

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

120th Legislative Day

May 6, 1998

Speaker Madigan: "The House shall come to order. The House shall come to order. The Members shall be in their chairs. If the Pages could please take their seats. We shall be led in prayer today by the Reverend Peter Lovell of the United Methodist Church of New Lenox. Reverend Lovell is the guest of Representative Rene Kosel. The guests in the gallery may wish to rise and join us in the invocation."

Reverend Lovell: "Let us be in an attitude of prayer. Gracious and loving God, we ask Your blessing upon these men and women who represent the diverse people of this state. Grant to them strength for the tasks before them, wisdom to discern the truth, courage to stand for the highest and the best, and hearts that are both strong and sensitive. May they act justly, love mercy and walk humbly with You. We affirm that You desire the health and wholeness of all Your children, that we lament the various cancers exist that would destroy not only the physical body, but also the moral and social fabric of our society. As Jesus was sensitive to the touch of one who sought healing, so may these Legislators be sensitive to the voices of those who call upon them to assist in making a healthier and stronger society. May they never become deaf to the cries of those who suffer, nor may their hearts become hardened to the plight of the powerless. May they employ the power that has been entrusted to them for the benefit of all Your children. Keep them true to those they represent, true to themselves, and true to You. This is our earnest prayer. 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,

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one nation under God, indivisible, with liberty and justice for all."

Speaker Madigan: "Roll Call for Attendance. Mr. Cross."

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

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

Currie: "Thank you, Speaker. Please let the record show there are no excused absences among House Democrats today."

Speaker Madigan: "The Clerk shall take the record. There being 118 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk. For what purpose does Mr. Hartke seek recognition?"

Hartke: "For a point of personal privilege, Mr. Speaker."

Speaker Madigan: "State your point."

Hartke: "Today we are honored to have a guest on the floor, former Congressman, former Illinois State Senator, Terry Bruce, now President of the Illinois Eastern Community College. He's in back here."

Speaker Madigan: "On the Order of House Bills - Second Reading, there appears, excuse me, on the Order of Senate Bills - Second Reading, there appears Senate Bill 1217. Mr. John Jones. Mr. John Jones. Is he in the chamber? You wish to leave your Bill on Second Reading? Leave this Bill on the Order of Second Reading. Representative Monique Davis on Senate Bill 1223. Do you wish to move your Bill? Mr. Clerk, what is the status of Senate Bill 1223?"

Clerk Rossi: "Senate Bill 1223, a Bill for an Act to amend the Property Tax Code. 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. Representative Eileen Lyons, on

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Senate Bill 1249, do you wish to move your Bill? Mr. Clerk, what is the status of Senate Bill 1249?"

Clerk Rossi: "Senate Bill 1249, a Bill for an Act amending the Unified Code of Corrections. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. The Notes that have been requested on the Bill have been filed."

Speaker Madigan: "Third Reading. Representative Kosel. Representative Kosel, on Senate Bill 1288. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1288, a Bill for an Act amending the Toll Highway Act. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative Lauren Beth Gash, Chairperson from the Committee on Judiciary 11 Criminal Law, to which the following Amendment was referred, action taken on May 6, 1998, reported the same back with the following recommendation: 'be approved for consideration' Floor Amendment #2 to Senate Bill 1028. Representative Calvin Giles, Chairperson from the Committee on State Government Administration and Election Reform, to which the following Resolution was referred, action taken on May 6, 1998, reported the same back with the following recommendation: 'be adopted' House Resolution 459."

Speaker Madigan: "On the Order of Senate Bills - Second Reading, there appears Senate Bill 1384. Mr. McKeon. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1384, a Bill for an Act concerning children. Second Reading of this Senate Bill. No Committee Amendments. No Floor amendments. No Motions filed. The

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Notes that were requested on the Bill have been filed."

Speaker Madigan: "Third Reading. Representative Klingler. Is Representative Klingler in the chamber? Representative Zickus on Senate Bill 1427. 1427. Do you wish to move the Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1427, a Bill for an Act in relation to the unlawful use of weapons. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed. The Notes that were requested have been filed."

Speaker Madigan: "Third Reading. Mr. Bost. Is Mr. Bost here? Senate Bill 1428. What is the status of the Bill?"

Clerk Rossi: "Senate Bill 1428, a Bill for an Act amending the Criminal Code of 1961. 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. Representative Kosel. Representative Kosel on Senate (Bill) 1471. 1471. The Lady would like to hold that Bill on Second Reading. Mr. Reitz. Mr. Reitz. Senate Bill 1500. Yesterday you wanted to leave it on Second Reading. What is your desire today? Mr. Reitz."

Reitz: "Yeah, I'm still awaiting an Amendment, so leave it on Second, please."

Speaker Madigan: "Leave the Bill on Second Reading. Is Mr. Tom Dart in the chamber? Tom Dart. Mr. Granberg. Is Mr. Granberg in the chamber? Mr. Ryder. Mr. Ryder on Senate Bill 1598. Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative David Phelps, Chairperson from the Committee on Elementary and Secondary Education, to which the following measure was referred,

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action taken on May 6, 1998, reported the same back with the following recommendation: 'be approved for consideration' Floor Amendment #1 to Senate Bill 1598."

Speaker Madigan: (Inaudible)

Clerk Rossi: "Senate Bill 1598, a Bill for an Act amending the School Code. Second Reading of this Senate Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Ryder, has been approved for consideration."

Speaker Madigan: "Mr. Ryder."

Ryder: "Thank you, Mr. Speaker."

Speaker Madigan: "Yes, Mr. Ryder."

Ryder: "I would ask for the adoption of Floor Amendment #1. It received an Attendance Roll Call in Education Committee this morning. It encourages, and that is the operative word, encourages, school districts to adopt guidelines that would allow self-medication by youngsters with asthma. Inhalers are necessary for the management of that disease, and in a constituent circumstance... in a constituent circumstance, a youngster was unable to get to an inhaler for a long period of time. This encourages school districts to adopt guidelines that would avoid that circumstance in the future. I'd be happy to answer questions."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The Amendment is adopted. Mr. Clerk, is there anything further?"

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. Mr. Saviano. Is Mr. Saviano in the chamber? Mr. Saviano. Mr. Wirsing. Mr. Wirsing. Senate Bill 1627. Mr. Clerk, what is the status of the Bill?"

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Clerk Rossi: "Senate Bill 1627, a Bill for an Act relating to higher education. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration. A Fiscal Note has been requested on the Bill, as amended, and the Note has not been filed."

Speaker Madigan: "Mr. Clerk, did you say the Note has not been filed?"

Clerk Rossi: "The Note has not been filed."

Speaker Madigan: "So leave this Bill on the Order of Second Reading. Mr. Noland. Mr. Duane Noland. Is the Gentleman in the chamber? Do you wish to move Senate Bill 1701? 1701. Mr. Maitland is the Senate Sponsor. I'm sorry, Mr. Noland, the Notes have not been filed on the Bill. Mr. Novak. Is Mr. Novak in the chamber? Mr. Phil Novak. Mr. Dart. We have certain Bills on Second Reading where you are the Sponsor. Mr. Clerk, what is the status of Senate Bill 1217?"

Clerk Rossi: "Senate Bill 1217, a Bill for an Act amending the Criminal Code of 1961. 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: "All right. Place that Bill on the Order of Third Reading. Mr. Dart, 1328, Senate (Bill) 1328. Do you wish to move the Bill? It's concerned with the Marriage and Dissolution of Marriage Act. The Gentleman wants to hold that Bill on the Order of Second Reading. Mr. Dart, do you have any other Bills on the Order of Second Reading? Mr. Dart, Senate Bill 1544. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1544, a Bill for an Act amending the

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Mechanics Lien Act. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor amendments approved for consideration. The Notes that have been requested on the Bill have been filed."

Speaker Madigan: "Third Reading. Mr. Phil Novak. Is Mr. Phil Novak in the chamber? Mr. Phil Novak. Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative Todd Stroger, Chairperson from the Committee on Local Government, to which the following Amendment was referred, action taken on May 6, 1998, reported the same back with the following recommendation: 'be approved for consideration' Floor Amendment #2 to Senate Bill 1500. Representative Dan Burke, Chairperson from the Committee on Executive, to which the following Amendments were referred, action taken on May 6, 1998, reported the same back with the following recommendation: 'be approved for consideration' Floor Amendment 3, 4, 5, and 6 to Senate Bill 1701."

Speaker Madigan: "On the Order of Senate Bills - Second Reading, there appears Senate Bill 1328. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1328, a Bill for an Act amending the Illinois Marriage and Dissolution of Marriage Act. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments have been approved for consideration. The Notes that have been requested on the Bill have been filed."

Speaker Madigan: "Third Reading. Mr. Novak. Thank you for appearing in the chamber, Mr. Novak. On page 17 of the Calendar, on the Order of Resolutions, there appears HJR 58, Mr. Novak. Mr. Novak."

Novak: "Thank you, Mr. Speaker. Ladies and Gentlemen, House

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Joint Resolution 58 simply requires the Department of Natural Resources to do a study concerning... concerning an independent perspective on when would be a good time for our residents in the State of Illinois to be able to go to shop for electric power services in a competitive market. You're well aware... the overwhelming majority of the people in this Body supported House Bill 362, of which Representative Persico and I sponsored, and this August we will... many of us in the Com-Ed Service Territory, the Illinois Power Service Territory, as well as other utilities, will be realizing some rate reductions for our constituents, and these are long sought rate reductions. This Resolution simply requires the Department of Natural Resources as an independent third party to prepare a report detailing a potential impact on utilities in Illinois, permitting residential electric customers to choose their supplier prior to the year of 2002 and the potential impact on residential customers of being denied access to the competitive market before the year 2002. That's all it requires, and I would be more than happy to entertain any questions."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, did this Resolution have a hearing in committee?"

Novak: "Yes, it did."

Black: "It does...on our computer, it doesn't show the committee vote, so that's why I asked the question. Was it a unanimous vote in committee?"

Novak: "With the exception of one, I believe. One individual on

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your side of the aisle, I think, voted against it."

Black: "Was there a particular reason he or she thought there was a flaw in the Resolution or..."

Novak: "Well, you know, it seems incredulous to me, Representative Black. He's a very, very good friend of mine, and I don't know why he voted against it."

Black: "In your opinion, the Resolution will not adversely impact the Deregulation Bill that is now law?"

Novak: "Correct. It will not."

Black: "The Resolution just simply says you're asking for a study. It does not change the existing law, correct?"

Novak: "No, no. If there's any changes in the existing law, it will be up to us."

Black: "All right. Thank you, Representative."

Speaker Madigan: "Mr. Hassert."

Hassert: "Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Hassert: "Representative Novak, you said this came through Dereg Committee?"

Novak: "Pardon me, Sir?"

Hassert: "This did come through our Dereg Committee?"

Novak: "Yes. Yes."

Hassert: "You said there was one dissenting vote?"

Novak: "Pardon me?"

Hassert: "There was one dissenting vote?"

Novak: "Maybe there was two."

Hassert: "Just on a rationale, what was the dissenting vote? Do you remember why they would have voted against this? Their concerns."

Novak: "I think the Gentleman that voted against it, who happens to be very close to you right now in a dark suit, lot of grey in his hair..."

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Hassert: "Should I ask him?"

Novak: "I think he just said that this is sort of tinkering with the Deregulation Law that we worked so hard on and I respect his opinion, but this simply is a study. It's not going to have any deleterious impact on the current law that's standing. But we want to... we just want to take a... have a third party take a look at this question. And we think D & R, since the old Department of Energy and Natural Resources is in this, the new Department of Natural Resources, we think they are capable of doing it."

Hassert: "Representative, what groups are actually behind this Bill?"

Novak: "The American Association for Retired Persons, AARP, of which I proudly might say I am a member."

Hassert: "Representative, do you think that the results in this that we will be moving up competition within the electric industry? Do you foresee that or do you see any reason why we need this Resolution other than just appeasing a certain group or...?"

Novak: "That's a good question, Representative Hassert. I know we worked long and hard on deregulation the entire year and we negotiated the access dates. You know, we had people that were pretty entrenched on each side of the issue. We had the consumer groups on one side, then we had the business groups with the tangent from their particular interests, and as well as the utilities entrenched in their position. So, one of the reasons I agreed with AARP to sponsor this Resolution was to seek out a third party that doesn't have any direct or indirect interest in consumer groups or business groups or utility groups and see what they can put together and provide to the General Assembly for us to review."

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Hassert: "Thank you, Representative. I stand in support of the Resolution. Thank you."

Novak: "Thank you."

Speaker Madigan: "Mr. Persico."

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

Speaker Madigan: "The Sponsor yields."

Persico: "Representative, I might have missed this. When is this report due?"

Novak: "Representative Persico, I think the report is due no later than January 1, 1999."

Persico: "And in this report... By the way, Representative, have we tinkered with or passed any legislation or Resolution up until this point that changes the Electric Deregulation Bill of last year?"

Novak: "Currently, no, but there is a Bill that was sent over from the Senate that has two changes on it that have been agreed to, and that action is pending in the House. And then, as you well know, we have been discussing another business issue that hasn't seen any resolution, yet."

Persico: "Have other groups come before the committee and have asked for changes in this Deregulation Bill?"

Novak: "Yes, they have."

Persico: "And so you think that with this Resolution, that the DNR may request that the General Assembly move up the date of competition for our residential customers? Is that what the intent of this Resolution?"

Novak: "No, we're not asking them to ask us. I mean, that's kind of silly and nonsensical. I mean, if we wanted to do it, we could do it on our own. We don't have to ask a state agency, but I chose DNR. I thought about the Commerce Commission, and I thought about some other entities doing this study, and I thought DNR would be the most neutral

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oriented party to do this study, just to give us their opinion on this."

Persico: "Well, thank you, Representative. I know that both you and I worked very hard on this Deregulation Bill last summer or last spring, I should say, and finally passed it into law in the Fall Veto Session. However, I have not determined whether I'm going to vote for this particular Resolution or not, but thank you."

Speaker Madigan: "Mr. Novak to close."

Novak: "Thank you, Mr. Speaker. I just simply ask for an 'aye' vote on House Joint Resolution 58. Thank you very much."

Speaker Madigan: "The Gentleman has moved for the adoption of the Resolution. Those in favor of the adoption of the Resolution vote 'aye'; those opposed vote 'no'. This is the adoption of a Resolution. Please record yourselves. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 116 people voting 'aye', 0 voting 'no'. The Resolution is adopted. On the Order of Senate Bills - Second Reading, there appears Senate Bill 1426. Representative Klingler. Representative Klingler, 1426. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1426, a Bill for an Act in relation to criminal defacement of a school building. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed. The Notes that have been requested have been filed."

Speaker Madigan: "Third Reading. On the Order of Senate Bills - Second Reading, there appears Senate Bill 1674. Representative Biggert. Representative Biggert. Is Representative Biggert in the chamber? Do you wish to move the Bill? Mr. Clerk, what is the status of the Bill?"

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Clerk Rossi: "Senate Bill 1674, a Bill for an Act in relation to the year 2000 technology. Second Reading of this Senate Bill. Amendments 1, 2, and 3 were adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Third Reading. On the Order of Senate Bills - Third Reading, there appears Senate Bill 1195. Mr. Noland. Do you wish to call your Bill? Mr. Noland. Is Mr. Noland in the chamber? We can come... we can come back to him. On the Order of Senate Bills - Third Reading, there appears Senate Bill 1246. Representative Kosel. Representative Kosel, do you wish to call your Bill? Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1246, a Bill for an Act concerning schools. Third Reading of this Senate Bill."

Speaker Madigan: "Representative Kosel."

Kosel: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a subject that we have spoken about before. This is... this is a continuing appropriation for the hold-harmless portion of the education reform, 452, from last year. This is the Senate version of the same Bill, and we have debated this in the past. If I can answer any questions, I will gladly do that. This is essentially the same Bill that we heard before, and I would ask for your positive vote to pass this out of the House. Thank you."

Speaker Madigan: "The Lady moves for the passage of the Bill. Is there any discussion? There being no discussion, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye'; all those opposed by voting 'no'. Have all voted who wish? This is a Third Reading Roll Call. Have all voted who wish? This is a Third Reading Roll Call. Have all voted who wish? Have all voted who

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wish? The Clerk shall take the record. On this question, there are 118 people voting 'aye', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Stephens."

Stephens: "Mr. Speaker, I don't know if it was by tradition or by rule, but we used to ring the bell on calling of Third Reading Bills or Bills on Third Reading. I wonder if we could reestablish that so that we can have the Members' attention?"

Speaker Madigan: "Mr. Stephens, are you saying that you'd like someone to ring your bell?"

Stephens: "If you think you could find someone that can."

Speaker Madigan: "On the Order of Senate Bills - Third Reading, there appears Senate Bill 1306. Representative Kosel. Representative Kosel, 1306. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1306, a Bill for an Act amending the Metropolitan Water Reclamation District Act. Third Reading of this Senate Bill."

Speaker Madigan: "Representative Kosel."

Kosel: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. The Water Reclamation District must have legislation in order to add property to it. This is an area within one of my towns that would like to have water and sewage service and would like to be added to the Water Reclamation. That along with a request from that Water Reclamation District to be able to donate property to charitable causes, which was an Amendment that was added on in committee at their request. The only property that they can donate is to a charitable organization, and what they said is that they have no ability now to donate old computers or anything else to schools or other places. So, to annex a part of Richland Park onto the district and to

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give them the ability to donate equipment, I would ask for favorable passage. Thank you very much."

Speaker Madigan: "The Lady moves for the passage of the Bill. Is there any discussion? There being no discussion, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye'; all 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. Bugielski, do you wish to call Senate Bill 1380? Mr. Clerk, read the Bill.

Clerk Rossi: "Senate Bill 1380, a Bill for an Act amending the Interest Act. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Bugielski."

Bugielski: "Thank you, Mr. Speaker, Members of the House. Senate Bill 1380 amends the Interest Act and provides that a lender will be able to charge a cancellation fee not exceeding \$500 in the event that the borrower cancels a home equity bill that is secured by the borrower. This Bill came up last year. It got bottled up when it went back to the Senate, which was never called. It passed the House last year with 117 votes and all this is, it's a great consumer Bill protecting the consumers so that the banks cannot rip them off."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Mr. Speaker, I realize we have a lot of guests today, but the noise level is a little excessive in the House. And this Bill has some serious implications for consumers, and

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I want to make sure that we all understand what we're doing here. So I would appreciate a modicum of effort on your part to bring a little order into the chamber. Well, that was a little."

Speaker Madigan: "We are all waiting breathlessly to hear what you have to say, Mr. Black."

Black: "Yeah, I know. Thank you, will the Sponsor yield, Mr. Speaker? Thank you. Representative Bugielski, and I've discussed this with you before, when... and I think the Bill is well-intentioned, but when we put a ceiling on a fee that can be charged, my fear is that the ceiling becomes the charge and that no one will charge under the ceiling, because the language of the Bill says that I cannot charge a cancellation fee on a home equity line of credit for any more than \$500. Now, I realize it's a competitive world out there, but in my experience as a consumer, the minute we put a ceiling, that becomes the fee. Everybody says, 'Oh, I'm going to charge \$500.' Wouldn't it be... Could we not achieve the same by putting a percentage on a sliding scale?"

Bugielski: "Right now, many of the banks do not charge anything. There's no percentage. There's no cost involved right now when you cancel this...a home equity loan. Many banks charge \$50 for a cancellation fee or 100, but there are many banks out there that do not charge anything right now. Being in the competitive world, but there are other banks... right now you could charge anything you want, and in the situation of this case of why this Bill was brought in is because someone got stuck with a \$1400 cancellation fee. Now, this is over and above what their regular interest is on the loan. This is just... All we're saying is that it's the same thing if you go and buy a car that

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has a sticker price of \$25,000, well, that doesn't mean that the dealer is going to charge 25,000. He could charge 30,000 if he wants. So, this is basically... All we're saying is we're protecting the consumer in that they will not get caught into a situation where they are paying excessive fees, which they should not have to pay, because many of the banks and the majority of the banks do not charge anything right now, and they can charge \$500 or \$1,000. It's just because of a few bad apples that we are instituting this, and because of the marketplace today and banking being so competitive, I don't think you would see any banks raising, you know, their fees on this, because they are all trying to get the business. They're making the money on the interest and not worried about the cancellation."

Black: "But let me focus on the example that you used. The sticker price of a car may be \$25,000 and the dealer, and I think it's going on in the market right today on the new Volkswagon Beetle."

Bugielski: "Correct."

Black: "Dealers are able to sell for more than the sticker price. But in my experience, the minute we pass a law that says you cannot sell that car for more than the sticker price, then all of a sudden most dealers say, 'Ah, ha, I could sell it cheaper, but I don't have to. It says I'm going to sell it for \$25,000 and I can't go higher, so every car becomes that sticker price. And it then becomes very unusual for somebody to cut the price. Now, I'll admit that things happen like that, for example, the Wal-Mart phenomenon. But using your own example, there are banks who do not charge any fee. There are banks who charge a very modest fee. It would seem that, rather than set a

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ceiling, we should do a constructive notice so that the consumer is aware that the bank he or she is using may be exorbitant, and then the consumer would be free to go somewhere else and shop around. My only fear is, and I'm not opposed to your Bill, if you'll look back on what we've done in the past, when we set a ceiling price, it just seems that over a period of eighteen months or two years, that the ceiling price becomes the price that everybody charges, and that nobody's going to go under it. In other words, banks that aren't charging anything now will see this law and say, 'Well, what the heck, I know the competitor down the street is going to charge \$500. I'm going to charge \$500, too.' Then the next thing you know, the consumer is shut out. He or she can no longer shop for the no fee or the cheaper fee, because we've set a ceiling. And I've had people tell me this in business, 'Well, we didn't used to charge this, but you guys in the Legislature said this is what we could charge, so that's what we're going to charge.'"

Bugielski: "Well, your point is well taken, but I still think that this is a great consumer Bill. You're protecting the people that go in and do not read the contracts, and being such a competitive market today, you will not see this happening because the banks are so competitive. They're looking... you know, they're making the money off of the interest of the loan. They're not worried about the cancellation fee. And I would venture to say the majority of mortgage holders... there's no one right now, they could charge a cancellation fee if you pay your mortgage off early, but very... I don't know of any that do. If you want to pay your mortgage off, if you have a twenty year mortgage and you pay it off in ten or fifteen, they're

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still making the money off the interest. They're not worried about the cancellation fee. And again, this is just to take care of a few of the bad apples that we have out there."

Black: "Well, and again, I don't have any major problem with what you're trying to accomplish, but when we get into good consumer legislation and we're setting a ceiling, it's almost a first cousin to the cable TV late bill. You know, there were cable TV companies that were only charging you thirty-five cents if you were late, and then all of a sudden we get into the act, and say we're going to charge five dollars. And you know what happened to that good consumer Bill. That ignited a fire storm. You and I both know that banks are very conscience of fees today. They put more fees on transactions than we can keep up with. And my only fear, and I have great respect for you, and I know it's not your intent, and I won't belabor the point, but the minute we put a ceiling fee on a transaction, I'm willing, I'm willing to have a friendly wager with you that two years from now, ninety-five percent of the banks will charge this \$500 cancellation fee and say the law allows us to do so and that's the reason we did it. Whereas today the free market does give the consumer the ability to shop around. I think the individual who got stuck with the \$1400 was certainly ripped off. But again, where was that consumer's constructive notice? Why did he or she not ask what the fee was? Why wasn't it posted? Wouldn't that be a better way to attack the problem than setting this fee?"

Bugielski: "Well, again, your point is well taken, but I still feel because of the competitiveness, and if I see that all the banks in another year or two years are charging \$500, I'll come back and lower the price to \$200. Again, you

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know, it's great for the consumers. The majority of the people are not charging this right now. They're more interested in collecting on their interest and not the cancellation fee. Right now, banks could charge \$2,000 if they want; but again, it's up to the consumer, too, to inquire. And a lot of consumers do not and you're well aware of... now this situation in which this Bill is coming out of, it's a very well educated person, a person with a law degree and... but he did not catch it when he signed the contract. So, you know, it's one of the top lawyers. Luckily, you and I are not lawyers so... you know, but we would probably catch it, but it goes right over their heads."

Black: "He obviously didn't practice banking law."

Bugielski: "Correct, Sir."

Black: "Well, thank you very much, Representative. Mr. Speaker, to the Bill. I think the, I think the Bill is well-intentioned and perhaps somebody else can raise the question that I should have in the actual language of the Bill. If the Bill isn't drafted just to the fine letter of the law, in other words, saying that you can charge no more than \$500, but you could charge less, and I, and I, forgive me, I have not read the Bill that carefully, and I would trust that language is in there. My experience tends to make me very wary of this in that when we set a ceiling, generally the ceiling becomes the established way of doing business. And my fear is that two years from now, we may very well be back here saying, 'Hey, wait a minute. You're all charging \$500; now we're going to lower it. We didn't expect you to all charge \$500. We expected the marketplace to work.' And if sometimes if we leave the marketplace alone, it will work. Yes, there are people out there who

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take advantage of consumers, but in trying to close every loophole, we sometimes damage the consumer more so than helping. So, I will listen to the debate on the Bill. I do have some concerns about... not, not what the Sponsor is intending with the legislation, but how it may be regarded by the industry, and I would hope that the Bill receives a thorough debate and that each of us will vote our conscience. Thank you, Mr. Speaker."

Speaker Lang: "Representative Lang in the Chair. Representative Hartke, for what reason do you rise?"

Hartke: "Point of personal privilege."

Lang: "State your point."

Hartke: "It's my pleasure to introduce the St. Anthony Grade School from Effingham, Illinois. They're in the gallery here to the right. Welcome to Springfield, kids."

Lang: "Welcome to Springfield. The Chair recognizes Representative Cross."

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

Lang: "The Gentleman yields."

Cross: "Incidentally, Mr. Speaker, are we going to hear about that COLA Bill today? Are you going to call that COLA Bill today?"

Lang: "The Sponsor yielded for your questions. Are you going to ask the Sponsor that question?"

Cross: "Yes, I'll do that, too. Representative, do you have any intention of helping us get the COLA Bill called today?"

Bugielski: "I'm only a minion. I am not one of the big shots, so I have no idea what the... you'd have to ask someone in Leadership."

Cross: "So, your Leadership is going to make the decision whether or not the COLA Bill gets called?"

Lang: "Mr. Cross, can you confine your questions to the Bill

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please, Sir?"

Cross: "I'm doing what you asked me to do. I'm asking the Sponsor, Mr. Speaker."

Lang: "Well, he doesn't have your answer, so can you confine your questions to the Bill, Sir? There are still six people that wish to speak on this Bill."

Cross: "I'm getting there, Mr. Speaker. Representative, can you tell us who the proponents and opponents, if any, are of this Bill?"

Bugielski: "The consumer groups are for this. Banking industry is for this. There's no opponents to the Bill."

Cross: "Is there in the banking world an established definition of what a home equity line is?"

Bugielski: "I would imagine it is a home equity and most people know what a home equity loan is. It's, you know, how much equity you have in your home. You can take a loan up to that amount."

Cross: "If I take a home equity... If I have a line of credit... I mean you... I guess the confusion is you... a home equity line of credit, is this a home equity line of credit on a residential... primary residential ... house?"

Bugielski: "That has nothing... that has nothing to do with this Bill, Sir."

Cross: "What? What doesn't?"

Bugielski: "All we're talking about is cancellation fee. We are not talking anything about the technicalities of getting a line of credit or receiving the home equity loan."

Cross: "And incidentally, Mr. Speaker, if we could take this off Short Debate. I'm joined by all the people. Representative, I... once again I guess I follow along with Representative Black. I think I know what you're trying to do, but I want to make sure we know what we're talking

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about in a home equity line of credit. If you have a piece of rental property that you own and you go take a... you borrow with a line of credit off that. Does that apply or does it only apply in a case of your primary residence?"

Bugielski: "Yes, it applies. It is applying to a home equity loan."

Cross: "So, if I buy a car and I secure that house... or secure that car in my house. Is that a home equity loan?"

Bugielski: "Yes, if you received a home equity loan rather than a car loan, yes."

Cross: "Bugs, I'm not trying to trick you on this. I just don't know if we know what a... the definition of what a home equity loan is, and I don't know if there is an established definition or if it's just we all hear commercials for home equity loans. And I assume that's what you are talking about, but are there... in the banking world, is there a broader definition of what a home equity loan is?"

Bugielski: "Sure, there's a... their definition would be where if, for instance, if you buy a home for... if your house is valued at \$120,000 and you put \$20,000 down, you took \$100,000 mortgage and over the years you brought... your mortgage balance is \$60,000, you can get a home equity loan up to \$60,000, the equity that you have invested in your home."

Cross: "Okay. So that's the only context we're talking about. We're not talking about a business line of credit or a business loan at all? We're just talking about the home?"

Bugielski: "Home equity loan, Sir."

Cross: "All right."

Bugielski: "Evidently, you know, you had no problem with this Bill last year. You voted for this Bill last year, but evidently over the year, throughout this past year, you

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have many concerns on it. We had this Bill last year, Mr. Cross."

Cross: "I'm frankly amazed that anyone would even charge me for canceling a home equity loan. So, I have a home equity loan, and maybe Bill covered this, it's impossible to hear in here, by paying off the loan, is that a cancellation or not?"

Bugielski: "If you paid it off earlier than what the contract said, yes, you would be paying the interest up to when you paid off the loan, then you canceled the loan, which was maybe for ten years, you're canceling the loan, they would charge you a cancellation fee."

Cross: "What's the rationale in the banking industry?... So I go pay off my loan, my home equity loan, and a bank can then charge me a cancellation fee?"

Bugielski: "If you... well, you're making the satisfaction, yes. In some cases, they can charge you the cancellation fee, because you're paying it off early even though you met the satisfaction for that loan."

Cross: "Can a bank charge me a cancellation fee for paying off my note early?"

Bugielski: "If they wish, yes, they can, but most... In most instances, I would say in 98% of the cases, 99%, they do not."

Cross: "Now this... this came about because someone was charged \$1400 for a cancellation fee?"

Bugielski: "Yes."

Cross: "Why don't you just amend this Bill to prohibit cancellation fees altogether?"

Bugielski: "You could put the Amendment in."

Cross: "It's not my Bill. Would you support that? What's the rationale for charging a cancellation fee? Does the bank

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lose money when you pay off the loan early?"

Bugielski: "Because there are some banks... there are very few banks that do this, and they are ripping off the consumers. This is a consumer protection Bill for the consumers so that they are not ripped off."

Cross: "Can you charge if there are two names on the loan? My wife and I take out a home equity loan, can we each be charged the \$500?"

Bugielski: "It's a cancellation fee per loan, unless it's in the contract where they're going, you know, you'd have to read the loan."

Cross: "Well, your Bill doesn't say that. It says \$500 to the borrower."

Bugielski: "For the loan. It's for the particular loan."

Cross: "Well, I unfortunately am out of time. I'm sure there are... sounds like there might be some other people who want to ask questions."

Speaker Lang: "Representative Persico."

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

Speaker Lang: "The Gentleman yields."

Persico: "Representative, you and I go back a long time, way before we even became Members of the General Assembly, and I know that your intent is to have a pro-consumer Bill, but Representative Black and others have raised the same question that I raised during the committee hearing. And that was in the sense of, is this going to become the ceiling? And that's, I guess, a major concern by many people on both sides of the aisle. Does it state in the fine print of a home equity loan what the penalties will be for ending your, you know... finishing it early?"

Bugielski: "Yes."

Persico: "Is this way down at the bottom of the contract, or

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what?"

Bugielski: "Now, the penalties..."

Persico: "The amount of the fee that that particular institution would charge for canceling a..."

Bugielski: "It's down on the contract. It is usually in very small print at the bottom of the contract, which many people do not observe."

Persico: "Representative, I know the genesis of this Bill. Was this fee charged for cancelling early, was that because he ended his home equity early or was it that he was looking for other home equity loans at the same time and trying to get the best deal?"

Bugielski: "It could be either one, Sir."

Persico: "Do most banks charge cancellation fees for ending a mortgage early?"

Bugielski: "No."

Persico: "Do most banks charge cancellation fees for ending a home equity loan early?"

Bugielski: "No."

Persico: "I can see your concern if there are people out there shopping for home equity loans and trying to get the best deal, and there is a tremendous amount of paperwork because I just went through it. It's like signing another mortgage. You know, twenty - thirty pieces of paper. Why not just charge what the cost of the, you know, doing the paperwork for the banks would be? Why \$500?"

Bugielski: "Many banks do not charge anything, as I mentioned before, it's just that there are a few bad apples. Because there is no ceiling, they can charge 2,000, 4,000, 5,000 dollars. And many people do not read the contract, so that's all we're doing. We're just trying to protect the consumer."

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Persico: "And I know that you are, Representative, as I said earlier in my statement, you and I go back a long way, and you wouldn't do anything intentionally to harm the consumer, but it's just that I have the same concerns that Representative Black does, that this will become the ceiling and all banks will begin charging that and so I would urge a 'no' vote on Senate Bill 1380."

Speaker Lang: "Representative Deuchler."

Deuchler: "Mr. Speaker, will the Sponsor yield?"

Speaker Lang: "The Gentleman yields."

Deuchler: "Representative Bugielski, I know that this came through our Financial Institutions Committee and as Minority Spokesman, I'm not quite sure that we really gave this Bill the attention and time that we should have. And I'm wondering, what consumer groups, state-wide consumer groups, have signed on, sent you letters of support, are really pushing this Bill?"

Bugielski: "No one is really pushing the Bill, but there is no opposition to the Bill. And these groups go out and if they see that there's, you know, they witness this, they looked at the bills. If there was a problem with them, you know that they would be the front ones right up there opposing the Bill. This is a consumer protection Bill. We're trying to protect the consumers. If you don't feel you're going to protect the consumers in this way, then you're welcome to vote 'no' on the Bill."

Deuchler: "Well, Representative Bugielski, you did say nobody is opposing this Bill, but we just heard Representative Persico say that he was suggesting a 'no' vote and also Representative Black brought up the concern that the word 'no less' was not used in your... in the drafting, and I'm wondering why not?"

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Bugielski: "It all boils down to whether you want to help the consumer or be against the consumer."

Deuchler: "What other states have analogous legislation to this?"

Bugielski: "I have no idea."

Deuchler: "Well, there certainly are many questions that are out there as to whether the consumer is really going to benefit or not from this cancellation fee. The genesis of the Bill, again, was one individual?"

Bugielski: "Senator Cullerton."

Deuchler: "Can you tell us..."

Bugielski: "This Bill, this Bill last year came over from the Senate with 57 votes. It passed out of here with 117 votes, got bottled up at the end of Session last year, and we are bringing the Bill back from last year. It's the same Bill that you voted for last year, Representative."

Deuchler: "Can you tell us a little bit more about how it originated in the Senate?"

Bugielski: "You would have to ask Senator Cullerton. He would happily sit down with you and give you the whole gist of the Bill."

Deuchler: "So, he is the genesis for this Bill then or did a consumer bring it to him?"

Bugielski: "I would imagine the answer is, yes."

Deuchler: "No further questions."

Speaker Lang: "Representative Burke."

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

Speaker Lang: "The Gentleman moves for the previous question. The question is, 'Shall the main question be put?' All those in favor shall vote 'aye'; those opposed shall say 'no'. In the opinion of the Chair, the 'ayes' have it and the main question is put. Representative Bugielski to close."

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Bugielski: "Thank you, Mr. Speaker. Again, this is just a simple Bill to aid the consumers. It's a consumer protection Bill. There are a few, and I'm not saying a lot, there's just a few institutions out there that are ripping off the consumers, and I do not feel that there will be any banks that will be raising their fees up to this limit of \$500. I think you would see basically the same thing that's happening right now. Most of the institutions would be keeping it at no cancellation fee or very minimal, under \$100. It's a great consumer Bill and I ask for a 'yes' vote."

Speaker Lang: "The question is, 'Shall this Bill pass?' Those in favor shall signify by voting 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 82 voting 'yes', 26 voting 'no' and 8 voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Biggins, for what reason do you rise?"

Biggins: "Mr. Speaker, I rise on a point of personal privilege. I had my light on from the beginning of this debate. You did not recognize me, as did another of my colleagues. You mentioned yourself there were six lights on. You only let four people ask questions. Twenty-six 'no' votes go up on a Bill and you cut off debate. Now, if that's the way it's going to be around here, we're just going to make a lot of trouble around here. We want to have our chance to speak. We want our chance to speak on every Bill and ask the questions. When a Bill gets 26 'no' votes, you announce six lights on, recognize four, that's an injustice. You should stand for something better than that, Mr. Speaker."

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Speaker Lang: "Mr. Biggins, one of those lights was Mr. Burke. He was within his rights to make a Motion, Sir. Mr. Cross."

Cross: "Well, Mr. Speaker, if you're going to be intent on shutting down debate today, from now on we're going to request a Roll Call vote on every Motion to ask... move the previous question. We want a verification. If you're going... if that's the intent... Do you acknowledge that request, Mr. Speaker?"

Speaker Lang: "You cannot make such a Motion on every Bill in advance, Mr. Cross."

Cross: "Are you going to acknowledge us when we put our lights on so we can make that request on a Bill by Bill basis?"

Speaker Lang: "Mr. Cross, that Bill was debated for almost a half hour. Many people spoke on the Bill. Mr. Burke was within his rights to make a Motion."

Cross: "Are you recognizing the fact that I would like to be called on to make that Motion in the future?"

Speaker Lang: "Mr. Cross, if your light is on and I get to you, I will acknowledge your light."

Cross: "If you get to me?"

Speaker Lang: "Everybody will be acknowledged to debate the Bills, Mr. Cross."

Cross: "Well, Mr. Speaker, there were several Members on this side of the aisle who had lights on and you didn't get to them. Now, I hardly call that fair debating a Bill."

Speaker Lang: "Mr. Clerk, House Bill 1386 (sic-Senate Bill). Mr. Dart. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1386. A Bill for an Act in relation to visitation rights. Third Reading of this Senate Bill."

Speaker Lang: "Mr. Dart."

Dart: "Thank you, Mr. Speaker, Members of the House. This is a

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Bill that I am sure will have no debate, or very limited I'm sure. It's a very straightforward Bill. It says that in the event of a murder of a parent, grandparent or sibling of a child that the court is prohibited from granting visitation rights unless it's in the best interest of the child. I'll be happy to answer any questions."

Speaker Lang: "Mr. Dart moves for the passage of Senate Bill 1386. And on that question, the Chair recognizes Representative Mulligan."

Mulligan: "Mr. Speaker, I rise to a point of personal privilege."

Speaker Lang: "State your point."

Mulligan: "Quite frankly I was one of those with my lights on in the last Bill. To move to the next Bill without any consideration on that is not fair. In the closing argument, you have a Representative that portrays that as a good consumer Bill, but you do not take a vote on whether the debate ought to be cut off, which many of us assumed and which I was trying to ask for. You totally ignore our lights and then you move on to the next, that is not fair. It is not the way it should be handled here. I think I try to be fair with my colleagues on both sides of the aisle. This is a totally unfair procedure. If you're going to run the House this way, I strongly protest that."

Speaker Lang: "The Chair recognizes Representative Stephens."

Stephens: "Mr. Speaker. Representative Cross asked you some very pointed questions. Your response to one of those questions was that we had debated the last Bill for a half an hour. I would ask you, Sir, would you point to the rule, within our Rules, that talks about debating a Bill for only 30 minutes? There were six Members, at least, on our side of the aisle. I had to shut my light off because I had to take a break, for God's sake. So I come back, turn the...

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and did not have a chance to add my light to those that wish to speak on the last Bill. Mr. Speaker, there is no 30 minute limit."

Speaker Lang: "Mr. Stephens, the answer to your question is, of course, there's no 30 minute limit. But Mr. Burke was within his rights to make a Motion, which he made."

Stephens: "Mr. Speaker, at that point, there were other Members seeking recognition for Motions, which may have included Motions to call... call the question as to whether a quorum was established or whether or not you had enough Members to establish a Roll Call Vote and to establish a verification of that Motion. You must recognize us when we seek recognition. Now, if you're going to roll over us all day, Mr. Speaker, we've got... we have no chance... no choice but to withstand that. We cannot just sit here and let you use your Majority to take away our rights as individual Members to speak on behalf of legislation that is important to the 100 thousand people that we represent. You cannot deny us our constitutional rights, Mr. Speaker. And I demand that you, especially you, Speaker, you're the one who had the most questions when we were in the Chair. The most questions asked by your side of the aisle was by you personally, who stood up and demanded your constitutional rights. We debated Bills for three and four hours, Mr. Speaker, under our administration, and we did it because it was the right thing to do because you demanded to be heard. And as Minority (sic-Majority), we granted you that right and as Minority Members, the 58 of us on this side of the aisle, demand our individual rights, and we will not stand for this any longer, Mr. Speaker. If you want to see this place come apart, you just keep it up."

Speaker Lang: "Representative Parke."

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Parke: "Thank you, Mr. Speaker. I request a Verification of Roll Call on this next Bill. I also request a Verification of Roll Call on the previous question when it comes up, and I'd like to go to the Bill. Will the Sponsor yield?"

Speaker Lang: "Your request for a verification is acknowledged. The Gentleman yields."

Parke: "Thank you. Representative, I would like to know, tell us a little bit more about why this legislation is necessary?"

Dart: "Because we don't want people who murder parents to have visitation rights. I don't think that's a bazaar concept."

Parke: "Visitation rights, for what?"

Dart: "To visit the child who they murdered the parent."

Parke: "So you're sa... you think that murderers have no rights to their children, is that what in essence you're saying?"

Dart: "When they murdered the other parent, yeah, I do. I mean do you disagree with that? Do you think murderers should have that right?"

Parke: "I'm trying to understand what you're doing, because whether I agree with your position or not will be done when I vote."

Dart: "Well, you just asked me a question; I'm trying to respond to your question."

Parke: "The question is, the question is, I want to know on behalf of the people of Illinois whether or not that is your position that you want us to vote on?"

Dart: "Absolutely."

Parke: "Okay."

Dart: "Absolutely."

Parke: "Thank you. Now, are there any people that objected to this Bill in committee?"

Dart: "No, nobody."

Parke: "Do you know of any opposition to this legislation in your

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records there?"

Dart: "Nobody."

Parke: "Is... Have you had any correspondence from social workers or people that work with the children that this is a good concept? I'm concerned, not on the Act, but on the benefit of children losing one parent by murder and losing the other parent by denying their visitation to that. So what we're going to say is that normally then either a family member then will be raising the child or society will be raising the child without any parental supervision. Is that what you want us to do here?"

Dart: "I.... I've heard of no... to answer your question, I've heard of no opposition from any social workers, because frankly I've heard of no..."

Parke: "Mr. Speaker, I cannot hear the Gentleman. He's trying to answer my question. Could I have some quiet in the gall... in the chamber, please?"

Speaker Lang: "The Gentleman's point is well taken. Could we have some quiet in the chamber, please? Mr. Dart."

Dart: "Yeah. I've heard of no opposition from anybody, because the way the Bill is drafted, it just prohibits people who murder the other parent from being given visitation rights, unless it's in the best interest of the child otherwise. And I have yet to come across anybody who feels that it would be less onerous to have the child with a relative as opposed to a murderer."

Parke: "Well, you have always been... you've tried to champion the cause of children, and I just want to make sure I understand and the Body understands that this is good social policy and that the child will not have an adverse effect on them growing up and being meaningful, productive citizens in our society. Thank you, Representative, for

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the answers."

Dart: "Sure... sure. That's a legitimate question."

Speaker Lang: "Representative Stephens."

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

Speaker Lang: "The Gentleman yields."

Stephens: "Representative Dart, do you agree that the subject matter of legislation that makes it to Third Reading should be... that we should have a equal and full debate on both sides of the aisle? If there are a dozen people on our side of the aisle that wish to debate..."

Dart: "I love to debate."

Stephens: "...Senate Bill 1386, do you think that those Members should be recognized and allowed to speak for the five minutes that our Rules allow them?"

Dart: "I love debates."

Stephens: "And your answer to the question is?"

Dart: "I'm still trying to figure out what the question was. I do love debates."

Stephens: "Do you think that on this particular Bill that Members on our side of the aisle that seek recognition should have that... should be recognized and allowed to debate and ask questions and speak on behalf of the Bill if they wish?"

Dart: "Sure. You know, as I say, this is a Bill that has such wide spread support, and it's such an important issue. If people have questions in regards to it, I'd be happy to do it, because as I say I feel pretty strongly about when we're dealing with situations about children and parents who have murdered another one."

Stephens: "Representative, I know you to be a Representative of honor and I've... you've always stood very strongly behind your legislation. I have a deep respect for that. I also

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have a deep respect for your belief in the Rules that govern this Body and in the Constitution by which we operate. And part of my question about this particular Bill is, will you help us stand in defense of individual Members and their right to debate and question and be proponents of various pieces of legislation that come before the Body?"

Dart: "I'll be happy to sit here all day and answer questions. I'll be happy to do that and to debate anybody who has concerns about it. I'd be happy to."

Stephens: "Representative, I salute you and we... that's 59 of us now, Mr. Speaker. We have 59. One more. I have no further questions."

Speaker Lang: "Representative John Turner."

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

Speaker Lang: "Yes, he will."

Turner, J.: "Representative Dart, does this have anything to do with the COLA?"

Dart: "No, if you'd actually... If you'd read the Bill, it's only about a four page Bill, you'd find out that the only references to any changes in the law in here are regards to visitation rights, and there's no other references to any other matter."

Turner, J.: "Representative Dart, maybe I'm reading the wrong Bill. I thought I saw six pages in the Bill, and you're claiming there are only four pages in this Bill."

Dart: "Four pieces of paper, Representative."

Turner, J.: "How many pages? I want to make sure I am on the right Bill. I have six pages in my Bill."

Dart: "About five and a half, no pictures though."

Turner, J.: "All right. Well, it's been kind of loud in here,

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and the Bill is relatively short, so I'm sure you won't mind explaining to me exactly what it does. I know it has to do with prohibiting visitation in instances where a murder has occurred. Who has to be murdered?"

Dart: "The... in the instance where a spouse has been murdered, where the visitation right is being sought by the person who was the one that committed the act, for a grandparent as well, we delineate the instances here. It's for a grandparent, great-grandparent or sibling. So, when you have that relationship and an individual has murdered, say the sibling of a child, then it prohibits the court from granting visitation rights to that...the murderer of their brother or sister; in the event the murder of a grandparent, murder of a parent, same scenario there. It's the actual person who committed the act that we're talking about."

Turner, J.: "So essentially then, it doesn't prohibit visitation for a convicted murderer unless the victim was a family member as designated in the Bill? Grandparent, sibling or parent."

Dart: "Just the designated people, correct."

Turner, John: "All right. Assuming I am reading the right version of the Bill, it appears to me that there is an exception a court may make to allow visitation. Is that correct?"

Dart: "There's two of them actually, yes."

Turner, John: "And what are those two exceptions?"

Dart: "If the court finds out that it's... or finds that it's in the best interest of the child to allow for the visitation, that would be the first reason. And they would have that type of hearing to determine whether or not it is in the best interest. The second would be, in the instance the

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child has reached an age where they can make an assent themselves to this, then the court can make a determination, which would override this then. And the thinking there was, in an effort to make sure we give the court some degree of latitude, because as you and I are aware of, they're constantly complaining that we tie their hands around this place, do not give them any latitude whatsoever. And so in this instance, we're sending them a pretty strong message what we want them to do, but yet giving them the latitude to...for in exception I suppose. But, and I think you and I both agree, it would be a very strange situation, and a judge would really be putting his or her credibility on the line who would make this exception to the rule."

Turner, J.: "Does this address visitation for the person convicted who is incarcerated? Does it go to that or does... is your intent to go that far?"

Dart: "I'm sorry, I didn't hear the last part of that."

Turner, J.: "If the individual is incarcerated, does this address whether or not the visitation privileges we're talking about, under the exceptions, would be allowed?"

Dart: "Yeah. I mean... this would... this applies to whether or not the person is charged, on trial... I'm not sure... I'm sorry, convicted, they have to be convicted. But is regardless of whether or not they are incarcerated at that time or from some reason they're out."

Turner, J.: "All right. As to the second exception you mentioned, I think you said if the child assents or consents to visitation and the court would allow it, it strikes me, Representative, that that goes actually further than existing law as it's written in visitation. I didn't ever think there was a situation where a court would allow

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a visitation just based upon the child's request. It always takes into consideration, I thought, the best interest of the child."

Dart: "You know, I had the same concern, and for that very reason, I talked to different bar associations and they informed me that this exact language was lifted from other statutes, that this is the commonly used language for this particular type of situation. Because I had that same concern, and they said this is the language the courts use in other areas of law as well, so that we aren't opening up anything larger than it is right now."

Turner, J.: "All right. With... with regard on the same subject matter being the second exception, I believe the language is, I can't see it, but I believe it's if the child is of suitable age. I think that's the terminology used. What is a suitable age?"

Dart: "Once again, you know, that's another thing where we tried to leave the court some degree of discretion in this one. They can make that determination based on a case by case decision."

Turner, J.: "So in certain circumstances may be eight years old and another situation it might be 15?"

Dart: "Yeah. It's similar to the standards that we use in the criminal court... analogy in the criminal courts how on competency issues as proposed to hard and fast dates and times. This was allowed to give the court some degree of latitude here. And, once again, this is language that is similar to other statutes as well that deal with this issue."

Turner, J.: "If visitation is allowed by a court under one of the exceptions, are there criteria in your Bill so that the visitation must be monitored, must be supervised in any

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fashion?"

Dart: "That would comply with the present existing law."

Turner, J.: "I'm sorry, you said that would do what?"

Dart: "That would comply with existing law right now. So, any of the requirements under existing law would apply to this. We didn't address that part of it."

Turner, J.: "And does existing law require that such visitation would be supervised, or is it again up to the discretion of the court?"

Dart: "My understanding... my understanding in this area is that that is the discretion of the court as far as their degree of supervision they're going to require in visitation scenarios."

Speaker Lang: "Mr. Turner, your time is expired. Mr. Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Lang: "The Gentleman yields."

Durkin: "Representative, I'm kind of curious, what has prompted you to... is there been any one case or which has prompted you to draft this legislation or... and to move with this Bill?"

Dart: "You know, I'm unaware of whether or not the Senate Sponsor had a particular case in mind, frankly. I'm unaware of that. When I examined this Bill though, it was something to me that seemed to scream out that it was common sense. And so regardless of whether or not it was pursuant to one particular case or not, it just seemed something that we should be doing around this place. Sometimes that's surprising, but it was one of those... It's one of those areas where, I have to be honest with you, I'm not sure if it's based on a particular case or not, but just common sense seems to dictate this is how it should be."

Durkin: "Okay. Well, why have we limited it to strictly to first

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degree murder? I mean a series of other, you know, egregious offenses out there which we would think that the person who is the perpetrator of this act is equally as dangerous as the person that's committed first degree murder, someone who is a... convicted of stalking, someone who has been convicted of aggravated criminal sexual assault, is there any reason why we've just limited to this one isolated crime?"

Dart: "No, I agree with you, there are some other ones that are very serious. I have another Bill that is over here right now that deals with sexual assault type situations, as well, that hopefully we'll get to. But that one, too, is also, that's limited to the sexual assaults. This one was primarily focused, as I say, the Senate Sponsor, I'm unaware of whether or not this was a result of a particular case. But, I mean, I think you and I would agree, though it's hard to try to draw a line in what's the most serious, what's less serious. Then the victims will all say that one is more serious than other. I think by and large more often around this place, we give more serious consideration and we sort of raise murder up above the rest of the crimes as far as its level of seriousness. And one of the reasons why we have it as its own classification, why we have it in truth-in-sentencing getting a 100%, I think it's because of things like that that we give it a little bit more."

Durkin: "All right, here's a situation, a woman kills her husband and they have a young son, but the woman is a victim of abuse, however. As you know, a lot of women who are in these situations are charged with first degree murder and they're convicted of first degree murder, are we prohibiting... are we saying that in those situations that that woman will never be able to get any type of visitation

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right with her child, because that's the way the statute reads?"

Dart: "No. No. And see, exactly. That's the reason why we put into effect the two exceptions here, because we felt that and there might be instances such as battered women syndrome cases where that does occur. And so as a result of that, we put into effect the exception where it's in the best interest of the child."

Durkin: "Well, I didn't see any language which creates that type of exception in those particular cases where the wife is under, you know, a continued amount of abuse and she kills the husband and she is convicted. And there is a number of people over sitting in Dwight Penitentiary who have been convicted, are under those types of situations, and the way I read the Bill, and there's nothing in here to show me otherwise, that would prohibit any type of contact or any visitation rights with the young son or the young daughter."

Dart: "Well, you know, once again in an effort to try to keep the statute broad enough where it's manageable, as opposed to trying to delineate every instance where we provide an exception, because history has shown when we try to do that, we create more of a mess. We left the language so... and direct you to page 4, line 16, it says, 'Unless the court determines it would be in the best interest of the child to allow visitation'. We believe that that language there would suffice to deal with the situation that you're talking about, because in that situation the court would have that type of hearing and would be called in front of the court for a precise hearing to determine whether or not, despite this egregious act, there was a murder committed here. There might be extenuating circumstances

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why it would be best for the child to be granted visitation rights. So, we put that both on page 4 and it's also on page 5, as well. So, we think we have it pretty well covered in that area. But you're right, we didn't specify particular acts or actions by anybody. We figured that it would be a little bit too constraining to do that."

Durkin: "All right. Well, as we're talking about line 16 and 17 it says, 'Unless the court determines that it would be in the best interest of the child or that the child assents to the order'. How about if a situation if the court says it is not in the best interest of the child, but the child assents to that type of visitation, how do you reconcile that situation?"

Dart: "Well, in that situation once again, there has to be court determination of competency."

Durkin: "Mr. Speaker. I can't hear him. Could you get some order in here, please?"

Dart: "It's written in an or situation, so it's one or the other. And in that situation, the court would have to make that determination whether or not the individual in question is of an age where they can assent and whether or not that's an assent that's a competent one."

Durkin: "But this law, the way it reads right now, if the court does make that decision, the court is meaningless..."

Speaker Lang: "Please complete your comments."

Durkin: "... Because that young child will assent to the visitation rights, despite what the court in its collective wisdom will state that it is not in the best interest of the child. It gives that option, the child that option to trump the judge's decision."

Dart: "Well, as I said, we've tracked language from other statutes as well to deal with this situation. It's a small

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situation... very rare when this does occur. But the reality of it is, is that the court would have the input in making this determination."

Speaker Lang: "Your time has expired. Representative Lindner."

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

Speaker Lang: "The Gentleman yields."

Lindner: "Yes. Representative Dart, could you tell me, why do we need this law? Because right now the standard is best interest of the child, and I would think that if there had been a murder in the family that that would be up to the court and would be something the court would consider in determining best interest. So why do we need to actually set this out?"

Dart: "Frankly, it's analogous to the situation we had when we passed the best interest language in the first place. There was some case law already on the books saying that that's what should be done. This is to further and encourage the courts to operate in this fashion so that there are no mistakes."

Lindner: "And I think Representative Durkin asked this question. Since Representative Durkin and Representative Turner asked most of my questions already because they are so thorough and I note that the Chair has been calling on the men first before the women, so I don't know if the Chair is discriminating here or not, but in answer to Representative Durkin, did you say that you do not know if this addresses a certain case?"

Dart: "A certain what? I'm sorry."

Lindner: "A certain case..."

Dart: "Correct."

Lindner: "...Did this arise from a certain incidence?"

Dart: "Correct. I'm unaware of whether or not this is directed

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in a particular case."

Lindner: "All right. Does this change the burden at all of who has to bring the petition for visitation?"

Dart: "Of who does what, I'm sorry."

Lindner: "For visitation?"

Dart: "I'm sorry, change the burden..."

Lindner: "Does this change the burden of who has to bring the petition for visitation?"

Dart: "No. No."

Lindner: "All right. And also, this... when this law... if this law should go into effect and there are people who have been convicted of murder who are in this situation, those visitation agreements will all be automatically revoked?"

Dart: "They would have the ability to do that, yes."

Lindner: "Because this law is not... is retrospective as well as prospective?"

Dart: "Correct."

Lindner: "And so even if somebody had gone through say a three day hearing on custody and the court had given this a very thorough debate, that would just automatically be thrown out if this passes?"

Dart: "Yeah. But once again, we ought to come back to the fact that we're talking about very limited situations here, where there's been a murder of a spouse of another spouse or grandparent or sibling. And so, for in those instances, I don't think it's particularly onerous to make them come back into court and provide a best interest hearing. And in this situation, they would be able to probably bring forth evidence which would show that, in the course of the last years or whatever it's been, they have lived a rather pleasant life and if the child is thriving and so it should continue that way."

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Lindner: "Okay. Thank you very much."

Speaker Lang: "Representative Pankau."

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

Speaker Lang: "He will yield."

Pankau: "Tom, I have a nonlegal question."

Dart: "I probably won't be able to help you then."

Pankau: "You've been talking in legal ease and this in the best interest of the child. I like this Bill, but can you tell me... I mean obviously in the best interest of the child is a legal term because you keep saying it's defined whatever, whatever. Could you give me, and all the rest of us who are not lawyer types, what would be an example of in the best interest of the child? Because honestly, I can't even think of one."

Dart: "Sure."

Pankau: "But, maybe I'm missing something."

Dart: "Sure. No. No. It is determined by its very nature that's a little bit nebulous. But it was intended to be that way, because once you start delineating all the things that are the best interest of a child, then by matter of law you exclude all the rest of them. So it's kept pretty open ended so that the court... the different parties can come forward into the court and explain to them why it would be best, like in this situation, why it would be in the best interest of the child for the child to stay with a parent in this example who murdered the other parent? And so, then they would both bring forth different evidence that show why it's best for the child to be in that home. They would probably bring forth evidence showing that this child has been in this home for years; the child has thrived. And the situation was brought up by a previous speaker that maybe the murder was involving a long history

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of spousal abuse, and so this was sort of not the norm, what occurred. And so they would then be allowed to bring forth all this evidences to show why it's best for the child. It is sort of nebulous though. It doesn't have a real hard and fast legal term."

Pankau: "Okay, I mean, I can understand if I'm 15 or 16 or whatever, and I say, 'I want to go see my dad, you know, because he's my dad.' But when would somebody that's like younger, like 9 or 10 or something like that, and I guess my mind is kind of leaping, like towards the O.J. Simpson thing, even though I... it's... this is not connected with that, but I mean those kids are with him now, he has custody of them and he's 'taking care of them'..."

Dart: "But, he wasn't convicted though."

Pankau: "I know."

Dart: "This is only if you're convicted."

Pankau: "But, is that the type of, not type of sit... I'm using the wrong... Is that a situational type thing that, that's the best interest of the child would be considered? Like, if this is the only remaining parent left or something of that?"

Dart: "Yeah, that would be one of the factors that would probably be brought up. But if that was the only factor, then I think they'd probably be in trouble."

Pankau: "Okay. Thank you, Tom."

Speaker Lang: "Representative Monique Davis."

Davis, M.: "Thank you very much, Mr. Speaker. First, I'd like you to meet Mr. Cox, President of Olive Harvey College."

Speaker Lang: "Welcome."

Davis, M.: "Dr. Cox, Dr. Cox, I'm sorry. To this Bill. Representative Dart, a court is given a lot of information about all cases. Now, if we are adjudicating a murder case

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in this Body without all the facts, it's unfair to the children. Now, let's just think about it. A parent, because of emotion, because of a moment of derangement, commits the murder of his or her spouse. It happens. We don't condone it, and we don't want convicted murderers to do a lot of things, and that's why the judge puts them in prison. But while they're in prison, there are some innocent victims here. Those innocent victims are children who perhaps had absolutely nothing to do with the occurrence of this murder. And yet, the honorable Representative is asking that we cut off the relationship between this child and his or her parent who committed an emotional, violent, illegal act. Now, we're... You're asking us and this Body to do that without knowing any of the circumstances of that murder. We don't know those circumstances, and that's why we have courts. Because the court listens to the evidence, and the court decides the kind of punishment the perpetrator should get based upon the crime. Now, this Legislator wants us to say to children, to babies, to teenagers, that your parent committed a crime; therefore, you can't see that parent. You're 16 years old, you and your father are very close. You're sorry he killed your mother and your heart is broken and you're bleeding, but now this Body's going to say, 'And therefore you cannot see your father anymore.' There is something tragically wrong with this picture. It reminds me, Mr. Legislator, of the days of slavery when any excuse at all was used to separate people from their parents or their relatives. Nobody condones a murder. We don't condone O.J. Simpson's alleged murder. But who in this Body, who in this Body has such knowledge to say, 'You are not a good parent.' People commit murder and get released

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from prison after serving their time. And once they get released after serving their time, the children have a right, they have a God-given right, to see that parent. Who among us, who among us wants to convict the children of the murderer, as well as the murderer? We just don't have that right. We have just stepped a bit too far. No, we don't condone murder, but I don't condone Bills that attempt to separate forever relationships with parents. And all murderers, all murderers don't stay in prison forever. There's an attempt for rehabilitation in Illinois, or there should be. Part of that rehabilitation should be the desire to want to see one's family and be a good person because you have that family. So, to dehumanize people further, to dehumanize them further, smacks of Nazism, totalitarianism; it is not legislation. This goes a bit too far, with limited knowledge. Now, if you want to be a judge, run for judge or get appointed. Don't try to sit in the Legislature and be a judge, because you don't have all the facts. God forbid that I should ever commit murder, that my Representative friend, Tom Johnson, should ever commit a murder. We don't ever intend to do that; however, however, should it happen, my question, Ladies and Gentlemen, is, should my children also be convicted to a life of no parent at all? I would say no. This Bill deserves a big 'no' vote. It is not any way representative of how you feel about crime, it's how you feel about children and children's right to having a parent. Not a guardian, not a foster mother, not somebody who thinks you're cute until you get 10 or 12 and then they realize you look black and you're not so cute no more. I urge you to vote 'no' on this Bill to separate children from a parent, when that parent has served his or her time

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or when that parent sits in a jail cell and wants to become a better person. His children and his family or her children and her family are one of the major reasons that this occurs. Let's not condemn those that have convicted crimes to a life in prison, unless the judge says so. The judge makes that determination, because he or she has all the facts, and we just don't have them, Representative. Vote 'no'."

Speaker Lang: "The Chair recognizes the Clerk for an announcement."

Clerk Bolin: "The Rules Committee will meet immediately in the Speaker's Conference Room. The Rules Committee will meet immediately in the Speaker's Conference Room."

Speaker Lang: "The Chair recognizes Representative Cross."

Cross: "Thank you, Mr. Speaker. Will the Sponsor yield? Representative, does this Bill deal with the visitation or the wake of the deceased parent?"

Dart: "I'm sorry, can you repeat that?"

Cross: "Does this deal with the visitation or the wake of the deceased parent?"

Dart: "It... The visitation rights of the parent that survived."

Cross: "Oh, so your not talking about the visitation to go see the deceased parent?"

Dart: "No, no. Actually, we didn't anticipate that one."

Cross: "All right, I wasn't sure what you're talking about."

Dart: "We might want to amend it, do you think?"

Cross: "Well, you might want to think about that. In all seriousness, I'm a little concerned about the way we've set up the language in here, or that the Senate has. I'm not aware anywhere else in the... in our statues, at least dealing with custody and visitation, where we give the child the ability to make a decision concerning whether or

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not they want to have visitation. I don't know that we do that anywhere else."

Dart: "This is when they've reached a suitable age, though. I mean that's the qualifier there, because that, that language... You are correct, there is no other statutes where we just basically say that the child can say whatever they want and they get their wishes to come true. But this says is clearly they've reached a suitable age to make that determination. And they, that is language that is used in other areas of our statute. And as I say, we left that sort of broad so that the court use...utilize their decision making capacity, cause in other areas of law, we do allow for the court to make that determination, because some children who are six year old... six years old are much more mature and able to make decisions than some kids who 15/16 years old. So, we did leave that open there."

Cross: "Tom, I... I don't know anywhere and I wish if you could cite for me an area of the law where we, I mean it's always in the best interest of the child. The court can take into account, you know, perhaps through an in-camera interview with the child, that child's wishes. But, we do not statutorily at any place in the statute outline or delineate that a child's wish shall be the sole criteria. I... I'd like... I see you guys conferring, I'd like someone to show me where in the statute we take into account the child's wishes as a sole criteria. We don't do that anywhere that I know of."

Dart: "Well, also once again, the courts got to make the initial determination that the child's a suitable age. So, it would be my, you know, opinion here that if in case the situation, which would be very rare, where the court is saying that it is not in the best interest of the child to

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see this, the same court is going to say that this child is now of suitable age to make a determination, otherwise. So, I... it would be the most extreme circumstance you're talking here, where there'll be a court saying, 'It's not in the best interest, but the child's a suitable age to make their own decision here.' I mean, I do think we're getting off base here a little bit and if I can just follow up one thing and answer to a couple questions that came about earlier. This is modeled after a law that occurred in Massachusetts. They call... It's called the 'Lizzie Law' in Massachusetts, because about three years ago, a Massachusetts man stabbed his wife 24 times, killing her while their daughter watched. He subsequently sought a court order to require the five year old to visit him in prison twice a month and speak with him, and under their existing law, they were required to do that. So, this is a... to anticipate cases like that, so we don't have a situation like that in this state."

Cross: "I don't think anyone's disputing the concept of the visitation on, you know, dealing with prison and the first degree murder. I think we're setting up a real problem here of saying... Well, we're going to have a real conflict and we're... and we as a General Assembly are taking away the role of the judge. Under your Bill, the way I read it, because it says 'or', if I'm a child of suitable age and I want us to have visitation, it may not be in my best interest. But under the statute, I can have visitation with the parent in jail. And I think as I said earlier, I think if you just left it to the language of the best interest of the child, there are going to be scenarios where there's a child of suitable age that says to the court, 'I'd like to have visitation with my parent in jail.

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I believe I'm capable of doing it.' And that we ought to leave it at that, but when we start giving the child the decision making authority, I think we're going further than we should, cause we don't anywhere else."

Dart: "I think once again we have to come back to the same question though. It's going to be a court to make a initial determination of whether or not the child is of suitable age. If the court makes that determination, the child is not of suitable age, then we have nothing to worry about here. And the fact of the matter is, is that this will be a situation where we are constantly sitting here saying that we're micromanaging and telling people they can't do certain things. This would be a situation where you have someone who has reached a suitable age that the courts making it a determination. This person is a competent person, who is capable of making determinations that are best for them. And only in those situations could that, in any stretch of the imagination, overcome best interest. But, I can't see a court making that determination, and once they have to jump through that first hoop, that the child is of suitable age."

Cross: "Well..."

Dart: "I mean seriously, Tom, you have, I'd agree with you wholeheartedly if it wasn't for the fact that we say the child has to be of suitable age. If we were saying that 'or if the child since', I would be with you 100%. But when the court has to make that initial determination that this is a child of suitable age, I don't think we're going to have any concerns here, because we do that around here all the time."

Cross: "Tom, no, we don't. And with all due respect. Mr. Speaker, I, you know Representative Davis, you didn't put

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the clock on, but on the Republican, you put the clock on."

Speaker Lang: "Mr. Cross, we did have the clock on for Representative Davis."

Cross: "I don't think so. No, you didn't. No, you didn't."

Speaker Lang: "Mr. Cross, we did have the clock on. I did give her a little time to finish. If you have another question, please ask it."

Cross: "Tom, that's... and people are going to vote for this Bill because of the concern about the, you know, the parent convicted of first degree murder. But we don't, and I... once again, I've asked several times and I don't mean to be difficult here, but in the divorce world and child custody cases, we don't have have as a criteria statutorily, the language suitable age to signify his or her assent. Now the court can take into account in a divorce case, in a custody issue, the child's wishes under the best interest of the child, but we don't delineate it in the statute. And I think, I would just...I would really encourage you to look at that in a different light, because I haven't found anywhere else in the statute where we do this. If someone could show me, and maybe I'm wrong, but I don't know where we do it."

Dart: "I'll try to find it for you, because to be honest with you, I asked that very same question of the bar associations and they're the ones that informed me of that."

Cross: "I would...I do a good bit of divorce work. I've never seen that language, and I just think we're setting ourselves up for a real problem. Thank you, Mr. Speaker, for that additional time."

Speaker Lang: "Thank you. Representative Biggins."

Biggins: "Thank you, Mr. Speaker, and thanks for recognizing me."

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I just got back from changing my tie. I think that had something to do with it."

Speaker Lang: "Nice tie, Sir."

Biggins: "Will the Sponsor yield?"

Speaker Lang: "The Gentleman yields."

Biggins: "Representative, Representative, aren't you the recipient this year of the Illinois Crime Commission's Legislator of the Year Award? You may humbly answer the question."

Dart: "I believe so."

Biggins: "And you're going to be receiving that award shortly. Is this Bill the reason or part of the reason for your getting this award?"

Dart: "No, I think it's for being an all around good guy."

Biggins: "Okay. Now, where will you be receiving that award?"

Dart: "I'm not exactly sure."

Biggins: "I think it's in Oak Brook."

Dart: "I believe... it's on the western suburbs. I'm not sure where."

Biggins: "And do you know what county that is?"

Dart: "Yes, I believe that's out in DuPage, I think, or near there somewhere."

Biggins: "You're right."

Dart: "I might need a road map."

Biggins: "And which county... "

Dart: "Can you help me out with that?"

Biggins: "Which county do you reside in?"

Dart: "Cook."

Biggins: "Okay, when you go to the event that evening, I'm sorry my calendar's booked, I can't make it. But would you give my regards to Representative Cross when you see him there at the DuPage County event?"

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Representative Dart: "Yes, definitely."

Biggins: "Thank you. Congratulations on winning the award."

Dart: "Thank you."

Speaker Lang: "Representative Tom Johnson."

Johnson, Tom: "Thank you, Mr. Speaker. First of all, my name was used in debate, and I guess I take that as a compliment, even though I was thought of in light of maybe murdering my spouse. I'm not going to do that. I'll look at the good side, and that is that my seatmate on the other side of the aisle has finally recognized a Republican on this side of the aisle. So, I thank my seatmate on the other side of the aisle for using my name in debate. Now, will the Sponsor yield?"

Speaker Lang: "The Gentleman yields."

Johnson, Tom: "Tom, I'm trying to understand. You know, currently, what is the... Currently the court could prohibit a visitation between a child and a parent who might be sitting in jail or who has been convicted of murder. Can they not?"

Dart: "The court has some ability to do that. This would make it clearer and would give them a direct mandate."

Johnson, Tom: "What is the current criteria for permitting visitation?"

Dart: "The current criteria is they take in account all different factors when they make these determinations."

Johnson, Tom: "If I..."

Dart: "Once again, what this would do is this would overcome previous existing law and also case laws as well, which would send a real clear message as to what we feel should be the case in situations like this."

Johnson, Tom: "I understand we're singling out murder, and I think I heard you say that, you know, certain crimes we do

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it. But currently, am I not correct in reading the statute that says, 'Reasonable visitation rights, unless the court finds after a hearing that visitation would endanger seriously the child's physical, mental, moral or emotional health.' Isn't that the criteria currently that a court has to look at?"

Dart: "Can you repeat that again?"

Johnson, Tom: "Right now, the court can grant visitation rights unless it finds that such visitation would endanger seriously the child's physical, mental, moral or emotional health."

Dart: "Correct."

Johnson, Tom: "So, that's currently the standard, is it not?"

Dart: "I believe it. You have the statute in front of you, I believe, don't you?"

Johnson, Tom: "Okay. Now what you are doing with this Bill, I presume, is you are adding one more criteria to that, and saying, 'And by the way, if you have been convicted of murder, regardless of whether or not you're not going to endanger your child's health or morals and so on, you're still not going to see that child.'"

Dart: "Correct. With those exceptions that we've talked about."

Johnson, Tom: "Okay. I guess I have a problem with this, in the sense that we start going down a road. I think it's proper legislation when we set a policy and parameters for the court in which to operate. They are viewing these things on a case by case basis. They have to be in the position of determining whether it endangers that child or not. And really, the status, once we begin to add murder, next year there's a 118 of us in here. Next year, I'll put a Bill in and say, 'If you've been convicted of a sex offense, or you've been convicted of an aggravated battery, or you've

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been convicted of any offense within truth-in-sentencing, court by the way, even though you might find that it does not endanger your child's health as set forth in the statute, because we've now started this litany going, aren't we really in a sense getting away from policy and getting into micromanaging, just as we have in the Criminal Code, and we're starting to add this and this and this? And doing away with really what I think ought to be the standards and the criteria by which we want the courts to judge these things."

Dart: "You know, I guess, Tom, that could be argued on any Representative, including yourself, who brings forth an enhancement of a criminal Bill, who brings forth anything dealing with crime. And that same argument could be made, that you know, this is an area that you know, we got laws already on it. Everyone can come down here next week and enhance murder, can enhance sexual assault, can enhance everything. What we've done, and as I say, you sit on the Criminal Law Committee, I mean every year you get more and more and more of that. This was a specific in... came from another state in which there was a problem they had there. As opposed to us being on the receiving end where we're waiting for problems to happen, it was seen as a problem in another state. We decided for Illinois to get out in front of this one, anticipate it, so it doesn't happen in this state. And so, we don't traumatize a kid, because in this situation in Massachusetts, there's a five year old kid, who from all indications, was horribly traumatized by the fact that she was going to be forced to go visit the person that stabbed her mother 25 times, in prison."

Speaker Lang: "Mr. Johnson, your time has expired, but since part of your time was taken with your point of personal

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privilege, please ask one more question or make one more comment."

Johnson, Tom: "To the Bill, Mr. Speaker. I appreciate what the Representative is doing here. I would suggest that #1, it might be more effective that it be added into the Criminal Code, that anybody who is convicted of murdering their spouse will forever forfeit their rights to visit with their children. Now basically, that's what we're saying here, because the penalty is on that particular offender. What I am concerned with, and I do appreciate the remarks of my colleague on the other side of the aisle, that in a sense here, what we're doing is we are imposing a certain penalty, regardless of whether or not it endangers the health and emotional welfare of the child. We are now imposing that penalty on the child for the act of the parent. And I would suggest that this is really more of a punishment to the parent and probably ought to be dealt within the context of the Criminal Code. And I am worried about going down this path, that no longer are we going to be interested in the best interest of the child, but in fact, we're going to be singling out this particular conduct is going to cut that relationship, and this is not... and not actually getting into the impact that it may have on the relationship of the children. Thank you."

Speaker Lang: "Mr. Meyer."

Meyer: "Thank you, Mr. Speaker. Would the Gentleman yield for questions?"

Speaker Lang: "Mr. Dart will yield."

Meyer: "Representative, I'm somewhat confused on the back and forth on this debate. I thought at one point, I understood the Bill. Could you answer to me or just verify it for me that at the present time, or if this Bill would be passed

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and signed into law, that there would be visitation granted to children if the court found that that visitation be suitable for those children to participate in."

Dart: "What the court would do, if a child wanted visitation, they would be allowed to visit one of these individuals, if the court determined it was in the best interest of the child or if the court made a determination that the child is of an age to make a proper decision themselves. In that case, they could have the visitation rights. Otherwise, they're prohibited from granting visitation rights for those individuals."

Meyer: "Speaker. Mr. Speaker."

Speaker Lang: "Yes, Sir."

Meyer: "I'm having a hard time hearing back here, there's so much noise in the chamber."

Speaker Lang: "The Gentleman's point is well taken. Could we have some order in the House Chamber, please. Please. Thank you. Please proceed, Mr. Meyer."

Meyer: "Representative, would I be led to believe that if we have a suitability issue here, that that age or the state of the child's overall well-being would be taken into consideration on an individual basis, and therefore, what's suitable for one child might not be suitable for the next?"

Dart: "Yeah. The language was drafted in such a way so that we allowed for the court to have some degree of discretion in making individual determinations. Because as was mentioned by some previous speakers, there... everything should be decided by case by case decision here. We aren't the ones that will see the facts or hear the facts of this case. And so, the best to do is to give the court guidelines and parameters to operate within, and so we have done just that."

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Meyer: "And would this also... would the courts also be able to take into consideration the facts of the act that actually put that person in prison and...?"

Dart: "Yeah. And as I mentioned to a previous speaker already, the terminology and the language of best interest is broad enough where the different parties seeking to invoke it have the ability to present evidence on whatever nature they feel would best show that. So in this situation, the situation has been brought up before, there would be allowed the person seeking the visitation would be allowed to bring forth evidence that...of the actual incident in an effort to show...in a case of maybe a battered spouse situation that this was not...this is not a cold-blooded murderer we're talking about. This is somebody who has a history of abuse. This is somebody who finally could not take it anymore and that that act was an isolated situation, and that we should not, therefore, be prohibited from being...visiting. So, the actual event itself can be brought into that hearing as can be numerous other facts as well."

Meyer: "Representative, if in fact at this point in time, that visitation was denied, would your Bill provide that in a number of years or at a different point in time, whatever that term of period is, that that petition be able to be made again for visitation?"

Dart: "We don't change any of the existing law in regards to that. So, any of the appeal rights or anything else about rehearings as well would proceed along the existing law that's out there right now. So, that if someone wished to have a rehearing or if someone wished to have it reexamined, they would proceed under the existing law that is out there right now."

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Meyer: "Thank you, and to the Bill. My understanding of the Bill from what I read and from the discussion of the debate today, I believe it's a good Bill. I fully intend to support it. Thank you."

Speaker Lang: "Mr. Dart to close."

Dart: "I would appreciate a favorable vote."

Speaker Lang: "The question is, 'Shall this Bill pass?' All in favor shall signify by voting 'aye'; those opposed shall vote 'no'. The voting is open. Mr. Parke has requested a verification. And Mr. Parke withdraws the verification. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 107 voting 'yes', 3 voting 'no', 8 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Chair recognizes Representative Morrow."

Morrow: "Yes. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. If you look at the Gentleman in the wheelchair sitting at the front of the chamber, we have a former Member Charles E. Gaines. Will we give the Gentleman a warm greeting from the General Assembly? And he was... and he was a Republican for the Members on that other side of the aisle. There is a... there is a phenomena as a black Republican."

Speaker Lang: "Thank you, Representative. Is Representative Woolard in the chamber? Representative Woolard in the Chair."

Speaker Woolard: "Thank you, Mr. Speaker. Ladies and Gentlemen, I think everyone recognizes that we have a special day coming this Sunday. And to commemorate and to allow each and every one of us to recognize the importance of this day, we have a couple of important people with us. First,

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I'd like to introduce the young lady who represents the Mothers...Young Mothers of the Year of the State of Illinois, Yvonne Bagwell, who resides in Carterville, Illinois, my home town. And we would like to welcome Yvonne and the group that she represents, young mothers all across the State of Illinois."

Bagwell, Yvonne: "Thank you. There are many important parenting issues today such as school safety and gun control, which have gained publicity and you're already addressing. Therefore, I'm going to take my two minutes to redirect your attention to something you probably never thought of, issues regarding multiples. As a mother of identical twins, myself, I speak from firsthand experience and urge you to consider special obstacles that parents with multiples must face. Nearly 100,000 sets of twins, triplets or more are born each year. New fertility drugs and assisted reproductive techniques make it likely this trend will continue. I'm concerned about the lack of regulation involving fertility drugs today, which in term causes higher order multiples. For every success story the media covers, there are many hundreds of unsuccessful outcomes. Most times mothers miscarry and the babies are born very prematurely causing emotional anguish. If babies are born very prematurely, they're often lifelong medical problems and disabilities. While doctors are indeed making great strides, they need to simultaneously be responsible for the lives they creating (sic - create). We really need to regulate and eliminate the chance of higher order multiples. The second multiples issue I want to direct your attention to regards multiples in school. You may be unaware that most school policies enforce a mandatory split policy for multiples. This means the system forces twins,

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triplets, or more to be in separate classes. While educators say this promotes individuality, this practice has been proven time and time again to be detrimental to the...each member of the multiple set. A basic knowledge of the psychology of multiple birth children, especially as it differs from identicals and paternals, is essential. Please feel free to contact the National Organization of Mothers of Twins Club for copies of research studies to prove these findings. I thank you for your time and your recognition of the importance of motherhood and our opinions. Thank you."

Speaker Woolard: "Let me add one thing. If you look in the back of the room, you'll see a couple of young gentlemen back there that happen to be twin sons of Yvonne's, and we think that that's what this is all about."

Speaker Lang: "It's been suggested by a couple of Members that the noise level here, particularly when we have guests speaking to us, is a bit high. Could we show a little more respect to the folks that are up here speaking to you. Representative Rutherford in the Chair."

Speaker Rutherford: "Thank you, Mr. Speaker. We just heard from the Young Mother of the Year, and I'm very delighted and honored to have the Mother of the Year, not preferenced with young or any other term before that, but I'm absolutely delighted to have Dolly Albers here, who is from Henry, Illinois, in the great County of Marshall, and her friends and colleagues are here in the back of the room. Would you please welcome Mother of the Year, Dolly."

Albers, Dolly: "I have my own cheering section, I will travel. I am the 1998 Mother of the Year. Your mothers would not be happy with you right now because you are not listening. I'm a farmer's daughter from Mossville, Illinois."

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Mossville has a suburb called Peoria. The farm I grew up on now has a big Caterpillar plant on it. We spent the last 40 years in the western suburbs of Chicago. I was one of those DuPage County Republicans. As 1998 Mother of the Year, how many of you in here think your mother should be Mother of the Year? Well, I get to represent all of them this year from Illinois. I've been going all over doing it; I'm from Illinois. The American Mothers Incorporated, our motto is to strengthen the moral and spiritual foundation of the home and the community. Now, you have to bear with me on this. I have the world's greatest husband up there, Dr. Richard Albers, four children, 11 grandchildren. I had a two minute speech at the convention last week. I won't do that to you. I just want to say, thank you very much for having us in here today and Happy Mother's Day."

Speaker Lang: "Representative Lang in the Chair. Mr. Clerk, Committee Reports."

Clerk Bolin: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measures were referred, action taken on May 6, 1998, reported the same back with the following recommendation/s: 'direct floor consideration' for House Amendment #1 to Senate Bill 1471; House Amendment #3 to Senate Bill 1500 and House Amendment #2 to Senate Bill 1835."

Speaker Lang: "Mr. Clerk, what is the status of Senate Bill 1328?"

Clerk Bolin: "Senate Bill 1328 was earlier moved to the Order of Senate Bills - Third Reading."

Speaker Lang: "Please return that Bill to the Order of Second Reading. Mr. Clerk, what is the status of Senate Bill 1195?"

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Clerk Bolin: "Senate Bill 1195... Senate Bill 1195 is on the Order of Senate Bills - Third Reading."

Speaker Lang: "Please return that Bill to the Order of Second Reading. Mr. Clerk, what is the status of Senate Bill 1713?"

Clerk Bolin: "Senate Bill 1713 is on the Order of Senate Bills - Second Reading."

Speaker Lang: "I believe the Notes have been filed. Is that correct?"

Clerk Bolin: "All requested Notes have been filed."

Speaker Lang: "Please read the Bill on Second Reading."

Clerk Bolin: "Senate Bill 1713. A Bill for an Act relating to sexually violent persons. Second Reading of this Senate Bill. Amendments #1 and 2 were adopted in committee. No Floor Amendments. No Motions filed."

Speaker Lang: "Third Reading. Mr. Clerk, please read Senate Bill 1901."

Clerk Bolin: "Senate Bill 1901. A Bill for an Act to amend the Illinois Insurance Code. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed. All Notes that have been requested on the Bill have been filed."

Speaker Lang: "Third Reading. Mr. Clerk, please read Senate Bill 1339."

Clerk Bolin: "Senate Bill 1339. A Bill for an Act regarding children. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments have been approved for consideration. No Motions filed. All Notes that have been requested have been filed."

Speaker Lang: "Third Reading. The Chair recognizes Representative Black."

Black: "Mr. Speaker, in all due respect to the House, I know this

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is the people's House. There are more non-Members on the Floor, than there are Members. Why don't you just stand at ease for 15 minutes. Let's get all the pictures taken, all the greetings done, and then maybe after 15 minutes, we could clear the chamber and we could get on with the business. I have no idea what the Clerk read in the last five minutes. I couldn't hear either one of the speakers who were here to be honored, and I'm sure they were impressed with the noise level of this chamber. If we want to visit and have pictures taken, fine. Let's just stand at ease for 15 minutes, get all of our guests in the floor and get their pictures taken and talk to the Members and then reconvene the House so that we can at least hear, Mr. Speaker. This is no way to conduct business."

Speaker Lang: "Mr. Black, I agree with you. I think the noise level is too high, but rather than being at ease, we will ask the doorkeeper to move all unauthorized personnel to the rear of the chamber, and we'll let them take their pictures at a later time. So, please, those of you who are not Members or necessary staff, please move to the rear of the chamber, and we'll see if that reduces the noise level, Mr. Black. The Chair recognizes Representative Monique Davis. For what reason do you rise?"

Davis, M.: "Thank you, Mr. Speaker, and I am so grateful to you, because this House is a House of the people. For our ability to allow the Mother of the Year to come in and address us and bring her group, I really do appreciate that, Mr. Speaker. But at this point, I'd like to introduce Mr. and Mrs. McDonald, who are representing the American Cancer Society, and they're here to support the Indoor Clean Air Act. Please welcome Mr. and Mrs. McDonald from the American Cancer Society. Thank you."

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Speaker Lang: "Senate Bill 1349. Representative Andrea Moore.

Mr. Clerk, please read the Bill."

Clerk Bolin: "Senate Bill 1349. A Bill for an Act in relation to taxes. Third Reading of this Senate Bill."

Speaker Lang: "Representative Moore."

Moore, A.: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1349 is an initiative of the Illinois State Chamber of Commerce. It provides for a pilot program to pay sales tax directly through corporations. I'd be happy to answer any questions. This legislation actually passed the Senate with 57 votes. It was unanimously supported in the House Committee also. And again, I would be happy to answer questions."

Speaker Lang: "The Chair recognizes Representative Stephens."

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

Speaker Lang: "The Lady will yield."

Stephens: "Representative, what's the genesis of this Bill?"

Moore, A.: "Well, currently, firms that are selling supplies to a business to determine whether or not those items sold to that business are for resale and are not subject to sales tax or not for resale and then are subject to sales tax. There's no provision in the law right now for the purchasing business to pay their sales tax directly. So, this is a pilot program where the Department of Revenue will work with businesses to set up a program to provide for the direct pay of sales tax."

Stephens: "Is this the Implement Single Sales Tax Bill?"

Moore, A.: "No, Representative, this is not. Although that's a very good Bill."

Stephens: "Maybe we could bring this back to Second and amend that language on to this and..."

Moore, A.: "Well, as you know, we have tried to get that

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Amendment through Revenue a number of times and, of course, this is the State Chamber's initiative, and so I would be reluctant to confuse this issue with the other."

Stephens: "Well, I don't blame you for that. Is there any fiscal impact to this as a result of this legislation?"

Moore, A.: "No, I don't believe so. It is minimal to State Government. The Department of Revenue does support this Bill because they think that it would in the long run save some administrative costs."

Stephens: "Looks like we're reading from the same analysis. Do I understand that this provides that the pilot program... it says, 'Shall end no later than July 1, 2001'. Is there some reason to think that it's going to end sooner than that?"

Moore, A.: "Well, I think that in the Senate, they wanted to have a sunset time on a pilot program, so that if...if either it was...it was determined to be worthwhile and then there might be an Act that would provide for this, or it wouldn't be worthwhile, and it would sunset."

Stephens: "Would it be your intention in the year 2001 that we would extend this privilege then permanently, or would you think that we should pass the language again with another sunset clause?"

Moore, A.: "Well, hopefully, after this pilot program has a chance to put together the standards that they need to that, in fact, they will be able to have a Direct Pay Implementation Act that will actually provide for the direct pay for sales tax."

Stephens: "Will this affect my pharmacy business?"

Moore, A.: "I think it may provide you an opportunity for paying direct."

Stephens: "I just want to make sure that I don't have any

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conflict here."

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

Stephens: "I want to make sure that I don't have a conflict here.
I am the..."

Moore, A.: "Oh no, I'm sure you don't have a conflict."

Stephens: "Well, thank you for clarifying that issue. For the
record, the Sponsor says that I have no conflict of
interest on this Bill. I have no further questions."

Speaker Lang: "Representative Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Lang: "The Lady will yield."

Durkin: "Representative, I'm a little hard of hearing sometimes
in my left ear. What is the... you may have already
answered this... but what is going to be the time frame
this pilot program will be conducted?"

Moore, A.: "The time frame?"

Durkin: "Yeah."

Moore, A.: "I think that once they have enough time to have the
Department of Revenue meet with various businesses who
volunteer to get together to set the standards for setting
up this program, I really don't know if..."

Durkin: "Is there a sun... is there a sunset on this...?"

Moore, A.: "There is a sunset, it's 2001."

Durkin: "Okay. Now, it says that... Could you describe to me
what the direct pay permit pilot program is like? Could
you give me the mechanics of it? What exactly are they
referring to?"

Moore, A.: "Well, currently, if you are a firm that is selling
supplies to a business, you have to determine whether those
items that you sell are for resale and not subject to sales
tax or are not for resale and, in fact, are subject to
sales tax. Right now there's no provision for the

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purchasing business to pay their sales tax directly, rather than having the seller pay the sales tax."

Durkin: "Is this in a sense an electronic transfer of the sales tax?"

Moore, A.: "I think it would be intended that once the standards are set as to how to implement the program, electronic transfer would most likely be the desired choice."

Durkin: "All right. As with any type of those transfers, I'm always a little bit worried about whether or not there has been some type of flaw or there is a glitch in the computer system. Now, is there anything currently in the law which would indemnify one of the parties for a good faith error through this type of transaction?"

Moore, A.: "I think that right now those... those... the sales tax that is paid needs... is audited by the Department of Revenue to make sure that the proper amounts are being paid. I think that through the standards they will, in fact, be able to have a more clear record, so that the auditing will be easier."

Durkin: "Just kind of curious, how are they presently paying the sales taxes? Just the walk up to the door, or is it something you submit in the mail, or what is the present system which we are operating under?"

Moore, A.: "Well, I think that the person that is selling the goods is responsible to pay that money to the... the Department of Revenue. And I think it depends on how much business, exactly how frequently you have to pay. Sometimes people pay monthly, sometimes they pay weekly, depending on the rate of business that they do."

Durkin: "Well, Representative, you obviously know this Bill very well and you've studied it at great length, and I think I have run out of questions, but I commend you on the

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outstanding work you have done on this Bill."

Moore, A.: "Oh, you've asked very good questions, Representative."

Speaker Lang: "Representative Skinner."

Skinner: "Would the... would the young Lady yield for a question or two?"

Speaker Lang: "The young Lady will yield."

Skinner: "This reminds me of the Campaign Reform Bill that we had, whether it was a requirement that every campaign fund report electronically to the State Board of Elections, but it was mandatory. This is voluntary. Don't we want to get our money fast from these merchants?"

Moore, A.: "Well, actually, this is a pilot program and so that... people participating in the pilot program is on a voluntary basis. Those... that's to set up the standards for this kind of program to go forward."

Skinner: "Maybe we should use a similar voluntary reporting process electronically for the State Board of Elections then."

Moore, A.: "I'm sorry, Representative, I could not hear."

Skinner: "It was an irrelevant comment, that's alright. Will this allow the state to get its money faster?"

Moore, A.: "Well, I would say that in some cases, it certainly would."

Skinner: "Well, is that the goal behind it?"

Moore, A.: "I think... I think that as you... as we all can recognize here in the General Assembly, the process of automating and facilitating with businesses is one of the things that we are in the process of doing here in Springfield, and I think it's a worthwhile endeavor to be able to make things easier, not only for our Department of Revenue, but also for our businesses."

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Skinner: "So, even if we didn't get the money faster, we'd get rid of some paper."

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

Skinner: "Even if we didn't get the money faster, we'd get rid of some paper."

Moore, A.: "I would certainly think so, and I think that will be a more efficient trail, also."

Skinner: "Well, thank you for being on the leading edge of technology again."

Moore, A.: "Thank you, Representative."

Speaker Lang: "Mr. Cross."

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

Speaker Lang: "I think she will."

Cross: "Representative, I can't see why anyone would vote 'no' on this Bill. Are there any opponents?"

Moore, A.: "Certainly, no one did in the Senate, Representative."

Cross: "What?"

Moore, A.: "Certainly, no one voted 'no' in the Senate, Representative."

Cross: "What I was trying to suggest is that it is an awfully good Bill. Is there anyone that's opposed to this?"

Moore, A.: "Not to my knowledge."

Cross: "No one handed in one of those opponent slips in committee?"

Moore, A.: "I don't believe that they did."

Cross: "All right. I don't have any other questions. Thank you."

Speaker Lang: "Representative Moore, to close."

Moore, A.: "Thank you very much and I would request an 'aye' vote on Senate Bill 1349."

Speaker Lang: "The question is, 'Shall this Bill pass?' All those in favor shall vote 'aye'; those opposed shall vote

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'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 117 voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1364 (sic - Senate Bill). Representative Lindner. Please read the Bill."

Clerk Rossi: "House Bill 1364 (sic - Senate Bill). A Bill for an Act amending the Illinois Vehicle Code. Third Reading of this Senate Bill."

Lindner: "Thank you, Mr. Speaker. Dale Webb has ten retirement communities throughout the United States; they're called Sun Cities. He is trying his first one in a northern state in my district. As you know in many of these Sun Cities, the citizens get around using golf carts. Right now the Illinois Vehicle Code prohibits the use of golf carts on Illinois roadways. This Bill is permissive only and goes to local control. It gives the municipality, township, or other governmental entity the right to decide whether they will allow golf carts in a development such as this. There's criteria in the Bill. There are many safety conditions. The golf carts would be subject to the DUI Law and the Insurance Liability Law. I'd be glad to answer any questions."

Speaker Lang: "The Lady has moved for the passage of Senate Bill 1364. On that question, there are several golfers that want to ask you some questions, Representative. The Chair recognizes Representative Stephens."

Stephens: "I ask my questions, not on behalf of the golfing community, but on behalf of those of us when we get a chance to return home in the spring and in the early summer months a chance to mow our lawns. I'm worried about

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the definition. And you say that the criteria is in the Bill. What's the difference between your golf cart and my eight and a half horsepower John Deere lawn mower that I ride around mowing the lawn with? Would it be covered under your Bill?"

Lindner: "Well, don't you know the difference, Representative Stephens, between a golf cart and a lawn mower? A golf cart doesn't have mowing equipment on it."

Stephens: "I know the golf cart spends a lot more time in the woods than my lawn mower does. But other than that, under your Bill, if you... if the local community adopts the rules that you suggest in your...in your legislation, would it indeed include a riding lawn mower?"

Lindner: "No."

Stephens: "And how... I appreciate your answer, but how do I know that back home?"

Lindner: "Well, it would allow... Your local community would be defining that and this is only... The Bill is for golf carts and golf carts is already defined in the Illinois Vehicle Code now, and that definition would not change. And as far as I know, in the Illinois Vehicle Code now, golf carts have nothing to do with lawn mowers."

Stephens: "Representative, I don't know if you've been to Danville lately, Representative Black's home town?"

Lindner: "No, honey, I've never been to Danville."

Stephens: "Well, I'll tell you, I've been there, and I've seen Representative Black on the golf course with his riding lawn mower, his golf clubs, which are... I'm stretching it when I call them golf clubs, but they're strapped to the back of his riding lawn mower, and there he goes down the golf course. Now, under your Bill, he thinks he's riding a golf cart. Is that a legitimate explanation to the

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arresting officer? If he is pulled over for a DUI on his riding lawn mower with his golf clubs tied to the back, would that be covered under your legislation?"

Lindner: "I don't think so... I mean maybe Representative Black, in his district, doesn't know the difference between a lawn mower and a golf cart either. Or maybe Representative Black has a second job that we don't know about and he's mowing the golf courses."

Stephens: "Does your... does your legislation require wearing of helmets?"

Lindner: "No."

Stephens: "So the golf carter... golf cart folks can let the rider decide?"

Lindner: "Yes."

Stephens: "They're allowed to wear a helmet if they wish, but not required. How about seat belts?"

Lindner: "No. Seat belts are not required."

Stephens: "You said that the DUI legi...statute in this Bill exempts golf carts?"

Lindner: "No, it does not, Representative. It includes golf carts in the definition of DUI, and any person who drives or has a natural physical control of a golf cart on a roadway while under the influence is subject to the DUI laws."

Stephens: "Thank you, Representative."

Speaker Lang: "Representative Winters."

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

Speaker Lang: "The Lady yields."

Winters: "Representative Lindner, I have a question about the applicability of the driver's license laws. We have many senior citizens who...whose driving skills have become

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impaired; they are not possibly up to operating motor vehicles at high speeds on our public right of ways. Is this an attempt to give them an option that they may be able to use a golf cart, which drives at a much lower speed, would be a less of a danger to the public? Would that be one of the possible uses of this legislation?"

Lindner: "Well, I really never thought of seniors' driving being a danger to the public, but obviously golf carts would go slower, and it would be up to the local government to determine just where those golf carts could go. So I suppose you could say that would..."

Winters: "Well, my concern is, as my own mother ages, we are considering the fact that she may not be capable of driving of a car, and yet the post office, the church, a grocery store, within a quarter mile on the public highways of her home. Now, is there any provision in this Bill to have a special...a special classification on her driver's license that might allow her to drive a golf cart, but would not be valid to drive a regular motor vehicle? If there is not, would you consider introducing that kind of legislation or supporting that?"

Lindner: "Well, certainly that sounds like good legislation, but this...that would be up to the local jurisdiction, because this Bill is permissive, and we are, aside from demanding certain safety criteria and the subject to the DUI and the insurance liability laws, it would be up to the local community to make these decisions. But in other Dale Webb communities, they have...had to have applications and permits to drive the golf carts and inspections. So, whether or not somebody had a driver's license, I assume, it would be up to the local jurisdiction as to whether they could get a license to drive the golf cart."

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Winters: "Well, I wouldn't... The Secretary of State controls the driver's license application throughout the state, so a local highway authority, a local government body, really doesn't have any impact on the licensing side of it. Now, they would on whether or not that roadway is conducive to using golf carts. Would you consider expanding this? The question I'm asking is, we are opening up a different... a different classification of driving low speed vehicles on our state, county, local highways. Would there not then be a good reason to consider expanding or allowing an option on our driver's license for this type of vehicle as just as we have a motorcycle classification. We have heavy truck applications. We have school bus classifications on your driver's license. Will you expand this to include a golf cart classification on the state driving license?"

Lindner: "Well, Representative Winters, that sounds like a nice idea, and I'm sure I would support legislation if you wish to introduce legislation to that effect. But actually, this Bill has absolutely nothing to do with changing any classification on licenses. It's just allowing the local jurisdiction when a development such as Sun City comes in to decide whether or not those residents can use golf carts in that...in that specific location."

Winters: "Okay. Do you have any mechanism within this Bill that would buy citizen initiative? In other words, if a group of seniors in a village, for instance, or a township, thought that there was a need for a golf cart route, how does that ... how does that whole process get started? Does the Township Board or the Village Board, City Council initiate it or would they do it upon petition by citizens? Do you have any provisions in this Bill that would tell people how to go about taking advantage of this Bill?"

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Lindner: "Well, I assume they would do it like they would petition their village for anything else they wanted to do in the village."

Winters: "I'm sorry, I couldn't hear."

Lindner: "I assume, I mean this does not tell the village what process they have to follow. They would follow their own process as they do as a unit of local government when they consider recommendations and questions from developers or from citizens. So, I suppose each community would have their own way of doing that."

Winters: "Was there a State Mandates Note filed on this?"

Lindner: "I believe so, there were three... There were three Notes filed on this, yes. Which... a State Mandates Note, yes."

Winters: "And what was the finding of that Note?"

Lindner: "In the opinion of the Department and...of Commerce and Community Affairs, Senate Bill 1360... House fails to create a State Mandate under the State Mandates Act."

Speaker Lang: "Mr. Winters, your time has expired."

Winters: "Thank you very much."

Speaker Lang: "Representative John Turner."

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

Speaker Lang: "The Lady will yield."

Turner, J.: "Representative, I know this is an important piece of legislation, but there have been many Members on the floor, including myself, who've been called out to the outer chambers on a Bill called 2.2. I know you'd like to get to that, wouldn't you?"

Lindner: "Yes, I agree with you, Representative. That 2.2 legislation is very important initiative, and I hope that we are going to be able to have that called, certainly either today or in the near future."

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Turner, J.: "Can you... Could you give me advice on what I can tell my constituents who want to hear us talk about 2.2, debate that issue, and vote on that issue? Can you give me advice as to what to tell those people?"

Lindner: "I think they should make a big ruckus and ask the Speaker of the House to certainly call that Bill today while they are all here."

Turner, J.: "I can recall..."

Lindner: "I think it would be a great idea."

Turner, J.: "Maybe we should just ask them to call the Bill. Well, Representative, to this Bill. It's my understanding that you are creating a new offense under the Illinois Vehicle Code?"

Lindner: "A new offense?"

Turner, J.: "Is this a new offense for driving a golf cart under the influence of alcohol?"

Lindner: "Golf carts are defined as vehicles already in the Illinois Vehicle Code, so it was felt that, yes, they should be subject to the DUI laws."

Turner, J.: "I'm not sure I understand that. If they're already a vehicle under the definition in the Illinois Vehicle Code, why are they not already covered under our DUI statutory scheme?"

Lindner: "I don't know that, Representative. You would I'm sure have the answer better than I."

Turner, J.: "If someone were... Well, what would be probable cause to pull someone over driving a golf cart?"

Lindner: "The same thing as currently. I mean right now if you drove a golf cart anyplace else, besides where you were given permission to cross between golf courses, you could be pulled under... pulled over under the Illinois Vehicle Code."

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Turner, J.: "Well, I mean like a typical probable cause stop would be speeding. You don't envision that someone's going to be pulled over for speeding in a golf cart. And I know... You know usually it's speeding, or weaving, or something of that nature, or if an officer might see a beer can in the car. Are those things going to be probable cause to stop someone in a golf cart since they're open, and I don't think it's illegal to drink in a golf cart? And I'm not sure how speeding would apply. I know some of those things are a lot faster than other ones, but...."

Lindner: "Well, I would assume that a golf cart would be subject certainly to the traffic safety laws. I don't know about open liquor in a golf cart. But again, we are not making all of those rules and regulations through this Bill. We are giving that authority to the local jurisdictions. So, I am sure that when they have testimony on whether or not to allow golf carts in Sun City Senior Citizen Complexes, that they will address those issues."

Turner, J.: "Well, I'm trying to be serious, Representative. An officer cannot pull over a vehicle, as defined under the Vehicle Code, unless there is some sort of probable cause. I'm just curious, is an officer going to be able to pull over any golf cart, or are we going to have probable cause requirements?"

Lindner: "I'm sorry, Representative, can you ask your question again?"

Turner, J.: "What was your question, Representative?"

Lindner: "No, would you please ask your question again? I couldn't understand you with your southern accent."

Turner, J.: "Well, I know you're... you like that southern accent, you've told me several times. Mr. Speaker, I'm having a hard time hearing. And it's because I've had such

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a hard time hearing, I've lost about two minutes of my allowed time. I'm wondering if you would give me another couple minutes so I can continue on with my questioning here?"

Speaker Lang: "Can we give... Can we give the Representative your attention, please?"

Turner, J.: "Mr. Speaker, could I have another couple minutes, because it's been so difficult to hear. We've wasted most of our time asking each other what we said."

Speaker Lang: "Well, Representative Wojcik is going to yield her five minutes to you."

Turner, J.: "I thank you kindly, Ma'am, for that. Representative, I'm serious about this question. In order to stop a motor vehicle in the State of Illinois, there must be probable cause. My question is, are we going to have probable cause requirements in order to pull over a golf cart? And if so, what would they be? Because we... I don't see how you could have speeding, or weaving, or any of those things. So, my initial question is, is probable cause...to pull over a golf cart?"

Lindner: "That is not in this Bill. As I said, the local jurisdiction would be the ones to make those rules and regulations. And since we have made golf carts subject to the DUI Law, I would also assume that if somebody was driving a golf cart in a reckless manner, that since a golf cart is a vehicle, that there would be probable cause to pull it over."

Turner, J.: "Well, as you know, a lot of courses require the cart to drive across a public way. If an officer sees that the persons in the cart are drinking beer, which does happen on some of the courses, at least that I've been on, I've seen others do that, is that going to be probable cause for

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that officer to say, 'Alright, pull your golf cart over.'
And undergo field sobriety test and then if they find the
smell of alcohol, which is probable cause to ask for a
breath test, can they do that? Are we going to be
subjecting anyone who has an open beer can in a golf cart,
to being pulled over by an officer in a local
jurisdiction?"

Lindner: "If the DUI... I don't have the DUI Law before me, so I
do not know the exact criteria in that law. But, whatever
is in the DUI Law now, yes, would apply to golf carts on a
roadway."

Turner, J.: "All right."

Lindner: "Whatever is probable cause under the DUI Law would
apply to these golf carts."

Turner, J.: "Very concerned about the probable cause issue and
indeed if this passes, you can rest assured that that will
become an issue for the first person who has to defend
himself or herself as to whether or not there was ever
probable cause, and I think it's something that we need to
be addressed. But let's move away from that. Does the .08
Law apply to the use of the golf cart?"

Lindner: "Yes, it does."

Turner, J.: "And does it apply on the presumption basis, as well
as upon the per se basis?"

Lindner: "It applies as it applies to any other vehicle now in
the State of Illinois."

Turner, J.: "Well, what if a person were on a course, made his
cross over the public way, and they had six holes left to
play. Could the officer require them to go to the police
station to take a breathalyzer before they finish the last
six holes? Or, do they finish the six holes and complete
the round and then go and take the breath test?"

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Lindner: "Well, Representative, you are asking completely like off the wall questions that are not things that are contained in this Bill. These officers make those decisions everyday with every other vehicle that is on the road in Illinois, and those are the kinds of decisions that the officer would make, not... and they are not contained in the State Legislation. And that is under the jurisdiction of the officer who would be observing that particular situation."

Turner, J.: "Well, so much for the southern charm. Perhaps, the last question was a little bit less than sincere. To the Bill. But the questions on probable cause were very sincere. I think that the legislation does need to consider probable cause. I think that when you implement a .08 standard both on a per se basis and on a presumption basis, that probable cause is going to be a requirement. I'm not sure how that is going to be ascertained under the Bill. Perhaps, the existing laws in the statute and as have been found by the courts in the common law will give us guidance in those areas. But I certainly did mean those to be very sincere questions, Representative Lindner, and I appreciate you trying to answer them. Thank you."

Lindner: "Representative, I know you are a sincere person, and I think you just asked a question in there. But certainly, in every other statute where the DUI Law applies, they don't define, you know, probable cause. That is in the DUI Law. This is simply just applying that law to golf carts if they're going to be used on roadways."

Speaker Lang: "Mr. Turner, have you finished?"

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

Speaker Lang: "The Chair recognizes Representative Durkin."

Durkin: "Thank you, Mr. Speaker. I have two issues, one is a

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point of personal privilege."

Speaker Lang: "State your point."

Durkin: "Yes, Mr. Speaker, I would like to welcome to the Illinois House of Representatives today the Westchester Chamber of Commerce, who's up in the gallery, who drove all the way down to visit us and watch this wonderful exhibition. And I thank them for coming down. Now, I have a question for the Speaker, I mean for the Sponsor of the Bill."

Speaker Lang: "Proceed."

Durkin: "Representative, I'm not sure if I got it quite clear, but I'm a pretty bad golfer, and if I'm on the golf course and I shank one over in the woods and I go across the roadway and I've had a few pops, I mean by my bad golfing, is that going to establish probable cause for the trooper to pull me over and do the breathalyzer?"

Lindner: "If that is the law right now. Because, right now that's the only way you can use golf carts. These people would be using them to get around to, you know, the post office and the grocery store, within the subdivision. So, I don't know the answer to your question."

Durkin: "Okay. Right now I think it describes in the Bill what the golf cart is, but I don't see any prohibition. I mean some golf carts have four wheels and some have three wheels. Are we limiting... Is there anything in the Bill which makes any type of distinction of what types of golf carts are going to be allowed on these roadways? With respect to the, you know, the amount of wheels."

Lindner: "The Bill defines the number of safety features and that... those are that the golf cart has to have, and this is at a minimum, brakes, steering apparatus, tires, a rear view mirror, red reflectorized warning devices in the front

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and rear, a slow moving emblem, as required of other vehicles in Section 12709, on the rear of the golf cart, a headlight that emits a white light visible from a distance of 500 feet to the front, a tail lamp that emits a red light visible from at least 100 feet from the rear, break lights, and turn signals."

Durkin: "I'm sorry, I didn't hear you... oh, I'm just kidding. Now, if we're going to allow these carts on the road, is there any type of registration process which we're going to have to do with these carts? Because I didn't see that in the Bill, because if we're going...if we're going to be... in a sense, giving them the same type of status as any type of motor vehicle, they do... there has to be some type of registration process... process from the Secretary of State. Is there anything in this Bill which forces the owners of the carts to register their carts in the same fashion that we register our automobiles?"

Lindner: "Representative, we are not registering these. We are giving the local government the authority to say whether or not the operation of golf carts can be on their roadways. In other Sun Cities, yes, there have been applications and requirements that there is a permit, regular inspections, and that the permit would be for two years. So, I assume that if the Village of Huntley decides to allow this, then they would also have to go through the same process that the other Sun Cities have gone through."

Durkin: "Well, this is a very interesting Bill, and I think that a few other Members of our side have a few more questions, but I think you've done very well so far and I'll... I'll wait until the final debate... the end of the debate to make my decision. But you've done very well so far."

Lindner: "Oh, thank you."

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Speaker Lang: "With the agreement of the Sponsor, this Bill shall be taken out of the record for a brief period. Representative, Majority Leader Currie in the Chair."

Speaker Currie: "Thank you. It is my great honor to present to the Membership the Director General of the Taipei Economic and Cultural Office, which is in Chicago. Mr. Shen-tsung Yang is the Facto Council General and his responsibilities for the People's Republic of China extend to the entire Midwest. He has spent 28 years in the Republic's Foreign Ministry. He has served in Washington and also in Taipei, most recently as what would be a counterpart to our Assistant Secretary in the State Department. So, please, join me in welcoming Mr. Yang, as I say the Facto General... Council General for the Republic of China in the Middle West and the Director General of their Economic and Cultural Office in Chicago. Mr. Yang."

Yang: "Thank you, thank you very much. Thank you. Speaker Madigan, Majority Leader Currie, distinguished Members of the House of the State of Illinois, it's a great honor to be here to share some time with you. And I appreciate it very much for Speaker Madigan's effort to make this occasion a reality. In 1874, Abraham Lincoln was here. He really provided us a great deal.... A government of the people, by the people, and for the people has been materialized by your leaders up to today. The Republic of China also does such kind of political vision. Founders of ours ... say that Lincoln's vision ready provide that my country a great deal of enlightenments. And in the past 10 years, we worked so hard and so well for our Democratic relation.... mottoes, including the State of Illinois. We are so proud of this kind of democracy has been worked us through a peaceful process. We provide a speech, freedom

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of speech, freedom of religion and freedom of praise. And that we've even conducted a president elected by the... Let relationship between the United States of America and my country, the Republic ...Taiwan, has been so close... Take the trade, the two-way trades for example, it reached \$53 billion in 1997. We bought some \$22.3 billion from this country and from Illinois alone we bought \$510 million in 1997. In 1991 the State of Illinois signed the assistant state of relationship with the province of Taiwan. And before that, now governor, then the state's secretary, visited my country, and I just talked with our Speaker here... of the House today that he visit my country in 1984. Some of your Members have also visited my country before, and as I just mentioned about the foundation of a relationship between our two countries... have been so substantial and so fundamental. And I therefore would like to invite each and every one of you to visit my country, the Republic ...Taiwan sometime in the near future to strengthen our relationship. We would like to do something for the State of Illinois to increase the trade, to increase the contact. And as I just mentioned about we bought \$510 million of goods from Illinois in 1997, and I will challenge you that through our joint effort, we might increase that amount to \$600 million in 1998 and in 1999. We are looking now to go over current Asian financial crisis. We would like to follow the United States to provide some assistance to southeastern countries. Our economic structure is sound, and we would like to do something then. Today I would like, also, to take this opportunity to thank you for supporting my country. I remember in the past few years you worked so hard and so well in supporting my country to beat for joining the

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International Organizations. We're currently working hard at Capitol Hill in Washington, DC for our joining International Merger Fund and the war bank. And I would appreciate that you might take effort here at this...to echo that effort. It's a great honor to be invited here and I appreciate your attention. Thank you very much."

Speaker Lang: "Representative Lang in the Chair. Proceeding on Senate Bill 1364, Representative Lindner. The Chair recognizes Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker. The DuPage Children's Museum, which is located in Naperville, in the true spirit of childhood, brought us this morning, from 9:00 a.m. until noon, cookies and milk, in Room 122B. There were some cookies and milk left over, and so they are now on the front table here on our side of the aisle, and if any of you would like some cookies and milk, please help yourselves. Thank you, Mr. Speaker."

Speaker Lang: "Representative Black."

Black: "Thank you very much, Mr. Speaker. Are we still on the golf cart Bill?"

Speaker Lang: "We're still on the golf cart..."

Black: "Will the Sponsor yield?"

Speaker Lang: "The Sponsor yields."

Black: "Representative, this golf cart's moving so slow. Do you mind if I play through?"

Lindner: "No, Representative."

Black: "All right. Let me ask you a question. I'll admit I'm fascinated by this Bill. Do golf carts pay motor fuel tax?"

Lindner: "Golf carts are defined as a vehicle under the Illinois Vehicle Code now, so whatever the Illinois Vehicle Code says as to that would be the fact, but I can't tell you."

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This Bill does not contain any language to change whatever is in effect in Illinois now."

Black: "In the underlying Bill, in a definition of golf cart, can it be only electric or can it be gasoline powered? Is there anything in the underlying Bill that would define a golf cart and the means of propulsion of said cart?"

Lindner: "There is nothing that defines golf cart in the underlying Bill, because that is already defined in the Illinois Vehicle Code."

Black: "Well, as I told you in committee, I have some shade tree mechanics that are going to drop a four cylinder super charged engine into a golf cart chassis, and then we're going to have some fun. Would that be prohibited under your Bill?"

Lindner: "Well, that would be up to the local jurisdiction, again. Because the local jurisdiction would be determining the permit process and application process for the golf carts within the Sun City Complex."

Black: "Do you mean to tell me that every local jurisdiction in Illinois will have their own standards of what a golf cart will be?"

Lindner: "No, this would be... Well, wherever they wanted to do this, yes, I suppose they would have the option not to say what a golf cart would be, but to issue you a permit or not."

Black: "Well, see down where I live..."

Lindner: "Golf carts are already defined under the Illinois Vehicle Code. So, I assume your souped up chassis that you have down there in Southern Illinois would not be defined as a golf cart right at the moment under the Vehicle Code. And this Bill does nothing to change the definition that is now under the Vehicle Code."

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Black: "Well, Representative, now I'm really confused. Earlier you said each jurisdiction would establish basic rules. Now down my way, some of those golf courses are rough. I mean they're out in the woods. You drive in the rough and the rough might be full of various critters, marauders. So many of my constituents would want a sport utility golf cart, four wheel drive, with additional power. Would they be able to do that under this law?"

Lindner: "Well, Representative, this law does not concern golf carts that are driven on golf courses...golf courses. It is for senior citizens within the Sun City type development to get around to the local post office, grocery store, et cetera."

Black: "Well, I know what the intention is, but, Representative, I play golf so badly that I started playing golf at the Elk's Club in Danville one day, and I have such a bad slice that my 23rd shot put me in Indianapolis, Indiana. So, and then my cart ran out of battery power, and I had a heck of a time getting back to Illinois. But under your Bill, I could have charged it up and driven back to Illinois?"

Lindner: "No, because your local jurisdiction would be discerning where you could drive that golf cart. And I assume that they would not give you the privilege to drive it out of the State of Illinois to Indiana, no matter how bad your golf game is."

Black: "Well, if I get permission from the various jurisdictional units of government, the city, the state, if I'm on a state highway, the county engineer, and I want to cross a state highway, and I come to an intersection, what am I suppose to do? Do I get out of the golf cart and holler four, and then go across the road, or how do I handle that?"

Lindner: "Right now, Representative, the Illinois Vehicle Code

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gives you the permission to cross a highway or a street if you are playing golf."

Black: "But your Bill would allow them to go on streets, wouldn't it?"

Lindner: "No, my Bill would allow the local jurisdiction to decide whether in a development, such as Sun City, the golf carts could be used within that development."

Black: "Is there a weight limit? Will there be a weight limit on the cart under the Bill? Because, you know, the heavier these carts are, the more they tear up the roads."

Lindner: "I read you the safety criteria that are in the Bill, and again, the local jurisdiction, I assume, would be determining whether you could have a semi golf cart or a light one."

Black: "One last question, and I really don't understand..."

Speaker Lang: "Proceed, Mr. Black, last question."

Black: "This is my last question, Mr. Speaker. Thank you for your indulgence. The Bill references that if you do get permission from the local jurisdiction and you are crossing a street or a public thoroughfare, then the golf cart would have to have headlights and taillights. Now, I've never seen a golf cart with headlights and taillights, and my question, to meet that provision of the law, would you then no longer be... would you not be in danger of not... of being classified rather than a golf cart as a motor vehicle? And an officer could say, 'This isn't licensed. You're not suppose to be out here.'"

Lindner: "A golf cart is already a motor vehicle under the Illinois Vehicle Code at the present time. It is defined as a motor vehicle, but right now... I mean if you were using... It does not change the law to be able to use golf carts that are just used on golf courses...golf courses to

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cross highways. But then the local jurisdiction, if the golf cart was being used in a Sun City type operation, would decide how far that golf cart could go."

Black: "All right. Well, thank you, Representative, I appreciate your indulgence. Mr. Speaker, I think you see the problem and why golf is in danger of losing some of its appeal, slow play, slow play. You go out in the morning and you want to get a round of golf in in four hours, and it's getting harder and harder to do that. Now we're trying to pass a golf cart Bill, and it appears to me it's going to take us 10 hours to pass a golf cart Bill. In that time, the Sponsor and I could go out and shoot nine holes, and perhaps that's what we should do, and we'd all be better off."

Speaker Lang: "Mr. Cross."

Cross: "Sponsor yield?"

Speaker Lang: "The Lady yields."

Cross: "Representative, will this allow the State Police to do golf...golf cart roadblocks?"

Lindner: "I'm sorry, Representative. What did you say?"

Cross: "Will this allow the State Police to conduct roadblocks on golf carts?"

Lindner: "I don't think so."

Cross: "Will this require... Will the golf carts be subject to seat belt requirements?"

Lindner: "No."

Cross: "Will they be subject to seat child restraints?"

Lindner: "Not... It's not in the Bill. Those are not safety requirements in the Bill; I read those to Representative Turner. But I would assume that if the local jurisdiction wanted to make those rules applicable for the permit process, that they would do that."

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Cross: "What about... I don't know if anyone asked you this, the issue of illegal transportation? If you're at a golf course, it's not uncommon, I think maybe someone mentioned this, to have a few beers maybe in the golf cart. Would they be subject to the Vehicle Code, while on the roadway?"

Lindner: "I already answered those questions, I think, for Representative Turner. Weren't you listening, Representative Cross?"

Cross: "No, as I said, Representative, I don't know if you did, I didn't hear that. So the answer is, yes?"

Lindner: "The Bill makes the golf carts, if driven for vehicular purposes inside a Sun City type development, subject to the DUI Laws."

Cross: "Pat, kind of on another more serious note. In the event someone gets a DUI charge with a golf cart and they're placed on court supervision... and they're placed on court supervision for the golf cart DUI violation, won't they be precluded from a supervision for the rest of their lives, under the Illinois... under the statute now?"

Lindner: "Whatever the DUI Law says now, the golf carts as the vehicle in Illinois will be subject to that DUI Law."

Cross: "Did anyone... and maybe someone asked this, did anyone talk about the liability issue of who is liable for the... if there's an accident involving a golf cart?"

Lindner: "It would be no different than any other accident, Representative. And right now, since golf carts are defined as vehicles, they have to be covered by a Liability Insurance Policy."

Cross: "Are we requiring license plates on..."

Lindner: "The Bill does not require a license plate under the safety devices, but again, the local jurisdiction could establish some kind of identification."

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Cross: "Would you have to register your golf cart with the state?"

Lindner: "The Bill does not require that. Again, that would be up to the local jurisdiction."

Cross: "Are we going to have mandatory insurance for golf carts, where you have to keep it in your glove compartment?"

Lindner: "Well, I just stated that golf carts, under the Illinois Vehicle Law, are already considered motor vehicles. So, they are subject to the Insurance Liability Laws."

Cross: "All right, Representative. I don't have any other questions."

Speaker Lang: "Representative Biggins."

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

Speaker Lang: "The Lady will yield."

Biggins: "Now, Representative, didn't you say this Bill would apply toward rural areas, as well as urban areas?"

Lindner: "It will apply to whatever area the local jurisdiction determines it should apply to."

Biggins: "So, it would occur as best Representative Black's district could have golf cart usage down there, right?"

Lindner: "Could have what?"

Biggins: "They could use the golf carts in southern parts of the state or central parts of the state, right? On their farms, perhaps."

Lindner: "Pardon?"

Biggins: "These could be used in areas where there may be farms, right?"

Lindner: "No, because this would be on highways and roadways, under the jurisdiction of a municipality or a township or county."

Biggins: "I guess I'm trying to establish if it's a possibility that if this could be used in rural areas and not be

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animals around and might be horses around, you're proposing a Bill that puts the cart before the horse."

Lindner: "No, I don't think I am."

Biggins: "Okay. I have no further questions."

Speaker Lang: "Representative Mulligan."

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

Speaker Lang: "Yes, the Lady will yield."

Mulligan: "Representative, forgive me if this question was answered. I'm curious how this would impact. Sometimes people in my district who are disabled..."

Lindner: "I'm sorry, Representative."

Mulligan: "Sometimes people in my district who are disabled ride in carts that are very similar to golf carts. And in some instances, which is of concern to me, and I don't know if it's because of going on and off curbs or what, I find that they ride in the street. And particularly, I've noticed people that leave like a Jewel Shopping Center or something, and I don't know if it's because of the impact of going over the curbs or what would happen, but how would this Bill impact disabled people who have to ride in the little carts that are like battery operated?"

Lindner: "Well, this Bill wouldn't impact them. Right now, it would be my understanding that the people who you are describing would be in violation of the Illinois Vehicle Code. And this Bill would not affect that because this would only give... The local jurisdiction would decide a certain area in which these golf carts could be used. Like a Sun City Senior Citizens Complex, that's all this is about."

Mulligan: "So, that would not... This Bill would not impact them, but they're already in violation of the Code."

Lindner: "Correct."

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Mulligan: "Would it allow municipalities to, which I think they can do anyway, change a law that would impact those people?"

Lindner: "Well, it allows them to, by ordinance or Resolution, determine where the operation of golf carts on roadways would be in their respective jurisdictions, and these would not be wheelchairs. These would not affect disabled people in wheelchairs."

Mulligan: "No, but they appear... they appear like golf carts, because of the way they're situated, and they have like a background where they have the batteries in. So, you think they would not be considered a golf cart?"

Lindner: "No, I don't think so because of the safety criteria and all that are in the Bill that would have to be on a golf cart. So, they would not have that on it."

Mulligan: "All right. Thank you."

Speaker Lang: "Representative Winkel."

Winkel: "Thank you, Mr. Speaker. I do have an inquiry of the Chair."

Speaker Lang: "State your inquiry."

Winkel: "Well, I do appreciate that we're having this debate on golf carts. But I do wonder if maybe sometime, maybe today, maybe tomorrow, not just play golf, but maybe, maybe we'd have the Teachers' Pension Reform Bill called. Is that... Is that on the agenda today? What's the status of that?"

Speaker Lang: "That request will be taken under advisement. Representative Lindner, to close."

Lindner: "Thank you. This is very important to development, and it's a permissive Bill that gives local control to the jurisdictions to decide the area. This is the first Sun City that Dale Webb has established in the northern part of

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the United States, and I think it's an important economic boom for the State of Illinois. I would ask for a favor...favorable vote."

Speaker Lang: "The question is, 'Shall this Bill pass?' All those in favor shall vote 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 85 voting 'yes', 31 voting 'no', and 1 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1508. Representative Saviano. Mr. Clerk, please read the Bill."

Clerk Rossi: "Senate Bill 1508, a Bill for an Act amending the Liquor Control Act of 1934. Third Reading of this Senate Bill."

Saviano: "Thank you, Mr. Speaker, Members of the House. Senate Bill 1508 is a Bill which reduces the tax on cider from 23 cents to seven cents to put it in line with the current tax on beer. Due to the current popularity of cider, we felt that this would be a good gesture. The fiscal impact on the Bill is minimal, somewhere around I think 30 or 40,000 dollars. So, we know of no opposition to the Bill and I would ask for your approval. Thank you."

Speaker Lang: "Representative Rodriguez. The Lady does not wish to speak. There being no discussion, the Gentleman moves for the passage of Senate Bill 1508. This is final action. Those in favor shall vote 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 117 voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed."

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Representative Hassert has filed a written Motion pursuant to Rule 65, and having voted on the prevailing side, I move to reconsider the vote by which Senate Bill 1380 passed. The Chair recognizes Representative Hassert."

Hassert: "Thank you, Mr. Speaker. Not too often do I take advantage of getting up on the House Floor and speaking, but I did have my light on during that course of the debate, and I did have some questions concerning that Bill. I would appreciate... There are some other Members on this side, and I'm not trying to prolong the debate, as many of you think that we are doing on this side, but I did have some legitimate questions. I would appreciate a chance to ask those questions. So, I would ask for a favorable vote on this Motion."

Speaker Lang: "Mr Stephens."

Stephens: "Mr. Speaker, who is the Sponsor of the Motion?"

Speaker Lang: "The Sponsor of the Motion is Mr. Hassert."

Stephens: "The... We appreciate the fact that Representatives on your sides of the aisle are not, not united in denying us our constitutional right to debate each and every issue. Representative Dart stood in...in defense of our position, and indeed, encouraged us to...to question his previous legislation, and we appreciate that. On this particular Bill, as it was called, there were at least a half dozen Members on our side of the aisle seeking recognition. Representative Hassert's Motion should be adopted, so that we can reconsider the vote, so that we can continue the debate, both pro and con on this important piece of legislation. There is no reason, Mr. Speaker, for anyone in the Chair, especially as I said earlier...in my remarks earlier, especially you, Mr. Speaker, should never ignore a Member on either side of the aisle, as we never failed to

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recognize you when you were in the Minority. And as I suggested earlier, there were times when we debated the Bills three and four hours. Well, now see...now see, Members on your side of the aisle are rising to your defense, and that is what...that is what the debate is about. And maybe I...maybe I misspoke, maybe there was an occasion when we ignored you. And if we did, we were wrong. And so to prove that we were wrong and to admit that, we stand in support of the Motion to reconsider so that each and every Member can have his or her say."

Speaker Lang: "Mr. Hartke."

Hartke: "I kind of disagree with the previous speaker. I think, as I recall in Minority, many, many times we had our lights on seeking recognition, only to be...for the Speaker to recognize an individual from your side to call the previous question, and ruled, and we were not allowed to speak. I can name you several instances on a piece of legislation that you cosponsored, Representative, where I wanted to speak and was denied that right because of a parliamentary move. I'm sure that Speaker in inadvertently did not recognize you on this piece of legislation. But thanks anyway for the rhetoric."

Speaker Lang: "Mr. Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I...I guess I'm a little confused, but it seems to me that if the Chair calls upon a Member and the Member asks for a ceasing of debate, the Chair has no other responsibility than to call that, and I don't fault the Chair. When that Motion was made, the Chair has to bring it to a vote, because that's not a debatable item. The only fault that I find is that we should have given...should have given us a chance to debate that. But

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we didn't have time, and I think that's part of our concern. But, and quite frankly, I don't fault the Chair when that question comes up to end debate, the Chair has no other recourse than to call it. So, I'm not faulting you for that. I just think perhaps to...that...that we have to be more vocal on making sure that we have a very... a Roll Call on that Motion, and I...I would like to hope... Mr. Speaker, I would just say that I would hope in the future, you'd just allow us an opportunity for a Roll Call on that. So again, I... I... and I guess in some defense of the Chair, when that Motion is made, the Chair has to recognize and to take a Roll Call. I would just ask that we... take a... a Verified Roll Call in the future on that Motion. Thank you."

Speaker Lang: "Thank you. Mr. Hassert, to close on his Motion."

Hassert: "Thank you, Mr. Speaker. I'd just appreciate your attempt to bring this back for reconsideration. I would appreciate the Members taking an opportunity to support this Resolution, so that everybody can have a chance to ask their questions on that Bill. Thank you."

Speaker Lang: "The question is, 'Shall this vote be reconsidered?' All those in favor shall say 'aye; those opposed shall say 'no'. In the opinion of the Chair, the 'noes' have it and the Motion fails. Mr. Hassert, I believe the Chair was in error. Please remake your Motion."

Hassert: "Mr. Speaker, I'd like a Roll Call Vote on the vote to reconsider, since I voted on the prevailing side of Senate Bill 1380. Thank you."

Speaker Lang: "Those in favor of the Motion to reconsider shall signify by voting 'aye'; those opposed shall vote 'no'. The voting is open. This requires 60 votes. Have all

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voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 68 voting 'yes', 47 voting 'no' and 1 voting 'present'. The Motion prevails. And the vote by which Senate Bill 1380 passed has been reconsidered. Representative Bugielski, on House Bill... on Senate Bill 1380."

Bugielski: "Thank you, Mr. Speaker, Members of the House. You heard previously what this Bill does. It would state that banks could not charge more than \$500 on the cancellation of a home equity loan. I know Representative Hassert had some questions that he wanted to ask, and I'll be happy to answer those."

Speaker Lang: "Mr. Hassert."

Hassert: "Thank you, Mr. Speaker, and thank you to the Members for the opportunity to reconsider this. And, Representative, would you yield for a question?"

Speaker Lang: "The Gentleman yields."

Hassert: "Thank you. Bugs, just my concern with this Bill through some of the debate, the concern that was brought to my attention is why do we have to cap this at \$500? Why could not we look at this through a mandatory type signature through contractual negotiations that people be aware, the consumers would be aware of that they would have to sign and acknowledge the cancellation fees? So this would be between the lender and the borrower versus that we automatically put a cap on it and potentially might just get a freedom that there will be a \$500 mandatory cancellation fee versus there might not be no fee."

Bugielski: "Representative, you know, it's a good point to make, but, you know, I think and I'm not positive, but I think a lot of banks right now, they don't have a signature, but they have the disclosure where they will tell the people

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that. But as you know, I am sure that there are people that are sitting on a closing on a loan, they don't even listen to half of the stuff. All they're interested in is getting that check. They're signing, you know, 20, 30 different times. I don't know if they really pay attention to that, and even if something like this, they're going to say, you know, banks will still, you know, there may be a disclosure form in there that they would have to sign, and with all the paperwork that's there, I don't know if they would actually pinpoint that one particular disclosure statement out. It's a good point and as I mentioned before, if we see an excessive abuse of this with the banks, I mentioned to one of the other previous speakers that I would have no problem bringing this Bill back and lowering the cap, if we see... But as I mentioned before, the majority of the banks right now charge no cancellation fee. So, I would have no problem in changing this Bill if I see there is an abuse to this law."

Hassert: "My concern, Representative, is what you just brought up. A lot of banks do not charge those fees. By capping them or mandating that they can't go over \$500, my concern is this would be interpreted that they automatically can charge like a \$500 fee basically to cancel a loan when maybe they wouldn't be charging that. That's why I thought maybe disclosure of some form where they sign and negotiate the cancellation fee, we'd be more in order. My concern is here that this doesn't become an automatic \$500 fee tapped on to all lending pursuant to these home equity loans."

Bugielski: "Well, see, you know, I disagree on the fact right now, because right now there is no ceiling; they could charge whatever they want. They could charge 2,000 - 3,000

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dollars, and all we're saying is that they cannot charge more than \$500. So I disagree, you know, with the... that a lot of the institutions would automatically start charging four and five hundred dollars. I don't think that they would do this. The competition is too great out there."

Biggert: "Again, Mr. Speaker, I appreciate the Representative answering a question. Again, I appreciate the opportunity I have to ask the questions. Thank you."

Speaker Hartke: "Representative Hartke in the Chair. Representative Biggins, for further questions."

Biggins: "I thank you, Mr. Speaker. The only comment I wanted to make earlier was that our analysis indicates that Senator Cullerton was once charged a \$1400 fee to cancel a 25,000 home equity loan. And that, I would agree, is an egregious charge, but sometimes I think we try to do with legislation what the customer should be doing on their own. And I think that in this day and age, we should all be wiser before signing contracts that we have to pay back money without giving them a thorough analysis. So, I checked with my bank, and I served on that bank board for 20 years, and they don't charge any fees for prepaying your home line of credit or your home equity loan. So, I think that the thing to do sometimes is shop around and get it in a different bank. And I might suggest to the Senator, if I see him later, that he might shop for a different bank; maybe he already has. That's all, I'm still going to support the Bill."

Speaker Hartke: "Thank you. The Chair recognizes Representative Brosnahan."

Brosnahan: "Mr. Speaker, I rise on a point of personal privilege. I would just like the Members to welcome the fifth grade

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class from St. John Fisher School in Chicago. They have...
in Chicago. So, just everyone give them a nice warm
welcome up there in the gallery."

Speaker Hartke: "Welcome to Springfield. Further discussion?
The Chair recognizes Representative Stephens."

Stephens: "Thank you. First of all, on a point of personal
privilege, I'd like to..."

Speaker Hartke: "State your point."

Stephens: "... extend my apology to you, Representative Hartke as
the...and Speaker Hartke, because there may have been a
time a couple of years ago when we were in the Majority,
where your light must of been covered, and we failed to
recognize you. And if that was the case, whether it was
purposeful or not, I apologize if I misspoke earlier and
said that we had never violated that intentionally or
otherwise. Representative, I do have... If the Gentleman
will yield?"

Speaker Hartke: "He indicates he will. And your apology's
accepted."

Stephens: "I do have a question. Do I understand this Bill
correctly that currently if you... I understand the portion
about if you cancel the line of credit, but isn't it
true... Is it true indeed that if you pay off a note or a
loan early, that the bank may then or the lender may then
bill you from one to 500 dollars? Is that the purpose of
the Bill?"

Bugielski: "They could do that. They could do that right now,
and this is the whole purpose. And most institutions do
not charge you anything. But, all we're saying is there
are a few bad apples out there that are gouging some of the
consumers, and the consumers are not even aware of this.
You know the... the smart buyer would be aware of this, but

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there are a lot of people that go out there that aren't aware of this. And, yes, they can do that. It's up to the institution. And on this Bill, all we're saying is that they would not be able to charge more than \$500. Some of these institutions right now are charging 15 hundred to, you know, over a thousand dollars, while most of them are not charging anything."

Stephens: "I understand a prepayment penalty clause in a contract. And are you saying that if the prepayment clause is in the contract, that your legi...excuse me, your legislation would not allow that or would make that portion of the contract null and void?"

Bugielski: "It would just put a cap on the prepayment if they so choose."

Stephens: "Would that cap on the prepayment have to be part of any contracts issued after the effective date of your legislation?"

Bugielski: "No."

Stephens: "I'm sorry, the answer is, no?"

Bugielski: "It doesn't man... All we're... It doesn't mandate that it has to be in the contract. All we're saying is that they cannot charge more than \$500, if they have a cancellation fee."

Stephens: "All right. What if they have a prepayment clause in their contract that says they may charge no more than \$250? Would the passage of your legislation then allow them to charge up to \$500?"

Bugielski: "That's up to the individual institution."

Stephens: "Would it allow that institution to charge up to \$500?"

Bugielski: "They could charge a thousand or 15 hundred right now."

Stephens: "No, Sir. No, Sir. I'm saying that if the prepayment

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clause in the contract by the lender says that the charge for prepay... prepayment penalty would be no more than \$250. Earlier you said that..."

Bugielski: "It doesn't say... Right... Right now it doesn't say that in there. They may have a clause in there that says there, you know, there may not be anything or it may say that if you pay off early, there's a \$100 fee, a \$200 fee; that's up to the institution. But all we're saying is that the institution cannot charge more than \$500. We're not saying that they have to change their wording, whichever way they see fit. They don't have to put that in there; that's up to the institution."

Stephens: "Representative, please answer my question. If they have a limit in their prepayment clause now of \$250, with passage of your Bill, since earlier you said that it would make that paragraph in the contract null and void, would it indeed allow them to charge then more than \$250 in a prepayment penalty?"

Bugielski: "Nothing precludes them from doing that right now. That's up to them what they could do."

Stephens: "No. What they're doing now in this particular hypothetical contract is saying that prepayment penalty will be a maximum of \$250. My question again is, with passage of your legislation, would that... would passage of this Bill make that paragraph, in that contract, null and void and thus allow the loaning institution to charge up to \$500?"

Bugielski: "No."

Stephens: "Is it because the passage of your legislation doesn't make that paragraph null and void?"

Bugielski: "Correct."

Stephens: "Those are great answers, Representative. You're

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getting good advice over there. Thank you very much."

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

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

Speaker Hartke: "He indicates he will."

Mulligan: "Some of... some of the questions that I previously had, have just been answered. But I am curious as... As long as you are putting this Bill together, did you set up any time frame from the initiation of, say that you pay a fee for the origination of a loan, and then you decide within 30 days or 60 days that you want to pay it off, and they can still charge you up to \$500?"

Bugielski: "They could do that right now. They could charge over 500 right now."

Mulligan: "So, they can charge whatever they want unless you have it in the original contract."

Bugielski: "Right now, there's no ceiling. They could charge whatever they wish. As I mentioned before, more than 95 - 98% of the banks do not charge anything."

Mulligan: "All right. Would you just make it your legislative intent that it doesn't mean they have to charge \$500, that that's still negotiable in your contract for any amount under or no amount?"

Bugielski: "They don't have to charge anything. All we're saying is we're just saying that they cannot charge more than 500. Absolutely, you know, if the bank doesn't want to charge anything, that's fine, and I would venture to say the majority of the banks would keep their policy as they have it right now."

Mulligan: "Do you have any concern that certain lending institutions will tell borrowers that they are entitled by state law to automatically charge \$500 to pay this loan

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off?"

Bugielski: "No."

Mulligan: "All right. Thank you very much."

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

Durkin: "Thank you, Mr. Speaker. I rise at a point of personal
privilege."

Speaker Hartke: "State your point."

Durkin: "Thank you, Mr. Speaker. I'm very proud to announce in
our gallery that we have the Komarek Grammar...High School
Eighth...Komarek School Eighth Grade Class of North
Riverside, who has come down to visit us today. They are
in my district, and I hope we all give them a nice round of
applause."

Speaker Hartke: "Welcome to Springfield. Further discussion?
The Chair recognizes the Lady from Lake, Representative
Moore."

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

Speaker Hartke: "Indicates he will."

Moore, A.: "Representative, is your purpose in introducing this
legislation to be one of consumer protection?"

Bugielski: "Yes."

Moore, A.: "And so, wouldn't... Maybe you can help me. In the
Bill, I think that the right to know what people are being
charged up front, before they agree, they have to sign off
and say they know that they're going to be charged this
fee. And is that requirement in the Bill someplace?"

Bugielski: "That's just current law."

Moore, A.: "So, the fee that they're going to be charged, the
cancellation fee, they would be notified up front?"

Bugielski: "Well, it would be in the contract and the thing is,
my whole point is, many people do not read the contract."

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Moore, A.: "So, when they sign off on this application, there's an application fee, and they've got all these documents to sign, is there currently a sign off for the cancellation fee that you're talking about in here?"

Bugielski: "Yes."

Moore, A.: "So, you're saying that people now go apply for a loan, and they will sign off on \$2500 as a cancellation fee?"

Bugielski: "It could be. It's probably in... It's definitely in the contract, but it's very small, at the very bottom, and people don't even look at that."

Moore, A.: "No, no, but you said that they have to sign off separately saying that they understand that there's going to be a \$2500 cancellation fee."

Bugielski: "Well, if they have that right now, I am not sure what every bank does. But when they're signing that contract, if there is a fee, it's in the contract, but people don't even see that. And all we're saying is now that is for a few of the institutions. And as I mentioned before, almost all of the banks don't charge anything right now."

Moore, A.: "But the point of consumer protection in this instance, I would think would be the consumers right to understand what is being requested and required of them. There could be a cancellation fee of \$2500 or \$500. I don't think people will care which is what if they don't know what's in there and if they haven't signed off. Representative, I think your Bill is flawed. It should have required that there was a sign off on these cancellation fees, and that would of made that \$500 a more equitable issue. The way the language reads right now, it's almost a blank check for all banks to step up and charge a \$500 cancellation fee. You can see it already."

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The consumer will be in there and the banker will be saying, 'I'm sorry, but you know, the Legislature passed this \$500 fee, so that's why you're being charged this.' Even though many banks currently don't charge this at all. I think your Bill needs a little more thorough look in regard to notifying the individual about what those fees are and having them sign off, so they clearly understand. It's the consumers right to know that's the issue."

Bugielski: "First of all, Representative, you're saying that we're charging a \$500 cancellation fee, which you are incorrect. We are not saying that you could charge \$500 for the cancellation fee. We are just putting a ceiling on that they cannot charge more than 500, because they are charging more right now."

Moore, A.: "However, if every bank in the State of Illinois chooses to charge \$500, once this legislation is law, it'll be perfectly legal."

Bugielski: "Well, then you better read your contract very carefully, because if you were misunderstanding that, you know, if you don't know what we're saying right here, then you could be one of those people that would fall into the situation by not understanding what you're signing."

Moore, A.: "If you've got the right to know and you've got the sign off on the amount you're paying, I would see...think that the consumer could make up his own mind whether or not that cancellation fee is worth it or not. The right to know should be in the Bill. And I would urge a 'no' vote."

Bugielski: "It's already current law, already, Ma'am."

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

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

Speaker Hartke: "State your point."

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Acevedo: "I'd like to welcome back a former Member of the House and now the Alderman of the 12th Ward in my district, Alderman Ray Fries."

Speaker Hartke: "Welcome back, Representative Fries. Further discussion? The Chair recognizes the Gentleman from Joe Daviess, Representative Lawfer."

Lawfer: "Thank you, Mr. Chairman. Due to a possible conflict of interest, I will be voting 'present' on Senate Bill 1360... 1380, I'm sorry."

Speaker Hartke: "Indicates he will. Representative Lawfer, you finished? The Chair recognizes the Gentleman from Cook, Representative Scully. George Scully."

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

Speaker Hartke: "Indicates he will."

Scully: "Mr. Bugielski, are you familiar with Section 4.1 of the Illinois Interest Act?"

Bugielski: "Tell us all about it."

Scully: "It's the next paragraph over from the Section that you're amending. It's my understanding that provision of the Illinois Interest Act prohibits any cancellation charges on home equity lines of credit. It's my understanding that that paragraph of the Illinois Interest Act provides that when a person pays off their line of credit and asks for a release of a mortgage, the lender is required to release the mortgage and is required to pay the release fee."

Bugielski: "This doesn't have anything to do with the Bill, Sir."

Scully: "Section 4.1 of the Illinois Interest Act specifically defines revolving credit. It specifically recites the type of practices that are permitted on revolving credit that's secured by real estate. And it specifically requires that mortgage has to be released upon payment of the entire

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principal balance and request of a release."

Bugielski: "This Bill puts a \$500 cap on a home equity loan, has nothing to do with real estate. It's not a real estate loan; it's a home equity loan."

Scully: "I'm sorry, Mr. Bugielski, could you repeat that? Mr. Bugielski, I didn't hear your response."

Bugielski: "I said this is a home equity loan. It's not a real estate loan."

Scully: "Is this revolving credit secured by real estate?"

Bugielski: "This is just a \$500 cap on a home equity loan."

Scully: "Is a home equity loan, revolving credit secured by real estate?"

Bugielski: "Yes. It has nothing to do with what we're talking about here on the Bill."

Scully: "To the Bill."

Speaker Hartke: "To the Bill."

Scully: "It is my understanding that Section 4.1 of the Illinois Interest Act presently prohibits any form of cancellation fee. It specifically requires that in the event that a borrower pays off their loan and requests a release of their mortgage and a cancellation of their line, the lenders in Illinois are prohibited from charging any fee. Furthermore, they even have to deliver a recorded release deed to the borrower. I strongly urge a 'no' vote. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes... Representative Turner, did you talk earlier in debate on this Bill?"

Turner, J.: "Mr. Speaker, did you ask me a question?"

Speaker Hartke: "Yes, I did. Did you address this issue earlier?"

Turner, J.: "No, I don't think so."

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Speaker Hartke: "Okay, proceed then."

Turner, J.: "Well, will the Sponsor yield?"

Speaker Hartke: "Indicates he will."

Turner, J.: "Thank you. May I proceed?"

Speaker Hartke: "You may."

Turner, J.: "Now?"

Speaker Hartke: "Your time's rolling."

Turner, J.: "Well, by golly it is. Representative, I have a question concerning this. It strikes me that a person who wants to borrow money may be able to secure a lower interest rate if they enter into a contract to pay the cancellation fee. And perhaps they could get a percent and a half or two percent off of whatever the interest would be if the cancellation fee were say \$750 or a \$1000, because that person borrowing the money knows that they're not going to cancel the thing. So, I'm just curious as to why we would want to preclude somebody to being able to cut that kind of a deal with a financial institution? Because I think your legislation does that."

Bugielski: "Well, right now, you could... People are doing that every day now. Closing out one loan and taking it someplace else for a lower rate, and this would not change this with this Bill. All we're saying is that institutions that are charging that exorbitant of fees, they cannot charge more than 500."

Turner, J.: "Right, right now. But if we pass this Bill, the maximum amount that can be charged for a cancellation fee is \$500, is that not correct?"

Bugielski: "That is correct."

Turner, J.: "All right. So, now that the financial institution is bound by a \$500 cancellation fee, they indeed may not reduce the interest rate by a percent, or one and a half,

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or two percent. Because we're precluding them from doing so. Isn't that not true?"

Bugielski: "Right now they could charge anything they want, and if they're not charging \$1500, you know, if they're only charging \$50 now, this is not going to preclude if they're going to charge more."

Turner, J.: "Well, I think that what I'm trying to get at here is this indeed prohibits a willing financial institution and a willing borrower to negotiate whatever type of contract they want, because you are restricting their ability to contract, if we pass this legislation. Do you agree with that?"

Bugielski: "No, I don't. You're talking maybe one percent of the banking industry throughout the country, if that much."

Turner, J.: "All right. Well, let's just... I don't know what the prime rate is, but let's say it says eight percent. And this Bill passes, and I'm a borrower, and I go in and I am able, or I'm negotiating a deal. And I'll say, 'I'll be willing to pay a \$1000 cancellation fee if you'll give me the money at six percent.' And the financial institution says 'Well gee, Mr. Turner, I'd love to do that, but guess what? We can't do it because the Legislators prohibited it, because they prohibited us from entering into a contract that we could of negotiated, because they put restrictions in the legislation.' Does this Bill not prohibit that free ability to negotiate a contract?"

Bugielski: "Well, what you're creating is an unreal hypothetical situation over here."

Turner, J.: "I'm sorry, I could not hear what you said."

Bugielski: "You are creating an unreal hypothetical situation."

Turner, J.: "Well, I know it's hypothetical, but I can't believe that you're suggesting that it's unreal that a lender and a

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borrower might negotiate a lower interest rate if the cancellation fee is higher. It's a quid pro quo type of thing. Why...why do you suggest to this Body that your Bill doesn't prohibit the borrower and the lender from entering into a contract that they might want to enter into, but for the legislation, why?"

Bugielski: "I just feel that it's up, it's very hypothetical, they would not do something like this. As you can see, 98 - 99% of the banks do not charge anything now, and you're not going to really see a big change with this law."

Turner, J.: "Well, let me turn the coin on you then. You seem to be saying that it isn't a problem anyway, 98 or 99% of the institutions don't do it. We don't have this problem anyway. So you're saying that I'm making up a hypothetical situation. I think it does detract from the ability to enter into a contract. I'll turn the tables on you. If it isn't happening anyway, why are we passing the legislation?"

Bugielski: "I don't... I just disagree with you. I don't know when the last time you heard that someone went in and negotiated insurance rates over a cancellation fee. Never heard of that, because many people pay off their loans before they become due."

Turner, J.: "All right. Why I can't seem to make a point on this. It does seem to me to strike to the heart of the ability of a borrower/lender to negotiate whatever type of contract they want. But does this Bill not, indeed, establish a fee in the statute that is not currently there?"

Bugielski: "No."

Turner, J.: "It does not?"

Bugielski: "It just puts a cap."

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Turner, J.: "Mr. Speaker, am I out or..."

Speaker Hartke: "Mr. Turner, bring your remarks to a close. I'll give you another minute."

Turner, J.: "Thank you. Well, Representative, I think the response to my last inquiry was, no. But when I look at the Bill, it looks like to me it establishes a maximum fee, and the statute doesn't speak to a fee that I see as it currently exists. And so when you establish the maximum fee, it seems to me to establish a fee that is not currently in the law. But is it your position that that is an erroneous statement and that you disagree with it?"

Bugielski: "I don't think you're putting any fee in there, because there's no fee right now. They could charge whatever they want."

Turner, J.: "And they're charging more than \$500 right now?"

Bugielski: "Some are, definitely. That's the whole reason behind the Bill, because they're charging more than that."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Kendall, Mr. Cross."

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

Speaker Hartke: "He indicates he will."

Cross: "Bugs, aren't we really setting up the following scenario? And I... I actually think Representative Turner was right on, but I think there's another problem we're all going to have. And that is..."

Speaker Hartke: "Excuse me, excuse me, Mr. Cross. Had you spoken to this Bill earlier in debate?"

Cross: "Earlier today I did, yes."

Speaker Hartke: "On this issue?"

Cross: "I have some different questions."

Speaker Hartke: "Has it changed?"

Cross: "Yeah, I have different questions."

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Speaker Hartke: "You spoke in debate."

Cross: "Well, that was on... that was prior to the Motion by Representative Hassert, Mr. Speaker."

Speaker Hartke: "The Bill was not changed since then."

Cross: "We're on a different issue right now and a different point of order."

Speaker Hartke: "Proceed, Mr. Cross."

Cross: "Thank you. Here's the scenario: I go in; I get my home equity loan; I pay it off early; I get a cancellation fee charged to me of \$500; I go in and complain to the bank and the bank says, 'Well I'm sorry, Mr. Cross, you've got to pay a cancellation fee because the Illinois General Assembly, by your Legislator, approved a \$500 fee.'"

Bugielski: "Then the bank is committing fraud, Sir."

Cross: "Pardon me?"

Bugielski: "The bank would be committing fraud by doing that."

Cross: "No. That's not fraud."

Bugielski: "Yes."

Cross: "That's telling our constituents that we put in a \$500 fee, and that's what's going to happen because the banks not going to..."

Bugielski: "They are lying to you and that is considered fraud."

Cross: "Representative, the bank is not going to want to take the blame. So what are they going to do? They're going to shift it to you and me and say, 'Go see your Legislator; see if he voted 'yes' for that \$500 fee Bill.'"

Bugielski: "First of all this is not a \$500 fee. It is a ceiling and if you don't know what the difference between ceiling and..."

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

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

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Speaker Hartke: "Excuse me, Mr. Lang. Representative Cross."

Cross: "Mr. Speaker."

Speaker Hartke: "You did speak earlier in the day."

Cross: "We started this debate over because you guys shut off Representative Hassert from talking. And the rest of us might want to ask him additional questions. Now, if you want to shut me off, just let me know before you do it. Is that the intent of the Chair?"

Speaker Lang: "Mr. Cross. I gave you an extra minute. I've..."

Cross: "I was trying to finish up my questions and you cut me off. I'm going to get on a golf cart..."

Speaker Hartke: "Mr. Lang."

Cross: "...and go drive drunk."

Speaker Hartke: "Mr. Lang. Mr. Lang. Please allow Mr. Cross to continue his questioning for another few minutes."

Lang: "I would be happy to, Mr. Speaker."

Speaker Hartke: "Thank you. Representative Cross, continue please."

Cross: "Now, I forgot my questions."

Speaker Hartke: "Well, okay. The Chair recognizes the Gentleman from Cook, Representative Lang."

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

Speaker Hartke: "Indicates he will."

Lang: "Representative, I've been listening to a lot of talk, a lot of red herrings. Let's just make it simple. Do banks have the right now to charge any cancellation fee they wish?"

Bugielski: "Yes."

Lang: "In any amount they wish?"

Bugielski: "Yes."

Lang: "And that does not violate Truth-in-Lending Laws of the State of Illinois or the United States of America?"

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Bugielski: "Correct."

Lang: "And what your Bill does is limit that fee to \$500 in the State of Illinois?"

Bugielski: "Correct."

Lang: "Well, who could be against this, Mr. Speaker? Who could be against this? A bank today can charge any amount; they just write it into the contract. There's going to be a cancellation fee. They could put the amount in or they don't have to put the amount in. Today they can charge any amount. And although most banks, I'm sure, do not abuse their customers, there may be some that do. Now, if the banking industry came to the Financial Institutions Committee and said, 'We want to put a cap on that fee, because we're concerned that some of the financial institutions may be overcharging.' Let's put a cap on it. They could be charging two, three, five thousand dollars. Mr. Bugielski wants to put a cap on it of \$500. This is not an invitation to charge \$500. It says to the institutions that want to abuse their customers, you can't do it. It says \$500 is your cap. Today there is no law that puts a limit on it; there's no Federal Law, no State Law, no Truth-in-Lending Law. This is a very simple Bill. This is a Bill that protects consumers from possibly unscrupulous financial institutions. Perhaps we don't have any in the State of Illinois. But to read anything else into this legislation is folly. To read anything else into this legislation is creating a mess where none exist. It's a simple piece of legislation, designed to make sure the consumers are not paying two, three, four, five thousand dollars for canceling a simple line of credit. It's a very simple Bill. It protects consumers by putting a cap. It requires that it be written in the contract. A simple

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Bill, it should require a simple 'aye' vote."

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

Black: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. To the Bill. Not to belabor the point, in all due respect to the previous speaker, you must be very careful when you present something as a good piece of consumer legislation. A ceiling often becomes a floor. I said that two and a half hours ago, I haven't changed my mind."

Speaker Hartke: "You spoke in debate before?"

Black: "No, it was yesterday. I'm telling you right now that what you're going to get into with this Bill, because it is not drafted tightly enough, is you're going going to have a Cable TV late fee all over again. You're going to tell consumers, 'Look, it's only going to be five dollars.' The consumer is smarter than that. He said before you messed with it, it was 45 cents. I'd be careful with this Bill, it'll come back to bite you, it's not drafted right."

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

Bugielski: "Thank you, Mr. Speaker. As I mentioned before, this Bill passed out of here last year with a 117 votes. Same Bill got bottled up in the Senate, we're bringing it back this year. It's a great consumer Bill. It's there to protect the consumers that do not go in and read the contracts as they are suppose to, and I ask for your 'aye' vote."

Speaker Hartke: "The question is, 'Shall Senate Bill 1380 pass?' This is final action. All those in favor signify by voting 'aye'; those opposed 'no'. The polling is open. Have all voted who wish? Have all voted who wish? Have all voted

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who wish? Mr. Clerk, take... take the record. On Senate Bill 1380, there are 54 Members voting 'yes', 51 Members voting 'no', 13 Members voting 'present'. And this Bill, having failed to receive a Constitutional Majority, is hereby declared lost. On page 4 of the Calendar appears Senate Bill 1528. Representative Bugielski. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1528, a Bill for an Act concerning financial regulation. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Bugielski."

Bugielski: "This one's a little better. Thank you, Mr. Speaker, Members of the House. Senate Bill 1528 is the Bank Omnibus Bill. It's incorporating many Bills that were released and put into one Bill. There is a...many issues in this Bill concerned agency administrative provisions, concerning the Illinois Banking Act, concerns the Corporate Fiduciary Act, many industry provisions, Good Faith Reliance, affects the Uniform Commercial Codes, points, credit unions, automobile repossession procedures and the savings banks. There is no known opposition to this Bill. As I mentioned before, many of these are industry related Bills. Many of the Bills are put through... put forth through the Commissioner's Office, and I'll be happy to answer any questions."

Speaker Hartke: "Discussion on the Bill? The Chair recognizes the Gentleman from Vermilion, Representative Black. Seeing that no one is seeking rec... The Chair recognizes the Gentleman from Kendall, Representative Cross."

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

Speaker Hartke: "He indicates he will."

Cross: "Thank you, Mr. Speaker... or Mr. Sponsor. I couldn't hear at all over here on this side of the aisle what this

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Bill does. Can you tell us again briefly, and also, what we have as far as opponents on this Bill, if any?"

Bugielski: "Did you ask if there were any opponents?"

Cross: "That's part of my... are there any opponents?"

Bugielski: "Absolutely not."

Cross: "Can you tell us what the Bill does?"

Bugielski: "This is different than the last Bill, Mr. Cross."

Cross: "You might want to talk to Representative Hassert about that. Can you tell us briefly... We just can't hear over here, Bugs."

Bugielski: "This Bill was put forth from the Illinois Banking Association, the Community Bankers, the Illinois Credit League...Credit Union League, the Illinois League of Financial Institutions, the Illinois Financial Services Association, the Illinois Auto Dealers Association, the Illinois Automotive Wholesalers Association, the Corporate Fiduciary Association, and much of the Bill is from the Commissioner of Banks and Real Estate, Commissioner Schaffer."

Cross: "Well, what does it... what does it do?"

Bugielski: "Well, it's an Ominous Bill, incorporate many Bills. It has to do with automobile repossession procedures. We were one of the few states that we're still very archaic in our procedures for the automobile repossession procedures. What we have done is brought them up to date. But the very important thing is that we protected all of the consumer rights and even made the consumer rights better for this Bill. Before they used to have 15 days in which they were able to get their loan back in order and still keep possession of the vehicle; we have raised that now to 21 days for the consumers. It brings in bank parity, brings in Illinois Bank Examiners Education Foundation Act.

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Changes there... There's some changes from the Commissioner's Office that brings it up to date and clarifies different issues and clean-up language in many Sections from the Commissioner's Office. Pertains to the Savings Act Bill. Corporate Fiduciary Act, and goes into there and allows the Commissioner to specify circumstances and conditions under a trust company. It brings in the Uniform Commercial Code certificate of deposits; allows lenders to perfect a security interest in the certificate of deposit by possession and to perfect the security interest in uncertified CD in the same manner. Authorizes credit unions to establish compliance review committees to conduct internal compliance audits. It authorizes the Department of Financial Institutions to invoke involuntary mergers procedures for those credit unions that are insolvent or in danger of insolvency. For the savings banks, it provides that the independent appraiser designed by the savings bank may be licensed or certified. The current law requires that the appraiser be both licensed and certified. What we are doing is just upgrading many of our laws with other states and bringing them up to date."

Cross: "I... Inquiry of the Chair, I guess to the Parliamentarian."

Speaker Hartke: "State your inquiry."

Cross: "With respect to germaneness and constitutionality. As you read through this Bill and receive that fine explanation from Representative Bugielski, it's pretty obvious that we are amending a variety of different Sections of the Illinois Revised Statutes. The Illinois Banking Act, the Credit Union Act, the Illinois Vehicle Code, to name just a few. Are we not violating a constitution in single subject matter, single subject rule?"

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And I would appreciate a ruling from the Chair."

Speaker Hartke: "Representative Cross, while the Parliamentarian is reviewing that, we'll continue on with the discussion. Okay?"

Cross: "Alright, I'll wait until I get the ruling from the Chair."

Speaker Hartke: "Your clock is running."

Cross: "There are others, I have a feeling, that might ask questions, too, Representative...or, Mr. Speaker. Are you not going to answer my question if I run out of time?"

Speaker Hartke: "We will answer your question."

Cross: "Thank you. Do you want to... Since we have... Since we have a little time, you want to go ahead and call 2.2?"

Speaker Hartke: "We're taking that under advisement."

Cross: "Okay."

Bugielski: "Mr. Cross, just for your information, all of this pertains to financial regulations. Everything in the Bill has been carefully reviewed by, you know, the majority of this is all out of the Commissioner's Office, the Bank Commissioner's Office. But all of it deals strictly with financial regulations on the different Bills."

Speaker Hartke: "Representative Cross."

Cross: "Well, I'll be glad to debate Representative Bugielski on the Parliamentarian quest...the Parliamentarian questions, but I do think you have a serious problem, given the fact that you are amending the Illinois Vehicle Code, as well as the Illinois Banking Act. So, I just... I just want to make sure... We all want to make sure this is a Constitutional Bill."

Speaker Hartke: "You're absolutely correct, Representative Cross, we should look into it to make sure it is."

Cross: "Is that one of the judges from Cook County letting you

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know?"

Speaker Hartke: "Mr. Cross, would you restate your inquiry? Our Parliamentarian is here now."

Cross: "Which one?"

Speaker Hartke: "Your last one."

Cross: "Well, I didn't... which Parliamentarian. The question of course deals in the area of single subject, Mr. Parliamentarian. And in reading the Bill, it appears that we're amending the Illinois Vehicle Code, the Illinois Banking Act, the Illinois Credit Union Act, and I think we're potentially violating the single subject matter. Now, I'm anticipating a response of untimeliness, perhaps, that I should have done this on Second Reading. In my reading of the Constitution, there's no timing requirement in when we should make this Motion, and I'm just concerned about this violation of single subject. And I re... As I said, I'm relying on the Constitution of Article 4, Section 8...8 (D)."

Parliamentarian Kasper: "Representative, in response to your inquiry and on behalf of Speaker Madigan, House Rule 63 is the applicable rule regarding germaneness, and it provides that no Motion on a different subject is in order and may be offered by caller of Amendment. There are no Amendments pending on this Bill, so accordingly, your inquiry is, in fact, untimely."

Cross: "Well..."

Parliamentarian Kasper: "Pursuant to the House Rules."

Cross: "I understand. I...My one concern is, while I certainly understand the Section of the Rules you cite, I'm relying on the Constitution of the State of Illinois to make this argument. The Constitution is very clear that we shouldn't violate...that the revision or rearrangement of laws shall

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be confined to one subject. And while the Rules may talk about germaneness, the Constitution talks about one subject, and I think they're distinct issues."

Parliamentarian Kasper: "In further response to your inquiry, I believe that even if the Rules did permit such an inquiry at this time, which I do not believe they do, I believe your inquiry would be not well taken. All of the subject matters in this Bill specifically deal with financial institutions. Including the Section that you cited regarding the Illinois Vehicle Code."

Cross: "In the future, Mr. Parliamentarian, even notwithstanding the germaneness Section of the Rules, but with respect to the Constitution, you're saying that Motion needs to be made in committee? Or on Second Reading? Are we going to... Now we..."

Speaker Hartke: "Yes. Second Reading or in committee."

Cross: "All right. We're moving through Second Readings pretty quick. Are you going to allow us time to make those Motions to Second...only on Second Reading?"

Speaker Hartke: "Either committee or Second Reading."

Cross: "Okay. Thank you very, very much."

Speaker Hartke: "Do you have further questions, Representative Cross?"

Cross: "Pardon me?"

Speaker Hartke: "Do you have further questions?"

Cross: "No, I realize I'm out of time. Thank you."

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

Beaubien: "Yes, thank you, Mr. Speaker. A point of personal privilege. I feel I have a potential conflict in this Bill, and I will be voting 'present'."

Speaker Hartke: "Further discussion? The Chair recognizes the

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Gentleman from Cook, Representative Parke."

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

Speaker Hartke: "Indicates he will."

Parke: "Thank you. Representative Bugielski, there is an aspect of this Bill which allows banks to share information with their insurance sales subsidiaries...subsidiaries. I thought there was a fire wall...wall built into the bank selling insurance legislation that limited that kind of information being shared. Does this reach that... that understanding, that agreement that was made?"

Bugielski: "It is specifically the same as last year, and it's only to their own holding companies. It's not to other, you know, it's the holding companies that that bank owns. It's not going to other, you know, competitors or anything else. It's just to their own holding companies. If they have their own mortgage holding company, their own bank holding company, it stays within their holding company itself."

Parke: "Was this... was this agreed to by the... by the life insurance agents under the original legislation? And if so, why do we need this?"

Bugielski: "The insurance industry is fine with this provision."

Parke: "I'm not interested in this aspect of it for the insurance industry, I'm talking about insurance agents."

Bugielski: "They're fine. They have no position on this. They've talked to the insurance agents, to their group, and they are fine on this."

Parke: "You... So you did talk to their representatives?"

Bugielski: "It was drafted very carefully with them working on it, too."

Parke: "Okay. They didn't speak to it in committee at all?"

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Bugielski: "No."

Parke: "Representative, is there any opposition to this Bill either in committee or on the floor that you're aware of?"

Bugielski: "None whatsoever, Sir."

Parke: "There's another aspect of the credit unions that is involved in this. And dealing with confidentiality, why is this necessary to put this aspect into the legislation? And what are we trying to..."

Bugielski: "What Section of the Bill are you in, Sir?"

Parke: "It says, 'The Amendment to the Credit Union Act creates a legal status for the confidentiality needed, needs of Credit Union Compliance Review Committees.' Why do we need to do that?"

Bugielski: "It lets the credit unions do internal audits within themselves, where they are keeping...keeping it confidential within themselves, but they could do internal audits."

Parke: "Well, that's good, but wouldn't they do that now anyway? I mean, what are we trying to correct with this?"

Bugielski: "Because they want to keep it just like banks. Banks have this right now and they want to keep the, you know, good audits within themselves and the credit unions, and they are just compiling...or complying with what we have now in the banks and savings threats."

Parke: "Well, let me... let me get this straight now, we have in this Bill, we have a portion of this Bill dealing with the Banking Act, we have a portion of this dealing with the Credit Union Act, and we have a portion dealing with the Vehicle Code. And this is not a... this is not numerous ideas in one Bill, and this really relates to single issue?"

Bugielski: "All of this deals with the financial regulations of

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these particular institutions. And that's why they have... This is an ominous Bill. They put all these Bills into one, because they all deal with the financial regulations of each particular Code."

Parke: "Thank you, Representative."

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

Stephens: "Well, thank you, Mr. Speaker. Will the Gentleman yield for a question?"

Speaker Hartke: "Indicates he will."

Stephens: "Is Representative Handley going to help you handle this Bill?"

Bugielski: "He's not even around here."

Stephens: "I'm sorry."

Bugielski: "I don't even... I don't know what you're referring too, Sir."

Stephens: "I'm sorry, the Speaker caught me off guard. I had a legitimate question here. Let me just review my notes for just one second. Oh yes, it has to do with conflict of interest. Representative, in your opinion, would a member of a credit union who is also a Legislator have a potential conflict of interest on this Bill? Would you agree with me that he or she would not?"

Bugielski: "No. I don't think so."

Stephens: "I agree with you, Representative, and for the record, your answer was that you don't think so. You believe that a member of a credit union, who happens to be a Legislator, would not have a conflict of interest on this Bill. It would be impractical for anyone to say that a member of a credit union would have a conflict of interest with this Bill."

Bugielski: "I don't think so, because everyone over here is a

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customer of a bank. Does that mean because they're a customer of a bank that they have a conflict of interest?"

Stephens: "I couldn't agree with you more. I... I... and I think that, for instance, we vote on other issues that have to do with property tax. And most of us happen to be property owners, but we vote on property tax issues. Most of us make income; we vote on income tax issues. And we don't stand and... and claim a conflict of interest on those Bills. It is simply a practical matter. If you have some expertise in credit union matters or property tax matters or sales tax matters, or income tax matters, as a practical matter we simply stand up and vote our conscience on behalf of the 96,000 people that we represent. And I point that out in this Bill, because this Bill, more than any other so far this Session, shows the impracticality of challenging one's conflict of interest. And I wanted to make sure that I pointed that out, and I'm glad that you and I agree with that, Representative. Thank you very much."

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

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

Speaker Hartke: "Indicates he will."

Biggins: "All right. Now, since this is a Banking Bill, Representative, how many times are we going to vote on this Bill today?"

Bugielski: "I didn't hear you."

Biggins: "How many times are we going to have this Bill called for a vote today?"

Bugielski: "This is the first time, Sir."

Biggins: "Oh, good, keep it that way. There's a lot of things in this Bill. Are the credit unions supporting this Bill?"

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Bugielski: "Yes. You should have your analysis there. It lists all the proponents to the Bill."

Biggins: "Now, the one area I'm somewhat familiar with is the Bank Examiners Education Foundation Act. Now, will this give more education for the bank examiners?"

Bugielski: "This is just letting the bank examiners have their same meeting, you know, with the rest."

Biggins: "You know one think I noticed in my..."

Bugielski: "They stay as the same... They could have their meetings at the same time with the state board."

Biggins: "In my banking experience with two different banks in the suburbs, I found that the younger the bank examiner, the better shape you're in, because the bank examiner sends in their more experienced examiners to what they perceive to be troubled institutions. So, does this change or follow that policy or establish that as part of the policy for bank examiners?"

Bugielski: "There's a foundation set up for the Illinois Bank Examiners Education Board. And all this is allowing the Foundation Board to meet at the same time with the Illinois Bank Examiners Board. That's all it does."

Biggins: "Okay, thank you. The Consumer Installment Loan Act, is there any provision in here that would allow the banks to charge a fine if a customer wants to pay their consumer loan off early?"

Bugielski: "No."

Biggins: "See we've had some discussion about that today, and I want to make sure we don't have the same confusion on this Bill. Then what does it do for the Consumer Installment Loan Act? What does it change for those having installment loans?"

Bugielski: "It makes it... It makes it consistent with the

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changes for the Illinois Vehicle Code in the repossession of vehicles. It just makes everything consistent."

Biggins: "As references to..."

Speaker Hartke: "Representative Biggins, your time is expired. Would you like to close quickly?"

Biggins: "Mr. Speaker, can I just finish this one question?"

Speaker Hartke: "Yes, you may."

Biggins: "Regarding motor vehicles provision in the Bill, what does it do to the motor vehicle provisions, or the provisions regarding motor vehicles, in the Consumer Installment Act?"

Bugielski: "It brings all the institutions into the same compliance, whether it's being thrifts, credit unions, or banks. It also streamlines the entire procedure for the repossession. And what it does is it also adds another week for... or six days for the consumers, because right now they have 15 days in which they can get back...get their loans back in order and this raises it to 21, which is a great provision for the consumers."

Biggins: "Okay. Well, that's what I was hoping it would do. I look forward to supporting this and thank you for answering my questions."

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

Scully: "Thank you, Mr. Speaker. I have a conflict of interest, and I'll be voting 'present' on this Bill."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from McLean, Representative Brady. Seeing that no one else is seeking recognition, Representative Bugielski, to close."

Bugielski: "Thank you, Mr. Speaker, Members of the House. This is a Bill that has been worked on throughout the entire

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year for all of the financial industry, all the members of it, and many changes from the Commissioner's Office of Savings and Banks. This is a great Bill. We're bring a lot of stuff into compliance, a lot of clean-up language. It's a great Bill and I ask for your favorable Roll Call."

Speaker Hartke: "The Gentleman has asked for the passage of Senate Bill 1528. This is final passage. All those in favor signify by voting 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1528, there are 113 Members voting 'yes', 0 voting 'no' and 5 Members voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 5 of the Calendar appears House Bill 1561, Representative Ryder. Representative Ryder. Out of the record. The Chair recognizes the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I rise as my rights as a Member of this Body to make a Motion. I have filed it in writing pursuant to Rule 18(g). I move to discharge the Rules Committee from further consideration on Conference Committee Report #1 to Senate Bill 3 and to advance this measure for immediate consideration by the House. Furthermore, furthermore, Mr. Speaker, pursuant to House Rule 49, any vote of the House shall be by a record vote whenever five Representatives shall so request. I am joined by more than five. We would like a Roll Call vote on the Motion to discharge and if you deny that, I'll seek an appeal to Chair ruling, but I would also like to ask a question later on as to how you got a Bill out of Rules and put it on the Calendar and tried to sneak it through and yet the Minority isn't allowed to do

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so. My Motion stands. I want a record vote on the Motion to discharge."

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

Lang: "Mr. Speaker, under the Rules, a Bill can only be discharged from Rules by unanimous consent. I object and therefore it cannot be discharged from Rules. No Roll Call vote is necessary."

Speaker Hartke: "The Chair recognizes the Gentleman from Madison, Representative Stephens."

Stephens: "Mr. Speaker, am I led to believe that at the Rules Committee Meeting just an hour or so ago that given the folks that are present here today and the urgency of the issue, that Senate Bill 3 was not voted out of Rules Committee? Is that what the.... Is that what your party has done? Failed to address this most serious issue and instead, instead of addressing it now and today, wishes to tie it to other issues. Is that what happened in the Rules Committee Meeting?"

Speaker Hartke: "On page 5 of the Calendar appears House Bill 1561. Representative Ryder."

Stephens: "Mr. Speaker..."

Speaker Hartke: "Representative Lang's point is well taken. Representative Black, you may appeal the rule of the Chair."

Black: "Mr. Speaker, Mr. Speaker, you know we could avoid all this. If he has an objection, let him do it on a record vote. He wins. If he's the only one who votes 'no' on the Motion to discharge, that's fine. I have no beef. His rights are protected by voting 'no' on the record Roll Call. My rights are protected by the right to have a Roll Call. Why do you persist? The Rules, the Rule is

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ambiguous, at best. Give us a record Roll Call and a Motion to Discharge a Teachers' Pension Bill for God's sake."

Speaker Hartke: "Would you care to make a Motion to overrule the Chair?"

Black: "All right, Mr. Speaker, if that's the way you want to play it. I will make the Motion to overrule the Chair and that is a debatable Motion. And we'd like to discuss why we have to make a Motion to overrule the Chair. I don't know why you're afraid of a record vote. It takes unanimous consent. If you have one person vote 'no', then I have no beef. My rights are protected; your rights are protected. But this verbal... I almost said a bad word, this verbal gamesmanship does not serve you well. It doesn't serve the Body well. Your rights are protected. One person votes 'no' on the Roll Call, I have no further objection. We've had our rights; both rights are protected. Why do you want to keep... Why do you want to keep doing this, verbally? Look at the Rules. Ask the Parliamentarian. The Rules do not state that it has to be a unanimous consent, and anyone can verbally object. That flies in the face of House Rule 49. Why can't you just do a record vote on the Motion to discharge? And if you can't answer that question, then at some point today, I want you to explain to me how Senate Bill 560 was discharged from the Rules Committee, not even sent to Committee, and Representative Phelps called the Bill last week. Now, explain that to me."

Speaker Hartke: "Well, which question would you like for me to answer first?"

Black: "Well, I can't remember which one was first, take... pick one."

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Speaker Hartke: "Well, if you agree that Representative Lang's had the right and you've had your rights protected, do you... and ... but there was no point. Would you like to withdraw your Motion?"

Black: "No! I don't know that he'll vote 'no'. Representative Lang is a man of integrity, but he's a lawyer. Sometimes he may say one thing and he may vote another."

Speaker Hartke: "Then you're moving to overrule the Chair?"

Black: "All right, Mr. Speaker. Now, you've done it. I threw the Rule Book down. I turned on my page button, and I messed up my picture of Martha Stewart. I'm starting to get upset. Now, I will move that we over.... that we move to overrule the Chair. That is a debatable Motion and we'd like to debate it. If you won't give us a reason to... or a chance to explain why I want the discharge Motion, then at least give us the ability to debate the Motion to overrule the Chair."

Speaker Hartke: "The Motion is debatable. The Chair recognizes the Gentleman from Will, Representative Myers (sic - Meyer)."

Meyer: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I think it is imperative that we vote on this Bill. We should discharge her from committee. I've had over 400 pieces of communication, either in writing or telephone calls into my district office, not all of them from my district, so a lot of them come from other people's districts in this state. I think the people in this state have a right to know what we feel about this Bill. It's a legitimate question. It is a legitimate issue. It affects the lives of a lot of people in this state and it affects education in general in this state. I believe that this is an issue that should be brought before us, and we should

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fully discuss it today. My teachers want it. My constituents want it. Your constituents and teachers want it. Let's talk about it. Let's get it out here on the floor for debate"

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

Biggins: "Well, thank you, Mr. Speaker. I... This is a very sincere matter. I don't get a lot of mail on hog farms. I don't have any in my district."

Speaker Hartke: "Excuse me. Are you a proponent of the Motion?"

Biggins: "Yes, I am."

Speaker Hartke: "You're going to vote..."

Biggins: "I am a proponent of the Motion to not sustain the Chair."

Speaker Hartke: "Shall the Chair be sustained? Then you're an opponent of the measure."

Biggins: "Thank you."

Speaker Hartke: "The question is, 'Shall the Chair be sustained?' All those in favor signify by voting 'aye'; those opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Motion, there are 58 Members voting 'yes', 59 Members voting 'no', and the Chair is sustained. Representative Stephens, for what reason do you rise?"

Stephens: "Well, Mr. Speaker, I'm just a little confused. I wonder why on an issue of unlimited debate that you would not recognize Members on either side of the aisle that had their lights on and were indeed shouting for recognition. The essence of the issue before us was your ruling that we could not discharge the Teachers' Pension Bill from the Rules Committee, where the Speaker of the House is holding

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it hostage, and we wanted to overrule the Chair. Ladies and Gentlemen, it took 71 'no' votes. And if those 71 'no' votes would have been there, if you supported the Teachers' Pension Bill that's being held hostage in the Rules Committee by the Speaker of the House, and that issue and your ruling was worthy of debate. And yet you called on one or two Members, several of us on this side of the aisle, for sure, wanted to address the legitimacy of your ruling and the question... and plead with the Members on the other side of the aisle to do the decent thing and call this important issue before the Assembly. However, you chose to override our rights once again to represent the people that we were elected to represent, ignored our lights, ignored out pleas to be held... to hold debate and just called the vote as if you had a dictatorial rule. This is not a dictatorial state in which we live, and we are not going to sit by, stand by idly, and allow you to take away our constitutional rights. Mr. Speaker, you, of all people, should not be part of this charade. Get the real Speaker out here; let him tell these people why he doesn't want to address the issue of teacher retirement, pension plans for teachers, who so well deserve that consideration. That Bill will pass if he calls it to a vote."

Speaker Hartke: "The Chair recognizes the Lady from DuPage, Representative Cowlshaw. For what reason do you seek recognition?"

Cowlshaw: "I would like to express my accord with the views that have just been expressed by Representative Stephens. Indeed, it seems to me that each of us here is equal. Each of us has approximately the same number of constituents and each of us has to run for election every two years, so that

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we are accountable to those people we represent. For those in power here to deny each of us the opportunity to vote on a very important piece of legislation is not only dictatorial, it seems to me that it is in violation of the most fundamental principles of this nation for any one or small group of people out of 118 to be able to stop that Bill, Senate Bill 3, in its tracks and not let all of us have our chance to express ourselves. Mr. Speaker, that is just plain wrong."

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

Klingler: "Uh, thank you, Mr. Speaker. I rise as the daughter of a public school teacher, who retired after thirty-five years of teaching. She's eighty-eight. She is absolutely dependent on her pension. Now her pension from Ohio was improved, thanks to the Ohio General Assembly. Why can't we give a living pension to our teachers? Thank you."

Speaker Hartke: "The Chair recognizes the Gentleman from Vermilion, Representative Black. For what reason do you rise?"

Black: "Mr. Speaker, I've been rebuffed at every question, but I still have one you haven't answered, and I will file in writing if you want me to. I want all applicable records. I want notes. I want transcripts if it was taped. I want to know exactly how Senate Bill 560 was reported from the Rules Committee, advanced to the floor of the House, called for a vote last week. It had never been sent to committee. Now, if you all can advance a Bill that a Democrat sponsors from the Rules Committee, take it to the floor, bypass committee, and call it for a vote, one week ago, I just want to know how you did that? And I'm making a formal request, and I'll be glad to put it in writing. I want any

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and all applicable records on how that happened, because perhaps I can learn from that so that I can get a Teachers' Pension Bill recorded and discharged from the Rules Committee, so that we can have a fair and honest debate and a vote that everybody can go back in their district and say, 'Here's what I did.' The process now is everybody goes home on the weekends and say, 'I'm for you, I'm for you a ton. I'm for you a ton.' Then we'll adjourn and everybody says, 'Well, gosh, it would have passed. The only problem is the teachers don't know it because we can't have a vote on it.' It's not... nothing that difficult. Do you want me to file my Motion in writing? I want all the records on Senate Bill 560."

Speaker Hartke: "Representative Black, we are proceeding to get those records. I've been informed, though, by the Clerk that that Bill is on Third Reading and has not passed."

Black: "Mr. Speaker, in all due respect to the Chair, the reason it didn't pass is that we, to put it mildly, raised a little bit of a fuss when that Bill was called a week ago, because it appeared on the Calendar as discharged from Rules, not gone to committee. And your side of the aisle couldn't explain how that happened. Gee, golly, duh."

Speaker Hartke: "On page 5 of the Calendar appears House Bill 1599. Representative Winkel. Out of the record. Senate Bill 1612. Representative McAuliffe. Do you wish to call that Bill? Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1612, a Bill for an Act in relation to the Metropolitan Water Reclamation District. Third Reading of this Senate Bill."

Speaker Hartke: "Representative McAuliffe."

McAuliffe: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1612 amends the Metropolitan Water

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Reclamation District Act. It authorizes the district to create a local government assistance program for the purpose of making loans to units of local government to finance improvements to local sewage systems. It also authorizes the district to issue bonds payable from any available revenues of the district, including loan repayments. It will also delete certain provisions relating to the local improvement revolving loan fund and the sales of surplus real estate. It also makes a technical correction to list the bonds that may be issued by the district without referendum adding a cross-reference to the Section under which construction working cash fund bonds may be issued. I'd be happy to answer any questions."

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

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

Speaker Hartke: "Indicates he will."

Black: "Representative, how many years do I have to work to avail myself of this pension legislation?"

McAuliffe: "This isn't pension legislation."

Black: "Oh, this isn't the Pension Bill?"

McAuliffe: "No."

Black: "What happened to my Motion?"

McAuliffe: "I'm not sure. I'm not in charge."

Black: "Oh, well, let me back up then. Boy, things change around here if you're not paying attention. What is an assistance bond?"

McAuliffe: "What they're trying to do is, there's deteriorating sewers in communities in Cook County where the infiltration of large amounts of rain and ground water enter the

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Metropolitan Water Reclamation District's collection system and it mixes with waste water. And what we're doing is saying that if local governments want to get assistance, that the Metropolitan Sanitary District can issue these bonds to help these communities out."

Black: "What communities are we talking about? Is this only in the... within the City of Chicago or does this encompass suburban Cook County?"

McAuliffe: "No, it's for all of Cook County, but especially for the suburban districts of Cook County. There's a number of municipalities and townships that this would affect. If they need the assistance, they can go for it. If they didn't want to, they wouldn't have to. But it's really going to help out the suburban area of Cook County."

Black: "Now this is an interesting program. In other words, the Metropolitan Water Reclamation District, under your legislation, will create an assistance program to local units of government to help them upgrade sewers. Is that the gist of what you're doing?"

McAuliffe: "Correct. They're saying from this excess of rain water, when it goes into their treatment, it's costing the taxpayers now between 20 and 25 million dollars annually to clean the water out of the waste."

Black: "So, the purpose is to fine...help local units of government finance sanitary sewers, not storm sewers, correct?"

McAuliffe: "Correct."

Black: "All right. Now, where does the money come from? Does the Metropolitan Water Reclamation District sell these assistance bonds on the open market, and then make loans to the local government? Or does the local government sell the bonds? I'm not sure of how that process works."

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McAuliffe: "I'm sorry. The fund would be established by utilizing existing non-property tax revenues of the district to either finance these projects directly or through issuance of revenue bonds."

Black: "Within the legislation, is there a system or a procedure? What happens if the local unit of government assisted by this fund, and I think this is a great idea, I wish we could do something like this for downstate communities, but anyway, one concern that I have, if the local government who got help from the assistance fund does not repay the loan, what recourse does the Metropolitan Water Reclamation District then have?"

McAuliffe: "I believe that... I believe that through the bond program, they would just have to repay that back. And also this wouldn't be... the responsibility would not be brought onto the state. This would be the Metropolitan Sanitary District's, their own plan, their own initiative to sell their bonds."

Black: "Right, right. I understand. But it would not give any undue authority to the MWRD to put a lien on a community sewers, i.e. if you don't pay back the loan, we're going to block your sewer, and then you'll have all kinds of fun."

McAuliffe: "Right, right, no. That's not it."

Black: "All right, fine. In other words, given the wet weather we've had and the problems that you all have had up in suburban Cook and we're having as well downstate, this is... it appears to me that this will prevent areas that are susceptible to floods, and this is all over suburban Cook. I remember two or three years ago, many people were flooded out. So the real purpose of your Bill is to try and prevent these floods by separating sanitary and storm sewers and is probably not only a good environmental Bill,

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but in the long run, it makes economic sense, because you can't develop an area that's under water eighteen times a year. Right?"

McAuliffe: "Correct."

Black: "So that's all you're trying to do?"

McAuliffe: "Right."

Black: "You've done such a good job, I think the downstate caucus is going to ask you to help them on something similar in the future. So thank you very much for your answers, Representative."

McAuliffe: "Thank you."

Speaker Hartke: "The Clerk has an announcement."

Clerk Bolin: "The Rules Committee will meet immediately in the Speaker's Conference Room. The Rules Committee will meet immediately in the Speaker's Conference Room."

Speaker Hartke: "Further discussion? The Chair recognizes Representative Rutherford from Livingston County. Representative Rutherford."

Rutherford: "Yes, thank you, Mr. Speaker. I stand in support of this piece of legislation. I think that it's a very good and unique program. And highlighting it very simply is the fact that the MWRD receives a lot of water. And what they're looking to do is work with communities and areas that are outside that help feed into the MWRD's receptacles. If they can take and provide... If they can provide more efficient opportunity to receive this, it number one, will, of course, be good for the environment, the ecology. It will also help MWRD save approximately 20 to 25 million dollars a year, which is obviously good for the people of Cook County. Another thing that's important, I think, to note about this is that it does not, it does not call for any additional revenue sources. These... the

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bonding that would take place in this to provide the capital to go and make these loans is already being outlined in here that these funds would come from existing revenue sources. And for that reason, I think it's a very creative, unique program, and I stand in support of it."

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

Saviano: "Thank you, Mr. Speaker. I also rise in support of this Bill. If I could refresh some of our memories. Approximately fifteen years ago, the Illinois EPA had offered low cost loans and grants to accomplish some of these programs that we're trying to do in this Bill. That funding ran out a few years ago, and I know that some of my local communities still need extensive work done in their flood control efforts. This Bill would definitely accommodate those situations and would be a great gesture from us to local communities to let them help themselves in a local control effort to handle the excessive water that we have along Des Plaines River in our districts. We have approximately eighteen people, eighteen Members on our side of the aisle that live along or represent areas along the Des Plaines River, and we all know what problems that poses for us. So, I rise in support of this Bill and would ask for everybody's indulgence and also their support in this issue. Thank you."

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

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

Speaker Hartke: "Indicates he will."

Lyons: "Just to clarify, Representative. This does not allow the district to issue G.O. Bonds. This is going to be based on the revenue stream, the bonds that they will be issuing, so

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they would not be allowed to pass this on to the property tax, property owners. Is that correct?"

McAuliffe: "Yeah, correct. Actually, this is going to save the taxpayers they're saying between 20 and 25 million dollars annually a year, so this is going to help out. But no, it's not a tax that is being put on the citizens."

Lyons: "My confusion is that in my analysis, it states that it would allow the district to issue bonds without a referendum."

McAuliffe: "Correct."

Lyons: "Can you clarify that as to how they're able to do that and not pass on the..."

McAuliffe: "They can't be general obligation bonds; they have to be revenue bonds."

Lyons: "Okay. Thank you."

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

Mulligan: "Thank you, Mr. Speaker. I also rise in support of this Bill. A number of years ago, the Metropolitan Water Reclamation District had the individual sanitary districts in our area under obligation to correct sewer problems where the two sewers would combine and put storm water in with waste water. Many communities in our area are older and the infrastructure is older and their sewer systems are very old, and some of them do not have the money to do these programs. At one point, there were grants available from 'Build Illinois', which are no longer available to these communities. And so this would help them fix that aging infrastructure and separate that. And as Representative Saviano pointed out, particularly for those of us that live along the Des Plaines River where flooding is a major problem, it would help to have these sewer

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situations straightened out. It would help our municipalities to be able to get these loans. So, I rise in support of this Bill."

Speaker Hartke: "Representative McAuliffe, to close."

McAuliffe: "I just ask for a favorable vote."

Speaker Hartke: "The question is, 'Shall Senate Bill 1612 pass?' This is final action. All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1612, there are 91 Members voting 'yes', 27 Members voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 1694. Representative Mulligan. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1694, a Bill for an Act amending the Illinois Securities Law. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. Senate Bill 1694 amends the Illinois Securities Law of 1953. It provides that, with respect to a federal covered investment advisor, investment advisor representative means any person who is an investment advisor representative with a place of business in this state as such terms are defined pursuant to the Federal Investment Advisors Act of 1940. It prohibits unsolicited telephone calls to offer or sell securities unless the caller identifies himself or herself and the purpose of the call and unless the call is made within certain time periods. Makes a violation of certain provisions of the law by use of a planned program or campaign that is conducted using one or more telephones for

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the purpose of inducing the purchase or sale of securities a Class II Felony. It makes inducement in the course of violating certain provisions of the law of a person 60 years of age or older to purchase or sell securities a Class II Felony. Also it would limit the law or change the law for selling securities on a Sunday from noon until 9:00 p.m. instead of nine in the morning to nine at night. I'll offer to answer any questions."

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

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

Speaker Hartke: "Indicates she will."

Cross: "Representative, on page 3 of your Bill, a telephone solicitor may not make an unsolicited telephone call to a natural person. What would be the opposite of a natural person, an unnatural person? I'd hate to be an unnatural person and get a call."

Mulligan: "Perhaps a supernatural person."

Cross: "What?"

Mulligan: "Perhaps a supernatural person."

Cross: "So, a supernatural person is not covered under this Bill?"

Mulligan: "I don't think so, Representative. I don't know if they have phone numbers, quite frankly."

Cross: "Would I... So, I'm not protected, is what you're saying."

Mulligan: "I'm sorry."

Cross: "I said I'm not protected, I take it."

Mulligan: "No, you're not."

Cross: "Do you know why we would limit this to natural people?"

Mulligan: "I think it would not be a crime to call an answering machine."

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Cross: "Oh, oh. But you're not calling me an answering machine, are you?"

Mulligan: "Oh, I know you have all the answers, so..."

Cross: "Actually, I just want a... Now that we've covered that issue. You're trying to limit... just the cold calls, cold calls from brokers?"

Mulligan: "Right. Well, it's also limiting people that are not authorized to actually sell or represent themselves as someone that's authorized to sell. And also from people that... there was some fraud, I guess, that the Secretary of State's Office had received calls, particularly on fraud for elderly people."

Cross: "Let me ask you, and I'm just having trouble reading it real quick, the penalty for just making a call, say I make a call at 9:30 at night, is that a Class II Felony, Rosemary?"

Mulligan: "No, I don't think so, Representative. It would be if you perpetrated a fraud. But I think that maybe if there were enough complaints, they'd have to have some mechanism in order to keep people from actually doing that."

Cross: "And I, believe me, I'm very supportive of this concept. And if I see any weakness in this Bill, is that you allow phone calls up to nine o'clock. And to be honest with you, I sometimes am in bed by 8:30, quarter to nine, and I...asleep and I get phone calls from people. So I'm not... I believe I'm in support of your Bill. I just wonder if nine o'clock... I'll tell you with families with babies to bed, you wake those up. But do you There's no opposition to this Bill, is there?"

Mulligan: "No, and it came out of the Senate with 59 votes."

Cross: "Do you know, and I don't know if this is that important, my guess is that the fraudulent activity that you talk

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about is probably already prohibited and under the Code of, you know, Professional Ethics for brokers. Do you know if that's the case or are we just mirroring that legislation? I mean, I know there's a National Association of Securities Dealers, and I'm just curious."

Mulligan: "We're just... what we're doing is, we're extending telephone solicitation to the same type of code that would be for someone that is working with you face to face in the same room. So we're just saying that you can't do this by telephone and that is the... I understand their code now."

Cross: "I guess the only other area I'd be curious about is that of the venue or jurisdiction if I receive a phone call from a broker from New York, and he or she perpetuates a fraud. Now once again, I support what you're doing, but if I ... Could we charge someone in say DuPage County or where I live in Kendall if the phone call comes from New York City? And I don't... And as I say, Rosemary, I'm not trying to be difficult. I'm just kind of curious."

Mulligan: "Current law allows some regulation of interstate phone, if it's for a legitimate government purpose."

Cross: "Yeah, as I s... I'm not trying to... I guess the other area that I'd be curious about as well, you've got some guys there with you. Do we have a problem with calling over the computer, so to speak, and is that an area that's been addressed of...?"

Mulligan: "We might in the future, but that's not covered by this particular Bill, but, you know, perhaps if it becomes a problem, I think that it would be a good idea to extend the law in that way."

Cross: "Yeah, and I'm not asking you to hold it, I just... it's something... since you're working on it, maybe something you want to look at."

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Mulligan: "I think that we're more reluctant to work in the area of computers in the Internet right now until, I mean, it's kind of new so developing laws in that area is a little difficult at this point."

Cross: "Is there a way we can get this Bill to apply to during the campaign season when people call about us and perpetrate frauds about our issues?"

Mulligan: "If I could figure out how to do that, I might seriously consider it."

Cross: "I bet you would. Well, it's a good Bill, Representative, I hope... I'm sure it will pass unanimously. Thank you."

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

Durkin: "Will the Sponsor yield?"

Speaker Hartke: "Indicates she will."

Durkin: "Representative, presently under the law, if you convey in some type of fraudulent transaction over a telephone or through the mail, that is a federal crime because it involves interstate commerce. Is this Bill preempting federal... a United State's Attorney's or a Federal Government's right to prosecute somebody?"

Mulligan: "I don't think it would change that law. I think it would just compliment it."

Durkin: "Are we preempting the Federal Government's ability to enforce a similar action under the Federal Rules of Criminal Procedure?"

Mulligan: "No."

Durkin: "Are you sure?"

Mulligan: "Well, I'm not a lawyer and I'm not totally positive, but it's my opinion that that's what it would from be working on the Bill."

Durkin: "I wasn't quite sure if Representative Cross's question

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regarding venue as to prosecution in this matter. If a telephone call is made from California and it violates one of the Sections under this Code, and a telephone call is made to Kendall County, would the... where would the appropriate cause of action take place? Would it be a question to be resolved in the Kendall County Court House or would it be something that must be initiated in Orange County, California?"

Mulligan: "Alright, the primary venue would be federal court, but in case of default, it would fall to the state court. But on the other hand, wouldn't it also be where it's filed?"

Durkin: "Presently, what you've listed... Excuse me, under the present law there is a... the violation under the Securities Laws is a Class III Felony. Are we moving that... are we bumping that classification up or are we lowering the felony under the Securities Act?"

Mulligan: "I'm sorry, repeat that."

Durkin: "Are we making the penalty stronger..."

Mulligan: "We're making the penalty stronger..."

Durkin: "...under the violation under the Securities Law?"

Mulligan: "Yes."

Durkin: "Why are we moving up to a Class II? Is it that pervasive of a problem right now?"

Mulligan: "Because the Secretary of State's Office recognizes the seriousness of the offense, and also I think anytime that you have a law that impacts elderly people, it usually carries a little greater penalty."

Durkin: "All right. Well, I understand that the Secretary of State's Office does have a Securities Division. Will they be charged with all types of... all the investigating and the investigative... Will they have investigative powers to pursue an individual who may be violating this Act?"

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Mulligan: "They already do that now."

Durkin: "They have the exclusive jurisdiction over this?"

Mulligan: "Yes."

Durkin: "Now, if they do find that there is a course of conduct which is, they believe is, worthy of prosecution, who will be in charge of prosecuting that matter? Does the Secretary of State have their own attorneys or is it a matter which will be placed in the hands of the Attorney General or the local State's Attorney?"

Mulligan: "More than likely it will be the State's Attorney's Office is what the Secretary of State's Office is telling me."

Durkin: "One other, one last question. It states that you are prohibiting from people from soliciting between the hours of 9:00 a.m., I believe and..."

Mulligan: "Only on Sundays. And that's the only objection that the securities people had originally, but they backed off on that. So it's just from... The only time that they're changing is from 9:00 a.m. to noon on Sunday."

Durkin: "Does this legislation take into account perhaps someone from the East Coast or the West Coast, which may be on a different time standard? Is there anything which states in your law that it is central time or is it...? They have a ..."

Mulligan: "No, it doesn't say that, but I would think that..."

Durkin: "Does it say that the phone calls have to be made... only between the central time between the hours of 9:00 or..."

Mulligan: "No, it does not. But I would think that... I mean, you may have an argument over that point, but I would think if you're dialing into some place, you ought to know what the time..."

Durkin: "Well, I'm just curious whether or not someone from the

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West Coast..."

Mulligan: "I'm sorry, they're correcting me."

Durkin: "...would be able if they, you know, there's a two hour time difference and than.."

Mulligan: "It does say Central Time in here."

Durkin: "Okay. That is in the law?"

Mulligan: "Yes."

Durkin: "Okay. Thank you very much."

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

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

Speaker Hartke: "Indicates she will."

Biggins: "Representative, I think you have a very interesting piece of legislation here. I note in my computer that nobody's ever voted 'no' on this Bill. In computer, or committee, or anywhere else, but in regard to the Securities Act of 1953, this is covered by federal law is it or is it state law?"

Mulligan: "Both."

Biggins: "Is there a mixture of federal law in here? Did you say both?"

Mulligan: "Yes, it's both."

Biggins: "And the Secretary of State is going to help administer this Act?"

Mulligan: "Yes, that's correct, but I... would you repeat your question again?"

Biggins: "It's... The Secretary of State is going to help administer this Act, right?"

Mulligan: "Yes."

Biggins: "And who would carry out the necessary follow-up legal work if there's going to be charges filed?"

Mulligan: "State's attorneys. The state's attorneys in the

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county where the offense took place."

Biggins: "And have they weighed in with an opinion on the Bill?"

Mulligan: "No."

Biggins: "The State's Attorneys Association."

Mulligan: "No, they're not opposed."

Biggins: "Now, if someone's calling from another time zone and they don't know about this new Illinois law, what will occur? I mean, this could be an Asian person. We have the Asian markets now that are..."

Mulligan: "If you're marketing by telephone, you're responsible for knowing what the laws are wherever you're calling. So they would be responsible for knowing that, and I would presume that their professional group or whoever would probably give them the information about this and that current laws would be looked at from time to time. People that do this kind of work normally get routine updates."

Biggins: "Well, it seems that there's no like pre-mistake the first time around. I mean the first time a person violates this law, they could be charged with a crime, right?"

Mulligan: "Yes, they might go into court and use that as a defense, but I would think that their... it's their responsibility to know. It's a lucrative business, and they should know what the obligations are under the law."

Biggins: "I agree with that. Then, what type of securities are we talking about? And how does the person soliciting know exactly what securities are not supposed to be sold during this time?"

Mulligan: "Anything that would be classified as an investment, I would think could be classified under this."

Biggins: "Well, what if someone is selling cosmetics, for instance, they're not affected by this law?"

Mulligan: "I don't think so, unless they were dealing in large

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volumes. I don't think they have futures on cosmetics."

Biggins: "I'm just worried about the splitting the hairs when you get to what types of securities would in gender being called a crime and which kinds would not. Does the Bill specify all types of securities that this law applies to?"

Mulligan: "Representative, I would think that existing case law probably already determines that definition."

Biggins: "I'm sorry, I just didn't quite get that, a little bit of noise back here. Mr. Speaker, maybe you could ask the folks in the back of the chamber, they're caucusing and I'm having difficulty hearing the..."

Speaker Hartke: "Would you please give the speakers your respect and tone down the noise just a little bit?"

Mulligan: "Okay."

Speaker Hartke: "Is that better, Mr. Biggins?"

Biggins: "That's fine, but now I forgot the question. I think it was about carefully defining the types of securities. Did you answer that question yet?"

Mulligan: "I would think, Representative, that that should be defined by existing case law."

Biggins: "And I did mention other sales activities, though, can be made during these time periods. Other people can call for other products and offer other services?"

Mulligan: "I would have to take a look at that, but I think that it is all right. I had a Bill that did not make it out of committee that would have set different regulations on that, also whether you could be called at all, but that didn't make it out of committee, so right now it would go as through the existing law, which I think allows you to sell from nine in the morning till nine at night."

Biggins: "Well, you've had some luck in getting Bills through committee, which is better than the teachers have had with

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their Pension Bill, better than the care givers with their request for a COLA increase. Thank you for answering the questions."

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

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

Speaker Hartke: "She's pretty tired, but I think she will."

Turner, J.: "She will?"

Speaker Hartke: "She will."

Turner, J.: "Representative, does this create a new crime, your legislation?"

Mulligan: "No, it just...it expands the crimes that already exist and changes the penalty."

Turner, J.: "Well, now you cut me off kind of quick that time. It changes the penalty. Is that what you said?"

Mulligan: "Yes."

Turner, J.: "Changes it by enhancing the penalty from what to what?"

Mulligan: "It increases the penalty from a Class III Felony to a Class II Felony."

Turner, J.: "Did you say II?"

Mulligan: "Yes."

Turner, J.: "Does this have anything to do with 2.2, the Bill that the teachers have been calling for all day long?"

Mulligan: "Very good, Representative. No, it has nothing to do with that. That's another issue, which I'm sure will..."

Turner, J.: "I'll bet you'd support that 2.2 if you got a chance to vote on it, though, wouldn't you?"

Mulligan: "Absolutely, Representative."

Turner, J.: "I bet you'd like to debate that right now, wouldn't you?"

Mulligan: "Oh, in a flash."

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Turner, J.: "Well, maybe we can keep talking about this particular Bill. We can come back to that 2.2. That has to do with the pension for the teachers. There's still some of them up here in the balcony, isn't that right?"

Mulligan: "If you say so, Representative, but I'm almost positive you're correct."

Turner, J.: "Well, you're thinking that maybe they're gone from the balcony, but clearly the 2.2 does refer to the pension for the teachers."

Mulligan: "Absolutely, I just don't know if they're still in the balcony. I think they were getting tired of being down here and lobbying on this."

Turner, J.: "Well, I can see why they're getting tired. One wonders how long they're going to have to wait before the Speaker decides to call that Bill. Well, on this measure before us, it doesn't look like Senate Bill 3, what is that? Sixteen, what is your Bill? I can't read that far on the board. What is the number on that?"

Mulligan: "Senate Bill 1694, but if you can't read the board, you may find that you're covered under this in the provision where it's 60 and over."

Turner, J.: "What did... you said I was a Sponsor on this Bill? Is that what you said?"

Mulligan: "I'm sorry. What was that?"

Turner, J.: "Well, you used the term natural person in your legislation. What do you mean by that?"

Mulligan: "As opposed to Representative Cross."

Turner, J.: "So, a natural person would be the antithesis of Representative Cross?"

Mulligan: "No, a natural person would be the opposite of, say, an answering machine."

Turner, J.: "Well, a natural person would be a corporation, would

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it not? Well, what I'm getting at, Representative, in all sincerity..."

Mulligan: "No, we're talking about a business firm or an answering machine. We're talking a na... a regul... just a single person."

Turner, J.: "Well, maybe I've stumbled on something here, or perhaps we should clarify this for the record. Normally a natural person, I think, would include an entity, a corporation, partnership, or any other..."

Mulligan: "Not, not under this law."

Turner, J.: "...type of business entity. Is that not what you're intending for this Bill?"

Mulligan: "No, not the intention of this Bill."

Turner, J.: "All right. What do you intend, then?"

Mulligan: "If an individual... if I... say someone were to phone you at your home as an individual, that's what the law would govern."

Turner, J.: "All right. They call at my home and they solicit..."

Mulligan: "Yeah, it wouldn't be like a business..."

Turner, J.: "... my business."

Mulligan: "...to a business or a broker to a business."

Turner, J.: "What type of solicitation would trigger the felony offense that you're trying to... trying to deter here?"

Mulligan: "A fraudulent one, particularly to an elderly person. One that perpetrated a fraud on them or made misrepresentations, or one made by someone that was not authorized to be making those as defined under the Bill."

Turner, J.: "And does your Bill have any opposition?"

Mulligan: "None that I know of at this time."

Turner, J.: "Who was the original proponent of this Bill?"

Mulligan: "Secretary of State's Office."

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

Mulligan: "The Secretary of State's Office, which I'm sure it originated from fraud that is being... that is happening currently."

Turner J.: "Were there any Notes?"

Mulligan: "No, there were no... It came out of the Senate with 59 and came out of committee... Oh, any Notes filed? Is what you were saying?"

Turner, J.: "Any Notes filed."

Mulligan: "No."

Turner, J.: "I see the term in-state appears in the Bill and I'm wondering does this include out-of-state solicitations or does it include only in-state solicitations?"

Mulligan: "Could you give me the where in the Bill you see that?"

Turner, J.: "Sure. Page 2, line 89. Actually, it's 89 and 90. Mr. Speaker, as she's answering my question, I would assume you'd give me a little time to get a response to it and then follow up?"

Speaker Hartke: "I'll give you that extra minute. Just bring your remarks to a close."

Turner, J.: "I'd like 2.2 minutes, if I may?"

Mulligan: "The Secretary of State's Office is saying that it's in-state because that's the ones that they regulate. So, I would think they would have to be doing business in this state, which I would presume if they have a registered agent in this state, you would cover them also, because if you have someone that..."

Turner, J.: "Perhaps there is some federal law that would prohibit this type of solicitation when it is across state lines?"

Mulligan: "Yes, I'm... It's my understanding... It's my understanding there is."

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Turner, J.: "Now, who would be the prosecutor? Would it be the Attorney General? Would it be the State's Attorney or...?"

Mulligan: "The State's Attorney where the...in the county where the offense occurred."

Turner, J.: "All right. Representative, you've done a fine job on this Bill responding to my questions, and I see that I'm out of time."

Speaker Hartke: "Representative Mulligan, to close."

Mulligan: "Thank you, Mr. Speaker. I would request a favorable vote from the committee and remind everyone that it came out of the Senate 59 to 0 and there is no opposition. Thank you."

Speaker Hartke: "The Lady has asked for the passage of Senate Bill 1694. This is final passage. All those in favor signify by voting 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1694, there are 116 Members voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 5 of the Calendar appears House Bill 1838, Representative Rutherford. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1838, a Bill for an Act to amend the Community Services Act. Third Reading of this Senate Bill."

Rutherford: "Moving rather quickly there, Mr. Speaker. Thank you. Eighteen thirty-eight. Let me grab my... 1838 would set up a pilot program for the Illinois Department of Human Services to be able to provide for five pilot programs to provide for vouchers for individuals to utilize if they have developmental disabilities."

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

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

Rutherford: "Yes."

Cross: "Representative, does the IEA support this Bill?"

Rutherford: "The IEA, I don't think has taken a position on this piece of legislation, though they have adamantly taken position on other pieces of legislation, and particularly one of those is on the 2.2 retirement program. That piece of legislation they are definitely supportive of."

Cross: "I see this is a voucher Bill, so they're not opposed to your voucher Bill?"

Rutherford: "They are not opposed to this voucher Bill, because it does not deal with school vouchers."

Cross: "There has been, if I'm reading the analysis correctly, a similar pilot program through the Ray Graham Association. Is that correct?"

Rutherford: "That is correct. That is correct. They'd had a similar program and, in fact, they had approached the department and had discussed this as a possibility to be able to see if they could test this out...in other areas. In fact, the reports and the analysis have come back from Ray Graham was a part of the information that the department utilized to help make their decision to try to launch this pilot."

Cross: "There's no one opposed to this Bill, I take it?"

Rutherford: "There is no one opposed to the Bill that I'm aware of."

Cross: "And we are to get a report from the Department of Human Services by March 1st of the year 2000?"

Rutherford: "That is correct, Representative."

Cross: "How many votes did this get in the Senate?"

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Rutherford: "I believe it got a whole lot of them. Fifty-four, now I see. Fifty-four to zero. The Bill passed out unanimously."

Cross: "All right. Thank you, Representative."

Rutherford: "Thank you, Representative."

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

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

Speaker Hartke: "He indicates he will."

Turner, J.: "Representative, is this Teacher Appreciation Week?"

Rutherford: "I believe it may be."

Turner, J.: "Well, I'm informed that it is. Do you have any knowledge to the contrary?"

Rutherford: "I have absolutely no knowledge to the contrary..."

Turner, J.: "Well, let's assume then for the moment, unless I hear some refutation from another source, that this is Teacher Appreciation Week. Can we assume that?"

Rutherford: "I would be glad to assume that it's Teacher Appreciation Week."

Turner, J.: "Well, what would you think we should do as a Legislative Body to show our appreciation for the teachers of the State of Illinois?"

Rutherford: "Representative Turner, we should be supporting the Retirement Bill for our teachers."

Turner, J.: "I think you're right. Now what is that Bill, in case someone has forgotten the number on that Bill?"

Rutherford: "That is 868. Senate Bill 3; 868 is COLA Bill, and I also think that COLAS is as important as... to be considered here in the General Assembly as 2.2 for our teachers. And it's Senate Bill 3, Senate Bill 3, Senate Bill 3."

Turner, J.: "Representative, excellent job."

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Rutherford: "Thank you, Representative."

Turner, J.: "Making your mistake, you brought more attention to the fact that it is Senate Bill 3, and I appreciate that. Senate Bill 3 has to do with 2.2, does it not?"

Rutherford: "Senate Bill 3 has to do with 2.2, and we have not been able to bring it to the floor of the House of Representatives for a vote, even though I had teachers from my district, teachers from my hometown, teachers from my surrounding school districts down here today that I spoke to personally, pledged my support for Senate Bill 3, and all I need to do is to have it come to the floor and I'm going to vote for it, as I believe a vast majority, a vast majority of my colleagues in the House would do, but it's bottled up in the Rules Committee."

Turner, J.: "Well, Representative, we're not on Senate Bill 3, unfortunately. We're on your Bill. Now, let me ask you..."

Rutherford: "No, I'd like to talk some more... I'd like to talk a little bit more about Senate Bill 3, if you'd like to continue this dialogue."

Turner, J.: "You bet you. Now here's my question, is there any way that we can amend the Bill that we have before us right now by putting in the language from Senate Bill 3 onto this Bill before us so we can debate that and pass that perhaps? Do you know how we might do that Amendment?"

Rutherford: "I'm not so sure that I would be opposed to that Amendment at all. I just have to move it back to Second Reading."

Turner, J.: "Well, if we moved it back to Second Reading, do you think there's any chance we'd be able to put the language to Senate Bill 3 on it or..."

Rutherford: "See, but the fear I have, Representative Turner, is

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that that Amendment would require approval from the Rules Committee to be brought before the public for consideration, and I've got a feeling that they'd bottle it up in the Rules Committee again."

Turner, J.: "Well, you mentioned a minute ago, I think we've talked about Senate Bill 3 as much as we can... "

Rutherford: "No, I think, Mr. Turner, we could probably talk about..."

Turner, J.: "You mentioned a COLA, now. I didn't see COLA in this Bill. I'm looking at my analysis. I'm reading the Bill itself, and I don't see anything that refers to the cost of living adjustment that you mentioned a minute ago. Why did you mention COLA? What does that have to do with this piece of legislation?"

Rutherford: "Actually, it does not directly affect this piece of legislation, but it's one of these things that I've got this burning desire, a strong commitment, a pledge, to support the COLAs for our community mental health providers, and I've not had an opportunity to vote on that. That, too, is bottled up in Rules Committee."

Turner, J.: "Did you say that you wanted to vote for some property tax relief for the people of the State of Illinois?"

Rutherford: "I would be delighted to vote for some property tax relief."

Turner, J.: "I don't see that in your Bill, Representative. Is it in here?"

Rutherford: "Representative Turner, property tax relief is not in this Bill. It's in another piece of legislation that's bottled up in the Rules Committee, and I would be honored, delighted and convicted to vote for a piece of property tax legislation, if it was just put out of Rules Committee and

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brought before the Body."

Turner, J.: "Well, Representative, things that I want to vote for aren't in your Bill. What is in your Bill?"

Rutherford: "Well, Representative, it does not include the teachers' 2.2. It does not include the COLAs for our community mental health providers. It does not include property tax relief. All of those, I am shocked and chagrined, but what I am telling you is in this Bill, is it is a pilot program for a voucher system for the developmentally disabled being brought to us through the state agency."

Turner, J.: "Well, Representative, thank you very much for that explanation. I appreciate that you've worked very hard on this piece of legislation. I appreciate even more the fact that you would like to vote for property tax relief, you'd like to vote for 2.2, and that you'd like to vote for a cost of living adjustment, but you're unable to do so. So, until we get a chance to vote for those pieces of legislation, which are the pieces of legislation important to the State of Illinois, I guess it will have to suffice, right now as we speak, to vote for your Senate Bill 1838. Thank you, Representative Rutherford."

Rutherford: "Thank you, Representative Turner."

Speaker Hartke: "Further discussion, hopefully on the Bill? Representative Biggins."

Rutherford: "You're not turned on."

Speaker Hartke: "Representative Biggins."

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

Rutherford: "Yes."

Speaker Hartke: "Indicates he will."

Biggins: "Does the Bill... It says it makes a voucher program for

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families. Does it define family?"

Rutherford: "I don't think it's statutorily defined. I think this would fall under the department's existing rules and regulations with regards to family."

Biggins: "Do you know... family of people?"

Rutherford: "A family of people? Yes, it would be people."

Biggins: "So we couldn't take this voucher and use it with families of animals or something on them?"

Rutherford: "No, this is definitely for people."

Biggins: "Representative Churchill's cats, for instance. "

Rutherford: "This voucher program is a pilot for people."

Biggins: "Now, as I read the Bill, it says that care is given in the home, right?"

Rutherford: "Yes."

Biggins: "Does it define home?"

Rutherford: "Home would be defined... It would not in the Bill, statutorily. It would be dealt with through the department's existing rules and regulations."

Biggins: "Does this Bill then discriminate against the homeless?"

Rutherford: "This Bill probably..."

Biggins: "Sure, if it's unintentional, if it..."

Rutherford: "No. No. Thank you, Representative. It is not my intention, and since this is a pilot program, if during this program, in its pilot stages is determined to have some sense of discrimination against the homeless, I assure you that I'll be back to try to adjust that."

Biggins: "So, they will go to... people who live in apartments and houses and condos and town homes..."

Rutherford: "That is correct."

Biggins: "...but not people that don't have a home."

Rutherford: "That may be correct."

Biggins: "Can you describe what a Respite Program is?"

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Rutherford: "A Respite Program for those with developmental disabilities to be able to assist in having their family members be able to have, and I guess just put it in very simple terms, some free time. To be able to have a program where they would take in a voucher to have someone that could maybe come into the home, stay with them for a bit of time so that the family members may be able to, for example, go shopping or go to the movie. It may be something as much as taking them out to the park. It's a program to assist families in homes that have developmental disabilities to be able to utilize resources of the state per their own discretion as to how they best can utilize those and then, of course, be able to get the best return for those dollars. And that's why this is a voucher program and in a pilot stage."

Biggins: "Okay, well, I understand the voucher part, but who's going to be the one giving the care?"

Rutherford: "Sorry, again, Representative."

Biggins: "Who's going to be giving the care?"

Rutherford: "They would be able to utilize the caregivers of their choice. The pilot part of this that's being tested is that the actual families would be able to determine themselves how they best be able to... would be able to select the individuals to be those that are providing the services. And the reason that we believe this is a good program is because it gives them greater choice, gives the families greater choice. They know how much in resources they have available. They're going to obviously leverage that to get the best return they possibly can in regards to the amount of service per the dollar available. In all of the studies that we have found from the other community providers that have done similar types of programs, it has

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provided a greater efficient use of those dollars. And we're going to try to test this now here on a state basis and if so, then we'd like to consider rolling it out state-wide."

Biggins: "And how... Who's going to pay these providers?"

Rutherford: "What?"

Biggins: "Who's going to pay these people who provide the service?"

Rutherford: "What happens now is the State of Illinois would be providing a... the allocation to community providers. Those community providers would then work with the department in regards to the vouchers that would go to the individual families, so that's the reason that this program is being set up statutorily to allow the department the ability to be able to utilize those resources from the department, the state monies, to pay for these vouchers. We are already... There is no fiscal cost to the state. We are taking existing monies that the department already utilizes for respite services and just allocating a portion of that for this pilot program, so there is no increase in the budget due to this new pilot program."

Biggins: "And do these people... Do you know how much money they make when they provide these services?"

Rutherford: "Do they limit how much money they make?"

Biggins: "Do you know how much money they make? How much they're paid?"

Rutherford: "No. It's not... It's not something that they... You know, it's set up that you know how much... If you're saying minimum wage or something like that, no, because it's going to vary on what kind of service they may receive."

Biggins: "Well, if we have a billion extra dollars in our state

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government, do you think these people would be entitled to at least a cost of living increase?"

Rutherford: "I would believe that they would definitely be eligible, and appropriately so, a cost of living increase for our community providers."

Biggins: "Thank you. I look forward to supporting your Bill."

Rutherford: "Thank you, Representative."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Madison, Representative Stephens. The Lady from Cook, Representative Mulligan."

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

Speaker Hartke: "Indicates he will."

Rutherford: "Yes."

Mulligan: "Representative, I see by your Bill that there are five pilot programs. Could you tell me where it's envisioned what areas will get these five programs?"

Rutherford: "They haven't... They have not... The department has not finalized this yet. They're... What they're going to do is, is put together the specifications... going to put together the specifications. They will have to draft the guidelines for this, the rules, and those will go through JCAR, and so that the legislative intent would obviously be able to be reflected in its review by JCAR."

Mulligan: "I noticed one of the purposes of this pilot program is to encourage a family's contribution towards the payment for family support services they receive. Now, are families required to contribute to this, or is this changing the way that we're expecting families who are in these dire needs of help are being asked to support?"

Rutherford: "Yeah, right now as far as the contribution side of it, they are... Right now, 73% of the families that are participating in the program do provide some type of

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participation and contribution for a program."

Mulligan: "Who determines the amount of the voucher that would be given in this program?"

Rutherford: "That's going to be determined by the Department of Human Services."

Mulligan: "So, might it vary in different parts of the state where the cost for obtaining these services would be perhaps different?"

Rutherford: "Yes, Representative, it would and for obvious reasons. The cost of delivery of services in certain parts of the state are going to be different than other parts of the state, because the economic conditions. There's higher salaries perhaps in the suburban areas than what there may be in downstate Illinois. And that's one of the reasons that a cost of living adjustment for out community service providers is so important."

Mulligan: "Would the department set the rates for that, according to the area for this pilot program?"

Rutherford: "I'm sorry. Did you say, 'Would the department set the rates for that?'"

Mulligan: "For what the going rate would be to pay someone?"

Rutherford: "Yes, they would, Representative."

Mulligan: "I noticed you defined some of the services in your Bill. One of them being services of an in-home caregiver to supervise the family member. So would that be to show the family member how to take care of that person with a disa... developmental disability?"

Rutherford: "I believe that would be a good interpretation of that, yes."

Mulligan: "Also, I see that you would cover services of a person to accompany a family member at an outing or community activities?"

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Rutherford: "Yes, it would, Representative. An outing such as, you know, going to a shopping center, going to a retired teachers meeting, going to a community providers meeting, also."

Mulligan: "I noticed that another thing would cover registration for the person, the family member with the developmental disability, to participate in a park district program or an extracurricular school program, community college classes. Would that be considered that the registration for that program would be like additional caregiving for that person, or how are they going to decide that that voucher would cover the registration in that program? And would it cover the full registration for the program or would the department be determining that?"

Rutherford: "As to whether it would cover the full amount, keep in mind that these vouchers are going to have a... a dollar certain to them and obviously a part of it, the decision, and that's why it's a voucher program. The decision would be dealt with by the family members themselves to be able to determine the best resources or the best utilization of those defined dollars. Now as to whether they would use it for the entire amount and cover the entire cost, obviously in part depends on how much the voucher is worth."

Mulligan: "Why would you cover the tuition for a community college class in that category? And is that what it means?"

Rutherford: "It's an eligible opportunity. And what it means is, there is a menu of opportunities that one could utilize these vouchers for. It was felt that this, and again, this comes from the studies that we've conducted from other areas. It was felt that the opportunity to perhaps participate in some community college programs would be a

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good, a good way to assist those with developmental disabilities to be able to try to continue to grow and develop."

Mulligan: "I notice in another part of the Bill that families may employ individuals to provide the family support services through these vouchers. And one of the categories is related family members who do not reside in the same home as the family member with the developmental disability. Does the department determine if those services given by that person that's a non-family member are really relevant and that they're actually providing them?"

Rutherford: "You see... I'm sorry, you're asking if they actually verify that these are being provided?"

Mulligan: "Right. If you have a family member that does not live in the home who is allowed to provide these services, how will the department determine both the rate for the voucher and if this service is actually being provided?"

Rutherford: "Yeah, that as... that's a very good question. I would note, though, that the individuals that are receiving these vouchers are receiving them because they actually have defined needs. They have... they are disabled. I mean, this is the given. This is why they are able to participate in the program. And by doing a pilot program such as this, a voucher program gives them the choice, the opportunity to determine where they are going to try to receive these types of services back. It behooves the family of the disabled to be able to receive the best return on that dollar amount voucher. So I would find it very, very suspect to think that perhaps they were not going to be able to utilize the best that they could on those vouchers to get them back."

Mulligan: "Representative, how come this Bill was assigned to

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Executive Committee rather than Human Services?"

Rutherford: "You know, I don't know, Representative Mulligan. I'm not on the Rules Committee. Because if I was, I would have perhaps assigned this to Human Services, and I would have also supported having the 2.2 retired teachers Bill, I'd have supported the cost of living adjustment Bill, and I'd support the property tax relief Bill."

Speaker Hartke: "Representative Mulligan, please bring your remarks to a close."

Mulligan: "I notice that they may not use these vouchers for out-of-home medical services or medical, therapeutic or developmental evaluations or any product or item, for example, sports equipment, therapeutic devices or clothing. Is there any other support for these types of things, besides this voucher program, currently in place?"

Rutherford: "Yes, there are, Representative, there's a considerable number of them out there beyond what this provides. Again, this provides for respite services, and there are other programs available out there with those with needs."

Mulligan: "I also see that it will not cover services of a person to accompany the family on an overnight trip, but another part of the Bill it will cover services for a daytime trip, correct?"

Rutherford: "Yes."

Mulligan: "It also..."

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

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

Speaker Hartke: "Indicates he will."

Giles: "Representative, I just have a couple questions, maybe for clarification. In your legislation you states that it is

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intended to ensure that a family, I think Representative Mulligan, she spoke about this, intend that the family contribution towards the payment for the family support services. Approximately, I don't know if you know the question, approximately how much is... are we talking about? What percentages is the contribution that we're talking about?"

Rutherford: "How much they're asked to participate in? I'm sorry, Representative."

Giles: "That's correct."

Rutherford: "That's going to be determined on the family, individual needs. It's not being set up now that there's going to be an obligatory match of say a certain percentage. It's going to be, you know, it's going to be determined at what the need is for the existing resources of that family."

Giles: "Okay. Who makes these determinations? Is there a structure that's set up to make the determination or...?"

Rutherford: "Yeah, Representative, this is not going to be specifically identified percentage by this statute, nor is it the intent of the department to do it by rule. This is going to be a voluntary program by the family. What they would understand is, that if they can participate at a certain percentage per their desire to do so, not dictated by the department, that their dollars would be able to go further. And limited dollars that are in these programs can go further for families with other members...or with people that do have disabilities. So, it's actually voluntary participation by those families."

Giles: "Thank you very much."

Rutherford: "Thank you, Representative."

Speaker Hartke: "Further discussion? The Chair recognizes the

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Lady from Cook, Representative Shirley Jones."

Jones, S.: "Yes, Mr. Speaker, right after Session, the Public Utilities Committee will meet in Room C-1, right after Session. Thank you."

Speaker Hartke: "Representative Mulligan has asked that she be granted more time, so the Chair recognizes Representative Mulligan."

Rutherford: "Thank you, Mr. Speaker."

Speaker Hartke: "You're welcome."

Mulligan: "Thank you, Mr. Speaker. Will the Representative yield?"

Speaker Hartke: "Indicates he will."

Mulligan: "Representative, I see one of the issues in here is that this will not cover child care services while the primary caretaker works. If a family is expected to contribute to the voucher system and help, how would you cover something like this if the family is poor and they would like to work?"

Rutherford: "They're not ex... they're not required to participate. And maybe just to clarify Representative Giles' question earlier, in that the family is not required by the department's regulations to participate. It is a voluntary program. If they can and would wish to participate in some part of financial contribution, they would, and obviously the reasons and purposes for that is that the dollars can go further."

Mulligan: "All right. If the primary caretaker works and has hired someone that they're paying, can they also get the voucher to help assist the person that they are paying in their home to take care of the member of the family with a developmental disability?"

Rutherford: "Just to clarify your question, Representative,

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before I answer it. You're asking is if a, if a person is being paid today to be a respite assistance, can they utilize those vouchers in lieu of the cash payment they are making?"

Mulligan: "Not actually. If they're paying..."

Rutherford: "The answer to that question is, yes."

Mulligan: "If the primary caregiver is paying for someone to assist them while they work, could they use the voucher say to get someone to assist them, say if they were taking that person on an outing, and one person, the person that they're paying out of their own pocket to take care of the developmentally disabled person needed another person to assist them."

Rutherford: "Yes, you're right, Representative, they could."

Mulligan: "What is... what do you estimate or what does the department estimate the amount of each voucher to be?"

Rutherford: "They haven't... You're talking about the individual voucher for family?"

Mulligan: "Yes."

Rutherford: "It's going to be determined by family. It's not something that there would be a blanket dollar amount to because each situation may be different."

Mulligan: "Is there a total amount being appropriated to cover this program, which I understand is covering two years?"

Rutherford: "There is not a specific dollar amount as of yet, but again, as I highlighted to Representative Biggins, this is not an increase in the budget. This would take the existing dollars that are in this program already, identify it to be used in the voucher program. So there is no increase cost to do this. As to what the total amount within that existing budget may be, I believe, is in part going to be determined once they've been able to evaluate

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what type of five programs they have and what types of needs may be there to fulfill those five."

Mulligan: "I would express some small concern about perhaps taking money out of line items that are now going to other providers to be moved into this, so I would hope that that would not happen."

Rutherford: "Representative, I've been assured by the department that this would not take dollars that are already in line item for other providers, and I concur with your position. I think that's a very good comment."

Mulligan: "So this program is... from the Act says it's going to take effect for January 1, 1999, which gives them, if this passes, the rest of the year to set up and determine where the pilots will take place, and that you have to report back on this program by March 2000, by March 1, 2000, so it would be in effect for approximately one year. If it's passed, it would give the department from the time the Bill is passed until the beginning of 1999 to develop the program and decide where the sites are going to be. Then it will be in effect for one year, and then they would report back to the General Assembly after that year."

Rutherford: "You're absolutely right, Representative, that is correct."

Mulligan: "Thank you. Thank you, Mr. Speaker, for allowing me the extra time."

Rutherford: "Thank you, Representative."

Speaker Hartke: "Representative Rutherford, to close."

Rutherford: "I would be glad to yield to Representative Ronen if she wanted to ..."

Speaker Hartke: "Representative Ronen, would you like to close on this piece of legislation? The Lady asks for their support."

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Rutherford: "Okay, yes, I ask for a favorable Roll Call."

Speaker Hartke: "The Gentleman has asked for a favorable Roll Call on Senate Bill 1838. This is final action. All those in favor signify by voting 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1838, there are 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1875, Representative Reitz. Mr. Clerk, call the... read the Bill."

Clerk Rossi: "Senate Bill 1875, a Bill for an Act concerning transportation. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Reitz."

Reitz: "Thank you, Mr. Speaker. Senate Bill 1875 is a product of discussion between the Illinois Railroad Association and the Illinois Commerce Commission. It makes a number of changes, mostly safety ones. It raises the bridge clearance to 23 feet and allows the commission to make changes on that. It apportions cost, and well, clarifies the law for grade protection, crossing protection monies to be used for only public use. And it's a Bill that makes some technical changes that's going to help, and I'm sure there aren't any questions on it. It passed the Senate unanimously and I'd appreciate an 'aye' vote."

Speaker Hartke: "Further discussion on the Bill? The Chair recognizes the Gentleman from Vermilion, Representative Black."

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

Speaker Hartke: "Indicates he will."

Black: "Representative, is there any diversion of Road Fund money

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in this Bill?"

Reitz: "No."

Black: "Are you adding any money to the separation and crossing fund?"

Reitz: "No, we're not."

Black: "Well, if there isn't any money in it, what are you doing?"

Reitz: "Excuse me?"

Black: "What are you changing? What is the underlying Bill? What is it changing?"

Reitz: "One, it apportions cost for construction, reconstruction, repair, for the commission. They may assess cost based on the benefits accruing to the parties. It allows them to split the costs up depending on the parties of interests. It provides that when a public highway authority vacates a road, the rail carrier must notify the commission of its intentions to remove the crossing service or crossing warning devices. As I said earlier, it establishes that on any new or reconstructed highway, bridge clearances will be 23 feet. It adds an element to the cry... of the crime for malicious removal of damage of railroad property, makes that a Class IV Felony. It clarifies the law to require that grade crossing protection fund money will be used for projects that only benefit public use. That will ensure that funds won't be used for private grade crossings."

Black: "All right. The 23 feet clearance language in the Bill, that's prospective; it is not retrospective. Correct?"

Reitz: "That's correct."

Black: "So, we don't have to go back and change those existing structures given the lack of money that we have?"

Reitz: "That's correct. It also allows the Commerce Commission to... allows them to give a permit for lesser clearances if

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the conditions warrant such."

Black: "There's another issue that I'm not quite clear of. You're striking language from the existing statute, the language being 'state-wide'. Why are you removing that phrase from the statute, current statute?"

Reitz: "Which page is that on, Representative?"

Black: "I don't have a clue. Somebody just took the Bill out of my file."

Reitz: "I'm looking for that to see where we struck."

Black: "Well, let me tell you what staff told me, because honestly I don't know where the Bill went. Oh, here it is. It came back, and twenty-three feet above my desk, too. Yeah, Representative, look on page two, line 92, where 'state-wide' is removed or crossed out. I just, I want to make sure what we're doing there, you know, because I don't want the Commerce Commission to promulgate rules that say those... you know, the higher population density will get, you know, we'll address those areas first, because that's going to leave you and me way down the list. And I always thought that state-wide in the underlying statute was what made this a fair and equitable process for all of us state-wide."

Reitz: "The intent on that, Representative, was to make it more, I guess, easier for the Commission in cases like that. With the 'state-wide' in there, been advised that that means the burden of proof would have to be that someone was running a, in this case, like a trucking firm state-wide and this would allow, allow them to use this Section for local purposes. You wouldn't have to be a state-wide firm."

Black: "Okay. Alright. Bear with me then."

Reitz: "Okay."

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Black: "With the elimination of the state-wide public use, could perhaps could it be then easier to do a township road crossing than it has been in the past? Because maybe if I'm remembering correctly, state-wide public sometimes we had a hard time convincing someone that a seldom used township road had any benefits state-wide. Is that where we're headed? So that we could do some of the more infrequently traveled roads downstate?"

Reitz: "Yes, that's the intent of it at least. It makes it a little easier to do roads that you mentioned."

Black: "Okay. Well, I'm glad you brought that out, because in that case, my only fear is, you know, when they make rules, they sometimes can go on a population basis or a population density basis. And as you well know, we have... There's only one state that has more railroad crossings than Illinois, and that's the State of Texas. And it is an ever increasing problem in rural and downstate areas, and I've always gotten along well with the Commerce Commission and the railroad folks, but sometimes they'll say, 'You know, there's only 30 cars a day that go across this crossing, so why should we put up an expensive light system?' Well, maybe of the 30 cars a day that go by there, I can point out a history of four fatal accidents in a two-year period. And it would seem like if this Bill becomes law, that might have more bearing than the old language saying, 'Well, you had to show some state-wide public benefit.'"

Reitz: "That's right. Basically, it was taken out to remove that unnecessary adjective to make it easier for people to access this."

Black: "Okay. So it's not the intent of your language and there's nothing in here that makes it more difficult to upgrade a signal or to close or vacate an order. There are

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some who would say that your language prohibiting, if I read it correctly, 'prohibiting a public hearing' may not be in the best interest of rural residents, because we may decide to go to work one day and, whoops, the old township crossing that's been there 45 years is suddenly closed. What's going to be our constructive notice?"

Reitz: "Excuse... Could you repeat that, Sir?"

Black: "Yeah. It looks to me that in your Bill it says that they would not have to have a public hearing to abandon a railroad crossing. And that the railroad could then with the consent of the Commerce Commission, in fact, remove that crossing. Now, you get out into rural areas still laid out on the old section line, you take out a township railroad crossing and you could add three to five miles to get from farmer field 'A' to farmer field 'B'. And without benefit of a public hearing, I want to make sure that our... Thank you, I'll bring my remarks to a close, Mr. Speaker, thank you. I just want to make sure that our rural constituencies will be made aware of plans to close a rural or township rail crossing which, as you know, sometimes in five sections of land there may be only one crossing. And if they decide to close that one, we could be going into another county to get across the track."

Reitz: "Right, and that's the intent of this is to make it easier to make sure they notify the Commission for any... and in some cases, they didn't. They would close sections, as you know, without any notification. And you're right, you wake up one day and that portion's gone."

Black: "Okay. So..."

Reitz: "Now they have to notify the Commission when they're going to close any crossing."

Black: "Okay. So, in your opinion then, constructive notice is

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still a strong component so that you... because believe me, any Legislator is going to hear about it, but rural Legislators, where you may be adding ten miles to get across the tracks, are going to hear about it quicker. We're not going to get a call someday from a constituent saying, 'You know, they just closed the old Burr Oak Road Crossing. I didn't know anything about that. What's going on?' You're able to give me some reasonable assurance that that isn't going to happen."

Reitz: "That's my understanding is that this will make it easier and we'll have a better chance of having public hearings having them find out about it."

Black: "Okay. Okay. Well now, for the record, my last point, for the record, if that happens, could I... could I refer my angry constituents to you?"

Reitz: "As long as I can refer my angry constituents to you."

Black: "Well, I can see we're getting no where fast on this. All right."

Reitz: "As long as it's reciprocal, that's fine."

Black: "Thank you, Representative. Thank you, Mr. Speaker."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from McHenry, Mr. Skinner. Yes, the Sponsor yields."

Skinner: "Thank you. Representative, I am hopeful that you will take this Bill out of the record or that if you won't, that those of us in the suburbs who are along the Union Pacific Lines, who realize that we have a threat to trees within 500 feet of every grade crossing, will vote 'present'. There's nothing wrong with your Bill that I can see, but the Bill to carve an exemption that's satisfactory to the Union Pacific did not make it out of the Senate Transportation Committee. What's the Bill number? 1230,

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is it, Rosemary? Senate Bill 1250. We would like to graft on to this Bill. Numerous suburbs in the Chicago area have invested literally tens of thousands of dollars to beautify the roadways along railroad tracks, but the state law reads that the railroad has to chop down all the trees within 500 feet. The Senate Bill in question is one that would allow an exemption if there were... if there were gates. So, we would ask that you take this Bill out of the record. And if you're unwilling to take it out of the record, I would ask, at least those in the suburbs who are worried about the greenery... Would you be willing to take it out of the record, Representative, so that we can attempt to amend it?"

Reitz: "I appreciate your concerns and would help support that, and I would hope that there's a Conference Committee someplace so we could help find your language. We had a number of other Amendments that were considered or offered to this, and we did not adopt any of those. And we're, you know, we're looking to move this Bill out, but I appreciate it and would work with you to define something for that. I guess we're all in the same spot, Cal."

Skinner: "Well, Representative, you must have more trees in your part of the state than we do. We value the Redbud and the Dogwood and the Lilacs that are along our railroad tracks that the Union Pacific are trying to chop down or threatening to chop down. And quite frankly, we're desperate. This is the only vehicle I have seen that we can use. I have no objection to the Bill that you have, but I would ask for a little mercy on your part. This is not an attempt to stall. You will notice I have not spoken before today except to ask some honest questions of Representative Moore. I would ask you to please take it

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out of the record and if you will not, I would ask those that are in the suburbs to vote 'present'."

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

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

Speaker Hartke: "Indicates he will."

Mulligan: "Representative, I also would echo Representative Skinner's request. Those of us that live along train lines in the suburbs have been requested to cut back all the shrubbery because of a 250 foot law that only exists in Illinois and not in other parts of the state because of the liability and it's only at graded crossings. For some reason, the downstate Members, I mean the Senate, objected to this change. I do not know why, but many of us who come from communities that have spent a great deal of money beautifying the areas around the rail crossings. And one instance in one of my suburbs, they have mature trees that block condominiums' view right on to the Northwestern Line from... They're being asked to cut those trees down, and we would like to amend your Bill, and we would request that you take it back to Second in order for us to do that. And the other thing is that I also have a question about a grade that is being removed in a farm or rural area. If you remove that and they take away the crossing gates, how would somebody, say a teenager who was out partying that night, may cross that area of the road and not realize that there is no longer a real crossing there and gates? How would you be able to determine that?"

Reitz: "I guess the final question on the vacating. You asked about vacating the roads again?"

Mulligan: "Just move it back to Second. Well, the first question was, I would concur with Representative Skinner about

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moving back the Bill to Second to allow us to amend the other Bill onto it. And my second question is concern of removing an existing crossing, although like local Members wouldn't know that, maybe in a rural area where teenagers or somebody that's out late at night may go out across that and not realize that it's not there any longer. And you're not going to hold a public... You're denying a public hearing...

Reitz:: "The intent for vacating the road is to provide more public input, allow more public awareness so that they'll have to notify the Commission, will have to, you know, let the public know in some respect that we're going to close that before there's any crossing service or any crossing warning devices removed. In resp... I guess in respect to your first question, had we talked about this last week, that might have been fine, but, you know, at this time I'd rather move the Bill through. As I said, it's an agreement between the Illinois Commerce Commission and the Railroad Association. And there's a number of items in here that I think will help the citizens of this state, and I hope we have luck finding a vehicle for your concern on the trees."

Mulligan: "Well, we've been unable to find a vehicle for the first part of the Bill; and unfortunately, if for some reason we cannot come to some kind of an amicable agreement with them to postpone this, once you cut down a tree, it takes a long time for it to grow back. So, I mean, if we have to wait again till the next General Assembly meets next year, in that time we may have already had to remove trees or other things that our communities have spent a great deal of money on. So, I am of concern to that. I can understand why you may be reluctant to move your Bill back. It's just a request that many of us who are concerned about

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our local communities' railroad areas, particularly in downtowns and other areas, are quite concerned about. But, my second question, I'm noticing in the first part of your Bill that you're not going to have public hearings about removing these crossings when the road is vacated, so that... I mean, sometimes you vacate a road and it still stays there for awhile, and nobody goes out and takes it over or does anything with it. People may be relying on that road as a shortcut, and now you have a crossing that is no longer safe that people don't realize, particularly young people or older people who have used that way for a long time. How are you going to get around that?"

Reitz: "The only change we've made that where there's... does not require a public hearing, is where the road has already been vacated by whatever authority controls that road. And in those cases, you know, no one's going to take over the road, maybe... if they change the road, the direction or for whatever purpose, but when the road's been vacated, then that would not require a public hearing. But in order to vacate a road, they would have a public hearing. And I would hope people would assume that if they vacate the road, they're not going to have that crossing there. And in most cases, I would, you know, in our area at least, when they vacate a road, unless it goes to private property, it is barricaded off to some extent."

Mulligan: "Do you mean the crossing would be barricaded?"

Reitz: "No, the road itself. It was vacated. And that's the only change that was made here that would not require a public hearing, is if a road is vacated."

Mulligan: "But, do you vacate roads without public hearings?"

Reitz: "No. No, you'll have to have a public hearing to vacate the road, but it would not require another redundant public

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hearing to close the crossing. I mean we... and I would assume, and it is in our area, if a road is vacated, you're not going to maintain a crossing in that road."

Mulligan: "Alright, so you're saying you think that a public hearing to vacate the road is sufficient and that you don't need a public hearing on vacating or abolishing the crossing?"

Reitz: "Exactly. Once, if they vacate the road, then in this case, you know, I..."

Speaker Hartke: "Representative Mulligan, bring your remarks to a close."

Mulligan: "Alright, I still think that... I think you're taking a chance with public safety."

Speaker Hartke: "The Chair recognizes the Gentleman from Madison, Representative Stephens. Representative Stephens. The Chair recognizes Representative Biggins from DuPage. Representative Biggins."

Biggins: "Yeah, thank you, Mr. Speaker. And I join my colleagues, Skinner and Mulligan, in requesting that the Sponsor move this back to Second Reading. The situation is that now that Union Pacific has taken over the railways around the commuter lanes in the Chicago area, they are required to conform to their other existing, maybe federal, guideline to not allow certain foliage to be around railroad crossings. And many of the communities that are served by the Union Pacific, which affects a great many of us in this chamber, are going to have to pay a lot of money to remove a lot of shrubbery within, I forget how many feet it is, several hundred feet back from every rail crossing. And we know that the intent is public safety, but the most places don't have a history of having difficulty in that area. And the communities would spend, first of all, remove a lot

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of attractive growth that currently exists at these railroad crossings, and at the same time, spend money to remove it and then have to maintain that area, so that it would be more costly. So with the indulgence and the cooperation of the respected Representative sponsoring the Bill, would join in the request that we move this back to Second Reading and maybe get an Amendment drafted that we could send back and get the Senate's concurrence, so that we could be excepted from this requirement. Thank you."

Reitz: "Thank you, Representative. I guess I'd probably give you the same answer... I appreciate your concerns with the problems you have in your area, but I guess the last time I did that, held the Bill up and moved it back to Second, we haven't found it yet since then, so I'd just as soon move this Bill out and hopefully we'll find a vehicle for your issue."

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

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

Speaker Hartke: "Indicates he will."

Turner, J.: "Representative, I noticed that the Bill amends the Motor Fuel Tax Law and the Illinois Vehicle Code. Is that correct?"

Reitz: "Yes."

Turner, J.: "I'm wondering if that is a violation of the single subject matter, since the Motor Fuel Tax Law is found under a completely different Section than the Vehicle Code in the Illinois Compiled Statutes? Have you taken that into consideration?"

Reitz: "We don't believe it is, but I guess if you would like to ask the Chair, we would..."

Turner, J.: "Well, Representative, I'm not going to ask the

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Chair. That is your Bill. If you're confident as you try to move this legislation along, that there is no violation and don't feel compelled to ask the Chair that yourself, I'll leave that up to you. But apparently, you've at least had discussion with staff on that question."

Reitz: "Exactly. Yes, I've been led to believe that it's alright."

Turner, J.: "Okay. Now, I see that the Bill makes reference to doing away with the public hearing. That always gives me concern and gives the people on this side of the aisle concern when we do away with the right of the public to know what's going on in their communities. Why are we doing away with the public hearing? And what are the circumstances under which we'll do so, under your legislation?"

Reitz: "The reason is, it's only whenever we vacate a road, if that road has been vacated, then it is not allowed another public hearing for removal of the crossing. I would assume, and most people would assume I guess, that when you're going to vacate the road, there's really no... the responsibility to keep that crossing open is not there. There's no public access. No one's going to be driving on that road, unless they vacate it and give it to a private entity. There's, you know, really no usage on that road."

Turner, J.: "Well, if we don't have a public hearing, how will the people know the road has been vacated?"

Reitz: "There has to be a public hearing before a road is vacated. It doesn't do away with the public hearing for vacating the road; it just...it deletes the provision where we have to have another public hearing to vacate a crossing on a vacated road."

Turner, J.: "Yes, but when a road is vacated, it's still used, is

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it not from time to time?"

Reitz: "No. I mean...whoever...whatever entity, road district, county, state, whatever it is, whoever vacates the road, in most cases, at least in our area, will block that road off or deed it over to a private interest."

Turner, J.: "Well, what I'm getting at, a road may be officially vacated, but the road service, whether it be dirt or perhaps even a blacktop road or just a gravel road, may still be there; and people, therefore, may be utilizing it and driving their vehicles across it. If that's the case, isn't it rather risky business to take out the crossings without a public hearing?"

Reitz: "If the road is vacated, there would be no public entity that has a responsibility on that road. And anyone that drives on that road, I would assume, would be trespassing on whoever the entity vacated that property to."

Turner, J.: "What is the definition of vacated then? Maybe that's where I'm getting hung up."

Reitz: "If a road district, a county, state, whoever... whatever entity owns that road, vacates that road, it will no longer be used for public use, whatsoever, and in that case as I said, then we won't have another public hearing. And there will be a public hearing to do that before that is finished, and people will have an opportunity to put in their input whether or not that road should be closed. If it is, all this says is that the railroad, whatever railroad it is, that had a crossing across the previous public road, will not have to maintain it."

Turner, J.: "Okay. Representative, page 2, line 92 of your Bill, you've stricken the words 'State-wide'. What was the purpose in striking those two words from that line?"

Reitz: "The intent was just to remove...to clarify it or remove

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an unnecessary adjective to try and allow us to use that...take out where something doesn't have to be state-wide where it could be local road, local usage."

Turner, J.: "Well, Representative, I see that I'm just about out of time. I'm sure that others will have questions, but I do appreciate the responses that you've given me. Thank you very much."

Reitz: "Thank you."

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

Durkin: "Will the Sponsor yield?"

Speaker Hartke: "He indicates he will."

Durkin: "Representative, in your Bill, you're stating that there must be a vertical clearance of 23 feet or more for highway bridges. Who presently in Illinois owned the clearances above the highway... Who owns the clearances right now? Who owns that property?"

Reitz: "Who owns the clearances?"

Durkin: "Yeah."

Reitz: "I'm not sure at what height. It stops where the highway owns the clearance and the railroad track above it starts."

Durkin: "Well, I'm just kind of curious, because if we're going to be imposing that they are to raise the clearance level above the bridge, the area above which may have to be expanded in some sense, is going to force somebody who is either constructing the bridge to, you know, change their construction methods a little bit. My question is is that, who's going to be responsible for making the changes?"

Reitz: "For making the changes?"

Durkin: "Yeah."

Reitz: "It would be on any new or refurbished grade crossings. It will be 23 feet. It's right now, it's 21 1/2, but it

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will just raise that for safety purposes. It will be a requirement, you know, unless there's something that prohibits that, and they can get a waiver from the Commerce Commission, but in any new structures, it will be 23 feet, and it's more of a safety aspect than anything else."

Durkin: "Well, okay. I really just have one more question. We're creating a new offense, a Class IV Felony, which states that 'A person who causes or attempts to cause a derailment of an engine car or track vehicle used on a railroad track is guilty of a Class IV Felony.' Presently under the law, we have under the Criminal Damage to Property Section, a person is guilty of this Act if they knowingly damage any property of another without his consent. What is different between what is already existing under criminal damage to property as to what you're purposing in this language?"

Reitz: "This was... I guess we're not real sure there was anything in it before. We're not real... we're not sure that what was in it before, what the penalty was, or I'm not, this was just a penalty that the Railroad Association thought that was fitting for the offense."

Durkin: "Well, the problem is, right now that is the... people are charged for those types of offenses under the Criminal Damage to Property Act. But by creating a new Class IV Felony, in the sense we may be weakening what is already in the statutes. The question is right now that... right now there is...it's a Class A misdemeanor if you... if you are... if you damage property that does not exceed \$300 in value. If someone goes on and they make a minor type of change or make some type of change to... excuse me... something to cause damage to the railroad tracks, you're creating a Class... it's a Class A misdemeanor in a sense,

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but also it's a Class IV Felony. Any defense attorney is going to argue before the court that there's... these are both the same elements under both charges; however, there's a disproportionate sentence which exists. Now you see some type of conflict which may arise if people are charged in this way."

Reitz: "That's not the intent, and we don't... we're not... we don't believe that will happen. I mean, we think this is more of the lesser of the penalty, and it's up to the discretion of the state's attorney to impose whatever sentence or whatever criminal activity or offense that he thinks is fitting."

Durkin: "Alright. If someone does cause or attempt to cause a derailment of an engine and you know, et cetera, under this... is this going to be the exclusive charge which prosecutors will be able to bring against somebody for this type of action, or will they be prohibited from also bringing an action under the Criminal Damage to Property Section?"

Reitz: "No. This in no way infringes on that. It doesn't prohibit them from bringing any other action or any more severe offenses."

Durkin: "Okay. So we're... still on this same line of questioning, right now under Criminal Damage to Property, it's a Class II Felony if you damage property in excess of \$100,000. Now if you have a situation where there is a derailment of a car and the damage to that car... to the railroad is in excess of \$100,000, that is a Class II Felony; however, in your law, we're stating that that action is only a Class IV Felony. So I in a sense see there's possibly some weakening of the law which is already... your law will dilute or weaken what is already

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existing on the books."

Reitz: "We think they can charge them under either Section. We think they can charge them under either Section, whatever they think is more fitting, whatever the authority feels is more fitting."

Durkin: "Sure, they probably could, but the problem is with that is, the elements are very much the same. And I don't think that this... what you're proposing is a lesser included offense which exists under the Criminal Damage to Property Section. So, I think that there will be a disproportionality argument made by any... by any defense attorney who is charged with representing one of these... someone who commits this type of act. In any event, I have no further questions."

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

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

Speaker Hartke: "Indicates he will."

Cross: "Representative, on the... following up on Representative Durkin, on the issue of, on page 15 of your Bill... I'm sorry. If a child or a juvenile, for instance, without intent, causes a problem on a railroad line and causes a derailment, and there's loss of life. You're saying this is a first degree murder..."

Reitz: "Representative, a juvenile will be treated as a juvenile and, you know, whatever the appropriate offense is."

Cross: "Well, I guess my question really was not that, but along those lines. Would that be not more of a case of reckless homicide or involuntary manslaughter as opposed to murder?"

Reitz: "We don't feel that this infringes on the prosecutor's right to bring whatever charges he feels are necessary. We consider this to be more just a floor for the offense."

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This is the least that they can do, and they can charge them with a more severe offense if necessary."

Cross: "Is this a pretty important Bill to you, Representative?"

Reitz: "Absolutely."

Cross: "Is this Bill more important to you than 2.2?"

Reitz: "It's on the Board right now, Representative. No, look, look, see."

Cross: "What have you done, Representative, to get 2.2 called?"

Reitz: "Oh, a lot."

Cross: "Well, give us an example of... cause we still haven't seen that Bill called. What have you done personally?"

Reitz: "What line is that on?"

Speaker Hartke: "Representative Cross."

Reitz: "What line is this on?"

Speaker Hartke: "Representative Cross."

Cross: "You apparently don't care that much about 2.2 and apparently didn't do anything, Representative. Is that what you're saying?"

Reitz: "Oh, no..."

Speaker Hartke: "Representative Cross..."

Reitz: "I've done a lot, Sir."

Speaker Hartke: "...would you keep your remarks to the Bill."

Cross: "Representative, is this Bill more important to you than the COLA Bill?"

Speaker Hartke: "Representative Cross."

Reitz: "It's on the Board right now. What line is that on?"

Cross: "You're not familiar with the COLA Bill?"

Reitz: "Yes."

Cross: "Do you think it's an important Bill?"

Reitz: "I thought... Well, at the present time, we're on 1875, so I just thought we'd talk about that Bill."

Cross: "You going to join with us in trying to get that COLA Bill

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called?"

Reitz: "Have you been working on that?"

Cross: "Yeah, we may address that later on. You want to vote with us when we get that COLA Bill called?"

Reitz: "When we call it?"

Cross: "When we try to get it called...."

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

Winters: "Mr. Chairman (sic-Speaker), will the Sponsor yield?"

Speaker Hartke: "Indicates he will."

Winters: "Reading page 15 here, I am a little concerned with the vertical clearance issue, the 23 feet that would be required for any new or reconstructed highway bridges over railroads. There is a provision in here that allows that 23 foot clearance to be reduced. What is the reason for that 23 foot clearance? Can you tell us why we're requiring that in this Section?"

Reitz: "This Bill was worked out between the Illinois Railroad Association and the Illinois Commerce Commission. They put a lot of time and effort into it, and they think that 23 feet is more fitting in today's environment. It would be safer for all of us driving on our roads. And it is, in case there is, I mean just to clarify it, in case there is a problem where it's not feasible to put a 23 foot clearance in, we can revert back to a lesser one."

Winters: "My question is, does this have to do with the double-stack cargo containers that the rails are now carrying in for the double-level Amtrak trains that I understand are anything west of Chicago, allows for double-stack trains, but we don't allow it east of Chicago because of the lower highway bridges. Is that the reason for this?"

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Reitz: "I'm sure that had a lot to do with it, because of the changes in travel today and just to make sure that it's more accessible."

Winters: "My concern is that this provision... I want to make sure that we're not going to allow an exception to this rule on bridges that may be on the main lines. It doesn't make much sense to have all of the new bridges built to 23 feet to allow the double-stack trains, and then have one bridge where we scrape the top off every one of those cargo carriers. So, can you assure me that that is not going to be the way that this is used?"

Reitz: "The intent is to make all... The only time that I would assume that they would use... insert anything less than 23 feet would probably... I doubt if it would affect anything in the Chicago area or anything over major thoroughfares, would be more on smaller roads where it's not practical or not, you know, not feasible when they're rehabilitating or reconstructing an existing structure, it would allow them to go a little bit less. And that's just, you know, it's up to the discretion of the Commerce Commission, and I'm sure we would have local input on that."

Winters: "Well, I hope that instead of the decision being made on whether the road is highly traveled, is whether or not that happens to be a main line of the railroad that would be used for those double-stack cargo containers. Another line of questioning deals with the whole question of the highway crossings that we're trying to make it more acceptable to cross or to close some of these highway crossings that are not heavily used. The questioning I have is, I understand you're from Randolph County?"

Reitz: "Yes."

Winters: "Does Randolph County or any portion of your district

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then, is that adjacent to the Mississippi River?"

Reitz: "Yes."

Winters: "Your district is adjacent now? Now could you tell me..."

Reitz: "I actually have some on the other side of the Mississippi River."

Winters: "I'm sorry."

Reitz: "I actually have some land on the other side of the Mississippi River."

Winters: "The next question is, if you can tell me in approximation, is your unemployment rate in your district above or below the state-wide average?"

Reitz: "Above."

Winters: "Considerably? Do you have an idea of where it might be?"

Reitz: "I don't know what it is right now, but it's less than 23 feet."

Winters: "Pardon?"

Reitz: "I'm not sure exactly what the exact number is right now, but it's above the state-wide average."

Winters: "Okay. Now, the Mississippi... Do you have any large lakes in your counties? Are there any large lakes in your counties?"

Reitz: "I guess it depends on what the definition of large is."

Winters: "Well, let's say, one five miles long."

Reitz: "No."

Winters: "Okay, so we're dealing with fairly small water bodies, other than the Mississippi River. Now, do you have any naval bases on the Mississippi River in your district?"

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

Winters: "Does this Bill have anything to do with declaring the Mississippi River one of the Great Lakes? Lake Champlain

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in New York was... they made this attempt. I understand that the Department of Transportation has allowed for pilot projects to erect aircraft carrier restraining cables on some of these railroad crossings. Is, in fact, the underlying intent, the hidden agenda that you have in this Bill to declare the Mississippi River one of the Great Lakes, put a naval base into your district to lower the unemployment, and then use the aircraft carriers that might be based there as a method of getting the aircraft carrier restraining cables and to stop traffic from getting across these highway crossings across the railroad? Can you answer that question, please?"

Reitz: "I think that provision was taken out in the Senate."

Winters: "You did take that out?"

Reitz: "Well, yes, they took that out in the Senate."

Winters: "Okay, with that assurance, you don't have an underlying agenda, I believe I can support this Bill."

Reitz: "Thank you."

Winters: "Thank you for your time."

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

Novak: "Turn me on. Thank you, Mr. Speaker. I move the previous question."

Speaker Hartke: "The previous question has been asked. All those in favor signify by saying 'aye'; opposed 'no'. The question is, 'Shall the question be called?' All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. Representative Reitz, to close."

Reitz: "Thank you. As I said, this Bill's been worked out with discussion between the Illinois Railroad Association and Illinois Commerce Commission. Think it's a good Bill."

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Appreciate your help."

Speaker Hartke: "The Gentleman has asked for the passage of Senate Bill 1875. All those in favor signify by voting 'aye'; those opposed by voting 'no'. This is final action. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 90...4 (94) Members voting 'yes', 7 Members voting 'no', 13 Members voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Committee Reports."

Clerk Bolin: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measures were referred, action taken on May 2, 1998, reported the same back with the following recommendations: 'direct floor consideration' for Senate Bill... for House Amendment #3 to Senate Bill 1195; House Amendment #2 to Senate Bill 1328; and to the Order of Postponed Consideration, Senate Bill 445."

Speaker Hartke: "Okay, we have a bunch of Bills that we'd like to move from Second to Third if possible. Representative Skinner, would you like to move House Bill 1307 from Second to Third? Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1307. A Bill for an Act to amend the Metropolitan Water Reclamation District Act. Second Reading of this Senate Bill. Amendments #1 and 2 were adopted in committee. No Floor Amendments. No Motions filed. All Notes that have been requested on the Bill have been filed."

Speaker Hartke: "No further Motions or Amendments?"

Clerk Bolin: "No further Motions or Amendments."

Speaker Hartke: "Third Reading. House Bill... excuse me, Senate

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Bill 1356, Representative Wojcik. Would you like to call the Bill? Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1356. A Bill for an Act to amend the Illinois Lottery Law. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed. All Notes that have been requested on the Bill have been filed."

Speaker Hartke: "Third Reading. Senate Bill 1455. Representative Righter. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1455. A Bill for an Act in relation to gasohol. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed. All Notes that have been requested on the Bill have been filed."

Speaker Hartke: "Third Reading. Senate Bill 1473. Representative Ryder. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1473. A Bill for an Act concerning health care facilities. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed. All Notes that have been requested on the Bill have been filed."

Speaker Hartke: "Third Reading. Senate Bill 1510. Representative Stephens, would you like to call the Bill? Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1510. A Bill for an Act in relation to state revenues. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed. All Notes that have been requested on the Bill have been filed."

Speaker Hartke: "Third Reading. Senate Bill 1550...Senate Bill 1555. Representative Biggins. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1555. A Bill for an Act concerning the

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safety and soundness of public investments. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed. All Notes that have been requested on the Bill have been filed."

Speaker Hartke: "Third Reading. Senate Bill 1565. Representative Granberg. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1565. A Bill for an Act concerning taxes. Second Reading of this Senate Bill. Amendment #1 was lost in committee. No Floor Amendments. No Motions filed. All Notes that have been requested on the Bill have been filed."

Speaker Hartke: "Third Reading. Senate Bill 1695. Representative Tenhouse. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1695. A Bill for an Act to amend the Illinois Vehicle Code. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed. All Notes that have been requested on the Bill have been filed."

Speaker Hartke: "Third Reading. Senate Bill 1728. Representative Brady. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1728. A Bill for an Act to amend the Illinois Insurance Code. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed. All Notes that have been requested on the Bill have been filed."

Speaker Hartke: "Third Reading. Senate Bill 1835. Representative Wood. Representative Wood, would you like to move this Bill from Second to Third? Hold that Bill. Senate Bill 1878. Representative Holbrook. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 18..."

Speaker Hartke: "Excuse me. Alright, forget it. Out of the

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record."

Clerk Bolin: "Introduction of House Resolutions. House Resolution 471, offered by Representative McKeon. This Resolution is referred to the Rules Committee."

Speaker Hartke: "On page 8 of the Calendar on Second Reading appears House Bill 1328...Senate Bill 1328. Representative Dart. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1328. A Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. Second Reading of this Senate Bill. Floor Amendment #2, offered by Representative Dart, has been approved for consideration."

Speaker Hartke: "Representative Dart."

Dart: "Thank you, Mr. Speaker and Members of the House. Amendment #2 is a Bill we've seen before. It is... deals with visitation rights for step-parents. It's been severely narrowed, and we've laid out grounds as for when the step-parent would have the ability to petition a court for visitation rights. And as I said, this is something we've had before that we've narrowed quite a bit, and we tried to make it track with some of the best interest language as well. And I'd be happy to answer any questions."

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

Cross: "Thank you, Mr. Speaker. Maybe first of all, an inquiry of the Chair."

Speaker Hartke: "State your inquiry."

Cross: "Is this Amendment... this Amendment, from what I understand, did not go through committee. Just kicked... was kicked right out of Rules. Is that correct?"

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Speaker Hartke: "Mr. Clerk."

Clerk Bolin: "The Rules Committee referred this Amendment directly to the House Floor."

Cross: "Is there a reason for that, Mr. Speaker?"

Speaker Hartke: "Pardon?"

Cross: "Is there a reason that this Bill did not go through committee?"

Speaker Hartke: "Apparently it was considered a technical Amendment by the Rules Committee."

Cross: "Well, I'd hardly call this a technical Amendment. This... it's a major, major change in the custody provisions in this state. Will the Sponsor yield?"

Speaker Hartke: "Indicates he will."

Cross: "Representative, could you tell us please, specifically, what this Bill does in terms of giving a step-parent the right to have custody of a child?"

Dart: "Sure. What it does is, it allows step-parents to have the ability to... It gives them standing to go into court, if they comply with a list of requirements here to go into court and get visitation rights. It doesn't mandate the court to do that; it just allows them to do so if they see fit, and if it's in the best interest."

Cross: "Well, what are the criteria... Well, what are the criteria for the... that would allow a step-parent to have visitation under this Bill?"

Dart: "The criteria is that the child is at least 12 years of age. The custodial parent and step-parent were married for at least five years during which the child resided with the parent and step-parent. The custodial parent is deceased or is disabled and cannot perform the duties of a parent. The step-parent provided for the care, control, and welfare of the child prior to the initiation of custody

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proceedings. The child wishes to live with the step-parent, and it is alleged to be in the best interest and welfare of the child to live with the step-parent."

Cross: "You know, Mr. Speaker, I'd ask for a little order. I don't know if people realize what this Bill does. And while Representative Dart, I know, attempted to clean this up, this is a major change in public policy in this state, and I think people might be curious about what this actually does."

Speaker Hartke: "Will the chamber please give the speakers their attention, please. Mr. Cross, you may continue."

Cross: "Representative Dart, what... and we just got a copy of this Amendment a little while ago, what would happen in the event a step-parent was given custody of the step-child, what would happen... What have you done statutorily speaking to deal with the issue of child support concerning the biological parent that ends up not having custody, the remaining biological parent?"

Dart: "We have not changed anything in regards to that."

Cross: "Mr. Speaker, Mr. Speaker."

Speaker Hartke: "Yes, Sir."

Cross: "We request an immediate Republican Caucus."

Speaker Hartke: "The Chair recognizes Representative Tenhouse."

Tenhouse: "Thank you, Mr. Speaker. The Republicans request an immediate conference in Room 118."

Speaker Hartke: "Yes, we're taking that under consideration. Could you hold and bear with us for a couple of minutes, please? The Chair recognizes Representative Dart."

Dart: "Thank you, Mr. Speaker. I move to have Amendment #2 referred to the Rules Committee."

Speaker Hartke: "You've heard the Gentleman's Motion. All those in favor signify by saying 'aye'; those opposed 'no'. In

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the opinion of the Chair, the 'ayes' have it and the Motion is adopted. Mr. Clerk, an announcement."

Clerk Rossi: "The Rules Committee will meet immediately upon adjournment."

Speaker Hartke: "Mr. Tenhouse, you still seek recognition for an immediate caucus? Representative Burke."

Burke: "Thank you, Speaker. I have an announcement. I'd like to advise the Members of the Executive Committee that our committee hearing will be in the chamber immediately upon adjournment."

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

Giles: "Thank you, Mr. Speaker. I just want to let the Ladies and Gentlemen know from the Committee on State Government and Election Reform that we will meet immediately after adjournment in Room... I believe the Stratton Building, Room C-1."

Speaker Hartke: "The Chair recognizes the Lady from Cook, Representative Shirley Jones."

Jones, S.: "Mr. Speaker, I heard Representative Calvin Giles stating that he had a meeting in C-1. He cannot have his meeting there because Public Utilities is scheduled to be there, right after Session. Thank you."

Speaker Hartke: "Seems to be a conflict. Representative Giles."

Giles: "Thank you, Mr. Speaker. State Government and Election Reform will meet in Room 118 immediately after adjournment."

Speaker Hartke: "Thank you for that correction. The Chair recognizes the Gentleman from Vermilion, Representative Black."

Black: "Yes, thank you very much, Mr. Speaker. I have an inquiry of the Chair."

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Speaker Hartke: "State your inquiry."

Black: "I have a Bill that I would like to present in the Executive Committee in the chamber right after adjournment, but I also have an Amendment that I would like to present in the State Administration Committee right after adjournment. Since you're senior to me, and not only that, you're much older, can you tell me how I can do that?"

Speaker Hartke: "Very carefully."

Black: "Thank you. I see now why you have ascended to this great position. Thank you."

Speaker Hartke: "Representative Burke, for what reason do you rise?"

Burke: "Thank you, Chairman (sic-Speaker). In response to Representative Black's inquiry, the Chair would be very happy to accommodate him. He is first on the list for his Bill to be heard, and I suspect as articulate and clear as he is always, the Bill will be probably seconds."

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

Biggins: "Yeah, thank you, Mr. Speaker. I wondered if since Representative Dart is standing so close to you, and he has the ability to get a Bill moved from the Rules Committee directly to the House Floor, and then has the amazing power to move it right back to the Rules Committee, I wonder if he could help us by coming over to our side now, maybe he's listening, with 2... 2+2... 2.2 legislation..."

Speaker Hartke: "Get them straight."

Biggins: "...and also the COLA Bill for the care providers. Thank you. But we..."

Speaker Hartke: "The Rules Committee will meet immediately in the Speaker's Conference Room. Representative Black, could you please hold your comments to immediately after adjourning?"

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Black: "Well, no. No, Mr. Speaker."

Speaker Hartke: "Then you can talk..."

Black: "Mr. Speaker, I had my light on three hours ago on a point of personal privilege and you wouldn't call on me. I wanted to introduce a good friend of all of ours, former Representative Larry Wennlund, who is up in the gallery where we often would send him when he was a Member of the chamber. But that's been so long ago, he's probably back home by now. So, thank you for not recognizing me three hours ago."

Speaker Hartke: "You're welcome. The Rules Committee that was suppose to meet immediately upon adjournment has been cancelled. The Chair recognizes Representative Hoffman. For what purpose do you rise? He's declined. Committee Reports."

Clerk Rossi: "Representative Currie, Chairperson from the Committee on Rules, to which the following Amendment was referred, action taken on May 6, 1998, reported the same back with the following recommendation: 'be assigned to the Judiciary I Civil Law Committee' House Amendment #2 to Senate Bill 1328."

Speaker Hartke: "The Chair recognizes Representative Dart."

Dart: "Thank you, Mr. Speaker. I would move to have the appropriate notice waived for immediate hearing of Amendment #2 by the Judiciary Committee."

Speaker Hartke: "You've heard the Gentleman's Motion. Is there any discussion? Seeing none, all those in favor of the Motion signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it and the Motion is adopted."

Dart: "Judiciary I will be meeting immediately following adjournment in Room 122B."

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Speaker Hartke: "Allowing for perfunctory time, Representative Kay Wojcik now moves that the House stand adjourned till the hour of 10 a.m. tomorrow morning."