look and smile on us this day as we look to You, for we're reminded of the words of Your servant, David, that said that, 'He will lift up his eyes unto the hills from which cometh his help, for he realized that his help had come from the Lord.' So, as we look and lift up our minds, we lift up our hearts, we lift up our souls. We seek it for guidance, for comfort, wisdom, and understanding. And above all, we ask that Your grace and Your mercy will abide with us this hour as well as throughout this day. We kindly ask this. Amen."

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

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

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

Currie: "Thank you, Speaker. I'm happy to report that there are no excused absences among House Democrats today."

Speaker Madigan: "Mr. Poe."

Poe: "I'm also happy to report there is no excused absences on

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the Republican side today."

Speaker Madigan: "The Clerk shall take the record. There being 117 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Rossi: "Introduction and First Reading of Resolutions. House Resolution 459, offered by Representative Hartke; House Joint Resolution 62, offered by Representative Myers; and House Joint Resolution #63, offered by Representative Crotty, are assigned to the Rules Committee."

Speaker Madigan: "Mr. Black."

Black: "Yes, excuse me, Mr. Speaker. I have an inquiry of the Chair. As you know, I do the very best I can to keep track of who is in the House and who's not in the House. And when you introduced the Gentleman who gave the Invocation today, he was introduced as 'Representative' Crawford. And whose place has he taken, so I can keep my records up to date?"

Speaker Madigan: "We're not certain, Mr. Black, but we know that it's not you."

Black: "Well, that's what I was worried about. Thank you. That's why I inquired. But I thought, perhaps, he was going to be Representative Skully today. So... Well, thank you, Representative... Thank you, Mr. Speaker."

Speaker Madigan: "Representative Lyons."

Lyons, E.: "Thank you, Mr. Speaker. It's a Point of Personal Privilege. I'd like to introduce a group of senior friends that are here from my district today. Many of them, it's their first trip to Springfield, and I'd like everybody to help me welcome them, my senior friends from District 47."

Speaker Madigan: "On page 11 of the Calendar, there appears Senate Bill 1602 by Mr. Saviano. Mr. Saviano, Senate Bill 1602. Do you wish to move the Bill to Third Reading?"

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You're waiting for an Amendment. Leave the Bill on Second Reading. Is Representative Biggert in the chamber? You have a Senate Bill 1664. Do you wish to move that? Mr. Clerk, Senate Bill 1664. What is the status of the Bill?"

Clerk Rossi: "Senate Bill 1664 is a Bill for an Act relating to education. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Third Reading. Mr. Ryder, Senate Bill 1598. Do you wish to move the Bill? Do you wish... I'm advised that the Amendment is still in the Rules Committee. Hold the Bill on Second Reading. On the order of Senate Bills - Second Reading, there appears Senate Bill 1223, Representative Monique Davis. Do you wish to move your Bill 1223. Mr. Clerk, what is the status of the Bill? 1223."

Clerk Rossi: "Senate Bill 1223, a Bill for an Act amending the Property Tax Code. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. A Fiscal Note, a State Mandates Note, a Home Rule Note have been requested on the Bill and the Notes have not been filed."

Speaker Madigan: "Representative, the Bill will remain on the order of Second Reading, because the Notes have not been filed. Representative Andrea Moore. Senate Bill 1547. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1547 amends the Liquor Control Act. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed. The Notes that have been requested on the Bill have been filed."

Speaker Madigan: "Third Reading. Is Mr. McAuliffe in the chamber? Representative McAuliffe. Mr. McAuliffe, you

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have Senate Bill 1225. Do you wish to move the Bill? Mr. Clerk, what is the status of 1225?"

Clerk Rossi: "Senate Bill 1225, a Bill for an Act in relation to public officials. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed. The Note that was requested on the Bill has been filed."

Speaker Madigan: "Third Reading. Mr. Fritchey, you have Senate Bill 1224. Do you wish to hold the Bill on Second Reading? Leave the Bill on the order of Second Reading. Is Mr. Dart in the chamber? Mr. Tom Dart? On the order of Senate Bills - Third Reading, there appears Senate Bill 497. Representative Coulson, do you wish to call your Bill? Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 497, a Bill for an Act to amend the Residential Mortgage License Act of 1987. Third Reading of this Senate Bill."

Speaker Madigan: "Representative Coulson."

Coulson: "Thank you. Senate Bill 497 started as an initiative of the Illinois Association of Mortgage Brokers, and it now contains several administrative and regulatory changes suggested by the Illinois Office of Banks and Real Estate. It's streamlined certain reporting and notice procedures, and it clarifies requirements pertaining to licenses based out-of-state, and it strengthens the Commissioner's Enforcement Powers under the Act. I'd appreciate a 'yes' vote."

Speaker Madigan: "The Lady has moved for the passage of the Bill. The Chair recognizes Mr. Black. Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

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Black: "Representative, this Bill's been around the floor, has it not? Wasn't this originally a House Bill...in the last session?"

Coulson: "That's a good question. Let me... I'm not sure if it was. The original part of it may have been a House Bill, but this is amended with some reporting requirements by the Office of Banks and Real Estate."

Black: "What's the... This Bill doesn't do anything to the real estate broker. Am I correct in that assumption?"

Coulson: "No, it does not."

Black: "What is the genesis of the Bill as far as the amending the Residential Mortgage License Act? I'm not sure that I understand where this Bill has...where it's come from."

Coulson: "What we're trying to do is streamline certain of the reporting and notice procedures. For example, it provides that out-of-state licenses need not...licensees need not maintain an office in Illinois if they've met a higher standard. And this allows mortgage brokers to obtain a license without establishing an office in Illinois, so long as they meet standards. It also does several other things for brokers to consolidate filings into one. Instead of having to do two filings, they do one filing."

Black: "Does this have a reciprocity clause in it? If a mortgage banker from out-of-state is doing business in Illinois, and an Illinois mortgage banker is not allowed to do business in that state, will we then deny a license to that individual because of the lack of reciprocity or has that been taken out of the Bill?"

Coulson: "Let me just check. I don't believe that's in the Bill."

Black: "Okay, thank you very much, Representative. Thank you, Mr. Speaker."

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Speaker Madigan: "Mr. Parke."

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

Speaker Madigan: "Sponsor yields."

Parke: "Representative, what is the position of the Illinois Realtors Association on this Bill?"

Coulson: "Pardon me? The..."

Parke: "The Illinois Realtors Association. What is the position they have on this Bill?"

Coulson: "I... They're either neutral or in support. I don't have any record of that."

Parke: "Is there anyone in opposition to your Bill?"

Coulson: "No, there is not."

Parke: "And is this... Now is this a... Is this Bill a sunset to their licensure before? Is this to renew their licensure? Is this a sunset provision or...?"

Coulson: "No, it is not."

Parke: "And this is for the Illinois Mortgage Brokers. Are they for this? I mean, is this their legislation?"

Coulson: "This started as their legislation. It was then... That was deleted and it is now, basically, technical and regulatory changes for the Office of Banks and Real Estate."

Parke: "So it really..."

Coulson: "Agreed to."

Parke: "So it really is stripped out and the title no longer applies and it's... And is...did Jack Schaffer work with you on this legislation?"

Coulson: "Yes."

Parke: "So this is his language?"

Coulson: "Yes."

Parke: "And, as far as you know, it's all technical in manner?"

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Coulson: "There are some that are a little more than technical, but they have been agreed to by the mortgage brokers as well as the Office of Banks and Real Estate."

Parke: "Would this be considered pro-consumer?"

Coulson: "Yes."

Parke: "Thank you, Representative. I have no further questions."

Speaker Madigan: "Mr. Stephens."

Stephens: "Thank you, Mr. Speaker. I wonder if we could have some order. In the back of the chamber, we're having trouble hearing the debate. Would the Lady yield for a question? Thank you, Mr. Speaker. Representative, we are having difficulty, or we were earlier in the debate, understanding exactly what it is your Bill does and, specifically, in the section that revises the language relating to net worth, can you give us a little history behind the \$35 thousand net worth and being increased to \$100 thousand?"

Coulson: "The history behind that, basically, out-of-state mortgage brokers have to maintain a higher standard than in-state mortgage brokers and so, we raised it from 35 to 100 thousand, so that they have to meet a higher net worth."

Stephens: "We're raising it for in-state mortgage brokers?"

Coulson: "No, for out-of-state. Only out-of-state."

Stephens: "Okay. The next section of the Bill, the subsection in the current real estate mortgage act, which requires mortgage brokers without at least one full service office within the state to submit an annual special filing to the commissioner of OBRE. Can you tell us what that special filing is?"

Coulson: "Can you tell me which section that is? Do you have a section number there?"

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Stephens: "I'm sorry, I don't. It... it's the subsection dealing that requires mortgage brokers without at least one full service office within the state to submit an annual special filing to the commissioner."

Coulson: "This repeals the special filing, rather than creating a special filing. And basically, what it does is it consolidates two annual filings into one."

Stephens: "Thank you, Representative. That explains that. The... That's all the questions I have, Representative. Thank you."

Speaker Madigan: "Representative Coulson, to close."

Coulson: "As I said before, this is an initiative with changes by the Illinois Office of Banks and Real Estate, and I'd encourage an 'aye' vote."

Speaker Madigan: "The Lady has moved for the passage of the Bill. Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? I can't... Have all voted who wish? The Clerk shall take the record. On this question, there are 113 people voting 'aye', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. The Chair recognizes Mr. Ryder for the purpose of an announcement. Mr. Ryder."

Ryder: "Thank you, Mr. Speaker. I withdraw... I would draw the attention of the Assembly to some students of which I am very proud. The Student Council of the Turner Junior High School, located in Jacksonville, are in the gallery today observing us. Please welcome them, if you will. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Tim Johnson. Tim Johnson."

Johnson, Tim: "Yeah, thank you, Mr. Speaker. I would ask that the record reflect that on April 30th, the day we adjourned

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last time, it was my intention to vote 'no' on Senate Bill 1370. Just didn't hit the switch and it won't change the result of the vote. I'd ask permission of the House to do so."

Speaker Madigan: "Let the record reflect that request. Mr. John Turner."

Turner, J.: "Thank you, Mr. Speaker. I didn't have the problem that Representative Johnson did. I was able to vote on the Bill, but my light had been on for several minutes, and I was wondering if there was a malfunction at the Speaker's Chair. I was a little disappointed; I didn't get to make any... ask any questions on the last Bill."

Speaker Madigan: "Mr. Turner, I saw your light as I had gone into a call for the vote."

Turner, J.: "I'm sorry, Mr. Speaker. I could not hear you just then."

Speaker Madigan: "I said that I only saw your light when I called for a vote on the Bill. That's what happened. Thank you."

Turner, J.: "Okay. Thank you, Mr. Speaker."

Speaker Madigan: "Representative Mike Smith."

Smith: "Thank you, Mr. Speaker. I would like to have the Body welcome back a former Member, Representative Jim VonBoeckman, from Pekin."

Speaker Madigan: "Mr. Beaubien."

Beaubien: "Point of Personal Privilege."

Speaker Madigan: "State your point."

Beaubien: "I have the pleasure of having down here some guests, students, from the Northwest Suburban Christian Academy, and I'd like the House to give them a welcome. Thank you."

Speaker Madigan: "Thank you. On a Point of Personal Privilege, would the House of Representatives please welcome a school group from St. Bede the Venerable School in Chicago,

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Illinois. St. Bede, Venerable School in Chicago. Mr. Tenhouse."

Tenhouse: "Thank you, Mr. Speaker. I also would like to rise on a Point of Personal Privilege. We're honored today to be joined by a group from the Student Advisory Committee from Senator Donahue, Representative Myers, and myself, so, we'd like to refer to them as the 'Best of the West', and I think they're here today. So, we want to welcome them to the Illinois House."

Speaker Madigan: "Ladies and Gentlemen, if you could give your attention to the podium. We have a special guest today, Mrs. Irene Antoniou, who is the Chair of the Illinois Arts Council, would like to speak to us for just a few moments. Irene Antoniou."

Irene Antoniou: "Thank you all. I would like to thank you all for your past, present, and hopefully, future support of our state's arts programs. And as this state's Arts Spokesperson, I would like to remind you that the preservation of the culture of any society is the most important part and the most important measure of its civilization. Thank you so much for your support."

Speaker Madigan: "On the order of Senate Bills - Third Reading, there appears Senate Bill 1195. Mr. Noland, you wish to call your Bill? Mr. Noland. What is the... Senate Bill 1207, Mr. Cross. Do you wish to call your Bill? Mr. Cross. Is Mr. ... Mr. Noland. Mr. Duane Noland. There is a Senate Bill 1222. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1222, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Noland."

Noland: "Thank you, Mr. Speaker. Senate Bill 1222 affects the motorcycle rider safety training program. This is a

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program managed by the Illinois Department of Transportation under contract with universities. This will increase the funding for this program. Last year 22 hundred students were turned away from taking the experienced beginner license programs. What this would do would allow for a change in the funding formula from \$8 per motorcycle to a percentage equal to eight, which is 27%. It would also place a \$5 fee on all motorcycle endorsements on drivers' licenses. I'd entertain any questions, please."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "Mr. Black."

Black: "Yes. Are you yielding, Representative Noland?"

Noland: "I'm yielding. I am."

Black: "Thank you very much. Representative, is there an increase that a motorcycle rider would have to pay in this legislation? And could you explain what that increase is and how much?"

Noland: "This Bill will add a \$5 fee on a motorcycle endorsement. So, when you go to get your driver's license every five years, excuse me, yes, every four years, every four years when you get your driver's license, it will cost you..."

Black: "Well, when you're as old as I am, I have to go in every other year. But, proceed."

Noland: "Younger people go in once every four years. And if you're getting a 'M' or 'L' endorsement on your motorcycle, it'll cost you an additional five dollars."

Black: "Have the motorcycle riders of the State of Illinois, are they aware of this increase? And if so, are they in opposition or are they in favor?"

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Noland: "All of the major motorcycle groups are in favor, including ABATE of Illinois, the American Motorcycle Association, so they are all on board. They are wanting this program, Mr. Black, because there is a huge backlog for those who want to be in the beginning cycle rider program. This will clean up the backlog. It will also provide for the purchase of new motorcycles that they must ride in the beginning program."

Black: "Has the Department of Transportation taken a position on the Bill?"

Noland: "I believe they're supportive."

Black: "I'm sure at some point, Representative, one of the questions will come up, and a very legitimate concern. Is there a diversion of road fund money in this legislation?"

Noland: "There is no diversion. As you recall, there was a Senate Bill last year that passed the House and Senate, went to the Governor. That did involve a diversion, but it was vetoed by the Governor. This Bill is paid for by those people who ride motorcycles through an endorsement on their driver's license and that is paid for by the user. So, there is no diversion from the Road Fund."

Black: "Alright, so in other words, is it fair to summarize this as saying, this increase will fund motorcycle safety training, and the cost will be borne by those people seeking to own and operate a motorcycle."

Noland: "That is correct."

Black: "So, it does not have any bearing or any increase on my driver's license fee or any increase for anybody to go into the Secretary of State's Office, if you're not a motorcycle owner or operator, this has no impact on you. Is that correct?"

Noland: "Exactly. If you choose not to have an 'M' or 'L'

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endorsement, the motorcycle endorsement on your license, you are not affected in any way."

Black: "Okay. Now, Representative, I hold you in the highest regard, but I want it for the record, there is absolutely no reference of any kind implied or otherwise as to a helmet provision in this Bill. Is that correct?"

Noland: "That is correct. There is no helmet language or intent in this Bill."

Black: "In other words, those who ride will decide."

Noland: "That's right."

Black: "Thank you, Representative."

Noland: "Ride to live - live to ride."

Black: "Thank you, Mr. Speaker."

Speaker Madigan: "Representative Mike Smith."

Smith: "Thank you, Mr. Speaker. I rise in support of this legislation. This represents an idea that we have been working on for a couple of years to provide some much needed additional financial help for the cycle rider safety program in the state. I commend those groups who have worked on this. I know of no opposition to the legislation, and I would encourage all my colleagues to support this fine piece of legislation. Thank you."

Speaker Madigan: "Mr. John Turner."

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

Speaker Madigan: "Sponsor yields."

Turner, J.: "Representative, I believe there was a Fiscal Note filed on this Bill. What did the Fiscal Note show?"

Noland: "The Fiscal Note indicates that there are approximately 100 thousand drivers' licenses issued with 'M' and 'L' endorsements. And at \$5 per endorsement, it would cost about \$500 thousand annually, excuse me, \$500 annually for..."

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Turner, J.: "Well, Representative Black was asking you some questions. I think I must have misunderstood one of your responses. I thought that you said that the motorcycle groups actually supported this fee increase. Now, was that a misstatement or is that accurate?"

Noland: "Your question is, do the motorcycle groups support this fee increase?"

Turner, J.: "Yeah, they want to pay additional fees. Is that what you're saying?"

Noland: "They want to pay an additional fee because it goes to education. It will fund the Motorcycle Rider Education Fund. Currently, there is a large backlog of people who want to learn the proper riding techniques and they cannot. So, this would shorten the backlog and allow more people to access those education courses"

Turner, J.: "Well, why can't they get training if they're wanting it. You're saying there's no private institution or place where they can go to receive training to ride a motorcycle?"

Noland: "The best place to get training is through this program. It's contracted through the Illinois Department of Transportation and consequently, as cost of business goes up, your buying power of your dollar goes down, and so each year there is more and more of a backlog. People who are... I think last year 22 hundred people, I believe, two thousand two hundred people were turned away who wanted to take this course and could not."

Turner, J.: "What is the current annual registration fee?"

Noland: "Thirty dollars."

Turner, J.: "Is that, there was some discussion as you debated with Representative Black about four and five and two years, so is this fee an annual thing or is this something

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that occurs only every other year or every four years? What was that debate you had with Representative Black in that regard?"

Noland: "There are two different parts to this Bill. One, Mr. Turner, is the fact that we're changing the formula on the registration fee. We're going from a flat \$8 per motorcycle registration to a percentage equal to eight, which is 27%. So that doesn't change, but the new fee is a \$5 fee on the motorcycle endorsement. So, when you go to get your motorcycle license...driver's license every four years, you will pay an additional \$5 fee or a dollar and 25 cents every year on an annual, on a per annum basis."

Turner, J.: "Well, you also indicated that there was nothing either explicit or implicit with regard to helmets. And yet, it's my understanding at the safety classes that, while they don't mandate, of course, under Illinois law that a helmet be worn, but that they advocate that a helmet be worn for safety. Therefore, if you're increasing the fee, and if the fee is used to provide these safety courses, and if the safety courses teach that a helmet should be worn, does not your Bill, at least implicitly, suggest as saying that we should have a law to that effect?"

Noland: "No, I don't believe so. There... the course does not mandate nor require helmet usage. It just educates the public as to proper riding technique. It's a motorcycle rider education course. And so, we will educate the motoring public as to all aspects of riding a motorcycle."

Turner, J.: "Now, the money itself, I understand it goes for training and education, but to what institution does it go to? Is it something that's monitored by the state?"

Noland: "The funding... it's administered through the Illinois

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Department of Transportation by contracts with individual community colleges or universities. So, it may be your local university that actually administers this course. So it's done through public schools, community colleges, and universities through a contract with the Illinois Department of Transportation."

Turner, J.: "Do you know what the total amount collected each year is?"

Noland: "Currently, it's 1.5 million. Under this program, it would increase to approximately \$2 million, an increase of \$500 thousand."

Turner, J.: "And as the fee itself, how big does the motorcycle have to be for the fee to be collected from the person getting the registration?"

Noland: "Well, the requirement is, if you choose to get a 'L' or a 'M' endorsement, one is for 150 cc's and below, the other one is for 150 cc's and up. So if you have a... If you want a motorcycle endorsement, you will pay that \$5 fee."

Turner, J.: "Does this apply to like, perhaps on your farm you use either a three wheeler or a four wheeler, does it apply to either of those?"

Noland: "I believe it applies only to motorcycles and not all terrain vehicles. And, Representative Turner, if you had a motorcycle, but chose not to ride it, just own one for old times sake and didn't have the endorsement, it would not cost you the \$5 fee. It's only when you want the endorsement on your license. Now, you'll pay the annual registration fee, but not the license fee, unless you choose to."

Turner, J.: "So, this is a voluntary fee?"

Noland: "If you want to be able to ride on the roads."

Turner, J.: "Well, if you want to ride, it's not voluntary, you

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have to pay it."

Noland: "Exactly."

Turner, J.: "That doesn't apply to snow-mobiles does it?"

Noland: "No, Sir."

Turner, J.: "And you've assured me it does not apply to a four wheeler as well."

Noland: "It does not."

Turner, J.: "Doesn't apply to a Jeep or small truck?"

Noland: "Well, again, we're referring to motorcycles. If it's an 'L' or 'M' endorsement, I don't believe an 'L' or 'M' endorsement would allow you to drive a Jeep or a tractor or a boat. It's for motorcycles."

Turner, J.: "Well, Representative, it sounds like a fine Bill. Thank you."

Speaker Madigan: "Mr. Parke."

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

Speaker Madigan: "The Sponsor yields."

Parke: "Representative, I have... I'm from Cook County and I want to know, how much of this \$2 million you're going to end up spending will be allocated for training of men and women in the Cook County area for the purpose of learning how to ride a motorcycle? You downstaters tend to always want to take all the money and keep it in your area and us guys up in Cook County, we don't always get much."

Noland: "Representative Parke, I don't know how to answer that question. Obviously, you have many more motorcycle riders in your part of the state than we do in my part of the state. So, I'm assuming it'll be applied in a fair, equitable manner. There will be more dollars, probably, will go to education in your part of the state than mine, but we'll try to accommodate all areas of the state."

Parke: "So, you have no idea of..."

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Noland: "I have no idea."

Parke: "Okay. When you say training, and is it only for a course? Is that what we're talking about, educational training, or is it to put out brochures to explain to people that they ought to ride with a motorcycle helmet on, that that ought to be a voluntary thing? Is there anything that educates men and women and children on how to ride a motorcycle and what are the safe ways of riding it?"

Noland: "There are two different courses. There is a beginner class and an experienced class. So obviously in the beginner class, it's everything from how do you put down the kick stand to how do you properly drive. There is classroom instruction as well as seat time. Obviously, in the experienced class, these are motorcycle riders who understand, but want an expanded role or education process, and so their course would be much more intensified than the beginner class."

Parke: "So, it's... So there's just two courses that this money, \$2 million seems like a lot of money. How many classes or courses are put on in a given year?"

Noland: "Last year, they instructed 7,300 people."

Parke: "Do you know how many courses... Do you do this with a Park District or do you do it with a school, continuing education at a community college? Where do you find these and how do you promote these courses?"

Noland: "Well, it is managed by contract through the Illinois Department of Transportation. Community colleges and universities administer the program through contract. Since the beginning of the program, over 130 thousand people have taken these classes. And so, it's done through word of mouth, through the motorcycle associations, ABATE, AMA, through the DOT. So, it's probably the single best

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motorcycle training program in the country."

Parke: "Do you ever advertise in the newspaper and say these are courses?"

Noland: "If we knew what paper you read, I would be sure they advertised in your local paper."

Parke: "Thank you very much."

Speaker Madigan: "Mr. Stephens."

Stephens: "Thank you, Mr. Speaker. To the Bill. It was my pleasure a couple of weekends ago to visit Belleville Area College. And a program that I was not aware of before at Belleville Area College, where local motorcycle dealers provide the motorcycles. They literally give them to the college. There are probably 100 motorcycles. And just by signing up, you can take a two and a half day course where they teach you, through classroom activity, the rules of the road and the basic motorcycle instruction that you can attain by classroom activity. And then on Saturday and Sunday, just for signing up for this course, you can go out and get physical instruction on the bikes. You're covered by insurance. The motorcycle course is taught step by step. They literally walk you around on a motorcycle. They set you on a motorcycle; one of your classmates pushes you around so that you can just get the feel for the bike. The next step is they let you start the motorcycles up and you can drive them across the parking lot. Pretty soon, you're making turns and the end result is that by Sunday afternoon, you are trained and capable to take a motorcycle to the driver's license facility in your area and take the test and become licensed as a motorcycle rider yourself. There are a lot of motorcycles on the road that when they look, that didn't have the benefit of this course. And they tell us that when they look back, they wished they

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would have had the benefit of this course. The Representative is right; 130 thousand people a year take advantage of this educational course - and not all of them wind up owning and riding motorcycles on the roads. But those that do certainly are more aware of the safety factors that are so important in reducing accidents for those who choose to ride motorcycles on Illinois' highways. So, I rise in strong support of this program, and hopefully each and every one of you will take an opportunity to go to your local community college and ask about the motorcycle riding and safety program. Thank you."

Speaker Madigan: "Mr. Noland, to close."

Noland: "Thank you, Mr. Speaker. Let me just clarify one thing. The closest they could get to the formula on the percentage was 27%, which is very close to \$8. To Mr. Black's question, instead of being \$8, it's \$8.10. So, there is a ten cent increase, which will cause a slight diversion from the Road Fund or what's currently being done. So, I wanted to clarify that to Mr. Black. Thank you for your questions, and I'd appreciate your support."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 117 people voting 'aye', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of Senate Bill 1500? 1500."

Clerk Rossi: "Senate Bill 1500, a Bill for an Act amending the Kaskaskia Regional Port District Act. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Clerk, put that Bill on the order of Second

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Reading. The Chair recognizes Mr. McCarthy. Mr. McCarthy."

McCarthy: "Thank you, Mr. Speaker. I'd like a point of personal privilege, please.

Speaker Madigan: "State your point."

McCarthy: "I'd like to welcome the seventh grade class from St. Bede the Venerable School in Chicago. They're seated in the right balcony, and I'd like to welcome them to Springfield."

Speaker Madigan: "Senate Bill 1244, Mr. Lawfer. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1244, a Bill for an Act amending the Cemetery Care Act. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Lawfer."

Lawfer: "Thank you, Mr. Chairman (sic - Speaker), Ladies and Gentlemen of the General Assembly. This is a Bill that amends the Cemetery Care Act. It pertains to privately owned cemeteries. What this Bill does, is allows or requires that cemeteries use their perpetual care money for the care and maintenance of the cemetery prior to using it for administrative fees. It also calls for the, if there is a transfer of a cemetery, that they have to request a license within 30 days of that transfer. This is similar to a Bill that passed out of the House earlier, and I'd be glad to answer any questions."

Speaker Madigan: "Mr. Parke."

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

Speaker Madigan: "The Sponsor yields."

Parke: "I'm not sure. This seems pretty simple, but is there fees involved in this?"

Lawfer: "There are no fees additional. What it... What this basically says is that a cemetery must use their care funds

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for primarily for care, before they use it for administrative fees such as: accountants, lawyer fees, or other administration fees. It pertains that those maintenance fees will be used for the care and maintenance of the cemetery - the cutting of the grass, maintaining the roads. That is the first priority."

Parke: "Where will the funds come from?"

Lawfer: "These are perpetual care funds that when you purchase a cemetery lot in a privately owned cemetery, a certain portion of that is put in place for use of the cemetery, and they use the interest from those funds."

Parke: "And so, if I bought a cemetery plot, this money would be to use for the upkeep of the cemetery?"

Lawfer: "That already is used. When you buy a cemetery lot, 15% of that is put into perpetual care. They then use the interest from that 15%. Now, what we are doing in this Bill is tightening it up and saying that they must use that primarily for the care of the cemetery - the cutting the grass, maintaining roads - before they use it for administrative fees, such as, lawyer fees, accountant fees."

Parke: "So, is this considered a pro-consumer Bill in your opinion?"

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

Parke: "Do you consider this a pro-consumer Bill that you're presenting?"

Lawfer: "I think... I think it is. This is in response to a problem that we had in our district where the Cemetery Association and the cemetery owner was using those funds for other purposes other than cutting the grass and cutting the... cutting the grass and maintaining the roads."

Parke: "Will this be used... If we pass this Bill, is this going

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to only take care of one particular cemetery or cemeteries in your geographic area, or will this apply to every cemetery in the State of Illinois?"

Lawfer: "It will apply to all privately owned cemeteries. There's roughly a hundred or a little over a hundred privately owned cemeteries in the State of Illinois."

Parke: "Do you know of anybody in opposition to this legislation?"

Lawfer: "No, I do not. This is... we we worked very closely with the Cemetery Association on this, as well as the Comptroller's Office. The Comptroller's Office, as you know, is in charge of, or does the auditing for, the privately owned cemeteries."

Parke: "Thank you, Representative. I appreciate the answers."

Speaker Madigan: "Mr. Hartke."

Hartke: "Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Hartke: "Representative Lawfer, why would someone want to sell a cemetery or buy a cemetery?"

Lawfer: "Well, they evidently can manage it. Under proper management, why those cemeteries are sold and become profitable entities. And there is a need for cemeteries."

Hartke: "How many private cemeteries do we have here in Illinois? Do you have any idea?"

Lawfer: "I think about a hundred or maybe a few over one hundred."

Hartke: "Over a hundred?"

Speaker Hannig: "Representative Hannig is in the Chair."

Lawfer: "Roughly a hundred to a hundred-ten."

Hartke: "In your county?"

Lawfer: "No, in the entire state, privately owned cemeteries."

Hartke: "A hundred private cemeteries?"

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Lawfer: "Yes."

Hartke: "I think I know more than that in Effingham County."

Lawfer: "Are they privately owned?"

Hartke: "Well, they would be small churches or families in the corner of a 40 acre field. Is that what you call a private cemetery?"

Lawfer: "Exempted from this are religious, fraternal, tax supported cemeteries, and even family burial grounds are exempt from this. They are not under the Cemetery Care Act."

Hartke: "So, what we're talking about is privately owned public cemeteries, where if I wanted to bury my grandmother in a private cemetery, as opposed to a religious or a family cemetery, this is the type of cemetery you're talking about?"

Lawfer: "Representative, maybe I could read to you the definition: 'A privately operated cemetery is defined as any entity that offers interment rights, entombment rights, or endearment rights, other than', and this is what we talked about earlier, 'fraternal, municipal, state, federal or religious cemeteries or family burial grounds.' They are exempt."

Hartke: "Okay. And so you've got a problem in your area, and we're trying to fix it with this...with this legislation. Apparently there's been an abuse, and that's all this is really doing, right?"

Lawfer: "Yes. What this does is tighten up how they can use those care funds."

Hartke: "Okay, thank you."

Speaker Hannig: "Representative Turner. John Turner."

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

Speaker Hannig: "He indicates he will."

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Turner, J.: "Representative, it looks like a fine Bill to me. I just had a couple of questions, however. Is this identical to House Bill 2435, of which you were Chief Sponsor, as well?"

Lawfer: "Yes."

Turner, J.: "And did we pass out House Bill 2435, 116 to 0?"

Lawfer: "Yes."

Turner, J.: "And did the Senate pass this Bill out 47 to 0?"

Lawfer: "I believe so."

Turner, J.: "All right. Well, sounds like we have unanimously passed an identical Bill in this chamber. The Senate had the good sense to pass unanimously the same Bill, and I don't see any reason why we shouldn't pass this unanimously, as well. Thank you, Representative."

Speaker Hannig: "Representative Acevedo."

Acevedo: "Yeah. Mr. Speaker, I rise on a point of personal privilege."

Speaker Hannig: "State your point."

Acevedo: "I'd like to introduce some distinguished guests from my district. We have Mr. Dominick Delgado from the Hacia Organization, Executive Director Juan Rangel from Uno and Executive Director Juan Ochoa from the Mexican/American Chamber of Commerce. But last but not least, I have a very good friend of mine and also my alderman, Alderman Danny Solis, from the City of Chicago."

Speaker Hannig: "Thank you. Welcome to Springfield. Representative Moffitt."

Moffitt: "Thank you, Mr. Speaker. I just rise in strong support of this Bill. It's been a problem in my district, too. Loleta Didrickson, the Comptroller, came and helped get a problem corrected. It was such an issue that even 20/20 has filmed a segment with the cemetery problem in my

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district, and we appreciate what the Comptroller has done. I commend Representative Lawfer for advancing this issue, taking this matter into hand. And it's truly a Consumer Protection Bill, and I'm glad it has been advancing good so far. And again, it would be great to see a unanimous vote. It's one that's needed; it's been an issue around the state. Thank you."

Speaker Hannig: "Representative Lawfer, to close."

Lawfer: "I think we've had very good discussion of this. What this does is close some loopholes that some, a very few, privately owned cemetery owners have taken advantage of this. This closes some of those loopholes, and I would ask for your support on this Bill."

Speaker Hannig: "The question is, 'Shall Senate Bill 1244 pass?' All in favor vote 'aye'; opposed '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 118 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 1246, Representative Kosel. Is the Lady in the Chamber? Out of the record. Senate Bill 1259, Representative Pankau. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1259, a Bill for an Act concerning parentage. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Pankau."

Pankau: "Thank you, Mr. Speaker. Senate Bill 1259, whose Senate Sponsor is Senator Fawell, provides that the presumption that a man is the natural father based upon his marriage to the mother of the child before or after the child's birth is rebutted if it is shown by a DNA test that the man is not the natural father of the child. It also declares the

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non-existence of the parent-child relationship shall be barred if brought more than three months after the effective date of the veto of... Well, three months...or six months after the effectiveness of this Act. And I ask for your favorable approval."

Speaker Hannig: "And on that question, Representative Skinner is recognized."

Skinner: "Yes, I wonder if the Representative would just repeat the last sentence that she said?"

Pankau: "I'm sorry, Representative Skinner."

Skinner: "You said something about the effective date."

Pankau: "Oh. This will become... An action may be filed by somebody who might find themselves in this circumstance six months after the signing of this Bill or two years after the DNA test."

Skinner: "If a DNA test had been submitted to a court before, could that same DNA test be submitted again?"

Pankau: "No."

Skinner: "Why not?"

Pankau: "It's two years after the taking of the test. You can first... You can file again to have the parentage reopened, the question of parentage."

Skinner: "So if the question of parentage had been decided six months ago, you'd have to wait how long?"

Pankau: "If the question of parentage might have been decided five years ago, and for whatever reason, there has now been a DNA test taken, under this Bill you have two years from the taking...from the results of that test to file again on the issue of parentage."

Skinner: "Well, the case I'm thinking about had a DNA test submitted to the court... "

Pankau: "Can you speak up, Cal. I cannot hear you."

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Skinner: "The case I am thinking of had a DNA test submitted to a judge. The judge said, 'I don't care what the DNA test says. You're the father', even though the DNA test had proved conclusively that the child was not the child of the father in question...or the man in question. How would this affect that?"

Pankau: "It wouldn't."

Skinner: "Could he go in again?"

Pankau: "If...if... Unless you take the test again and go before another judge. But if the judge says, 'I don't care'... The test is to be considered clear evidence, but if the judge says, 'No, you are still the father.' There's nothing you can do about that."

Skinner: "Well, impeachment comes to mind, but... Thank you."

Speaker Hannig: "Representative Black."

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

Speaker Hannig: "She indicates she will."

Black: "Representative, the Committee Amendment becomes the Bill. Is that correct?"

Pankau: "Yes."

Black: "All right, so if we're looking on our computer or our analyses..."

Pankau: "You just have to look at the Amendment."

Black: "Ignore everything, but Committee Amendment #1. Okay. And I... Bear with me, Representative, I..."

Pankau: "No, House Committee Amendment #1 becomes the Bill."

Black: "Right. Okay. All right. I'm not a lawyer, but there are things about this I truly..."

Pankau: "I'm not either, Bill."

Black: "...don't understand."

Pankau: "Okay."

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Black: "How far back does this go? If an individual is in a marital relationship, and there is a child, somebody shows up. How many years? I mean, how many years would somebody be the presumed parent, father of the child, and then somebody shows up and goes to court and says, 'Guess what? You're really not the father.'"

Pankau: "There is no number of years, except that when the child becomes 18, child support and issues of that effect generally stop. So, it probably be up till age 18."

Black: "All right, so that... So this is already current law?"

Pankau: "In the particular case that came to the Senator's attention, there was a gentleman who, in a divorce action, was said to be the father of a child. Numbers of years later, seven years I think almost later, through a DNA test, it was shown that he was not the father of the child. He is still paying support payments for that child, because he cannot reopen the case. This will allow him to reopen that case up to two years after the taking of the test or six months after the enactment of this law."

Black: "Then... I assume then that the legal system would handle the case of child support. I guess what I'm having trouble with is... If this Bill becomes law, we then are able to establish the actual paternity of a child? I mean, that... In the case you cited was proving someone who is not the father..."

Pankau: "Okay, does this law actually show the paternity? Maybe not. For instance, it might show that someone is not the father, but unless the mother names the actual father, and has a DNA test to show that that person is the natural father."

Black: "Okay. Well, the case that you mentioned where as seven years after the fact, he's paying child support. If this

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Bill becomes law, he then has a legal mechanism to get out of that. Who then will pay child support? Then we're back on the state, correct?"

Pankau: "Well, it has to be adjudicated again. And, I mean, I don't... I can't give you an answer to that, Bill, because this would all be decided when he goes back into court. But this gives him a right to file again and say, 'Now wait a minute, there's actual proof out there that I am not the father. This should be listened to even though many years may have passed.'"

Black: "Well, this opens up some interesting legal battles. I'm just curious how various women's groups would view this piece of legislation, because it appears to me that it might become easier for a man to go back to court and say, 'Ha, ha, I thought so all along. Now I can prove I'm not the father. I'm not paying support.', which would leave the woman and the child at considerable risk."

Pankau: "Well, the DNA test has been shown to be very reliable. So, are you saying that at a future time the woman might have to name someone else as the natural father?"

Black: "Well, I would think that it would be..."

Pankau: "The mother has the right... My understanding is that the mother has the right to do that at any time. She has no legal restrictions on her; whereas, the person presumed to be the parent of the male gender does not have that...those same rights."

Black: "Does this in any way then... Would this go back and impact their joint IRS filings, any assets that they have as a result of claiming the child?"

Pankau: "No, nothing goes back, but it would allow going forward that that person would not be able to claim, not have to pay child support, not claim dependency, et cetera, et

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cetera. No, there's no... There's no going back on it."

Black: "Okay. Did... Have any..."

Pankau: "...But going forward, yes."

Black: "Have any of the traditional women's groups weighed in on this Bill or...? We've not heard from any of them?"

Pankau: "No. No."

Black: "Okay. Thank you very much, Representative."

Pankau: "In fact, I know of no opposition to the Bill."

Speaker Hannig: "Representative Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Hannig: "She indicates she will."

Durkin: "Representative, as you know, the DNA tests are tests of exclusion. Now, if there is a test which is taken and it is determined that this father is not the paternal father of this child, does the mother have the right to seek another examination if she feels that the test was somehow...if she felt that this was an incorrect test and if the results were not what she expected?"

Pankau: "Okay. There's a separate section in this law that deals with the handling of DNA tests, and I believe that is addressed in a separate section - in the same Act though."

Durkin: "Okay, my concern is that if... Right now there is a certain cottage industry, which is being brought upon in the forensic community through DNA in which labs are becoming... through DNA, testing has become very popular that labs are now developing all over the country. And sometimes, I'm not sure if this is an order by the court, which designates the DNA lab, or do you know if the order or the court, or the language in your Bill, does it designate that the court will designate which lab has to perform this type of test or where is the test to be performed?"

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Pankau: "No, this Bill does not determine where the tests are, you know, to be taken or whatever. In 750 ILCS 4511, Section J, it says, 'Nothing in this Section shall prevent any party from obtaining tests of his or her own blood or tissue independent of those ordered by the courts or from presenting expert testimony interpreting those tests or any other blood tests ordered pursuant to this Section.' So, that is the legal mumbo jumbo that I have been told answers your question."

Durkin: "Okay, I just want to make sure that if I am one of the parties to one of these proceedings and I feel that one of the tests, which was conducted, I think the question was addressed earlier, would I be in the party, would I be able to seek another examination, another test, to perhaps rebut that first test?"

Pankau: "Of course you could, and that would be handled at the time when you go back into court again. This legislation only allows the presumed father to open the case again. You still got to prove it."

Durkin: "Okay. Now, would the mother have that ability to perhaps seek another examination if she was not satisfied with the results of that DNA test, which were initially conducted? Would she have that right to say, 'I want another test done.'? And does she have that type of relief within the Bill which you are presenting?"

Pankau: "Within the Bill that I'm presenting, no; within the existing law, yes."

Durkin: "Okay. Is there anything within the law, presently or perhaps in your Bill which ensures that the laboratories, which conduct the tests, is in some ways an accredited laboratory?"

Pankau: "Yes, not in my Bill, in existing law. It gives all the

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criteria for the labs to be used and the presenting of evidence and all that sort of stuff."

Durkin: "Thank you very much and thank you for your patience."

Pankau: "I don't understand it, but it's there."

Speaker Brunsvold: "Representative Brunsvold in the Chair. The Gentleman from Cook or the Lady from Cook, Representative Ronen."

Ronen: "Representative Pankau, I just wanted to follow up. Will the Lady yield for some questions?"

Speaker Brunsvold: "The Lady yields."

Ronen: "Thank you. Representative Black was asking some questions, and I'm not sure I heard the answers about have any of the women's bar groups reviewed this and what their analysis was? And I'm sorry, I didn't hear your answer."

Pankau: "None have expressed anything on this Bill. And, in fact, the State Bar Association, one of their family law section person actually wrote the Bill."

Ronen: "Oh, they did, okay. And so the Illinois State Bar Association is supportive of this and what about the Chicago Bar Association?"

Pankau: "They didn't register an opinion, so I don't know. They received copies of everything. They know it exists. They did not respond."

Ronen: "Okay. It's your understanding of this Bill that this would not in any way unlevel the playing field. What we're talking about is being more fair here and using technology that we now have to make sure we're making the appropriate decisions as to paternity. So this shouldn't change in any way from your perspective, a woman's situation."

Pankau: "I couldn't have said it better myself."

Ronen: "Thank you. Thanks for your support. Thanks."

Speaker Brunsvold: "Further discussion? The Gentleman from

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Logan, Representative Turner."

Turner, J.: "Mr. Speaker, will the Lady yield?"

Speaker Brunsvold: "The Lady yields."

Turner, J.: "Representative, I'm a little bit confused about the statute of limitations. There seems to be a provision for two years and another provision for six months. Can you explain those to me?"

Pankau: "Yes, they are not mutually exclusive. The one, the six months is after the effective date of this Bill. The two years is after the petitioner has obtained the actual knowledge of the relative facts or has had a DNA test. That's what they mean by the relative facts...relevant facts."

Turner, J.: "Okay, that was my question. They mean what by the phrase, 'relevant facts'?"

Pankau: "The actual taking of the DNA test and the receiving of the results."

Turner, J.: "So, the test actually takes place before the petition is filed?"

Pankau: "You have to have the test to know whether you can file or not."

Turner, J.: "Is there a mechanism then to force samples to be given so the test can be performed?"

Pankau: "I'm sorry, Representative?"

Turner, J.: "Is there a mechanism to force the..."

Pankau: "To force somebody to file? No."

Turner, J.: "...to force someone to undergo the DNA testing?"

Pankau: "No."

Turner, J.: "All right. Well, then I'm confused on how the statute of limitations would work if you... If the two-year period doesn't kick in until DNA testing is performed, and you can't force DNA testing, how is our Bill going to be of

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any benefit to those seeking to utilize it?"

Pankau: "If you take... If the results... If you take the test and the results come back that you are not the natural parent, you then have two years in which to reopen the action. Under the... Because it was presumed that you were the parent and that you should accept the parental responsibilities and pay accordingly. This gives you a two-year period in which to reopen that. Based on your personal situation, you may or may not want to do that. But it gives you the opportunity. It doesn't require you to do it."

Turner, J.: "Alright. How does that... How does that explanation go along with the part of the Bill that says the two-year period shall not apply to periods of time where the natural mother or the child refuses to submit to DNA tests?"

Pankau: "Okay. It's my understanding that if the mother tells the father that he is not the natural father, then he is not barred from bringing this action, even if she didn't take the test, or she didn't, you know, agree to have the test, but if she actually says it."

Turner, J.: "Okay. And I think the last questioner asked you if the State Bar Association had looked at this language and approved of it. And I thought your answer was, yes, but I couldn't hear very well."

Pankau: "Yes."

Turner, J.: "Okay. Sounds like a good Bill, Representative. I don't have any further questions."

Pankau: "Thank you."

Speaker Brunsvold: "Further discussion? The Lady from Cook, Representative Monique Davis. She does not wish to speak. The Gentleman from Will, Representative Myers."

Myers: "Thank you, Mr. Speaker. Mr. Speaker, I have a question

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of the Chair."

Speaker Brunsvold: "State your question."

Myers: "I notice that we've been in Session just a little bit over an hour and you've become the third person to be the Speaker this afternoon. I was wondering if nobody really wanted to do it, or why is that we have three Speakers in less than an hour?"

Speaker Brunsvold: "Well, there's probably a lot of business going on and a lot of meetings, Representative."

Myers: "Thank you. That's all of my question."

Speaker Brunsvold: "Further discussion? Further discussion? Seeing none, the Lady from DuPage, to close."

Pankau: "I ask for your favorable approval on Senate Bill 1259."

Speaker Brunsvold: "The question is, 'Shall Senate Bill 1259 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 115 voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page four of the Calendar appears Senate Bill 1292, Representative Biggert. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1292, a Bill for an Act in relation to certain property held by museums. Third Reading of this Senate Bill."

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

Biggert: "Thank you, Mr. Speaker. Senate Bill 1292 creates a new Act entitled the Museum Disposition of Property Act. The language sets forth the circumstances and procedures by which a museum can dispose of property in the museum's

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possession. Additionally, the Bill sets forth the conditions for determining the ownership of property under the museum's control. For purposes of this legislation, museums include: historical societies, historic sites, landmarks, parks, archives, monuments, botanical gardens, arboreta, zoos, nature centers, planetaria, aquaria, libraries, technological centers and art, history, science and natural history museums. As amended, the legislation also makes technical changes to the Governor's new Museum Funding Program, and this legislation further clarifies eligibility in the program, both to the general participation sense and in the details of the requirements for eligibility for the capital grants. Be happy to answer any questions."

Speaker Brunsvold: "Ques... The Lady has asked for the passage of Senate Bill 1292. And on that question, is there any discussion? The Gentleman from Vem... Vermilion, Mr. Black."

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

Speaker Brunsvold: "Sponsor yields."

Black: "Representative, I don't understand this. How did you get to be the Sponsor of this Bill? Didn't I present this Bill in committee? Have you, have you appropriated this Bill after all of my hard work in committee?"

Biggert: "Well, Representative Black, I really wanted to thank you for presenting it for me. I think that it... I asked you if you would present it, since I was unavailable at the committee hearing. So, I really appreciate the fine job you did and it passed in the Body."

Black: "Oh, I remember now. Yes, I remember now. Yes, and I was pleased and privileged to do so. You are aware that we

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added an Amendment in your absence, are you not? Committee Amendment #1."

Biggert: "Yes, I am and I did explain that."

Black: "Okay."

Biggert: "I thought it was a very good Amendment."

Black: "Oh, it's not. I thought it was an outstanding Amendment, probably only overshadowed by the brilliance of the Sponsor who carried it that day in committee, but that's another issue. Is there any opposition to the Bill, as amended?"

Biggert: "Not to my knowledge. No, there is not."

Black: "Have we heard from anyone who is concerned that this might expedite the loss of family property? In other words, their grandfather had, had loaned on exhibit a very expensive painting and the family forgot about it, and then all of sudden, everybody's moved. The museum gives notice, and 'bingo' the painting or object of art becomes the property of the museum. Is... Has anyone expressed any of that concern?"

Biggert: "I have not heard of any and I think the Bill very specifically spells out when that occurs and the notice requirements are very specific that...it will be ensured that the people will have notice. Where there is undocumented property, a museum actually has to document that they have had that property within their possession for seven years. So, this certainly is, I think, plenty of time that they would know."

Black: "This only applies to museums. There is no implied ability for anyone else to utilize this possession and then all of sudden claim it. I mean this only applies to museums, doesn't it?"

Biggert: "Yes, it applies to the museums as I...as defined in the Act, which I just read."

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Black: "Okay. Well, I was concerned that, you know, I was concerned since we have 40 state troopers now in the...patrolling Cicero, which is more state troopers than I've seen in my district in the last five years, I was afraid that if a year went by...if a year went by they might appropriate these State Troopers and say they belong to the Village of Cicero. I haven't had time to talk to my good friend, Representative Kubik, about this latest raid on the state police force, but you assure me that Cicero would not be able to claim adverse possession of these troopers?"

Biggert: "Well, I don't think that they would be considered as museum pieces."

Black: "Well, I have known one or two troopers in my day that were very close to being museum pieces. Actually, I have some police cars in my district that are museum pieces, but I can't seem to get anybody interested in that Bill. But, be that as it may, Representative, I talked to the Director of the Vermilion County Museum, Saturday night, and she was singing your praises that this Bill evidently came out of a task force on museums. There's several years involved in this, and she thought it was an excellent Bill and extracted a promise of me to vote for it after x-rays and a visit to the chiropractor, my arm works again. So, I guess that it's a good Bill. Did it get out of the Senate unanimously?"

Biggert: "Yes, it did."

Black: "Isn't that amazing."

Biggert: "The legis... It was a Legislative Task Force of the Illinois Association of Museums and..."

Black: "Good."

Biggert: "And was developed from a legislative model recommended

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by the American Association of Museums."

Black: "And a fine group they are."

Biggert: "And then based on other statues in other midwestern states..."

Black: "Right."

Biggert: "So, you're right, it has... There's been a lot of development."

Black: "And there was an Amendment to address any of the concerns about the holocaust items. In other words, if an item is stolen, that's not going to be covered under this possession law?"

Biggert: "That's correct."

Black: "Okay. Thank you very much, Representative. Thank you, Mr. Speaker."

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

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

Speaker Brunsvold: "The Lady yields."

Turner, J.: "Representative, I have to admit I'm a little bit confused. As I understand that this Bill is a mandate from we, as Legislators, to museums how as to... how they will dispose of their property. Is that what...generally the Bill does?"

Biggert: "No, I would not say it is a mandate in how they dispose of their property. It really is to allow the museums to have greater control over their collections and allowing them to preserve, conserve and interpret them more effectively. This usually... The case arises where somebody has either loaned or has given as a gift with an indeterminable time. And they will then either move out of the state or they will die, and there is no record within the museum of who that...to whom that property belongs."

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And so that this is really to allow them to have control over that and rather than having certain pieces that are there that they don't know anything about."

Turner, J.: "Well, what has happened to date with regard to property that a museum acquires and the rightful owners disappear or the heirs of the owner who originally donated disappear? What has happened to date to that property of museums?"

Biggert: "Well, that's the problem. It's in limbo. They have it in their collection but they cannot do anything to conserve it. Let's say that it needs... It's falling apart. They would like to update it. Unless they can find the owner and get their permission, they can't do anything. And so it sits there, probably in the back rooms, wondering what to do with it."

Turner, J.: "Well, I guess to get back to... Maybe I didn't pose the question correctly the first time. Why does the state need to tell these museums how to dispose of this property? Why can't the museums make these decisions through their boards or... or by some other mechanism without the state stepping in?"

Biggert: "Well, it's... Since the state has made laws to determine the right of property and what is... how we determine what belongs to someone, we have to do that or otherwise they can't do anything with property that belongs to somebody else."

Turner, J.: "What if they have an agreement with the owner, who originally gives the property to the museum? Would that agreement not be controlling? Could they not dispose of the property or preserve it or whatever the agreement would have said originally? Would that not prevail, or if we pass this statute, will it override that agreement?"

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Biggert: "Well, certainly, if there is an agreement. This is to take control when they... there is property that they are not able to reach the owner, that they don't know anything, you know, where they are or that they've had it for a... as a gift for an indeterminate time. And they haven't heard from those people and they want to be able to, to do something with the property. But, certainly if there's an agreement, it's listed in the museum. And certainly the owner then has control over that property."

Turner, J.: "And if the owner had an agreement with the museum, for example, it had a clause in it, should the owner die or be otherwise unavailable for contact or notice... or notice then, whatever the agreement would say, would be what the museum would follow as far as disposing the property, not what we're passing here today in the statute. Is that correct?"

Biggert: "That's correct. This is where either the... Either immediate action is needed to be taken of the property and they cannot reach anybody. It allows them to req... acquire title to loan objects where the owners cannot be found or they refuse to repossess the objects. Let's say the museum wants to cut down on their collection. They want them to come and get them and they don't ever come and get them or respond. Or it allows them to take legal possession of objects in their collections that are assumed to be gifts, but for which there is no documentation. So, where clearly somebody has loaned the property for a time, this has nothing to do with that. This is where there is no knowledge."

Turner, J.: "When I was first looking at the Bill, I thought it only applied to property that had been loaned to a museum. But by your explanation and by further examination, it

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appears that it not only applies to property loan, but also to property that at least has been transferred by donative intent. Is that correct?"

Biggert: "Well, it applies to objects that are assumed to be gifts. And so many times in a museum, the museums have had to rely on the staff or volunteers and their memories as to how they acquired that property. Other times, sometimes objects have just been left on their doorsteps or their records are lost in fire. So, this Section allows the museums to take legal ownership of those objects that they've held for a specific amount of time. That's where the seven years come in. That they show that it had been in their possession. They don't know where they came from. They assume it was a gift at some time, but you know, not... probably before computers, particularly, the keeping track of the documentation in all the museums has not always been... been that up to date."

Turner, J.: "If we pass this measure, this won't change the law as it pertains to gifts, such as you and I learned in law school, that basic law with regard to delivery and donative intent will still apply, except in situations that may fall under the scope of this Bill pertaining to museums? Is that correct?"

Biggert: "Well, and I think that even in other areas, this is applied to if there's a gift and that's...becomes...what becomes abandoned property in other parts of the law. It's very similar to this or adverse possession after seven years. So, I... That's true."

Turner, J.: "I had a hard time hearing what you just said at the last there. You said something about adverse possession and seven years. What is that?"

Biggert: "I'm saying that that is true, like with land, if

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it's... if somebody does not come back to it or do anything with it, you have adverse possession if somebody else is using it. This is somewhat similar to that in the law of gifts."

Turner, J.: "Representative, let me compliment you on answering my questions. I think you have explained the Bill rather well, and I'm a little perplexed that you've done such a fine job explaining that Jim Durkin still has his light on, but he does. So I guess I'll yield to him for questions at this juncture."

Speaker Brunsvold: "Further discussion? The Gentleman from Cook, Mr. Morrow."

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

Speaker Brunsvold: "The Lady yields."

Morrow: "Representative Biggert, I'm concerned about the House Amendment #1 that you put onto Senate Bill 1292."

Biggert: "Right."

Morrow: "And it says that it would provide a funding mechanism for capital development of the Museum of Contemporary Art. Private matching of state funds would be at a 2 to \$1 ratio. What kind of state monies would be involved with House Amendment #1?"

Biggert: "This... This is the capital grants that are appropriated to the Department of Natural Resources in the amount of \$10 million for FY99, and then the Governor's program has proposed \$50 million in capital grants over the next five years at a \$10 million per year. This is what the Governor spoke about in his Budget Address, and what this legislation is doing really is to... to give the Department of Natural Resources the authority for developing rules to implement the Governor's new program."

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So, that... that amount of money is in a separate Bill. That is not in here, but this gives them the authority to accept that money and make those grants. And it... it defines that museums under the Department of Natural Resources is those that operated by or located on land owned by a unit of local government and, as amended, the museums actively offering educational programs to children with annual museum attendance of at least 150 thousand visitors become eligible for these operating grants. So, this really is to provide for children's programs at the museum, and one of them is the Museum of Contemporary Arts. So, that they are able to..."

Morrow: "But this also includes all the other museums within the City of Chicago?"

Biggert: "No. It... It includes those that are, right, that are operated or located on land owned by a unit of local government. So,..."

Morrow: "Okay. Because that would be the Art Institute, the Shedd Aquarium."

Biggert: "Yes, and they have 150 thousand visitors all year."

Morrow: "All right. Now... I don't know how it slipped by some of the Members here, but I saw that there was no Fiscal Note request on House Amendment #1. And even though the Governor has proposed this, unfortunately, the Governor is only going to be here for one of these fiscal years. So, I'm kind of concerned that even though we might fund the 10 million for this year, the next four years we're going to have to come back. So, we're almost kind of giving... with the passage of Amendment #1 to Senate Bill 1292 that was sent in on unfunded mandate. And I'm kind of concerned, and I really don't know why there was not a Fiscal Note request on this Amendment."

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Biggert: "There's no fiscal impact on this Bill. The authority is in the capital grants in the develop... Grant Development Budget. So, there really is, if there's not money, this only gives them the authority to make these grants on a two to one match. It does not authorize the money. It does not say that this will be done if there is no money in the Capital Grant. This was just a real technical change to the, the new Museum Funding Program."

Morrow: "I'm very concerned about this House Amendment. I really am, and I don't know if I can support this Bill with this Amendment on there. So, I would remind the colleagues in this General Assembly that even though this is not the funding mechanism for the Governor's proposal, but if we pass this Bill, this authorizes or gives them the language for funding mechanism, which in the next four fiscal years, even though it's only \$10 million a year for the next four years. With the change of Leadership on the second floor, we might be sending a non-funded mandate. So, I'm very concerned about this Bill with House Amendment #1. And as long as House Amendment #1 is on this Bill, I'm going to have to be opposed to Senate Bill 1292."

Speaker Brunsvold: "Further discussion? The Lady from DuPage, Representative Cowlshaw."

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

Speaker Brunsvold: "Sponsor yields."

Cowlshaw: "Representative, this amends a statute that has been in effect for quite some time and in regard to the Department of Natural Resources, and gives the Department of Natural Resources for reasons which probably nobody really understands, since nobody knows why that department was chosen in the first place, to have the authority, to

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give state grants, as it were, to public museums in this state. The way this was originally done, it seemed to me, was very, very clever and maybe even devious. In order to qualify for any of these, your museum has to be on publicly owned land. Practically all downstate museums in all of those areas where those of us who do not live Chicago live, our museums are not located on land owned by a unit of local government. And consequently, what we have created here is a program that benefits only those museums in Chicago and does not even entitle any of our downstate museums to qualify for any of these funds. Do you believe that that was the intent of this Bill or this provision in the statutes for the Natural Resources Department? That that was the intent at the very beginning that it should only be for Chicago?"

Biggert: "I don't think that's the intent, nor is that quite the way that the... that it is drafted. It says that if either the museum is operated by or located upon land owned by a unit of local government or is a museum that has an annual attendance of at least 150 thousand and offers educational programs..."

Cowlishaw: "Right."

Biggert: "...to school groups during school hours. So, it doesn't have to be on public land, and that was the change in the Amendment that was put on in committee last week."

Cowlishaw: "Yes, I understand that. So, what you are saying is that a lot of downstate museums that are not located on publicly owned land could qualify for these funds because they offer educational programs and because they have annual attendance of at least 150 thousand. I wonder how people go to the museum in Mattoon or Decatur or any of our other downstate communities and have 150 thousand visitors

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a year? If you don't have 150 thousand visitors, if you don't have the thing built on publicly owned land, and if you don't have educational programs being offered at the same time that the schools are open, this program is not for you. No matter how much money we appropriate, none of it will ever come to downstate Illinois. It will all go to these places located on public land. I am not objecting to our giving funds to the museums in Chicago. They are world class institutions. I am only saying to you, if you're going have a program, have it for the whole state. Let everybody compete for this grant money. As this Bill now stands and with this Amendment, nobody who lives in downstate Illinois ought to be in favor of this Bill. Thank you, Mr. Speaker."

Speaker Brunsvold: "Further discussion? The Lady from Cook, Representative Erwin."

Erwin: "Thank you, Mr. Speaker. I rise in strong support of Senate Bill 1292. This is an initiative of the Illinois State Museum Association and, indeed, museums in every nook and cranny of this state support Senate Bill 1292. I'd like, just as a little bit of background, to remind you that last year because of an initiative of this General Assembly to encourage museums in every part of the state to work with grade schools, high schools and community colleges to integrate their collections and their expertise into a... into learning and into their curriculum, the Governor became much more aware of the importance of using museums in teaching and learning in this state. And as a result of that, he stood in this chamber and, indeed, announced a very progressive, and I think terribly exciting program, to bring museum collections into class rooms in every single part of the state. So, the fact of the matter

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is, because Adler Planetarium or Shedd Aquarium may be in Chicago, the fact is that their programs, through using interactive technologies, will be in all of your classrooms, if indeed, we can support the Governor's initiative, which our school districts want, our communities want, and I think that last year, I know that Representative Black and Representative Winkel were instrumental in passing that initial step. This is the follow-up. Indeed, there are museums that sit on public lands that taxpayers, in fact, are funding. And I think what the Governor was attempting to do through his initiative is to provide a state match, which also requires a match from the private sector. It is something that I think is crucial to improving learning and I will, for Representative Morrow's edification, only point out that I think the Democratic analysis on House Amendment 1 is not a good analysis. And in fact, Representative Morrow, I would, having read the same analysis, would have raised some of the same questions. I don't think that's well... I don't think... Well, but I don't think just because an analysis is poorly written, means that we ought to deny school children in every part of the state, you know, deny them the opportunity to have access to exciting collections that will enhance their learning. This is an important initiative of the State Museum Association, and I think we ought to support it."

Speaker Brunsvold: "Mr. Morrow, for what reason do you rise?"

Morrow: "Yes, a point of personal privilege since my name was used by the previous Speaker. You know, I wouldn't really have a problem with the House Amendment #1 if the Park District Board had not just raised the fees for admittance into the museums, which will lock out many low income and

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moderate income students or people from going to the museums in the first place. So, they're asking,... they've already raised the entrance fees and now they want some more state money. And I think they need to come down here and explain themselves as to why, if we're giving them \$50 million over the next five years, say, why did they raise the entrance fees 1 to \$2? That's my point. That's what... That's all I'm saying. You know, it's like their bleeding a lot of blood out of a turnip, and they haven't come down here and explained it to the General Assembly. I don't know if they have a lobbyist or not, but they have not explained why they need all this money. And that's one of the reason why I'm opposed to this Bill."

Speaker Brunsvold: "Further discussion? The Gentleman from Cook, Mr. Durkin."

Durkin: "Will the Lady yield?"

Speaker Brunsvold: "The Lady yields."

Durkin: "Representative, I'm looking through the legislation. Is there any definition of 'abandonment' that is currently in the law or is... or which you are proposing in this legislation?"

Biggert: "Representative, this is it. I... A new Act, there is nothing in here as far as I know. That was the problem, was that the museums cannot dispose of property that's been undocumented...has been undocumented because they don't have... even though they have possession, they don't have any means to say that they have the title."

Durkin: "I think that references made earlier by the...Representative Turner that... would this perhaps or we would we under the law... speak of adverse possession, there is a set time in which someone, if they hold property and it's open, notorious for 'x' amount of years, then they

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will assume the rights of that property."

Biggert: "Right."

Durkin: "Would you... Since there's nothing in that...in the law, which is currently in the law or which is being proposed, is it your intent that it would at least fall in line what are the principles, the common law principles, to adverse possession?"

Biggert: "Yes, and I think that's probably what's been done in the past. I mean that's when you don't have a specific statute, than it would be the common law principles."

Durkin: "Okay."

Biggert: "And I think that's why I brought up the abandonment in the first place, that that's...or adverse possession, either one."

Durkin: "One of the... Often in these cases, you read about these in law school, your first year property class where there is a wonderful piece of art, which is in the possession of a museum, and then a family member, perhaps three generations past, who... they find a will in which they...states that a certain piece of art is to descend to the next of kin in succession. If there is a valid will, which has been probated, and however the museum states that they had no knowledge of the...of the will, and they have stated that for some reason they acquire possession through abandonment, will they be able...the family members be able to go back in to challenge that decision by that museum and retain possession of a piece of art or whatever has been collected by the museum?"

Biggert: "I think that if the museum has the property in its possession and doesn't know who the owner is, or doesn't have any reasonable means of determining the owner, in other words, if they might be able to determine that if

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they could track the family, and that would be a documentation. They would have to try and, and do the notification. If they can't find anybody, all the letters, the certified letters that they send out, come back then, and no one's claimed the property within seven years of them saying that they were in possession, then that would be titled to the museums. But if, let's say it's len..it's lent or they have some way of tracking that, they would have to send out notices first or and if no one responds, let's say they go to the person that wrote the will and they get back the notice of deceased, they would have to go further than that I think to try and determine if there is any family by... by the notice. And I think there's something in here for publishing, too."

Durkin: "My only concern is that I hope that... I think you may have addressed that, if there is a situation does arise in which a museum states that we feel that... we will assume possession of this abandoned property, and then two generations or a number of years pass in which a will, which has been stashed away in some type of safe deposit box, states that this property was going... moved down from generation to generation, my only concern is that... to ensure that these people are not prohibited from seeking any type of equitable relief to obtain that in a court of law, and I believe that's your intent. Isn't that, Representative? That it's your intent that you're not prohibiting a, perhaps an individual who may have a, a right to this property under a will under at some later time to go into court and to contest and challenge that. Is that correct?"

Biggert: "No. I think really is when they establish that it's in their possession, there was seven years that somebody has

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to come forward when they have no record of that will. You know, in probate, you really have 30 days to file a will. So to find a will, you know, three generations later, I don't know...I don't think that's within this Bill."

Durkin: "Okay."

Biggert: "But there's also some ramifications if that will has not been filed."

Durkin: "Does the Department of Natural Resources conduct any type of... Is there any type of administrative function that they are going to have? Are they going to define what's abandoned property? When the museum states that we seek to gain possession of this property through abandonment, do they have to..."

Speaker Brunsvold: "Bring your remarks to a close, Mr. Durkin."

Durkin: "Is the Dep... What is exactly the role of Department of Natural Resources in this Bill?"

Biggert: "Department of Natural Resources really is to address, to have the authority for developing rules to implement the Governor's new program. That is absolutely what they do as far as any capital funding for, for grants. They had nothing to do with the..."

Durkin: "I... Okay, I just wanted to make sure that there is going to be no responsibility of the Department of Natural Resources to determine or make any type of definition of abandoned or undocumented property, correct?"

Biggert: "Absolutely not."

Durkin: "Thank you very much."

Biggert: "That... They're not included..."

Durkin: "Thank you."

Biggert: "...in that part of the Bill. Only in the Amendment to grant authority for developing rules."

Durkin: "Thank you."

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Speaker Brunsvold: "Further discussion? The Gentleman from Cook, Mr. Schoenberg."

Schoenberg: "Thank you, Mr... Thank you, Mr. Speaker. Will the Sponsor yield for questioning?"

Speaker Brunsvold: "The Sponsor yields."

Schoenberg: "Representative, Representative Biggert, in relation to the criteria for providing funding for these museums, I wanted to ask you a couple questions. The first is..."

Biggert: "Could you speak a little bit louder?"

Schoenberg: "Certainly. I wanted to ask you a couple questions related to the museum grant portion of the Bill, which is the Amendment. The first question I had for you is, is there any portability of those dollars? Meaning, if a museum... of the public funds, meaning, in other words, if a museum is in receipt of a grant award for this Museum Funding Program and decides to relocate, are the public grant dollar sites specific, or are they portable?"

Biggert: "From this Amendment, I don't think I can answer that specifically. It's only that either that it is operated or located upon land owned by a unit of local government or it's a museum that has annual attendance of at least \$150 thousand and offers educational programs to school groups. Now, since they apply for that grant, that would be determined at that time whether that they qualify under that eligibility if they move. So, I think that that's..."

Schoenberg: "I mean, it doesn't have to be limited to whether they move. Say they want to have an adjunct facility. Say a museum wants to have an affiliated... have an affiliated facility that's part of the... that's under the auspices of that museum, but that's not directly on that site. Does this address that at all?"

Biggert: "The only reason..."

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Schoenberg: "I'm not giving you a hypothetical. There's a specific example I have in mind."

Biggert: "I know. The only reason for having that in this Bill is not to talk about capital grants; it's only that the Department of Natural Resources will have the authority for developing those rules. And that would be something that would probably within the province of the Department of Natural Resources to set the rules for determining if they would then qualify."

Schoenberg: "All right. The other... Thank you. The other question I wanted to ask you is, for this grant program, is there an expiration date by which grant awardees would have to spend the money?"

Biggert: "That... That's within another Bill. The only thing, and I think this... I have to really make... restate this again. This Bill does not grant the money, it does not specify money, it does not specify how those grants are to be awarded. It only gives the Department of Natural Resources the authority to implement the Governor's new program through rules."

Schoenberg: "So, you said that in another Bill that there is something that would reference it? Or is this..."

Biggert: "Yes. Those grants are the Governor's proposal in the budget."

Schoenberg: "So, you're saying that as far as the applicability of the funds that would... after this enabling legislation becomes law, it would be up to the department to promulgate the rules?"

Biggert: "That's right. That's all this Bill does and... for those of you that think that, you know, if you vote against this Bill, that... that you are shutting that down, it's not even in this Bill. It's only to give them the rule

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making ability."

Schoenberg: "Certainly that's understood and I... and I, as you know, Representative, support the Bill very strongly. I just wanted to know... get a sense on what your intentions were with respect to the implementation. I think it is important for something that's as worthwhile as this, that we establish what our legislative intent is so that there is no question, when it come to promulgating those rules, what it is we want to do. We heard from Representative Cowlshaw earlier. She is probably...can speak chapter and verse about how she felt that when it came to the School Construction Grant Program, how we set particular guidelines in place and particular criteria, and the State Board of Education seemed to have a different idea of how to implement the state school construction grant program. So, because this is a new program, that's exactly why I wanted to ask you this. Now, if you tell me that you think it is site specific, you're not going to hurt my feelings. If you tell me that the money would come through the Capital Development Board and that they would have 'x' number of..."

Speaker Brunsvold: "Bring your remarks to a close, Mr. Schoenberg."

Schoenberg: "...That wouldn't disappoint me, either."

Biggert: "No. I think that... that what this legislation does is to say that there will be a two for one capital grant. There will be at a maximum of a certain amount of money. The site specific is not included in this, except - except that the property is..."

Schoenberg: "Has to be owned gov... by a local."

Biggert: "...has to be owned by a local unit or to have the number of people to go through."

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Schoenberg: "And/or?"

Biggert: "Or."

Schoenberg: "Or."

Biggert: "Or."

Schoenberg: "So, all right. Thank you for clarifying that.
Thank you, Mr. Speaker."

Speaker Brunsvold: "The Gentleman from Winnebago, Mr. Winters."

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

Speaker Brunsvold: "The Sponsor yields."

Winters: "Representative Biggert, were you aware when you passed this out of committee, the implications that were brought out by Representative Cowlshaw? The fact that the public ownership of the land underlying these museums would, in fact, eliminate from consideration for capital bonding any museums outside of the City of Chicago?"

Biggert: "Well, as a matter of fact, Representative Winters, there was really no discussion in committee on this. I was not there, but I listened to the tapes and this never came up, Representative Cowlshaw or anybody else ever brought it up. And as a matter of fact, that is not true. There are other museums outside of Chicago."

Winters: "Will not, in fact, the provisions of this Bill, however, be an incentive for museums located without or throughout our downstate communities? Will it not be an incentive for them to try to get their local government bodies to buy the land underneath them, if that is the only provision that's holding them from access to this capital?"

Biggert: "It's an either/or. That's a possibility that they could do that or they could have a 150 (sic- 150 thousand) visitors a year, and they could also...and provide education. This really is to... most... The museums that would be included in this provide a very definite

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educational component to our children in the State of Illinois' educational system. These museums are visited by children from all over the state, and they provide a real service and it... it costs a lot to operate them. So, this was part of the Governor's program, the Museum Program, and those were the, the limits that were placed on this."

Winters: "Well, I would like to, just for legislative intent, like to reemphasize the statement that just... you just made that with an annual visitorship of 150 people per year..."

Biggert: "One hundred and fifty thousand."

Winters: "Okay. I wanted to double check that, that, in fact, we weren't writing some new legislative intent. I have a number of museums that then would qualify. One other question or another line of questioning is concerning the educational programs that is another element of this Amendment, and I must congratulate you on finding a strong proponent of downstate communities, Representative Black, to carry this Amendment, which, in fact, would cut off all... all of museums in his district from application for this project. That was... That was a real coup and a stroke of genius, if I could add. But, the question is, it is... these educational programs must be targeted for school groups. One question that comes to mind is, would a group of home school students qualify as a school group?"

Speaker Brunsvold: "Further discussion? The Gentleman from Livingston, Mr. Rutherford."

Biggert: "Just a... Mr. Speaker, could I answer that question first?"

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

Speaker Brunsvold: "Sponsor yields."

Rutherford: "Representative, how many museums are there in this

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state?"

Biggert: "I don't know."

Rutherford: "Can we, and I'm not trying to put you on the spot, I'm trying to... Can we get a rough estimate? Alright, another question is, how many would be over the 150 thousand attendance threshold?"

Biggert: "The number that I have listed in this Bill that..."

Rutherford: "Mr. Speaker, I can't even hear and I'm just 20 feet away from her."

Speaker Brunsvold: "Please let there... have order in the House. Take your caucuses to the back, please."

Rutherford: "Mr. Speaker, also on...are you running the clock for time?"

Speaker Brunsvold: "Yes, Mr. Rutherford, and you're going to get five minutes."

Rutherford: "Okay. Thank you. Thank you, Mr. Speaker."

Biggert: "Representative Rutherford, I have about 60, a list of 60 museums that are... 60 museums that are involved in the, in support of the legislative task force for museums. The museums that would qualify under the, some of them that would qualify under the capital funding and the Government's proposal are the Peoria, George Luthy Manual Memorial, Rockford Discovery Center, Peoria Wildlife Zoo, Metropolit... Metro... Metropolis, and Fort Massac Center. So, all of these are, are some of the museums that would qualify under the capital development that are not in Chicago."

Rutherford: "Do you have... Is that the list of all of them?"

Biggert: "No. That's some of them."

Rutherford: "Could you keep going?"

Biggert: "That's all I have."

Rutherford: "Okay. Well... And the reason I'm asking that is

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that I'm told that perhaps a museum in my area would fall within this and I've yet to verify that."

Biggert: "And the name of that?"

Rutherford: "I'm sorry."

Biggert: "And the name?"

Rutherford: "I'm assuming they're talking about the David Davis Mansion in Bloomington, McLean County."

Biggert: "All right. Well, I was given this that these are some of them. I know like the Robert Crown Center, I think, also."

Rutherford: "How long... How many, again how many museums would be eligible? Are you familiar?"

Biggert: "All right. Here's a list of 30 for sure and others might apply. I'll read them. Lincoln Park Zoological Gardens, Chicago Zoological Park, Museum of Science and Industry, John Shedd Aquarium, Art Institute, Field Museum, Museum of Chicago Academy, Lincoln's New Salem State Historic, Chicago Botanical Garden, Chicago Children's Museum, Chicago Cultural Center, Lincoln Home's Historic...National Historic Site in Springfield, Cahokia Mound State Historical, Collinsville, Lincoln Park Conservatory, Museum of Broadcast, Historic Pullman Foundation, Adler Planetarium, Illinois State Museum, Lincoln Tomb State Historical Site, MCA, Morton Arboretum, Kohl Children's Museum, Wildlife Prairie Park, Chicago Historic Society, Robert McCormick Museum, Chicago Architectural Foundation, Robert Crown Center for Health, Garfield Park Conservatory, Discovery Center Museum, George Luthy Memorial, Fort Massac State Park."

Rutherford: "I'm sorry, could you repeat that? No, no. I guess not."

Biggert: "No, she shakes her head no."

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Rutherford: "She shakes... That's what that noise was. All right, is that then, Representative, in your opinion, the entire list of museums in this state that would be eligible?"

Biggert: "No. These are others that might apply and the eligibility will be determined by the rules and regulations and by the National Resource."

Rutherford: "Okay. So, the Amendment that was adopted..."

Biggert: "And this is based on 1996. On their... the numbers, so..."

Rutherford: "Nineteen ninety-six?"

Biggert: "You know, you hate to list, that's why I hate to list these names, because then someone is disappointed that the... a museum in their area is not on or someone thinks that there is and then based on actually looking at the, the certain numbers, and we saw that happen with the school districts eligible for the school construction. You know, that somebody was left off when they thought they would be on. But, this is a list that we believe that those museums are on it."

Rutherford: "Great. And these are based on 1996 attendance?"

Biggert: "That's right."

Rutherford: "And that is not a completely exhaustive list."

Biggert: "That's correct."

Rutherford: "I can't... Okay. So, then again..."

Biggert: "And then you... But, you have to remember that the other part of the Bill then is really with all of the museums, whether or not they qualify or not for that list."

Rutherford: "Terrific. I thank Representative Biggert and the Speaker."

Speaker Brunsvold: "The Lady from DuPage to close, Representative Biggert."

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Biggert: "Senate Bill 1292 deals with a des... disposition of property, and it also deals with rules and regulations to be set by the Natural Resource Department, and I would ask for your favorable vote."

Speaker Brunsvold: "The question is, 'Shall Hou... Senate Bill 1292 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 91 voting 'yes', 23 voting 'no', 2 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed."

Speaker Brunsvold: "On page 4 of the Calendar appears Senate Bill 1207, Mr. Cross. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1207, a Bill for an Act to amend the Counties Code. Third Reading of this Senate Bill."

Speaker Brunsvold: "Mr. Cross. Mr. Cross."

Cross: "Thank you, Mr. Speaker. This is a Bill that's fairly limited in scope and deals, as I read it, with just DuPage and Will Counties. It's a Bill that Senator Philip sponsored over in the Senate. It passed out of there 50 to 0. I believe it passed out of the House Judiciary Committee, if my recollection is correct, unanimously. It merely gives the Chief Judge in both... the Chief Judges in both DuPage and Will Counties the authority to make appointments of personnel in the law libraries. I don't know of any opposition. The DuPage County Board passed a Resolution supporting the Bill, and I understand that Will County is also in favor of it. I will be glad to try to answer any questions if I can. I'm sure President Philip can answer some of the questions. Thank you."

Speaker Brunsvold: "The Gentleman has asked for passage of Senate

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Bill 1207. And on that question, is there any discussion?

The Gentleman from Logan, Mr. Turner."

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

Speaker Brunsvold: "The Sponsor yields."

Turner, J.: "Well, Representative Cross, it's kind of loud in here and I couldn't..."

Speaker Brunsvold: "Excuse me, Mr. Turner. Mr. Stephens, for what reason do you rise?"

Stephens: "Well, I believe my light was on first, and I wanted to yield my time to Representative Turner."

Speaker Brunsvold: "He is speaking at the moment."

Stephens: "Well, but he gets 10 minutes if he gets my time."

Speaker Brunsvold: "Mr. Turner's was in first sequence here on the questioning. Thank you, Mr. Stephens. Mr. Turner, continue."

Turner, J.: "Well, never been interrupted like that before. Representative Cross, there's quite a distance between us here and I couldn't hear very well. Could you explain your Bill again. It sounded like there was some kind of fee increase in it."

Cross: "No fee increase at all, Representative Turner, and I want to be as emphatic as I can. I want to make sure this is perfectly clear to you and all your constituents. There is absolutely, positively no fee increase. Positively not."

Turner, J.: "Well, I'm kind of glancing over here to my left, and I don't have an analysis, and I'm wondering if you would share the analysis that you have in your possession with me so I can continue with my questions. Would you do that, Sir?"

Cross: "No."

Turner, J.: "Well, Representative Cross, I recall in the Judiciary Committee that I..."

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Cross: "I recall that committee, too, Representative Turner."

Turner, J.: "Now... I'd like to finish, if I may. I recall that I had specifically asked you if the Logan County Bar Association had had a chance to examine this piece of legislation and whether or not they had decided if they were in favor of it or whether they were opposed to it. At that time, you ducked that question. Would you answer that question today for me, Sir?"

Cross: "Representative, the three members of the Logan County Bar Association, all three of them called me last night at home and asked me not to say anything to you, so I probably shouldn't tell you this, but they wholeheartedly support this legislation, and they're going to explain it to you when you get back home to Logan County."

Turner, J.: "Well, I think before we start explaining to the Logan County Bar Association, who apparently do understand this Bill quite well, we better explain why it applies only to certain counties in the state and not to Logan County. I think that's the first question they have. If you can begin by answering that, maybe we can go on with this discussion. Can you explain that?"

Cross: "Actually, actually, Representative, that's probably the best question you've asked so far. What this Bill does..."

Turner, J.: "Well, there's going to be more to come, let me assure you."

Cross: "As you know, and I hate to go into civics lessons with you, Representative Turner, but I think now's the time that maybe I should. There are circuits throughout the state that we have to handle judiciary matters and court calls. Many counties, for instance, the county from which I reside or come is Kendall County, we are in the 16th Judicial Circuit. We have three counties within that circuit:

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Kendall, DeKalb, and Kane. I suspect that Logan is similar to Kendall in that you also are more than one county within your circuit. DuPage and Will, however, are primarily located, if I'm not mistaken, within their one county makes up a circuit. What this Bill does is allows the circuit judge to have a little more authority with his law library and the interest of efficiency of running that law library. In our counties where we...that we live in, you don't have that efficiency, because you have...it's tougher to have the efficiency, because you have a bunch of Circuit Judges making decisions. They felt like, because there was already one county, they could let their Chief Judge make those decisions; and therefore, that was the reason for this Bill, to allow the Chief Judge in those particular counties to make decisions with respect to their law library. That's why we're doing it, and I think that's why we've limited it to those counties, because we can be more efficient. I hope that was responsive to your question."

Turner, J.: "Well, as a matter of fact, it wasn't. It was more of a professional digression from the question that I did address to you. But since you're giving me a civic lesson, I think we should start at the top. How many circuits are there in the State of Illinois, Representative?"

Cross: "I don't know."

Turner, J.: "Well, you're not a very good teacher if you don't know that. How many districts are there?"

Cross: "I there are five, Representative."

Turner, J.: "Let's get back to the Bill. Now, the authority that you're designating in this piece of legislation goes to the Chief Circuit Judge. Is that correct?"

Cross: "What it does is it, right now, decisions with respect to library... law library are made by all of the Circuit

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Judges in DuPage and Will and, in fact, in your county. What this does is, in conjunction with the County Board, allows, and I want to emphasize the County Boards still have a role here, but it gives the Circuit Judge, the Chief Judge of the Circuit, the authority to make some decisions on his own."

Turner, J.: "Well, I take it then, since the authority to make these decisions is taken away from the county board, but is given to the Chief Circuit Judge that the county board must appoint the Chief Circuit Judge. Would that be correct? Is that part of this lesson?"

Cross: "I think you're well aware that the county board is not, Representative."

Cross: "Well, who does appoint the Chief Circuit Judge or is it an elected position?"

Turner, J.: "If I'm not mistaken, Representative, all of the circuits within a given circuit elect the Chief Judge of that particular circuit."

Cross: "How much money are we talking about, Representative Cross, with regard to designation of these funds?"

Speaker Brunsvold: "Bring your remarks to a close, Mr. Turner."

Turner, J.: "I'm sorry, Mr. Speaker."

Speaker Brunsvold: "Your allotted time is up. Could you bring your remarks to a close, please?"

Turner, J.: "I'm sorry, Mr. Speaker, I thought Representative Stephens had yielded his five minutes to me."

Speaker Brunsvold: "Mr. Stephens is yielding his time to you?"

Turner, J.: "Thank you. Well, Representative Cross, it's the third time I've been interrupted now; I've kind of lost my train of thought, maybe we could start at the beginning. Representative, how much money are we talking about?"

Cross: "Well, Representative, I'm not sure of the amount of

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money, but I can tell you the amount of money does not change. That's not the issue of this Bill. I'm sure you've read the Bill and just let me refresh your recollection. The issue of salaries for the law library, et cetera, is not changed under this Bill. It's just a matter of who has some control over appointing the personnel to the law library...of the law library, so I don't know the exact amount of money."

Turner, J.: "I think you did indicate, Representative Cross, in committee that there are just a handful of individuals who work in the particular libraries and, in fact, I believe you had said that that's probably two or three. Is that correct?"

Cross: "I did say that and if I'm not mistaken, I encouraged you to visit your law library in your own home town, and I would encourage you, and I think also in committee I explained to you what a law library was, and I would hope that the next 10 to 15 years, you visit the law library in Logan County."

Turner, J.: "Well, Representative Cross, I took occasion to visit the law library in Logan County, but this Bill doesn't apply to the law library in Logan County, so I work at a disadvantage there. But I believe that you had mentioned in committee there was something called Illinois Appellate Court Reporters. You had mentioned that there were Illinois decisions, and you had mentioned that there were Illinois reporters, and you were going to explain to me the differences in those dif... in those reporters, and I think I understand that now. I think in such... as much as we're talking about the law library, and I would presume that all those books are at the law library, that you should explain to the Body the difference in those reporters. What they

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report? Who makes the decisions? Who writes the books? How much the cost is of the books that are in the library?"

Cross: "Representative, I think it's appropriate that you're asking this question and if I'm not mistaken, you have had quite a few Bills before the Appellate Court, if not the Circuit Court, and if I'm not mistaken, they've been reversed. Of Bills that you've introduced in the past in this General Assembly and the Appellate Court apparently has taken a greater role in scrutinizing your Bills and others here on this House floor, so I think that's responsive to your question."

Turner, J.: "Well, Representative Cross, it seems that you have a short memory. As I recall, there was a Bill, can't really remember the number, might have been 20, might have had an H-B in front of it."

Cross: "Well, Representative, that's where we differ. I got to go to the Supreme Court to have my Bill overturned. You got thrown out at that Appellate Court level."

Turner, J.: "Well, Representative Cross, I don't really think we need to get into which Bills were overturned and which ones were not, especially in light of the fact that the Bill you're referring to is still pending before the Appellate Court, may indeed go to the Supreme Court, but I do think for this Body to make a decision whether or not they're going to pass a Bill that they have before today, you need to explain to them the difference in the reporters that I mentioned before and also go into at least a little bit of detail as to what types of resources are available at the library. And now would you do that, please?"

Cross: "Is this your last question, Representative?"

Turner, J.: "Representative Cross, if you will give me a direct response to this question, it may indeed be the last one."

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But if on the other hand, you try to pull some trickery and chicanery, like you've done on the last couple of questions, I may have another one."

Cross: "I think your question dealt with resources and law libraries. I can tell you in the law libraries I've been in, Representative, we will see opinions written by the Supreme Court, the Appellate Court. We'll have copies of the compiled statutes that you and I have helped pass. You will see law dictionaries. You'll see sources."

Turner, J.: "Representative Cross, I'm getting tired of messing around with this, and I want to know the answer. When I pick up the Illinois decisions, can I find Appellate Court decisions in the Illinois decisions and Supreme Court decisions in the Illinois decisions or can I just find one or the other and if so, which one? Now, will you please answer that question?"

Cross: "Well, Representative, if I'm not mistaken, they'll make references to a variety of courts. You might see some reference... They may cite an Appellate Court case, they might cite a Supreme Court case, they might cite a Circuit Court case. I'm not sure if you're trying to trick me or if you're just being funny."

Turner, J.: "I don't think this is funny at all. The bad thing is I'm running out of time now. If you're telling me there are Circuit Court decisions in the Illinois decisions..."

Cross: "You... cite a Circuit Court. Well, I was mistaken, and you really got me on that one."

Speaker Hannig: "Representative, could you bring your remarks to a close, please?"

Turner, J.: "Well, Mr. Speaker, if I could just ask a couple more questions. I think we can get to the bottom of this, and perhaps we can move on and another Representative may have

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some questions."

Speaker Hannig: "Would you need one more additional minute, Representative?"

Turner, J.: "One more minute should probably do it, unless somebody would yield me some time."

Speaker Hannig: "Well, we'll be happy to give you an additional minute, Representative."

Turner, J.: "Where physically is the library located to which this Bill refers?"

Cross: "In the Will County Courthouse, Representative. It's on the fourth floor, overlooks the train station a little bit and down...overlooks part of the police department's parking lot. It's a very nice view though."

Turner, J.: "Representative, what town and what county?"

Cross: "Well, Representative, you know that most courthouses are located in the county seat. Are you suggesting, saying to me, you don't know the county seat of Will County?"

Turner, J.: "I'm suggesting to you this is your Bill, and you're supposed to be answering the questions. Now there are..."

Cross: "Joliet."

Turner, J.: "...possibly persons on the floor that don't know the answer to this, and you're asking that... sounds like to me that a lot of money... well, you lucked out because I ran out of time and..."

Cross: "Joliet."

Turner, J.: "... and I'll yield. Well, wait a minute, I think we've got a yielder here."

Speaker Hannig: "Let the Chair announce that we have a number of Council Generals in the back of the Chamber on the Republican side, and we'd like to welcome them to Springfield. They're here to, at least in part, observe the process today, and perhaps some of them would like to

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yield their time to Representative Cross, but we want to thank the Gentlemen for being here in Springfield today, and we wish them well here in the United States and in Illinois in particular and welcome to Springfield, Gentlemen. Representative Black, Representative Black."

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

Speaker Hannig: "He indicates he will."

Black: "Representative, in all seriousness, I don't come from a county that's this big, but I really have some concerns, honest and serious concerns, about the Bill. We will be treating two counties in this Bill differently than we treat the other 100 counties in the Bill. And as a former county board chairman, I'm a little concerned about where this Bill is headed and why? Law library disbursements are handled by the county board, with the advice and consent of the chief judge, right?"

Cross: "With the advice and consent of all of the Circuits."

Black: "A majority, right, a majority of the Circuits."

Cross: "We don't change the county board's role in this Bill. What we're trying to do is narrow it down to the Chief Judge as opposed to waiting for all of the Circuit stack. If you'll notice, for instance, and we're only talking about the library fund, so I want to make that perfectly clear."

Black: "Right. Right."

Cross: "We're only talking about Will and DuPage. Where we talk about the, and it's very specific in this Bill, salaries, for instance, of those people working in the law library are still set by the county board. So I don't want... It's not as if we're giving... I don't perceive this as giving that much more authority or power to a Chief Judge. We're

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still working with the county board. We're just trying to take away having to go to all the Circuits to make decisions."

Black: "But it also appears to me, while the county board retains salary control, the Chief Judge of the Circuit in these two counties would have full authority to appoint employees. And that's a power historically given to county boards that Will and DuPage would now usurp and the Chief Judge of the Circuit would have the appointment authority for employees. The county board would still have, as they well they should, monetary control, but they would no longer have the control to appoint the employees to the law library. That is, I think, from my days on the county board, it's a considerable change in policy."

Cross: "Well, as you point out, it will not affect any more counties except DuPage and Will. The DuPage Board passed a Resolution endorsing or sponsoring this Bill in conjunction with the Chief Judge of DuPage. If you're setting salaries, I think you have a direct hand. And once again, I don't think we're talking about many persons. I know at the Will County Courthouse where I spend time in that law library, we're talking about a minimal number of people, three or four, if that, that work in that law library. So it's not as if it's a...and I'm not suggesting that you're suggesting this, it's not as if it's a big patronage spot for county boards. It's a minimal number of people. The county board still sets salaries, so they still have a direct hand on it. The Circuit Judges elected the Chief Judge in the DuPage and Will County systems as do the Circuit Judges throughout the state. So, if they don't like what the Chief Judge is doing, they do have control. They still have some input in that they can, you know, in

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the next time around we elect a Chief Judge, they don't have to re-elect him. So, it's not as if we're giving some authority to a Chief Judge to let he or she run wild. So there is a... there's still connections here or oversights that keep the Chief Judge and as I said, Bill, I think what happened in DuPage and Will, or if I didn't say this, is that you've got numerous Chief, numerous Circuit Judges and to get them all together to make the decisions about who's going to run the law library or who's going to be the secretary at the law library ended up taking a great deal of time. And people said, 'Look, we're still giving the DuPage County Board the authority to set salaries.' We're only saying, Chief Judge, you can have some input... you should be making those decisions on who they are."

Black: "I assume, I'm not that familiar with DuPage County, I assume that all of DuPage County is located within one Circuit Court, correct?"

Cross: "Exactly."

Black: "Okay."

Cross: "That's exactly, yeah, and I think that's a distinction, as well. You know, as I said earlier, in my... in Kendall we are within three counties. And I really want to stress that this came from the DuPage County Board and the Circuit Judges and from President Philips, so it's not as if people are off on their own or the Chief Judge is saying, 'I want more power to take over law library.'"

Black: "Did it... did it also emanate that way from Will County? Or are they just included in this because they are at the population threshold?"

Cross: "And I'm looking at our analysis that the suggestion came from the Chief Judge of Will and DuPage. I don't know if we've heard anything from the Will County Board, as of yet."

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We're not aware of any opposition. They have not taken a step of passing a Resolution like DuPage has."

Black: "Okay. So then I assume that the, and the counties of course, there's a Metro Counties Council and then there's an Urban Counties Council of Illinois. County boards generally are organized in one or more associations, and you've not heard any opposition from them?"

Cross: "None, I haven't heard ... I've heard absolutely nothing."

Black: "Okay."

Cross: "No, and no one on our side, staff-wise, has heard anything either, Bill."

Black: "Okay, now the other concern I have with the Bill that this appears to be, unless there's a fail-safe mechanism that I'm not seeing, any county that reaches the population threshold, I assume would then operate under the provisions of this Bill. Is that correct or do they have to pass a county ordinance to do it or...?"

Cross: "Once you hit the two million, two million point and I think there was a number that had been suggested that was even lower than the two million and they raised it..."

Black: "Right. Does Cook County currently do, handle their law library in this fashion? And again, I'm not familiar at all with the workings of Cook County."

Cross: "I don't know how they do it in... I'm sorry, I don't know what goes on in Cook."

Black: "Well, thank you very much, Representative."

Cross: "And, Bill, just one other point. Once again, we're talking about single county circuits, and I think the balk of us downstate don't have single county circuits."

Black: "Right. I think in the Fifth Judicial Circuit there are at least a half a dozen counties."

Cross: "Yeah,"

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Black: "But if my county grows and we hit two million by the year 2000, I want to make sure I don't alienate my county board by making them do something they may not want to do."

Cross: "If you hit two million by the year 2000, I'll be glad to work with you on correcting this."

Black: "Thank you very much."

Speaker Hannig: "Representative Biggins."

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

Speaker Hannig: "He indicates he will."

Cross: "Yes."

Biggins: "Representative, what counties does this affect?"

Cross: "Will and DuPage."

Biggins: "And what county do you live in?"

Cross: "Kendall."

Biggins: "Do you know what county Representative Biggert lives in?"

Cross: "No."

Biggins: "DuPage."

Cross: "Okay."

Biggins: "Do you know what county I live in?"

Cross: "No."

Biggins: "DuPage. Do you know what county Representative Pankau lives in?"

Cross: "I'm going to go out on a limb and say, DuPage."

Biggins: "And do you know what county Representative Cowlshaw lives in?"

Cross: "Let's try DuPage."

Biggins: "Do you know what county Representative Tom Johnson lives in?"

Cross: "DuPage, for ten."

Biggins: "Do you know what county... Do you know what county Representative Hassert lives in?"

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Cross: "You're forgetting Persico. I..."

Biggins: "Do you know what county he lives in?"

Cross: "Who? Persico or Hassert?"

Biggins: "Either one, both."

Cross: "I think Hassert's in Will and I think Persico is... I think Persico... Is it Boone? It's Boone."

Biggins: "Now, there's no word yet from the Will County Board of... the County Board about this Bill?"

Cross: "No."

Biggins: "Does anybody in Kane County on any of the County Board there... Does your County Board take any position on this Bill?"

Cross: "No."

Biggins: "Well, is there any reason that a DuPage person didn't carry this Bill and..."

Cross: "Well, Representative, President Philip called my office, asked me if I'd sponsor it. I didn't want to say no to him, but if you'd like to talk to him, we could certainly give him a call right now."

Biggins: "Well, what concerns me is the power grab by you under the guise riding behind the wave of the DuPage County Board and the President of the State Senate and my own State Senator that sponsors the measure in the Senate, and it looks like you're trying to ride their coattails to a Bill victory here."

Cross: "Let me get a sponsor slip out here, Representative Biggins, because I think Senator Philip would like you on his Bill. I know he would."

Biggins: "Now, let me get this straight. Senator Philip sponsors a Bill that gives a judge more power."

Cross: "Well, that's your description or editorial comment on the Bill. He sponsored the Bill."

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Biggins: "Is this right here?"

Cross: "He sponsored the Bill."

Biggins: "I can't... This doesn't fit, doesn't fit."

Cross: "Well, I think he understands that this will make your law library run more efficiently."

Biggins: "All right. May I ask you a question about the judge in question? Who is going to be appointed by this judge? Where's the job?"

Cross: "We're talking about five to seven, at most, employees in your law library in DuPage County."

Biggins: "Well, who's going to get them. Names... do you have names? You're very close to the DuPage County Board. You could tell all of us while we're still here who's getting the job."

Cross: "I think they're already there, Bob."

Biggins: "They're already appointed."

Cross: "Pardon me?"

Biggins: "They're already appointed?"

Cross: "You already have a law library, and my understanding is you already have employees there."

Biggins: "So why do we need this?"

Cross: "Well, in the event there's an absence or a vacancy, the Chief Judge of DuPage County could appoint the replacement. And keep in mind as I said earlier to Representative Black, and I believe Turner, that the County Board still sets the salaries of these people. Do you know what county Representative Daniels lives in?"

Cross: "I think he's from that same county that passed a Resolution or the County Board that passed a Resolution supporting this Bill."

Biggins: "And you didn't ask anybody from DuPage County to help you with this Bill?"

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Cross: "I'd really appreciate your help now, Bob."

Biggins: "Well, just because the DuPage County Board unanimously passed this Resolution asking for support for this Bill and just because the President of the State Senate, a friend of mine for 25 years, sponsors the Bill and has been the Republican County Chairman of DuPage for 25 years, sponsors the Bill, and just because my State Senator cosponsors the Bill, I'm still going to vote my conscience. Thank you for answering my questions."

Cross: "As well you should, Representative."

Speaker Hannig: "Representative Cross, do you need to close?"

Cross: "With Representative Biggins' support, I'd ask for an 'aye' vote."

Speaker Hannig: "The question is, 'Shall Senate Bill 1207 pass?' All in favor vote 'aye'; opposed '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 109 voting 'yes' and 5 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Moore, Andrea Moore, for what reason do you rise?"

Moore, A.: "Thank you, Mr. Speaker. I rise for a personal point of privilege, to introduce the House to citizens that have arrived from my district who are located here in the upper gallery. District 61, as you know, is very close to the Wisconsin border, and they've traveled a long way to be with us here in Springfield today, so join me in welcoming them."

Speaker Hannig: "Welcome to Springfield. Representative McGuire, for what reason do you rise?"

McGuire: "Mr. Speaker, I was away from my desk and I'd like to be recorded 'aye' in that last vote. I was away from my

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desk."

Speaker Hannig: "Thank you and the record will so reflect.
Representative Black."

Black: "Thank you very much. Mr. Speaker, I rise on a point of a Motion which I'm within my rights to do as a Member of this Body. I have filed this Motion in writing at the well. Pursuant to Rule 18-g, I move to discharge Rules Committee from further consideration of House Bill 868 and to advance this measure for immediate consideration by the House. Mr. Speaker, this is the COLA Bill that your side of the aisle has delayed and delayed and delayed. I would request and I am joined by the appropriate number of Representatives on my side of the aisle, we would like a Roll Call vote on the Motion to discharge, and we'd like to move post haste to consideration of the COLA Bill, Mr. Speaker."

Speaker Hannig: "And Representative Currie, Barbara Currie, is recognized."

Currie: "Thank you, Speaker, and Members of the House. I do object to the Motion. You do not have unanimous consent, but I'm pretty sure in my heart of hearts, Representative, that we will get to this Bill before this week is out. So if you could just contain yourself a little, Representative Black, I know that's hard for you to do, but you can do it when the reasons are sound, when life is sure. And as I say, if you would just hold on, hold your horses, I'm hopeful that as early as tomorrow we might be able to deal with that Motion and certainly if we are well-behaved by Thursday."

Speaker Hannig: "The Lady objects to the Motion, Representative Black, so the Motion does not have unanimous consent. On the Calendar on page 4 is Senate Bill 1306, Representative Kosel. There was objections, Representative Black."

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Representative Black, do you have further...a further point to make?"

Black: "Thank you very much, Mr. Speaker. We've been through this exercise twice before, and I've heard this promise about the COLA Bill being called for the last two months. I was a Member... I was an appointed Member to that committee one day when, I believe, the temporary, the current temporary speaker presented the Bill and then left so we couldn't vote on it. Members of your side of the aisle wanted to vote on it. But be that as it may, Mr. Speaker, I'm getting a little tired of these verbal objections. I don't know that I don't have unanimous consent to discharge Rules, because you won't give me a Roll Call. Give me a Roll Call. If she's the only 'no' vote, if she's the only 'no' vote on the Roll Call, then I lose. But I don't know if I lose without a Roll Call. And, Mr. Speaker, if you persist in denying us a right to a Roll Call, a right to be heard, then I would move to overrule the Chair. This is ridiculous, give me a Roll Call."

Speaker Hannig: "The Gentleman has moved to overrule the Chair. The question is, 'Shall the Chair be sustained?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Requires 71 'no' votes. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 55 voting 'yes' and 58 voting 'no', and the Chair is sustained. On the Order of Third Readings is Senate Bill 1306..."

Black: "Mr. Speaker, Mr. Speaker, Mr. Speaker."

Speaker Hannig: "Representative Black. Representative Black."

Black: "I vote that we have an immediate Republican Caucus. Maybe we can at least talk in Caucus."

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Speaker Hannig: "Representative Black, the Majority Leader has asked me to remind the Members of the Rules Committee that we're going to have a Rules Committee immediately after we adjourn. The House is now prepared to adjourn, and would you want to reiterate your request for a Caucus for your Members?"

Black: "Mr. Speaker, you took almost ten minutes to deny us our Constitutional right to a Caucus while the House is in Session. You choose to adjourn so that when we come back, we have no one to come back to, but an empty chamber. You know, that's the problem here. That's what you've done with the COLA Bill all year long. You've ignored it, you've refused to call it for a vote. You, personally, walked out of committee one day when there were two hundred people in the room. How much longer are you going to continue this charade. We stand for a COLA. We stand for property tax relief for middle class Illinoisans. Are you just going to adjourn the House? Go ahead, you answer the questions. We'll still go to Caucus."

Speaker Hannig: "The Republicans have requested a Caucus immediately after adjournment in Room 118, and now Representative Currie moves that allowing Perfunctory time for the Clerk, that the House stand adjourned until the hour of 10:00 a.m. tomorrow morning, Wednesday, May 6. All in favor say 'aye', opposed 'nay'. The 'ayes' have it and the House stands adjourned."

Clerk Rossi: "The House Perfunctory Session will come to order. Messages from the Senate by Mr. Jim Harry, Secretary. '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 Bills: House Bill 2746, a Bill for an Act to amend the

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Illinois Highway Code, together with Senate Amendment #1. House Bill 1670, a Bill for an Act to amend the Criminal Code of 1961, together with Senate Amendment #1. Senate Bill 363, a Bill for an Act in relation to juveniles, which may be referred to as the Juvenile Justice Reform Provisions of 1998.' Committee Reports. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following items were referred, action taken on May 5, 1998, reported the same back with the following recommendations: To the floor for consideration, Floor Amendment #3 to Senate Bill 1602. There being no further business, the House Perfunctory Session stands adjourned."